



Shaftesbury Town Council

Town Hall, Shaftesbury, Dorset. SP7 8LY

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Town Clerk: Mrs Claire Commons
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To: Members of Shaftesbury Town Council's General Management Committee (GEM),
Councillors for GEM; Hollingshead (Chair), Chase (Vice-Chair), Brown, Hall, Lewer and
Welch..

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 7.30pm on

Tuesday 19 November 2019 in the Council Chamber, Shaftesbury Town Hall

To Shaftesbury Town Councillors not listed above, you are appointed as substitute members
and may be summoned to attend according to notice given by the Town Clerk.

All other recipients for information only

Claire Commons CerTHE PSLCC, Town Clerk and RFO
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. The period of
time designated for public participation shall not exceed twenty minutes. A member of the public shall not speak
for more than three minutes.

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 (1 min)
- 2 DECLARATIONS OF INTEREST 3**
To declare any interests relating to the business of the meeting and receive any
dispensation requests from the Clerk. (1 min)
- 3 MINUTES 3**
To confirm as a correct record, the minutes of the previous meeting of the General
Management Committee. (1 min)
- 4 REPORTS 4**
To receive and note reports relating to the work of this meeting. (5 mins)
- 5 PLANNING APPLICATIONS 5**
To consider responses to the planning application Land at Raspberry Lane and to note
the Town Council's application for A30 Allotments (10 mins)
- 6 FINANCES – QUARTER 2 7**
To receive the Town Council's accounts for the second quarter of the financial year
2019/20..... (10 mins)

7	PAYMENTS	14
	To consider payments for authorisation	(5 mins)
8	PENSIONS DATA RETENTION AND DISCRETIONS POLICIES.....	16
	To consider for adoption the Pensions Data Retention and Discretions Policies ..	(15 mins)
9	TREE RISK MANAGEMENT PLAN.....	29
	To consider for adoption the Tree Risk Management Plan and Policy.....	(10 mins)
10	PARK WALK MOSAICS.....	38
	To consider replacement of missing tiles at the Park Walk shelter	(5 mins)

(End)

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1 Apologies

To receive and consider for acceptance, apologies for absence (1 min)

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

2 Declarations of Interest

To declare any interests relating to the business of the meeting and receive any dispensation requests from the Clerk. (1 min)

2.1 Background

- 2.1.1 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
- 2.1.2 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. (1 min)

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 See minutes of 28th October <http://www.shaftesbury-tc.gov.uk/general-management-committee-gem/>

4 Reports

To receive and note reports relating to the work of this meeting. (5 mins)

4.1 Delegated Decisions

- 4.1.1 There were no decisions made under the Council's Scheme of Delegation requiring reporting to this meeting.

4.2 Correspondence

- 4.2.1 There are no matters of correspondence requiring reporting to this meeting

4.3 Updates

- 4.3.1 An update report on previous decisions of the Committee will be provided at the meeting

(End)

Report Author:

Claire Commons CertHE PSLCC, Town Clerk and RFO

5 Planning Applications

To consider responses to the planning application Land at Raspberry Lane and to note the Town Council's application for A30 Allotments (10 mins)

5.1 Summary

- 5.1.1 Planning applications listed below have been received and require comments to be submitted to the Local Planning Authority. Prior to the meeting, members are urged to view the planning application using the link below and to visit the site to understand local context.
- 5.1.2 As part of Shaftesbury Town Council's response to planning proposals it needs to give material planning reason for its comments, be they of support or objection. Simply stating 'No Objection' or 'Support' is insufficient as there is a requirement to give the reasons for that decision.

Biodiversity	Design
Economic Benefits	Effect on the Appearance of Area
Flooding Issues	Height
Heritage	Impact on Access
Impact on Light	Landscape
Local or Government Policy	Noise/Disturbance
Other	Overlooking/Loss of Privacy
Parking	Residential Amenity
Road Safety	Traffic or Highways
Trees	Financial Implication

5.2 Legal Implication

- 5.2.1 The Town Council is a consultee but does not have the authority to determine planning applications

5.3 Recommendation

- 5.3.1 That the Council provides its response on the listed planning application and considers responses to applications received without notice, in the form of Support, No Objection or Objection.

STRATEGIC PLAN AREA: POLICIES, PROCEDURES AND GOVERNANCE

5.4 Detail

- 5.4.1 To assist here are a few examples as to how you might word something to give a material planning reason for your thoughts;
- House Extension – no objection as limited impact on amenity of neighbouring property/ object – will have detrimental impact on neighbouring property
 - New dwelling – support, design is in keeping with locality/ object – design not in keeping with local area
 - Vehicular access – support, will have no impact on road safety given proposed visibility splays/ object – visibility is poor in this location and traffic speeds are high.

5.5 Planning Applications

5.5.1 [Erect 1 No. dwelling and outbuilding, create new vehicular and pedestrian access and form 2 No. parking spaces.](#)

Planning Application

Land At Raspberry Lane Raspberry Lane Shaftesbury Dorset

Ref. No: 2/2019/1106/FUL | Received: Tue 06 Aug 2019 | Validated: Tue 06 Aug 2019 | Status: Pending Consideration

Consultee:	Date Requested:	Expiry Date:
Shaftesbury TC	Tue 12 Nov 2019	Tue 26 Nov 2019

5.5.2 [Provision of a car park for allotment users with associated access and landscaping.](#)

Planning Application

Land At E 387737 N 122436 South Of Salisbury Road Shaftesbury Dorset

Ref. No: 2/2019/1107/FUL | Received: Tue 06 Aug 2019 | Validated: Fri 25 Oct 2019 | Status: Pending Consideration

Consultee:	Date Requested:	Expiry Date:
Shaftesbury TC	Mon 04 Nov 2019	Thu 28 Nov 2019

(End)

Report Author:

Claire Commons CertHE PSLCC, Town Clerk and RFO

6 Finances – Quarter 2

To receive the Town Council's accounts for the second quarter of the financial year 2019/20(10 mins)

6.1 Summary

- 6.1.1 The balance sheet is shown on the following 2 pages (pp8-9)
- 6.1.2 The summary Income and expenditure is shown on page 10
- 6.1.3 Closing bank balances as at 30 September 2019 are shown on page 11.
- 6.1.4 Summary Income and Expenditure by cost centre and performance against budget is shown on page 12
- 6.1.5 Earmarked reserves are shown in detail on page 13

6.2 Notes

- 6.2.1 The allotment income looks low because rents are due at the beginning of the calendar year and will therefore show in Q4.
- 6.2.2 The new budget software allows for recording, monitoring and reporting of phased budgets. Officers are in the process of including this information so that accurate position reporting can be provided in the next financial year.

6.3 Legal Implication

- 6.3.1 Every local council 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)

6.4 Recommendation

- 6.4.1 That the Committee receives and notes the report, noting the cleared bank balances as at 30th September 2019 held in each bank account.

