

# Supporting papers for the meeting of Royston Town Council on Monday 22<sup>nd</sup> February 2021

## Agenda Item 8a – Bank reconciliation

Royston Town Council 2020-2021			
Bank Reconciliation January 2021			
<u>Receipts</u>		<u>Payments</u>	
<b>B/F</b>	<b>999,134.21</b>	<b>B/F</b>	<b>306,878.92</b>
January income	41,588.99	January payments	54,136.33
	<b>1,040,723.20</b>		<b>361,015.25</b>
Receipts to date	1,040,723.20		
Less Payments to date	361,015.25		
	<b>679,707.95</b>		
<b>Represented by</b>			
RTC Current Account -		47,195.45	
Less un-cleared Chqs		- 23,809.20	
		<b>23,386.25</b>	
Business Premium account		9,695.29	
Treasury Deposit		-	
Treasurers BPA (Stamford Yard)		65,722.00	
Treasurers BPA		480,586.91	
Public Sector Deposit Fund		100,000.00	
Takings Account		317.50	
		<b>679,707.95</b>	
<b>War Memorial Account</b>			
<u>Receipts</u>		<u>Payments</u>	
<b>B/F</b>	<b>3,885.31</b>	<b>B/F</b>	<b>-</b>
January Receipts		January Payments	
	3,885.31		-
Receipts to date	3,885.31		
Less Payments to date	-		
	<b>3,885.31</b>		
	<b>In Treasurers BPA</b>	<b>In Current</b>	<b>Total</b>
RTC War Memorial	3,706.00	179.31	3,885.31
			3,885.31
		Unpresented cheques	-
			<b>3,885.31</b>
Petty Cash for noting	01/01/2021	31/01/2021	
Office	100.06	100.06	
Museum	90.09	90.09	
Markets	5.00	5.00	
Cave	100.00	100.00	
Totals	<b>£ 295.15</b>	<b>£ 295.15</b>	
Prepared by Assistant Town Clerk		Date	
Agreed by RFO/Town Clerk		Date	
Approved		Date	

<b>Royston Town Council 2020-2021</b>			
<b>Charity Accounts - January 2021</b>			
<b><u>Cave Account</u></b>			
<u>Receipts</u>		<u>Payments</u>	
B/F	<b>34,895.47</b>	B/F	-
January Receipts		January Payments	
	34,895.47		-
Receipts to date	34,895.47		
Less Payments to date	-		
	<b>34,895.47</b>		
<b>Represented by</b>			
RTC - Cave Account	34,895.47		
Less un-cleared Chqs	-		
		<b>£ 34,895.47</b>	
<b><u>Leete Account</u></b>			
<u>Receipts</u>		<u>Payments</u>	
B/F	<b>20,018.19</b>	B/F	<b>1,628.75</b>
January Receipts	149.63	January Payments	6.70
	20,167.82		1,635.45
Receipts to date	20,167.82		
Less Payments to date	1,635.45		
	<b>18,532.37</b>		
<b>Represented by</b>			
RTC - Leete Account	18,532.37		
Less un-cleared Chqs			
		<b>£ 18,532.37</b>	
<b><u>Town Mayor's Community Trust Fund</u></b>			
<u>Receipts</u>		<u>Payments</u>	
B/F	<b>21,168.53</b>	B/F	<b>51.00</b>
Receipts	500.00	Payments	6.00
	21,668.53		57.00
Receipts to date	21,668.53		
Less Payments to date	57.00		
	<b>21,611.53</b>		
<b>Represented by</b>			
Mayor's Charity monies	683.47		
Community Fund	20,928.06		
Less un-cleared Chqs			
		<b>£ 21,611.53</b>	
Prepared by Assistant Town Clerk		Date	
Agreed by RFO/Town Clerk		Date	
Approved		Date	

## Agenda Item 8b – Income and expenditure

ROYSTON TOWN COUNCIL																			
Summary of Royston Town Council Income & Expenditure for 2020-2021 to-date against allocated budget																			
EXPENDITURE			Quarter 1			Quarter 2			Quarter 3			Quarter 4							
			April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	Estimated Quarterly Budget	QTD Variance	Year to Date	Agreed Budget	YTD Budget variance
Admin/Democracy			9,561	8,955	8,588	9,649	9,486	17,866	11,638	10,684	9,124	9,320	-	-	32,543	86%	104,870	117,443	107%
Museum			6,636	6,244	7,654	6,069	3,497	7,129	4,381	2,956	4,577	3,079	-	-	27,252	34%	52,222	100,819	62%
Town Hall			3,553	2,810	2,980	2,626	2,853	3,184	2,941	2,711	3,176	2,368	-	-	19,123	37%	29,204	57,337	61%
Priory Rooms			334	353	319	319	319	375	345	345	345	345	-	-	11,397	9%	3,399	14,428	28%
Market Hill Rooms			4,866	1,247	1,553	1,702	1,423	804	1,814	1,273	847	1,810	-	-	6,130	89%	17,339	23,853	87%
Other Expenses			2,847	668	-	-	-	-	200	143	-	2,332	-	-	8,073	87%	6,190	35,385	21%
Royston Cave			726	839	623	637	987	717	1,227	1,690	1,132	870	-	-	4,740	55%	9,449	19,224	59%
Allotments			353	235	757	213	213	250	230	230	632	230	-	-	1,696	41%	3,342	4,409	91%
War Memorial			597	118	106	106	106	125	115	115	615	115	-	-	343	101%	2,118	2,864	89%
30 Kneesworth Street			371	59	53	53	53	63	57	57	57	57	-	-	334	51%	880	2,010	53%
Plantations			776	235	840	806	213	563	543	543	4,523	933	-	-	8,235	34%	9,977	18,039	66%
Public Conveniences			167	177	159	159	159	188	172	172	172	172	-	-	1,694	30%	1,697	5,084	40%
Markets and Parking			3,498	3,539	3,680	13,137	3,535	3,891	3,547	3,919	3,503	13,189	-	-	21,497	184%	55,439	67,200	99%
TOTAL EXPENDITURE			34,285	25,480	27,312	35,476	22,844	35,155	27,211	24,838	28,704	34,821	-	-	143,057		296,126	468,095	
INCOME			Quarter 1			Quarter 2			Quarter 3			Quarter 4							
			April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	Estimated Quarterly Budget	QTD Variance	Year to Date	Agreed	
																		Budget	
Interest			50	66	59	25	16	145	11	7	20	4			320	4%	404	1,500	32%
Town Hall			-	-	-	-	-	1,041	1,726	217	402	-	-	-	6,236	0%	3,385	22,600	18%
Priory Centre			-	-	-	-	-	-	-	-	-	-	-	-	3,096	0%	-	6,200	0%
Market Hill Rooms			- 30	-	-	-	-	122	305	71	42	-	-	-	2,676	0%	509	14,600	4%
Cave			-	-	-	-	-	-	-	-	-	90	-	-	-	-	90	12,000	1%
Allotments			261	66	77	194	41	24	171	85	2,830	1,244	-	-	2,877	130%	4,993	5,399	111%
30 Kneesworth Street			-	-	4,128	-	-	3,813	-	-	3,813	-	-	-	3,590	0%	11,753	15,565	91%
Museum			-	-	4	-	-	538	-	-	-	-	-	-	57	0%	542	1,000	65%
Markets and Parking			3,953	1,415	1,863	3,962	2,425	8,876	5,832	5,529	2,053	6,127	-	-	15,019	122%	42,035	60,000	84%
TOTAL INCOME			4,234	1,547	6,129	4,181	2,482	14,558	8,044	5,910	9,159	7,465	-	-			63,710	138,864	
PRECEPT			158,955					158,955									317,910	317,910	
CTRS grants			5,661					5,661									11,322	11,321	
Balance																	£ 96,815	£ -	



## ROYSTON TOWN COUNCIL INTERIM INTERNAL AUDIT REPORT

The interim internal audit was carried out on 3<sup>rd</sup> December 2020 at the offices of Royston Town Council.

### Work Done

#### **External auditors report**

- The external auditor's report for year ending 31<sup>st</sup> March 2020 was reviewed.

#### **Review of Meeting Minutes**

- Meeting minutes file reviewed. All minutes for all committees approved and filed. Each month the finance committee approves accounts for payment and reviews income and expenditure. Budgets are also monitored against actual spending.

#### **Payroll**

- September 2020 payroll was selected for testing at random. Wages for five employees were checked.
- Calculations of PAYE, national insurance and pension contributions were checked.
- Employees' gross pay was agreed to the pay scales per 2020-2021 National Salary per SLCC.
- Payments of net wages, PAYE liability and pension contributions were agreed.

#### **Bank Reconciliations**

- The bank reconciliation file was reviewed to ensure that regular reconciliations are being prepared.
- The bank reconciliation for September 2020 was tested to ensure that the reconciliations were being prepared correctly.

#### **Trade Debtors**

- Trade debtors were reviewed for reasonableness and ensured they agreed in total to the Financial Statements.
- A review for potential bad debts was carried out and any credit balances were reviewed.

#### **Trade Creditors**

- The balance for trade creditors was reviewed to ensure that it is reasonable and ensured they agree in total to the financial statements.

#### **Income**

- Selected a sample of bookings for room hire. Agreed to the booking diary, invoice and payment received.
- Selected a sample of receipts of bookings for pitch hire. Agreed to invoice and payment received.

#### **Payments**

- Selected a sample of payments made from the monthly payment sheets and invoice files. Agreed these to invoices, ensured they were correctly posted on Sage, and confirmed that payments were approved by the Finance Committee and the date that the payment cleared.

### Results

#### **External auditors report**

- The external auditor, PKF Littlejohn LLP, provided an unqualified opinion on the accounts for the year ending 31<sup>st</sup> March 2020. There were no recommendations of improvements for the forthcoming year. In addition to this there were no further comments that drew any attentions to potential issues that could arise in future financial years.



#### **Review of meeting minutes**

No points of concern seen.

- Members approved the annual report for 2019/20 financial year
- Members agreed the AGAR Annual Governance Statement for 2019/20 and approve it for signing by the chairman and clerk.
- Members agreed the AGAR Accounting Statements for 2019/20 and approve it for signing by the chairman.
- Risk assessments were carried out at "Royston Cave" and "Royston Museum" for the potential opening of both sites. It was concluded that both sites should remain closed to the general public.
- A "virtual meeting procedure" was adopted into the workings of the council to ensure the council could continue to meet.
- £30,000 of grant money was received from North Hertfordshire to help the Council through the Covid-19 Pandemic.

#### **Payroll**

- Wages calculations were found to be correct and accurate.
- Wages are being paid at the correct pay scale rates which have been approved by the council.
- Payments of wages, pension contributions and PAYE liabilities were being made correctly and on a timely basis.

#### **Bank Reconciliations**

- Bank reconciliations are being prepared on a monthly basis. The September 2020 reconciliation was reviewed and found to be prepared correctly.
- Clearance testing was undertaken to review the amount of unrepresented cheques to be cleared after the interim period date. Per the work carried out 98.38% of items were cleared by the end of October 2020. Only one item (26/02/20 – 109080 M Odent £201.35) appears to be over 6 months old. This was in relation to reimbursed expenses paid by the employee.

#### **Trade Debtors**

- The current aged debtors listing showed a balance of £1,157.71. Small credit balances relate to deposits received in advance for room hire. Invoices are raised after the month end to clear the payments on account.
- Debtors are controlled manually, with all invoices waiting to be paid being kept separately and regularly monitored by C Mills/R Bartholomew. The debtors appear to be well controlled with few old balances outstanding.

#### **Trade Creditors**

- Trade creditors were found to be reasonable and up to date.
- All invoices are paid at the end of the month unless there is a query on the invoice, so there are few creditors. The creditors appear to be well controlled.

#### **Income**

- Income receipts tested were agreed to supporting documentation and had been correctly recorded.

#### **Payments**

- The payments tested were agreed to supporting documentation. They had all been recorded and approved by the Finance Committee.



**Conclusion**

In our opinion the council are keeping their books and records in order and are following internal control procedures that they have set up.

A handwritten signature in black ink, appearing to be "HW", with a small circle at the end.

.....  
R Hammond – Partner  
Haines Watts  
First Floor, Woburn Court,  
2 Railton Road,  
Woburn Road Industrial Estate,  
Kempston, MK42 7PN

## **Agenda Item 11 – Members Effectiveness of Internal Audit Controls**

**Present:** Cllrs J Davison, B Bylett, I Leggett and the Town Clerk - C Mills.

### **1. The following documents had been reviewed prior to the meeting:**

- *Annual Review of the Effectiveness of the System of Internal Control - January 2021*
- *Review of the effectiveness of Internal Audit: Meeting the Standards - January 2021*
- *Risk Management Assessment - January 2021*
- *Audit Plan 2021-2022*
- *Various other risk assessments*

### **2. Insurance policy**

- 2.1** The Council's insurance policy will be in year 3 of a 3 year contract with Zurich from 1<sup>st</sup> April 2021. Quotes will be obtained next year before renewal is due.
- 2.2** The ill health liability insurance policy to cover the liabilities caused by staff ill health early retirement will continue in the year starting 1<sup>st</sup> April 2021.

