Minutes of the **Town Council** meeting

held in the Council Chamber, The Council Offices, North Street, Ilminster,

on Tuesday 26 November 2019 starting at 19.30hrs

**Present:**

**Chair:** Cllr P Burton

**Councillors:** Cllr J Dewick, Cllr M Gunn, Cllr P Hamilton, Cllr V Higgins, Cllr M James,
Cllr V Keitch, Cllr I Mackillop, Cllr A Shearman, Cllr S Shepherd, Cllr R Swann, Cllr L Taylor, Cllr F White and Cllr L Wilcock.

**In Attendance**

Officers: Miss J Norris (Town Clerk)

13 members of the public attended the meeting

**Speaker 1 - flooding**

Derbeyshire has received the equivalent of 1 months rainfall in 24 hours, 2 years ago there was a similar incident in Ilminster and since then some measures have been taken to mitigate the impact of a such an occurrence; it is paramount to stop water running off the Beacon and ways of doing this include trapping and holding the water or tree planting.

**Speaker 2 – 5 G**

There are various claims and statements about the safety of 5G one of which is that it has a side effect on human brain tissue; some places e.g. Totnes and Kingsbridge opposing the 5G role out until the safety concerns have been addressed, the speaker would like Ilminster to consider taking a similar stance.

1. **Apologies for Absence**

There were no apologies for absence as all Councillors were present.

1. **Declarations of Interest**

Councillors made Declarations of Interest as detailed in the table below:

Chair’s initials

| **Name** | **Agenda Item** | **Minute No** | **Nature of Interest** | **Type of Interest** | **Action** |
| --- | --- | --- | --- | --- | --- |
| S Shepherd  | Agenda No 11,Ilminster Cricket Pavilion | 710 | President and Secretary of Ilminster Cricket Club  | Prejudicial  | Left the room  |
| M James | Agenda No 8 VE & VJ 75th Commemorations Agenda No 11,Ilminster Cricket Pavilion | 707710 | Member of Royal British Legion Ilminster BranchSocial member of Ilminster Cricket Club  | PersonalPersonal | Spoke and voted Spoke and voted |
| J Dewick  | Agenda 14 A358 proposals – Cycle Route  | 713 | Member of cycling campaign | Personal  | Spoke and voted  |
| R Swann | Agenda No 11Ilminster Cricket Pavilion | 710 | Vice President of Ilminster Cricket Club  | Personal  | Spoke and voted  |
| V Keitch | Agenda No 10Wharf Lane Rec Section 106 Agreement with South Somerset District Council for New Play Equipment and Youth Facilities  | 709 | Leader of South Somerset District Council | Personal  | Did not speak nor vote  |

1. **Minutes**

Consideration was given to the draft minutes of the meeting held on **29 October 2019**

**RESOLVED** that the minutes of the meeting held on 29 October 2019 be confirmed as a correct record.

1. **Police Report**

This agenda item provides an opportunity for the Police to report on any matters relevant to policing in Ilminster. The written report was circulated at the start of the meeting and covered a 7 month period

* PCSO Toby Hatchard has been moved to Chard to get further experience before he starts Police Officer training
* the extent of the beat area was explained
* The summer provided lots of opportunities to attend outdoor events; at Party on the Park there was free bike marking / registering - this can still be done by arrangement with the neighbourhood team
* there was a good atmosphere at the Carnival and only a few minor incidents,
* the 30 assaults listed ibn the report – included approx. 7 linked incidents
* The figures in the report are for Ilminster town centre not the entire beat area
* Chief Insp Baker has assured the District Councillor that Ilminster will be getting a PCSO to fill the vacancy left by PCSO Hatchard
* Domestic violence, including repeat calls, is taken seriously

**RESOLVED** to note the report

1. **Office Action Plan**

The Office Action Plan relating to Town Council Meetings was considered:

Issues raised or discussed during consideration of this agenda item included:

Chair’s initials

* ITC solicitor will be able to draft sub lease for the Cricket Pavilion when a plan showing the footprint required etc is available

**RESOLVED** to note the Office Action Plan.

1. **Mayor’s Announcements/Engagements**

**a)** There were no announcements relevant to Town Council and Mayoral activities and engagements.

**b)** The Mayor’s list of engagements between 10 September 2019 and 20 November 2019 had been circulated prior to the meeting.

1. **Motion Under Standing Order No 9**

Submission and consideration of the Motion regarding climate change was deferred until a future meeting.

1. **VE & VJ 75th Commemorations**

To consider proposals from the Ilminster Branch of the Royal British Legion (RBL) for commemorations to mark the 75th anniversaries of VE and VJ days.

Representatives from the Royal British Legion Ilminster Branch would like the Council to take play a part in organising the commemorations for VE and VJ days:

* **VE commemoration Friday afternoon** – celebration street party in East Street outside Co-Op the intention is od have people who were serving in the armed forces on VE day as guests of honour; would like ITC to sort the road closure
* **VJ day** **commemoration 15 August:** a short ceremony to be held at the Burma Star Garden

Issues raised or discussed during consideration of this agenda item included:

* Pleased to see VJ Day being remembered as well as VE day

**RESOLVED**

1. that the Town Council support the commemorations as outlined to the meeting by the RBL
2. That Councillors Keitch, Shepherd, Dewick and James join the RBL Committee organising the commemorations as the Town Council’s representatives.

**Note:** Cllr Jameshad declared a personal interest as a member of Ilminster RBL in this agenda item.

1. **Recommendations from the Open Spaces Committee**

The recommendations from the Open Spaces Committee held on 10 September 2019 were considered.

