

11 March 2024

To: All Members of Newbury Town Council

Dear Councillor,

You are summoned to attend a meeting of **Newbury Town Council** to be held in **The Council Chamber, Town Hall, Newbury at 7.30 pm Monday 18 March 2024.**

Tracy Predeth MPA

Locum Chief Executive Officer

AGENDA

1. Apologies for absence

Locum Chief Executive Officer

2. Declarations of Interest

Town Mayor/ Chief Executive Officer

To receive any declarations of interest relating to business to be conducted in this meeting and confirmation of any relevant dispensations.

3. Minutes (Appendix 1)

Town Mayor

3.1 To approve the minutes of the Full Council meeting held on Monday 22 January 2022.

4. Questions and Petitions from Members of the Public

Town Mayor/ Locum Chief Executive Officer

To receive any questions from members of the Public (Questions, in writing, must be with the Locum CEO by 2.00 pm on Friday 15 March 2024.)

5. Presentation

To receive a presentation from the following organisations

- Community United
- BID
- Citizens Advice

6. Members' Questions and Petitions

Town Mayor/ Locum Chief Executive Officer

To receive any questions from members of the Council (Questions, in writing, must be with the Locum CEO by 2.00 pm on Friday 15 March 2024.)

7. Town Mayor's Report

Town Mayor

To receive a report from the Town Mayor, Councillor Nigel Foot Report to follow.

8. Leader's Report

Leader of the Council

To receive a report from the Leader of the Council, Councillor Gary Norman. Report to follow.

9. Committees

Town Mayor / Committee Chairpersons

To receive the minutes of meetings of the Town Council's Committees (already circulated):

Planning & Highways	29 January & 26 February 2024
Civic Pride, Arts & Leisure	19 February 2024
Community Services	11 December 2023
Policy & Resources	15 January 2024

10. Standing Order (Appendix 2)

To receive and agree to adopt Model Standing Orders.

11. Civility & Respect (Appendix 3)

11.1 To agree to sign up to the Civility & Respect Pledge

11.2 To agree to adopt an updated Dignity at Work Policy

11.3 To agree to adopt an update Equality, Diversity & Inclusion Policy

12. Forward Work Programme for Full Council meetings 2024 (Appendix 8)

Town Mayor

To note and agree any other items that Members resolve to add to the Forward Work Programme

**MINUTES OF A MEETING OF NEWBURY TOWN COUNCIL
HELD IN THE COUNCIL CHAMBER, TOWN HALL, MARKET PLACE, NEWBURY
ON MONDAY 22 JANUARY 2024 AT 7.30 PM.**

PRESENT

Councillors Alistair Bounds, Jo Day, Billy Drummond, Nigel Foot (Town Mayor), David Harmon, Chris Hood, Ian Jee, David Marsh, Steve Masters, Vaughan Miller, Andy Moore, Gary Norman, Elizabeth O’Keeffe, Sarah Slack, Martha Vickers, and Tony Vickers.

OFFICERS PRESENT

Tracy Predeth, Locum Chief Executive Officer
Liz Manship, Finance and Corporate Service Manager
Kym Heasman, Corporate Services Officer

At the start of the meeting, the Town Mayor informed the council of the sad passing of a former Town Council member Mr Ron Rookes, and read a short Eulogy received from Councillor Phil Barnett:

“I first got to know Ron soon after I was elected on to the Newbury District Council in 1991. He was regular attendee at my ward meetings which I held at the Turnpike Community Centre before the Riverside was established.

He became a good friend and put his name forward as a candidate in the 2003 Town elections and he was elected. He was very forthright and spoke his mind.

I lost contact with him for a few years until he moved to Audrey Needham Court in Queens Road. He was a regular passing my house, by then in an electric buggy and we would catch up about Council matters.

I know he hadn’t been well for a few years. My thoughts go out to his widow and family.”

The Town Mayor said that he knew all Members would agree with Councillor Barnett’s sentiments and would echo them. The Town Mayor then called for Members to stand for a minute’s silence.

51. APOLOGIES OF ABSENCE

Councillors Phil Barnett (observed via zoom), Vera Barnett (observed via zoom), Sam Dibas, Pam Lusby Taylor, and Meg Thomas.

52. DECLARATIONS OF INTEREST

The Corporate Services Officer declared that Councillors Billy Drummond, Nigel Foot, David Marsh, Tony Vickers & Martha Vickers are also Members of West Berkshire Council,

which is declared as a general interest on their behalf and a dispensation is in place to allow them to partake in discussions relating to West Berkshire Council business.

All members have a dispensation to discuss the budget and Town Council precept.

53. MINUTES

PROPOSED: Councillor Andy Moore

SECONDED: Councillor Billy Drummond

RESOLVED: That the minutes of a meeting of Newbury Town Council held on Monday 17 October 2023, be approved as a correct record, and signed by the Town Mayor.

54. QUESTIONS AND PETITIONS FROM MEMBERS OF THE PUBLIC

Questions have been received from three members of the public.

1. Question received from David Fenn:

“What is the increase in Council Tax from 2023/24 to 2024/2025 as a percentage?”

The Town Mayor responded with the following answer:

“It is a common misconception of the general public, to think that this Council, Newbury Town Council, sets residents Council Tax. That is not the case, Council Tax is levied by West Berkshire Council. Newbury Town Council sets what is known as the Precept and that forms a part of resident’s overall Council Tax collected by West Berkshire Council.

As a former member of this Council, I know that you will be familiar with that Mr Fenn and so I am assuming there might be a typographical error in your question and that you are referring to the Precept instead of ‘Council Tax’? Is that correct?

The GROSS percentage rise of the precept for the coming financial year for Newbury Town Council is 19.96%. This is the figure BEFORE the Tax Base changes are taken into account - and we do not have that information yet - but it is estimated that the precept will be reduced to 18.65% when this adjustment is taken into account.

Those increases equate to an increase in payment of 23p per week for a Band A house.”

“Referring back to your question regarding the increase in COUNCIL TAX, this would equate to a 1.2% increase in Council Tax payment for residents.”

2. Question received from Marian Fenn:

“How can Newbury Town Council justify such a large extra expenditure (several thousand pounds) on additional grass cutting when it promotes itself as being environmentally aware? I understand there is a plan to cut grass shorter around perimeters of football pitches, etc. Not only will this have an adverse impact on microorganisms, invertebrates, etc and the food chain but it is costing thousands in the time of a hard pushed budget and polluting the atmosphere with unnecessary

fumes. This does not seem to be in the interest of the environment nor in promoting/supporting a greening.”

The Town Mayor responded with the following answer:

“Newbury Town Council prides itself on being leaders on environmental responsibility in the local area and have in the last 10 years planted over 600 trees with its partners or directly across Newbury Town Council land, installed 4 wildflower meadows and a micro wildflower meadow. Identified areas on our lands on 12 sites that are left to grow and cut once a year as habitat and is starting a process this year of moving away from summer and winter bedding planting and moving towards perennial planting. We also engage the local community in bulb plantings, bat box building and community litter picks and also recycling on average over 70% of the waste produced across Newbury Town Council land.

With this as a council we must seek to provide a balance to provide the best facilities we can to all users on our sites and we have identified that additional grass cutting and maintenance to our football pitches, additional cuts to allotments and to the areas within the recreation grounds that are not designated as wild or wildflower meadow. Would provide a better user experience for this demographic and that the council would not just be leaders in environmental responsibility in the area but also provide the best facilities for its residents.