STRATEGIC PLAN AREA: POLICIES, PROCEDURES AND GOVERNANCE

(End)

Report Author:
Claire Commons CertHE PSLCC, Town Clerk and RFO

15/10/2019

Shaftesbury Town Council

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Balance Sheet as at 30th September

31 March 2019

30 September 2019

Current Assets

1,568	Debtors	1,674
10,115	Vat Control	3,179
6,713	Prepayments	0
106,520	NatWest Current A/c	371,451
116	Petty Cash	60
158	Petty Cash- Swimming Pool	107
240,717	Public Sector Deposit A/c	240,717
125,759	Cambridge & Counties Bank	125,759
130,000	Nationwide Business Savings	130,000
0	PAYE & NI Due	0

621,666

872,948

621,666 Total Assets

872,948

Current Liabilities

1,344	Creditors	15,872
3,795	Accruals	0
0	PAYE & NI Due	4,634
0	Superannuation Due	4,492
147	Holding Deposits	311

5,286

25,309

616,380 Total Assets Less Current Liabilities

847,639

Represented By

203,879	General Reserve	431,334
0	EMR CCTV	5,000
11,500	EMR Cycle Routes	0
1,812	EMR Playground Equipment	16,812
74,989	EMR Town Hall Building Fund	74,989
4,000	EMR Grit Bins	4,000
10,000	EMR Heritage Style Lanterns	10,000
20	EMR Ground Planting/SIB	0
24,311	EMR Street Furniture	24,311
1,973	EMR Strategic Tree Works	1,973
29,146	EMR Swimming Pool	18,041
7,663	EMR Neighbourhood Planning	1,075
3,150	EMR Traffic Calming	655
7,109	EMR Town Centre Enhancement	(0)

15/10/2019

Shaftesbury Town Council

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Balance Sheet as at 30th September

31 March 2019

30 September 2019

10,000	EMR Jubilee Steps Enhancement	10,000
13,000	EMR Community Hall Cockrams	13,000
8,005	EMR Vehicles	21,012
3,597	EMR Replacement IT Equipment	7,597
25,000	EMR A30 Allotment Site	23,389
1,000	EMR Cobbles	0
3,500	EMR Bus Shelters	3,500
79,250	EMR Project Belle	88,328
3,402	EMR Ecology Competition	3,402
2,450	EMR Memorial Stones Eastern De	2,450
4,680	ERM Castle Hill	3,402
70,444	EMR Commuted Sum King Alfreds	70,444
12,500	RMR Commuted Sum Little Shilli	12,500
0	EMR Litter Free Dorset	424
616,380		847,639

The above statement represents fairly the financial position of the authority as at 30th September and reflects its Income and Expenditure during the year.

Signed :

Chairman

Date : _____

Signed :

Responsible

Financial

Officer

Date : _____

Shaftesbury Town Council		
Income and Expenditure Account for Year Ended 30 September 2019		
31 March 2019		30 September 2019
	Income Summary	
480,183	Precept	500,996
480,183	Sub Total	500,996
	Operating Income	
1,891	Allotment	130
3,433	Cemetery	2,920
12,943	General Grounds	4,488
7,714	Local Delivery services	3,743
48,535	Town Hall	24,532
494	Civic	0
2,714	Finance	2,398
25,568	Swimming Pool	25,139
24	General Running Costs	0
13,421	Staffing Costs	0
165,326	Reserves & Projects	2,117
762,044	Total Income	566,463
	Running Costs	
1,706	Allotment	363
823	Cemetery	458
62,911	General Grounds	31,882
7,525	Local Delivery services	4,331
15,875	Town Hall	9,603
5,256	Civic	2,522
41,867	Legal and Professional	12,736
32,913	Grants & SLA	30,546
1,876	Finance	240
47,305	Swimming Pool	56,913
13,878	General Running Costs	5,996
266,302	Staffing Costs	138,181
87,153	Reserves & Projects	41,432
2,706	Capital Replacement Reserve	0
588,096	Total Expenditure	335,204
	General Fund Analysis	
213,147	Opening Balance	203,879
762,044	Plus : Income for Year	566,463
975,190		770,342
588,096	Less : Expenditure for Year	335,204
387,094		435,138
70,313	Transfers TO / FROM Reserves	3,804
316,781	Closing Balance	431,334

Shaftesbury Town Council

Bank - Cash and Investment Reconciliation as at 30 September 2019

<u>Confirmed Bank & Investment Balances</u>		
<u>Bank Statement Balances</u>		
30/09/2019	NatWest Current A/c	371,191.47
31/03/2018	NatWest Reserve a/c	0.00
31/03/2019	Nat West Credit Card	0.00
31/08/2019	Cash in Hand	59.90
31/07/2019	Petty Cash -Swimming Pool	106.89
30/06/2019	Public Sector Deposit A/c	240,717.00
30/06/2019	Cambridge & Counties Bank	125,759.00
30/06/2019	Nationwide Business Savings	130,000.00
		867,834.26
<u>Other Cash & Bank Balances</u>		
		0.00
		867,834.26
<u>Unpresented Payments</u>		
		-260.00
		868,094.26
<u>Receipts not on Bank Statement</u>		
		0.00
		868,094.26
<u>Closing Balance</u>		
<u>All Cash & Bank Accounts</u>		
1	NatWest Current A/c	371,451.48
2	NatWest Reserve A/c	0.00
3	Nat West Credit Card	0.00
4	Petty Cash	59.90
5	Petty Cash- Swimming Pool	106.89
6	Local Authorities PropertyFund	0.00
7	Public Sector Deposit A/c	240,717.00
8	Cambridge & Counties Bank	125,759.00
9	Nationwide Business Savings	130,000.00
	Other Cash & Bank Balances	0.00
	Total Cash & Bank Balances	868,094.27

Report 1119GEM6

Summary Income and Expenditure Report Q2

		Actual Last Year	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent
Allotment	Income	1,691	130	1,700	1,570			7.6%
	Expenditure	1,706	363	1,344	981		981	27.0%
	Movement to/(from) Gen Reserve	(15)	(233)					
Cemetery	Income	3,433	2,920	3,722	802			78.5%
	Expenditure	823	458	1,173	715		715	39.0%
	Movement to/(from) Gen Reserve	2,609	2,463					
General Grounds	Income	12,943	4,488	10,112	5,624			44.4%
	Expenditure	62,911	31,882	70,353	38,471	3,341	35,130	50.1%
	Movement to/(from) Gen Reserve	(49,969)	(27,394)					
Local Delivery services	Income	7,714	3,743	8,500	4,757			44.0%
	Expenditure	7,525	4,331	14,260	9,929		9,929	30.4%
	Movement to/(from) Gen Reserve	189	(588)					
Town Hall	Income	48,535	24,532	50,434	25,902			48.6%
	Expenditure	15,875	9,603	21,849	12,246		12,246	44.0%
	Movement to/(from) Gen Reserve	32,660	14,929					
Civic	Income	494	0	0	0			0.0%
	Expenditure	5,256	2,522	9,270	6,748		6,748	27.2%
	Movement to/(from) Gen Reserve	(4,762)	(2,522)					
Legal and Professional	Expenditure	41,867	12,736	40,850	28,114		28,114	31.2%
Grants & SLA	Expenditure	32,913	30,546	37,000	6,454		6,454	82.6%
Finance	Income	482,897	503,394	504,996	1,602			99.7%
	Expenditure	1,876	240	500	260		260	47.9%
	Movement to/(from) Gen Reserve	481,021	503,154					
Swimming Pool	Income	25,568	25,139	26,200	1,061			95.9%
	Expenditure	47,305	56,913	65,665	8,752		8,752	86.7%
	Movement to/(from) Gen Reserve	(21,737)	(31,775)					
General Running Costs	Income	24	0	0	0			0.0%
	Expenditure	13,878	5,996	13,420	7,424		7,424	44.7%
	Movement to/(from) Gen Reserve	(13,854)	(5,996)					
Staffing Costs	Income	13,421	0	9,776	9,776			0.0%
	Expenditure	266,302	138,181	277,009	138,828		138,828	49.9%
	Movement to/(from) Gen Reserve	(252,881)	(138,181)					
Reserves & Projects	Income	165,326	2,117	0	(2,117)			0.0%
	Expenditure	87,153	41,432	372,129	330,698	1,787	328,911	11.6%
	Movement to/(from) Gen Reserve	78,173	(39,315)					
Capital Replacement Reserve	Expenditure	2,706	0	83,489	83,489		83,489	0.0%
Grand Totals:- Income		762,044	566,463	615,440	48,978			92.0%
Expenditure		588,096	335,204	1,008,311	673,107	5,128	667,980	33.8%
Net Income over Expenditure		173,948	231,259	(392,871)	(624,130)			
Movement to/(from) Gen Reserve		173,948	231,259					