1. **Dug Outs**

The Chair of the Open Spaces Committee explained that since the Committee agreed a recommendation that the erection of permanent dugouts should not be supported the Football Club had provided further information which had been circulated to Councillors.

Chair’s initials

Issues raised or discussed during consideration of this agenda item included:

* Community safety – whether or not permanent structures would be a target for anti-social behaviour and vandalism
* Mobile dug outs – would need to be stored securely, are prone to vandalism
* The storage container area is not fully utilised

The Football Club responded to the comments raised by Councillors with the following information:

* the number of teams playing each week
* It is not practical to move and site the dug outs every time they are needed
* Minor repairs have been undertaken to the temporary structures but thi is no longer viable
* The size of the dug outs is governed by FC Regulations

**RESOLVED** to give permission for a 5m long permanent brick structure to be erected and used as dug outs adjacent to the main football pitch on Britten’s Field.

1. **Wharf Lane Recreation Ground Play Area Refurbishment**

At the start of consideration of this item Councillors stated they wished it to be minuted that the S 106 money available specifically for play and young people cannot be used for other purposes e.g. to prevent flooding

The Chair of the Open Spaces Committee made a short presentation which included the following key points

* It is a long time since the refurbishment was first suggested
* The timescale for the work, if it is done in continuous phases is for installation to be completed by December 2020
* Children visiting the Rec recently have been excited about the new activity trail
* Contingency costs
* Budget provision for children and young people has been retracted over the years at all council levels
* The proposed scheme provides opportunities for creative play
* Implementation of the full scheme would provide a destination play space

Issues raised or discussed during consideration of this agenda item included:

* That replacing the play equipment in the Wharf Lane Rec has been talked about for a long time
* The amount of money budgeted for contingencies

**RESOLVED**

1. That the refurbishment of the Wharf Lane Play Area should proceed as outlined in the sketch design attached to the Minutes as Appendix 1
2. That a budget of £354, 000 is agreed for the play area refurbishment including the focal point barge design, professional fees and contingency
3. **Grounds Maintenance Equipment - Ride-On Mower**

The Chair of the Open Spaces Committee presented the Committee’s recommendation

Chair’s initials

**RESOLVED**

 **(i)** that a Stiga Park Pro 340ix machine (with 105 deck) is bought at an estimated cost of £5,500 which includes a trade-in allowance on the Town Council’s broken machine.

1. **Wharf Lane Rec Section 106 agreement with South Somerset District Council for New Play Equipment and Youth Facilities**

Consideration was given to acceptance of the Award Agreement Terms and Conditions.

**RESOLVED** to accept to the Award Agreement Terms and Conditions for the S106 monies towards new play equipment and youth facilities for the Wharf Lane Rec Play Area

Note: Cllr Keitch had declared a personal interest as the Leader of South Somerset District Council in this agenda item and did not speak or vote.

1. **Ilminster Cricket Pavilion**

To consider a request from Ilminster Cricket Club to:

1. Support their request to South Somerset District Council for S106 funding and B)

for a grant of £5,000 towards the project

**Note:**

1. Councillors James and Swann had declared personal interests in this agenda item
2. 20:29hrs Cllr Shepherd left the meeting as he had declared a prejudicial interest in this agenda item

**RESOLVED**

1. to support Ilminster Cricket Club in their request to South Somerset District Council for Section 106 money towards a new cricket pavilion
2. to give Ilminster Cricket Club a £5000 grant towards the costs of providing a new cricket pavilion

**Note:** 20:32hrs Cllr Shepherd returned to the meeting

1. **Ratification of the Election of the Resources Committee Chairs & Vice Chair**

The Council was asked to ratify the election of the Resources Committee Chair and Vice-Chair

**RESOLVED** that the election of Cllr James as Chair of the Resources Committee and the appointment of Cllr Shepherd as the Vice-Chair of the Resources Committee, both for the remainder of the municipal year, be ratified.

1. **Recommendations from the Resources Committee**

The recommendations from the Resources Committee meeting held on 15 October 2019 were considered.

1. **Fire Service – Retained Firefighters**

**RESOLVED** that the principle of Ilminster Town Council employees becoming retained firefighters is supported

Chair’s initials

1. **Policy Review – Provision of Personal Protective Clothing (PPE) and Clothing Allowance**

**RESOLVED** that the Provision of Personal Protective Clothing and Clothing Allowance as attached to the minutes at Appendix 2 is adopted

1. **Policy Review – Employee Code of Conduct**

**RESOLVED** that no changes are made to the existing Employee Code of Conduct (first adopted 04.12.12 & reviewed 11.10.16) attached to the minutes as Appendix 3

1. **Member / Officer Relations Protocol**

**RESOLVED** that the Member / Officer Relations Protocol as attached to the minutes as Appendix 4 is adopted

1. **A358 Proposals – Cycle Route**

Consideration was given to the Town Council’s response to a letter from Taunton Area Cycling Campaign regarding the provision of a quality cycle rout as part of the A358 proposal.

Issues raised or discussed during consideration of this agenda item included:

* Roads are going to get busier

**RESOLVED**

1. that letter be sent to the cycle campaign saying the Ilminster Town Council supports the suggestions made in their petition to Highways England
2. that a letter is sent to Highways England stating support for the Taunton Area Cycling Campaign’s suggestions for the A358 proposal,
3. That a link to the Taunton Area Cycling Campaign is provided on the Town Council’s website

**Note**: Cllr Dewickhad declared a personal interest, as a member of the cycling campaign, in this agenda item,

1. **Transport Needs Assessment**

To consider a Transport Needs Assessment for Ilminster

This agenda item was withdrawn.

