



GOVERNANCE COMMITTEE

Monday 23rd May 2022 commencing at 14:30hrs in the Town Hall, 1 High Street,
Cullompton, EX15 1AB

Present

Chair: Councillor Knight

Committee Members: Councillors: Buczkowski and Haslett

In Attendance:

Note: Councillors attending by remote access are not able to participate nor vote in the meeting

Councillors: Findlay

Officers J Norris (Town Clerk)

No members of the public were present.

G 13. Chair's Announcements

There were no announcements.

G 14. Apologies for Absence

An apology for absence was received from Councillor Dale.

G 15. Declarations of Interests

No declarations of interest were made regarding any items on the Agenda at this stage of the meeting

G 16. Public Participation

This agenda item allows members of the public present at the meeting to raise matters which are relevant to the work of the Committee; up to 3 minutes will be allowed for each person.

No matters were raised.

G 17. Minutes

The Draft Minutes of the Governance Committee meeting held on 5 November 2021 were considered. (Supporting Paper A to the Agenda)

RESOLVED that the draft minutes of the meeting held on 5 November 2021 be confirmed as a correct record.

G 18. Business Procedures Risk Register

Consideration was given to the business procedures risk register (Supporting Paper B to the Agenda)

RESOLVED that it is Recommended to Council to agree the Business Procedures Risk Register attached to these Minutes as Appendix 1

G 19. Internal Audit Reports

Consideration was given to the reports from the Interim visit November 2021 (Supporting Paper C to the Agenda)

RESOLVED that it is Recommended to Council that the auditor observations are noted and that it is emphasised that bank reconciliations are the responsibility of Councillors.

Note the report from the audit visit in March 2022 had not been received in time for the meeting.

G 20. Annual Governance and Accountability Return

The Town Clerk gave an oral update as the internal auditor's report, including the annual internal audit report had not been received.

The draft AGAR will be prepared for Committee and Council consideration when the internal auditor's report is received and the Resources Committee have reviewed the month 12 finance reports.

The AGAR must be submitted to the external auditor, PKF Littlejohn by 1 July 2022.

G 21. Scheme of Delegation / Terms of Reference

The Scheme of Delegation / Terms of Reference was reviewed. (Supporting Paper F to the agenda)

RESOLVED that it is Recommended to Council that the Scheme of Delegation / Terms of Reference as attached to these minutes as Appendix 2 be approved and adopted

G 22. Personnel Policies

The following draft policies were reviewed.

- (i) Capability Policy (Supporting Paper G to the Agenda)
- (ii) Disciplinary Policy (Supporting Paper H to the Agenda)
- (iii) Grievance Policy (Supporting Paper I to the Agenda)

RESOLVED that it is Recommended to Council that the Capability Policy, Disciplinary Policy and Grievance Policy as attached to these minutes as Appendices 3, 4 and 5 respectively be approved and adopted and that the Scheme of delegation / Terms of Reference be amended accordingly.

G 23. Referrals from Council or other Committees

- (i) **Code of Conduct matters** (Council 16.11.21) (Supporting Paper J)

RESOLVED

- (i) that research is undertaken and reported back to the Committee into the possibility of having an insurance type policy similar to directors liability insurance, that Town

Councillors could call upon and which doesn't need the Town Council to make a judgement as to eligibility to submit a claim.

- (ii) that an advice leaflet is prepared and made available to Councillors giving information sources should a Councillor be the subject of a complaint.

- (ii) **Comments, complaints Log** (Resources 13.01.22) (Supporting Paper K)

RESOLVED

- (i) that it is clearly stated on the Town Council's website that contact with the Town Council will be recorded and that the content / subject of the contact will be published but personal details will be redacted and as far as possible individual's identities will be protected.,
- (ii) members of the public should be advised if something confidential is to be raised they should speak to their ward member.

G 24. Members Questions

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

No matters were raised.

The meeting closed at 15:31hrs

Cullompton Town Council
Business Procedures Risk Register
(Approved by Council 25 November 2021)

Governance Committee reviewed 23rd May 2022 – Recommended amendments are in bold red text

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	"T" action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
1	Misappropriation of Council Funds	Could Council funds be misappropriated?	<ul style="list-style-type: none"> • Fraudulent activity • Unauthorised expenditure 	<ul style="list-style-type: none"> • Loss of Council reputation • Lack of funds to proceed with authorised expenditure / projects • Legal action 	<ul style="list-style-type: none"> • Inadequate financial procedures • Lack of internal controls • Procedures not followed • Bank Reconciliations not completed 	Treat	<ul style="list-style-type: none"> • Financial Regulations reviewed annually by Council • Council formally approving all expenditure transactions in open session • Cheques require 2 Councillor signatories • 2 councillors independently authorise bank transactions • Councillors who are not bank signatories undertake bank reconciliations 	Major	Rare	Low

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	“T” action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
							<ul style="list-style-type: none"> • Financial Regulations amended to include the RFO undertaking a bank reconciliation at least once a quarter. • RFO is undertaking regular monthly reconciliations • Rota compiled for Councillors to undertake bank reconciliations monthly • Reconciliations of debit and credit card transactions to be undertaken • The completion or otherwise of bank reconciliations to be included in the regular Financial report to Resources 			

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	"T" action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
							with the name of the responsible Councillor. • Councillors undertaking payment authorisations or bank reconciliations are given a simple guide as to what is expected of them • The Guides on payment authorisations and bank reconciliations to include time frames • Committees regularly reviewing actual income / expenditure compared to budget • Purchase orders raised for all orders (except payments from petty cash)			

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	“T” action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
							<ul style="list-style-type: none"> • Spending limits set in Financial Regulations • Supplier invoices checked against orders for accuracy • Blank cheques are never signed • Internal and external audits • Cash payments to the Council discouraged • Salaries-are paid into bank accounts as per written instruction by the employee 			
2	Petty Cash	Is petty cash dealt with properly?	<ul style="list-style-type: none"> • Fraudulent activity • Inappropriate expenditure • Legal action 	<ul style="list-style-type: none"> • Loss of Council reputation 	Procedures not followed	Treat	<ul style="list-style-type: none"> • Petty cash held does not exceed an agreed maximum amount as defined in Financial Regulations 	Minor	Rare	Low

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	"T" action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
							<ul style="list-style-type: none"> • Petty cash locked away when not in use • Receipts must be produced to accompany petty cash claims • Cash received is signed for by recipient • Petty cash transactions are signed off by Councillors when a petty cash top is required • Petty Cash to be reconciled monthly as part of bank reconciliations • Internal Audit • Financial Regulations allow for a petty cash float of £50.00 for 			

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	“T” action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
							operational expenses and £40.00 for recycling bag sales and photocopying income.			
3	Market Income Note: at time of reviewing risks (May 2022) traders are not being charged for market stalls / pitches	Is all market income dealt with correctly and safely?	<ul style="list-style-type: none"> • Fraudulent activity • Risk to staff safety 	<ul style="list-style-type: none"> • Loss of Council reputation • Loss of income • Compensation payments to staff • Legal action 	Procedures not followed	Treat	<ul style="list-style-type: none"> • List of traders present is compiled by different person to who collects the fees • Numbered Receipts are given for all payments • Fees are collected by 2 people whenever possible • Fees are not collected at the same time each week • When fees are being collected at least one person in the 	Moderate	Unlikely	Low

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	"T" action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
							office is aware of departure and thus expected return time • Appropriate insurance cover is in place • Encourage electronic payment wherever possible			
4	Banking	Can money be transported safely to and from the bank	<ul style="list-style-type: none"> • Fraudulent activity • Risk to staff safety 	<ul style="list-style-type: none"> • Loss of Council reputation • Loss of income • Compensation payments to staff • Legal action 	<ul style="list-style-type: none"> • Procedures not followed • Criminal activity 	Treat	<ul style="list-style-type: none"> • Record kept in office of what is being taken to the bank to be paid in or amount to be cashed • Vary day / time visits are made for paying in purposes • When visit to bank is being made at least one person in the office is aware of departure and thus 	Major Moderate	Unlikley	Low

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	"T" action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
							expected return time • Electronic payments are being actively encouraged • Appropriate insurance cover is in place • Cash payments discouraged			
5.	On-Line banking									
	a) Unauthorised payments	Could an unauthorised payment be made?	<ul style="list-style-type: none"> • Fraudulent activity • Loss to the Council 	<ul style="list-style-type: none"> • Loss of Council reputation • Reduced finance available for planned expenditure • Legal action 	<ul style="list-style-type: none"> • Procedures not followed • Fraudulent activity • Staffing situation i.e. Permanent Town Clerk not in post 	Treat	<ul style="list-style-type: none"> • Transactions require an officer to input details and create payment list, then 2 separate councillor sign-ins and authorisations • Passwords, card readers and cards are kept in different, secure locations 	Major	Unlikely	Medium

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	“T” action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
					<p>and Deputy Town Clerk, who are 2 of 3 officers with access to bank details absent</p> <ul style="list-style-type: none"> • No permanent RFO • Lack of familiarity with Financial Regulations 		<ul style="list-style-type: none"> • Authorisation amounts set in financial regulations • All payments have an audit trail • Councillors undertaking payment authorisations or bank reconciliations are given a simple guide as to what is expected of them • Payments rota to include provisional / anticipated authorisation / payment dates • Payments are only made when Council has given approval • Councillors authorising payments are provided with the 			

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	“T” action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
							payments list and copies of all the invoices and payment details			
	b) Unable to make a payment	Can a payment be made if on-line banking not available	<ul style="list-style-type: none"> • Late payment 	<ul style="list-style-type: none"> • Loss of Council reputation • Additional costs e.g. interest charge • Legal action 	<ul style="list-style-type: none"> • Unexpected councillor absence - therefore 2 authorisers not available • Internet not available • Officer with bank access not available 	Treat	<ul style="list-style-type: none"> • 5 Councillors set up to authorise on-line payments • 3 members of staff authorised to have access to internet banking for posting and checking payments • Payments set-up and authorised in advance of scheduled payment date • Payment by cheque can be used as an alternative to on-line banking • Training on using the banking system 	Moderate	Possible	Medium