The council has a clear aim to improve the service it provides to the football community, which includes hundreds of young people who are benefiting from improved mental and physical health and wellbeing through sport in Newbury. This has resulted in the council reopening the football pitch in Victoria Park, which has lain dormant for 10 years. The extra costs are therefore in keeping with the policy of maintaining the council's football pitches to the highest standards possible within reasonable financial limitations. This will involve more frequent cutting of the pitch areas on all three pitches. It also includes the higher maintenance needed to bring the pitches up to a higher standard than they have been previously.”

Supplementary Question from Mrs Marion Fenn:

“What about around the Beach trees and not just the football pitches?”

Councillor Vaughan Miller Responded on behalf of the Town Mayor:

“There are no plans to expand around the current areas being cut and there are no plans to increase the other football pitches other than Wash Common.”

3. Question 1 received from Mr Overend read by Town Mayor:

“Has the Council acting in its capacity as trustee of the Charity, met to consider the Agreement? I noticed that at the Council committee meeting on Monday evening not one councillor declared they were interested in the business to be conducted (that is to say the consideration of the Agreement), by virtue of the fact that the Council is a trustee of the Charity, a party to the Agreement which they were considering as councillors of the other party to the Agreement.”

The Town Mayor responded with the following answer:

"I don't think merely because members are on a particular committee, they would need to declare any interest as they do not have a personal interest/gain in the outcome by virtue of being on that committee."

4. Question 2 received from Mr Overend read by Town Mayor:

"By the Agreement the Council, as trustee of the Charity, delegates all "functions, rights and powers" concerning the Agreement to one person, the "authorised officer" (see condition 3). How often will the Council, meeting in its capacity as trustee of the Charity, review the operation of this arrangement and the exercise of the powers delegated to the authorised officer?"

The authorised officer is stated as being the "clerk to the Trustee or such other person or persons as shall be appointed by the Trustee". Does the Council acting in its capacity as trustee of the Charity have a clerk, and if not, who is envisaged will fulfil this role?"

The Town Mayor responded with the following answer:

"I suspect the Clerk to the Council also administers/manages the Charity, but if not, they have authority to appoint another individual to do so."

5. Question 3 received from Mr Overend read by Town Mayor:

"The Agreement appears to contain no provision to encourage the Council to provide a mechanism whereby allotment holders can contact the authorised officer directly to raise grievances or concerns (for instance in relation to the performance of the services by the Council's subcontractors). Will these arrangements be specified separately and referred to somewhere in the allotment rules?"

As mentioned above, I welcome the Town Council's strategic plan to run "thriving allotments" and to maintain and run "high quality allotments". In my opinion the communication between the authorised officer and the allotment holders will need to be effective and clear for this to result, and I would suggest that the current communication arrangements may benefit from being reviewed and clarified. The one annual meeting with allotment holders referred to in the strategic plan will be insufficient to produce the desired result in my opinion."

The Town Mayor responded with the following answer:

“The tenancy agreements / allotment rules and regulations should set out a mechanism for any complaints rather than this agreement.”

6. Question 4 received from Mr Overend read by Town Mayor:

“There appear to be no objective criteria against which performance of certain aspects of the services can be judged. There is what I believe to be a general statement of intent: “The Council shall perform the Services efficiently, effectively and safely and in a manner totally consistent with the terms of this Memorandum of Agreement and to the entire satisfaction of the Authorised Officer”.

There is a reference to complying with legislation, and there is a general statement “Without prejudice to the generality of Condition 16.1 the Council shall in performing the Services seek to protect the natural flora and fauna and the historical heritage of the Land.”

There is, however, no reference to best or good practice. I would have thought that without some objective criteria, whether or not the agreement has been adhered to will be difficult to establish.”

The Town Mayor responded with the following answer:

“This can be added, but in my view leads to greater uncertainty / possible challenge as “best practice” then needs to be agreed up between the parties and defined in the agreement. As drafted it allows the Council to protect the natural environment as it sees most appropriate. In any event it is slightly hypothetical because the Council acting as Trustee is unlikely to make a complaint to the Council as the local authority for failing to adhere to the agreement.

A way forward might be to consult with the allotment users as to the best way to manage the natural environment on an ongoing basis.”

7. Question 5 received from Mr Overend read by Town Mayor:

“Finally, I would reiterate that as a matter of practicality, and as referred to above, in my opinion ensuring effective communication between the authorised officer and allotment holders will be essential in ensuring the delivery of thriving and high-quality allotments.”

The Town Mayor responded with the following answer:

“I agree, but that is not to purpose of this agreement. Exactly how the Council communicates with the allotment holders is a matter for them to consider and implement as they see fit to achieve the objective of operating the allotments effectively. This agreement is essentially a financial mechanism to allow the Council to financially support the Charity whilst adhering to the advice provided by the Council’s auditor.”

The Town Mayor thanked Mr Overend for his observations and Questions.

55. MEMBERS' QUESTIONS AND PETITIONS

There were no questions or petitions from members of the Council.

56. TOWN MAYOR'S REPORT

The Town Mayor's report was received and noted by the Council.

57. LEADER'S REPORT

The Leader's report was received and noted by the Council.

58. COMMITTEES

The Minutes of the following meetings were received:

Planning & Highways 24th October 2023
Planning & Highways 14th November 2023
Planning & Highways 5th December 2023
Civic Pride, Arts & Culture 27 November 2023
Community Services 11 December 2023
Policy & Resources 16 October 2023

59. STRATEGY 2024 TO 2028

Proposal: To Approve the review of the Council's Strategy 2024 to 2028, with the recommendation of the Policy & Resources Committee, resolved 15 January 2024.

PROPOSED: Councillor Vaughan Miller

SECONDED: Councillor Gary Norman

RESOLVED: to approve the review of the Strategy 2024 to 2028

60. 2024/2025 BUDGET AND PRECEPT

It was noted that the Policy & Resources Committee resolved on 15 January to adopt a budget for 2024/25 and recommends that the Council sets an overall budget expenditure of £2,428,667.

PROPOSED: Councillor Gary Norman

SECONDED: Councillor Jo Day

RESOLVED: to adopt the budget for Financial Year 2024/2025 and raise a precept of £1,526,953 for the year.

PROPOSED: Councillor Steve Masters

SECONDED: Councillor Gary Norman

RESOLVED: That a leaflet explaining to the public how the precept is to be used during 2024/2025 is produced, with that leaflet to be distributed to each household in Newbury, along with an Annual report from the Council and published on the Council's website.

61. EAR-MARKED RESERVES

Members received the proposed amendments to the Council's Ear-Marked Reserves, with the recommendation from the Policy & Resources Committee of 15 January.

PROPOSED: Councillor Gary Norman

SECONDED: Councillor Billy Drumond

RESOLVED: To approve the Council's Ear-Marked Reserves, with the recommendation from the Policy & Resources Committee of 15 January.

62. SCHEDULE OF MEETINGS FOR THE MUNICIPAL YEAR 2024-25

The schedule of meetings for 2024-25 was noted.

63. FINANCIAL REGULATIONS

The Members received the Financial Regulations as approved by the Policy and Resources Committee on 16 October 2023

PROPOSED: Councillor Roger Hunneman

SECONDED: Councillor Vaughan Miller

RESOLVED: The Committee noted and agreed to adopt the Financial Regulations as approved by the Policy & Resources Committee on 16 October 2023.

64. MEMORANDUM OF UNDERSTANDING – ALLOTMENT FOR LABOURING POOR

Proposal: To agree to sign the Memorandum of Understanding with the charity 'Allotment for Labouring Poor'.

PROPOSED: Councillor Nigel Foot

SECONDED: Councillor Vaughan Miller

RESOLVED: To sign the Memorandum of Understanding with the charity 'Allotment for Labouring Poor'.

65. TRANSFER OF ASSETS

Due to short timescales, it was agreed devolved responsibility to the CEO to discuss with WBD.