### **3. Recommendations to Royston Town Council at its meeting on 22<sup>nd</sup> February 2021.**

- 3.1** The current level of Fidelity Guarantee insurance should remain at £500,000.  
(The current level is £500,000 and as for last year, the balance of reserves and precept exceeds £500,000 by around £50,000 only for a few months.)
- 3.2** The Risk Management Assessment 2021 had been reviewed and it should be adopted into the workings of the council.
- 3.3** The annual review documents listed above (highlighted in italics) are adopted as a true statement of procedures undertaken by the Town Clerk and Town Council staff.
- 3.4** Based on a review of the above documentation and the recent exemplary internal and external audits, the Councillors' review recommends that Royston Town Council consider that the internal audit procedures and controls at Royston Town Council are effective and meet its needs.

The risk assessments had all been updated and included new sections on pandemics/COVID-19 and were accepted without change.

The Reserves and Balances Policy was updated in 2021 and should be reviewed regularly.

To assist Councillor's understanding, significant variances between budgeted and actual income and expenditure will be highlighted quarterly at Full Council/Finance Committee meetings.

Cllr J Davison

Cllr I Leggett

Cllr B Bylett

## **Royston Town Council**

### **Annual Review of the Effectiveness of the System of Internal Control**

**28<sup>th</sup> January 2021**

#### **Scope of Responsibility**

The Accounts and Audit regulations 2015 require smaller authorities, each financial year, to conduct a review of the effectiveness of the system of internal control. The authority needs to scrutinise the actions it has taken during the year, and the decisions it has made, and satisfy itself that it has acted properly within its powers and in accordance with any relevant Regulations.

Royston Town Council is responsible for ensuring that there is a sound system of internal control which facilitates the effective exercise of the Council's functions and includes arrangements for the management of risk. It falls on the Councillors to exercise a reasonable degree of control over financial matters. Particularly as, during the completion of the Annual Return, Councillors have agreed the following:

We acknowledge as the members of Royston Town Council our responsibility for ensuring that there is a sound system of internal control, including the preparation of the accounting statements.

#### **Internal Control Procedures**

##### **Cash Book/Bank Reconciliations**

The cash book is kept electronically using SAGE software, and kept up to date from original documents – receipts, invoices, payments.

The cash book is reconciled to bank statements and a bank reconciliation is presented to monthly Finance committees for approval and signing by the Chairman. (Presented to Full Council during COVID-19 restrictions).

The balances reported can be traced back to the expenditure approved in the previous meeting via the minutes.

The original bank statements are reviewed and signed by a member of the Town Council quarterly.

##### **Standing Orders**

The Town Council has adopted Standing Orders based on the NALC model. The Standing Orders are reviewed for continued relevance and amended where necessary via approval by the Town Council. Standing Orders were updated in May 2019. (Review due May 2020 – delayed due to COVID-19 restrictions).

##### **Financial Regulations**

The Town Council has adopted Financial Regulations based on the NALC model. The regulations are reviewed for continued relevance and amended where necessary via approval by the Town Council. Financial Regulations were updated in September 2019. (Review due May 2020 – delayed due to COVID-19 restrictions)

A Responsible Financial Officer has been appointed and this was recorded in the Council minutes.

##### **Clerk to the Council**

The Council has appointed a qualified Clerk to the Council. The Clerk is responsible for advising on the day to day compliance with laws and regulations that the Council is subject to and for managing risks.



<b>Order/Tender Control</b>	Financial Regulations refer to procedures relating to tenders and orders.
<b>Legal Power</b>	A proper legal power is identified for each expenditure. The Council holds the General Power of Competence as resolved on 14 <sup>th</sup> May 2018.
<b>Payment Controls</b>	<p>Delegated powers on expenditure are made to the Finance Committee at the first Full Council meeting of each year.</p> <p>All payments are reported to the Finance Committee monthly for approval via the accounts for payment included on the agenda. (Reported to Full Council during COVID-19 restrictions).</p> <p>Two members of the council and the Town Clerk must sign every cheque or order for payment. Signatories are agreed annually by the Council.</p> <p>The signatories consider each cheque against the relevant invoice, sign the invoice and initial the cheque counterfoil.</p> <p>All authorised cheque signatories are Members/Officers of the Council.</p> <p>An accounts for payment is attached to the minutes of the meeting.</p> <p>The Clerk/Assistant Clerk maintain control of the cheque book at all times.</p> <p>The Council has a commitment to two loan repayments per year and this is included in the annual budget.</p> <p>The Clerk/Assistant Clerk check adequate funds are held in the current account before payments are made on a monthly basis.</p>
<b>VAT Reclaims</b>	<p>The Clerk/Assistant Clerk ensure that all invoices are addressed to the Town Council.</p> <p>The Clerk/Assistant Clerk ensure that the correct amount of VAT is reclaimed in the year. VAT is shown separately in the cash book and is reclaimed correctly on petty cash.</p> <p>VAT is reclaimed quarterly and the VAT return is prepared by the Assistant Clerk and checked by the Town Clerk.</p>
<b>Income Controls</b>	All income is received and banked in the council's name in a timely manner and reported to the council.
<b>Budgeting/Precept/Reserves</b>	<p>The Council reviews its obligations and objectives and approves the level of precept for the following year at its January meeting.</p> <p>The Clerk requests the agreed precept from the precepting authority (NHDC).</p> <p>The Clerk/Assistant Clerk ensure that the amount of precept received is correct and received when due.</p> <p>Income and expenditure reports are given to the Finance Committee monthly and significant variances are highlighted (presented to Full Council during COVID-19 restrictions). A copy of the report is attached to the minutes of the meeting.</p> <p>The Council has a reserves policy which was reviewed in May 2018 (Review due May 2020 – delayed due to COVID-19 restrictions).</p> <p>Reserves are assessed and agreed annually during the budget process.</p>

Earmarked reserves are assessed and are agreed annually by the Council.

An investment strategy was agreed by Full Council on 6<sup>th</sup> July 2020.

### **Employees/Salaries**

All employees are issued with a written statement of employment particulars at the start of their employment.

All contract details, pay and conditions are agreed by Finance Committee, minuted, and employees are paid by those decisions. Salaries are processed electronically using SAGE software and the Town Clerk/Assistant Clerk ensure that all RTI returns are made to HMRC as required.

PAYE and NI are paid as required.

Staff who meet the criteria are automatically enrolled into the Local Government Pension Scheme.

### **Risk Management**

The Risk Management Assessment is reviewed annually as part of the annual review of effectiveness of internal audit. The policy is submitted to Full Council for approval and this is minuted.

Separate risk assessments are carried out at least annually for all areas of council business.

Insurance cover is reviewed regularly for adequacy and updated when necessary.

The level of Fidelity Guarantee insurance is reviewed annually.

### **Asset Control**

An asset register is maintained detailing all assets valued in excess of £100. The existence and condition of assets is checked, as a minimum on an annual basis.

### **Audits**

Members carry out an annual review of the effectiveness of internal audit procedures. Findings are reported to Full Council and this is minuted.

Independent internal audit is carried out twice a year. The auditor provides a report to the Council on records, procedures, systems, internal control, regulations and risk management and will complete page 5 of the annual return. Reports are presented to Full Council and this is minuted.

The Council submits an annual return to the external auditor within permitted timescales. External audit results are submitted to Full Council and minuted.

### **Other Controls**

Data Protection Registration is held.

Fidelity Guarantee insurance is held.

Electronic data backup arrangements are in place with cloud storage.

Bank balances and investments are checked to ensure their safety and performance.

An investment strategy is adopted annually.

The council is a member of NALC.

Pension Ill Health Liability insurance is held.

### **Purpose of the System of Internal Control**

The system of internal control is designed to manage risk to a reasonable level. Risks should be identified, evaluated, prioritised and managed.

The Council will regularly review its systems and controls and will review its risk management policy annually.

### **Recommendation**

That the Town Council consider this statement of the internal control procedures implemented to ensure that they are effective. This statement was reviewed during Members review of the internal effectiveness of audit controls held on 28<sup>th</sup> January 2021. The review recommends that Royston Town Council agrees that the internal audit procedures and controls at Royston Town Council are effective and meet its needs.

This statement of the effectiveness of internal control procedures was considered by Royston Town Council at its meeting on 22<sup>nd</sup> February 2021 and was approved by the Council as a true statement of procedures undertaken by the Clerk/RFO/Assistant Clerk and the internal control and audit procedures are effective and adequate.

Chairman

RFO/Clerk

Approved by Royston Town Council 22<sup>nd</sup> February 2021 Minute number XX/21.

**ROYSTON TOWN COUNCIL: RISK MANAGEMENT ASSESSMENT: January 2021**

Area	Risk	Level	Internal Controls ( <i>bold indicates areas where work is needed</i> )	Internal Audit Assurance
Assets	Protection of physical assets owned by the council – buildings, furniture, equipment etc. (loss or damage).  Legal liability as a consequence of asset ownership (public liability).	M	Buildings insured. Value increased annually by RPI. Valuation on buildings for insurance purposes. Town Hall valuation done by NHDC March 2012.  Asset register kept and, where there is a change, updated for all assets. From 2013 minimum asset value for register £100.	Review of internal controls in place and their documentation.  Review of management arrangements regarding insurance cover.  Testing of specific internal controls and reporting findings to management.
Assets	The risk of damage to third party property or individuals as a consequence of the council providing services or amenities to the public (public liability).	M	Annual review of risk and the adequacy of cover. Public liability insurance held (£10m) Ensuring the robustness of insurance providers.	
Assets	The risk of consequential loss of income or the need to provide essential services following critical damage, loss or non-performance by a third party (consequential loss).	L	Valuation of 30 Kneesworth Street done December 2013.  Reserves held in accordance with reserves policy. Loss of rent/income cover included in insurance.	
Assets	Security of buildings, equipment etc.	M	Caretaker or responsible person checks security of Town Hall when hirers leave. CCTV installed at all entrances to the Town Hall. CCTV installed at Market Hill Rooms. CCTV notices displayed and policy held. Museum staff secure building when leaving. Museum has an audible alarm and CCTV.	
Assets	Maintenance of buildings etc.	L	Buildings currently maintained on a Maintenance Plan. Health & safety checks on equipment and buildings done monthly by contractor, any defaults are rectified.	Compliance contract in place for Town Hall, Museum and Market Hill Rooms. The contract runs for a three year period from February 2019.

Area	Risk	Level	Internal Controls ( <i><b>bold indicates areas where work is needed</b></i> )	Internal Audit Assurance
Liability	<p>Risk to third party, property or individuals.</p> <p>Ad hoc provision of amenities/facilities for events to local community groups</p> <p>Markets management Car Parks – Market Place &amp; Angel Pavement management</p> <p>Professional services</p> <p>Risk to staff, volunteers, hirers and members of the public – Pandemic (COVID-19)</p>	M	<p>Insurance in place. Cover £10m.</p> <p>Risk assessments on all properties carried out at a minimum yearly and updated as required/when necessary. Risk assessments of individual events such as Christmas lights and May Fayre carried out as necessary.</p> <p>Risk assessments reviewed annually. Car park surfaces checked twice weekly for defects &amp; records kept.</p> <p>Contractors employed to put up Christmas lights and test fixings when installing them. Internal audit carried out by independent chartered accountants</p> <p>COVID risk assessments carried out on all properties and continuously reviewed in line with current Government guidelines. Thorough cleaning schedule carried out by Caretaker/Cleaner and outside cleaning agency. Clear guidance given to hirers. Signage and social distance markers displayed. All properties closed when required by law.</p> <p>Work places assessed and certified as COVID safe.</p>	<p>The Internal Control Review Team reviews all Risk Assessment documents and insurance schedules as part of their check on effectiveness. A report on the Effectiveness of the Internal Controls is then submitted to Full Council for adoption. Checked by internal auditor and confirmed as part of the annual return.</p>
Liability	Plantations management		<p>Contractors maintain Stile and Green Walk plantations. Appropriate liability insurances held. Monthly inspections undertaken and damage reported and safety work carried out as required. Tree maintenance policy in place.</p>	

Area	Risk	Level	Internal Controls ( <i><b>bold indicates areas where work is needed</b></i> )	Internal Audit Assurance
Employer Liability	Comply with Employment Law and regulations.	M	Clerk is a member of SLCC. Employer Liability insurance in place (£10m). Pension III health liability insurance in place. Council is a member of NALC. Professional HR advice sought where necessary.	
Employer Liability	Comply with Inland Revenue requirements	M	Advice from IR and Sage when required. Internal auditor checks books 6 monthly and external auditors carry out annual audit. VAT advice received from an independent advisor.	Internal auditor checks compliance.
Employer Liability	Safety of Staff and Visitors	M	General risk assessment checks of all properties and office working conditions as required.  COVID-19 risk assessments carried out and reviewed on a continuous basis, in line with Government recommendations.  Health and Safety Policy in place – updated as required. Health and Safety posters displayed in all properties Signing in/out book in operation.  Regular fire alarm testing and drills. All employees attend fire marshal and first aid training.  All appliances PAT tested.  Adoption of codes of conduct for members and an employee handbook.  CCTV installed at all entrances to the Town Hall and the main entrance at Market Hill Rooms and the Museum. CCTV notices displayed. CCTV policy adopted.	

