

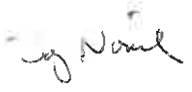
## Iminster Town Council

Dear Councillor

A meeting of the **Town Council** which you are summoned to attend will be held on **Tuesday 19<sup>th</sup> February 2013**. The meeting will be held in the Council Chamber, Council Offices, North Street, Iminster on the rising of the Planning Committee.

The business to be transacted at the meeting is outlined on the Agenda below. Any reports listed as "to follow" will be made available as soon as possible, and in any event at least 30 minutes before the start of the meeting.

Yours sincerely

  
Joy Norris  
Town Clerk

13.2.13  
Date

### AGENDA

**1. Apologies for Absence**

To receive apologies for absence from Councillors unable to attend the meeting.

**2. Declarations of Interest**

To receive any declarations from Councillors and Officers of interests in respect of matters to be considered at this meeting, together with an appropriate statement regarding the nature of the interest.

**3. Minutes** (documents to follow)

- a) To confirm the minutes of the meeting held on 5th February 2013 as a correct record.
- b) To consider the office To do list relating to the Town Council Meetings.

**4. Mayor's Announcements/Engagements**

The Mayor and Deputy Mayor attended no engagements between 5th January 2012 and 11th February 2013.

**5. Police Report**

To receive the police report of activities in the area since last report on 5<sup>th</sup> February.

**6. Reports from County Councillors**

**7. Report from District Councillor**

**8. Open Spaces Committee**

The Open Spaces Committee met on 22 January 2013, and made the following recommendations:

- **Workwear for Open Spaces Wardens**  
**RESOLVED to RECOMMEND**

## **Ilminster Town Council**

- (a) That Personal Protective Equipment is provided by the Town Council to all employees to assist with protecting them against risks to their health and safety whilst at work
  - (b) That Personal Protective Equipment is replaced by the Town Council as and when required (replacements being issued due to deterioration of existing provision to the extent that they do not provide an adequate level of protection)
  - (c) That an allowance of £50.00, administered by the Town Clerk, is available for each Open Spaces Warden (3 people at the time of the report being considered) to spend on work clothing during a financial year e.g. 1 April to 31 March; the clothing style to be the choice of the individual warden and, the colour of the clothing to be a dark blue. All purchases to be agreed in advance by the Town Clerk and paid for by the Town Council
  - (d) That blue cloth badges with the text "Ilminster Town Council embroidered in white be obtained from Golden Finishes
  - (e) That the badges purchased in (d) above are affixed to the clothing (purchased by the Town Council for the Open Spaces Wardens.) on the wearer's left hand side where a breast pocket would be situated.
- **Field In Trust Membership**  
**RESOLVED To RECOMMEND** that the Membership for the 'Field in Trust' is renewed subject to the Town Clerk clarifying that the 15 % discount at HAGS can be used on purchases for any of our recreation fields, not just Winterhay Lane.
  - **Brittens Field Gateway**  
**RESOLVED to RECOMMEND** that the Town Clerk has delegated authority to arrange for the gateway at Brittens Field to be replaced with 3mm dust to scalping, (including the hire of a contractor to remove the top layer of the soil and the hire of a vibrator) at a cost not exceeding £1,500.

### **9. Staffing Committee (to follow)**

The Staffing Committee met on 4<sup>th</sup> February 2013 and will be making recommendations to Council (the relevant documents are to follow)

### **10. Reports from Representatives on Outside Bodies**

Report from Councillor Taylor on the Ilminster Chamber of Commerce meeting held on 6 February 2013 is attached for information.

### **11. Flooding (to follow)**

On 13 December 2012, the Town Council facilitated a meeting for local residents who had been affected by flooding. A compilation of the discussions from the meeting and residents' photographs is being made and will be available prior to the meeting. The meeting is asked to consider the dissemination of the report and if any representations need to be made to other organisations regarding remedial and prevention works.

### **14. Youth Council**

A) Easter Egg Hunt – the Youth Council have requested the opportunity to organise an Easter Egg Hunt

**Ilminster Town Council**

B) the Town Council are asked to consider if there are any particular projects that it would be helpful for the Youth Council to undertake.

**16. Casual Vacancies (to follow)**

The Council currently has 2 vacancies which it may fill by co-option and the Council is asked to agree the process and provisional timetable.

**17. Authorisation of payments (to follow)**

A) The Council Minutes of 17 January 2012 record that the Town Clerk reported a request had been received from Ilminster Forum for £500.00 towards a Marketing Strategy for Ilminster; the minutes do not record whether or not the request was agreed. Council's instructions regarding payment of the £500.00 are therefore requested.

B) The Schedule of Payments for authorisation is attached for Council's approval.