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	"T" action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
							to be provided for Councillor "bank signatories"			
	c) Incorrect Payment	Could a payment be made to the wrong payee or the wrong amount paid?	<ul style="list-style-type: none"> Budget overspend 	<ul style="list-style-type: none"> Loss of Council reputation Additional costs e.g. having to pay a second time Legal action 	<ul style="list-style-type: none"> Inadequate checking 	Treat	<ul style="list-style-type: none"> Payment schedule for Council prepared by Finance Officer Payment schedule approved by Council Payment entered on bank payment system by a different officer and checked against invoices The 2 Councillor signatories check the due payment against the invoices and list approved by Council Councillors undertaking payment authorisations or bank reconciliations 	Moderate	Likely	Medium

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	“T” action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
							are given a simple guide as to what is expected of them <ul style="list-style-type: none"> • Cheques book counterfoils and next unused cheque to be viewed as part of bank reconciliation process. • “How to Guides” prepared for authorising payments and undertaking bank reconciliations • “walk through” sessions provided to Councillors to explain how to do bank reconciliations 			
6	Payment By Cheque	Could a payment be made to the wrong payee or	<ul style="list-style-type: none"> • Late payment • Budget overspend 	<ul style="list-style-type: none"> • Loss of Council reputation 	Inadequate checking	Treat	<ul style="list-style-type: none"> • Payment schedule for Council prepared by Finance Officer 	Moderate	Possible	Low

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	“T” action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
		the wrong amount paid?		<ul style="list-style-type: none"> • Budget overspend • Reduced finance available for planned expenditure • Additional costs e.g. having to pay a second time • Legal action 			<ul style="list-style-type: none"> • Payment schedule approved by Council • 2 Councillors sign each cheque and check the due payment against the invoices and list approved by Council • Payment by cheque as largely been superseded by payment using on-line banking 			
7	Late Payments	Are invoices paid in a timely manner	<ul style="list-style-type: none"> • Outstanding Debt 	<ul style="list-style-type: none"> • Budget overspend • Reduced finance available for planned expenditure • Broken contracts and thus 	<ul style="list-style-type: none"> • Lack of trained staff • Staff absence • Lack of Councillor availability • Council meeting cycle not 	Treat	<ul style="list-style-type: none"> • Payments schedule is an on-going document • Finance officer puts invoice on the system • The accounting software systems highlight ageing of invoices. List is 	Moderate	Possible Likely	Medium

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	"T" action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
				compensation claims • Penalty charges being incurred • Difficulty in purchasing goods and services	conducive to getting payments authorised • Officer with bank access not available • Insufficient staff available to maintain separation of duties		checked on a weekly basis • Resources Committee receive a list of creditors as part of their financial monitoring regime.			
8.	Income received by cheques / cash	Are cash / cheques being received	• Fraudulent activity • Loss to the Council	Reduced finance available for planned expenditure	• Procedures not followed • Payment not received • Fraudulent activity • Payment incorrectly recorded	Treat	• Incoming post logged • Receipt issued by Deputy Clerk or Officer who did not raise the invoice • Cash / cheques stored in safe until banked • Received Income Transactions List	Moderate	Rare	Low

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	"T" action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
							checked against bank paying in slip <ul style="list-style-type: none"> • Internal Audit • Encourage electronic banking and use of card machine 			
9.	Salaries	Are salaries always paid correctly with the correct deductions made?	<ul style="list-style-type: none"> • Staff being underpaid • Staff being overpaid • Reduced staff morale 	<ul style="list-style-type: none"> • Loss of Town Council reputation • Possibility of fines issued by HMRC • Fraudulent activity • Loss to the Council • Compensation payments 	<ul style="list-style-type: none"> • Procedures not followed • Changes to NI or tax rates not implemented • Changes to pay scales not implemented • Fraudulent activity • Insufficient staff available 	Treat	<ul style="list-style-type: none"> • Salaries paid by monthly bank transfer • Salaries paid in accordance with individual staff contracts • Payments made monthly to HMRC • Payments made monthly to DCC for pension contributions • Wages software used • Salary Calculations made and then independently 	Moderate	Possible	Medium

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	"T" action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
					who are familiar with the salaries calculations and payroll system		checked in accordance with policy agreed by Council <ul style="list-style-type: none"> • Overtime authorised by Town Clerk and reported to Resources Committee • Internal Audit • 			
10.	VAT	Are the correct amounts of VAT charged and reclaimed	<ul style="list-style-type: none"> • Under-charging for services • Inaccurate VAT claims submitted 	<ul style="list-style-type: none"> • Loss of Council reputation • Possible action / fines by HMRC • Reduced level of finance available for planned expenditure 	<ul style="list-style-type: none"> • Application of incorrect VAT rate • Lack of staff experience and training 	Treat	<ul style="list-style-type: none"> • Vat claims made quarterly • Vat rates identified on accounting system • Financial Officer prepares Vat returns which are checked by Responsible Financial Officer • Internal audit • Staff training • access to a VAT advisor 	Moderate	Unlikely	Medium

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	"T" action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
11	Loss of financial data	Whether or not the Town Council could make payments and produce legally required financial information	<ul style="list-style-type: none"> • The town council operating in an unprofessional manner 	<ul style="list-style-type: none"> • Loss of Town Council reputation • Critical /adverse audit report • Legal actions 	<ul style="list-style-type: none"> • Software or hardware failure • Deliberate action e.g. hacking 	Treat	<ul style="list-style-type: none"> • Finance data is backed up on remote server • Internet security • Access controls - only authorised persons have access to the financial systems 	Major	Unlikely	Medium
12.	Insurance	Whether or not the Town Council has appropriate cover to meet potential losses and / claims	<ul style="list-style-type: none"> • Inability to replace assets • Inability to meet claims made against the Town Council • Increased insurance cost / excessive insurance premiums 	<ul style="list-style-type: none"> • Loss of Town Council reputation • Inability to carry out responsibilities due to lack of equipment • Severe financial difficulties 	<ul style="list-style-type: none"> • Inadequate scrutiny of insurance cover taken • Insurers not updated of equipment changes • Insurers not notified of changed circumstance 	Treat	<ul style="list-style-type: none"> • Insurance cover reviewed annually by the Governance Committee • Asset register maintained and reviewed • Risk management systems in place and reviewed annually 	Major	Rare	Low

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	“T” action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
				<ul style="list-style-type: none"> • Legal action 	<ul style="list-style-type: none"> • Insurers not notified of new events 					
13.	Budget	Is the budget set at a level to enable the Town Council to fulfil its plans without either significant under or over spending?	<ul style="list-style-type: none"> • Inability to deliver services and planned projects 	<ul style="list-style-type: none"> • Loss of Town Council reputation • Broken contracts and thus compensation claims 	<ul style="list-style-type: none"> • Poor financial monitoring • Poor understanding of town council finance and budget matters • Poor project planning • Lack of community consultation • Insufficient staff to prepare monitoring reports 	Treat	<ul style="list-style-type: none"> • budget monitoring by Committees – including consideration of variations at least quarterly • Budget monitoring oversight by the Resources Committee • Committees forward plan potential budget requirements, including community consultation • Emergency expenditure is reported to 	Moderate	Possible	Medium

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	"T" action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
					<ul style="list-style-type: none"> • No permanent RFO in post • Staff not familiar with budget 		councillors as soon as possible • Unbudgeted expenditure is avoided as far as possible • Current year contingency fund			
14	Reserves	Are the Town Council's reserves at an appropriate level?	<ul style="list-style-type: none"> • Setting an unnecessarily high budget (if reserves are too high) • Lack of resilience for expenditure plans (if reserves too low) 	<ul style="list-style-type: none"> • Loss of Town Council reputation • Loss of Town Council reputation • Poor audit reports • Inappropriate spending 	<ul style="list-style-type: none"> • Inaccurate budgeting • Projects not proceeding as planned 	Take Advantage & Treat	<ul style="list-style-type: none"> • Implement project plans • Monitor reserves • Reserves Policy agreed by Council 	Moderate	Unlikely	Low
15	Health & Safety Risk Assessments	Are health & Safety Risk Assessments carried	<ul style="list-style-type: none"> • Lack of health & safety measures implemented 	<ul style="list-style-type: none"> • Loss of Town Council reputation 	<ul style="list-style-type: none"> • Lack of staff training • Insufficient staffing capacity 	Treat	<ul style="list-style-type: none"> • Health & safety Advisors / consultants to be appointed 	Major	Likely Possible	High Medium

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	"T" action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
		out in a timely manner		<ul style="list-style-type: none"> • Possible injuries to staff, Councillors, or the public • Legal action 			<ul style="list-style-type: none"> • Risk assessments undertaken for specific operations, locations & circumstances • Health & Safety Policy needs revision-under review • Health & Safety Report received and to go to June Resources Committee, initial oral report stated no life threatening / business closing type risks identified 			
16	Fire Risk Assessments	Are fire risk assessments carried out in a timely manner	<ul style="list-style-type: none"> • Lack of fire prevention measures implemented • Lack of procedure in case of fire 	<ul style="list-style-type: none"> • Possible injuries to staff, Councillors, or the public 	<ul style="list-style-type: none"> • Lack of staff training • Insufficient staffing capacity 	Treat	<ul style="list-style-type: none"> • Fire Safety-Advisors / consultants appointed • Fire extinguishers checked routinely by a specialist contactor 	Major	Likely Possible	High Medium

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	“T” action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
					<ul style="list-style-type: none"> Inadequate fire risk assessment 		<ul style="list-style-type: none"> Fire Risk Assessments of Town Hall and Cemetery Working Area undertaken in September 2021, mitigating actions taken to reduce identified risks 			
17	Council acts Ultra Vires	Whether or not the Town Council acts in a lawful manner	<ul style="list-style-type: none"> Council makes an unlawful decision or one it had no power to make 	<ul style="list-style-type: none"> Loss of Town Council reputation Non-Completion of associated project or implementation of decision Legal action 	<ul style="list-style-type: none"> Lack of information Lack of appropriate subject knowledge Non-adherence to relevant legislation, policy or procedure No Proper Officer appointed 	Treat	<ul style="list-style-type: none"> Trained Clerk and Deputy Clerk Governance documents reviewed regularly Membership of the Association of Local Councils Councillor training 	Moderate Major	Unlikely Likely	Low High