PROPOSED: Councillor David Harmon

SECONDED: Councillor Andy Moore

RESOLVED: To agree devolved responsibility to the CEO and produce a full report for consideration by Council or committee.

It is recorded that Councillor Tony Vickers abstained from the vote.

66. FORWARD WORK PROGRAMME FOR FULL COUNCIL MEETINGS

The Council noted the Forward Work Programme and the change of date to receive presentations from Community United, Newbury BID, Citizens Advice.

67. EXCLUSION OF PRESS AND PUBLIC

A motion to exclude the press and public was proposed and seconded.

PROPOSED: Councillor Nigel Foot

SECONDED: Councillor Steve Masters

RESOLVED: That under Section 1, Paragraph 2 of The Public Bodies (Admission to Meetings) Act 1960 the press and public be excluded from the meeting for the following items of business (agenda item 17) because publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

68. APPOINTMENT OF CHIEF EXECUTIVE OFFICER

PROPOSED: Councillor Elizabeth O’Keeffe

SECONDED: Councillor Steve Masters

RESOLVED: The Members agreed the appointment of the Chief Executive Officer. Starting salary SCP 50 and upon successful completion of 6 months’ probation salary increase to SCP 51.

THERE BEING NO FURTHER BUSINESS, THE TOWN MAYOR DECLARED THE MEETING CLOSED AT 21.14 PM

TOWN MAYOR: _____

DATE: _____

REPORT TO NEWBURY TOWN COUNCIL - 18 MARCH 2024

REVIEW OF STANDING ORDERS

The recent interim audit, conducted by Auditing Solutions and attached herewith, has brought to light some pertinent observations regarding the Standing Orders of the Newbury Town Council. It has been identified that the current Standing Orders deviate from the recommended NALC model orders and lack comprehensive provisions pertaining to contracting legislation.

It is evident that the existing Standing Orders, albeit amended over the years, present significant challenges in ensuring compliance with relevant legislation. Moreover, the process of modifying these orders to align with legal requirements has proven to be both intricate and time-consuming.

In light of these findings, it is strongly recommended that the Town Council adopts the NALC model Standing Orders. By reverting to this standardised framework, NTC can streamline their governance procedures and enhance compliance with statutory obligations. Additionally, this transition will facilitate a smoother integration process for the incoming CEO, who can then oversee any necessary amendments specifically with delegated authority and present them for Council approval.

Recommendation: To adopt the NALC model Standing Orders as recommended by the Internal auditor thereby ensuring alignment with legislative requirements and facilitating efficient governance practices and internal controls. For the incoming CEO to amend where necessary with updated delegated authority for further approval by Council.

**MODEL STANDING ORDERS 2018 (ENGLAND) — UPDATED
APRIL 2022**

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INTRODUCTION

This is version two of Model Standing Orders 2018 (England) updated on April 2022. Update to Model Standing Order 18 only.

How to use model standing orders

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council's Responsible Financial Officer. Model financial regulations are available to councils in membership of NALC.

Drafting notes

Model standing orders that are in bold type contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs. It is NALC's view that all model standing orders will generally be suitable for councils.

For convenience, the word "councillor" is used in model standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

A model standing order that includes brackets like this '()' requires information to be inserted by a council. A model standing order that includes brackets like this '[]' and the term 'OR' provides alternative options for a council to choose from when determining standing orders.

1. RULES OF DEBATE AT MEETINGS

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chair of the meeting, is expressed in writing to the chair.
- h A councillor may move an amendment to his/her/their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- k One or more amendments may be discussed together if the chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chair of the meeting, a councillor may speak once in the debate on a motion except:

- i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he/she/they last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he/she/they considers has been breached or specify the other irregularity in the proceedings of the meeting he/she/they is concerned by.
- q A point of order shall be decided by the chair of the meeting and his/her/their decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his/her/their right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed () minutes without the consent of the chair of the meeting.

2. DISORDERLY CONDUCT AT MEETINGS

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. MEETINGS GENERALLY

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice OR [The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting].**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in

- accordance with standing order 3(e) shall not exceed () minutes unless directed by the chair of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than () minutes.
 - h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
 - i [A person shall stand when requesting to speak and when speaking (except when a person has a disability or is likely to suffer discomfort)] OR [A person shall raise his/her/their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chair of the meeting may at any time permit a person to be seated when speaking.
 - j A person who speaks at a meeting shall direct his/her/their comments to the chair of the meeting.
 - k Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
 - l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
 - m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
 - n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
 - o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his/her/their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
 - p **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
 - q **Subject to a meeting being quorate, all questions at a meeting shall be**

- **decided by a majority of the councillors and non-councillors with voting rights present and voting.**

- **r The chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his/her/their casting vote whether or not he/she/they gave an original vote.**

See standing orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.

- **s Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his/her/their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

t The minutes of a meeting shall include an accurate record of the following:

- the time and place of the meeting;
- the names of councillors who are present and the names of councillors who are absent;
- interests that have been declared by councillors and non-councillors with voting rights;
- the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- if there was a public participation session; and
- the resolutions made.

- **u A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his/her/their right to participate and vote on that matter.**

- **v No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.

- **w If a meeting is or becomes inquorate no business shall be transacted**

- and the meeting shall be closed. The business on the agenda for the meeting
 - shall be adjourned to another meeting.
- x A meeting shall not exceed a period of () hours.

4. COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer () days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chair at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;

- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

5. ORDINARY COUNCIL MEETINGS

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**
- f **The Chair of the Council, unless he/she/they has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her/their successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chair of the Council, if there is one, unless he/she/they resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he/she/they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he/she/they shall preside at the annual**

meeting until a new Chair of the Council has been elected. He/she/they may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.

- j Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:
- i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his/her/their acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 4;
 - ix. Review and adoption of appropriate standing orders and financial regulations;
 - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
 - xi. Review of representation on or work with external bodies and arrangements for reporting back;
 - xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
 - xiii. Review of inventory of land and other assets including buildings and office equipment;
 - xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - xv. Review of the Council's and/or staff subscriptions to other bodies;
 - xvi. Review of the Council's complaints procedure;

- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chair of a committee [or a sub-committee] does not call an extraordinary meeting within () days of having been requested to do so by () members of the committee [or the sub-committee], any () members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

7. PREVIOUS RESOLUTIONS

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least () councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. VOTING ON APPOINTMENTS

- a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting.

9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least () clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least () clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
- i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
 - xii. to not hear further from a councillor or a member of the public;
 - xiii. to exclude a councillor or member of the public for disorderly conduct;
 - xiv. to temporarily suspend the meeting;
 - xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
 - xvi. to adjourn the meeting; or
 - xvii. to close the meeting.

11. MANAGEMENT OF INFORMATION

See also standing order 20.

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of**

personal data.

- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

12. DRAFT MINUTES

Full Council meetings ●
Committee meetings ●
Sub-committee meetings ●

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/she/they shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his/her/their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

● e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**

- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he/she/they has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she/they has a disclosable pecuniary interest. He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest.
- c Unless he/she/they has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she/they has another interest if so required by the Council's code of conduct. He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the Council, or committee or sub-committee for which the dispensation is required] and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the Council, or committee or sub-committee for

which the dispensation is required].

- h A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
 - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
 - ii. granting the dispensation is in the interests of persons living in the Council's area; or**
 - iii. it is otherwise appropriate to grant a dispensation.**

14. CODE OF CONDUCT COMPLAINTS

- a** Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b** Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- c** The Council may:
 - i.** provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - ii.** seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d** **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

15. PROPER OFFICER

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least () days before the meeting confirming his/her/their withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her/their office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;

- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
(*see also standing order 23*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the [Chair or in his/her/their absence the Vice-Chair (if there is one) of the Council] OR [Chair or in his/her/their absence Vice-Chair (if there is one) of the () Committee] within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of [the Council] OR [() committee];
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(*see also standing order 23*).