1. **Strategic Plan 2019/20-2021/22 – Status Report**

 The quarterly Status Report was considered

Issues raised or discussed during consideration of this agenda item included:

* The Weekly market
* Progress on the bus shelter for Orchard Vale
* Grit Bins
* Recruitment of a Deputy Clerk

**RESOLVED** to note the report.

1. **Strategic Plan 2020/2021 – 2022/23**

Consideration of the Strategic Plan for 2020/2021 – 2022/23 was deferred to a future meeting.

Chair’s initials

1. **External Audit Report for 2018/19**

The External Audit Report for 2018/19 was considered; there were no items the Auditor had listed to be brought to the Town Council’s attention

**RESOLVED** to note the report of the external Auditor regarding the 2018/19 audit

1. **Policy Review – Risk Management**

The Risk Management Policy was reviewed and consideration given to whether or not any amendments were required.

**RESOLVED**

1. that the Risk Management Policy as previously adopted remains in place (attached to these minutes as appendix 5)
2. that the Risk Management Policy is reviewed in 3 years unless legislation or best practice requires an earlier review
3. **Policy Review - Media & Publicity**

The Media & Publicity Policy was reviewed and consideration given to whether or not any amendments were required

**RESOLVED**

1. that the Media and Publicity Policy as previously adopted remains in place (attached to these minutes as appendix 6)
2. that the Media and Publicity Policy is reviewed in 3 years unless legislation or best practice requires an earlier review
3. **Policy Review – Petitions Scheme**

The Petitions Scheme was reviewed and consideration given to whether or not any amendments were required

**RESOLVED**

1. that the Petitions Scheme as previously adopted remains in place (attached to these minutes as appendix 7)
2. that the Petitions Scheme is reviewed in 3 years unless legislation or best practice requires an earlier review
3. **Payments and Virements**

The Schedule of Payments will be presented for Council’s information.

Issues raised or discussed during consideration of this agenda item included:

* Prizes for scarecrow competitions
* the confidentiality of salary information

**RESOLVED** that the payments listed in the schedule presented to Council totalling £64,176.40 net are noted.

1. **Reports from District Councillors**

There was no District Councillor report due to “purdah” restrictions.

Chair’s initials

1. **Report from the County Councillor for the Ilminster Division**

The County Councillor’s October report had been circulated with the agenda, there was no further report due to “purdah” restrictions.

1. **Reports from Representatives on Outside Bodies**

Oral reports from Representatives on Outside Bodies were received.

Ilminster Literary Festival - the programme for 2020 is almost complete

Ilminster Entertainment Society – a full programme has been planned for 2020 – the April production may be suitable to use a Mayor’s Civic event

The Chamber of Commerce would like explore different ideas for the weekly general market

1. **Update From Neighbourhood Plan Development Group**

An update from the Neighbourhood Plan Development Group was received; work has been progressing well and a number of public workshops have been held. A draft Neighbourhood Plan for consultation will be presented to a Councilmeeting on 3 December 2019.

1. **Clerk’s Updates**

The Clerk’s Updates detailed had been sent by email since the last Town Council agenda was published and no questions were raised at the meeting.

|  |  |  |
| --- | --- | --- |
| **Number** | **Date** | **Topics** |
| 14/19 | 3/9/19 | 1. Grounds Staff
2. Budget Workshop
3. Special Town Council Meeting
 |
| 15/19 | 17/9/19 | 1. Strategic Plan & Budget Workshop
2. Draft Minutes PHT Committee 3rd September 2019
 |
| 16/19 | 30/09/19 | 1. Draft Minutes Resources Committee 13 August
2. Draft Minutes Open Spaces Committee 10 September
3. Staffing
4. Councillor Training Opportunities
 |
| 17/19 | 30/09/19 | 1. Draft Minutes of the Town Council meeting held on 17 September
2. Local Plan Review – Response Letter
3. External audit
 |
| 18/19 | 24/10/19 | 1. Staffing
2. Trees near the Canal
3. Millennium Seat & Accessible Picnic Bench - Wharf Lane Rec Childrens’ Play Area
 |

1. **Exclusion of the Press and Public**

**RESOLVED** to exclude the press and public from the meeting, in accordance with the Public Bodies (Admission to Meetings) Act 1960, section 1(2), for Agenda Item 29 Finance Procedure Risk Register due to the confidential nature of the business to be transacted

Chair’s initials

The reports relating to this item has been withheld from public circulation and deposit.

1. **Finance Procedure Risk Register**

The Finance Procedures Risk Register as agreed by the Resources Committee on 13 August 2019 is presented for information

**RESOLVED** that Finance Procedures Risk Register as agreed by the Resources Committee on 13 August 2019 is noted.

The meeting closed at 21:11hrs

Chair’s Signature & Date



**APPENDIX 1**

**APPENDIX 2**

**Provision of Personal Protective Clothing & Clothing Allowance**

**(Agreed at Council Meeting on 19 February 2013,**

**reviewed and amended by Town Council 9 August 2016, reviewed 26th November 2019)**

Personal Protective Equipment is provided by the Town Council to all employees, agency staff and volunteers to assist with protecting them against risks to their health and safety whilst at work.

PPE includes steel toecap footwear and high visibility jackets and vests.