**17. Action Plan (to follow)**

To consider progress on action plan and whether any changes are necessary.

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**Reminders**

**Meetings**

- |                             |                    |
|-----------------------------|--------------------|
| 5 March 2013                | Open Spaces        |
| 19 March 2013               | Finance and Policy |
| 26 March 2013               | Town Council       |
| 16 <sup>th</sup> April 2013 | Open Spaces        |

# ILMINSTER TOWN COUNCIL MINUTES

Minutes of a meeting of the **TOWN COUNCIL** held in the Council Chamber, Ilminster on Tuesday 5<sup>th</sup> February 2013 at 19:30hrs

## Present

**Chairman:** Cllr R Swann,

**Councillors:** Cllr P Burton, Cllr C Goodall, Cllr A Lawson, Cllr D Miller, Cllr J Pallister, Cllr A Shearman, Cllr S Shepherd, Cllr J Sothern, Cllr E J Taylor, and Cllr L Vjeh.

## In Attendance

**Officers:** Miss N McIntosh (Administrative Assistant), Miss J Norris (Town Clerk), and Mrs M Shelley (Deputy Town Clerk),

## Public Question Time

Six members of the public attended the meeting and indicated in interest in the agenda item regarding Somerset County Council's Investigation to Establish Status of Winterhay Lane, Ilminster. One Member of the public commented that he felt the report from Somerset County Council to be fair and accurate and hoped the path be preserved as a working farm lane. Another member of the public asked the Council whether they intended to continue with their stance as previously resolved in that Winterhay Lane should be designated as a public footpath.

### 1. Apologies for absence

Apologies for absence were received from Councillors Austin and Whaites. County Councillor Kim Turner had also sent apologies.

### 2. Declarations of Interest

A) There were no declarations of Interest made.

A) B) The Town Clerk reported that written dispensation requests had been received from Councillors Burton, Lawson and Whaites. the nature of all the interests was that Councillors had a property within the administrative area of Ilminster Town Council and the setting of the town precept would relate to or affect a disclosable pecuniary interest that they had registered.

**RESOLVED** that the Councillors listed below be granted dispensations until 30 April 2015 for discussing and agreeing the precept:

Cllr P Burton

Cllr A Lawson

Cllr P Whaites

### 3. Somerset County Council's Investigation to Establish Status of Winterhay Lane, Ilminster

This item was moved forward on the agenda for the benefit of the members of public attending the meeting.

The Town Clerk reminded Members that at end of last year the Town Council had considered the matter in detail and resolved that Somerset County Council should be informed that the Town Council supported Winterhay Lane becoming a designated Right of Way

Somerset County Council Officers have now compiled a report containing the information they have collected about this lane including photos and a historical map from 1821.

## ILMINSTER TOWN COUNCIL MINUTES

further reduced but that the intention is to freeze Council Tax for the next financial year, but are hoping to protect Libraries and to have extra funding for damaged roads. The main priorities for the coming year will be libraries, roads, school patrol crossing officers and youth service, but will update the Council on the final decision.

### 7. Reports from District Councillor

There was nothing to report from District Councillor Goodall.

### 8. Budget and Precept for 2013/14

#### RESOLVED

- (i) that precept for 2013/14 will be £236,100
- (ii) that the budget for 2013/14 will be £236,100 as set out on the sheet attached to these minutes.

### 9. Open Spaces Committee Meeting

The Chair of the Open Spaces Committee reported the recommendation from the meeting held on 11 December 2012.

#### • Market House Architectural Survey

##### RESOLVED that:

- (i) The Town Clerk attempts to obtain three quotations for both the architectural survey of the market house and the asbestos survey.
- (ii) Subject to satisfactory quotations being obtained the Town Clerk has delegated authority to engage a qualified surveyor to carry out an architectural survey on the market house at a cost not exceeding £680 +vat and asbestos survey on the Council's properties at a cost not exceeding £600+ vat.

#### • Safety Surfaces

RESOLVED that subject to at least three quotes being obtained, the Town Clerk has delegated authority to purchase 'wet pour' surfacing for the seesaw area and mesh matting for the other areas, not exceeding a total cost of £2000 +vat.

### 10. Planning Committee Meeting

There were no recommendations from Planning Committee held on 18 December 2012.

### 11. Finance & Policy Committee Meeting

The Chair of the Open Spaces Committee reported the recommendation from the meeting held on 29 January 2013

#### • Cemetery Fees

RESOLVED that cemetery fees for Ilminster Town Council be increased as follows:

- (1) Burial plot fee increase by 10%
- (2) Ashes plot fee increase by 20%
- (3) All other burial fees increased by the current inflation rate of 3.1%

#### • Health & Safety Training

RESOLVED that unless it is possible to source free health and safety training to a level at least equivalent of that provided by the British Safety Council, Ilminster Town Council employees undertake the British Safety Council e learning packages

## ILMINSTER TOWN COUNCIL MINUTES

and are currently raising the money required. They would also like to expand the car park (by 2 spaces) as this is a way of generating more income.