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	"T" action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
18	Governance and Policy Framework	Whether or not the Town Council makes decisions in accordance with its governance and policy framework	<ul style="list-style-type: none"> • Inconsistent decision making 	<ul style="list-style-type: none"> • Loss of Town Council reputation • Conflicting Council priorities • Conflicting council decisions • Legal action 	<ul style="list-style-type: none"> • Lack of communication between committees • Inadequate Councillor training • Inadequate knowledge of Town Council policies / relevant legislation • No Proper Officer appointed 	Treat	<ul style="list-style-type: none"> • Weekly staff meetings huddle • Weekly meeting between Town Clerk, Deputy Town Clerk & Outdoor Team Supervisor • Agendas and minutes of all meetings circulated to all Councillors • Councillor training programme to be developed • Policy Review Working Group systematically reviewing policies 	Major	Possible	Medium

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	"T" action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
19	Business Continuity - (COVID-19 or other emergency situation)	Whether or not it is possible to continue Town Council business	<ul style="list-style-type: none"> • Services not provided 	<ul style="list-style-type: none"> • Loss of Town Council reputation • Non-Completion of projects or decisions not implemented 	<ul style="list-style-type: none"> • Staff sickness • Council meetings not quorate • Council / committee not able to meet • Lack of active Councillors • Lack of staff capacity 	Treat	<ul style="list-style-type: none"> • Risk mitigation measures introduced for Council / committee meetings as appropriate (and separate, specific risk assessment undertaken and regularly reviewed) • Screen erected around reception desk • Payments taken by card or bank transfer except in exceptional circumstances • All work stations supplied with cleaning materials • Government shielding advice followed 	<u>Major</u>	<u>Unlikely</u>	<u>Medium</u>

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	"T" action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
							<ul style="list-style-type: none"> Outdoor team advised to wear face masks when travelling in van and for van to be cleaned on a regular basis. 			
20	Staffing									
	a) Capacity	Are there sufficient staff at appropriate levels to deliver the Town Council's existing and planned services / projects?	<ul style="list-style-type: none"> Services not provided Projects delayed / not started / abandoned Projects not completed or not completed to expected standard Decisions not implemented 	<ul style="list-style-type: none"> Loss of Town Council reputation 	<ul style="list-style-type: none"> Insufficient staff available 	Treat	<ul style="list-style-type: none"> Vacant jobs advertised Use of locum staff for Town Clerk and Deputy Town Clerk positions Use of contractors Employment of temporary staff / agency staff 	Major	Almost Certain	Very High
	b) Capability	Do the available staff	<ul style="list-style-type: none"> Services not provided 	<ul style="list-style-type: none"> Loss of Town 	<ul style="list-style-type: none"> Available staff not having 	Treat	<ul style="list-style-type: none"> Use of locums Appoint temporary fixed term contract 	Major	Likely	High

No	Short Risk Description	Uncertainty ?	Leading To?	Resulting In?	Possible Causes	"T" action	Controls / Actions	(Residual) Impact Assessment	(Residual) Likelihood Assessment	(Residual) Risk Score
		have the requisite knowledge	<ul style="list-style-type: none"> • Projects delayed / not started / abandoned • Projects not completed or not completed to expected standard • 	Council reputation	<ul style="list-style-type: none"> • appropriate knowledge • Available staff not having appropriate experience 		<ul style="list-style-type: none"> • staff / consultants / advisors with specialist knowledge 			

Risk Assessment Grid

		Negligible	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Rare (< 6%)	1	Low	Low	Low	Low	High
Unlikely (6 - 20%)	2	Low	Low	Low	Medium	High
Possible (21 – 50%)	3	Low	Low	Medium	Medium	High
Likely (51 – 80%)	4	Low	Medium	Medium	High	Very High
Almost Certain (> 80%)	5	Low	Medium	High	Very High	Very High

T Treatments: Tolerate, Treat, Transfer, Terminate, Take advantage

DRAFT

CULLOMPTON TOWN COUNCIL



POLICY TITLE	Scheme of Delegation
POLICY NO	9
REVISION DATE	June 2022
REPLACES POLICY	
POLICY AIM	To set out how the Council operates and transacts its business.

HOW THE COUNCIL OPERATES

Councillors agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. A copy of this Code is available on the Council's website www.cullomptontowncouncil.gov.uk or on request from the Council office.

All Councillors meet together once a month. The Council conducts its business through Committees. The responsibilities of each committee are set out in Section 4 and are reviewed annually. It is in the Committees that the Councillors decide the Council's overall

policies and set the budget for each year. The Council retains certain powers and duties to itself and delegates to committees, sub-committees and on occasion to officers.

Membership of the various committees, sub-committees, working groups and outside bodies representatives are appointed at the Council's Annual Meeting in May of each year. The Committees themselves set the dates for their meetings.

Decision Making *The Town Council and its Committees, Working Groups and staff will endeavour to work within the policy framework set by the Town Council and Its Committees; if the Town Council or a Committee makes a decision which deviates from an agreed, existing policy the reason for the deviation will be included in the minute recording the decision. If a member of staff makes a decision which deviates from an agreed, existing policy the reason it will be reported to the next relevant Committee meeting. All decisions will be made with due regard to the following principles:*

- *Legality*
- *Financial prudence and value for money*
- *The management of risk in a proportionate and considered manner*
- *The exercise of power must be proportionate to the desired outcome*
- *Account will be taken of consultation with partners and the public*
- *Proper consideration of advice from Officers and professional advisors*
- *Respect for human rights, diversity and equality*
- *Environmental impact and sustainability*
- *Council, Committee and Sub Committee decisions will be made in public whenever appropriate and possible*

Specifically, decision makers will ensure that in arriving at a decision full and proper consideration is given to:

- *The likely effect on crime and disorder and the need for prevention (Crime and Disorder Act 198 S 17)*
- *The Town Council's duty to promote equality and diversity*
- *Human Rights Legislation*
- *Environmental impact and sustainability*
- *Health and safety*
- *Obtaining and delivering value for money"*

1. FULL COUNCIL

Number of Members: 15 i.e. all Town Councillors

Frequency of Meetings: Monthly

Open to the Press and Public: Yes (unless a Resolution is made to exclude the press and public for a specific item / specific reason)

Quorum: 1/3 of the whole number of members of the Council (Standing Order 3v)

Overall Purpose / Scope: To provide strategic direction for the Council, determine its policies and make its major spending decisions

- i. Setting the annual budget
- ii. Issuing the precept demand.
- iii. Borrowing money.
- iv. Approving the Annual Statement of Accounts and Annual Report (AGAR) (taking into account recommendations, if any, from the Governance Committee).
- v. Incurring capital expenditure over and above the council's approved budget.
- vi. Incurring revenue expenditure which is over and above the council's approved budget
- vii. Incurring revenue expenditure which is in excess of £5,000 per item.
- viii. Approving any grant or single commitment in excess of £5,000
- ix. Making decisions on matters involving expenditure for which there is not an existing budget provision
- x. To receive agree budget virements requested by Committees
- xi. To approve the Town Council's banking arrangements including the approval of account signatories
- xii. Approving and amending Standing Orders and Financial Regulations (taking into account recommendations, if any, from the Governance Committee) .
- xiii. Writing off bad debts (taking into account recommendations, if any, from the Resources Committee)
- xiv. Addressing recommendations in any report from the internal or external auditors.
- xv. Reviewing the Council's Committee structure and procedures as necessary and **defining** the number of Committees together with the number of members appointed to each Committee.
- xvi. Determining the functions and constitution of Committees.
- xvii. **Setting** the dates of routine meetings of the Council. Individual Committees shall have delegated authority to agree the dates of their meetings.
- xviii. Filling of member vacancies on the council and any of its Committees.
- xix. Appointing or nominating members to fill vacancies on outside bodies on behalf of the council and receiving reports from the meetings of outside bodies.
- xx. To review the administrative functions of the council.
- xxi. To exercise the council's power to direct as to the custody of parish property and documents in accordance with the provisions of the Local Government Act 1972 Section 226.
- xxii. To consider legislation and the consequences thereof upon the council and disseminate such information to all members of the authority and its staff.
- xxiii. To decide upon matters referred by Committees.
- xxiv. Agreeing responses to Planning and Licensing Applications in all cases except where the Planning and Licencing Working Group guidance is that there are no objections to an application.

- xxv. The election of the Town Mayor and appointment of the Deputy Town Mayor.
- xxvi. Confirming the appointment or dismissal of the Town Clerk.
- xxvii. Approving and adopting all Town Council policies
- xxviii. Declaring eligibility for the General Power of Competence

2. COMMITTEE RULES AND STRUCTURES

Note: the provisions in this section apply to Committees and Sub Committees

- The composition of Committees shall be no more than 7 (seven) members of the council excluding the Town Mayor and Deputy Town Mayor.
- The Town Mayor and Deputy Town Mayor shall be ex-officio members of all Committees and Sub Committee's with full voting rights.
- Each Committee shall be responsible for the election of Committee Chairman and, if required, Vice-Chairman.
- All members of the council may attend all meetings of the Committees and speak with the permission of the Committee Chairman but may not vote unless appointed as a member of the Committee.
- Three members of a Committee shall constitute a quorum.
- If a Committee is not quorate then any Council member present at the meeting, but not a member of that committee, can be co-opted onto the Committee and have full voting rights for that meeting only.
- Committees have delegated powers to make binding decisions on behalf of the council as indicated in their delegated responsibilities provided that in all cases the meeting is quorate. If the number of members present, not including those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.
- Committees may form Sub-Committees as required to deal with specific issues as necessary.
- Non-council members may be co-opted onto all Council Committees, Sub-Committees and Working Groups at the discretion of the members of that Committee, Sub-Committee or Working Group with the exception of Resources Committee, the Appeals Committee and the Governance Committee. Non council members of Council Committees will have no voting rights.
- Individual Committee Terms of Reference shall be reviewed by the Committee and ratified by the council annually.
- Expenditure on revenue items may be authorised by a Committee up to the amounts included for that class of expenditure in the approved budget provided that such expenditure does not exceed £5,000 (Financial Regulations 4.1)

3. RESPONSIBILITY DELEGATED TO CULLOMPTON TOWN COUNCIL OFFICERS

The Proper Officer. The Town Clerk is designated and authorised as Proper Officer for the purpose of all relevant sections of the Local Government Act 1972, the Localism Act **2011** and any other statute requiring the designation of a Proper Officer.

a. General Matters:

- i. To sign on behalf of the council any document necessary to give effect to any decision of the council.
- ii. In consultation with the Council, to take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation to the council.
- iii. To institute, defend and appear in any legal proceedings authorised by the council.
- iv. To make representations to any tribunal or public inquiry into any matter in which the council has an interest either in its own right or on behalf of the citizens of Cullompton.
- v. To decide arrangements for the closure of the council's premises.
- vi. To manage the council's facilities and assets including allotments, open space, amenity areas, cemeteries, the Town Hall and other building and assets.
- vii. To grant grave spaces.
- viii. To convene meetings of the Planning and Licensing Working Group (date time and place including meetings with remote attendance) provided that there is at least 1 meeting per month
- ix. To respond to planning and licensing applications where the Planning and Licensing Working Group guidance is that there are no objections to the application

b. Financial Matters:

- (i) The Town Clerk is authorised to incur expenditure for any items below £1,000 for that class of expenditure in the approved budget (Financial Regulations 4.1)
- (ii) The Town Clerk is authorised to incur emergency expenditure up to a maximum of £1,000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the council's Financial Regulations.

c. Staffing Matters. The Town Clerk is given delegated powers to manage council staff in accordance with the council's policies, procedures and budget including:

- i. Control of staff performance and discipline.
- ii. Payment of expenses and allowances in accordance with the council's scheme.
- iii. To present to the Resources Committee recommendations for employees' increments in accordance with the council's staff appraisal scheme.

d. Urgency. The Town Clerk is authorised to act on behalf of the council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the council or relevant Committee or Sub-Committee. Where possible, the Town Mayor and the Chairman of any relevant Committees are to be consulted before such action is taken.