16. RESPONSIBLE FINANCIAL OFFICER

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

17. ACCOUNTS AND ACCOUNTING STATEMENTS

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as

practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

- i. the Council's receipts and payments (or income and expenditure) for each quarter;
- ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
- iii. the balances held at the end of the quarter being reported and

which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the

Council's accounts and/or orders of payments; and

- v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds referred to in standing order 18(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of**

those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.

19. HANDLING STAFF MATTERS

- a A matter personal to a member of staff that is being considered by a meeting of [Council] OR [the () committee] OR [the () sub-committee] is subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chair of [the () committee] OR [the () sub-committee] or, if he/she/they is not available, the vice-chair (if there is one) of [the () committee] OR [the () sub-committee] of absence occasioned by illness or other reason and that person shall report such absence to [the () committee] OR [the () sub-committee] at its next meeting.
- c The chair of [the () committee] OR [the () sub-committee] or in his/her/their absence, the vice-chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of [the member of staff's job title]. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by [the () committee] OR [the () sub-committee].
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chair of [the () committee] OR [the () sub-committee] or in his/her/their absence, the vice-chair of [the () committee] OR [the () sub-committee] in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of [the () committee] OR [the () sub-committee].
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by [the member of staff's job title] relates to the chair or vice-chair of [the () committee] OR [the () sub-committee], this shall be communicated to another member of [the () committee] OR [the () sub-committee], which shall be reported back and progressed by resolution of [the () committee] OR [the () sub-committee].
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 21.

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b. *[If gross annual income or expenditure (whichever is higher) does not exceed £25,000]* **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

OR

[If gross annual income or expenditure (whichever is the higher) exceeds £200,000] **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also standing order 11.

- a The Council may appoint a Data Protection Officer.
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/her/their personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

22. RELATIONS WITH THE PRESS/MEDIA

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

23. EXECUTION AND SEALING OF LEGAL DEEDS

See also standing orders 15(b)(xii) and (xvii).

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **[Subject to standing order 23(a), the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.]**

The above is applicable to a Council with a common seal.

OR

[Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.]

The above is applicable to a Council without a common seal.

24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY COUNCILLORS

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council OR Unitary Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the District and County Council OR Unitary Council shall be sent to the ward councillor(s) representing the area of the Council.

25. RESTRICTIONS ON COUNCILLOR ACTIVITIES

- a. Unless duly authorised no councillor shall:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or

- ii. issue orders, instructions or directions.

26. STANDING ORDERS GENERALLY

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least () councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.



Newbury Town Council

Internal Audit Report 2023-24 (Second interim)

Susan Cook

*For and on behalf of
Auditing Solutions Ltd*

Background

Statute requires all town and parish councils to arrange for an independent Internal Audit (IA) examination of their accounting records and systems of internal control and for the conclusions to be reported each year in the Annual Governance and Accountability Return (AGAR).

This report sets out the work undertaken in relation to the 2023-24 financial year, during our interim reviews of the Council's records for the year, which were undertaken on site on 28th September 2023 and 3rd January 2024. Since our last visit the CEO has left the Town Council, and a Locum is acting in his place. We wish to thank the Council staff for assisting the process, providing all necessary documentation in either hard copy or electronic format to facilitate our second review for the year.

Internal Audit Approach

In commencing our review, we have again had regard to the materiality of transactions and their susceptibility to potential mis-recording or misrepresentation in the year-end Statement of Accounts / AGAR. Our programme of cover is designed to afford assurance that the Council's financial systems remain robust and operate in a manner to ensure effective probity of transactions and to afford a reasonable probability of identifying any material errors or possible abuse of the Council's own and the national statutory regulatory framework. The programme is also designed to facilitate our completion of the 'Internal Audit Report' in the Council's AGAR, which requires independent assurance over a series of internal control objectives.

This report will be updated following our next review the date of which has, as yet to be agreed.

Overall Conclusions

We are pleased to advise that, based on the work undertaken to date, officers continue to maintain adequate and effective internal control arrangements with a few issues identified requiring attention. Details of those issues are set out in the following detailed report with any resultant recommendations further summarised in the appended Action Plan. We ask that the report be presented to members and a formal response be provided in advance of our next visit / review to those recommendations indicating the actions taken and / or in hand at that time.

Review of Accounting Arrangements & Bank Reconciliations

The Council maintains its accounting systems using the RBS Rialtas Omega software with at the time of our visit five bank accounts in place, the operating account, an instant access account and three term deposit accounts, all with Handelsbanken. The relevant cash books are in place in the Omega accounts. Additional funds are also on deposit with CCLA in the Public Sector Deposit Fund (PSDF).

Our objective here is to ensure that the accounting records are being maintained accurately and currently and that no anomalous entries appear in cashbooks or financial ledgers. Consequently, we have to date: -

- Verified the accurate carry forward of the 2022-23 closing balances in Omega to the current year opening Trial Balance;
- Ensured that an appropriate Cost and Nominal Account coding structure remains in place;
- Reviewed three sample months transactions (April, June and November 2023) on the Current account cashbook agreeing detail to supporting bank statements;
- Verified the transfer of funds to the Instant Interest Account and the three new Term Deposit accounts from the current account;
- Verified the year to date PSDF transactions by reference to the underlying monthly advices notices of interest earned; and
- Checked and agreed the software based bank reconciliations as at 30th April, 30th June and 30th November 2023 to ensure that there are no long-standing, uncleared items or other anomalous entries arising.

Conclusions and recommendation

We note that the interest received in November for the Instant Access Account was not recorded in the relevant cashbook and understand that this was because the relevant nominal account had not been set up in Omega at the time the November accounts were reconciled. We were able to confirm that the correcting entry had been made in the December Accounts, but remind that any outstanding items should be recorded on the reconciliation and that the reviewing Councillor also initials that closing bank statement to confirm that the balance reported on the bank reconciliation matches that of the closing bank balance.

We will undertake further work at future reviews checking a further one months' transactions on the accounts and the remaining transactions for the year on the PSDF account and the Term Deposit accounts along with the year-end bank reconciliations on each. We will also ensure the accurate disclosure of the combined year-end cash and bank balances in the AGAR at Section 2, Box 8.

R1. We recommend that the Councillor reviewing the bank reconciliation also initials the closing bank statement figure to confirm that the balance reported on the bank reconciliation matches that of the closing bank balance.

Review of Corporate Governance

Our objective here is to ensure that the Council has robust corporate governance arrangements in place; that Council and Committee meetings are conducted in accordance with the adopted Standing Orders (SOs) and that, as far as we are reasonably able to ascertain as we do not attend meetings, no actions of a potentially unlawful nature have been or are being considered for implementation.

We have commenced our examination of the minutes of Full Council and its extant Committee meetings (with the exception of Planning & Highways) for the year to date with no issues identified.

We have not completed any review of the staff committee minutes as these are not available on the website, we will request copies of these prior to our next visit in April 2024.

We have noted previously that the Council's extant SOs and Financial Regulations (FRs) are subject to periodic review and re-adoption: from our examination of the current financial year's minutes, we note that the SOs have been revised and re-adopted in June 2023, however, the amended SOs still make no reference to contracting arrangements and are not wholly in line with the latest NALC model document.

The Financial Regulations have been reviewed and we have received a copy of the document that is due to be presented to Council in January 2024, we are pleased that the amendments we requested have been included.