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Earmarked Reserves

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Account	Opening Balance	Net Transfers	Closing Balance
320 EMR Capital Reserve	0.00		0.00
321 EMR Capital Replacement Fund	0.00		0.00
322 EMR CCTV	0.00	5,000.00	5,000.00
323 EMR Cycle Routes	11,500.00	-11,500.00	0.00
324 EMR Playground Equipment	1,812.00	15,000.00	16,812.00
325 EMR Toilet Capital Re-build	0.00		0.00
326 EMR Swimming Pool	0.00	0.00	0.00
327 EMR Town Hall Building Fund	74,988.92		74,988.92
328 EMR Goldhill Wall	0.00		0.00
329 EMR Town Hall Energy Fund	0.00		0.00
330 EMR Ground Works Equipment	0.00		0.00
331 EMR Grit Bins	4,000.00		4,000.00
332 EMR Heritage Style Lanterns	10,000.00		10,000.00
333 EMR Town Entrance Sign	0.00		0.00
334 EMR Tree Removal	0.00		0.00
335 EMR Ground Planting/SIB	19.66	-19.66	0.00
336 EMR Street Furniture	24,311.04		24,311.04
337 EMR Strategic Tree Works	1,973.31		1,973.31
338 EMR Toilet Improvement Fund	0.00		0.00
339 EMR Swimming Pool	29,145.52	-11,104.26	18,041.26
340 EMR Neighbourhood Planning	7,663.30	-6,588.19	1,075.11
341 EMR Community Chest Fund	0.00		0.00
342 EMR Traffic Calming	3,150.00	-2,495.00	655.00
343 EMR Town Centre Enhancement	7,108.71	-7,109.00	-0.29
344 EMR Cemetery Enhancement	0.00		0.00
345 EMR Jubilee Steps Enhancement	10,000.00		10,000.00
346 EMR Community Hall Cockrams	13,000.00		13,000.00
347 EMR Vehicles	8,005.00	13,007.00	21,012.00
348 EMR Replacement IT Equipment	3,597.24	4,000.00	7,597.24
349 EMR A30 Allotment Site	25,000.00	-1,611.40	23,388.60
350 EMR Shaftesbury Bee Friendly	0.00		0.00
351 EMR Cobbles	1,000.00	-1,000.00	0.00
352 EMR Bus Shelters	3,500.00		3,500.00
353 EMR Mayors Charity Acc 2017/18	0.00		0.00
354 EMR Project Belle	79,250.00	9,078.00	88,328.00
355 EMR Ecology Competition	3,402.00		3,402.00
356 EMR Memorial Stones Eastern De	2,450.00		2,450.00
357 ERM Castle Hill	4,680.00	-1,278.00	3,402.00
358 EMR Commuted Sum King Alfreds	70,443.75		70,443.75
359 RMR Commuted Sum Little Shilli	12,500.00		12,500.00
360 EMR Litter Free Dorset	0.00	424.24	424.24
	412,500.45	3,803.73	416,304.18

7 Payments

To consider payments for authorisation

(5 mins)

7.1 Summary

- 7.1.1 A list of payments is appended to this report, an updated report may be provided to Councillors 24 hours prior to the meeting to ensure that the most up to date list of payments requiring authorisation is produced.

7.2 Financial Implication

- 7.2.1 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, 2019)

7.3 Legal Implication

- 7.3.1 Every local council 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) (Accounts and Audit Regulations, 2015)

7.4 Recommendation

- 7.4.1 That the Committee approves the payments from the Town Council's current account and minutes the resulting bank balance.

STRATEGIC PLAN AREA: POLICIES, PROCEDURES AND GOVERNANCE

(End)

Report Author:
Claire Commons CertHE PSLCC, Town Clerk and RFO

Appendix A.

Date: 12/11/2019

Shaftesbury Town Council

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Time: 16:50

NatWest Current A/c

List of Payments made between 01/11/2019 and 21/11/2019

<u>Date Paid</u>	<u>Payee Name</u>	<u>Reference</u>	<u>Amount Paid</u>	<u>Authorized Ref</u>	<u>Transaction Detail</u>
01/11/2019	NDDC	Std Ord	218.00		Business Rates- Bell St Toilet
01/11/2019	NDDC	Std Ord	712.00		Rates Town Hall
01/11/2019	NDDC	Std Ord	313.00		Rates Unit 9C
01/11/2019	NDDC	Std Ord	52.00		Rates Cemetery
11/11/2019	Hitachi Capital	Std Ord	849.20		Hitachi Capital
14/11/2019	Stephen Coles	oi365	350.00		Finger post letters x 100
14/11/2019	Normtec	oi366	241.50		Wood , geared spindle
14/11/2019	Salt & Grit Solutions	oi367	366.00		White and Red Salt
21/11/2019	C E Plumbing & Heating	oi368	60.00		Repair to radiator and time cl
21/11/2019	Rutters Solicitors	oi369	540.00		Advice ref FOI Requests
21/11/2019	Mole Countrystores	oi370	109.69		Brushes, Hi Viz Jacket
21/11/2019	Dorset Planning Consultant Ltd	oi371	931.30		Professional support NHPG
21/11/2019	Clarity Copiers Ltd	oi372	114.24		Photocopying October
21/11/2019	Ben Johnson (Shaftesbury) Ltd	oi373	24.00		Sharpen chain- Chain saw
21/11/2019	Imprint Graphics	oi374	86.00		Posters/Wedding leaflets
21/11/2019	Lyreco	oi375	129.68		Stationery
21/11/2019	Proludic	oi376	457.01		Repairs to Rope Bridge - Winco
21/11/2019	Aquacare	oi377	43.20		September Water sampling of po
Total Payments			5,596.82		

8 Pensions Data Retention and Discretions Policies

To consider for adoption the Pensions Data Retention and Discretions Policies (15 mins)

8.1 Summary – Data Retention policy

- 8.1.1 The Dorset County Pension Fund have created a personal data retention policy in their capacity as data controller of personal data relating to the Local Government Pension Scheme fund for which they are responsible, to satisfy their obligation under GDPR in relation to the retention of personal data.
- 8.1.2 The Data Retentions policy document has been prepared by Dorset Council as the Administering Authority of the fund. Shaftesbury Town Council, as an employer participating in the fund is under a statutory duty to provide data to the fund under regulation 80 of the LGPS Regulations 2013.
- 8.1.3 The policy is appended to this report.

8.2 Summary – Discretions policy

- 8.2.1 The Town Council is asked to review its policy regarding discretions available in compliance with the Local Government Pension Scheme Regulations. The regulations and proposed policy decisions are appended to this report.

