



# **POLICY, FINANCE & PERSONNEL COMMITTEE**

**Minutes of a Committee meeting held on**

**Wednesday 20<sup>th</sup> January 2021 at 19.00hrs. Meeting held with remote attendance**

**Present:**

**Chair:** J Lochhead

**Committee Members:** Councillors: E Andrews, J Buczkowski, G Guest, L Knight, and M Rowe

**In Attendance:**

**Officers:** J Norris (Town Clerk) and M Weston (Deputy Town Clerk)

No members of the public or press attended the meeting.

**PFP 205 Chair's Announcements**

The Chair thanked fellow Councillors for electing him as the Committee Chair and said that he will work hard to fulfil the role and will appreciate help from Councillors and Officers.

**PFP 206 Apologies for Absence**

Apologies for absence were received from Councillors Andrews, Buczkowski, Dale and Haslett

**PFP 207 Declarations of Interests**

No Declarations of Interest were made regarding any items on the Agenda.

**PFP 208 Public Participation**

This agenda item enables members of the public present at the meeting to raise matters which are relevant to the work of the Committee.

No matters were raised

**PFP 209 Minutes:**

- (i) The Minutes of the meeting held on 12 November 2020 were considered (Supporting Paper A to the Agenda)

**RESOLVED** that the minutes of the meeting held on 12 November 2020 be confirmed as a correct record.

- (ii) The Minutes of the meeting held on 10 December 2020 were considered (Supporting Paper B to the Agenda)

**RESOLVED** that, subject to Councillor Lochhead being included in the list of those recorded as present, the minutes of the meeting held on 10 December 2020 be confirmed as a correct record.

**Note :** 19:17hrs Cllr Buzckowski joined the meeting  
19:18hrs Cllr Andrews joined the meeting

**PFP 210 Appointment Of Vice-Chair**

The appointment of a Committee Vice-Chair was considered.

**RESOLVED** that Cllr Rowe be appointed as the Vice-Chair for the remainder of the municipal year.

**PFP 211 Action List**

The Action List relating to the Policy, Finance and Personnel Committee was considered. (Supporting Paper C to the Agenda)

**RESOLVED** to note the action list.

**PFP 212 Financial Matters**

**(i) Balance Sheet**

The Balance Sheet was received and reviewed. (Supporting Paper D to the Agenda)  
A request was made for a full list of debtors and creditors to be sent to Committee members

**RESOLVED** to note the balance sheet.

**(ii) Income and Expenditure reports**

To receive and review the Income & Expenditure. (Supporting Paper E to the Agenda)

**RESOLVED** to note the income and expenditure report

**PFP 213 Complaints Policy and Procedure - Recommendation from the Policy Review Working Group**

Consideration was given to a recommendation from the Policy Review Working Group meeting on 7 December 2020 regarding a revised complaints policy and procedure. (Supporting Paper F to the Agenda)

**RESOLVED to recommend to Council** that the Complaints Policy and Procedure as attached to these Minutes as Appendix 1 be adopted and implemented.

**PFP 214 Employee Code of Conduct - Recommendation from the Policy Review Working Group**

Consideration was given to a recommendation from the Policy Review Working Group meeting on 7 December 2020 regarding an Employee Code of Conduct. (Supporting Paper G to the Agenda)

**RESOLVED to recommend to Council** that the Employee Code of Conduct as attached to these Minutes as Appendix 2 be adopted and implemented.

**PFP 215 Comments, Complaints and Freedom of Information Requests**

Consideration was given to details of comments and complaints, Freedom of Information Requests or Subject Access Requests received since the last report to Committee (Supporting Paper H to the Agenda)

The Committee offered guidance to the Town Clerk that the complainant who emailed regarding car parking at the Hayridge is sent a response explaining that the car park is a private business and the Town Council does not have any remit or influence regarding its operation.

**PFP 216 Members Questions**

This agenda item gives Councillors an opportunity to ask questions which are relevant to the work of the Committee.

Cllr Andrews asked if it would be possible for her committee papers to be provided in a larger font size

**PFP 217 Exclusion of the Press and Public**

**RESOLVED** to exclude the public and during consideration of:

- Agenda Item 14, Staffing Report. on the grounds that publicity would be prejudicial to the public interest by reason of its confidential nature (Staffing)

The report relating to this items had been withheld from public circulation and deposit.