The Youth Club have 10 helpers with 20 Children on a Tuesday, 20 on a Wednesday 30 Children on Friday.

The Youth Club are hoping to apply to the Town Council for a grant and would like to come to an appropriate meeting to give a presentation on their work.

### 14. Authorisation of payments

#### RESOLVED

- (i) that the accounts listed in the schedule presented to the Council, totalling £29,582.52 be approved.
- (ii) To service the open spaces gang mower at Loxston Groundcare Ltd, at a cost of £856.25 + vat.
- (iii) to pay Somerset Webservices (the supplier of the Council's new website) the deposit of £1000 + vat. This being 50% of the total cost.

### 15. Action Plan

No amendments were made to the Action Plan.

The meeting closed at 20:38hrs

Chair's Signature & Date

To Do List for Full Council meeting to be held on 19<sup>th</sup> February 2013

Date	Minute	Action (To Do)	Action By	Action Taken	Completion Date
16.10.12	6	The following outstanding payments be made: Programme Prize – Not collected, Town Council to hold prize for the period of 12 months Talent Competition PA System	M. Shelley		
16.10.12	7	CILCA -Town Clerk be reimbursed of fees for attending a training course		After 6month probationary period???	
16.10.12	Item 11 Minute 8	Qualified tradesmen take down southern end of football stand and use cladding to seal open/exposed side.	M. Shelley Marilyn	In hand	
16.10.12	Item 13	The Town Clerk be given delegated authority, following consultation with the Council's representative to the Ilminster Forum, to convene a small group to consider suitable projects and expressing an interest in receiving funding from the Market Towns Initiative Group.	Joy		
04.12.12	Item 12	RESOLVED [Wardens' Workshop] (ii) that the purchase of dusk till dawn lighting for the Wardens' workshop at a cost of £520 + VAT be approved	Marilyn	Approved – 29.01.13 Two quotations received, third awaited. All quotes rec'd Work completed by Nigel Gillard	11.02.13

To Do List for Full Council meeting to be held on 19<sup>th</sup> February 2013

Date	Minute	Action (To Do)	Action By	Action Taken	Completion Date
04.12.12	Item 12	[North West Cemetery Wall] (ix) That a record is kept by the Town Council of all costs incurred for undertaking the work detailed in (i) above so that any appropriate recharges can be made.	Joy/ Marilyn/ Michelle	Approved	
05.02.13	Item 3	RESOLVED i) That the Town Council stance is that it supports Winterhay Lane becoming a designated right of way. ii) That Cllr Swann (with Cllr Miller as deputy) attends the County Council's Regulation Committee on 7 <sup>th</sup> March 2013 to put the Town Council's view	Cllr Swann	Meeting 7 <sup>th</sup> March 2013 2pm	
05.02.13	Item 5	Inform Andy Stuart of the incident involving a vehicle driving down the wrong way of Ditton Street	Joy to speak to Andy Stuart		
05.02.13	Item 8	RESOLVED i) That precept for 2013/14 will be £236,100 ii) That the budget for 2013/14 will be £236,100 as set out on the sheet attached to the minutes	Joy/Marilyn	Approved 05.02.13	
05.02.13	Item 9	RESOLVED that subject to at least three quotes being obtained, the Town Clerk has delegated authority to purchase 'wet pour' surfacing for the seesaw area and mesh matting for the other areas, not exceeding a total cost of £2000 +vat.	Marilyn/ Michelle	Approved 05.02.13	
05.02.13	Item 9	RESOLVED that (i) The Town Clerk attempts to obtain three quotations for both the architectural survey of the market house and the asbestos survey. (ii) Subject to satisfactory quotations being obtained the Town Clerk has delegated authority to engage a qualified surveyor to carry out an architectural survey on the market house at a cost not exceeding £680 +vat and asbestos survey on the Council's properties at a cost not exceeding £600+ vat	Marilyn	Approved 05.02.13	



**Recommendations from the Staffing Committee  
4 February 2013**

The Staffing Committee met on 4<sup>th</sup> February 2013 and made the following recommendations.