Area	Risk	Level	Internal Controls ( <i>bold indicates areas where work is needed</i> )	Internal Audit Assurance
Legal Liability	Proper and timely reporting via the Minutes	M	<p>Council receives and approves Minutes of meetings held. Minutes made available to press and public at the Town Hall and on the council web site. Documented procedures to deal with enquiries from the public.</p> <p>Accessible website in place, with clear accessibility statement.</p> <p>Responding to electors wishing to exercise their rights of inspection.</p> <p>Minutes properly numbered and paginated. From April 2010 copy of all minutes kept electronically.</p>	Review of minutes to ensure legal powers are available, and the basis of the powers recorded and correctly applied.
Legal Liability	Ensuring all business activities are within legal powers applicable to local councils.	M	<p>Meeting the laid down timetables when responding to consultation invitations.</p> <p>Ensure Council has the power to act. General Power of Competence adopted in May 2018.</p> <p>Meeting the requirements for the Local Council Award scheme or other accreditation.</p> <p>Monitoring arrangements by the council regarding the Foundation Level.</p>	
Legal Liability	Proper document control	M	<p>Original leases and Deeds stored in fireproof safe in main office.</p> <p>Documented procedures for document receipt, circulation, response, handling and filing.</p>	

			Disposal of confidential documents – shredded. Shredding facility available to Councillors for confidential information.  Document Retention Policy in place (updated 2018).	
Area	Risk	Level	Internal Controls ( <i><b>bold indicates areas where work is needed</b></i> )	Internal Audit Assurance
Data Protection	Computer	M	Backups done daily, cloud storage in operation.	
Data Protection	Loss or theft of personal data  GDPR	M	The Town Council is registered with the Information Commissioner. A data protection audit has been carried out and all findings were addressed. Policies for data protection, document retention, freedom of information and a privacy notice have been adopted and published.  Annual subscription to Compliant Council Hub for advice and latest information on GDPR regulations. Clerk has undertaken GDPR on-line training.	
Area	Risk	Level	Internal Controls ( <i><b>bold indicates areas where work is needed</b></i> )	Internal Audit Assurance
Finance	Responsible Finance Officer  Banking  Payroll Ensuring all requirements are met under HM Revenue and Customs Notices and	L  M	RFO appointed and recorded in minutes.  Investments with Barclays Bank and the Public Sector Deposit Fund. Bank transfers authorised by Town Clerk between RTC accounts only. Investment policy adopted and published.  Salaries calculated by Assistant Town Clerk and checked/signed by Town Clerk. BACS payment monthly limit set with bank. Verification received from bank within 2 days and checked by Town Clerk. RTI for salaries in place from Nov 2012.	Banking reviewed annually by Councillors.  Bank signatories appointed annually.  Salaries approved annually by council.



	regulations (Income Tax and National Insurance).		Regular returns to HM Revenue & Customs; contracts of employment for all staff, systems of updating records for any changes in relevant legislation.	
Finance	Loss of cash through theft or dishonesty (fidelity guarantee)	L	<p>All cash monies received receipted and invoices marked paid. Petty cash balanced monthly. Market takings banked weekly, (during COVID-19 restrictions – takings banked monthly or when amount held is above £1,000).</p> <p>Insurance cover review ensures adequacy of Fidelity Guarantee insurance. Cover £500,000.</p>	<p>Review and testing of arrangements by auditor to prevent and detect fraud and corruption.</p> <p>Checked by internal auditor and reviewed by Councillors annually at the Annual Audit Review.</p>
Finance	Catastrophic Bank failure	L	<p>Banking arrangements reviewed.</p> <p>Reserves invested between two banks.</p> <p>Investment policy adopted and published.</p>	
Finance	Financial controls and records	L	<p>Monthly reconciliation prepared by Assistant Town Clerk and checked by TC and reported to Finance Committee/Full Council.</p> <p>Invoices initialled when cheques are signed by Councillors. Three signatories on cheques required. Authorised cheque signatories confirmed annually and recorded in minutes.</p> <p>Internal Auditor visits and checks 6 monthly.</p> <p>External Audit year-end accounts.</p> <p>Standing orders and financial regulations dealing with the award of contracts for services or the purchase of capital equipment. Reviewed annually.</p> <p>Annual review of contracts.</p> <p>Reporting on performance by suppliers/providers/contractors as required.</p>	<p>Review of internal controls in place and their documentation. Review undertaken by councillors and reported to Full Council.</p> <p>Internal Auditor - Testing of specific internal controls and reporting findings to Full Council.</p> <p>Testing of income and expenditure from minutes to cashbook, from bank statements to cashbook, from minutes to statements etc. including petty cash transactions.</p> <p>Payroll checked</p> <p>Review of adequacy of insurance cover provided by suppliers.</p>

			<p>Monthly scrutiny of financial records and proper arrangements for approval of expenditure. Adoption of and adherence to codes of practice for procurement and investment.</p> <p>Clear statements of management responsibility for each service. Developing systems of performance measurement to scrutinise performance against targets.</p> <p>Arrangements to detect and deter fraud and/or corruption. Keeping proper financial records in accordance with statutory requirements.</p>	<p>Debtor and creditor turn checked.</p> <p>Review and testing of arrangements to prevent and detect fraud and corruption.</p>
Finance			<p>Ensuring the proper use of funds granted to local community bodies under specific powers or under The General Power of Competence as adopted by Council on 14<sup>th</sup> May 2018, minute number 16/19.</p> <p>Instant Accounts &amp; Payroll – password protected.</p> <p>Daily and weekly backups taken. Cloud storage being used.</p>	
Finance	<p>Comply with Customs and Excise</p> <p>Regulations</p>	L	<p>Use help line when necessary. VAT payments and claims calculated by Assistant Town Clerk and checked by Town Clerk. Submitted via accounts package. Processed quarterly.</p> <p>Training for the Responsible Financial Officer and Assistant Town Clerk in matters of VAT and other taxation issues as necessary. VAT advice sought from an independent advisor.</p>	
Finance	Sound budgeting to underlie annual precept	M	Income and Expenditure against budget reported to Finance Committee monthly. (Reported to Full Council during COVID-19 restrictions)	Budget reviewed by internal auditor.

	Adequacy of Reserves – General & Earmarked	L	<p>Considered at review of final accounts and budget setting. Budget Working Party review draft Budget for following year.</p> <p><b>Reserves policy held – Revised January 2021</b></p> <p>Finance Committee receive detailed draft budget in the late autumn. To discuss and amend. (Reported to Full Council during COVID-19 restrictions).</p> <p>Annual Precept derived directly from this. Presented to Full Council Dec/Jan for approval.</p>	
Finance	Complying with borrowing restrictions	L	Public Works Loan Board facility agreed for the purchase of the Market Place - £300,000. Repayments included in annual budget.	Loan taken out on the 24.7.14 for a period of 25 years.
Area	Risk	Level	Internal Controls ( <i><b>bold indicates areas where work is needed</b></i> )	Internal Audit Assurance
Continuity	Staff- Loss of key personnel (Clerk)	L	Hours, health, stress, training, long term sick, early departure – risk monitored and managed as appropriate.	
	Other employed staff	L	<p>Pension Ill Health Liability Insurance in place.</p> <p>Assistant Town Clerk to undertake further training and become CiLCA qualified.</p>	
	Town Councillors	L	<p>Training and supervision monitored.</p> <p>15 Councillors were elected in May 2018. Councillors attended training course in June 2018.</p>	

Area	Risk	Level	Internal Controls ( <i>bold indicates areas where work is needed</i> )	Internal Audit Assurance
External Areas	Monitoring of performance against agreed standards under partnership agreements	L	Annex (Complex) contract with NHDC.	Changes reported to Finance Committee.
Area	Risk	Level	Internal Controls ( <i>bold indicates areas where work is needed</i> )	Internal Audit Assurance
Councillors propriety	Registers of Interests and gifts and hospitality in place	H	All elected Councillors signed up to New Code of Conduct in May 2018. Subsequent co-opted or elected councillors will also sign the code of conduct. Register of interests complete, accurate and up to-date. Procedures in place for recording and monitoring Members' interests and Gifts and Hospitality received.	Testing of disclosures.
		Next Review date: January 2022		
	<b>Adopted by Full Council 6/3/2017 (minute no 366/17)</b> <b>Adopted by Full Council 22/01/2018 (minute no 332/18)</b> <b>Adopted by Full Council 25/03/2019 (minute no 384/19)</b> <b>Adopted by Full Council 23/03/2020 (minute no. 361/20)</b>	<b>Reviewed by Internal Audit team: 28<sup>th</sup> January 2021</b>  <b>Adopted by Full Council</b>  <b>Date: 22<sup>nd</sup> February 2021 (minute no )</b>  <b>Chairman: Cllr R Inwood</b>		

## **Royston Town Council**

### **Disciplinary Procedure**

**Adopted 3<sup>rd</sup> September 2018 – Minute number 153/19**

**Reviewed and Adopted by Full Council 22<sup>nd</sup> February 2021 – Minute number XX/21**

#### **1. Principles**

Royston Town Council recognises that discipline is necessary for example to manage the Council's services effectively, to rectify misconduct, to encourage improvement, to safeguard the health and safety at work of all employees and to maintain appropriate standards of conduct or performance.

The Town Council therefore adopts a fair and systematic approach to the enforcement of standards of conduct and performance affecting all employees by utilising when appropriate this Disciplinary Procedure which also explains to whom and how employees can apply if dissatisfied with any disciplinary decision and the further steps available by way of appeal.

The Council's approach and procedure conform to the ACAS Code of Practice and none of the action taken by the Town Council is intended to breach the underlying principle of fairness and equity of treatment for all employees. The Disciplinary Procedure, which is non-contractual, is intended to ensure that employees are dealt with fairly in relation to any alleged breach of our standards of conduct, performance or behaviour and applies to all employees who have satisfactorily completed their period of probationary service.

In using the Procedure, the Town Council will ensure that:-

- potential issues or areas of concern are addressed as quickly as possible to avoid further action being required;
- issues are dealt with promptly and consistently;
- investigations are carried out fairly and thoroughly in accordance with the Equality Act 2010;
- employees are informed of the nature and detail of the allegations against them and given an opportunity to comment and put their case;
- employees have the right to be accompanied at any formal meetings as part of the Procedure with the exception of an investigatory meeting which is at the Council's discretion. For instance, a companion may be allowed to attend if otherwise the employee would be put at a disadvantage for example due to a disability.

The Council recognises that misconduct and unsatisfactory work performance are different issues and the Disciplinary Procedure will only apply to work performance issues when a performance management process has been ineffective to meet the Council's required standards.

In general, minor faults will be dealt with informally by the Town Clerk, or the Chairman of the HR Committee in the case of the Town Clerk, with a view to agreeing a course of action to remedy the situation, but where the matter is more serious the formal procedure outlined below will apply.

Nothing in the Procedure is intended to prevent the Town Clerk (or the Chairperson of the HR Committee in the case of the Town Clerk) raising any work-related issue with an employee at any time.

The Disciplinary Procedure may be entered into at, or advanced to, any stage depending on the seriousness of the offence(s) involved.

## **2. Procedure**

### **(a) Scope**

The Disciplinary Procedure applies to all employees of Royston Town Council once the probationary service period has been successfully completed.

### **(b) Responsibility**

The Town Clerk is generally responsible to the Town Council as appropriate for:-

- ensuring that workplace rules and standards of conduct are clearly known, understood and followed;
- securing satisfactory work performance and conduct;
- ensuring employees are suitably trained for their role;
- supporting employees to attain and maintain the required work performance standards; and/or
- instigating action in accordance with this Disciplinary Procedure when necessary with external professional HR advice and assistance engaged if appropriate.

Where disciplinary proceedings are instigated against the Town Clerk, the Disciplinary Procedure will still be followed but the actions prescribed for the Town Clerk instigating the Procedure will be the responsibility of the Chairperson of the HR Committee.