**PFP 218 Staffing Report**

An update report was received which included:

- Staff Training
- Staff Welfare
- Recruitment
- Work At Home Allowance
- Grievance

(Supporting Paper I- to the Agenda confidential for councillors only),

**RESOLVED**

- (i) That the Work at Home Allowance is paid to staff currently required to work at home due to the lockdown which commenced in January 2021
- (ii) That the Committee Chair and Vice-Chair liaise with South West Councils in relation to the received grievance
- (iii) That Committee Chair and Vice-Chair may arrange a meeting with the complainant, with a view to defining the current position with their grievance, and to ensure that this matter is/can be resolved in an appropriate manner. It would be preferable if a representative from South West Councils could be in attendance at said meeting, in the capacity of an independent party to offer support, advice and guidance.

The meeting closed at 20:51hrs



<b>POLICY TITLE</b>	<b>Complaints Policy and Procedure</b>
<b>POLICY NO</b>	<b>2</b>
<b>APPROVAL DATE</b>	Approved by Town Council XXXXX 2021
<b>REVIEW DATE</b>	
<b>REPLACES POLICY</b>	Comments and Complaints Policy Reviewed and revised March 2018
<b>POLICY AIM</b>	This policy sets out the procedure for dealing with complaints against the Town Council so that complaints are dealt with in a fair, transparent and timely way. (Policy 2a sets out the criteria for determining unreasonable, persistent or vexatious complaints and action that may be taken with regard to those categories of complaint.)

## 1. Introduction

- 1.1 The procedure given in this policy has been adopted for dealing with complaints about the Council's administration or its procedures.
- 1.2 The Town Council believes that complaints can be constructive feedback on the quality of services, procedures and practices.
- 1.3 Complaints about a policy decision made by the Council will be referred back to the Council or to the relevant Committee, as appropriate, for consideration.
- 1.4 Other bodies have responsibility for certain types of complaint; these are summarised in the table below.<sup>1</sup>

<b>Type of Complaint</b>	<b>Complainant to Refer To</b>
Alleged financial irregularity	Local electors have a statutory right to object to a Council's audit of accounts (s16 audit Commission Act 1998)
Alleged criminal activity	The police
Members conduct alleged to breach the code of conduct adopted by the Town Council	Mid Devon District Council is responsible for handling complaints that relate to a member's failure to comply with the Town Council's code of conduct

<sup>1</sup> Taken Adapted from NALC Legal Topic Note 9E handling Complaints (England) (December 2018)

1.4 The following complaints will not be considered:

- Complaints which amount to a disagreement with a decision made by the Town Council or one of its Committees
- A matter which is the subject of litigation or legal proceedings
- unreasonable, persistent or vexatious complaints as defined in policy 2a

**Note:** Freedom of Information and Data Protection matters will be dealt with in accordance with the relevant legislation

## **2. Who Can Complain**

2.1 Complaints will be responded to from the following:

- A person who believes they have been the victim of what they regard as inappropriate behaviour by a Town Council employee
- A person who witnessed an incident of inappropriate behaviour by a Town Council employee i.e. they were close enough to see or hear the incident
- A person who believes they have been the victim of what they regard as a wrongly implemented Town Council procedure, policy or service
- A person acting with the written consent of someone in one of the above categories

2.2 Anonymous complaints will not receive a response nor be considered in any way

## **3. Making A Complaint**

3.1 There is no time limit to making a complaint but it should be made as soon as possible after the incident and ideally no more than twelve months should have passed between the incident and the date when the complaint is made. When deciding how to deal with the complaint the time that has passed between the incident and the complaint being made may be taken into account.

3.2 The complainant should be asked to put the complaint about the council's procedures or administration in writing to the Town Clerk. If the complaint is only notified orally to a councillor, or to the Town Clerk a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.

3.3 If the complainant does not wish to put the complaint to the Town Clerk, he or she should be advised to address it to The Mayor.

3.4 Ideally the complainant should provide the following information at the time of making their complaint:

- Complainant name
- Complainant contact details
- The name of the individual or the process being complained about
- The incident date and a brief description of what happened
- What proof / evidence exists (and will be provided)
- The remedy that is sought e.g. an apology, review of process.