**1. Confirmation of Appointment – Senior Administrative Assistant**

RECOMMENDED that the Town Clerk is given delegated authority to confirm the appointment, subject to satisfactory performance, of the Senior Administrative Assistant

**2. Appointment of Town Clerk**

RECOMMENDED

- (i) that the Staffing Committee is given delegated authority to deal with all matters relating to the Town Clerk's probationary period and confirmation (or otherwise) of appointment.
- (ii) That the Mayor is given delegated authority to sign the Statement of Particulars for the Town Clerk on behalf of the Town Council, such document to be based upon the national model

**3. HR Framework**

RECOMMENDED that the following documents, as attached, are approved and adopted by Council.

- Discipline Policy & Procedure
- Grievance Policy & Procedure
- Whistleblowing Policy & procedure
- Recruitment Policy & procedure

**Iminster Town Council  
Grievance Policy and Procedure  
Approved by Council on XXXXXX**



**Policy**

1. In any organisation, employees may have problems or concerns and it is in everyone's interests to ensure that grievances are dealt with fairly at the lowest level within the organisation at which the matter can be resolved.
2. The Town Council's grievance procedures aim to ensure fair treatment for all employees and follow statutory procedures relating to grievance matters.
3. Every effort will be made to resolve grievances quickly and at as early a stage of the procedure as possible.
4. The purpose of this policy is to maintain good working relationships at all levels throughout the Town Council and the procedure has been established to deal with any problem that an employee may have related to his / her employment.
5. At all stages of the grievance process the Town Council will ensure that the persons carrying out the grievance hearing and the appeal hearing are different.
6. Grievances will be dealt with as quickly as possible and normally within the time limits specified in this procedure, unless variations are mutually agreed.
7. In the majority of cases, problems can be solved informally between the employee and the Town Clerk and every attempt will be made to do this prior to starting formal proceedings.
8. It is important that an employee should raise any grievance in writing that has not been resolved informally.
9. This policy shall form part of the employee contract of employment and may be amended by the Town Council from time to time as required by law. Employees will be notified of any changes

**Procedure**

NB for the purpose of this procedure

- (i) where the grievance involves the "complainant's" line manager the Town Clerk will undertake any actions usually undertaken by the line manager
- (ii) where the grievance involves the Town Clerk the Chair of the Grievance, Capability and Disciplinary Committee will undertake any actions usually undertaken by the Town Clerk

employment legislation. The Advisor is not part of the decision making process although he or she may be attend during any decision making discussions to give advice.

**20.** The meeting will:

- clarify the issues of concern
- clarify the resolution that the employee would like
- explore whether mediation / facilitation may be a way forward

**21.** Unless it is possible to resolve the issue immediately, the meeting will be adjourned for up to ten working days in order for any investigations e.g. meetings with witnesses to take place and for the Town Clerk / Grievance, Capability and Disciplinary Committee to formulate proposals as to how the grievance can be resolved.

**22.** The meeting will be reconvened at a mutually convenient time in order for the Town Clerk / Grievance, Capability and Disciplinary Committee to report their conclusions about the grievance and give proposals in respect of resolving the grievance. The conclusions and proposals will be confirmed in writing within five days of the reconvened meeting.

### **Step 3 Appeal**

**23.** If an employee wishes to appeal against the outcome of a grievance decision they should do so in writing to the Chair of the Appeals Committee within 10 days of receiving the written reasons for the grievance decision.

**24.** An Appeals Committee meeting will be arranged as soon as possible and practicable following the receipt of the written appeal – and usually within 15 working days – at a date mutually agreed between the Committee, the employee and the grievance decision maker (Town Clerk or representative from the Grievance, Capability and Disciplinary Committee)

**25.** At least 5 days before the Appeal Committee the employee and the Town Clerk / representative from the Grievance, Capability and Disciplinary Committee should exchange any written submissions, correspondence or any other documents relevant to the grievance, copies should also be provided to each member of the Appeals Committee.

**26.** The employee may be accompanied by a work colleague or a Trade Union representative at the grievance meeting. This person may act as the employee's witness, present the employee's case, sum up and respond on the employee's behalf to any view expressed at the hearing but may not answer questions on the employee's behalf.

**27.** Arrangements may be made for an independent person to take written notes of the meeting. Tape recordings are not permitted by either party.