8.3 Financial Implication

- 8.3.1 There are no financial implications arising from this report

8.4 Legal Implication

- 8.4.1 The policies take into account guidance issued by a number of bodies; (Information and Records Management Society) (The National Archives) (HMRC) (Lord Chancellor) (ICO) (EU) (Pensions Regulator)

8.5 Recommendation

- 8.5.1 That the Pensions Data Retention Policy and the Pensions Discretion Policy are adopted. *(Delegated to the Town Clerk to manage the implementation of these policies. Policies to take effect immediately. Financial Implication £0)*

STRATEGIC PLAN AREA: POLICIES, PROCEDURES AND GOVERNANCE

(End)

Report Author:
Claire Commons CertHE PSLCC, Town Clerk and RFO

Appendix B. PARTICIPATING EMPLOYER PERSONAL DATA RETENTION POLICY [Shaftesbury Town Council]¹ (the "Employer" and "we")

This document has been prepared by the Employer, in its capacity as a scheme employer in the [Local Government Pension Scheme]² (the "Fund") and sets out the Employer's policy on the retention of personal data relating to its employees who are members of the Fund.

This policy document can also be accessed via the following link: <https://www.shaftesbury-tc.gov.uk/policies/> and should be read in conjunction with the Employer's and Fund's privacy notices, which can be accessed via the following links: <https://www.shaftesbury-tc.gov.uk/policies/> and <https://www.yourpension.org.uk/Dorset/Accessibility/Privacy-and-Cookie-Policy.aspx>

Introduction

As data controllers, we are required by legislation to comply with the principles of data minimisation and storage limitation. Personal data we process:

- must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed; and
- must not be kept in a form which permits identification of a data subject for longer than is necessary for the purposes for which the personal data is processed.

We are obliged to retain certain records (whether in hard copy or electronic form) for various periods of time because:

- we have a statutory obligation³ to do so; and/or
- the information contained in those records may be necessary for the future (for example, questions may arise about the calculation of benefits either to be put into payment or that have been paid in the past, and data that may be relevant to a possible legal claim needs to be kept until the period within which that claim could be brought has expired).

This policy document sets out the measures adopted by the Employer to comply with the principles of data minimisation and storage limitation in relation to personal data that we hold and process for the purposes of the Fund.

Types of personal data we hold⁴

We hold and process the following types of personal data in relation to our current and former employees who are Members of the Fund:

- Contact details, including name, address, telephone numbers and email address.
- Identifying details, including date of birth, national insurance number and employee and membership numbers.
- Information that is used to calculate and assess eligibility for benefits, for example, length of service, history of hours worked or membership and salary information necessary for the calculation of the Member's benefits in the Fund.
- For current employees, information about the Member's family, dependants or personal circumstances, for example, marital status and information relevant to the distribution and allocation of benefits payable on death in service.

¹ Please insert name of the Scheme Employer.

² Please insert name of the Fund.

³ Scheme employers have a statutory obligation to provide information to the pension fund under regulation 80 of the Local Government Pension Scheme Regulations 2013.

⁴ Please consider whether any personal data other than that listed is held or processed by the Employer. Any personal data that the Fund generates and holds independently of the Employer can be deleted (e.g. bank account details if only provided directly by Members to the Fund). This list should be conformed to the Employer's and the Fund's privacy notices.

- Information about the Member's health, for example, to assess eligibility for benefits payable on ill health, or where the scheme Member's health is relevant to a claim for benefits following their death.
- Information about a criminal conviction if this has resulted in the Member owing money to the Employer or the Fund and the Employer or Fund may be reimbursed from the Member's benefits.

Retention periods for personal data⁵

In compiling our policy on the retention of personal data, we have taken into account the guidelines on the retention of personal data as set out by / in:

- Information and Records Management Society;
- The National Archives;
- HMRC compliance handbook manual CH15400;
- [Lord Chancellor's Code of Practice on the Management of Records issued under Section 46 of the Freedom of Information Act 2000];⁶
- ICO's retention policy;
- EU Article 29 Working Party guidance; and
- The Pension Regulator's code of practice 14 for public service pension schemes.

Data protection legislation requires that we retain personal data for no longer than is necessary in order to fulfil the purpose(s) for which it is processed. Given the long term nature of pensions, we need to ensure that personal data is retained to:

- comply with our [legal and regulatory]⁷ obligations as a participating employer regarding the payment of pensions from the Fund; and
- deal with any questions or complaints that we or the Fund may receive about a Member's pension entitlement from the Fund.

Personal data will be retained for a maximum period of fifteen years⁸ after termination of employment.⁹

⁵ The Article 29 Working Party guidelines on retention periods state that meaningful information about the likely period of retention should be provided to data subjects and a generic statement in the privacy notice is not appropriate. This retention policy should, therefore, set a defined period beyond which personal data will no longer be held (and, preferably, separate periods for different categories of data where this is appropriate). The GDPR does not prescribe a time period beyond which data must not be kept. Scheme Employers should be aware that if they do not attempt to give a defined period for which personal data will be held, strictly speaking this is unlikely to comply with GDPR. See Articles 5(1) and 5(2), and in particular Article 5(1)(c) - (e) of the GDPR. Please also see Recital 39 of the GDPR.

Therefore, whilst we note that:

- (to the extent applicable to the Scheme Employer), the Lord Chancellor's Code of Practice on the management of records issued under section 46 of the Freedom of Information Act 2000 refers to records being kept as long as they are needed by the authority: for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests (paragraph 12.2); and
- the Information and Records Management Society states that certain records will need to be retained indefinitely where they evidence pension or other benefit entitlements;

a suggested specific timeframe for the retention of personal data has been included in this policy in order to comply with the requirements of the GDPR. Scheme Employers will need to consider the extent to which the suggested wording matches their actual (or intended future) practice.

Retaining personal data indefinitely, either because Scheme Employers believe that is appropriate (e.g. because the data might need to be referred to in the future given the long term nature of pension liabilities), or because in practice it is not possible within the constraints of the personnel or administration system to implement a destruction policy for selected data relating to a particular individual, **is unlikely to comply with GDPR**. Although we are not aware of the Information Commissioner having issued guidance in this area that is specific to pension schemes and we consider the risk of retrospective sanction by the ICO in this area to be low, we anticipate that this will be an area in which good practice will continue to develop. Consequently we recommend that Scheme Employers consider proactively putting in place a policy with defined period(s) beyond which personal data will not be held (within the constraints of an acknowledged need to retain at least some personal data for a significant period of time, in order to administer benefits and deal with potential future queries). If there are certain categories of personal data that scheme employers / funds consider are not needed for as long a period (e.g. bank account details; underlying benefit calculation information for a Member who has transferred-out more than a specified number of years ago) then it would be advisable to adopt a shorter retention period for such categories. It is possible that individual Scheme Employers will have shorter data retention periods for their employment personal data more generally; Funds will need to understand when personal data will be destroyed and check that the Employer's policy will allow them sufficient opportunity to obtain all personal data that the Fund requires (and enable any subsequent queries or checks for a sufficient period).

⁶ This will only be relevant to certain categories of scheme employers (e.g. public bodies such as county councils) and therefore the scheme employer should consider whether the inclusion of this reference is appropriate.

⁷ This will need to be tailored to fit the circumstances of the individual scheme employer.

⁸ The suggested period of "fifteen years after termination of employment" is based on the current maximum statutory limitation period, as any complaints about the calculation of either deferred or pensioner benefits would usually be expected to be brought within that timeframe.

⁹ This will need to be tailored to fit the circumstances of the individual scheme employer. The Fund will hold the relevant information for the greater of "100 years from date of birth" and "last payment of benefits to the Member/Beneficiary plus 15 years", however the Fund is conscious that individual scheme employers may have their own individual data retention policies in place.