We are pleased to note that the Council properly considered the criteria for re-adoption of the General Power of Competence subsequent to the local elections in May 2023 as minuted appropriately.

We note that the 2022-23 AGAR has been signed off by the external auditors however with the following comment.

The AGAR was not accurately completed before submission for review:

- Trust fund transactions and balances have not been excluded from the figures in Section 2.
- The figures in Section 2, Box 8 of the prior year comparative column do not agree to the prior year final signed AGAR.

Conclusions and recommendation

Whilst no significant concerns or issues arise in this area currently, we suggest that further consideration should be given to the inclusion of more detailed content in the Standing Orders in relation to the Council's contracting arrangements, also bringing the document more closely into line with the NALC model.

R2. Consideration should be given to aligning the Council's Standing Orders more closely to the NALC model document including appropriate and detailed reference to the Council's formal contracting arrangements.

Review of Expenditure and VAT

Our aim here is to ensure that: -

- Council resources are released in accordance with the Council's approved procedures and budgets;
- Payments are supported by appropriate records, either in the form of an original trade invoice or other appropriate form of document confirming the payment as due and/or an acknowledgement of receipt, where no other form of invoice is available;
- An official order has been raised for the acquisition of goods or service delivery, where one would be anticipated;
- All discounts due on goods and services supplied are identified and appropriate action taken to secure the discount;
- The correct expense codes have been applied to invoices when processed; and
- VAT has been appropriately identified and coded to the control account for periodic recovery.

We have commenced our review of procedures and physical payments in this area noting that, invoices are no longer physically signed by staff, but instead an email trail of approval is in place for all invoices, along with a register of invoice queries. We have completed a full review of the approval process, noting that a printed copy of the approving emails is kept alongside the list of invoices approved for payment and we are happy that this is a suitable practise.

We have selected a sample of payments processed in the year to November 2023 to ensure compliance with the above criteria including all those payments individually in excess of £3,500, together with a more random selection of every 40th cashbook transaction (irrespective of value). Our test sample includes 45 payments totalling £472,747 and equating to 52% by value of all non-pay expenditure for the year to date. We are pleased to report that no issues have been identified in this respect with all payments meeting the above criteria.

We note that VAT returns continue to be submitted electronically on a regular quarterly basis and have verified that the final 2022-23 quarters reclaim and the first two quarterly reclaims for 2023-24 submitted and repaid by HMRC, with the totals agreeing to the relevant Omega nominal control account.

Conclusions

We are pleased to record that no issues arise in this area currently to warrant formal comment or recommendation: we will extend our test sample to cover the remainder of the year at future visits. We will also review the remaining quarterly VAT reclaims ensuring their consistency with the Omega control account detail.

Assessment and Management of Risk

Our aim here is to ensure that the Council has put in place appropriate arrangements to identify all potential areas of risk of both a financial and health and safety nature, whilst also ensuring that appropriate arrangements exist to monitor and manage those risks identified in order to minimise the opportunity for their coming to fruition.

We have noted previously that the Council has a formal Risk Management Strategy in place supplemented by a detailed Strategic Risk Register which has been reviewed and re-adopted by the Policy and Resources Committee at the October 2023 meeting.

We have checked the annual ROSPA reports for all the play areas and skate park, noting that the works for the few high-risk areas have been completed. The Council also has weekly sight checks completed by the external grounds' maintenance team and a bi-monthly check by its own staff, who have the relevant up to date training.

The Council's insurance cover is provided by Zurich: we have examined the insurance schedule running from 1st September 2023 noting that the Council's premises, street furniture and other equipment are appropriately insured together with Public and Employer's Liability set at £12 million and £10 million respectively, Fidelity Guarantee cover at £2 million and "Business Interruption - Loss of Revenue" cover in place at £396,795 all of which we consider appropriate for the Council's present requirements.

Conclusion

No issues arise in this area currently to warrant formal comment or recommendation.

Precept Determination and Budgetary Control

We aim in this review area to ensure that the Council has appropriate procedures in place to determine its future financial requirements leading to the adoption of an approved budget and formal determination of the annual precept; that effective arrangements are in place to monitor budgetary performance throughout the financial year and that the Council has identified and retains appropriate reserve funds to meet future spending plans.

This review took place in advance of the Council's formal deliberation and determination of the budgetary and precept requirements for 2024-25: however, we discussed the process with the RFO, who is currently developing the budget for the new financial year. The RFO is of the strong opinion that the Council should have a three-year budget to support the Councils development plan and we agree that this is best practise as it provides a clearer picture of the costs of the development plan.

We are pleased to record that members continue to be provided with sound, periodic and comprehensive management accounting information to provide an appropriate means for monitoring budgetary performance during the current year.

We have reviewed the latest available Omega budget report (to 30th November 2023) and, note a few areas of higher-than-expected expenditure levels, such as salaries, insurance, and repairs and maintenance. We further note that the over-expenditure for salaries relates to staff absences and was approved by the Policy and Resources Committee at its July meeting. At the end of the 2022-23 financial year, the general reserves were approximately 4 months revenue spending, however due to the additional staffing costs incurred during 2023-24 and the increased maintenance costs, the general reserves could fall below the recommended three-month revenue spending.

Conclusion

We shall undertake further work in this area at future visits, including ensuring the 2024-25 budget and precept are formally approved and adopted, examining the year-end budget outturn and considering the ongoing appropriateness of retained reserves to meet the Council's ongoing revenue spending plans and development aspirations.

Review of Income

The Council receives income from a variety of sources in addition to the annual precept.

We noted last year that members had approved various scales of fees and charges for 2023-24.

Cemetery: We have reviewed detail of burials as recorded in the formal Burial register maintained by the Community Services Officer (CSO) selecting a sample of 7 interments occurring in the year ensuring that each is supported by the relevant undertaker's application, together with the supporting legally required Burial / Cremation certificates. We have been able to confirm that the appropriate fees have been charged and recovered in accordance with the approved scales of fees and charges for four of the samples and will complete the checks for those outstanding at our next visit. We would like to record in our report the hard work undertaken by staff covering a long-term absence, to ensure that the burial records are now up-to-date.

Allotments: The Council operates several allotment sites with rents charged to tenants appropriately with effect from 1st April annually, control being exercised through the RBS Allotments software package.

Whilst the rental year runs from 1st April, invoices are generally issued early in the calendar year with a number of tenants paying their fees well in advance of 1st April. Consequently, income received in advance of 31st March is coded to a control account (Code 560) as "Receipts in Advance" which is then effectively "reversed" in the new financial year to show the allotment income appropriately in the relevant financial year's accounts.

We have examined the Sales Ledger – "Unpaid debts by date" report ensuring that no long-standing unpaid debts remain at the date of this review.

Conclusions

No issues arise in this area currently to warrant formal comment or recommendation other than to record, as above, that we will examine the controls in place over other income streams at our next review visit.

Petty Cash Account

The Council no longer operates a Petty Cash Account, officers have debit cards for expenditure.

Review of Staff Salaries

In examining the Council's payroll function, we aim to confirm that extant legislation is being appropriately observed as regards adherence to the Employee Rights Act 1998 and the requirements of HMRC legislation as regards the deduction and payment over of income tax and NI contributions, together with meeting the requirements of the local government pension scheme as amended periodically with regard to employee percentage contribution bandings.

We have again examined the operative payroll procedures and consider them sound with payroll production outsourced to DCK Accounting using bespoke IRIS payroll software. The national pay award effective from 1st April 2023 has not yet been agreed.