**28.** The Committee may be accompanied by an Advisor, whose role is to give advice on issues of procedure, conditions of employment and employment legislation. The Advisor is not part of the decision making process although he

**Ilminster Town Council**  
**Whistleblowing Policy and Procedure**  
**Approved by Council on XXXXXX**



**Policy**

1. Employees of the Town Council may be the first to see or suspect that another employee or Town Councillor may be involved in some irregularity. Any malpractice, however small is taken very seriously by the Town Council particularly given the nature of its role and public profile.
2. The Public Interest Disclosure Act 1998 (often known as the Whistleblowers Act) is intended to encourage employees to raise their concerns in a responsible way where there is a practice within or associated with an organisation that threatens the public interest. Under the Act, employees are statutorily protected from subsequent victimisation if the matter that is raised falls within detailed criteria specified within the Act. These are summarised in paragraph 7 (a) – (f) below.
3. The Town Council supports the principle of encouraging employees to report any wrongdoing or malpractice within or associated with the work of the Town Council, which it genuinely believed has occurred or is likely to occur, and to protect employees who, in the public interest, raise genuine matters of concern. Such reports need not be confined to matters covered by The Public Interest Disclosure Act e.g. they may refer relate to the matters listed in paragraphs 7(g)-(i) below.
4. Any matter reported within the context of this policy, whether statutorily “protected” or not, will be taken seriously and treated as confidential as far as practicable.

**Procedure**

5. The following procedure is based in the first instance on raising matters of concern internally.
6. Employees have a responsibility to take appropriate, reasonable and timely action whenever they become aware of any situation or matter that could expose the Town Council to loss, liability or reduction in public confidence.
7. Employees should report any situation or matter which they reasonably believe might show that one or more of the following matters has occurred, is occurring or is likely to occur in the future:
  - (a) A criminal offence
  - (b) A failure to comply with a legal obligation
  - (c) A miscarriage of justice
  - (d) A danger to the health and safety of any individual
  - (e) Damage to the environment
  - (f) A deliberate “cover-up” of any of the above matters
  - (g) An act of misconduct

### **Safeguarding Employees**

- 14.** No one who reports any concerns under this policy and procedure in good faith will be subjected to any detriment for coming forward, regardless of whether the concern is ultimately substantiated.
- 15.** An employee who has raised a concern under this policy and procedure but who considers that, as a consequence, they have been victimised should raise the matter as a formal grievance.
- 16.** While encouraging all disclosures made in good faith, the Town Council will treat as unacceptable any deliberately false or malicious allegations, whether or not they relate to a criterion listed in the Act. Any employee making such allegations will face disciplinary proceedings, the outcome of which could include dismissal.
- 17.** Investigation and possible disciplinary proceedings may be taken if an unjustified external disclosure (other than to a Prescribed person) is made.

**Iminster Town Council  
Recruitment Policy and Procedures  
Approved By Council XXXXX**



## **Policy**

1. Every recruitment process will be designed with the intention of achieving the selection of the most suitable person for the job. The Town Council aims to ensure that no job applicant suffers discrimination because of any protected characteristic.

## **Procedure**

### **Review of role**

2. Before a job is advertised the following will be done:
  - A review will be undertaken to ensure that: the role is required; the number of hours work that are required; that the management arrangements are appropriate, the grade / salary scale is appropriate
  - The job description will be updated to ensure that it is current and includes the main tasks of the job
  - The person specification will be updated to ensure that the qualifications, skills and experience included are necessary and justifiable as objective criteria for the satisfactory performance of the job.

### **Advertising**

3. The method of advertising a vacancy will be decided by the Town Clerk, following consultation with the Chair of the Staffing Committee. The advertisement will be aimed at as a wide group of suitably qualified and experienced people as possible and will avoid stereotyping or using wording that may discourage particular groups from applying.
4. External adverts will include the Town Council logo and a statement of commitment to equal opportunities - welcoming applications from all sections of the community.

### **Applications**

5. Applications will be in a written format as specified by the Town Clerk, following consultation with the Chair of the Staffing Committee. The front page of the application form will request any personal information (e.g. name, DOB, address) required and be detachable.

### **Equal Opportunities Monitoring**

6. The Town Council will include an equal opportunities monitoring form in every application pack. Completion of the form by applicants will be voluntary. Upon receipt of a completed application the monitoring form will be separated from the application form. The information on the monitoring forms will be collated and used by the Town Clerk to inform advertising decisions and identify any areas where positive action may be of benefit to increase the pool of applicants.