### **(c) Disciplinary Rules**

The Council believes that it is necessary for the efficient and safe performance of work and the maintenance of good relations between employees and management to have clear disciplinary rules. If an employee breaches a disciplinary rule they will render themselves liable to disciplinary action under this Disciplinary Procedure. However, acts of misconduct not falling within one or more of the rules or set out elsewhere may also give rise to disciplinary action and certain offences will be considered to be gross misconduct (see below).

Examples of misconduct and employee behaviour that may lead to the Council taking disciplinary action in accordance with this Disciplinary Procedure are as follows:-

- failure to comply with a reasonable order, instruction, contractual requirement or Council rule or procedure;
- misuse of the Council's resources and facilities including telephone, email and Internet;
- failure to comply with the Council's Health and Safety Policy and rules including a failure to wear personal protective clothing or using protective equipment provided by the Council;
- failure to wear an acceptable standard of dress and/or the uniform provided and maintain personal hygiene at all times whilst engaged on Council duties;
- undertaking any work or task for which the employee is not trained or competent to undertake;
- using plant or equipment which the employee is not authorised to use;
- any act which may result in an action against the Council for negligence or for breach of duty of care;
- immoral, indecent or other conduct which is likely to bring discredit to the Council;

- discussing or disclosing to a third-party confidential information obtained during the course of employment without prior permission;
- rudeness, inappropriate or abusive behaviour to service users, colleagues or Councillors;
- late attendance and/or poor timekeeping;
- unauthorised absence from work without proper cause or certification;
- while purporting to be absent sick, working or indulging in activities inconsistent with the reason for absence or not conducive to recovery;
- a breach of trust which may damage the interests of the Council;
- loss, damage to or misuse of the Council facilities, plant, equipment, property, assets or funds through wilfulness, negligence or carelessness;
- use of the Council property or equipment for personal use without prior permission;
- failure to follow the Council security procedures and rules;
- misuse or loss of Council funds, money or stocks or careless loss or damage to tools or equipment;
- unauthorised use of our computer, telephone system and/or access to the Internet;
- breaches of licensing, excise or employment law or statutory regulations;
- theft of, misappropriation of, failure to account for or falsely claiming entitlement to stock, cash, property or funds of the Council;
- providing false information orally or by the falsification of the Council's application forms, records or documents to secure employment, payment or benefits for gain;
- unauthorised alteration, mutilation, destruction or retention of the Council records or documents;
- possessing, dispensing or using alcoholic beverages (unless with the permission of the Council management), drugs or controlled substances (except in accordance with documented medical authorisation) while on the Council premises;
- any form of harassment, bullying or victimisation or other offensive behaviour on grounds of any protected characteristic under the Equality Act 2010;
- failure to observe the Council's equal opportunities policy and obligations;
- failure to report or record any matter which it is the employee's duty to report or record;
- horseplay, improper, disorderly or unacceptable conduct at, during or when arriving at work;
- committing an act outside work or being convicted of a criminal offence which is liable to adversely affect the performance of the employee's duties and/or relationship with the Council;
- any act of misconduct other than or coming within one or more of the above rules or stated elsewhere in your Principal Statement of Particulars of Employment or the Employee Handbook.

In the event of the most serious level of any of the above the offence may be considered to be gross misconduct as defined below.

#### **(d) Gross Misconduct**

Where the Town Council is satisfied following investigation and a disciplinary hearing, that an act of gross misconduct (see below) has occurred, the result will normally be summary dismissal i.e. without notice.

Gross misconduct is regarded as misconduct of such a nature that it fundamentally breaches an employee's contractual relationship with the Town Council and justifies no longer accepting their continued presence at their place of work. Offences under this heading are so serious that an employee who commits them will normally be summarily dismissed if established after an investigation and a Disciplinary Hearing and without notice of termination or payment in lieu of notice.

The following are examples of gross misconduct:-

- gross negligence, gross insubordination or wilful refusal to obey a reasonable instruction;
- unauthorised and deliberate alteration, mutilation or destruction of falsification of the Town Council's documents or records or for claims for personal or financial gain;

- misuse of the Town Council's credit or debit card;
- theft, fraud, deception or misappropriation of funds, assets or property from colleagues, the Town Council or customers;
- other offences of dishonesty or corrupt or improper practice and/or in contravention of the Council's Anti-Bribery and Corruption Policy;
- serious professional misconduct or breach of confidence;
- sexual misconduct at work;
- sexual, racial or other unlawful discrimination, harassment, bullying or victimisation or other serious offensive and unwanted behaviour;
- serious verbal abuse, intimidation, physical assault, fighting or other violent behaviour within the workplace;
- deliberate damage, misuse or unauthorised disposal of the Town Council's goods, property or equipment;
- being under the influence of alcohol or drugs at work (except in the latter case where it would be appropriate to regard this as a medical/psychiatric condition requiring treatment);
- being found dealing, trafficking or being in possession of illegal drugs at work or in the environs of the workplace;
- serious breach of the Town Council's Health and Safety Policy and health and safety rules and regulations;
- intentional misuse or negligence with Town Council equipment, materials, funds or cash;
- unauthorised or personal use of the Council's suppliers or contractors;
- conviction of a criminal offence which affects the employee's ability to perform their duties and/or brings the Town Council into disrepute;
- bringing the Town Council into serious disrepute or behaviour which is prejudicial to the Town Council and affects the relationships with the community, service users, suppliers or contractors;
- unauthorised use, alteration, mutilation or destruction of Town Council computer programmes or systems contrary to the Council's computer use policy and rules;
- divulging, without approval, confidential Town Council information or personal data contrary to the Data Protection Act, General Data Protection Regulations 2018 and the Council's Data Protection Policy;
- sending abusive, scandalous, obscene or defamatory communication of any kind including by e-mail, on the Internet or on any social media;
- serious contravention of the Council's Social Media Policy which damages the reputation of the Town Council or amounts to serious bullying and harassment of a colleague or a Councillor;
- accessing or downloading any pornographic, obscene or offensive images or other material from the Internet or by e-mail or otherwise being in possession of pornographic, rude, obscene or offensive material or publications or images in any media whilst at work and on or by using the Town Council's computers or other devices;
- being responsible for any act which jeopardises or is likely to jeopardise any of the Council's licences or insurances;
- any wilful breach of licensing, excise or employment law or Regulation.

The above list is neither exhaustive nor definitive. In appropriate circumstances other acts of misconduct may be considered to come within the definition of gross misconduct. If considered appropriate the gross misconduct offence may be referred to the police or another relevant authority but this will not delay any appropriate action by the Town Council.

### **(e) Informal Warning**

For minor breaches of misconduct an informal warning will be given by the Town Clerk (or Chairperson of the Staffing Committee if regarding the Town Clerk) and the employee made aware of the change in conduct or required improvement in performance that needs to be achieved and within a specified period. A note that an informal warning has been given may be recorded in the employee's file and it is expected that if possible this warning may quickly resolve



any minor concerns. The employee will be informed at this point that this warning is informal and does not constitute part of the official disciplinary process as it is intended to alert the employee that unless performance improves or there is the same or other misconduct, formal proceedings will begin and potentially, formal disciplinary action will be taken.

#### **(f) Suspension**

If considered necessary an employee may be immediately suspended from work by the Town Clerk or in the case of the Town Clerk by the Chairperson of the HR Committee on normal pay pending or whilst an investigation is undertaken into suspected misconduct and in particular:-

- if the matter to be investigated is thought to involve gross misconduct leading to the possibility of summary dismissal; or
- due to the nature of the allegation, to enable the investigation to take place or to protect sensitive information or witnesses; or
- where there are grounds as to the employee's unsuitability to continue to work or it is not in the Town Council's best interest that they continue to attend work.

Similarly, if during the course of an investigation it is considered at that stage that a serious breach of discipline has occurred and any of the above apply the employee may then be suspended.

Such suspension will be precautionary, not disciplinary, pending the outcome of the matter. The employee will normally be advised personally of the suspension, the reasons for the suspension and the likely duration and this will be confirmed in writing as soon as possible afterwards. During the period of suspension, which will be kept as short as possible, the employee will be paid normal pay and the employee will be kept informed of any delay in the investigation or process.

#### **(f) Investigation**

Where a matter arises that is suspected or believed to be a disciplinary matter it will be investigated promptly and thoroughly by the Town Clerk or, if appropriate, the Town Council may appoint a Councillor with experience of undertaking such investigations or an external HR Adviser or solicitor to undertake the investigation. The investigation will be a fact-finding exercise to obtain all relevant information and evidence. It will include interviewing and obtaining statements from any witnesses or third parties who can provide relevant information as well as the employee (the latter will be an investigatory not disciplinary meeting but they will not necessarily be entitled to be accompanied at the meeting as explained earlier). The purpose of the investigation will be to determine whether there is a case to answer and a referral to a formal Disciplinary Hearing.

The terms of reference of the investigation will be to outline:-

- what the investigation is required to examine;
- whether a recommendation is required;
- how the findings should be presented;
- to whom the findings should be reported and who to contact for further direction if unexpected issues arise or advice is needed during the investigation.

The employee will be advised, in writing, of the alleged misconduct and invited, to attend a meeting with the Investigator. The employee will be given at least five (5) working days' notice of the meeting so that they have reasonable time to prepare for it. The letter will explain the investigatory process and the purpose of the meeting whilst being provided with a copy of the Council's Disciplinary Procedure. The employee will have the opportunity to comment on the allegations of misconduct at the meeting.

Employees may not be accompanied or represented at any investigatory meeting unless the Council uses its discretion to allow this as explained earlier.

The Investigator has no authority to take disciplinary action as their role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the Chairperson of the HR Committee whether or not the matter requires consideration by a Disciplinary Hearing. The Investigator's report will contain recommendations and the findings on which they were based and the outcome will be that either:-

- the employee has no case to answer and there should be no further action under the Council's Disciplinary Procedure;
- the matter is not serious enough to justify further use of the Disciplinary Procedure and can be dealt with informally; or
- the employee has a case to answer and there should be action under the Council's Disciplinary Procedure.

Notes of each meeting and/or witness statements as part of the investigation will be obtained and a report prepared on the investigation findings. When the investigation is concluded, the employee will be advised whether the matter is considered on the balance of probabilities to require action more than informal action and whether or not that there is a case to answer at a Disciplinary Hearing. In cases of minor misconduct or poor work performance, the matter will then be dealt with informally as set out above.

If the Council decides that it will not take disciplinary action, it may consider whether mediation would be appropriate in the circumstances.

### **(g) Invitation to Disciplinary Hearing**

If appropriate, following the investigation the employee will be invited in writing to attend a Disciplinary Hearing, which will be held as soon as practicable, normally within ten (10) working days of completion of the investigation report and at a reasonable time and in a convenient location. The employee will be given reasonable notice of the Hearing at seven (7) working days so that he/she has sufficient time to prepare for it.

The invitation will include:-

- the names of the Panel Members and others to be in attendance;
- details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting;
- a copy of the investigation report, all the supporting evidence and a copy of the Council's Disciplinary Procedure;
- the date, time and place for the meeting;
- that witnesses may attend on the employee's and/or the Council's behalf and that both parties should inform each other of their witnesses' names at least five (5) working days before the meeting
- that the employee and the Council will provide each other with all supporting evidence at least five (5) working days before the Hearing;
- that if witnesses are not attending the meeting, witness statements will be submitted to the other side at least five (5) working days before the Hearing;
- that the employee may be accompanied by a companion who must be a workplace colleague, a certified trade union representative or a trade union official;
- the level of disciplinary action or dismissal which may result.

If the date of the Hearing is not convenient for the employee or their companion, the employee will have the right to ask for the meeting to be re-arranged normally by up to five (5) working days of the original proposed date by writing to the Chairperson of the HR Committee setting out the reasons for the postponement request. If the request is due to the employee's ill-health it must be accompanied by a medical report from the employee's GP confirming that the employee should not attend the Hearing.

If the employee is unable to attend the re-arranged hearing, it will, depending on the circumstances, proceed in their absence, but, if requested by the employee, with their companion being provided with an opportunity to present their case on their behalf. Any submission the employee wishes to make in writing at this stage will be considered.

#### **(h) Disciplinary Hearing**

The Disciplinary Hearing will be conducted by a Disciplinary Panel of three Members of the HR Committee including the Chairperson of the HR Committee. If there are insufficient Members of the HR Committee to form the Panel, other Members of the Council may serve on the Panel. The purpose of the Hearing will be to hear both sides of the case, to examine the evidence and to reach a conclusion on the basis of the evidence. The Hearing will be chaired by the Chairperson of the HR Committee and conducted fairly so as to ensure that the employee has every chance to understand and respond to the allegations. The Investigator will attend the Disciplinary Hearing but will have no voting rights. An external HR Adviser may be invited to attend to give legal and professional practice guidance to the Panel but will not have voting rights.