4. COMMITTEE STRUCTURE

COMMITTEES

- **Appeals:** To hear and determine appeals against decisions taken with regard to capability, disciplinary and grievance matters (in the case pertaining to the Town Clerk to make recommendation to Council)
- **Cemetery and Town Hall:** The care, management and improvement of Cullompton's Cemetery and Town Hall; fire safety for all areas under the Town Council's control
- **Community Well-Being:** Health, community safety, community events, play areas, Top Field and Haymans Close Allotments, community transport, Public Rights of Way, Youth Service provision and the general well-being of the people that live in Cullompton parish.
- **Gift of A Burrow for Allotments:** The Burrows Allotment Field, a registered charity with its own bank account, for which the Council is the sole trustee.
- **Governance Committee:** Risk Management, Insurance, Annual Accounting Statements and Annual Governance Statement (AGAR), review of Governing documents, policy development and review
- **Resources:** Finance and personnel matters
- **Town Centre & Economic Development:** Management and promotion of the outdoor market, St Andrews car park, public toilets, town centre revitalisation, Codners Corner, CCTV, street furniture and floral enhancement of the town and the War Memorial.

STEERING AND WORKING GROUPS

- **Christmas Lights Event Working Group:** Organisation of Cullompton's Annual Christmas Festival. Reports to Community Wellbeing Committee.
- **Community Resilience:** To provide and support a co-ordinated approach to helping the parish of Cullompton during emergency situations and in the immediate months following any such emergency. (see page 10 for detailed ToR)
- **ICT Working Group:** Information, Communication and Technology matters. Reports to Resources Committee
- **Planning and Licensing Working Group** To consider and draft responses to all planning and licensing applications where the Council is consulted
- **Policy Review Working Group:** Review Council's policy and procedural documents, including an annual review of the Council's emergency plan. Reports to the Governance Committee
- **Strategic Consultations Working Group:** to consider consultation documents and prepare draft responses for the Town Council's consideration
- **Youth Services Working Group:** Make recommendations to Full Council relating to the provision of youth services in Cullompton and prepare a youth strategy for Cullompton. Reports to Community Wellbeing.

PROPERTY FOR WHICH THE COUNCIL IS THE SOLE TRUSTEE

Upcott Recreation Field and Gift of A Burrow for Allotments

4.1. APPEALS COMMITTEE

Councillors No of Members: 5 Town Councillors who cannot be the Mayor, Deputy Mayor nor members of the Resources Committee

Frequency of Meetings: when required

Open to the Press and Public: Unlikely as the Committee will be dealing with personnel issues - a Resolution is made to exclude the press and public for a specific item / specific reason)

Quorum: 3 Committee members

Reports to: Town Council

Overall Purpose / Scope. Hearing and determining appeals regarding capability, discipline and grievance matters

Outputs: Final Decisions on appeals regarding capability, discipline and grievance matters for staff other than the Town Clerk

Recommendation to Council on any appeal made by the Town Clerk regarding termination of employment

- Considering and deciding whether individual appeals have established grounds for appeal according to the capability, disciplinary or grievance procedures.
- To gather and consider information and evidence at appeal committee hearings and to decide, on the basis of that information, whether an appeal should be upheld or rejected.

4.2 CEMETERY AND TOWN HALL COMMITTEE

Councillors No of Members: 7 Town Councillors + Mayor & Deputy Mayor as Ex Officio voting members

Frequency of Meetings: Monthly

Open to the Press and Public: Yes (Unless a Resolution is made to exclude the press and public for a specific item / specific reason)

Quorum: 3 Committee members

Reports to: Town Council

Overall Purpose / Scope. To have oversight of matters pertaining to the Cemetery and the Town Hall

Outputs:

Specific Responsibilities:

- i. The care, maintenance and regulation of the Cemetery, Town Hall and .*
- ii. On an annual basis, review and set the Council's fees and charges for the cemetery and Town Hall.*
- iii. To control the finances of the Cemetery and Town Hall budget lines, including virements between the budget lines subject to the limits of the budget agreed by Council *
- iv. To undertake quarterly reviews of expenditure against the approved budget and to report to the council highlighting any concerns.
- v. To develop, fund and bring to fruition, projects for the improvement of the Cemetery and Town Hall.
- vi. Fire safety for all areas under the Town Council's control
- vii. To develop and draft policies for matters pertaining to the Cemetery and Town Hall for approval by the Town Council
- viii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the likely effect on crime and disorder and the need for prevention (Crime & Disorder Act 1998 S17)
- ix. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the Council's duty to promote equality and diversity
- x. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to Human Rights legislation
- xi. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to environmental impact and sustainability
- xii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to health and safety
- xiii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to obtaining and delivering value for money.

4.3 COMMUNITY WELLBEING COMMITTEE

Councillors No of Members: 7 Town Councillors + Mayor & Deputy Mayor as Ex Officio voting members

Frequency of Meetings: Monthly

Open to the Press and Public: Yes (Unless a Resolution is made to exclude the press and public for a specific item / specific reason)

Quorum: 3 Committee members

Reports to: Town Council

Overall Purpose / Scope.

Outputs:

Decision Making Power: as indicated by *

Specific Responsibilities:

- i. Any matters which impacts on the general health and wellbeing of those living in Cullompton parish.
- ii. To make appropriate representations to any relevant agency in relation to any incident event or action which, in the opinion of the Council, is detrimental to the health of the community in its area.
- iii. To work with other authorities to maintain, develop and promote the public footpaths within the Parish through schemes such as the Parish Paths Partnership.
- iv. To organise the Christmas lighting display and Christmas Event(s)
- v. To organise other community events.
- vi. Public safety and crime and disorder.
- vii. To prepare, monitor and review the Council's Sport and Leisure Strategy.
- viii. To oversee the Council's archive project.
- ix. To establish and foster civic relationships with such bodies or organisations as the Council may authorise.
- x. The care maintenance and regulation of play areas and play equipment under the control of the Council and make recommendations in relation to play areas and public open space not in the control of the Town Council.
- xi. The care, maintenance and control of the 'Top Field' and Haymans Close allotment sites, including regular review and setting of fees. *
- xii. To investigate opportunities to improve transport links, to include community bus service.
- xiii. Public relations and promotion: including newsletter and appropriate communication documents.
- xiv. To have overall responsibility for the Emergency Plan
- xv. To determine any requests for funding - grants or otherwise – for work on The Leat (as the committee is the budget holder)
- xvi. To commission and manage youth service provision for Cullompton, including the agreement of the content of any related contract or Service Level Agreement
- xvii. To approve any expenditure regarding youth service provision where a budget has already been agreed by Council
- xviii. To consider the recommendations of the Youth Services Working Group regarding a Youth Strategy for Cullompton and refer the final draft to Council for approval
- xix. To oversee and monitor the implementation of a youth service strategy for Cullompton
- xx. To control the finances of the budget lines within the Committee's areas of responsibility, including virements between the budget lines subject to the limits of the budget agreed by Council.

- xxi. To develop and draft policies for matters pertaining to play areas, allotments, youth services and any other topics falling within the remit of the Community Wellbeing Committee for approval by the Town Council
- xxii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the likely effect on crime and disorder and the need for prevention (Crime & Disorder Act 1998 S17)
- xxiii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the Council's duty to promote equality and diversity
- xxiv. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to Human Rights legislation
- xxv. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to environmental impact and sustainability
- xxvi. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to health and safety
- xxvii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to obtaining and delivering value for money.

4.4 GOVERNANCE COMMITTEE

Councillors No of Members: 7 Town Councillors + Mayor & Deputy Mayor as Ex Officio voting members

Note: The Chair of the Governance Committee should not also hold the position of Mayor or Chair or Vice-Chair of any other Town Council Committee

Frequency of Meetings: As and when required (Usually twice a year)

Open to the Press and Public: Yes (Unless a Resolution is made to exclude the press and public for a specific item / specific reason)

Quorum: 3 Committee members

Reports to: Town Council

Overall Purpose / Scope To ensure that the Council operates in an effective, efficient and ethical manner whilst complying with legal requirements and its own policies and procedures taking into account recommendations from audits.

Outputs: Business Procedures Risk Register; New and revised Town Council policies

Decision Making Power: None

Specific Responsibilities:

- i. To consider reports from the Internal Auditor and make recommendations to the Town Council regarding the observations and recommendations from the Internal Auditor.
- ii. To consider reports from the External Auditor and make recommendations to the Town Council regarding the observations and recommendations from the Internal Auditor.
- iii. To make arrangements for the appointment of an internal auditor and make recommendations to Council.
- iv. To review the effectiveness of internal controls and make recommendations to the appropriate Committee and / or Town Council.
- v. To have oversight of the production of the Annual Governance Statement and Annual Statement of Accounts and to make recommendations to the Town Council regarding its approval.
- vi. To monitor and review the Town Council's Standing Orders, Scheme of Delegation and Financial Regulations and to recommend changes to the Town Council.
- vii. To monitor and review the Town Council's insurance arrangements including making recommendations to Town Council regarding the appointment of insurance provider(s).
- viii. To review the Town Council's business procedures risk register and make recommendations to the Town Council.
- ix. To regularly review and update the policies of the Town Council.
- x. To ensure that the Council's strategies, policies and procedures are undertaken in accordance with statutory and legislative requirements.
- xi. To scrutinise the implementation and effectiveness of Town Council policies.
- xii. To review draft policies prepared by other Committees to ensure that the Town Council's policies are consistent and complementary.
- xiii. To develop and draft policies which are required but do not fall within the remit of any other Committee.
- xiv. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the likely effect on crime and disorder and the need for prevention (Crime & Disorder Act 1998 S17).
- xv. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the Council's duty to promote equality and diversity.