Personal Protective Equipment will be 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).

An allowance of £150.00, administered by the Town Clerk, is available for each permanent member of staff on the Grounds Maintenance Team to spend on work clothing during a financial year e.g.1 April to 31 March; the clothing style to be agreed between the individual grounds team member and the Grounds Manager; the colour of the clothing to be a dark blue.

All purchases either to be agreed in advance by the Town Clerk and paid for by the Town Council or receipts for the purchases to be provided.

Blue cloth badges with the text ‘Ilminster Town Council’ embroidered in white to be affixed to the clothing (purchased by the Town Council for the Grounds Team) on the wearer’s left hand side where a breast pocket would be situated.

The amount of the allocation will be reviewed annually.

**APPENDIX 3**

**Ilminster Town Council**

**Employee Code of Conduct**

**Approved By Council 4 December 2012, Reviewed by Council 11 October 2016 and 26 November 2019**

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

**1 Introduction**

* 1. This Code of Conduct sets out, in general terms, the standards that are expected of Ilminster Town Council employees; it is complemented by legislation and other Town Council policies such as financial regulations, sickness reporting and health and safety.
	2. Ilminster Town Council employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to Members and fellow officers with impartiality.
	3. An Ilminster Town Council employee must perform their duties with honesty, integrity, impartiality and must at all times act in accordance with the trust that the public is entitled to place in them.
	4. An Ilminster Town Council employee is accountable to the Council for his / her actions
	5. Ilminster Town Council employees are expected, through agreed procedures and without fear of recrimination, to bring to the attention of the Town Clerk any deficiency in the provision of service.
1. **Openness and Disclosure of Information**
	1. Ilminster Town Council believes that open administration is best and it will be as open as possible about all the decisions and actions that it takes. The Council welcomes opportunities to share information with the community that its serves.
	2. The law requires that certain types of information must be available to Members auditors, government departments, service users and the public. Ilminster Town Council employees will not prevent another person from gaining access to information to which that person is entitled by law.
	3. Ilminster Town Council employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they knowingly pass it on to others who might use it in such a way.
	4. Information concerning an Officer’s or Member’s private affairs shall not be supplied to any person except where such disclosure is required or sanctioned by law.
	5. Ilminster Town Council employees will not knowingly disclose information given to them in confidence by anyone, or information which they believe to be of a confidential nature, without the consent of a person authorised to give it, unless required by the law to do so.
	6. No Ilminster Town Council employee may take part in any broadcast (sound or vision) or publish an article or otherwise disclose information to the media which relates to the Council without first obtaining the permission of the Town Clerk.
2. **Political Neutrality**
	1. Ilminster Town Council employees serve the Council as whole and must ensure that the individual rights of Members are respected.
	2. Where Ilminster Town Council employees are required to provide advice to Members (either individuals or groups) the advice must be given in such a way that the political neutrality of the advice giver is not compromised.
	3. Ilminster Town Council employees must follow every lawful expressed policy of the Council and must not allow their personal or political opinions to interfere with their work.
3. **Relationships and Respect For Others**
	1. Ilminster Town Council is committed to promoting equality of opportunity for all local people and communities, irrespective of gender, ethnic origin, disability, religious belief, sexual orientation, age, or any other protected characteristic or relevant factor.
	2. An Ilminster Town Council employee must treat others with respect and not knowingly discriminate unlawfully against any person.
	3. All Ilminster Town Council employees should ensure that policies relating to equality and diversity issues as agreed by the Council are complied with, in addition to the requirement of the law. All members of the community Members and Officers of the Council have a right to be treated with fairness and equity.
	4. Ilminster Town Council employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to individuals and any groups.
	5. Mutual respect between Officers and Members is essential. Close personal familiarity between Ilminster Town Council employees with individual Members or other Officers can damage other working relationships and be embarrassing to other employees and Councillors and should therefore be avoided.
	6. All relationships of a business or private nature with external contractors or potential contractors should be made known to the Town Clerk. Orders and contracts should be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives during the tendering process.
	7. Ilminster Town Council employees who engage or supervise contractors or have any other official relationship in a private or domestic capacity with contractors should declare that relationship to the Town Clerk.

**5. Appointment and other Employment Matters**

5.1 Ilminster Town Council employees involved in making staffing appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship with them either within or outside of the workplace.

5.2 Similarly to 5.1 above, employees should not be involved in decisions relating to discipline, promotion or pay adjustments of any employee who is a relative or partner.

NB In this context

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

**6. Outside Comitments**

6.1 Whilst the Council would prefer that its employees are exclusively employed by the Council, it does realise that such an exclusive contract may not be possible. The Council does however, reserve the right to require that any other employment that is undertaken by its employees does not conflict with either the role or the standards required by the Town Council.

6.2 An Ilminster Town Council employee must not have any secondary employment without first obtaining the permission of the Town Clerk.

**7. Personal Interests (including gifts and hospitality)**

7.1 An Ilminster Town Council employee will not use their position improperly to confer advantage or disadvantage on any person.

7.2 Ilminster Town Council employees should inform the Town Clerk of any non-financial interests that they consider could bring about a conflict with the Council’s interests.

7.3 Ilminster Town Council employees must inform the Town Clerk of any financial interests which could conflict with the Council’s interests.

7.4 Ilminster Town Council employees shall not accept any payment, fee, reward or benefit either direct indirect, of any kind, in connection with their employment, from any person or body other than the Council itself except as provided for in 7.5 and 7.6 below.