At the Disciplinary Hearing the outcome of the investigation will be outlined by the Town Clerk (or other Investigator) together with any supporting evidence. The Disciplinary Panel and the employee and/or their companion will be given a full opportunity to question the Investigator.

The employee may respond to the allegations, present their evidence and call witnesses and have the opportunity to address the Hearing to provide any explanation or evidence in mitigation and be questioned by the Panel. The employee or their companion will have the opportunity to sum up their case.

Witnesses may be called by the employee or the Council or support their statements and may be questioned by all parties when appropriate.

The Hearing may be adjourned at any stage if it appears necessary or desirable to allow matters raised during the course of the meeting to be further investigated, to check or obtain further information and/or to afford the Disciplinary Panel time to consider the decision. Any adjournment will be for a stated purpose and an estimated period.

At the end of the Hearing and/or after any necessary further investigation has been concluded the Disciplinary Panel will consider, in private, all the facts, responses and any mitigating circumstances thoroughly before coming to a decision on the appropriate disciplinary action, if any, on the basis of the balance of probabilities (the usual civil proceedings test).

The employee will be advised of the decision after thorough consideration either at the Disciplinary Hearing or in writing as soon as possible after its conclusion and, if appropriate, the disciplinary action that will be imposed. Every attempt should be made to do this quickly and generally within a maximum of five (5) working days. As part of this notification the employee will also be informed of their right of appeal against the disciplinary action or dismissal and the process to be followed to make the appeal. A written record of all proceedings will be made and retained on the employee's personnel file for the life of any warning or other appropriate period and in accordance with the Data Protection Act, the General Data Protection Regulations 2018 and the Council's Data Protection Policy.

## **(i) Disciplinary Action**

In cases, other than those involving gross misconduct or where an informal warning is sufficient, where there is a reasonable belief, on the balance of probabilities of the employee's guilt of the alleged misconduct or performance failure has been established at the Disciplinary Hearing, the following disciplinary action may be taken which must always be appropriate, reasonable and proportionate to the offence. The Council will not dismiss an employee on the first occasion that it decides there has been misconduct

If the Disciplinary Panel decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action imposed as a result of the disciplinary meeting will remain in force for the prescribed period unless it expires or is modified as a result of an appeal.

### **• First Written Warning**

Where, following an investigation and Disciplinary Hearing it is a case of more serious misconduct or where there has been a repetition of the misconduct or no change in performance as a result of an informal warning, a first written warning may be issued, which will normally be current for 12 months. This first written stage of the Procedure may be omitted if the offence is of a sufficiently serious nature.

The written warning will set out:-

- the reason for the written warning, the improvement required (if appropriate) and the time period for improvement;
- that further misconduct or failure to improve will result in more serious disciplinary action;
- the employee's right of appeal
- that the written warning will be placed on the employee's personnel file, a copy provided to the employee and the warning will remain in force for 12 months.

### **• Final Written Warning**

Where there is a further misconduct, a repetition of the misconduct or no improvement in poor work performance/attendance for which a warning has previously been issued and is still in force, or where a serious first offence is committed which falls just short of gross misconduct, a final written warning may be issued which will normally be current for 12 months. The employee will be advised in the warning that a further offence of any kind within the currency of the final warning will result in dismissal from employment.

The final written warning will set out:-

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement;
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal;
- the employee's right of appeal;
- that a note confirming the final written warning will be placed on the employee's personnel file, a copy will be provided to the employee and the warning will remain in force for 12 months.

### **• Dismissal**

The Council may dismiss an employee:-

- for gross misconduct;
- if there is no improvement within the specified time period in the misconduct which has been the subject of a final written warning;
- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

The Council will consider very carefully a decision to dismiss and if an employee is dismissed, they will receive a written statement of the reasons for the dismissal, the date on which the employment will end and details of their right of appeal.

### **(j) Appeal**

Employees have the right to appeal against any disciplinary action taken against them, except a precautionary suspension. Should the employee wish to appeal it should be done in writing (the "Appeal Statement") to the Town Clerk (or in the case of the Town Clerk the Chairperson of the HR Committee), within five (5) working days of receipt of the disciplinary warning or dismissal letter. Appeals made outside of this time limit will not be accepted. The written statement of appeal must specify the full grounds of the appeal.

An appeal will not normally be by way of a re-hearing and the usual grounds of appeal will be:-

- a failure by the Council to follow its disciplinary procedure;
- the disciplinary decision was not supported by the evidence;
- the disciplinary action determined by the Disciplinary Panel was not proportionate and too severe in the circumstances of the case;
- new evidence has come to light since the Disciplinary Hearing.

An Appeal Hearing will be arranged as quickly as possible of the appeal being lodged and if possible within ten (10) working days of receipt of the Appeal Statement. The Appeal will be heard by a Panel made up of three Members of the HR Committee who were not involved in the case or served on the original Disciplinary Hearing. The Investigator may be asked to attend to answer any questions of the investigation findings but will have no voting rights. An external HR Adviser or solicitor may be invited to attend to give legal and professional practice guidance to the Panel but will not have voting rights.

If there are insufficient Members of the HR Committee to form the Panel who have not previously been involved in the matter or served on the Disciplinary Hearing other Members of the Council may be serve on the Panel. The Appeal Panel will appoint a Chairperson from one of its Members.

The employee will be notified, in writing, within ten (10) working days of receipt of the notice of appeal of the time, date and place of the Appeal Hearing. The employee will be advised of their right to be accompanied by a workplace colleague, a certified trade union representative or a trade union official.

At the Appeal Hearing, the Chairperson will:-

- introduce the Panel members to the employee and their companion;
- explain the purpose of the meeting and process to be followed;
- explain that the employee (or his companion) will be asked to explain the grounds for appeal, call any witnesses and provide any relevant new evidence;
- explain the options for action that the Appeal Panel may take.

Any new evidence or relevant witnesses (remembering this is not a full re-hearing) may attend the Appeal Hearing at the request of the employee and having read and heard all the evidence the Appeal Panel will ensure that any mitigating circumstances are considered and make a judgement based upon the soundness of the previous decision and in line with current employment law and advice.

The Appeal Panel's decision, which will be final and binding, and the reasons for the decision will be confirmed in writing normally within five (5) working days of the Appeal Hearing and either be:-

- to reject the appeal and confirm the original decision; or
- to uphold the appeal in full or part and/or substitute a less serious sanction or decide that no disciplinary action is necessary.

If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.

If an appeal against dismissal is upheld, the employee will be paid in full for the period from the date of dismissal and continuity of service will be preserved.

### **3. Disciplinary Action Notifications**

All formal disciplinary action will be confirmed in writing by the Chairperson of the HR Committee within five (5) working days of the decision and will include the following:-

- the reason for the warning
- the improvement or change in conduct required
- the timescale for improvement to be achieved or maintained
- the life of the warning
- the consequence(s) of a further recurrence of the issue(s) within the currency of the warning
- the right and procedure to follow to appeal against the disciplinary action.

A warning may be referred to in any subsequent disciplinary proceedings or action during the currency of the warning and a copy will be placed on the employee's personal file for the period that it is current. Once the time period of the warning has expired all written documentation relating to the matter will be removed from the employee's personnel file.

Where the Disciplinary Hearing decision is to dismiss, the letter will confirm:-

- the details of the offence(s) and reasons for dismissal
- the effective date of termination and final salary/remuneration arrangements
- the right of appeal against the dismissal and the procedure to be followed.

### **4. Overlapping Grievance and Disciplinary Issues**

If an employee raises a grievance during a formal disciplinary process the disciplinary process will normally be halted temporarily in order to deal with the grievance. However, if the two issues are related, then the two procedures may run concurrently.

## **5. Confidentiality/Records**

Where a disciplinary issue arises, it may be inevitable that other employees will sometimes find out what is going on. However as far as possible it is the Town Council's intention that all disciplinary action is treated as confidential between the employee and any persons directly concerned in the matter and the process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee and the records of any disciplinary action will be placed in the employee's personal file only and maintained only for the life of the warning.

Under normal circumstances therefore the disciplinary documents and records of any employee free of any disciplinary action for the life of a disciplinary warning will be removed from the file and disregarded in the consideration of any future disciplinary issues. These records will be kept and used in accordance with the Data Protection Act, the Council's Data Protection Policy and the General Data Protection Regulations 2018. Employees involved may of course exercise their Subject Data Right to access and view any documents or other material, electronic or paper based that contains their personal data.

Recordings of the proceedings at any stage of the Disciplinary Procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's physical or mental impairment.

## **6. Special Requirements**

If the employee requires assistance in using the Disciplinary Procedure due to a disability or other impairment or language difficulty, it should be made known to the Town Clerk or the Chairperson of the HR Committee prior to any investigatory interview or Disciplinary Hearing (or if given a warning) so that suitable arrangements can be made to ensure that the employee can take a full part and/or understand the true meaning of the subject matter. This may include permission to be accompanied by a suitable person at all stages of the procedure to provide specific assistance to the employee e.g. sign language, mobility support, mental health support worker, or where English isn't the employee's first language.

## **7. Right to be Accompanied**

The employee has the right to be accompanied at a Disciplinary or Appeal Hearing by a work colleague, certified trade union representative or trade union official or at any such meetings held in respect of the grievance except for any investigatory meeting, although the Council has discretion to allow this in special circumstances as explained earlier.

If the employee so wishes, their companion may address the Disciplinary or Appeal Hearing during of the proceedings to put the employee's case, to sum up that case and to confer with the employee during the Hearing. The companion may not answer questions directly on behalf of the employee, address the Panel against the employee's wishes or prevent the employee from explaining their case.

The companion may not prevent the Council from explaining the case against the employee or any other authorised person from contributing to the Disciplinary Hearing. The employee may request a postponement of a Disciplinary Hearing, if they or their companion is not available as outlined above.

## **8. Mediation**

There may be circumstances at any stage of the Disciplinary Procedure where both sides jointly agree to mediation being carried out by a suitably competent and experienced third-party mediator. The mediator will not be connected to the case or either of the parties and both parties will need to agree to abide by the outcomes and agreement reached.

## **9. Review**

The Disciplinary Procedure will be reviewed in February 2024, or earlier if required, to assess its effectiveness and make any appropriate changes. Any proposed changes to the Disciplinary Procedure will conform to all current legal requirements.

This Disciplinary Procedure was approved by the Council at the meeting held on 22<sup>nd</sup> February 2021.

Review date: February 2024



## **Royston Town Council**

### **Grievance Procedure**

**Adopted 3<sup>rd</sup> September 2018 – Minute number 152/19**

**Reviewed and Adopted by Full Council 22<sup>nd</sup> February 2021 – Minute number XX/21**

#### **1. Introduction**

Royston Town Council recognises that employees may from time to time have problems or concerns for example about their work, working conditions, working relationships, risks to their health and safety at work, terms and conditions, equal opportunities or any perceived breach of their contractual or statutory rights about which they wish to seek redress.

The Town Council supports free communication between its employees and the Town Clerk to ensure questions and problems arising during the course of employment can be aired and, where possible, resolved quickly to the satisfaction of all concerned. However, if it is not possible or appropriate to resolve the matter informally the following formal Grievance Procedure is available to all employees which also explains the further stages available if dissatisfied with the outcome of the initial consideration of the grievance.

The aims of the Grievance Procedure are to ensure that employees are treated fairly and consistently and in particular to:-

- foster good relationships between the Town Council and its employees by discouraging the harbouring of grievances;
- ensure issues are dealt with promptly and consistently;
- settle grievances as near as possible to their point of origin;
- ensure that the Town Council treats grievances seriously and resolves them as quickly as possible;
- ensure any necessary investigations are carried out thoroughly;
- give employees the right to be accompanied at any formal meetings as part of the Procedure.

Employees cannot use the Grievance Procedure in respect of:-

- appeals against salary or grading;
- income tax, national insurance matters, rates of pay collectively agreed at the national or local level;
- rules of the pension scheme;
- their failure to comply with the time limits within the Procedure unless the Council agrees to a particular time limit being waived;
- an attempt within six months of completion of action under the Procedure to restart the procedure in respect of the same or similar grievance unless an action decided upon to redress that grievance has not been implemented;
- a grievance in connection with an alleged act of misconduct or unsatisfactory performance for which the employee has been notified of the date of an investigatory meeting or disciplinary hearing or on which disciplinary action has been taken;
- a grievance about a matter over which the Town Council has no control.

Time limits are set down for each stage of the Grievance Procedure. If the grievance is not dealt with within the specified time limit without a legitimate reason, the employee has the right to proceed to the next stage of the procedure. If the employee fails to comply with a time limit the

Procedure will cease and the grievance will be considered to have been settled or withdrawn. In special circumstances the Council may agree that the time limits may be extended.