- xvi. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to Human Rights legislation.
- xvii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to environmental impact and sustainability.
- xviii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to health and safety.
- xix. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to obtaining and delivering value for money.

4.5 RESOURCES COMMITTEE

Councillors No of Members: 7 Town Councillors + Mayor & Deputy Mayor as Ex Officio voting members

Frequency of Meetings: Monthly

Open to the Press and Public: Yes (Unless a Resolution is made to exclude the press and public for a specific item / specific reason)

Quorum: 3 Committee members

Reports to: Town Council

Overall Purpose / Scope.

Outputs:

Decision Making Power: as indicated by *

Specific Responsibilities:

Administration:

- i. To maintain a continuous general oversight on the Council's administration.
- ii. To oversee the strategic and policy issues affecting the Council's acquisition and development of information technology.
- iii. To recommend on the acquisition and renewal of vehicles and ensure the maintenance and serviceability of vehicles in a roadworthy state.
- iv. To consider and agree any matter regarding internet access at the Town Hall, including enabling town centre wi fi.

a. Finance

- i. To provide effective oversight and scrutiny of the Town Council's budget, reserves and balances including recommending and monitoring the annual budget.
- ii. To undertake quarterly review of the Town Council's expenditure against the approved budget and to report to the Council highlighting any variations.
- iii. To scrutinise the proposed income and expenditure plans of Committee's in order to assist Council in agreeing a balanced budget and setting the precept.
- iv. To consider virements as necessary and make recommendations to Council.
- v. To undertake regular review of the council's banking arrangements and investments.
- vi. To make investment decisions in line with the Town Council's Investment Strategy
- vii. To consider and determine grant applications made to the Town Council (other than those relating to the Leat)
- viii. To consider matters referred by the council.
- ix. To control the finances of the budget lines within the Committee's areas of responsibility, including virements between the budget lines subject to the limits of the budget agreed by Council.
- x. To ensure that funding opportunities and income generation opportunities are explored and developed

b. Personnel:

- i. To recruit, retain and develop staff and councillors to undertake the work of the council.
- ii. The Chairman of the Policy, Finance & Personnel Committee or the Town Mayor or Deputy Town Mayor is to conduct the annual appraisal of the Town Clerk. agree objectives and bring a report back to the Committee

- iii. To agree and monitor training requirements for staff and councillors within an agreed budget.
- iv. To consider requests referred by the Town Clerk from Members and staff to attend conferences, courses and meetings relevant to the work of the council.
- v. To consider matters emanating from employment procedures contained in the Contract of Employment applicable to all members of staff employed by the council and to determine such matters in accordance with the Town Council's relevant policy and procedures.
- vi. To receive and note annual and other appraisals and be the point of contact for any appeal.
- vii. To deal with any staff complaint concerning the Town Clerk.
- viii. To deal with any staff matters referred by the Town Clerk.
- ix. To deal with any other personnel matters.
 - x. To decide, with the Town Clerk and any other staff concerned, any issues relating to staffing levels and re-grading, pay levels and staffing structures.
- XI. to develop and implement the Town Council's health and safety policy and have oversight of related working practices and administration
- XII. To ensure that the council complies with health and safety legislation and best practice.
- xx. To develop and draft policies for matters pertaining to the financial administration of the Town Council and staffing matters for approval by the Town Council
- xxi. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the likely effect on crime and disorder and the need for prevention (Crime & Disorder Act 1998 S17)
- xxii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the Council's duty to promote equality and diversity
- xxiii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to Human Rights legislation
- xxiv. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to environmental impact and sustainability
- xxv. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to health and safety
- xxvi. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to obtaining and delivering value for money.

4.6 TOWN CENTRE AND ECONOMIC DEVELOPMENT COMMITTEE

Councillors No of Members: 7 Town Councillors + Mayor & Deputy Mayor as Ex Officio voting members

Note: Committee composition, in addition to the nominated Councillors, the weekly market, the Farmers Market and Culm Valley In Business each have a representative on the Town Centre and Economic Development Committee and those representatives may participate in a meeting as a Committee member but do not have any voting rights (as the Committee has delegated authority to deal with some financial matters).

Frequency of Meetings: Monthly

Open to the Press and Public: Yes (Unless a Resolution is made to exclude the press and public for a specific item / specific reason)

Quorum: 3 Committee members

Reports to: Town Council

Overall Purpose / Scope.

Outputs:

Decision Making Power: as indicated by *

Specific Responsibilities:

- i. To manage, monitor and regulate the Council's market activities including controlling the market finances, setting and reviewing fees for market pitches and other associated fees
- ii. To manage, control and regulate the town's CCTV system.*
- iii. The care, maintenance and regulation of St Andrews car park and Codners Corner*.
- iv. To control the finances of the. St Andrews car park, This includes setting and reviewing the car park charges*
- v. The care, maintenance and regulation of public toilet facilities in the town centre.*
- vi. The care, maintenance and regulation of the War Memorial*
- vii. The care and maintenance of the town's street furniture*
- viii. The care and maintenance of the floral enhancement of the town*
- ix. To control the Town Maintenance budget and undertake quarterly review of income and expenditure.
- x. Project and economic development to improve the viability of the town centre
- xi. Makes recommendations on behalf of the Town council to the appropriate authority / organisation on highways issues such as parking, traffic calming, highway improvements, maintenance of verges, drainage and gullies.*
- xii. Liaises with relevant organisations regarding issues relating to public transport*
- xiii. To control the finances of the budget lines within the Committee's areas of responsibility, including virements between the budget lines subject to the limits of the budget agreed by Council.
 - a. To develop and draft policies for matters pertaining to the remit of the town Centre & Economic Development Committee, including the market and St Andrews car park, for approval by the Town Council
- xiv. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the likely effect on crime and disorder and the need for prevention (Crime & Disorder Act 1998 S17)
- xv. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to the Council's duty to promote equality and diversity

- xvi. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to Human Rights legislation
- xvii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to environmental impact and sustainability
- xviii. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to health and safety
- xix. To ensure that in respect of the Committee's work, decisions and activities that full and proper consideration is given to obtaining and delivering value for money.

4.7 TOWN CLERK HR COMMITTEE

Councillors No of Members: Mayor, Deputy Mayor, Chair of Resources and if any of the former posts are held by the same person the Vice-Chair of Resources

Frequency of Meetings: When required

Open to the Press and Public: Unlikely as the Committee will be dealing with personnel issues - a Resolution is made to exclude the press and public for a specific item / specific reason)

Quorum: 3 Committee members

Reports to: Town Council

Overall Purpose / Scope. To support and manage the Town Clerk

Specific Responsibilities:

- (i) To act as the Town Clerk's first point of contact for any concern's relating to their employment
- (ii) To conduct the Town Clerk's appraisal

**Community Resilience Working Group
Terms of Reference
(agreed by Town Council on 21 April 2020, amended 25 June 2020)**

Scope: To provide and support a co-ordinated approach to helping the parish of Cullompton during emergency situations and in the immediate months following any such emergency.

Note: an emergency situation can range from a major accident, flooding, fire or health pandemic

Reports to: Full Town Council

Membership: Mayor, Chair of Policy, Finance and Personnel Committee,
Chair of Community Wellbeing Committee(all three being ex officio appointments) (this means that should the Mayor / Chair be unable to attend the Deputy Mayor / Vice-Chair may deputise)

A maximum of 5 other Town Councillors

Chair: Mayor

Standing Invitees: Any relevant Volunteer Group / Organisation
Food Bank
Church
Dr Surgeries
Pharmacies
District Councillors
Blue Light Services

Outputs:

- A shared understanding of what help and services are available for people living within the parish of Cullompton
- A shared understanding of what help and services are available for businesses / organisations operating within the parish of Cullompton
- A shared understanding of what additional help/ services may be useful and who / how that can be provided
- Constructive and timely support from the Town Council during and immediately after the emergency situation
- Dissemination of accurate information

Delegated Powers / Decision Making: None (NB: The PFP Committee 12.03.2020 resolved that following consultation with the Mayor and Chair of PFP Committee that the Town Clerk is given delegated authority, following consultation with the Mayor and the Chair of the Policy, Finance and Personnel Committee, to take any necessary steps to deal with the emerging coronavirus situation, recognising that the health and safety of staff, councillors and the public is the priority.)

Meeting Frequency: As and when required; (meetings may be held by video conference)

Planning and Licensing Working Group
Terms of Reference
(agreed by Town Council on 24 February 2022)

Overall Purpose / Scope: To consider and draft responses to all planning and licensing applications where the Council is consulted

Reports to: Full Council

Membership: All Town Councillors

Chair: to be appointed by Full Council

Open to the Press and Public: Yes unless a resolution is made to exclude the press and public for a specific item / specific reason; members of the public may speak at the discretion of the meeting chair

Responsibilities / Outputs:

- The purpose of the working group is to draft responses to all planning and licensing applications where the Council is consulted having due regard for:
 - The National Planning Policy Framework.
 - The Planning Authority's Local Plan.
 - The Conservation Area Management Plan.
 - The Greater Exeter Strategic Plan
 - The Neighbourhood Plan
 - The view of parishioners as appropriate.
 - All other information and advice that may be available.
- Draft responses are recommended to Full Council for approval.

Delegated Powers / Decision Making: None

Meeting Frequency: a minimum of every month, at a date and time decided by the Town Clerk; meetings may be held remotely, at the discretion of the Town Clerk

Strategic Consultations Working Group

Terms of Reference **(agreed by Town Council on 6 January 2022)**

Overall Purpose / Scope: to consider consultation documents and prepare draft responses for the Town Council's consideration

Reports to: Full Council

Membership: Core members – Mayor, Deputy Mayor and Committee Chairs
All other Town Councillors will be invited to attend

Chair: The Mayor

Open to the Press and Public: No

Process:

- When Town Clerk receives consultation information all Councillors will be informed and sent the relevant information (this may be done in a Clerk's Update or by any other suitable electronic means).
- The Town Clerk (or member of staff delegated by the Town Clerk) compiles a timetable for considering the consultation information and preparing a response etc.
- The Town Clerk convenes the working group following consultation with the Mayor and Deputy Mayor and all Councillors are sent the invitation to attend the Working Group.
- The Working Group will agree the timetable and meet as required to agree a draft response to be presented to Council for approval. This may include a recommendation from the Working Group that no response is submitted.