We have, consequently, acquired detail of salaries paid to staff in post in August 2023; their salary points on the national spinal scale and their basic weekly hours where not employed full time: we have also examined the months' payslips, undertaking the following specific work: -

- We have agreed the salary rate paid to each employee in August for each employee to the approved salary scales;
- We have verified the accuracy of tax and NI deductions in that month based on the gross salaries payable to each employee by reference to the relevant HMRC tables; and
- Finally, we have checked to ensure that the correct LG Pension Scheme percentage deductions rates have been applied in both months.

Conclusion

We are pleased to report that no issues have arisen in this review area warranting comment or recommendation.

Investments and Loans

Our objectives here are to ensure that the Council is "investing" surplus funds, be they held temporarily or on a longer term basis in appropriate banking and investment institutions; that an appropriate investment policy is in place; that the Council is obtaining the best rate of return on any such investments made and that interest earned is brought to account correctly and appropriately in the accounting records.

We also aim to ensure that any loan repayments due to or payable by the Council are transacted in accordance with appropriate loan agreements.

The Council invested £250,000 in the CCLA PSDF which we have previously verified to their third-party advice note and we note that an additional £250,000 was deposited in August 2023: we note from subsequent statements that dividends are duly received monthly and added to the capital investment sum in the Omega control account. We have duly, as indicated in the first section of this report, checked the accurate recording of the year-to-date dividends received and will complete further checks at our future visits.

Since our last visit the Council has opened an Instant Access savings account with Handelsbanken, it is expected that the current accounts will maintain a balance of approximately £20,000 to cover standing orders and direct debits, with transfer from the instant

access account to cover the monthly payment list and salaries. Three short term deposit accounts have also been opened with Handelsbanken, with decisions to be made at the end of the each term in regard to re-investment.

Conclusion

No issues arise in this area currently to warrant formal comment or recommendation. We shall undertake further work at our year-end review, including ensuring accurate disclosure of the year-end balances in the AGAR Section 2, Boxes 8 & 10 respectively.

Rec. No.	Recommendation	Response
Review of Accounting Arrangements & Bank Reconciliations		
R1	We recommend that the Councillor reviewing the bank reconciliation also initials the closing bank statement figure to confirm that the balance reported on the bank reconciliation matches that of the closing bank balance.	
Review of Corporate Governance		
R2	Consideration should be given to aligning the Council's Standing Orders more closely to the NALC model document including appropriate and detailed reference to the Council's formal contracting arrangements.	

Civility and Respect Pledge

To pass a resolution for Newbury Town Council to sign up to the civility and respect pledge

Definition of Civility and Respect

Civility means politeness and courtesy in behaviour, speech, and in the written word.

Examples of ways in which you can show respect are by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

The National Association of Local Councils (NALC), the Society of Local Council Clerks (SLCC), and One Voice Wales (OVW), believe now is the time to put civility and respect at the top of the agenda and start a culture change for the local council sector.

By our council signing up to the civility and respect pledge we are demonstrating that our council is committed to treating councillors, clerks, employees, members of the public, representatives of partner organisations, and volunteers, with civility and respect in their role.

Signing up is a simple process, which requires councils to register and agree to the following statements:

Statement	Tick to agree
Our council has agreed that it will treat all councillors, clerk and all employees, members of the public, representatives of partner organisations, and volunteers, with civility and respect in their role.	
Our council has put in place a training programme for councillors and staff	
Our council has signed up to Code of Conduct for councillors	
Our council has good governance arrangements in place including, staff contracts, and a dignity at work policy.	
Our council will commit to seeking professional help in the early stages should civility and respect issues arise.	
Our council will commit to calling out bullying and harassment when it happens.	
Our council will continue to learn from best practice in the sector and aspire to being a role model/champion council e.g., via the Local Council Award Scheme	

Civility and Respect Pledge

To pass a resolution for Newbury Town Council to sign up to the civility and respect pledge

Our council supports the continued lobbying for the change in legislation to support the Civility and Respect Pledge, including sanctions for elected members where appropriate.	
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DIGNITY AT WORK POLICY

Newbury Town Council believes that civility and respect are important in the working environment, and expect all councillors, officers and the public to be polite and courteous when working for, and with the council.

Purpose

Newbury Town Council is committed to creating a working environment where all council employees, councillors, contractors and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying

In support of this objective, Newbury Town Council has signed up to the Civility Pledge, as a commitment to civility and respect in our work, and politeness and courtesy in behaviour, speech, and in the written word. Further information about the Civility and Respect Pledge is available [NALC](#) & [SLCC](#)

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment;
- ensures that we respond sensitively and promptly; and,
- supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

Scope

This policy covers bullying and harassment of and by CEO and Officers and all employees engaged to work at Newbury Town Council. Should agency staff, or contractors have a complaint connected to their engagement with Newbury Town Council this should be raised to their nominated contact, manager, or the Chair of the Council, in the first instance. Should the complaint be about the chair of the council the complaint should be raised to the Council's staffing committee.

Agency staff, or contractors are equally expected to treat council colleagues, and other representatives and stakeholders with dignity and respect, and the council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

Complaints about other employment matters will be managed under the council's grievance policy.

It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

The position on bullying and harassment

All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. Newbury Town Council will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, civility and respect pledge, equality opportunities policy, and all other policies and procedures set by the Council.

We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure.

Harassment

- Where a person is subject to uninvited conduct that violates their dignity, in connection with a protected characteristic
- Behaviour that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic

Bullying

- Behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. It does not need to be connected to a protected characteristic.

What Type of Treatment amounts to Bullying or Harassment?

'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

Bullying and harassment can occur through verbal and face to face interactions, but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear, however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic (such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due

to their association with someone else (such as harassment related to their partner having a disability for example). [See the council's equality and diversity Policy.](#)

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines, and should not be interpreted as anything different.

Victimisation

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

Reporting Concerns

What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your nominated manager in the first instance or, with the clerk/or a councillor. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

What you should do if you feel you are being bullied or harassed by a councillor: If you are being bullied or harassed by a councillor, please raise this with the clerk/chief officer or the chair of the council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.

The council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

What you should do if you witness an incident you believe to harassment or bullying: If you witness such behaviour you should report the incident in confidence to the clerk/chief officer or a councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if you are being bullied or harassed by another member of staff: If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

Informal resolution

If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the council's policy and must stop. Alternatively, you may wish to ask the clerk/chief officer, your nominated manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own nominated manager, you should raise the issue with the chair of the council. (If your concern relates to the chair, you should raise it with the chair of the personnel/staffing committee). The chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a member of the council staff
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The chair (or another appropriate person) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the council's grievance procedure. You should raise your complaint to the clerk/chief officer or the chair of the council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The clerk/chief officer or the chair of the council will appoint someone to investigate your complaint in line with the grievance policy. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred,
- The names of any witnesses and
- Any action taken by you to resolve the matter informally.

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

The council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to understand better your complaint (see the grievance policy for further information, and details of your right to be accompanied).

After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the grievance procedure.

The use of the Disciplinary Procedure

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome.

This is a non-contractual policy and procedure which will be reviewed from time to time.

GUIDANCE FOR USING THE DIGNITY AT WORK POLICY

This is an example of an employment policy designed for a council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This guidance is provided to support understanding of the policy, and its application, as well as where local adaptations may be required. The guidance is not part of the policy and should be removed from the policy adopted and shared with council employees.

The Dignity at Work Policy will replace a previous 'Bullying and Harassment' Policy, to create a policy that is focussed on encompassing behaviours beyond simply bullying and harassment, and zero tolerance with the aim of dealing with concerns before they escalate. It is important that any commitment made in the policy is applied in practice.