3.5 The Town Clerk or Mayor, as appropriate, shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Policy, Finance and Personnel Committee (as the Committee with the delegated authority to determine complaints). The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be clearly identifiable on the agenda.

#### **4. Before a meeting**

- 4.1 The complainant shall be invited to attend the meeting and to bring a representative with them if they so wish.
- 4.2 At least ten working days prior to the meeting, the complainant shall provide the Town Clerk or Mayor with copies of the evidence to support their complaint, this will be shared with Councillors who are entitled to be at the meeting.
- 4.3 At least 5 working days prior to the meeting the Town Council shall supply the complainant with copies of any documents that they will use at the meeting.

#### **5. At the Meeting**

- 5.1 The meeting shall consider whether or not the circumstances of the complaint warrant the exclusion of the press and public.
- 5.2 When the complaint is to be considered, the meeting Chair should introduce everyone present connected to the complaint and explain the procedure that will be followed.
- 5.3 The complainant, or their representative should outline the grounds for the complaint and thereafter questions may be asked through the chair by the Town Clerk or other nominated Officer and then Councillors.
- 5.4 The Town Clerk or other nominated Officer will have an opportunity to explain the Town Council's position and questions may be asked by the complainant or their representative (not both) and then by Councillors.
- 5.5 When all questions have been asked and a response provided the complainant should be offered the Town Clerk should be offered the opportunity to summarise their position.
- 5.6 The complainant or their representative should be offered the opportunity to summarise their position.
- 5.7 The Town Clerk or other nominated Officer that has participated in the meeting and the complainant and their representative should be asked to leave the room whilst Councillors decide whether or not the grounds for the complaint have been made and evidenced. If a point of clarification is required *both* parties shall be invited back.
- 5.8 The Town Clerk or other nominated Officer that has participated in the meeting and the complainant and their representative should be given the opportunity to wait for the decision., but if the decision is unlikely to be made at the meeting they should be advised when the decision is likely to be made and when and how it is likely to be communicated to them.

#### **6. After the Meeting**

- 6.1 The decision should be confirmed in writing within seven working days of it being made together with details of any action to be taken.
- 6.2 If the decision was not made and announced at the meeting where the complaint was considered it will be announced, in public at the next appropriate meeting of the Committee.
- 6.3 Details of the complaint and its determination will be entered into the comments and complaints log which is published monthly on the Town Council's website.

#### **7. Appeals**

- 7.1 There is no appeals process, the determination of the Policy, Finance and Personnel Committee is final.



<b>POLICY TITLE</b>	<b>Employee Code of Conduct</b>
<b>POLICY NO</b>	
<b>APPROVAL DATE</b>	
<b>REVIEW DATE</b>	
<b>REPLACES POLICY</b>	New Policy
<b>POLICY AIM</b>	This policy sets out the main conduct standards that are expected of employees.

### **Employee Code of Conduct**

This Code of Conduct is applicable to all employees of Cullompton Town Council.

#### **1. Introduction**

- 1.1 This Code of Conduct sets out, in general terms, the standards that are expected of Cullompton Town Council employees; it is complemented by legislation and other Town Council policies such as financial regulations, sickness reporting and health and safety.
- 1.2 Cullompton Town Council employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to Councillors and fellow officers with impartiality.
- 1.3 A Cullompton Town Council employee must perform their duties with honesty, integrity, impartiality and must at all times act in accordance with the trust that the public is entitled to place in them.
- 1.4 A Cullompton Town Council employee is accountable to the Council for his / her actions
- 1.5 Cullompton Town Council employees are expected, through agreed procedures and without fear of recrimination, to bring to the attention of the Town Clerk any deficiency in the provision of service.

#### **2. Openness and Disclosure of Information**

- 2.1 Cullompton Town Council believes that open administration is best and it will be as open as possible about all the decisions and actions that it takes. The Council

welcomes opportunities to share information with the community that it serves.