Nothing in this Procedure prevents any employee discussing a grievance or general concern informally with the Town Clerk as appropriate and at any time.

## **2. Procedure**

### **(a) Informal Resolution**

It is in everyone's best interest to ensure that employee grievances are resolved informally and dealt with quickly and fairly and at the lowest level possible at which the matter can be resolved. Most routine complaints and grievances are therefore best resolved through informal discussion and in the interests of maintaining good working relations.

As the first option therefore, any concerns should be discussed informally with the Town Clerk or in the case of a complaint against the Town Clerk the Chairperson of the HR Committee normally within a short time of the complaint arising, and both parties should try to resolve the matter at this stage. However, if this informal approach is unsuccessful or the employee considers that it is not appropriate and they wish to pursue it as a formal grievance they may raise the grievance in accordance with the following formal procedure.

### **(b) Formal Procedure – First Stage**

The employee must set out the grievance in writing (the "Statement of Grievance"), normally within a short time of the cause of the grievance occurring, to the Town Clerk or in the case of a complaint against the Town Clerk the Chairperson of the HR Committee.

In some circumstances, particularly complex situations, the Town Clerk or someone appointed externally may be asked to undertake an investigation into the grievance(s) and provide a report to the Panel.

The employee will be invited in writing to attend a grievance hearing to be held by a Grievance Hearing Panel of three Councillors who are Members of the HR Committee (including the Chair of the HR committee), and who have not been involved in the matter, to discuss the matter and:-

- the employee must take all reasonable steps to attend the meeting;
- the Grievance Hearing will normally be convened within fourteen (14) days of the Council receiving the "Statement of Grievance";
- a work colleague, a certified trade union representative or trade union official may accompany the employee at any Grievance Hearing if the employee so wishes.

If there are insufficient Members of the HR Committee who have not been previously involved, other Members may be required to serve on the Grievance Hearing Panel

The Chairperson of the HR Committee will chair the Grievance Hearing.

If the date of the Hearing is not convenient for the employee or their companion, the employee will have the right to ask for the meeting to be re-arranged normally by up to five (5) working days of the original proposed date by writing to the Chairperson of the HR Committee setting out the reasons for the postponement request. If the request is due to the employee's ill-health it must be accompanied by a medical report from the employee's GP confirming that the employee should not attend the Hearing.

If the employee fails to attend the Grievance Hearing or has given an unacceptable reason for requesting a postponement of the Hearing, arrangements may be made to hear the grievance in the employee's absence.

The invitation to the Grievance Hearing will set out:-

- the composition of the Grievance Panel and the detail and role of others to attend the Grievance Hearing;
- a summary of the employee's grievance based on his/her written submission;
- the date, time and place for the meeting giving reasonable notice of the meeting in accordance with the time frames set out in this Procedure;
- the employee's right to be accompanied by a workplace colleague, a certified trade union representative or a trade union official and their role at the Hearing;
- a copy of the Council's Grievance Procedure;
- a copy of an investigation report (if one was commissioned);
- confirmation that, if necessary, witnesses may attend on the employee's behalf and that the employee should provide the names of his/her witnesses at least three working days before the Hearing along with any supporting evidence.

The employee will have the opportunity at the Grievance Hearing to present their grievance, provide any evidence or witnesses in support of the grievance and explain what action they are seeking to resolve the grievance. The Panel will be able to question the employee on the grievance and their evidence and witnesses. The Grievance Hearing may be adjourned if necessary to enable matters raised during the course of the meeting to be investigated or to afford further time to consider the decision.

After considering the grievance fully the Panel holding the grievance meeting will make a decision on the balance of probabilities (the normal civil proceedings test) which may be announced at the Hearing or later and will be confirmed in writing as soon as is reasonably practicable, but normally within five (5) working days. If it is not possible to respond to the employee within this time frame the employee will be given an explanation and told when a response can be expected.

The outcome of the Grievance Hearing will either be:

- to reject the grievance; or
- to uphold the grievance in full or in part and determine action to be taken to rectify the cause of the grievance.

A note-taker will attend the Grievance Hearing to make a record of the meeting which when agreed with the employee will be placed on the employee's personnel file with the other grievance documents.

### **Formal Procedure – Stage Two**

If the employee is dissatisfied with the decision of the Grievance Hearing they have a right to appeal against it. The appeal must be put in writing to the Chairperson of the HR Committee, setting out the grounds of the appeal and with what the employee disagrees in the original decision and providing any new evidence, within five (5) working days of receiving written confirmation of the Grievance Hearing decision.

An appeal will not be by way of a re-hearing and the normal grounds of appeal will usually be based on:-

- a failure by the Council to follow its grievance procedure;
- the decision was not supported by the evidence;

- the action proposed by the Grievance Panel was inadequate/inappropriate;
- new evidence has come to light since the Grievance Hearing.

The employee will be invited in writing to attend an Appeal Hearing to be held by an Appeal Panel which will be made up of three Members of the HR Committee who were not involved in the matter or on the Grievance Panel who held the original Grievance Hearing.

If there are insufficient Members of the HR Committee who have not been previously involved, other Members may be required to serve on the Appeals Panel. A Chairperson will be appointed from the Appeal Panel Members. The employee must take all reasonable steps to attend that meeting and they may be accompanied by a work colleague, a certified trade union representative or trade union official.

The Appeal Hearing will normally be convened within fourteen (14) days of receipt of the employee's appeal. The employee will be invited in writing to attend the Appeal Hearing and be advised of the time, date and location of the Hearing and their right to be accompanied by a workplace colleague, trade union official or trade union representative.

If the date of the Hearing is not convenient for the employee or their companion, the employee will have the right to ask for the meeting to be re-arranged normally by up to five (5) working days of the original proposed date by writing to the Chairperson of the HR Committee setting out the reasons for the postponement request. If the request is due to the employee's ill-health it must be accompanied by a medical report from the employee's GP confirming that the employee should not attend the Hearing.

At the Appeal Hearing the Chairperson will:-

- introduce the Panel members to the employee and their companion;
- explain the purpose of the meeting, which is to hear and discuss the employee's reasons for appealing against the decision of the Grievance Hearing;
- explain the options for the action that the Appeal Panel may take.

The employee will have the opportunity at the Appeal Hearing to explain in full their appeal grounds and provide any new evidence or witnesses in support of the appeal. The Appeal Hearing may be adjourned if necessary to enable any new material to be investigated before a decision is made.

The outcome of the appeal will either be:

- to reject the appeal and confirm the original decision; or
- to uphold the appeal in full or in part and/or substitute a different decision.

The result of the appeal will be confirmed in writing within five (5) working days of the Appeal Hearing and this decision will be final and binding as there are no further stages to the Grievance Procedure.

A note-taker will attend the Appeal Hearing to make a record of the meeting which when agreed with the employee will be placed on the employee's personnel file with the other grievance documents.

### **3. Right to be Accompanied**

The employee has the right to be accompanied at a Grievance or Appeal Hearing by a work colleague, certified trade union representative or trade union official or at any such meetings held in respect of the grievance with the exception of an investigatory meeting which is at the Council's

discretion. For instance, a companion may be allowed to attend if otherwise the employee would be put at a disadvantage for example due to a disability.

If the employee so wishes, their companion may address the Grievance or Appeal Hearing during the proceedings to put the employee's case, to sum up that case and to confer with the employee during the Hearing. The companion may not answer questions directly on behalf of the employee, address the Panel against the employee's wishes or prevent the employee from explaining their case.

#### **4. Special Requirements**

If the employee requires assistance in using any part of the Grievance Procedure due to a disability, other impairment or language difficulty, this should be made known to the Town Clerk or the Chairperson of the relevant Hearing Panel prior to any Hearing so that suitable arrangements can be made to ensure that the employee takes a full part and/or understands the true meaning of the subject matter. This may include permission to be accompanied by a suitable person at all stages of the procedure to provide specific assistance to the employee e.g. sign language, mobility support, mental health support worker, or where English isn't the employee's first language.

#### **5. Mediation**

There may be circumstances at any stage of the Grievance Procedure where both sides jointly agree to mediation being carried out by a suitably competent and experienced third-party mediator. The mediator will not be connected to the case or either of the parties and both parties will need to agree to abide by the outcomes and agreement reached.

#### **6. Grievances Concerning the Town Clerk**

If an employee's grievance is about the Town Clerk, they should raise the matter in writing with the Chairperson of the HR Committee. The matter will be dealt with in accordance with the above Procedure and the Grievance Hearing Panel will be comprised of three Members of the HR Committee and chaired by the Chairperson of the HR Committee.

The Panel may wish to have an external HR Adviser appointed to give legal and professional practice guidance to the Panel, but who will not have voting rights.

If the Town Clerk wishes to appeal against the outcome of the Grievance Hearing the grounds of the appeal should be set out in writing to the Chairperson of the HR committee and an Appeal Hearing will be arranged as in Stage Two above and conducted by three Members of the HR Committee who were not involved in the matter or served on the original Grievance Hearing Panel. If there are insufficient Members of the HR Committee who have not been previously involved, other Members may be required to serve on the Appeals Panel. A Chairman will be appointed from the Appeal Panel Members.

The Town Clerk must take all reasonable steps to attend the meetings and they may be accompanied by a work colleague, a certified trade union representative or trade union official.

#### **7. Overlapping Grievance and Disciplinary Issues**

If an employee raises a grievance during a formal disciplinary process the disciplinary process will normally be halted temporarily in order to deal with the grievance. If the two issues are related, then the two procedures may run concurrently.

## **8. Grievances after Leaving Town Council Employment**

An employee may still, within one month of leaving the Council's employment, raise a grievance using the same procedure as set out above. The Council will investigate and then set out a response to it in writing within a reasonable time without the need for a Grievance Hearing or right of appeal. The Council will nominate two Members of the HR Committee to consider the grievance and respond to the ex-employee in writing within fourteen (14) days setting out the basis for the Council's decision.

## **9. Confidentiality**

All proceedings under this Grievance Procedure should be treated as being confidential and restricted to those involved in the grievance.

## **10. Safeguards**

Recordings of the proceedings at any stage of the Grievance Procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's physical or mental impairment.

No employee will be reprimanded or subjected to disciplinary action as a result of seeking resolution of a grievance in good faith through this Grievance Procedure unless the complaint is found to have been made maliciously. In addition, no employee will suffer detriment, harassment or victimisation as a result of seeking resolution of a grievance through this Procedure.

Records will be kept detailing the nature of the grievance, the response, any action taken and the reasons for it. These records will be kept confidential and retained in accordance with data protection rules principles and the Council's Data Protection Policy and the General Data Protection Regulations 2018. Employees involved may of course exercise their Subject Data Right to access and view any documents or other material, electronic or paper based that contains their personal data.

## **11. Review**

The Grievance Procedure will be reviewed in February 2024, or earlier if required, to assess its effectiveness and make any appropriate changes. Any proposed changes to the Grievance Procedure will conform to all current legal requirements.

The procedure was reviewed and adopted by Full Council on 22<sup>nd</sup> February 2021

Review date: February 2024

## Agenda Item 16 – Documentation Retention Policy

Royston Town Council

Document Retention Policy

Adopted by Full Council 12<sup>th</sup> November 2018 Minute number 246/19

Reviewed and adopted by Council 22<sup>nd</sup> February 2021 Minute number: /22

This policy details the minimum retention time required for council documents before disposal in order for the council to comply with the Freedom of Information Act 2000 Publication Scheme. Where variable times are indicated the Council will review storage after the minimum period has elapsed.

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Signed minutes	Indefinite	Archive, Public Inspection
Agendas	Indefinite	Archive
Draft minutes/notes taken at meetings	Until minutes are approved	Management
Scales of fees and charges	6 years	Management
Financial returns/income and expenditure accounts/audited accounts/budgets	Indefinite	Archive
Receipt books	6 years	VAT
Bank statements	Last completed audit year	Audit
Bank paying in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotations and tenders	12 years	Statute of Limitations
Unsuccessful tenders	3 years	Challenge
Paid Invoices	6 years	VAT
VAT records	6 years generally but 20 years for VAT on rents	VAT
Petty cash and Postage books	6 years	Tax, VAT, Statute of Limitations
Expenses book	6 years	Tax, VAT
Timesheets	7 years	Audit Personal injury (best practice)
Payroll records	12 years	Superannuation, Statute of Limitations
Insurance Policies	While valid/Last audit year	Management, Audit
Certificates for Insurance against liability for employees	40 years from the date on which insurance commenced or was renewed	The Employer's Liability (Compulsory Insurance) Regulations 1998 (SI.2753), Management.
Investments	Indefinite	Audit, Management
Title Deeds, leases, agreements, contracts	Indefinite	Audit, Management
Members allowances register	6 years	Tax, Statute of Limitations
Allotment register and plans	Indefinite	Archive
Hall and Room Hiring: <ul style="list-style-type: none"><li>• Application to hire</li><li>• Letting diaries</li><li>• Hirers Invoices</li></ul>	6 years 6 years 6 years	VAT VAT VAT

Routine correspondence, papers and notes	Retain as long as useful then destroy	Management
Recruitment records – Application forms, CVs, interview notes	6 months from date of appointment	Discrimination/Equal opportunities claim from interviewees
Employee records – Application forms, Contracts of Employment, Sickness records, Routine employee documents	6 years from date of leaving	Personal injury claims, tribunal claims
Maps, plans and surveys of property owned by the Council	Indefinite	Audit, Management
Email (excluding spam)	3 years	Local choice
Risk Assessments	3 years	Audit, Management, Statute of Limitations
Health and Safety Records	Indefinite	Audit, Management, Statute of Limitations
Market licence holder records	6 years after leaving market	Management

To ensure there are no breaches of Data Protection regulations, any documents identified for disposal, in accordance with this policy, will be destroyed by shredding and will not be entered into public recycling streams.