**Ilminster Town Council  
Grievance Policy and Procedure  
Approved by Council on XXXXXX**



**Policy**

1. For the Town Council to operate efficiently there must be established standards of behaviour, conduct and performance. The purpose of this policy is to state the rights and responsibilities of the Town Clerk and employees where acceptable standards of conduct have not been maintained. When this is the case, this will be viewed as misconduct and will be dealt with under this Disciplinary Policy.
2. However, where it is felt that the employee is failing to meet the standards and competence required to perform their role, reference should also be made to the Capability Policy.
3. The Town Council's disciplinary rules and procedures aim to ensure fair treatment for all employees and follow statutory procedures relating to disciplinary matters and dismissal. At all stages of the disciplinary process, the Town Council will ensure that the persons carrying out the disciplinary hearing and the appeal hearing are different.
4. The Town Council's procedure may be implemented at any stage if the employee's conduct or performance warrants such action. It is not a mechanical process of warnings and dismissal but one that may be invoked by the Town Council at whatever stage it considers most appropriate, given the circumstances and the seriousness of each case. No formal action will be taken without the employee being informed about the nature of the alleged misconduct and being given the opportunity to make representations.
5. The Town Council's disciplinary procedure will be applied in all instances where formal disciplinary action is regarded as necessary, save to the extent that a minor reprimand may be given for any minor act of misconduct by a Town Council employee.
6. The Town Council reserves the right to suspend any employee (on full pay) pending the outcome of any disciplinary investigations or during the disciplinary procedure. Any decision to suspend an employee will be communicated in writing.
7. This policy shall form part of the employee contract of employment and may be amended by the Town Council from time to time as required by law. Employees will be notified of any changes.

**Procedure**

**Introduction**

8. The procedure does not apply to:
  - Action taken during or at the end of a probationary period of service (including any extended probationary period of employment)

assumption of guilt and the suspension is made pending the outcome of an investigation and possible proceedings.

17. The Town Clerk will regularly review (normally monthly) the continued need for any suspension to ensure that it is not unnecessarily protracted and will notify the suspended employee that the review has taken place, the decision regarding the suspension and the reasoning behind the decision. The Chair and Vice-Chair of the Staffing Committee will be informed that the review has taken place and the outcome.

### **Investigation**

18. The Investigating Officer should first establish the facts promptly before recollections fade, and where appropriate, obtain statements from any available witnesses. A record of these investigations will be kept for later reference.
19. Where the investigation is complex e.g. includes a number of allegations or large numbers of people the Investigating Officer should compile an Investigation Plan. The Investigating Officer will provide a monthly update for the Town Clerk and Chair and Vice-Chair of the Staffing Committee.
20. The Investigating Officer may wish to have an investigatory (also called fact finding) meeting with the employee against whom the complaint / allegation has been made. It must be made clear to the employee that this is not a disciplinary meeting and that should the outcome of the investigation be that disciplinary action should be considered they will be invited to attend a formal meeting.

### **Action on completion of the Investigation**

21. Having investigated all the facts, the Investigating Officer should decide whether further action is needed. Actions may include arranging informal coaching or counselling (with a note to the employee's file) or arranging for the matter to be dealt with under the disciplinary (or capability) procedure.
  - If the matter involves cases of unacceptable standards of performance, conduct, attitude and attendance, the disciplinary policy applies.
  - If the matter involves sub-standard performance as a result of a lack of the required skills or aptitude or to health or any other physical or mental qualities, the capability policy applies.
22. When the investigation is complete the Town Clerk will assess whether an outcome of a disciplinary meeting could be dismissal e.g. the allegation is gross misconduct or the employee has already received a final written warning within the previous 12 months. If the outcome could be dismissal the disciplinary meeting will be with the Grievance, Capability and Disciplinary Committee.

### **Statement of Grounds for Action and Invitation to Meeting**

23. The Town Clerk will write to the employee setting out the alleged misconduct, poor performance or circumstances which have led the Town Council to contemplate taking disciplinary action against the employee. The employee will be provided with written particulars of the allegation and any supporting statements or evidence prior to the meeting taking place.



33. Once all the facts have been disclosed and discussed at the meeting and the employee has been given the opportunity to state his or her case, the person conducting the meeting e.g. Town Clerk or Committee Chair will adjourn the meeting to consider the decision. In reaching the decision the Committee may take into account any previous "live" warnings.
34. The meeting will be reconvened to provide a decision to the employee.
35. The decision will be confirmed in writing at the earliest opportunity. A copy will be held on the personnel file.
36. Those hearing the disciplinary case may be accompanied by an Advisor, whose role is to give advice on issues of procedure, conditions of employment and employment legislation. The Advisor is not part of the decision making process although he or she may be attend during the decision making discussions to give advice. The Advisor should not have participated in the Investigation.

### **Disciplinary Actions**

37. If the decision of the Grievance, Capability and Disciplinary Committee or the Town Clerk is that a disciplinary action is warranted, it will be one of the following:
  - **Oral Warning**  
If the employee's conduct or performance does not meet acceptable standards, an oral warning may be given. The employee will be advised in writing of the reason for the warning (see section 'written confirmation of decision' below). A copy of the letter confirming this oral warning will be kept on the employee's personnel file and will be disregarded for disciplinary purposes after 6 months.
  - **First Written Warning**  
If the misconduct or poor performance is more serious, or if there is another act of misconduct or performance does not improve following an oral warning after a period of three months, the employee may receive a first written warning (see section 'written confirmation of decision' below). A copy of this written warning will be kept on the employee's personnel file and will be disregarded for disciplinary purposes after 12 months.
  - **Final Written Warning**  
If the offence is more serious or if conduct or performance does not improve during the timescale of a prior warning (verbal and/or first written), a final written warning may be given to the employee (see section 'written confirmation of decision' below). It will also warn that failure to improve may lead to dismissal. A copy of the written warning will be kept on the employee's personnel file but will be disregarded for disciplinary purposes after 12 months.
  - **Dismissal**  
If the offence committed is more serious (for example gross misconduct) or if there is a failure to improve performance or conduct following a previous warning, the Committee may decide to

