



To: All Members of Newbiggin by-the-Sea Town Council

76 Front Street
Newbiggin by-the-Sea
Northumberland NE64 6QD
Tel: 01670 851833

Dear Councillor

11 July 2019

You are requested to attend a meeting of the **Newbiggin by-the-Sea Town Council** to be held at **7.00 pm** at the Grace Darling Campus Newbiggin by the Sea on **Wednesday 17 July 2019**.

Open Session at the invitation of the Chairperson to consider any questions from members of the public prior to the commencement of business limited to 15 minutes and to 3 minutes per person.

AGENDA

1. **Apologies for absence**
2. **Minutes** of the previous meeting held on 19 June 2019
3. **DECLARATION OF MEMBERS INTERESTS**
Members are invited to disclose any Disclosable Pecuniary Interests or other personal interests they may have in any of the items of business on the agenda in accordance with the Code of Conduct.
4. **Review of Committees Terms of Reference and Delegation**
5. **Review of Policies**
 - i) **Freedom of Information**
 - ii) **Data Protection**
 - iii) **Member Officer Protocol**
 - iv) **Habitual and Vexatious Behaviour**
6. **Neighbourhood Plan**
7. **Reports from Representatives on Outside Bodies**
8. **Projects Funding and Regeneration**
9. **Matters from Annual Town Assembly**

PART II

It is expected that matters included in this part of the Agenda will be dealt with in private. Any Reports referred to are enclosed for members and officers only and marked "Not for Publication". EXCLUSION OF PRESS AND PUBLIC recommended to consider passing the following resolution:

That under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the Agenda as they involve the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the 1972 Act relating to contractual financial information.

- 10. Front Street Bus Shelter**
- 11. Gateway Feature**
- 12. Request from tenants**
- 13. Grant request Newbiggin Genealogy Group**

Yours faithfully



Town Clerk

NEWBIGGIN-BY-THE-SEA TOWN COUNCIL
Minutes of the Ordinary Meeting of the Town Council held on Wednesday 19th June
2019 at 7.00pm at Newbiggin Sports & Community Centre

PRESENT: Councillors: A Thompson (Chairman)

M Boon L Burns M Cholerton

S Harrison E Hartley M Peden

Officers: D Earl – Town Clerk

E Brown – Deputy Town Clerk

IN ATTENDANCE: 17 members of the public

A member of the public queried what was happening with The Bungalow and the proposed portacabin.

The Chair informed that The Bungalow was under the ownership of the Town Council was being let to private educational establishment. The tenants had requested permission to erect a portacabin within the grounds of the bungalow which would require Town Council permission in accordance with the lease and subsequently formal planning permission would need to be applied for.

Concerns of litter and weeds within the grounds were noted and would be discussed with the tenants.

A member of the public made reference to a report of the Town Clerk dated 19th September 2018 which went before the Council seeking support in principle for the development of a harbour marina in Newbiggin Bay; he had submitted four questions to the Town Clerk in relation to the report and received a reply stating that the Town Clerk was unable to answer. As the TC had provided £15k towards a feasibility study, what was the current state of the project and when will members of the public be given the chance to consult on it.

The Chair informed that it was a matter for the Development Trust to answer. The Clerk informed that the report was based on a request from the trust to consider the project in principle. The questions asked were outwith the knowledge of the Clerk. The Town Council does not have a copy of the feasibility study and any questions should be submitted to the Trust.

A member of the public queried the Grants Committee minutes 8th May where the council issued a grant of £300 for a themed band for the D-DAY memorial event yet there was no themed band. Would the Council be following up on this? The Chair explained that there was a procedure in place for the feedback of grants.

The Deputy Clerk explained that a query had been raised and a satisfactory response received although this would be discussed further by the Grants Committee.

C016/19. APOLOGIES FOR ABSENCE: Councillor A Bromwich-Alexandra. These were accepted

C017/19. MINUTES OF PREVIOUS MEETING HELD 8TH MAY–

Regarding page 3, a member raised the appointment of councillors to communities, working groups and outside bodies referring to SO 5Jii stating that this should be covered at the annual meeting; referring to a representative on Woodhorn Church and NALC, the Member had not seen a report back.

A Member proposed a review is undertaken of the work councillors do with external bodies and councillor reports are added as a standing item to agendas. This was seconded.

RESOLVED that:

- i) A review be undertaken of the work of Councillors on external bodies
- ii) Councillor reports on external bodies be added as a standing item to future agendas.

RESOLVED that: the minutes of the meeting held on 8th May were accurate and signed by the Chair.

C018/19. MINUTES OF GRANTS COMMITTEE MEETINGS

RESOLVED that: the minutes of the meeting held on 8th May were noted for information.

RESOLVED that: the minutes of the meeting held on 23rd May were noted for information, a recommendation within the minutes was considered and it was

RESOLVED that: a large presentation cheque be purchased for use at future grant presentations.

C019/19. DECLARATION OF MEMBERS INTERESTS - None.