Review date – February 2024





**VEXATIOUS COMPLAINTS POLICY**

**Adopted by Full Council February 2021      Minute number: /22**

**Review date: May 2024**

**A policy for dealing with abusive, persistent or vexatious complaints and complainants**

**1. Introduction**

**1.1** This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be habitual or vexatious. The policy also details the Council's ways of responding to these situations.

**1.2** In this policy the term habitual means 'done repeatedly or as a habit'. The term vexatious is recognised in law and means 'denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant'. This policy intends to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.

**1.3** The term complaint in this policy includes requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 and reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts.

**1.4** Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time. While the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

**1.5** Raising of legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

**1.6** The aim of this policy is to contribute to the overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.

**2. Habitual or Vexatious Complainants**

**2.1** For the purpose of this policy the following definitions of habitual or vexatious complainants will be used: The repeated and/or obsessive pursuit of:

- (1) Unreasonable complaints and/or unrealistic outcomes;  
and/or
- (2) Reasonable complaints in an unreasonable manner.

**2.2** Prior to considering its implementation the Council will send a copy of this policy to the complainant to give them prior notification of its possible implementation.

**2.3** Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Section 3, the Town Clerk and members of the HR Committee will seek mutual agreement to treat the complainant as a habitual or vexatious complainant and agree the appropriate course of action to be taken. Section 4 details the options available for dealing with habitual or vexatious complaints.

**2.4** The Clerk on behalf of the Council will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken.

**2.5** The status of the complainant will be kept under review. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

### **3. Definitions**

**3.1** Royston Town Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Council, cause disruption and can waste resources.

The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

**3.2** Examples include the way in which, or frequency with which, complainants raise their complaints with staff or how complainants respond when informed of the Council's decision about the complaint.

**3.3** Features of an unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

#### **An unreasonably persistent and/or vexatious complainant may:**

- Have insufficient or no grounds for their complaint and be making the complaint only to annoy
- refuse to specify the grounds of a complaint despite offers of assistance
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure
- refuse to accept that issues are not within the power of the Council to investigate, change or influence
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (e.g. insisting there is no written record of the complaint)
- make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
- make an unreasonable number of contacts with the Council, by any means in relation to a specific complaint or complaints

- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to questions)
- harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, use of foul or inappropriate language or by the use of offensive and racist language
- publish their complaints in other forms of media
- raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- deny statements he or she made at an earlier stage in the complaint process
- are known to have electronically recorded meetings and conversations without the prior knowledge and consent of the other person(s) involved
- adopts a 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the Council, but at the same time with, for example, a Member of Parliament, other Councils, elected Councillors of this and other Councils, the Council's Independent Auditor, the Standards Board, the Police, other public bodies or solicitors
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- persistently approach the Council through different routes or other persons about the same issue
- persist in seeking an outcome which Council has explained is unrealistic for legal or reasons
- refuse to accept documented evidence as factual
- complain about or challenge an issue based on an historic and/or an irreversible decision
- combine some or all of these features.

#### **4. Imposing Restrictions**

**4.1** The Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.

**4.2** In the first instance the Clerk will consult with the members of the HR Committee prior to issuing a warning to the complainant. The Clerk will contact the complainant in writing, or by e-mail, to explain why this behaviour is causing concern and ask them to change this behaviour and outline the actions that the Council may take if they do not comply.

**4.3** If the disruptive behaviour continues, the Clerk will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact the Council in future will be restricted. The Clerk will make this decision in consultation with the members of the HR Committee and inform the complainant in writing of what procedures have been put in place and for what period.

**4.4** Any restriction that is imposed on the complainant's contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time over

which that the restriction will be in place. In most cases restrictions will apply for between three to six months, but in exceptional cases this may be extended.

**4.5** Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- banning the complainant from making contact by telephone except through a third party e.g. a solicitor, a Councillor or a friend acting on their behalf
- banning the complainant from sending emails to individuals and/or all Council Officers and insisting they only correspond by postal letter
- requiring contact to take place with one named member of staff only
- restricting telephone calls to specified days and/or times and/or duration
- requiring any personal contact to take place in the presence of an appropriate witness
- letting the complainant know that the Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint

**4.6** When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain why the decision has been taken, what action has been taken and the duration of that action.

**4.7** The Clerk will enclose a copy of this policy in the letter to the complainant.

**4.8** Where a complainant continues to behave in a way that is unacceptable, the Clerk, in consultation with the members of the HR Committee may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

**4.9** Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, other options will be considered, e.g. the reporting of the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

## **5. New complaints from complainants who are treated as abusive, vexatious or persistent**

**5.1** New complaints from people who have come under this policy will be treated on their merits. The Clerk and the members of the HR Committee will decide whether any restrictions that have been applied before are still appropriate and necessary in relation to the new complaint.

**5.2** The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on Council's contact with him or her, will be recorded and notified to those who need to know within the Council.

## **6. Review**

The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Clerk and the members of the HR Committee every three months.

## **7. Record Keeping**

The Clerk will retain adequate records of the details of the case and the action that has been taken.



## **Royston Town Council Privacy Notice**

### **Our contact details**

Name: Royston Town Council

Address: Town Council Offices, Melbourn Street, Royston, Herts, SG8 7DA.

Phone Number: 01763 245484

E-mail: [town.clerk@roystontowncouncil.gov.uk](mailto:town.clerk@roystontowncouncil.gov.uk) Website: [www.roystontowncouncil.gov.uk](http://www.roystontowncouncil.gov.uk)

This privacy notice is to aid transparency between Royston Town Council and those that interact with us with regard to how we use your data and what your rights are regarding that data.

### **The type of personal information we collect**

We currently collect and process the following information:

- Personal identifiers, contacts and characteristics (for example, name, address and contact details)
- IP addresses of visitors to our website
- Email addresses of those individuals that interact with us
- Financial information of users of council services
- Employee details
- We collect special category data as part of the process of booking council services
- We collect special category data as part of our employment records

### **How we get the personal information and why we have it**

Most of the personal information we process is provided to us directly by you for one of the following reasons:

- Because you are a user of the council's services
- To allow us to deliver a contractual service to you or because you have asked us to do something before entering into a contract, for example because you wish to hire a room, hall or allotment
- Because you wish us to make representations on your behalf
- Recruitment/Employment

We use the information that you have given us in order to provide the service that you have requested of us, so that it is possible to contact you and respond to your correspondence or provide information and/or access our facilities and services.

We may share this information with our employees, professional advisors, third party service providers that provide services to us and Royston Allotments and Gardens Association (for allotment hire).

### **Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing this information are:**

(a) Your consent. You are able to remove your consent at any time. You can do this by contacting the Town Clerk at [town.clerk@roystontowncouncil.gov.uk](mailto:town.clerk@roystontowncouncil.gov.uk) or calling 01763 245484 or writing to Royston Town Council, Town Council Offices, Melbourn Street, Royston, Herts, SG8 7DA.

(b) We have a contractual obligation.

(c) We have a legal obligation.

### **How we store your personal information**

Your information is securely stored in the Town Council offices (paper records) or on the Vision ICT secure cloud storage servers.

We keep employee records for 6 years from the date of leaving employment.

We keep payroll records for 12 years.

We keep recruitment applications for 6 months from the date of appointment.

We keep room hire information for 6 years from the date of hiring.

We keep allotment hiring information indefinitely.

We keep financial information for 6 years.

We keep emails and correspondence that you send us and we send you for a maximum of 3 years unless a longer period is necessary to fulfil the purposes outlined in this privacy notice.

When personal data is no longer needed or you request us to delete it, we will then dispose of your information by deleting electronic data and shredding and secure disposal of paper records.

### **Your data protection rights**

Under data protection law, you have rights including:

**Your right of access** - You have the right to ask us for copies of your personal information.

**Your right to rectification** - You have the right to ask us to rectify personal information you think is inaccurate. You also have the right to ask us to complete information you think is incomplete.

**Your right to erasure** - You have the right to ask us to erase your personal information in certain circumstances.

**Your right to restriction of processing** - You have the right to ask us to restrict the processing of your personal information in certain circumstances.

**Your right to object to processing** - You have the right to object to the processing of your personal information in certain circumstances.

**Your right to data portability** - You have the right to ask that we transfer the personal information you gave us to another organisation, or to you, in certain circumstances.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact us at [town.clerk@roystontowncouncil.gov.uk](mailto:town.clerk@roystontowncouncil.gov.uk) or call 01763 245484 or write to Royston Town Council, Town Council Offices, Melbourn Street, Royston, Herts, SG8 7DA if you wish to make a request.

### **How to complain**

If you have any concerns about our use of your personal information, you can make a complaint to us at [town.clerk@roystontowncouncil.gov.uk](mailto:town.clerk@roystontowncouncil.gov.uk) or call 01763 245484 or write to Royston Town Council, Town Council Offices, Melbourn Street, Royston, Herts, SG8 7DA.

You can also complain to the ICO if you are unhappy with how we have used your data.

The ICO's address:

Information Commissioner's Office

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Helpline number: 0303 123 1113      ICO website: <https://www.ico.org.uk>



## **Royston Town Council**

### **Tree Management Policy**

Approved by Full Council 21<sup>st</sup> January 2019 - Minute number 323/19  
Reviewed and approved by Full Council 22<sup>nd</sup> February 2021 – Minute number

Royston Town Council (RTC) owns areas of woodland within Royston and a consistent approach to tree management is required.

Trees are a highly valued feature and they make an enormous contribution to the character and beauty of our landscape and create/maintain environments rich in biodiversity. Royston Town Council values its trees and recognises both the human and environmental benefits of having a healthy and sustainable tree population.

We also recognise that although trees are a positive feature, they can be the cause of a range of problems, from being a nuisance or inconvenience to potentially causing serious injury or even death. As a tree owner we have a direct responsibility for ensuring our trees do not pose a danger to the public or property and are managed appropriately. This policy sets out Royston Town Council's approach to tree management.

We aim to inspect our tree stock at an appropriate frequency, to ensure continued public safety. Following inspection the trees will be assigned a risk classification which will inform their prioritisation for maintenance works.

This policy only applies to all trees under Royston Town Council ownership/management, regardless of their location.

Although we believe this policy to be as comprehensive as possible, we acknowledge it does not cover every situation. RTC reserve the right to exercise discretion in application of this policy when to do so would be in the best interests of the Council and its residents.

### **The importance of trees in the urban and rural landscape**

Trees are important features in the landscape. They help to create an attractive environment, making Royston a better place to live, work, study and visit. They bring colour and contrast, screen unsightly structures, give privacy and soften the hard lines of streets and landscapes. Not only do trees have a visual quality, but they also enhance the environment in less obvious ways:

- They improve air quality by filtering airborne dust, smoke and fumes;
- They absorb traffic noise in built-up areas and can help limit noise pollution;
- They reduce temperature extremes by providing shelter in hot weather and insulation in cold weather; trees adjacent to buildings can reduce air conditioning and heating costs;
- They act as a screen, increasing privacy in residential roads and gardens;
- They convert carbon dioxide to oxygen, increasing the quality of the air locally and helping to reduce the "greenhouse effect";
- They provide food and habitat for birds and other wildlife, thus supporting nature conservation value and biodiversity;
- Research has shown that trees provide many psychological and health benefits and have been shown to reduce stress significantly.

## **Trees on Royston Town Council owned/managed land**

The two main areas of trees owned by RTC are Stile plantation and Green Walk Plantation. RTC has a responsibility to maintain trees within our ownership/management to ensure they are in a safe condition and not causing an unreasonable danger or actionable nuisance. All enquiries regarding trees on Royston Town Council land should be directed to the Council on 01763 245484 or [enquiries@roystontowncouncil.gov.uk](mailto:enquiries@roystontowncouncil.gov.uk) or via our website.

## **Inspection of trees**

We work to a risk-based approach to tree management: a regular programme of inspection identifying and prioritising potential hazards.