- Whether the employee is appealing against the finding that he/she has committed the alleged act(s) of misconduct or against the level of disciplinary sanction imposed.
42. An Appeals Committee meeting will be arranged as soon as reasonably practical after receipt of the appeal from the employee, or at a mutually agreed time and date, this will normally take place within 15 working days of receipt of the employee's written notice of appeal. (The Appeals Committee will comprise 3 Members (quorum set by Council 26.06.12)
  43. At the appeal meeting the employee may be accompanied by a work colleague or an appropriately qualified Trade Union representative. At this meeting, any disciplinary penalty imposed will be reviewed and ultimately a final decision will be made.
  44. The decision will be notified to the employee in writing after the meeting and usually within 5 working days.
  45. There is no further right of appeal.
  46. Where an appeal lies against a decision to summarily dismiss the employee without notice, the Town Council will be under no obligation to pay the employee for any period between the date of the original dismissal and the appeal decision. If the appeal is not upheld the original date of termination will stand. If the appeal is upheld and the employee re-instated, the employee will be entitled to appropriate backpay.
  47. Those hearing the appeal may be accompanied by an Advisor, whose role is to give advice on issues of procedure, conditions of employment and employment legislation. The Advisor is not part of the decision making process, but may take notes of the meeting. The Advisor to the original hearing may also advise the person(s) hearing the appeal. In doing so the advisor should not draw on information that he / she may have heard at the original hearing but, which for some reason, is not relied on by either or both parties at the appeal.

## General Misconduct

General misconduct includes matters related to unsatisfactory performance (where this is not covered under the capability procedure), timekeeping or attendance.

General misconduct offences generally do not warrant dismissal on the first occasion, other than in the most exceptional circumstances. In most instances, general misconduct offences would normally lead to a formal warning. However, repeated instances of general misconduct can result in dismissal. The following are examples of acts or omissions, which constitute general misconduct; this list is not exhaustive:

- Violation of environmental, health, safety and hygiene rules.
- Misuse of Town Council e-mail, Internet or telephone.
- A conflict of interest with the business activity of the Town Council
- Misuse / lack of care of Town Council provided equipment.
- Unacceptable standard of job performance.
- Unacceptable timekeeping.
- Unauthorised absence.
- Persistent absence.
- Misuse of Town Council or other employees' property.
- Poor upkeep of Town Council vehicles or equipment.
- Failure to complete documentation in a timely manner.
- Failure to follow established policies and procedures.
- Failure to comply with a reasonable order, instruction or contractual requirement.

**Report From Councillor Taylor from the Ilminster Chamber of Commerce  
Meeting on 6th February 2013**

**Management Committee**

The President and Treasurer of the Management Committee have both resigned. So the first order of business was to appoint new officers. There was no candidate for President so the post remains vacant. Mr Robert Stone was voted in as Treasurer.

Management meetings are to take place on the 1<sup>st</sup> Wednesday of every month. The next meeting will take place on 6 March at 18:00hrs.

**Membership**

It was noted that membership is declining and a campaign to increase membership and highlight member benefits is planned.

**Town Crier**

The Chamber has appointed Mr Andrew Fox as the next Town Crier. His uniform is currently being made and they are looking into insurance for him. The Chamber Secretary Ben Jagers will be managing his diary.

Mr Fox is looking to become a member of the Ancient and Honourable Guild of Town Criers. However he is having a problem in relation to Rule 4 of the Guild is "No member should carry out duties in any town or location without the prior knowledge or permission of the Mayor, Chairman or proper officer of the town or location". – I stated that the Town Council had agreed at a Council Meeting that the Town Crier should not fall under the direction of the Town Council, so I did not believe we were in a position to help but that I would make Councillors aware of the issue.