C020/19. REVIEW OF COMMUNITY ENGAGEMENT STRATEGY

The Town Clerk outlined positive steps that had been taken over the previous year in line with the Community Engagement Strategy e.g. website development, easier to access information, social media live, newsletters and correspondence directly with residents.

A member also acknowledged the Town Council litter picks and their role in engagement.

RESOLVED that the following be deleted from the wording under 'Principles'

'Council will always be clear at start of consultation to what extent participation in consultation will inform a decision'

C021/19. NEIGHBOURHOOD PLAN – The Town Clerk informed that responses were being collated and it was anticipated that they would be fed back to the Steering Group and the Town Council imminently.

C022/19. GREAT BRITISH HIGH STREET

The Deputy Clerk outlined that Front Street was eligible under the Rising Star category with the criteria of Customer Service, Innovation, Environment and Digital Transformation.

RESOLVED that:

- i) Officer time be provided to support Newbiggin Traders Association in submitting a bid, the bid would be submitted in the name of Newbiggin Traders Association.
- ii) A letter of endorsement be provided by the Town Council if required.

C023/19. Notice of Motion

The motion was moved as set out in the agenda

The Town Clerk informed that costings and highways permissions would be required recommending that this be brought back to a future meeting when this information was available.

RESOLVED that: a report be brought back to the Council for considering the Town Council replacing the missing and faded double sided printed banners on Front and High Street retail area lampposts.

C024/19 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the Agenda as they involve the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the 1972 Act relating to contractual financial information.

C024/19. REQUEST FROM TENANTS

Requests from the tenants were considered and it was RESOLVED that:

- i) The internal alterations for the provision of a secure exam room be agreed,
- ii) The decision relating the proposed erection of a portacabin be deferred to a future meeting pending a site visit, and
- iii) The proposal regarding use of the MUGA be deferred to a future meeting pending a site visit.

Signed by Chairman.....Date.....

COUNCIL 17 JULY 2019

1. Review of Committees Terms of Reference and Delegation

1.1 The Town Council has operated successfully since 2009 collectively taking all necessary decisions except in the few cases where delegation arrangements are in place. Throughout that time a Finance Committee has been in place to consider financial matters and make recommendations to the Council regarding the Budget and all transparency requirements are exceeded. Following appointment the Town Clerk was given delegated authority to incur expenditure in accordance with approved budgets to expedite financial business and to respond formally to planning applications following consultation with Councillors.

1.2 A Grants Committee was established early in 2010 to consider and approve grants up to £300 in accordance with the agreed criteria. In 2017 following a staff review a Personnel Committee was appointed to deal with the appointment process for the position of Deputy Town Clerk and ongoing staff matters.

1.3 An Environmental Working Group has developed proposals for small environmental schemes with the flexibility to meet on site and its remit was extended to cover discussions with Neighbourhood Services following the transfer of some local services and the enhanced services arrangements with the County Council.

1.4 Current membership is set out in the appendix together with terms of reference.

It is RECOMMENDED that existing Committee Working Group and delegation arrangements are confirmed and the terms of reference set out in the Appendix confirmed.

2. Review of Policies

Members are invited to review their existing policies concerning:

Freedom of Information
Data Protection
Member Officer Protocol
Habitual and Vexatious Behaviour

Further policy matters will be considered at future meetings.

It is RECOMMENDED that these policies be endorsed.

3. Projects Funding and Regeneration

3.1 The Town Council made provision in its Budget for various project initiatives and subsequent decisions have resulted in an order already in place for the further refurbishment of the Atlee Park Play Area and the contractor should be on site now.

3.2 Last year a gateway project was agreed for a site off the A189 roundabout at the west entrance to the town. As this is within the highway verge we have discussed the project with a local county

contractor who has installed similar features at Blyth and Seaton Sluice which reflect the seaside locality. A suitable elevated position on the bankside immediately prior to the turn off to Newbiggin would be visible to north, south and east bound traffic and feature a beach groyne type structure in natural oak timber approximately 15 metres in length and 1.5 metres high consisting of 2.1mx300mmx300mm posts set into the ground with concrete and timber beams set between 2.4mx300mmx300mm 5 high. A sketch of the feature has been supplied and shows how the Town Council logo can subsequently be applied to give strong identity with emphasis on the Bay. The financial aspects will be considered later in the agenda.

- 3.3 The County Council has advised that it is dealing with the current sand problem at the boat ramp so this needs no consideration by the Town Council. As in previous years it is recommended that a small allocation be made to cover other essential work following sand accumulation on the promenade as need arises.
- 3.4 At the last meeting it was agreed to investigate replacement of the town centre lamppost banners and costs are being investigated. Further information will be presented if available.
- 3.5 Prior to considering further projects a simple consultation was carried out through the Spring Newsletter and all suggested possible projects were supported by respondents with each one being someone's top priority and demonstrate a wide spectrum of support for improvements around the town:

	Average	No.1 priority
CCTV	1.54	16
Promenade safety improvements at Boat Ramp	2.6	7
Milburn Park Playground Refurbishment/replacement	2.7	3
Beach Huts	2.83	5
Needle's Eye Observation Platform	2.87	4
Bankside Boardwalk	2.96	4
Gateway Feature	3.7	1

- 3.6 The most popular project has already been agreed in principle and investigations for an initial CCTV scheme are underway and will be reported back in due course.
- 3.7 It had been intended to progress refurbishment of the Spital Burn/Milburn Park Play Area this year but with priority given to Atlee Park it is suggested that this be considered as a 2020 project and discussed and planned with Neighbourhood Services including a possible relocation and wider project including other possible projects in and around Milburn Park probably spread over 2 or 3 years.