Youth Services Working Group
Terms of Reference
(agreed by Town Council on 28 January 2021)

Scope: To enable and monitor youth service provision working with service providers to assess need and to encourage and support activities with the aim of fostering the personal development of young people

Reports to: Community Wellbeing Committee

Membership: Mayor and Deputy Mayor as ex officio members
A maximum of 5 other Town Councillors

Chair: to be elected by the Working Group

Standing Invitees: Provider of youth service provision paid for by the Town Council
Head of provision under the Service Level Agreement for youth service provision
Chair of Youth Forum
Youth Council representative
Representative from St Andrew's Church Youth Work Team

Responsibilities / Outputs:

- A shared understanding of what youth services are available within the parish of Cullompton
- Identified needs for service provision and what form that provision should / could take, including what services exist and where there are gaps in provision
- Knowledge of additional help/ services that may be useful and who / how that can be provided
- To keep under review any contracts and service level agreements (SLA) regarding youth service provision that the Town Council is party to and make recommendations to the Community Wellbeing Committee as to future content
- To make recommendations on key performance indicators (KPIs) to be included in any contracts and service level agreements regarding youth service provision
- To monitor quarterly, using the agreed KPIs, actual service delivery compared to the contract or SLA provisions
- To ensure that services provided via the service level agreement offer value for money
- To produce and review at least every 3 years a youth strategy for Cullompton; the youth strategy having its basis in needs identified by the Youth Services Working group
- Liaison with organisations that provide services for young people in Cullompton and to facilitate at least 1 event a year for those organisations to network and share knowledge and experience
- Hold at least 1 event a year for young people where they can give their views on youth service provision in the town.

Delegated Powers / Decision Making: None

Meeting Frequency: As and when required but at least 1 meeting every 3 months; (meetings may be held by video conference)

Definitions

Action Plan	Targeted, detailed resourced and programmed activities to achieve implementation of objectives
Aims	Broad brush statements of vision and intent
Annual Governance Statement	A statement in internal control by the council required by regulations which forms part of the annual return and sets out representations and assertions intended to give the public assurance about the way in which the council has exercised corporate governance
Delegated Power	The decisions and actions that a committee is allowed to make without reference back to a full meeting of the Council
Discretionary	A function or service provided by the Town Council, that is not mandatory, but assists with the achievement of its aims and objectives
Internal Audit	A function within, or procured by the council, which review and reports on the effectiveness of internal controls (Governance & Accountability for Local Councils)
Internal Control	An activity, process, system or measure to ensure that a local council's activities are carried out properly and as intended (Governance & Accountability for Local Councils)
Mandatory	Compulsory compliance is required by the Town Council in the performance of its duties in order to remain lawful
Objectives	Specific detailed goals to achieve the aims
Policy	What it is wanted / intended to do
Precept	A legal demand by a local council on its District Council (or other second tier body) for operating funds to meet budget needs. The precept is recovered from local taxpayers via council tax
Priority	The rank / order of importance of the approved aims and objectives
Procedure Process	The rules / steps that govern the implementation of the policy The action needs to implement a policy

Reserves	Balances of cash held for specific future purposes or generally to offset risk (Governance & Accountability for Local Councils)
Risk Management	The arrangements which a council makes to identify key business risks, evaluate these and put in place measures to reduce the risk or manage the consequence of it occurring (Governance & Accountability for Local Councils)
Statutory	Duties required of the Town Council by virtue of the fact they are set in statute
Strategy	How and when we put the policy into effect
Terms of Reference	provide information on the purpose and scope of a Committee , Working Group etc
<u>Virement Account</u>	Approved transfers of expenditure from one budget head to another (Governance &



POLICY TITLE	Capability Procedure
POLICY NO	
Adoption Date	
REVISION DATE	
REVIEW DATE	3 years
REPLACES POLICY	
POLICY AIM	This policy sets out the procedure to ensure that the Town Council deals with Capability matters in a fair and consistent way.

1. Introduction

This procedure is used to support, enhance, and improve the performance of employees. This procedure sets out a framework for resolving issues relating to poor performance, in accordance with the Employment Rights Act 1996, Human Rights Act 1998, and the ACAS Code of Practice on Disciplinary Procedures. The procedure aims to ensure that consistent and fair treatment is given to all individuals.

2. Scope

Where there are issues of misconduct or of negligence, these will be dealt with under the Disciplinary Procedure. For matters of sickness, disability, or ill health, the Absence Management Policy will be used.

3. General Principles

The Procedure is not a substitute for good management practices. It should only be invoked when initial attempts to improve performance have been unsuccessful following discussions between the employee and their manager.

Where action being taken is with regard to the Town Clerk the matter will be dealt with by the Chair of Resources, the Mayor and the Deputy Mayor; these 3 people will agree on a course of action, including obtaining any advice that is required and the appointment of an appropriate liaison person.

The employee must be given at least 5 working days' notice of the requirement to attend a formal review meeting or an appeal.

The employee has the right to be represented at formal review meetings or appeals.

In the event of a formal warning or a dismissal, the employee has the right of appeal.

Only the Town Clerk has the right to suspend an employee and provide oral or written warnings for minor misconduct.

Every effort will be made to ensure that any hearings will be conducted by people who have not been involved in any matters which have led to the hearing taking place, that may mean using Councillors who are not in the roles specified in this procedure or who do not normally sit on the Committees referred to in this procedure. In extreme circumstances, in order to obtain independence it may mean the hearings are considered by persons who are not Cullompton Town Councillors; in such instances the composition of the hearing panel will need to be ratified by the Resources Committee.

4. Related Procedures

When using the procedure, it may be necessary to refer to the contents of other agreed documents such as:

- The Equal Opportunities Policy
- The Grievance Procedure
- The Absence Management Policy
- Other conditions set out in the Staff Handbook

5. Representation

Employees have the right to representation at hearings and appeals relating to any stage of the formal procedure. This can be a trade union representative or a work colleague.

Representatives can take an active part in review meetings.

6. Action Against A Trade Union Official

In normal circumstances no action will be taken against an officer of a recognised Trade Union until the matter has been discussed with a full-time officer of that union.

7. The Informal Procedure

The Town Clerk (or Chair of the Resources Committee in relation to matters concerning the Town Clerk) should deal with minor issues of poor performance in the first instance.

A meeting with the employee to discuss poor performance should be arranged and any problems or areas for concern should be raised by the Town Clerk. Appropriate support and training should be offered to assist the individual towards meeting the required standards in the future. Realistic targets should be agreed with the individual and future expectations made clear by the Town Clerk. The Town Clerk will record the points discussed in the meeting and confirm this in writing to the employee along with the agreed plan to achieve acceptable levels of performance. A review meeting should be arranged within 2 months to assess whether the targets have been met and whether the performance is satisfactory.

In most cases, these meetings should provide sufficient guidance, support, and clarification of standards to rectify the situation.

However, the formal procedure will apply when:

- Previous informal advice or guidance has proved ineffective; or
- The performance is so poor that informal discussions are unlikely to help.

8. The Formal Review

If informal discussions have proved unsuccessful in raising performance levels to the standards set by the Town Clerk then the formal procedure will be invoked. There are three stages to the formal procedure. The employee has the right of representation at each stage.

During each stage, the employee's performance will be monitored closely. The method of doing this will be made clear to them at the conclusion of each review meeting.

8.1 Stage 1: The Capability Review

The Capability Review should build on the informal discussions. It should be sufficiently specific so that the employee knows exactly what it is about their performance that is unsatisfactory and how they can improve to the required standard. The Town Clerk (or Chair of the Resources Committee, in relation to matters concerning the Town Clerk) will carry out the Review.

The review has four main purposes:

1. To allow the Town Clerk to discuss with the employee: (i) the standards of work required; (ii) what improvement is necessary; (iii) how the employee can be helped to achieve them; and (iv) how improvement will be assessed and the timescale which must be reasonable.
2. To allow the employee to: (i) obtain a clear understanding of what is expected of them; (ii) give an explanation or comment on their work; and (iii) give their views on how the problem can best be tackled.
3. To allow the Town Clerk and the employee to explore other options, such as: (i) additional instruction, training, or personal development activity; or referral to occupational health, which may involve alternative action under the Council's Absence Management Policy. Please refer to the Absence Management Policy.
4. To make clear to the employee: (i) the timescale for improvement; (ii) how and by whom their work will be monitored during the review period; and (iii) the consequences if their work does not improve or if improvement is not maintained.

Ideally, standards of performance should be agreed between the Town Clerk and employee. However, in the absence of such an agreement, the Town Clerk must satisfy himself or herself that any targets set are reasonable and non-discriminatory. If training has already been given then its effectiveness should be reviewed and any further training and support agreed.

If the Town Clerk is satisfied at the conclusion of the review meeting that there is a shortfall in performance, the employee will be issued with a formal warning and an action plan, including timescales, to achieve. It will also be made clear that failure to achieve the action plan will lead to the next stage of the formal procedure. The length of time given to improve will depend on the nature of the job and the performance gap but in normal circumstances it should not be more than 3 months. The Town Clerk should confirm the outcome of the meeting in writing to the individual within 5 working days.

8.2 Stage 2 – The Capability Review

If the employee fails to achieve the standards in the timescales set out in the action plan then Stage 2 of the procedure is invoked. This involves a further review based on the same structure as Stage 1.

Stage 2 of the Capability Review will be conducted by the Town Clerk (or Chair of the Resources Committee, in relation to matters concerning the Town Clerk). If it is concluded that there is still a performance issue to be addressed, a further formal warning should be issued along with an action plan giving details of the standards of performance required and the timescales within which these must be achieved. The employee should be reminded that if the action plan is not achieved, then Stage 3 will be invoked. It needs to be made clear that Stage 3 may result in a decision to dismiss the employee. Again, the length of time given to improve will depend on the nature of the job and the performance gap but in normal circumstances should not be more than 3 months. A letter to confirm the outcome of the meeting should be sent to the employee within 5 working days, it should also explain the employee's right to appeal against any warning issued.