During any period when we retain personal data, we will keep that personal data up to date and take all reasonable steps to ensure that inaccurate data is either erased or rectified without delay. We will periodically review the personal data that we retain and consider whether it is still required; any personal data that we no longer require will be destroyed.¹⁰

Member's and Beneficiary's rights

Beneficiaries form a wider category of people who receive benefits from the Fund, for example the active/deferred/pensioner member's spouse / child(ren) / dependants).¹¹ Members of the Fund and Beneficiaries have a right to access and obtain a copy of the personal data that we hold about them and to ask us to correct personal data if there are any errors or it is out of date or incomplete.

In certain circumstances a Member / Beneficiary has the right to:

- object to the processing of their personal data
- restrict¹² the processing of their personal data until any errors are corrected;
- transfer their personal data; or
- erase¹³ their personal data.

If the exercise of the Member's / Beneficiary's rights would prevent us from providing the personal data to the [Dorset Council]¹⁴ in order for the payment or continued payment of a pension from the Fund, we will consider retaining a minimised version of that Member's / Beneficiary's personal data in order to fulfil our legal obligations.¹⁵

Review

This policy will be reviewed by [Shaftesbury Town Council]¹⁶ at least [biennially]¹⁷.

¹⁰ The GDPR states that while the data is being retained, the data controller is also under an obligation to keep personal data up to date and to take every reasonable step to ensure that inaccurate data is either erased or rectified without delay. Consideration should also be given to "filleting" the data held, so that individual items are not retained for longer than actually required. For example, it may be appropriate to destroy bank account details within a shorter period of a benefit ceasing to be payable. We recommend that Scheme Employers adopt shorter retention periods for particular categories of data (see note 7 above) and conduct a periodic audit of personal data held, with a view to destroying any that is no longer required in relation to a particular Member or Beneficiary.

¹¹ Funds to consider whether Employers provide personal data about Beneficiaries in practice and amend the template accordingly if required.

¹² See Article 18 of the GDPR. The Scheme Employer should restrict the processing of the personal data (subject to certain exceptions e.g. storage or to defend a legal claim or for reasons of important public interest) where the individual has contested the accuracy of the personal data. The processing would also have to be restricted in this way where the individual has raised an objection for any reason, and the Scheme Employer's justification is based on the necessity to: perform a task in the public interest or pursuant to an official authority; or (if applicable) in its legitimate interests. The restriction will last until the Scheme Employer is able to verify the accuracy of the personal data or demonstrate the justification for its processing respectively. For reference, note: Article 21(1) contains the right of the data subject to object to the processing of personal data in circumstances relating to the individual, where the controller is relying on the justifications in Article 6(1)(e) or (f), which includes those mentioned immediately above. Under Article 21(2), the right to object also includes where personal data is used for direct marketing purposes and profiling for that purpose.

¹³ See Articles 17(1) and 17(2) of the GDPR. This information should be included in the policy notwithstanding that in relation to the LGPS it is not anticipated that Members will in practice have a right of erasure (due to the legal basis for which personal data is collected and processed).

¹⁴ Insert name of administering authority.

¹⁵ See Article 17(3) of the GDPR. Article 18(2) and 18(3) provide exceptions to the right of the Member to restrict the processing of personal data in certain circumstances.

¹⁶ Amend if a specific body or individual will be responsible for the review of this policy.

¹⁷ The policy should be reviewed regularly. Amend the review period if an annual review of the policy is not suitable.



STATEMENT OF POLICY ON:-

The Local Government Pension Scheme 2014

Discretions

by

Shaftesbury Town Council

Policy effective from

V.2019/04

Statement of Policy on :-

- The Local Government Pension Scheme Regulations 2013 [R]
- The Local Government Pension Scheme (Transitional Provisions and Savings) Regulations 2014 [TP]
- The Local Government Pension Scheme (Administration) Regulations 2008 [A]
- The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) [B]
- The Local Government Pension Scheme (Transitional Provisions) Regulations 2008 [T]
- The Local Government Pension Scheme Regulations 1997 (as amended) [L]
- The Local Government Pension Scheme (Miscellaneous Regulations) 2012 [E]
- The Local Government Pension Scheme Regulation 1995 [C]

The Employing Body which is

Shaftesbury Town Council

has resolved that the following Discretions available in the Statutory Instrument, should be implemented in compliance with the Local Government Pension Scheme Regulations as set out below:-

PART A - where formulation of policy is compulsory

Regulation	Policy Decision
Regulations 16(2)(e) and 16(4)(d) of the LGPS Regulations 2013 <u>Power of employing authority to contribute to a shared cost APC scheme</u> Whether, where an active member wishes to purchase extra annual pension of up to £6,822 (figure at 1 April 2018) by making additional pension contributions (APCs), to <i>voluntarily</i> contribute towards the cost of purchasing that extra pension via a shared cost additional pension contribution (SCAPC)	Contributing to a shared cost Additional Pension Cost scheme may be considered in exceptional circumstances.

Regulation	Policy Decision
Sch 2, para 1 (1) (c) [TP] <u>Power of employing authority to apply 85 Year Rule (always excludes flexible retirement) upon the voluntary early payment of deferred benefits</u> Whether to "switch on" the 85 Year Rule for a member voluntarily drawing benefits on or after age 55 and before age 60. Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits where the employer has "switched on" the 85 Year Rule for a member voluntarily drawing benefits on or after age 55 and before age 60.	The general policy of Shaftesbury Town Council is not to switch on' the 85 year rule for a member drawing benefits on or after age 55 and before age 60, but each case will be considered on its own merits. The general policy of Shaftesbury Town Council is not to waive, on compassionate grounds, the actuarial reduction applied to benefits where the employer has 'switched on' the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.