Wording has been suggested to demonstrate a council's commitment to promoting dignity and respect where they have signed up to the NALC, SLCC and OVW Civility and Respect Pledge. Councils that have not signed up to this are requested to consider making this pledge which is based on basic behaviours and expectations of all council representatives to create workplaces that allow people to maintain their dignity at all times. If your council has not agreed to the pledge this wording should be removed.

The policy is drafted with consideration of employment language and terminology that is reflective of a modern working environment, setting a tone that is engaging, collaborative and inclusive. A council may want to update references where relevant to reflect local terminology and structure, however should be considerate of equality, diversity and inclusion.

The examples of bullying and harassment are just that – examples. This should not be considered an exhaustive list.

Notes:

Protected Characteristics

A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

Discrimination includes treating people differently because of a protected characteristic. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if they are related someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

Examples of harassment related to a protected characteristic could include;

- Making assumptions about someone's ability due to their **age**, or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age.
- Making fun or mimicking impairments related to a health condition, or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a **disability** to participate in.
- Refusing to treat a person as their new gender, or disclosing information about their gender identity could be harassment on the grounds of **gender reassignment**.
- **Pregnancy/Maternity** harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant person's stomach.
- Harassment based on **race** could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone's lifestyle based on their ethnicity.
- **Gender** harassment could include not considering people for a job based on gender stereotyping roles, or implementing practices that disadvantage one gender over another. Rude, explicit jokes, even if not directed at an individual, or comments on individuals' dress or appearance.
- Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on **religion/belief**.
- Excluding same sex partners from social events could be both **sexual orientation** and **marriage/civil partnership** discrimination, as could not offering the same work-related benefits.

A person does not need to be employed or have 2 years qualifying service to make a discrimination claim at a tribunal.

- Job applicants who believe they have not been appointed because of a 'protected characteristic' can make a claim.
- New or established employees who are dismissed, or treated unreasonably because of a health condition can make a discrimination claim.
- An employee subjected to harassment can make a discrimination claim at a tribunal.
- An employee asked to retire can make a discrimination claim at a tribunal.

Legal risks

Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.

A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.

The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.

Culture and behaviour

We work in eclectic communities and working environments, and a positive culture within the council enables employees with different backgrounds and beliefs to share ideas and shape how the council achieves its objectives for their community.

It is important to recognise that different individuals may find different behaviours bullying or harassing so while there is not always intent to offend or cause harm, that does not mean that the effect of the behaviour has not caused harm or offence.

It can take people a period of time to decide to raise their concerns, as they worry about consequences (perhaps from peers by complaining about a colleague who is popular, or they fear victimisation from the perpetrator or others). The council should consider whether there are opportunities (such as 121s to offer opportunity to reflect on relationships/morale) to identify issues earlier and address negative behaviours. Individuals can often mention concerns they are experiencing but not want to take it further. The council should remind the complainant that it has a zero tolerance to bullying and harassment and remind them of the policy in place to address concerns. If the allegations mentioned are significant, the council may want to suggest that it will need to investigate further, even if a 'grievance' is not raised, so as to ensure that any concerns and risks are managed, and the council is meeting its responsibilities and duty of care as an employer.

Whilst both staff and councillors jointly determine the working culture, councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how councillors behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies.

Scope

All council representatives are expected to uphold the values of the Dignity at Work Policy, however this policy sets out how allegations from employees will be managed. As indicated in the policy, concerns from a contractor, agency worker etc. should be raised to the identified person, and an appropriate approach will be considered based on the situation and relationship of the complainant with the council.

Likewise, concerns raised about the behaviour of a contractor or agency worker would not generally be managed via the full process (such as the disciplinary process) but appropriate action would be considered based on the situation. To treat people (such as contractors, or a casual worker) engaged

by the council the same as an employee could blur the status of the employment relationship, so consider seeking professional advice if needed.

Managers

Recognising that councils are of varying sizes, where the term manager/nominated manager is used it is recognised this could be the clerk/chief officer, another employee of the council, or a councillor depending on the situation. It is good practice to have a clearly identified person who is the responsible 'line manager' or equivalent contact for an employee so that there is clarity on how the employee should report concerns to, who they notify if they are sick or to request leave etc. More often for council employees this may be the clerk/chief officer, and for the clerk/chief officer this could be the chair/deputy Chair, or possibly chair of a staffing/personnel committee.

Bullying and harassment & performance management

The policy sets out that bullying and harassment does not include appropriate criticism of an employee's behaviour or effective, robust performance management. It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.

Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

Responsibilities

All staff and representatives of the council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.

Leaders – councillors, clerks, chief officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

During the investigation

Employers have a duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.

Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. This could be a councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.

Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it is important to consider their wellbeing and mental health.

Ensure that you communicate regularly with both parties.

The investigation and any subsequent hearing should be completed in accordance with the grievance policy which sets out a process for dealing with concerns. You should ensure that the grievance policy adopted adheres to any local policies and procedures, with consideration of any timescales and escalation routes in your locally adopted policy.

Confidentiality

It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small council it is likely that it will be clear that the accused will know where the accusation has come from. The council representative (clerk/chief officer/councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.

During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some situations it may be appropriate to provide anonymised witness statements however this would be a last resort, and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended that professional advice is sought. For the same reason it can be difficult for a council to consider an anonymous complaint, however if the concerns are significant and compromise the council in their duty of care to employees, then consideration of how to deal with the matter may be required.

Victimisation

All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they have made a complaint, cancelling a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.

False allegations

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure. Such an allegation would be potentially be gross misconduct.

Complaints against Councillors

Following the Ledbury case, the law is clear that any formal complaint about a councillor regarding a breach of the code of conduct must be referred to the Monitoring Officer for investigation (either by the complainant, or the Council with agreement of the complainant). During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the council

agrees reasonable measures with the employee to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person about whom the complaint has been made etc.

Careful consideration is required where a grievance is raised against the council as a whole due to lack of support related to councillor behaviours. The specific allegations will need to be considered to determine whether the allegations can be addressed by the council, or require exploration of the councillors behaviour in order to respond, in which case the Monitoring Officer may be required to investigate the alleged behaviours of a/any councillors where this may relate to the code of conduct. It is a matter of fact whether the complaint is against the council and can therefore be dealt with by the council's grievance procedure or against a councillor and can only be dealt with by the Monitoring Officer.

NEWBURY TOWN COUNCIL

Equality, Diversity & Inclusion Policy

MARCH 2024

1. INTRODUCTION

The Equality Act 2010 came into force in October 2010 and replaces and brings together the previous legislation such as the Sex Discrimination Act 1975, Race Relations Act 1976, the Disability Discrimination Act 1995 and the Equal Pay Act 1970.

The legislation covers a prescribed set of protected characteristics including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It also covers prohibited conduct including discrimination, adjustments for disabled persons, victimisation and harassment; services and public functions; premises; employment; contracts; and, advancement of equality. The latter provision specifies a public sector equality duty, which applies to town and parish councils.

2. PUBLIC SECTOR EQUALITY DUTY

Newbury Town Council has a duty to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

3. THE POLICY

Newbury Town Council will commit to achieving equality of opportunity, valuing diversity in all aspects of its work; providing an inclusive and supportive environment for all by:

- ensuring that people are treated solely based on their abilities and potential, regardless of age, disability, gender reassignment, marriage and civil partnership, sex, pregnancy and maternity, race, religion, sexual orientation, socio-economic background, or any other inappropriate distinction;

- promoting diversity and equality and value the contributions made by individuals and groups of people from diverse cultural, ethnic, socio-economic and distinctive backgrounds;
- challenging inequality and less favourable treatment wherever practicable; and
- promoting greater participation of under-represented groups by encouraging positive action to address inequality, promote an environment free of harassment and bullying on any grounds in relation to all staff, councillors, contractors and visitors attending the Council's offices or meetings.