7.5 Acceptance of any gift and /or hospitality must be approved by the Town Clerk or, if the recipient is to be the Town Clerk the approval of the Finance and Policy Committee must be obtained

7.6 Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented.

7.7 All offers of gifts and hospitality, whether accepted or declined, must be recorded by the Town Clerk.

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

**8 Tender and Contract Processes**

8.1 Ilminster Town Council employees must exercise fairness and impartiality when dealing with contractors and suppliers

8.2 Ilminster Town Council employees who are privy to confidential information on tenders or costs for either internal or external contractors should not knowingly disclose that information to any unauthorised party or organisation.

8.3 Ilminster Town Council employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

**9. Corruption**

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

**10. Resources**

10.1 Ilminster Town Council employees must ensure any public funds entrusted to or handled by them are dealt with in a responsible and lawful manner. They should strive to ensure value for money to the local community and ensure that matters are conducted in accordance with the Council’s Financial Regulations and Standing Orders .

10.2 Ilminster Town Council employees must not make personal use of property of facilities of the Council unless authorised by the Town Clerk to do so.

**11. Standards of Dress and Appearance**

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

**12 Alcohol, Drugs and Other Substance Misuse**

12.1 Ilminster Town Council employees are expected to attend work without being under the influence of alcohol, drugs or other substance or have their work performance adversely impaired by such substances.

12.2 Ilminster Town Council employees whose performance or behaviour falls below the acceptable standard or who cause danger or inconvenience as a result of alcohol, drugs or other substance misuse may be the subject of the Council’s disciplinary and / or capability procedures.

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

**13 Criminal Charges**

13.1 An Ilminster Town Council employee must inform the Town Clerk if they are charged or convicted of a criminal offence (other than minor driving infringements)

**14 Intellectual Property**

14.1 Intellectual property is a generic legal term which refers to the rights and obligations received and granted (including copyright) in relation to, for example, inventions, patents creative writings.

14.2 All intellectual property created by an Ilminster Town Council employee during the course of their employment belongs to the Town Council.

**15.Breach of the Code**

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

 **Ilminster Town Council Protocol for Member / Officer Relations**

**approved and adopted by Council 04.12.12. Reviewed by Council 09.08.16 and 26.11.2019**

**APPENDIX 4**

**Introduction**

This protocol is intended as a guide for Members and Officers in their dealings with one another and as a supplement to the Members’ and Officers’ Codes of Conduct. To a large extent the protocol is a statement of practice and convention which is intended to provide clarity.

The reputation and integrity of the Council is significantly influenced by the effectiveness of the Councillor, the Clerk and other staff working together to support each other’s roles. The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy.

In this document Council refers to Ilminster Town Council and Councillor refers to Councillors of Ilminster Town Council.

1. **General Principles**

1.1 The ideal relationship is best defined as a partnership of Councillors and Officers working together to achieve the overall aims of the Council.

* 1. Members and Officers should avoid any close personal familiarity that could give rise to the suspicion of bias or undue influence.
	2. Every person must be treated fairly with dignity and respect. Harassment and bullying is not acceptable.
	3. In general, Councillors make policy and Officers implement the Council’s policy. In most cases Councillors should avoid becoming involved in the operational and administrative aspects of service delivery.
	4. Members and Officers share a responsibility to work together to achieve and implement decisions in the interests of the Council and the area it serves.
	5. All dealings between Members and Officers should be conducted courteously and neither party should seek to take advantage of their position.
	6. To ensure high standards of conduct Councillors are required to abide by the Councillors Code of Conduct and Officers the Employees Code of Conduct.
	7. If an Officer is concerned about the behaviour of a Councillor, or if a Councillor is concerned about the behaviour of an Officer the nature of the concern should be brought to the attention of the Town Clerk.

**2 Councillors**

2.1 Councillors have 4 main areas of responsibility

* To determine council policy and provide community leadership
* To monitor and review council performance in delivering services
* To represent the council externally
* To act as advocates for their constituents

2.2 Councillors make decisions in Committee and Council meetings (when the topics discussed will be in accordance with the Committee Terms of Reference)

2.3 A Councillor acting as an individual cannot give instructions to a Council employee

2.4 Councillors should not involve themselves in the day to day running of the Council. This is the Clerk’s responsibility and the Clerk will be acting on instructions from the Council or its Committees, within an agreed job description. Progress on actions will be reported to the relevant committee

2.5 Subject to 2.6 below, where a Councillor requires a document to carry out their duties as a member of the Town Council they may, provided that the document is not confidential nor falls under data protection regulations, inspect the document and request a copy.

In the case of any confidential document or document containing information that falls under data protection regulations it is incumbent upon the Councillor to satisfy the Mayor, Deputy Mayor and the Town Clerk that the Councillor cannot carry out their duties without having inspected the document.

2.6 A Councillor should not knowingly inspect or call for a copy of any document relating to a matter in which they have a professional, significant personal interest or a pecuniary interest.

2.7 Any document provided for a Councillor and marked as “Confidential” or “Not For Publication” shall be exclusively for the use of that Councillor and shall not be disclosed to any other person.

2.8 Council equipment and supplies e.g., stationery provided to Councillors must only be used to assist them in their role as members of the Council.

2.9 Members must not seek to influence the appointment of Council staff other than where they are properly appointed to a selection panel.