8.3 Stage 3 – The Final Capability Review

The Final Capability Review will be heard by three members of the Resources Committee.

The Town Clerk who conducted Stages 1 and 2 should also be present to provide details of the previous review meetings and of the steps taken to encourage improvement in the employee's performance.

The employee will have the opportunity to respond and put forward any points they wish to be considered.

Consideration should be given to any alternatives to dismissal, such as redeployment or options of downgrading. However, this may not always be possible and will depend on each individual situation and the circumstances of the organisation.

The Panel must satisfy themselves that they have heard all of the relevant information and that the employee has been given sufficient opportunity to improve. If they consider that the employee's performance remains unsatisfactory, they must inform the employee that their employment is terminated on the grounds of capability or any alternatives to dismissal.

The employee's dismissal will be with notice or, if serving their notice period is not in the interests of the Council, they will receive pay in lieu of notice. The dismissal must be confirmed in writing within 5 working days, stating the reasons for it, and informing the employee of their right of appeal.

8.4 Levels of Authority

Guidance is given here on the appropriate levels of authority, although alternative arrangements may have to be made on occasion.

Formal	Officer	Authority
Stage 1 & 2	Town Clerk	Formal warnings
Stage 3	Resources Committee	Dismissal

8.5 The Right of Appeal

In the event of a formal warning or dismissal, the employee has the right of appeal. If an employee wished to appeal they should write to the Town Clerk (or Chair of the Resources Committee, in relation to matters concerning the Town Clerk) setting out the grounds of their appeal. The Appeal must be made in writing within 10 days of the date of the letter confirming the formal warning or dismissal. The Appeal letter must set out the grounds for the appeal

Three members of the Appeal Committee will hear the appeal, providing that they have had no previous involvement in the matter, assisted by an independent adviser, if appropriate.

The appeal will take place as soon as is practically possible. The Appeal Panel will consider the details of the poor performance presented by the Chair of the Final Capability Review (Stage 3) and will consider the comments of the employee.

The decision of any appeal hearing is final.

8.6 Training

Appropriate training will be given to the Town Clerk or any Members who might be involved in capability or appeals meetings to ensure that they fulfil their responsibilities under this procedure.



POLICY TITLE	Disciplinary Procedure
POLICY NO	
Adoption Date	
REVISION DATE	
REVIEW DATE	3 years
REPLACES POLICY	
POLICY AIM	This policy sets out the procedure to ensure that the Town Council deals with Disciplinary matters in a fair and consistent way.

9. Introduction

This procedure is designed to help and encourage all employees to achieve and maintain acceptable standards of conduct and job performance. The aim is to ensure consistent and fair treatment for the individual. This procedure sets out the framework for resolving issues relating to misconduct and unsatisfactory performance in accordance with the Employment Rights Act 1996, Human Rights Act 1998, and the ACAS Code of Practice on Disciplinary Procedures.

This procedure applies to all employees except where it conflicts with a contractual or statutory requirement, which takes precedence.

10. General Principles

The procedure is not a substitute for good management practices and should only be invoked when initial attempts to improve conduct have been made following discussions between the employee and their manager. However, where there has been gross misconduct or a serious breach of disciplinary rules, the formal procedure should be actioned immediately.

No disciplinary action will be taken against an employee until the circumstances have been fully investigated.

The employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case at the appropriate stage.

The employee has the right to be represented at disciplinary hearings and appeals.

In all instances of alleged misconduct, the employee will be given at least 5 working days' notice of the requirement to attend a hearing or appeal. Should the employee fail to attend without an acceptable reason, then the Chair of the hearing or appeal may proceed in the employee's absence.

Any disciplinary action taken will depend on the nature of the offence, the past recorded behaviour of the employee concerned, the consequence to the Council of the offence, and any explanation presented by the employee.

Employees have the right to appeal against any disciplinary warnings and dismissal.

11. Roles and Responsibilities

Normally, the Line Manager or the Town Clerk will consider minor disciplinary issues and resolve them, if they can, without recourse to the formal procedure.

Allegations of more serious misconduct or where a previous warning has been given but the required improvement has not been made should immediately be referred to the Town Clerk who will then be responsible for nominating an Investigating Officer. If the misconduct relates to the Town Clerk, this should be referred to the Chair of the Resources Committee.

Where action being taken is with regard to the Town Clerk the matter will be dealt with by the Chair of Resources, the Mayor and the Deputy Mayor; these 3 people will agree on a course of action, including obtaining any advice that is required and the appointment of an appropriate liaison person.

The Investigating Officer who carries out an investigation should not participate in any subsequent decision to take action under the procedure. Likewise, the Panel hearing the case should not be involved in the investigation beforehand. It is important that respective roles are identified at an early stage so that those roles are not compromised. The Investigating Officer need not be the employee's supervisor or Line Manager, although this would normally be the case.

Only the Town Clerk has the right to suspend an employee and provide oral or written warnings for minor misconduct.

Every effort will be made to ensure that any hearings will be conducted by people who have not been involved in any matters which have led to the hearing taking place, that may mean using Councillors who are not in the roles specified in this procedure or who do not normally sit on the Committees referred to in this procedure. In extreme circumstances, in order to obtain independence, it may mean the hearings are considered by persons who are not Cullompton Town Councillors; in such instances the composition of the hearing panel will need to be ratified by the Resources Committee.

12. Representation

Employees have the right to representation, either by a trade union representative or a work colleague, at the hearing and appeal stages of the formal procedure.

Representatives have the right to address the hearing or appeal. They may also ask questions and present the employee's case. However, they have no right to answer questions on the employee's behalf.

13. Informal Procedure

5.1 Informal Advice and Guidance

Where a minor breach of acceptable/established standards of conduct occurs, which does not justify formal disciplinary action, the Line Manager will advise the employee concerned of the conduct and the standard expected in the future. In many cases, this will provide sufficient encouragement for the employee not to commit further acts of misconduct.

The employee will be offered guidance, support, and additional training – where appropriate – to achieve the necessary standards. Representation will not normally be appropriate. Managers should make a note of such informal advice and guidance and should set out in writing to the employee the required improvements and standards of conduct that are expected in the future. Records of informal advice/counselling should be kept on employee's personal files.

The formal procedure will apply when:

- Previous informal advice or warnings have proved ineffective;
- The allegation is of a serious nature; or
- A number of minor allegations are made which taken together could constitute a serious breach of discipline.

14. The Formal Procedure

6.1 Suspension

In some circumstances, the Town Clerk may consider suspension with pay, pending further investigation or until the disciplinary hearing takes place. Suspension may be appropriate where:

- Cases potentially involve gross misconduct;
- Relationships have broken down; or
- There is a risk to the employer's property or to other people.

An employee should be advised that suspension in itself does not constitute disciplinary action.

An employee should be advised of the reasons for suspension. The period of suspension should not normally last for more than 20 working days. However, this period can be extended where necessary.

The decision regarding whether or not suspension is necessary can be reviewed at any time during the disciplinary process.

6.2 Investigation

Before any decision can be made about whether or not a disciplinary hearing is necessary, an investigation must take place. The Town Clerk (or the Chair of Resources together with the Mayor and Deputy Mayor, in relation to matters concerning the Town Clerk) will appoint an appropriate Investigating Officer – who could be an external adviser – who will report back with their findings and make recommendations as to whether a disciplinary hearing should be convened.

The responsibilities of the Investigating Officer are to collect evidence by interviewing any relevant witnesses and gathering all documentation. An Investigatory Interview will normally be held with the employee concerned. The purpose of the interview is to gather the employee's initial response to the allegations and to identify whether any further investigation is needed.

For the benefit of the employee and the Town Council, any investigation must be concluded within a reasonable timescale. If there is a delay in completing the investigation, it is the responsibility of the Investigating Officer to regularly update the employee or their representatives on the progress of the investigation.

Once the Investigating Officer has gathered all the relevant facts and reviewed the evidence, a report should be drafted to the Town Clerk (or the Chair of Resources together with the Mayor and Deputy Mayor, in relation to matters concerning the Town Clerk)) recommending one of the following:

- Take no further action and inform the employee accordingly;
- Advise the arrangement of counselling, training, extra supervision, or written advice (as appropriate); or
- Arrange a disciplinary hearing.

6.3 Arranging a Hearing

If, following the recommendations of the Investigating Officer, Town Clerk concludes that a hearing is required then the necessary arrangements should be made by the Town Clerk or in matters concerning the Town Clerk (or the Chair of Resources together with the Mayor and Deputy Mayor, in relation to matters concerning the Town Clerk). The employee will be given at least 5 working days' notice in writing. The letter should include a clear written statement of the allegation and should enclose any documentary evidence being relied upon and a reminder of the employee's right to be represented.

The Investigating Officer is responsible for presenting the case and making arrangements for any witnesses that he or she relies upon to attend the meeting.

The employee is responsible for arranging any representation they choose to have and any witnesses that they may wish to call. Details of any witnesses the employee intends to call and a copy of all documents that the employee may wish to refer to at the hearing must be submitted to the Investigating Officer at least 3 working days prior to the hearing.

6.4 Conducting a hearing

The Panel for a hearing will normally comprise of the Town Clerk (or the Chair of Resources, Mayor and Deputy Mayor, in relation to matters concerning the Town Clerk) and where there is an allegation of gross misconduct or the possibility of dismissal an independent HR representative should be present to advise.

The objective is:

- To hear the evidence in respect of the allegation, the employee's response, and to decide whether or not the allegation is substantiated; and
- If the allegation is substantiated, to determine the disciplinary sanction to be applied in light of the seriousness of the offence and having regard to previous relevant disciplinary history.

The procedure to be followed is:

1. Introduction of the Panel members and outline of their roles;

2. Statement of the purpose of the hearing and the allegation;
3. Presentation of the case by the Investigating Officer with witnesses called as necessary;
4. Questions by employee or their representative;
5. Questions by the Panel;
6. Presentation of the case by the employee or their representative with witnesses called as necessary;
7. Questions from Investigating Officer;
8. Questions from Panel;
9. Concluding statement by Investigating Officer;
10. Concluding statement by employee or their representative;
11. Adjournment of the Panel to make their decision;
12. The Panel reconvenes and the employee/representative is informed of the decision and, if necessary, their rights of appeal.

Requests for an adjournment can be made at any stage and it is up to the Chair to decide whether or not a request should be granted.