Regulation	Policy Decision
<p>Regulation 30 (6) [R]</p> <p><u>Flexible retirement</u></p> <p>Whether all or some benefits can be paid if an employee aged 55 or over reduces their hours or grade (flexible retirement)</p> <p>whether, in addition to the benefits the member has accrued prior to 1 April 2008 (which the member must draw), to permit the member to choose to draw</p> <ul style="list-style-type: none"> ▪ all, part or none of the pension benefits they accrued after 31 March 2008 and before 1 April 2014, and / or ▪ all, part or none of the pension benefits they accrued after 31 March 2014 <p>Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement.</p>	<p>Shaftesbury Town Council does not provide blanket consent for staff to flexibly retire and draw immediate payment of any pension benefits. Each flexible retirement request will be considered on its merits and will only be agreed if it is in the Council's interests to do so.</p>
Regulation	Policy Decision
<p>Regulation 30 (8) [R]</p> <p><u>Power of employing authority to waive actuarial reduction</u></p> <p>Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age.</p>	<p>Waiving of actuarial reduction paid on benefits which a member voluntarily draws before normal pension age will only be allowed in exceptional circumstances</p>
Regulation	Policy Decision
<p>Regulation 31 [R]</p> <p><u>Power of employing authority to grant additional pension</u></p> <p>Whether to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (by up to maximum amount).</p>	<p>The general policy of Shaftesbury Town Council is not to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency.</p>
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Regulation	Policy Decision
<p>Sch 2, para 1 (1) (c) [TP]</p> <p><u>Power of employing authority to 'switch on' the 85 year rule upon the voluntary early payment of deferred benefits</u></p> <p>Whether, as the 85 year rule does not automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their deferred benefits (on or after 14 May 2018) on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members</p> <p><i>For members (excluding councillor members) who ceased active membership between 1 April 2008 and 31 March 2014</i></p>	<p>Shaftesbury Town Council will not normally exercise this discretion. This does not however preclude the council from exercising this discretion in exceptional circumstances should it chose to do so, following receipt of information in respect of the financial implications to the council.</p>
Regulation	Policy Decision
<p>Reg 30 (5) [A] & para 2(1) [TP]</p> <p><u>Power of employing authority to waive upon the voluntary early payment of deferred benefits, any actuarial reduction on compassionate grounds</u></p> <p><i>For members (excluding councillor members) who ceased active membership between 1 April 2008 and 31 March 2014</i></p>	<p>The general policy of Shaftesbury Town Council is not to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for members who ceased active membership between 1 April 2008 and 31 March 2014 but each case will be considered on its own merit in exceptional circumstances.</p>
Regulation	Policy Decision
<p>Sch 2, para 1 (1) (c) [TP]</p> <p><u>Power of employing authority to 'switch on' the 85 year rule upon the voluntary early payment of a suspended tier 3 ill health pension</u></p> <p>Whether, as the 85 year rule does not automatically fully apply to members who would otherwise be subject to it and who choose to voluntarily draw their suspended tier 3 ill health pension (on or after 14 May 2018) on or after age 55 and before age 60, to switch the 85 year rule back on in full for such members</p> <p><i>For members (excluding councillor members) who ceased active membership between 1 April 2008 and 31 March 2014</i></p>	<p>The general policy of Shaftesbury Town Council is not to 'switch on' the 85 year rule upon the voluntary early payment of a suspended tier 3 ill health pension, but each case will be considered on its own merit in exceptional circumstances.</p>
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Regulation	Policy Decision
<p>Reg 30A (5) [A] & para 2(1) [TP]</p> <p><u>Power of employing authority to waive upon the voluntary early payment of a suspended tier 3 ill health pension, any actuarial reduction on compassionate grounds</u></p> <p><i>For members (excluding councillor members) who ceased active membership between 1 April 2008 and 31 March 2014</i></p>	<p>The general policy of Shaftesbury Town Council is not to waive upon the voluntary early payment of a suspended tier ill health pension, any actuarial reduction on compassionate grounds, but each case will be considered on its own merit in exceptional circumstances.</p>

Regulation	Policy Decision
<p>Sch 2, para 1 (1) (f) & 1 (2) [TP]</p> <p><u>Power of employing authority to to 'switch on' the 85 year rule upon the voluntary early payment of deferred benefits?</u></p> <p><i>For active and deferred councillor members and any other members who ceased active membership between 1 April 1998 and 31 March 2008</i></p>	<p>The general policy of Shaftesbury Town Council is not to 'switch on' the 85 year rule upon the voluntary early payment of deferred benefits, but each case will be considered on its own merit in exceptional circumstances.</p>

Regulation	Policy Decision
<p>Reg 31(2) [L]</p> <p><u>Power of employing authority to grant early payment of benefits on or after age 50 and prior to age 55</u></p> <p><i>For active and deferred councillor members and any other members who ceased active membership between 1 April 1998 and 31 March 2008</i></p>	<p>The general policy of Shaftesbury Town Council is not to grant early payment of benefits on or after age 50 and prior to age 55</p>

Regulation	Policy Decision
<p>Reg 31(5) [L] & sch 2, para 2(1) [TP]</p> <p><u>Power of employing authority to waive upon the payment of benefits, any actuarial reduction on compassionate grounds</u></p> <p><i>For active and deferred councillor members and any other members who ceased active membership between 1 April 1998 and 31 March 2008</i></p>	<p>The general policy of Shaftesbury Town Council is not to waive upon the payment of benefits, any actuarial reduction on compassionate grounds, but each case will be considered on its own merit in exceptional circumstances.</p>

Regulation	Policy Decision
<p>Reg D11 (2)(c) [C]</p> <p><u>Power of employing authority to grant early payment of benefits on compassionate grounds</u></p> <p>Whether to grant applications for the early payment of deferred pension benefits on or after age 50 and before NRD on compassionate grounds</p> <p><i>For members who ceased active membership before 1 April 1998</i></p>	<p>The general policy of Shaftesbury Town Council is not to grant early payment of benefits on compassionate grounds, but each case will be considered on its own merit in exceptional circumstances.</p>

PART B - where formulation of a written policy is **not** compulsory

Regulation	Policy Decision
<p>Regulation 9 & 10 [R]</p> <p><u>Contributions payable by active members</u></p> <p>How the pensions contribution band to which an employee is to be allocated on joining the Scheme, and at each subsequent April, will be determined and the circumstances in which the Scheme employer will, in addition to the review each April, review the pension contribution band to which an employee has been allocated following a material change which affects the member's pensionable pay in the course of a Scheme year</p>	<p>Shaftesbury Town Council will allocate employees to the appropriate contribution band according to their salary on 1st April annually and amend it throughout the year from the effective date of any changes in employment or material change to the rate of pensionable pay received.</p>

Regulation	Policy Decision
<p>Regulation 22 (7) (b) and (8) & 10(6) [TP]</p> <p><u>Facility to extend time limits for active members to not aggregate deferred periods of LGPS membership</u></p> <p>Whether to extend the 12 month option period for a member to elect that deferred benefits should not be aggregated with a new employment or ongoing concurrent employment.</p>	<p>Shaftesbury Town Council will consider requests from active members to elect to aggregate a deferred member's pension account to an active member's pension account beyond the 12 months deadline. Decisions will be based on the individual case and will only be agreed where there is no financial implications to the council.</p>

Regulation	Policy Decision
<p>Regulation 100 (6) [R]</p> <p><u>Facility to extend time limits for active members to request a transfer of previous pension rights into the LGPS</u></p> <p>Where an active member requests to transfer previous pension rights into the LGPS, the member must make a request within 12 months of becoming an active member. Employers, with agreement of Administering Authority, may allow a longer period than 12 months.</p> <p>JOINT DISCRETION WITH ADMINISTERING AUTHORITY</p>	<p>Shaftesbury Town Council will only consider extending the time limit of 12 months to allow employees to transfer the value of a previous pension into the scheme if there is clear evidence that they had not been informed of, or could not reasonably have known of, the time limit. This is also subject to the agreement of the Pension Administering Authority.</p>

Regulation	Policy Decision
<p>Reg 17 & 15(2A) [TP]</p> <p><u>Power of employing authority to determine whether to, how much and in what circumstances to contribute to a shared-cost Additional Voluntary Contribution (SCAVC) arrangement</u></p>	<p>Shaftesbury Town Council will not normally exercise this discretion. This does not however preclude the council from exercising this discretion in exceptional circumstances should it choose to do so following receipt of information in respect of financial implications to the council.</p>
Regulation	Policy Decision
<p>Reg 17 & 15(2A) [TP]</p> <p><u>Power of employing authority to determine whether to extend the time limit for a member to elect to purchase additional pension by way of a shared cost additional pension contribution (SCAPC) upon return from a period of absence</u></p> <p>Whether to extend the 30 day deadline for member to elect for a SCAPC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or reserve forces service leave)</p>	<p>Shaftesbury Town Council will not normally extend the 30 day deadline. This does not however preclude the council from doing so in exceptional circumstances should it choose to do so, following receipt of information in respect of the financial implications to the council.</p>
Regulation	Policy Decision
<p>Reg 21(4)(a)(iv), 21(4)(b)(iv) and 21(5) [R]</p> <p><u>Power of employing authority to determine whether to include a regular lump sum payment when calculating assumed pensionable pay (APP)</u></p>	<p>Shaftesbury Town Council will determine each case on its individual merits should any such case arise.</p>
Regulation	Policy Decision
<p>Reg 21(5A) and 21(5B) [R]</p> <p><u>Power of employing authority to determine whether, subject to qualification, to substitute a higher level of pensionable pay when calculating assumed pensionable pay (APP)</u></p>	<p>Shaftesbury Town Council will determine each case on its individual merits should any such case arise</p>
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Other non-compulsory discretions are available for

to consider, and cases where these may arise in the future will be considered on an individual basis; the merits of each case being fully investigated.