1. **Officers**

3.1 The role of Officers is to give advice and information to Councillors and to implement the policies determined by the Council. In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the Officer to express their own professional views and recommendations. An Officer may report the views of individual Councillors on an issue, but any recommendation should be the Officer’s own. If a Councillor wishes to express a contrary view they should not pressurise the Officer to make a recommendation contrary to the Officer’s professional view, nor victimise an Officer for discharging their responsibility.

* 1. Officers are required to discharge their responsibilities in a professional manner and without political bias or favour.
	2. Officers are expected to declare any prejudicial interests relating to their work to the Town Clerk.
	3. Officers must not normally lobby Councillors e.g. about personal employment matters or budgetary matters; such issues should be taken through agreed procedures.
	4. Council equipment and supplies e.g., stationery provided to Officers must only be used to assist them in their role as employees of the Council.
1. **Expectations**

4.1 All Councillors can expect:

* A commitment from Officers to the Council as a whole, and not to any individual Councillor, group of Councillors, political group or pressure group
* An effective and co-operative working partnership with Officers
* Officers to understand and support respective roles, workloads and pressures
* A timely response from Officers to enquiries and complaints
* Officer’s professional advice, not influenced by political views or personal preferences
* Regular up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold
* Officers to be aware of and sensitive to the public and political environment locally
* Respect, courtesy, integrity and appropriate confidentiality from Officers
* Training and development opportunities to help them carry out their role effectively (records of any such training will be kept by the Town Council)
* Not to have personal issues raised with them by Councillors outside the Council’s agreed procedures
* That Officers will not use their contact with Councillors to advance their personal interests or to influence decisions improperly
* That Officers will at all times comply with the relevant code of conduct
	1. Officers can expect from Councillors:
* An effective and co-operative working partnership
* An understanding of, and support for, respective roles, workloads and pressures
* Leadership and direction
* Respect, courtesy, integrity and appropriate confidentiality
* Not to be bullied or put under undue pressure
* That Councillors will not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly
* That Councillors will at all times comply with the Council’s adopted Members Code of Conduct.

Background Papers:

Ilminster Town Council Code of Conduct for Members (31 July 2012)

Governance Toolkit for Parish & Town Councils (version 3 April 2009)

The Good Councillors Guide (edition 2018)

Doing It Right (South Somerset District Council Undated)

**APPENDIX 5**

**Ilminster Town Council**

**Risk Management Policy**

**Approved by the Town Council 13 December 2016, reviewed 26 November 2019**

**Policy Statement**

The Town Council will have a proactive approach to risk management to help achieve the objectives outlined in the strategic plan, support decision making and ensuring that its business is conducted in accordance with the law as well as economically, efficiently, and effectively.

**1. What is Risk?**

Risk can be formally defined as “the chance of something happening that will have an impact on objectives” Risk is normally measured as a combination of likelihood and impact.

Risks can be a threat or an opportunity; threats will adversely affect the Town Council’s ability to achieve its stated objectives whilst opportunities will enhance the Town Council’s ability to achieve its stated objectives. Risks can be internal or external, short term or long term, strategic, operational or project related.

**2. What is Risk Management?**

Risk management is the process of identifying risks and opportunities, evaluating their potential consequences, considering the existing controls and what other proportionate action may be required or desired.

Risk management is a pillar of corporate governance and should be embedded into the culture of the Town Council with Councillors and Officers recognising their shared responsibility. Effective risk management will improve strategic, operational and financial management and minimise losses through poor decision making, waste and fraud

**3. Risk Appetite**

Risk management should manage risk to a level that the Town Council deems acceptable (the risk appetite) rather than to eliminate all risk from the Town Council’s activities and service delivery. Factors such as external environments, resources, Town Council Policies and reputation will all influence the Town Council’s risk appetite.

Risk appetite can be defined *as “the amount and type of risk that an organisation is willing to take in order to meet their strategic objectives.*

*Organisations will have different risk appetites depending on their sector, culture and objectives. A range of appetites exist for different risks and these may change over time.” (The Institute of Risk Management)*

**4. Risk Awareness**

Risk is ever present and some amount of risk taking is inevitable in order to achieve objectives. Risk aversion can stymie initiative and prevent action so that objectives are not achieved and new projects are not undertaken resulting in a stagnant organisation.

**5. The Town Council’s Risk Management Objectives**

* Increase the likelihood of achieving the Town Council’s Strategic Objectives
* Improve project planning, decision making and resource allocation
* Enhance the Town Council’s internal control arrangements
* Identify, understand and manage risks to minimise their likelihood and impact
* Identify, understand and manage opportunities to maximise their likelihood and impact
* Respond to risk and opportunities in a balanced way

**6. The Town Council’s Risk Management Principles**

* Risk management activity will encompass strategic, operational or project related risks
* Risks will be anticipated and managed
* Creating a risk averse culture will be avoided
* The risks of not undertaking activities will be considered
* Appropriate opportunities will be exploited
* Mitigation measures should be effective, appropriate, proportional, affordable and flexible
* Controls will not be set up where the cost and effort is disproportionate to the expected benefits
* Procedures and controls will be implemented with minimum bureaucracy
* The Town council will work towards a culture of integrity and measured risk taking where mistakes are learnt from rather than blame being assigned.