- 2.2 The law requires that certain types of information must be available to Councillors, auditors, government departments, service users and the public. Cullompton Town Council employees will not prevent another person from gaining access to information to which that person is entitled by law.
- 2.3 Cullompton Town Council employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they knowingly pass it on to others who might use it in such a way.
- 2.4 Information concerning an Officer's or Councillor's private affairs shall not be supplied to any person except where such disclosure is required or sanctioned by law.
- 2.5 Cullompton Town Council employees will not knowingly disclose information given to them in confidence by anyone, or information which they believe to be of a confidential nature, without the consent of a person authorised to give it, unless required by the law to do so.
- 2.6 No Cullompton Town Council employee may take part in any broadcast (sound or vision) or publish an article or otherwise disclose information to the media or on social media which relates to the Council without first obtaining the permission of the Town Clerk. Where an employee has standing authority to publish information as part of their employment with the own Council i.e. they have permanent access to the Town Council's media channels, the Town Clerk's permission is not needed for every post.

### **3. Political Neutrality**

- 3.1 Cullompton Town Council employees serve the Council as whole and must ensure that the individual rights of Councillors are respected.
- 3.2 Where Cullompton Town Council employees are required to provide advice to Councillors (either individuals or groups) the advice must be given in such a way that the political neutrality of the advice giver is not compromised.
- 3.3 Cullompton Town Council employees must follow every lawful expressed policy of the Council and must not allow their personal or political opinions to interfere with their work.

### **4. Relationships and Respect For Others**

- 4.1 Cullompton Town Council is committed to promoting equality of opportunity for all local people and communities, irrespective of gender, ethnic origin, disability, religious belief, sexual orientation, age, or any other protected characteristic or relevant factor.
- 4.2 A Cullompton Town Council employee must treat others with respect and not knowingly discriminate unlawfully against any person.
- 4.3 All Cullompton Town Council employees should ensure that policies relating to equality and diversity issues as agreed by the Council are complied with, in addition to the requirement of the law. All members of the community, Councillors and Officers of the Council have a right to be treated with fairness and equity.

- 4.4 Cullompton Town Council employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to individuals and any groups.
- 4.5 Mutual respect between Officers and Councillors is essential. Close personal familiarity between Cullompton Town Council employees with individual Councillors or other Officers can damage other working relationships and be embarrassing to other employees and Councillors and should therefore be avoided.
- 4.6 All relationships of a business or private nature with external contractors or potential contractors should be made known to the Town Clerk. Orders and contracts should be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives during the tendering process.
- 4.7 Cullompton Town Council employees who engage or supervise contractors or have any other official relationship in a private or domestic capacity with contractors should declare that relationship to the Town Clerk.

## **5. Behaviour**

- 5.1 We must all behave with civility towards others and treat everyone with dignity and respect. Rudeness or abuse of any description cannot be tolerated from or towards other employees, Councillors or members of the public.
- 5.2 If an employee is sufficiently concerned that a member of the public has raised a matter that the either the subject and/or the manner in which it has been raised requires a public response from the Town Council they should bring the matter to the attention of the Town Clerk. The principle of Councillors making decisions and being responsible for those decisions will be borne in mind in any public response.
- 5.3 Everyone must do their best to promote the Council, its activities and decisions; criticising the Town Council to the public (including media representatives) must be avoided.
- 5.4 Employees should be particularly conscious of the impact of information posted on the internet e.g. using social media such as facebook and twitter, even when such use is in a personal capacity. Reports of inappropriate activity, comments and statements will be investigated and may lead to disciplinary action being taken and appropriate sanctions, including dismissal, being imposed.
- 5.5 Involvement in activities, which could be construed as being inappropriate to the position of a person working in the public sector will be the subject of discussion with you by your line manager and may lead to disciplinary proceedings.
- 5.6 Confidential information regarding the Council's business must not be disclosed to anybody either during or after the termination of your employment.
- 5.7 All lawful and reasonable instructions from an individual's line-manager and the Town Clerk are to be carried out.

## **6. Appointment and other Employment Matters**

- 6.1 Cullompton Town Council employees involved in making staffing appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship with them either within or outside of the workplace.
- 6.2 Similarly to 5.1 above, employees should not be involved in decisions relating to discipline, promotion or pay adjustments of any employee who is a relative or partner.