The in exercising the discretionary powers available under the above Regulations has acted with due prudence and propriety and considered the financial impact of applying the discretions.

These policies may be subject to review from time to time. Any subsequent change in this Policy Statement will be notified to affected employees.

Signed on behalf of:

Signature:

Date:

Please PRINT name of person signing:

The LGPC Secretariat's understanding of the discretions which exist within the LGPS regulatory framework and the parties responsible for exercising those discretions can be found at the website below.

Also on this webpage is a discretions policies document, setting out in more detail the LGPC Secretariat's understanding of the discretions that employers should have a policy on. This will be of use while compiling your policy.

<http://www.lgpsregs.org/resources/guidesetc.php>

9 Tree Risk Management Plan

To consider for adoption the Tree Risk Management Plan and Policy (10 mins)

9.1 Summary

9.1.1 The Council undertook an extensive tree survey last year and has requested the arboriculturist to draw up a draft policy for consideration by the Council, this is appended to this report.

9.2 Financial Implication

9.2.1 There are no financial implications arising from this report

9.3 Legal Implication

9.3.1 Authoritative sources are referenced in the appended policy.

9.4 Risk

9.4.1 Adoption of the policy will improve the Council's risk management of its open spaces

9.5 Recommendation

9.5.1 That the Tree Risk Management Plan and Policy is adopted. *(Delegated to the Town Clerk to manage the implementation of the policy. Policy to take effect immediately. Financial Implication £0)*

STRATEGIC PLAN AREA: CHOOSE AN ITEM.

9.6 Detail

9.6.1

(End)

Report Author:
Claire Commons CerTHE PSLCC, Town Clerk and RFO

Tree Risk Management Plan and Policy

For trees on land managed by
Shaftesbury Town Council

For Shaftesbury Town Council,
The Town Hall,
High Street,
Shaftesbury,
SP7 8LY

Prepared by Nick Baxter *BSc(Hons) TechArborA*
8th November 2019

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Appendix 1: Tree Risk Zone Plan (ZP-1)

1 Introduction

1.1 Background information

Shaftesbury Town Council manages extensive areas of land around Shaftesbury Town in Dorset. The parcels of land under management of Shaftesbury Town Council are occupied by a wide range of tree species in both high use and low use areas.

As managers of the land, Shaftesbury Town Council has a duty to ensure that members of the public and staff are not put at risk because of any failure to take all reasonable precautions to ensure their safety. Accordingly, there is a need to inspect trees in or near public places, or adjacent to buildings or working areas to assess whether they represent a risk to life or property, and to take remedial action as appropriate.

There are 10 tree preservation orders (TPOs) that relate to trees managed by Shaftesbury town Council; these are administered by Dorset Council.

1.2 Policy statement

Shaftesbury Town Council has the following policy with regard to trees under their management:

Trees are important landscape features that contribute to the character and appearance of Shaftesbury as well as improving the health and well-being of the people that live locally. Trees are integral to carbon sequestration and also provide valuable habitat for wildlife. The Council recently declared a climate emergency and so has a responsibility to manage trees in a way that minimises the loss of value to both people and wildlife. To uphold its duty of care, the Council also has an obligation to protect people and property from hazardous trees so far as is reasonably practicable.

2 Tree Risk Management Strategy

2.1 The fundamental approach

In order to keep tree risk management works proportionate to the level of risk that trees represent the tree survey methodology has been designed so that most resources are directed to areas where there is potentially most risk to people and property. In order to do this the land is periodically surveyed by a qualified arboricultural consultant using the Visual Tree Assessment (VTA) methodology¹⁸. If any risks are observed they are assessed using a standard methodology called Quantified Tree Risk Assessment (QTRA)¹⁹. The arboricultural consultant will specify management works if their assessment finds that a tree represents a significant risk of harm to people or property. Shaftesbury Town Council will then arrange for these management works to be carried out within an appropriate timeframe.

An annual budget for tree management at Shaftesbury Town Council will be set each year. This will first be used to cover the costs of essential risk management works. Any remaining budget will be spent on trees that

1.1.1 ¹⁸ Mattheck, C. and Breloer, H. (1995). *The Body Language of Trees: A handbook for failure analysis*. Research for Amenity Trees 4. HMSO, London.

¹⁹ Ellison, M.J. (2005). *Quantified Tree Risk Assessment Used in the Management of Amenity Trees*. J. Arboric. International Society of Arboriculture, Savoy, Illinois. 31:2 57-65.

are assessed to be a moderate risk during the tree survey, and these trees will be addressed in order of priority until the budget runs out.

2.2 Target zoning

With knowledge of site use different areas can be categorised into target zones according to their level of use. The system of categorisation that has been used for zoning the area is detailed in Table 1. A Zone Plan has been drawn to indicate the two areas of zoning; the plan is provided at the rear of the document (ZP-1). The plan will be used to dictate which areas are included in annual tree surveys as explained in section 2.3 (but this may be refined by further judgement during the tree survey).

Table 1: The system used for target zoning at the site.

Target Zone	Colouring on Map	Description	Frequency of inspection
High risk (Zone 1)	Red	Areas of high use where veteran/mature trees are in falling distance of roads, footpaths, car parks and play areas.	Every year
Low-Medium risk (Zone 2)	Blue	Areas of low-medium use away from Zone 1. Areas where only young/early mature/ regularly pollarded trees are located.	Every 2 years

2.3 Frequency of inspection


The land managed by Shaftesbury Town Council is extensive and it would be excessive to carry out a survey of every tree each year. Therefore, in order to concentrate attention where it is most required, the land has been divided into two risk zones. Trees in Zone 1 will be surveyed every year and trees in Zone 2 will be surveyed every two years. These time intervals are detailed in Table 2. But it should be noted that there may be situations when there is concern for a tree that is in Zone 2 and may recommend it for a more regular inspection than the other trees in that zone.

Table 2: The timetable for surveying each risk zone for land managed by Shaftesbury Town Council.

Year	Zone 1	Zone 2
2019		
2020		
2021		
2022		
2023		
2024		
2025		
2026		
2027		

2028		
2029		

3 Tree Surveys

 = Year that a tree survey is carried out

3.1 The survey approach

The tree survey will include every tree in the suitable zone, but trees forming cohesive arboricultural features (visually, culturally or aerodynamically) will be assessed as a group where appropriate. During the survey each individual tree surveyed will be tagged and its location added to the tree plan. A condition assessment will be carried out and recorded for each tree that is tagged. The data should include the date when the survey was made, the name of the tree surveyor, the tag number, the species of tree, a simple assessment of the height of the tree, its age class, its physiological condition, notes on its structural condition and any relevant site features.

If the surveyor does decide to survey a tree from a group, that tree will be tagged and its location added to the tree plan. When carrying out repeat tree surveys each of the trees that have been tagged in previous years must be given an individual tree assessment.