**ACTION PLAN**  
15<sup>th</sup> February 2013

No	Priority	Date Raised	Subject	Action	Milestones	Review/Action	Sponsor
<b>A – Cemetery</b>							
1	13	20/10/09	Lower cemetery wall	Long term plan to be developed for the maintenance of the lower wall	Open Spaces to be advised of relevant parts of covenant.	Dec 2012	Goodall
2	7		Lower cemetery wall	Reduction of pressure on cemetery lower wall. Nov 2012 - professional advice sought 04.12.12 Council agreed that Town Clerk could obtain prices for dismantling the North West wall and proceed with eth work based on the process obtained.	Agreement with Callisters	Sept 2013	Goodall
3	11	30/10/07 Revisited 16/09/08	Creation of new path in Cemetery	To explore possible areas for paths and various surfaces.	In abeyance awaiting other cemetery actions.	Review Dec 2012	Goodall/ Whaites
4	12	5/7/11	Cemetery Lodge Crack	There is a crack in the north wall of the cemetery lodge around a window	Crack being monitored for a 12 month period from March 2012. No movement apparent up to and including November 2012	April 2013	Goodall
<b>B – Recreation Areas</b>							
5	1	20/4/10 Revisited 24/5/11	Skate Park	Artistic Graffiti and Snagging 19.10.12 meeting held on site with contractor to discuss snagging 28.11.12 welding snagging completed, remainder of snagging work scheduled for week commencing 3 <sup>rd</sup> December 2012	Contractor has been on-site some issues still to be resolved. 29.01.13	May 2013	Goodall
6	10	7/6/11	Additional land for recreational	Chair of Open Spaces looking to provide recreational master plan. Open Spaces review group met	Discussion with SSDC to continue	Dec 2013	Goodall

**ACTION PLAN**  
15<sup>th</sup> February 2013

No	Priority	Date Raised	Subject	Action	Milestones	Review/Action	Sponsor
7	8	7/5/11	Hammerhead land	28.11.12 Acquire the Hammerhead land with the intention of converting it into a park area. Reviewed in Nov 2012 – Councillors requested item remains on action plan			Shepherd
8	5	21/04/09 Revisited 26/01/10 Revisited 20/06/11	Herne Hill leaflet	Production of a leaflet on Herne Hill to be provided to the TIC (and local schools?)	29.01.13 Draft of leaflet received to be sent to printers and proof copy obtained.	February 2013	Lawson
9	15	13/10/09	New Management Plan for Herne Hill	The last management plan for Herne Hill was produced in 1995. Much has changed since then and a new management plan would be desirable.	SWT to be contacted reference assistance in producing a management plan.	May 2013	Goodall
10	16	05/04/11 04/09/12	Bye Laws – omission to be rectified	Amendment to be made and Byelaws re-sent.  Byelaws submitted to relevant Government Department for approval Nov 2012 – 20 Dec 2012 DCLG confirmed receipt and that their legal team is checking the ITC submission		Dec 2013	Miller
11	4	6/9/11	Canal Banks	To bring canal back to full working order.	Clr Swann to advise on further steps if any	Review Oct 2013	Swann
<b>C – Town enhancements</b>							
An embryo Town Team has met (October 2012) and submitted an expression of interest							
<b>D – Vision</b>							
12	3	07/10/08 Revisited 17/5/11	Strategic Vision	To take the existing parts of the previous Strategic Vision revise it and complete it in a form which can easily	SDDC hosting information evenings on Neighbourhood	May 2013	Goodall

**ACTION PLAN**  
15<sup>th</sup> February 2013

No	Priority	Date Raised	Subject	Action	Milestones	Review/Action	Sponsor
13	22	05/01/10 Revisited 29/06/10	Silver Street Car Park	Investigate the feasibility of the creation of a car park to the rear of the building on the south side of Silver Street.	In abeyance until SSDC 2006 – 2026 Local Plan approved or rejected. (Comment by Cllr Miller)	Dependent on Action 12	Austin
<b>E - Office</b>							
14	6	17/04/12	Website review	Council not to renew the website contract and as an interim measure use temporary web pages and facebook.	Somerset Web Services identified as a preferred supplier.	Dec 2012	Lawson
<b>E - Personnel (Wardens and Office Staff)</b>							
<b>F- Highways/Pavements Paths</b>							
17	17	09/12/09 Revisited 08/03/11	Station Road Parking	Redefine parking areas on the north side of Station Road and west of Brake's garage.	Awaiting painting of new lines	Apr 2012	Austin
<b>G - Miscellaneous</b>							
19	21	19/05/09	Adoption of Lower Meadow, Canal Way Development		No target date yet from Persimmons for completion	23.11.12 Ch of Open Spaces Cttee has liaised with SSSDC – who will not adopt until developer has brought the roads, public spaces and footpaths up to the approved standard. No timescale is	Miller

**ACTION PLAN**  
**15<sup>th</sup> February 2013**

No	Priority	Date Raised	Subject	Action	Milestones	Review/Action	Sponsor
						known for this work.	