NB In this context

- “relative” means a spouse, partner, parent-in-law, son, daughter, step son, step daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece or the spouse or partner of any of the preceding persons.
- “partner” means a member of a couple who live together

## **7. Outside Commitments**

- 7.1 Whilst the Council would prefer that its employees are exclusively employed by the Council, it does realise that such an exclusive contract may not be possible. The Council does however, reserve the right to require that any other employment that is undertaken by its employees does not conflict with either the role or the standards required by the Town Council.
- 7.2 An Cullompton Town Council employee must not have any secondary employment without first obtaining the permission of the Town Clerk.

## **8. Personal Interests (including gifts and hospitality)**

- 8.1 A Cullompton Town Council employee will not use their position improperly to confer advantage or disadvantage on any person.
- 8.2 Cullompton Town Council employees should inform the Town Clerk of any non-financial interests that they consider could bring about a conflict with the Council’s interests.
- 8.3 Cullompton Town Council employees must inform the Town Clerk of any financial interests which could conflict with the Council’s interests.
- 8.4 Cullompton Town Council employees shall not accept any payment, fee, reward or benefit either direct indirect, of any kind, in connection with their employment, from any person or body other than the Council itself except as provided for in 7.5 and 7.6 below.
- 8.5 Acceptance of any gift and /or hospitality must be approved by the Town Clerk or, if the recipient is to be the Town Clerk the approval of the Finance and Policy Committee must be obtained
- 8.6 Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented.
- 8.7 All offers of gifts and hospitality, whether accepted or declined, must be recorded by the Town Clerk.

- 8.8 Cullompton Town Council employees should declare to the Town Clerk membership of any organisation not open to the public without formal membership and commitment of allegiance, and which has secrecy about rule, membership or conduct.

## **9. Tender and Contract Processes**

- 9.1 Cullompton Town Council employees must exercise fairness and impartiality when dealing with contractors and suppliers
- 9.2 Cullompton Town Council employees who are privy to confidential information on tenders or costs for either internal or external contractors should not knowingly disclose that information to any unauthorised party or organisation.
- 9.3 Cullompton Town Council employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

## **10. Corruption**

- 10.1 It is a serious criminal offence for Cullompton Town Council employees in their official capacity to corruptly receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person.

## **11. Resources**

- 11.1 Cullompton Town Council employees must ensure any public funds entrusted to or handled by them are dealt with in a responsible and lawful manner. They should strive to ensure value for money to the local community and ensure that matters are conducted in accordance with the Town Council's Financial Regulations and Standing Orders.
- 11.2 Cullompton Town Council employees must not make personal use of property of facilities of the Town Council unless authorised by the Town Clerk to do so.

## **12. Standards of Dress and Appearance**

- 12.1 Cullompton Town Council expects employees to observe a standard of personal appearance which is appropriate to the nature of the work undertaken and which portrays a professional approach in which the public can have confidence.

## **13. Alcohol, Drugs and Other Substance Misuse (please also refer to Policy 30 Alcohol and Drugs Policy, Rules and Procedures)**

- 13.1 Cullompton Town Council employees are expected to attend work without being under the influence of alcohol, drugs or other substance or have their work performance adversely impaired by such substances.
- 13.2 Cullompton Town Council employees whose performance or behaviour falls below the acceptable standard or who cause danger or inconvenience as a result of alcohol, drugs or other substance misuse may be the subject of the Council's disciplinary and / or capability procedures.

- 13.3 Cullompton Town Council employees taking prescribed drugs which may have an impact upon their performance or ability to undertake their duties are required to inform the Town Clerk.

#### **14. Criminal Charges**

- 14.1 An Cullompton Town Council employee must inform the Town Clerk if they are charged or convicted of a criminal offence this includes any driving infringements (as even a minor infringement could affect the validity of Town Council insurance)

#### **15. Intellectual Property**

- 15.1 Intellectual property is a generic legal term which refers to the rights and obligations received and granted (including copyright) in relation to, for example, inventions, patents creative writings.
- 15.2 All intellectual property created by an Cullompton Town Council employee during the course of their employment belongs to the Town Council.

#### **16. Breach of The Code**

- 16.1 Breach of this Code of Conduct will be regarded as a disciplinary matter and will be dealt with in accordance with the Council's disciplinary procedure.