The decision of the Panel will be confirmed to the employee in writing within 5 working days. The letter should clearly set out:

- The Panel’s decision;
- The length of time that any warning will be active for;
- The expected improvement in conduct;
- Any assistance that will be provided to achieve this; and
- The employee’s right to appeal.

6.5 Levels of Disciplinary Action

In determining the appropriate disciplinary action, regard should be given to the employee’s previous record, the gravity of the offence, and any explanation given.

Although the procedure implies a sequential approach, there may be certain circumstances where the matter needs to be considered immediately under Stages 2, 3, or 4.

Stage	Outcome	Description
Stage 1	Oral Warning	For a minor offence, a formal oral warning (confirmed in writing) making it clear that further misconduct will render the employee liable to further disciplinary action including more severe consequences.
Stage 2	First Written Warning	For a more serious offence or where a previous warning to the employee has not resulted in the required improvement to their conduct.
Stage 3	Final Written Warning	For a sufficiently serious offence, which might warrant only one written warning but is insufficiently serious to justify dismissal, or where previous warnings have been ineffective.
Stage 4	Dismissal with notice	For an act or acts of misconduct, other than gross misconduct, by an employee who is under a written or

		final written warning. The employee will be liable to dismissal with notice or pay in lieu of notice.
	Dismissal without notice	In cases where gross misconduct is established, the employee will be liable to summary dismissal, i.e. without notice or pay in lieu of notice.

6.6 Length of Warnings

Records of informal meetings and formal warnings will be kept on employee's personal files. An oral warning will be live for 6 months and written warnings for 12 months from the date of the disciplinary hearing. Final written warnings will be live for 2 years.

15. The Right Of Appeal

An employee has the right to appeal against disciplinary action resulting in a warning or their dismissal. Three members of the Appeal Committee will hear the appeal, providing that they have had no previous involvement in the matter, assisted by an independent adviser, if appropriate.

An employee who wishes to appeal must do so in writing to the Town Clerk (or Chair of the Resources Committee, in relation to matters concerning the Town Clerk). This must be done within 10 working days of the disciplinary hearing informing them of the disciplinary action taken. The appeal letter must set out the grounds for the appeal, normally under one of the following headings:

- The severity of the disciplinary action;
- The findings of the Panel on a point of fact which is pertinent to the decision of the hearing; and
- A failure to adhere to the disciplinary procedure.

7.1 Arranging an Appeal

The date and time of the appeal will be organised by the Town Clerk (or Chair of the Resources Committee in relation to matters concerning the Town Clerk).

It is the responsibility of each side to prepare themselves for the appeal, including arranging for any witnesses to attend.

Three members of the Appeal Committee will hear the appeal, providing that they have had no previous involvement in the matter, assisted by an independent adviser, if appropriate.

The Chair of the original Hearing Panel and the employee or their representative will, where possible, agree papers for submission to the appeal 5 days prior to the hearing.

7.2 Conducting an Appeal Hearing

The objective is:

- To review the decision of the disciplinary hearing and decide whether that action is warranted or not; and
- If the action is not warranted, to determine what action if any is appropriate;

In doing so, the Appeal Panel will have regard to seriousness of the offence and any previous relevant disciplinary history.

The procedure to be followed is:

1. Presentation of the case by the Town Clerk (the Chair of the previous hearing) who took the disciplinary action;
2. Questions by the appellant to the Town Clerk;
3. Presentation of the appellant's case, including calling any witnesses;
4. Questions by the Town Clerk to the appellant and their witnesses;
5. Questions by the Appeals Panel to both parties and their witnesses;
6. Concluding statements by the parties. No new information should be introduced at this stage and the appellant should have the opportunity to sum up last;
7. Adjournment of the Panel to make their decision;
8. The appeal is reconvened if possible and both parties are informed of the decision;
9. The decision of the Appeal Panel is final and will be confirmed to the employee in writing within 5 working days. There is no further right of Appeal.

The Appeals Panel has the right to call its own witnesses should it consider this to be of assistance in making its decision.

16. Trade Union Officials

In normal circumstances, no action will be taken against an officer of a recognised trade union until the matter has been discussed with a full-time officer of that union.

17. Disciplinary Rules

It is difficult to define all the acts of misconduct that might lead to disciplinary action. As a general principle, a test of reasonableness would be applied, i.e. would a reasonable person be aware that disciplinary action would result from a certain act or omission?

The following are examples of the types of conduct that are unacceptable and might lead to disciplinary action. The list is not exhaustive and other behaviour not listed may lead to disciplinary action.

- Poor time-keeping/ attendance;
- Unjustifiable absence from work;
- Waste, loss or damage of Council property through failure to take due care;
- Negligence or failure in performance of duty;
- Inappropriate or unauthorised use of e-mail, IT, or telephone facilities; or
- Being under the influence of alcohol or drugs.

9.1 Types of Gross Misconduct

Unacceptable conduct, which may be regarded as gross misconduct, is likely to lead to an employee's summary dismissal. This means dismissal without notice and occurs when the employment relationship between the Council and employee, and the trust which is inherent in that, is irrevocably broken.

The list below gives examples of matters likely to be regarded as gross misconduct and is not exhaustive.

- Refusing to follow reasonable management instructions;

- Theft from the Council, its Members, employees, or the public;
- Physical assault or verbal abuse;
- Fraud or deliberate falsification of records;
- Falsification of qualifications;
- Serious negligence which causes unacceptable loss, injury, or damage;
- Serious acts of insubordination;
- Serious breach of confidence;
- Use of privileged information for personal gain;
- Malicious damage to the Council's property;
- Sexual misconduct at work;
- Discrimination, victimisation, or harassment;
- Serious breaches of safety rules;
- Serious incapability through alcohol or drugs;
- Accessing or distributing pornography on the Council's IT facilities.

18. Training

Appropriate training will be given to the Town Clerk or any Members who might be involved in disciplinary or appeals meetings to ensure that they fulfil their responsibilities under this procedure.



POLICY TITLE	Grievance Policy
POLICY NO	
Adoption Date	
REVISION DATE	
REVIEW DATE	3 years
REPLACES POLICY	
POLICY AIM	This policy sets out the procedure to ensure that the Town Council deals with Grievances in a fair and consistent way.

19. Policy Statement

The Town Council recognises that individual employees or groups of employees may, from time to time, feel aggrieved about an aspect of their employment and accepts that each employee has the right to raise this grievance and to expect that management will consider it and respond.

The purpose of the accompanying procedure is to provide a framework for dealing promptly and fairly with such grievances. The aim is to resolve grievances as near as possible to their point of origin.

Matters appropriately dealt with under the Town Council's grievance procedure include all questions relating to the individual rights of employees in respect of their employment other than:

- Grievances that have already been considered in accordance with the procedure;
- Grievances arising from a disciplinary or capability process in which the employee is already involved and where there is an appeals procedure in place;
- Grievances in respect of issues over which the Council has no control. e.g. external legislation; and
- Grievances that are already the subject of a collective grievance or dispute.

The timescales shown in the accompanying procedure may be altered by mutual agreement.

Every effort will be made to ensure that any hearings will be conducted by people who have not been involved in any matters which have led to the hearing taking place, that may mean using Councillors who are not in the roles specified in this procedure or who do not normally sit on the Committees referred to in this procedure. In extreme circumstances, in order to obtain independence it may mean the hearings are considered by persons who are not Cullompton Town Councillors; in such instances the composition of the hearing panel will need to be ratified by the Resources Committee.

The nature and number of grievances raised in accordance with the accompanying procedure will be monitored annually by the Town Clerk.

This policy and the accompanying procedure will be the subject of periodic review. Responsibility for initiating this review will rest with the Town Clerk.

20. Procedural Guidelines

2.1 Informal Resolution

Where an employee is aggrieved about any matter relating to their employment, they should raise the matter informally with the Town Clerk as soon as possible and, other than in exceptional circumstances, within **twenty working days** of the incident or event. However, employees will be permitted to raise as part of a grievance a series of directly related incidents having a cumulative effect.

The Town Clerk should consider and seek to resolve the grievance within ten working days. Whether or not this proves possible, the Town Clerk should in every case inform the employee of the decision and, if appropriate, any action taken.

Employees may wish to seek the advice of a trade union representative or colleague prior to raising a grievance at this informal level.

2.2 Formal Resolution

If the employee is not satisfied with the result of the informal process, they can take the matter up with the Town Clerk, in writing, stating the nature of the grievance. This should be done within **ten working days**.

The Town Clerk will arrange a meeting with the employee to discuss the grievance as soon as possible and normally within **ten working days**. If the Town Clerk hearing

the grievance determines that further investigation is required – having listened to the employee’s submission – the meeting will be adjourned for a period during which time the Town Clerk or an appropriate investigator will conduct any necessary research; including, if appropriate, liaising with other parties. The investigation will be concluded as soon as reasonably practicable.

It is not expected that other parties would attend the reconvened hearing. However, if it is determined by the Town Clerk that their contributions would facilitate consideration of the grievance they will be asked to make themselves available, in order that they may respond to any matters raised by the aggrieved individual during the course of the hearing.

A formal written response to the grievance should be issued within 5 working days of either the initial or subsequent grievance hearing as appropriate.

2.3 Appeal

If the employee is still aggrieved, there is a right of appeal. The notice of appeal should be submitted in writing within **ten working days** of receipt of the formal written response issued by the Town Clerk.

Three members of the Appeal Committee will hear the appeal, providing that they have had no previous involvement in the matter, assisted by an independent adviser, if appropriate.

The Appeal Panel shall consider the appeal within **twenty working days** of receipt of the written appeal.

There is no further right of appeal.

2.4 Grievances Relating to the Town/Parish Clerk

If the grievance relates directly to the action or omission of the Town Clerk, the grievance should be submitted in writing directly to the Chair of the Resources Committee who will investigate and respond to the grievance as outlined above.

Where action being taken is with regard to the Town Clerk the matter will be dealt with by the Chair of Resources, the Mayor and the Deputy Mayor; these 3 people will agree on a course of action, including obtaining any advice that is required and the appointment of an appropriate liaison person.

If the grievance is being raised by the Town Clerk on his/her own behalf, the grievance should be submitted in writing to the Chair of the Resources Committee

as above. If the grievance relates to the action or omission of the Chair of the Resources Committee then it should be directed to the Mayor.

2.5 Representation

An individual raising a formal grievance may be accompanied throughout the process by a trade union representative or colleague of their choice and reasonable preparation for the hearing will be allowed.