## **Tree maintenance work**

Our tree maintenance work will be conducted as a result of information gathered during pro-active tree inspections. However, reactionary tree maintenance will always form a key element of overall tree maintenance operations and normally originates from the following:

- Programmed and routine inspections by a qualified tree inspector/consultant.
- Ad-hoc inspections by the Council staff following enquiries, reports and service requests;
- Reports from residents;
- Cyclic maintenance;

The following categories will be used when prioritising tree works:

<b>Priority</b>	<b>Response</b>
Priority 1: Urgent public safety	From within 24 hours to one week depending upon the risk
Priority 2: Non-urgent but essential work	Between 1 to 6 months depending upon risk and time of year
Priority 3: Desirable or Non-priority	12 months where possible  No action proposed

A tree could warrant immediate attention if, for example:

- It has snapped or blown over;
- It is rocking (roots are damaged);
- It is uprooted but held up by another tree or building;
- A large branch has broken off or is hanging off the tree;
- It or its branch is blocking the road or footpath;
- It or its branch is blocking access to property;
- It has fallen on to a structure, such as a building or car.

A tree may be a risk to people or property but does not require immediate attention if: for example:

- It is dead;
- It is dying (few leaves in summer or dieback in the crown);
- Its bark is loose and falling off;
- Mushrooms or fungi are growing on or near the tree;
- Old splits and cracks are in the trunk or large branches;
- Smaller branches or twigs are falling from the tree.

Trees will be made safe via pruning or felling and we would use the most cost effective approach. However, for certain high value trees we would consider other options to reduce the risk to an acceptable level. This would include options to reduce the likelihood of the tree failing or the likelihood of persons being close to the tree if it did fail.



### **Publicising tree felling pruning**

Where works are minor such as pruning (including repeat cyclical pruning of trees) or involve removing trees that are less than 15 cm diameter (6 inches) at a height of 1.3 metres, we will not publicise the works.

If a tree scheme (felling, pruning or planting) is judged to be more impacting on the local area we will consider more publicity as appropriate.

Where a competent officer has determined that the tree should be felled on public safety grounds there will be no public consultation and no right of objection.

### **Dealing with tree care**

While works are sometimes necessary to ensure that trees are in a safe and healthy condition, we receive many requests and complaints regarding trees. It is important that individual issues are dealt with consistently and that decisions are balanced against the positive contribution that trees make to the environment and enjoyment by local residents and visitors.

Many of the complaints received involve minor or seasonal issues that are generally considered to be foreseeable or social problems associated with living near trees, which can often be minimised through careful pruning and careful species selection when planting.

To ensure that requests for works to trees are dealt with efficiently, consistently and fairly, our policy in relation to the more common types of request is outlined below.

### **Obstructing/Overhanging Tree Branches**

Tree branches can cause obstructions to public footpaths, streetlights and open spaces.

Appropriate pruning to eliminate hazards caused by obstructive branches will normally be acceptable, providing efforts are made to retain the shape of the tree.

We will undertake work to trees in Council ownership/management to maintain a minimum 5 metres clearance over roads and 2.4 metres over formal footpaths.

We will not prune trees that overhang neighbouring properties unless the trees are dangerous or causing an actionable nuisance (i.e. touching the walls, roofs, windows, gutters, garage etc.). This will ensure that damage to property such as aerials, tiles or gutters is avoided.

Adjacent Landowners do have a common law right to prune back tree branches to their boundary, providing that this would not lead to tree death and providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area.

### **Shading and Loss of Light**

Trees are often perceived to block light to nearby properties. However, pruning or removal of trees will often have a negligible impact on the amount of light reaching a house or garden. Therefore, tree works to improve light levels will not normally be considered.

Where elderly, infirm or disabled persons who spend a significant amount of time within their home are affected by loss of light, or it can be established that the presence of trees is detrimental to the health of such residents, further consideration will be given to the management approach to trees. This consideration will also take into account the quality and importance of the tree in question, as well as the benefits to the wider community.

### **Loss of View**

Trees will only be pruned or removed to restore views when necessary to retain important public viewpoints or there is potential to bring about significant public benefit and/or enhance the local landscape or townscape. Historical records may be used to determine the level of management required.

### **Trees affecting reception (Television/Satellite/Solar Panels)**

Pruning in the short term may help improve television reception. However in the long term the flush of quick, extra growth associated with pruning can exacerbate the problem. In most cases the problem can be resolved by relocating the aerial or satellite dish, or alternatively using a booster. Residents are advised to contact their satellite or TV provider for specialist advice. Removal or pruning of trees to enable a clear television reception would only be considered in exceptional circumstances.

Similarly we will not prune or fell a tree in our ownership/management to improve natural light to a solar panel. Whilst we recognise the need for renewable energy sources, trees are also important in tackling climate change.

### **Overhead Cables/Telephone Wires**

Utility companies have certain legal rights to carry out works to public or privately owned trees to address health and safety problems and to maintain a clearance between trees and their apparatus to ensure continuity of supply. This may sometimes involve the loss of trees. Problems caused by branches interfering with privately owned telephone wires can usually be eliminated through appropriate pruning and tree removal would not usually be considered. We will not prune or fell a tree in our ownership/management to prevent or reduce interference with telephone wires. We would recommend contacting the telephone service provider in such circumstances.

### **General/Minor Nuisances**

We will not fell or prune trees solely to alleviate problems caused by natural and/or seasonal phenomena, which are largely outside of our control. There are a variety of potential nuisances associated with trees, most of which are minor or seasonal and considered to be normal and acceptable consequences of living near trees.

Examples of such problems are:

- Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings;
- Insects associated with trees (spiders, wasps, flies etc);
- Reduction or increase of moisture to gardens;
- Suckers or germinating seedlings in gardens;
- Leaves falling into gutters, drains or onto flat roofs;
- The build-up of algae on fences, paths or other structures.

Clearing of leaves from gutters and pathways and weeding of set seeds are considered to be normal routine seasonal maintenance which property owners are expected to carry out.

Falling leaves, sap, blossom, fruit, nuts, bird and insect droppings are not readily controllable by pruning and cleaning of affected surfaces can be considered to be routine maintenance. We would not normally prune or fell a tree under our ownership/management that bears poisonous fruit/foliage (such as laburnum or yew). However, where it is known that unsupervised young children are likely to be exposed to berries or foliage that will make them ill if eaten, we will investigate and take action, where appropriate.

### **Trees considered too big/too tall**

We will not prune or fell a tree under council ownership/management because it is considered to be “too big” or “too tall” for its surroundings. Trees grow adaptively to support themselves in relation to their surroundings and the typical loads they can be expected to experience. Trying to contain trees to a specific size is only a suitable management regime for certain species in specific circumstances (i.e. pollarding).

Crown reduction can also be used to allow the retention of an important tree with structural defects, trees which cause an obstruction or trees which are likely to cause structural damage to property which would otherwise need to be removed. In all other situations, reducing the size of a trees crown is not considered appropriate.

### **Personal Medical Complaint**

We will normally not prune or fell a tree under our ownership/management where a request has been made to do so because of a personal medical complaint. However, where it can be established that the presence of a tree is causing a detriment to the health of residents, further consideration will be given to the management approach of trees.

### **Ivy**

Ivy (*Hedera helix*) is a native species which provides important habitat to a wide range of wildlife, especially as an important source of food and cover for birds. Ivy often grows on tree stems and branches and can restrict the full structural assessment of a tree. It is rarely a significant threat to healthy trees.

Ivy will be severed at the base of relevant trees where a significant defect is suspected, or where ivy growth is so prolific it increases the sail area or affects the growth of the inner crown of a tree to an unacceptable level. Once severed, ivy will be left in situ to die back. This will reduce the impact of any loss of cover/habitat to local biodiversity and will help prevent sun damage to newly exposed parts of the tree.

### **Damage and tree roots**

Many tree conflicts arise because of the presence of tree roots and the perception that they are causing damage. Where damage is alleged, each complaint will be investigated on an individual basis. The following guidance will be used in assessing levels of nuisance and identifying appropriate action.

Root invasion in gardens; tree roots in gardens are a natural occurrence and root presence is unlikely to be affected by tree pruning or removal. Landowners do have a common law right to prune back tree roots to their boundary, providing that this would not lead to tree death and providing that the tree in question is not protected by a Tree Preservation Order (TPO) or situated within a Conservation Area.

Tree felling or branch pruning in response to root invasion in gardens would not normally be appropriate, as such works are likely to worsen existing problems. The pure encroachment of roots into adjoining land is not considered to amount to actionable nuisance.

### **Damage to walls and fences**

It is often possible to rebuild or repair garden walls and fences to take account of adjacent trees. Therefore where trees are considered to be causing damage to walls or fences, we will only consider tree removal if the walls or fence is irreplaceable and of exceptional importance e.g. a retaining wall or of historical interest, or if there is a risk to public health in leaving the tree which cannot otherwise be mitigated. If a damaged wall or fence was constructed after planting of the tree, it may mean that the design or construction has failed to take the presence of nearby trees into account.

### **Damage to paths**

It is often possible to repair paths to take account of adjacent trees and tree roots. Where roots protrude they can be root pruned, or the path re-laid around the tree with flexible materials such as asphalt to provide a smooth surface. Where trees are considered to be causing damage to paths or footpaths, we will not normally consider tree removal except where there is a risk to public health which cannot otherwise be mitigated.

### **Damage to drains or water pipes**

There is no evidence to suggest that the tree roots can actively penetrate an intact pipe or drain, but they can find their way into drains by any existing fault and increase damage. In these situations, the owner of the drain should seek to get the drain repaired at their own expense. Tree removal will not normally be considered.

### **Trip Hazards**

We will make safe an unacceptable trip hazard in a street, road or highway which is caused by a tree in our ownership/management.

### **Protected trees**

Tree Preservation Orders (TPOs)

A TPO is a legal document made, administered and enforced by the local planning authority, to protect specified trees and woodlands with public amenity value. A TPO prevents cutting down, uprooting, topping, lopping, wilful damage or destruction of trees (including cutting roots) without permission. RTC recognises its responsibilities in regard to trees that are protected by TPOs.

### **Other factors constraining work to trees**

#### **Birds**

Under the Wildlife & Conservation Act 1981 (as amended) it is an offence to kill, injure or take wild birds, their young, their eggs or nests. Non-urgent major tree work involving tree removal/reduction

and hedge cutting operations should not normally be undertaken during bird nesting/breeding season, which is considered to be from 1st March to 31st July.

### Bats

Bats are a European Protected Species and are protected by the Conservation of Habitats and Species Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). Causing damage to a roosting/nesting site is a criminal offence which can lead to imprisonment. Trees displaying signs of roosting bats will be referred to an Ecologist before any work commences. Any trees supporting roosting bats will not be worked on until Natural England is consulted.

### Restrictive Covenants

Occasionally, restrictive covenants attached to the deeds for a property may restrict what work can be undertaken to trees.

## **Subsidence**

While we recognise our responsibilities for the trees in our ownership/management, we will expect any claim against our own trees to be supported by sufficient evidence to show that the tree in question is a contributory factor in the subsidence. Where this evidence is provided, we will obtain expert specialist advice to verify submitted evidence as necessary. We will therefore require the following information in order to consider a claim associated with tree related subsidence:

- Description of type of damage;
- Indication of seasonal movement;
- Levels and distortion survey;
- Visual evidence of damage;
- Depth of foundations demonstrated from excavated trial holes;
- Analysis of soil type under foundation;
- Presence and identification of trees roots.

As set out in the accepted national guidance document "Subsidence of Low Rise Buildings" (Institution of Structural Engineers 2000) other potential influencing factors should be eliminated before the assumption is made that trees are the cause of structural movement.

## **Insurance Claims**

Where trees are alleged to have caused direct or indirect damage to property and a formal claim is submitted the matter will be referred to the Council's insurers. Members of the public who are concerned about tree related subsidence are advised to contact their insurers.

## **Protection and Enforcement**

RTC will adopt a robust approach to damage to its property. Where RTC trees are felled, damaged or vandalised the matter will be referred to the police. Civil action will be considered to recover compensation for the loss of the tree and/or any remedial works including replanting with a suitable replacement, and aftercare. Officer time investigating damage may also be incorporated in any claim.

## **Tree Planting**

The principle aim of new planting will be to maintain and increase tree cover within the town and to achieve a robust and diverse tree population, well suited to the planting location and able to meet the challenges of a changing climate and pests and disease.

## **Aftercare**

Good aftercare for 2-3 years after planting is essential to ensure that the investment in trees is not wasted; this is particularly true for larger standard trees. Aftercare of trees can be time consuming and expensive.

RTC will actively seek to involve the local community to help with watering and aftercare of newly planted trees (also giving them a vested interest in the future health of the tree).