**7.Identifying and Recording Risks**

Strategic and project risk registers will be in a table format as shown in the example below with entries for each of the following:

* Short risk description
* Uncertainty?
* Leading To?
* Resulting In?
* Possible causes
* Inherent Impact assessment
* Inherent likelihood assessment
* Inherent risk score
* “T” Action (Treat, Terminate, Transfer, Tolerate, Take advantage)
* Controls / Actions
* Residual Impact assessment
* Residual Likelihood assessment
* Residual risk score

| **No** | **Short Risk Description**  | **Uncertainty?** | **Leading To?** | **Resulting In?** | **Possible Causes** | **Inherent Impact Assessment**  | **Inherent Likelihood Assessment** | **Inherent****Risk Score** | **“T” action** | **Controls / Actions** | **(Residual) Impact Assessment** | **(Residual) Likelihood Assessment** | **(Residual) Risk Score**  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **1** | **Petty Cash**  | Is petty cash dealt with properly? | * Fraudulent activity
* Inappropriate expenditure
 | * Loss of Council reputation
 | Procedures not followed | Minor | Likely  | Medium  | Treat | * Petty cash held does not exceed an agreed maximum amount
* Petty cash locked away when not in use
* Receipts must be produced to accompany petty cash claims
* Cash received is signed for by recipient
* Petty cash transactions are signed off by Councillors when a petty cash top is required
* Internal Audit
 | Minor | Rare | Low |

**8. Risk Assessment**

Risks will be assessed using the grid below

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

**9. Risk Ownership and Responsibility**

|  |  |
| --- | --- |
| **Town Council** | * Has ultimate responsibility for risk management; Sets risk appetite; ensures that that strategic plan and strategic risks are aligned, mitigated and reviewed as appropriate;
* ensures that any project plans and project risks that fall within the Council remit are aligned, mitigated and reviewed as appropriate;
* allocates resources, including funding, for risk mitigation
* receives reports from internal and external auditors regarding risk management
 |
| **Committees** | * Receives the reports of any Councillor sponsors, working / governance groups or Officer to ensure that any project plans and project risks or operational risks that fall within the committee’s remit are aligned, mitigated and reviewed as appropriate.
 |
| **Councillor project or action sponsors**  | * Where a Councillor is the sponsor for a project they will also be the sponsor for the associated risk register and mitigating actions;
* reports to Committee / Council as appropriate
 |
| **Town Council staff**  | * Own risk and management of risks within their (service) area of responsibility
 |
| **Internal Audit** | * Provides assurance to the Town Council on the system of internal control and risk management
* May be requested to provide assurance to the Town Council or Committees on eth management of specific risks
 |

**10. Risk Register Reviews**

The content of each risk register will be reviewed at least every six months but generally the registers will be dynamic documents being reviewed and updated whenever there is a need.

**11. Openness and Transparency**

As far as possible the Town Council risk registers will be treated as “open” documents for the purposes of the Freedom of Information Act and the Local Government Access to Information Act. Where it is not appropriate for details of a risk and mitigating actions to be in the public domain in which case those risks will be recorded and reported to the Town Council and its committees as “closed” agenda items; this means that there will be an agenda item and a minute giving a broad outline of any item and decision.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**APPENDIX 6**

**Ilminster Town Council Media and Publicity Policy**

**Approved By Council 18 June 2013**

**Reviewed and Amended By Town Council 17 July 2016 and 26 November 2019**

**Note: This policy and the associated procedures do not preclude an individual Councillor talking to the media on a personal basis, but in such a case it should be made clear that is the individual’s own opinion / suggestion, not that of the Town Council, and the use of the title Councillor should be avoided.**

**Policy Statement**

Ilminster Town Council wishes to be open and transparent in the way it considers information and takes decisions. As a Town Council we will therefore proactively seek opportunities to publish information about our activities with the intention of raising awareness about what the Town Council is doing.

**Procedures**

Notes:

1. When the Mayor is unavailable the Deputy Mayor will take on any of the specified tasks and responsibilities.
2. When the Town Clerk is unavailable the Deputy Town Clerk will take on any of the specified tasks and responsibilities

**(A) Requests from the Media**

1. The Mayor and the Town Clerk should be made aware of all approaches from the media for interviews, statements or information. (This includes any approaches made to individual Councillors.) A simple register will be kept in the Town Council offices detailing all requests and the response.
2. Any request from the media will be discussed by the Mayor and Town Clerk and then forwarded to the most appropriate person - Mayor, Deputy Mayor, Committee Chair or Vice-Chair, Town Clerk or combination of those people to make a response on behalf of the Town Council.
3. Prior to its release, the Mayor and Town Clerk should be made aware of the broad content of any response.

**(B)** **Response to Media Articles, published letters, on-line comments, tweets, facebook items**

1. Every situation must be carefully assessed and in many cases a response will not be appropriate.

2. Anyone seeing an article / item and thinking a response may be needed should inform the Mayor and the Town Clerk.

3. In assessing whether or not a response is appropriate the following will be considered:

* Is the article / item in question factually accurate?
* Is the article / item expressing a personal view – and if so is that clearly stated?
* Would further discussion on the subject be constructive?
1. Any potential response will be discussed by the Town Clerk and the Mayor and then forwarded to the most appropriate person - Mayor, Deputy Mayor, Committee Chair or Vice-Chair, Town Clerk or combination of those people to prepare a response on behalf of the Town Council.
2. Prior to its release the Mayor and Town Clerk should be made aware of the broad content of any response where they were not involved in its preparation.

**(C) Media Releases**

1. The Town Clerk, Mayor and Committee Chairs will identify issues and stories that have the potential to be interest to the public.

2. The Town Clerk will draft media releases consulting as appropriate with the Mayor, Committee Chairs or any individual Councillor.