Any trees of safety concern will be surveyed using a simple version of the Quantified Tree Risk Assessment (QTRA) methodology²⁰. QTRA applies established and accepted risk management principles to tree safety management. The outcome of the QTRA assessment is a score and this value can be used to prioritise management works.

If the tree is assessed to have a significant risk of harm then appropriate management recommendations should be prescribed. Appropriate management will fall into three broad categories:

1. The risk is assessed as low and so no works are required;
2. Management works are prescribed;
3. A visual assessment is inconclusive and further investigation is required.

Further investigation would be appropriate if:

1. The tree is high value such as for amenity or wildlife, and you believe that it cannot be made safe without significantly reducing its value;
2. The symptoms are inconclusive, e.g. the extent of trunk decay is unclear;
3. Investigation of the hazard requires specialist knowledge and experience;
4. An aerial inspection of a tree is advised following a visual assessment from the ground.

²⁰ Ellison, M.J. (2005). Quantified Tree Risk Assessment Used in the Management of Amenity Trees. J. Arboric. International Society of Arboriculture, Savoy, Illinois. 31:2 57-65.

3.2 Prioritising recommended works

The risk assessments will produce a probability of harm (within the next year), and these figures will be used to prioritise recommended tree works. The system used is based on the QTRA assessment and the tolerability of risk framework and detailed in Table 3. Accordingly tree risk management works that are identified to have a risk of harm greater than 1/100 will be treated immediately and without any delay, and trees calculated to have a risk score between 1/100 and 1 in 10,000 will be carried out as soon as reasonably practicable, but in any event in no more than 8 weeks. Risks that are between 1 in 10,000 and 1 in 1,000,000 will be programmed into annual works schedules.

There will be standard tree maintenance works appropriate for some trees such as the lifting of low crowns or the removal of ivy or epicormic growth. These works will be specified as part of the tree survey as 'advisory' works.

During tree risk assessments features within the falling distance of the tree (targets) can be people, property or road traffic. When considering the risks posed by the tree the inspection considered the usage of the target zone, the size of the part that could impact the target, and the likelihood of that part failing.

Table 3: The system for prioritising recommended tree works.

Level of Risk	Probability of Harm	Works Priority	Timescale
Very High	1 – 1/1000	Urgent	Immediately, without any delay
High	1/1000 – 1/10,000	High	As soon as reasonably practicable
Moderate	1/10,000 – 1/1,000,000	Non-urgent	In order of priority and as funds allow
Acceptable	<1/1,000,000	N/A	N/A
None	-	Advisory	N/A

4 Tree Management Works

4.1 Use of appropriate contractors

Tree work is inherently dangerous and so only experienced contractors/arborists will be used. All staff must be suitably trained, certificated and insured for the necessary operations. Tree work good practice is set out in British Standard BS3998:2010 - Recommendations for Tree Work²¹.

4.2 Nature conservation and tree works

Any arborist working at the site must comply with all statutory requirements concerning flora, fauna and habitat in accordance with relevant nature conservation legislation. The arborist should make sure that they are familiar with current best working practices to minimize disturbance to flora and fauna.

The arborist must consider the risk of impacting protected species prior to carrying out arboricultural works, especially when dealing with trees that have veteran characteristics. Natural England must be notified if there is reason to believe that arboricultural operations may disturb bats because a licence for the works may be required. If nesting birds are found to be present then the tree work must not commence, or if the tree surgery has already started and nesting birds are then discovered then the work must stop immediately and be re-scheduled for later in the year.

The responsibility for protecting wildlife will be held by the contractor but Shaftesbury Town Council accepts that this is a necessary constraint to tree works. Shaftesbury Town Council also understands that the need to

²¹ British Standards Institution (2010). *BS3998 Recommendations for Tree Work*. BSI, London.

protect wildlife may result in some works being delayed, and this requirement may also result in increased costs for tree management.

5.0 Project Management

5.1 Management responsibilities

The Services Officer is responsible for maintaining records and ensuring that tree surveys are carried out at the right time. It is the Head Groundsman's responsibility to communicate the tree risk management policy to the grounds maintenance staff.

The Services Officer will be responsible for ensuring that the necessary tree management works are carried out. The Services Officer must also make sure that a professional arboriculturist is consulted for any tree related hazards that have been reported by members of staff or the public (if a check reveals that the defects are outside of the knowledge or experience of grounds management staff).

Following the tree survey any trees that are considered to have a very high risk of harm will require immediate arboricultural works. The Services Officer must ensure that there are systems in place to ensure that these works are carried out as soon as possible. High priority trees must be carried out as soon as reasonably practicable, but in any event within 8 weeks. Remaining works will be addressed in order of priority and as funds allow.

There are 10 tree preservation orders (TPOs) assigned to trees on the land managed by Shaftesbury Town Council and some of the land is within a Conservation Area. The local planning authority must be notified of any intended works to trees protected by a TPO, and they have 8 weeks to respond. Urgent risk management works to trees protected by a TPO may be carried out under a five-day notice²². No works will be done to the protected trees without first gaining the proper permissions from Dorset Council.

5.2 Maintaining records

Records must be kept for the following:

1. Annual tree reports including details of when the survey was carried out, who surveyed the trees, and notes on tree condition;
2. A prioritised list of recommended management works;
3. A record of risk management operations undertaken including all contractor related documentation such as contracts, invoices, conservation area consents etc;
4. Records of all other reported faults from staff or members of the public;
5. Records of any other remedial actions and follow on observations;
6. All records will be kept for a minimum of 5 years in case a claim is made against the Shaftesbury Town Council. This is to ensure that there is a clear evidence trail that can be referred to following an incident.

5.3 Monitoring & reviewing the strategy

A suitable budget available for tree management at Shaftesbury Town Council must be set each year. This will be based on the cost of tree management in previous years, along any other relevant factors.

²² Written notice (by letter or email) of the proposed work must be given to the planning department of South Somerset Council as soon as practicable after the work becomes necessary.

The tree management strategy will be reviewed by the Shaftesbury Town Council every five years. This meeting would also be an opportunity to consider the relationship between the Estate, the arboricultural consultant, and the arborists. Under this system the next review will take place in 2024.

10 Park Walk Mosaics

To consider replacement of missing tiles at the Park Walk shelter (5 mins)

10.1 Summary

10.1.1 Over the preceding few years, the small tiles surrounding the shelter on Park Walk have either been damaged or mischievously removed.

10.1.2 Officers have made contact with the original maker of the tiles who will be able to make, fire and supply replacement tiles for the grounds team to fit.

10.2 Financial Implication

10.2.1 To handmake, fire and supply the replacement tiles will cost £300. The Grounds Team will then fit the tiles as part of their routine grounds maintenance work.

10.2.2 Expenditure may be taken from the revenue Repairs and Maintenance budget (currently 55% spent and £1,364 available) or from the Capital and Projects budget for Street Furniture (4.6% spent and £23,185 available)

10.3 Legal Implication

10.3.1 The Council has a responsibility to manage its assets.

10.4 Recommendation

10.4.1 That replacement tiles for the shelter at Park Walk are ordered and the grounds team instructed to install them. *(Delegated to the Town Clerk all aspects to discharge this decision. Completion by 1st March 2020. Financial Implication £300)*

STRATEGIC PLAN AREA: ASSET MANAGEMENT

(End)

Report Author:

Claire Commons CerTHE PSLCC, Town Clerk and RFO