4. SCOPE

The Equality Act 2010 s.4 introduced the term 'protected characteristics' to refer to groups that are protected under the Act, these are:

- **Age**

Individuals of any age or apparent age are protected from discrimination.

Newbury Town Council will ensure that people of all ages are treated with respect and dignity; ensure that people of working age are given equal access to our employment, training, development and promotion opportunities; and challenge discriminatory assumptions about younger and older people.

- **Disability**

This is a physical or mental impairment which has (or is likely to have) a substantial effect on a person's ability to carry out day-to-day activities for a period of a year or more. Certain medical conditions, such as cancer, Multiple Sclerosis and HIV are a disability from the outset, whatever their impact on day-to-day activities. Protection from discrimination covers a person who has had a disability in the past.

There is no unfavourable treatment if the 'discriminator' did not know or could not reasonably have known the person had a disability. More favourable treatment of disabled persons is not unlawful discrimination against non-disabled people.

Newbury Town Council has a duty to make 'reasonable adjustments' where a 'provision, criterion or practice' puts a disabled person at a substantial disadvantage compared to non-disabled persons. Then a duty arises on the Council to take such reasonable steps as are necessary to avoid the disadvantage at no charge to the employee.

Newbury Town Council will challenge discriminatory assumptions about disabled people; and seek to continue to improve access to information by ensuring availability of a hearing loop systems and alternative formatting of written documents.

- **Gender reassignment**

Gender reassignment is a protected characteristic that applies to a transsexual person who is proposing to undergo, is undergoing or has undergone a process (or part of a process) to change their sex.

Newbury Town Council will challenge discriminatory assumptions about women and men; take positive action to redress the negative effects of discrimination against women and men; offer equal access for women and men to representation, services, employment, training and pay and encourage other organisations to do the same; and provide support to prevent discrimination against transsexual people who have or who are about to undergo gender reassignment.

- **Marriage and Civil Partnership**

Protection is given to people who have or share the characteristics of being married or being a civil partner.

Newbury Town Council will ensure that people are treated with respect and dignity and that a positive image is promoted regardless of marriage or civil partnership; challenge discriminatory assumptions about the marriage or civil partnership of our employees; and ensure that no individual is disadvantaged and that we take account of the needs of our employees' marriage or civil partnership.

- **Pregnancy and Maternity**

This protected characteristic covers the course of a pregnancy and any illness suffered as a result of the pregnancy or because a woman is exercising or is seeking to exercise the right to compulsory, ordinary or additional maternity leave.

Newbury Town Council will ensure that Women are treated with respect and dignity and that a positive image is promoted regardless of pregnancy or maternity; challenge discriminatory assumptions about the pregnancy or maternity of our employees; and ensure that no individual is disadvantaged and that we take account of the needs of our employees' pregnancy or maternity.

- **Race**

Race includes colour, nationality, ethnic or national origins.

Newbury Town Council will challenge racism wherever it occurs; respond swiftly and sensitively to racists incidents; and actively promote race equality in the Town Council.

- **Religion or Belief**

Religion means any religion including lack of religion.

Belief is defined as any religious or philosophical belief including a lack of belief.

Newbury Town Council will ensure that religion or beliefs and related observances of councillors and employees are respected and accommodated wherever possible; and respect people's beliefs where the expression of those beliefs does not impinge on the legitimate rights of others.

- **Sexual Orientation**

The Act protects a person's sexual orientation towards:

- people of the same sex as him or her (i.e. a gay man or a lesbian);
- people of the opposite sex from him or her;
- people of both sexes.

Newbury Town Council will ensure to consider the needs of all sexual orientations.

It is important to note that carers are also protected through association to any of the 'protected characteristics' described above.

In addition, Newbury Town Council recognises that there is a range of other groups/people that may face additional disadvantage and discrimination and will be considered when making decisions. These are:

- people who are rurally isolated
- people on low incomes/in poverty
- single parents
- people with a military background and their families
- ex-offenders (except where there is a known risk to children or vulnerable adults)
- gender identity
- gender expression

- **Inclusion**

Newbury Town Council will be an inclusive Council.

Inclusion means that all people, regardless of their abilities, disabilities, or health care needs, have the right to be respected and appreciated as valuable members of their communities.

Inclusion refers to the behaviours and social norms that ensure people feel welcome.

Through maintaining an inclusive company culture, Newbury Town Council will make their staff feel important and encourage them to work in a way that maximises their true potential.

It will avoid marginalising its staff and create the same opportunities for them, regardless of factors such as their age, race or mental and physical abilities. Workplace inclusion supports the idea of creating a workplace that's safer and more respectful to all employees.

5. OBJECTIVES

To improve delivery, information and access to services Newbury Town Council will:

- Ensure all councillors, employees, contractors and users of our services are informed about our Equality and Diversity Policy.
- Apply equal opportunities principles to work undertaken for the council by external contractors, other organisations in receipt of council funding and in work with our partners.
- Rectify any elements of our work which have the potential for discrimination and prejudice.

To promote equality and diversity with other partners Newbury Town Council will:

- Promote tolerance and respect between diverse groups and individuals.

- Acknowledge and celebrate, wherever possible, the variety of lifestyles and cultures within the town.
- Challenge all forms of discrimination within the Town Council and the wider community.
- Support the development of communities and assist them in challenging discrimination, harassment, bullying and violence.

6. RESPONSIBILITY AND LIABILITY

All members of staff and councillors remain personally responsible for ensuring that they act within the law. The Chief Executive Officer is responsible for ensuring that staff perform their duties in a lawful manner and that staff and councillors are supported by appropriate equality and diversity training.

In certain circumstances, the Town Council could be vicariously liable for actions carried out by staff purportedly in the Town Council's name. Any member of staff or councillor may be personally liable if, whilst on Council business and despite guidance and training from the Council, they behave illegally in respect of the Equality Act 2010.

Breaches of the Council's Equalities and Diversity Policy will be regarded as serious misconduct and could lead to disciplinary proceedings.

Councillors and employees are entitled to complain about discrimination or harassment or victimisation through the Chief Executive Officer or refer to the Council's Grievance Procedure as detailed in the Employee's Handbook.

7. RECRUITMENT

Newbury Town Council is an equal opportunities employer and will ensure that within the framework of the law that the council's recruitment process for staff and the co-option of councillors is free from unlawful or unfair discrimination.

Any recruitment advertisement will be non-discriminatory and will avoid any gender or culturally specific language and include a statement of commitment to equal opportunities, welcoming applications from all sections of the community.

Application forms should ask whether the applicant has been convicted of a criminal offence and if so, to give details. Under the Rehabilitation of Offenders Act 1974 a conviction can become spent. If so, the applicant is not obliged to disclose it. Job applications should not ask for the applicant's age.

During the interview process, candidates will be asked a standard set of agreed questions to avoid potentially discriminatory questions. Personal questions relating to the candidate's age, sex, sexual orientation, race, marital status, nationality, religion or belief, disability, membership or non-membership of a trade union will not be asked.

8. EMPLOYMENT

All employees whether full-time, part-time, fixed contract, agency workers or temporary staff, will be treated fairly and equally. Selection for employment, promotion, training, remuneration or any other benefit will be based on aptitude and ability. All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the Council.

9. RETIREMENT

It is unlawful to terminate employment by retirement unless the employer can justify it, or the employee agrees to it.

10. REVIEW

Future reviews will be done either bi-annually or when there are changes to current legislation, whichever is the sooner.

11. REFERENCES

- Equality Act 2010. Further information available: [here](#)
- National Association of Local Councils (NALC). Web site: [here](#)
Legal Topic Note no.79 Equality Act
Being a Good Employer