3. An information copy of the final media release will be sent to the Mayor and any Councillor who is quoted in the text.

4. Media releases will be sent to relevant media outlets as determined by the Town Clerk following consultation with the Mayor.

5. A copy of the media release will be posted on the Town Council’s website.

6. A copy of the media release will be sent to Councillors and staff with the next edition of the Clerk’s Update.

**(D) Media Training**

1. Opportunities will be made for the Mayor, Deputy Mayor, Chairs and Vice-Chairs of Committees and the Town Clerk to attend training in dealing with the media.

**(E) Decision Making**

1. The Town Council’s Standing Orders (No 28) refer to relations with the press / media and the Town Council’s policy - this media and publicity policy and procedures is the relevant policy.

2. Any decision about the content of media releases or information to be supplied to the media or any response to any media item will be taken by the Town Clerk following consultation with the Mayor. (This delegation complies with the legislative restriction that an individual Town Councillor cannot make a decision on behalf of the Council.)

**APPENDIX 7**

**Ilminster Town Council Petitions Scheme**

**Approved by Council 18 August 2015,**

**Reviewed by Council 26 November 2019**

**Introduction**

Ilminster Town Council recognises that petitions are one way in which people can let us know their views. We will treat something as a petition if it is identified as being a petition or, if it seems to us that it is intended to be a petition.

**Who can organise a petition?**

Anyone who lives, works or studies in Ilminster can organise a petition.

**Who can sign a petition?**

Anyone who lives, works or studies in Ilminster can sign a petition.

**What are the guidelines for preparing the petition?**

Petitions **must** include:

* A clear and concise statement covering the subject of the petition and what action the petitioners wish the council to take on **each** page.
* A declaration at the foot of **each** page stating that the signatures have been collected without any form of intimidation or coercion and that the statement at the head of the petition was read out clearly to each person before they agreed to take part.
* The name, address (including postcode) and signature of any person supporting the petition.
* At least 50 people who live, work or study in Ilminster have signed the document in order for the Council to accept it as a petition.
* Wherever possible, petitioners of paper petitions, are encouraged to use Ilminster Town Council template (Appendix 1).
* Petitions should be accompanied by contact details, including postal address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.
* Personal information, including the name and address of the petition organiser and petition signatories, will not be placed on the website or used for any purpose other than verification.

**How is the petition given to the Council?**

1. The petition can be presented at any meeting of Ilminster Town Council or one of its Committees. Please note that consideration of the petition will not take place at the same meeting.
2. The petition can be handed in to the Town Council offices during its usual opening hours (10:00hrs – 12:00hrs Monday to Friday)
3. The petition can be posted to: Ilminster Town Council

The Council Offices

North Street

Ilminster

Somerset

TA19 0DG

**What Will the Council do when it receives the petition?**

1. **Acknowledgement**
2. If the petition is presented to a meeting of the Town Council or one of its Committees its receipt will be recorded in the public participation section at the start of the minutes – no other written acknowledgment of receipt will be sent
3. If the petition is handed in to the Council offices or sent by post an acknowledgement of receipt will be sent to the petition organiser within 20 working days.
4. **Notifying Councillors**

If the petition is handed in to the Council offices or sent by post its receipt will be formally reported to the next full Council meeting (provided that the agenda has not been published)

1. **Vexatious, abusive or otherwise inappropriate petitions**

No further action will be taken in regard to any petition that the Council considers to be vexatious, abusive or otherwise inappropriate. Petitions should not disclose matters that are personal or confidential.

1. **Duplicate or similar petitions**

Any petition that is a duplicate or near duplicate of another petition that the Town Council has already received will not normally be considered within a 12 month period of the original petition being received.

1. **Verification of signatures**

The Town Council reserves the right to verify signatures; this may be done by variety of methods including reference to the electoral roll and direct contact with the named signatory.

1. **Consideration of the petition**
2. If the petition is about something which is not within the Town Council’s responsibility or direct control the Town Council will consider (either at a full Council or Committee meeting) what action to take e.g. if it should make representations to the appropriate body on behalf of the community or forward the petition. The petition organiser will be informed what action the Town Council agrees to take.
3. If the petition relates to a subject where consultation by the Town Council is currently being undertaken or due to be undertaken in the next six months we will ensure the petition is included as part of the consultation and contact the petition organiser to give them details of the consultation.
4. If the petition is about something which is within the Town Council’s responsibility or direct control and which is due for consideration (either at a full Council or Committee meeting) within the 6 months of the petition being received the petition will be included as part of the Council’s deliberations.
5. If the petition is about something which is within the Town Council’s responsibility or direct control but is not scheduled for consideration or consultation the petition will be put on an appropriate Council agenda for discussion; the Council’s decision may include one or more of the following:
* Delegating consideration and action to a relevant committee
* Delegating consideration to a relevant committee for them to make a recommendation to full Council
* Undertaking further research into the petition subject (which may include consultation)
* Holding a public meeting on the topic
* Holding a meeting with the petitioners;
* Writing to the petition organiser setting out the views of the Council on the petition topic.
1. If the petition is about something which the Council or one of its Committees has discussed and made a decision about in the previous 6 months the petition will be put on an appropriate Council agenda. In order for the petition subject and / or decision to be revisited it would need a Council resolution; such a resolution must be agreed by the majority of Councillors present at the meeting and in addition at least eight Councillors must vote in favour of the resolution

In the period immediately before an election or referendum we may need to deal with petitions differently – if this is the case we will contact the petition organiser to explain the reasons.