- 3.8 Budget availability in the current financial year, whether for direct provision or contributions to other partners, include:

Balances carry forward Environmental Projects	13,470
Balances carry forward Gateway project	10,595
Budget Environmental Projects	10,000
Budget Town Improvement Schemes	<u>20,000</u>
	<u>54,065</u>

- 3.9 Regeneration of Newbiggin by the Sea is clearly very important to this community and not least enhancing and portraying the Bay as fully available and accessible all year round by all visitors is an important strategic aim and could make a unique advertising feature. Sitting alongside the improvements in recent years, existing attractions, events and development of the Traders' supported bid for 'The Inclusive Town' and pursuing possible Blue Flag status a few more improvements will provide a comprehensive package for attracting visitors at the same time as enhancing facilities and the environment for local residents. At some stage the increase in provision of electric car charging points needs to be encouraged to complement visitor attraction in future years.
- 3.9 Schemes that can be categorised for regeneration purposes and agreed with the County Council can be funded at least in part by contributions from the windfarm grant of which there is currently a balance of £45,428.

It is RECOMMENDED that the Town Council approve all of the projects outlined in the report and prioritise their support and development over a three year programme and allocate initial contributions from the available budgets.

4. Matters from the Town Assembly

- i) Office Opening Hours - look at the opening hours of their office to make it more accessible to working residents
- ii) Opening Hours of Front Street Toilets - look in to extending the opening hours for the front street toilets
- iii) Adherence to Standing Orders - apply the Local Government Act and their Standing Orders consistently to Council business as well as electors, requesting this be reflected within policy reviews and other matter of governance
- iv) Council Publications and Responses - in the future a process be put in place to record that all Councillors have read and understood any publications/responses that go out in the Town Council's name in advance of them being made public
- v) Council within a Council – Council should be non-political and commit to working as a Council of 8 Members

RECOMMENDED that members consider these matters.

Finance Committee

M Cholerton
S Harrison
E Hartley
M Peden
A Thompson

Grants Committee

M Boon
L Burns
M Cholerton
E Hartley

Personnel Committee

L Burns
M Peden
A Thompson

Environmental Working Group

M Boon
L Burns
M Cholerton
S Harrison
E Hartley

Terms of Reference**Finance Committee:**

1. To consider reports from the RFO concerning Income and Expenditure.
2. Monitoring expenditure against approved Budget for the financial year.
3. In December each year to consider the expenditure requests submitted from any other Committees and make recommendations to the Council to assist its formulation of the Budget for the following financial year.
4. To make any recommendations concerning financial matters referred to it by the Council.

Grants Committee:

To consider applications for grants in accordance with the agreed criteria up to a value of £300
To make any recommendations to Council concerning the operation of the scheme or grant criteria

Personnel Committee:

To deal with the staff appointment process and ongoing staff matters. Delegation to short-list for interview and appoint a Deputy Town Clerk

Environmental Working Group:

To carry out site inspections and site meetings where necessary with or without representatives of other agencies to consider physical environmental matters and recommendations concerning project scheme development or issues as referred by Council.

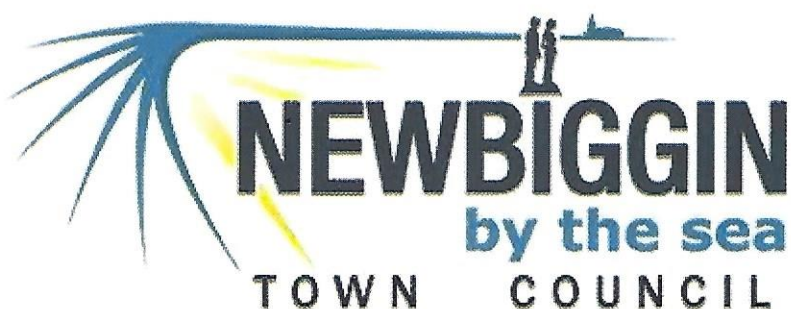
Where necessary to meet informally with representatives of County Council Environmental Services to discuss Town Council Local Services and Enhanced Services arrangements.

Appendix 2

Potential Projects 2019

Preference rated 1 (highest) – 5

	Milburn Park Playground Refurb / replacement	Regeneration Scheme Beach Huts	Gateway feature off 189	Increased CCTV Coverage	Needle's Eye Observation Platform	Bankside Boardwalk end promenade	Promenade safety Improvements Boat Ramp
1	2	4	3	1	3	2	2
2				1			
3	3	5	4	1	5	3	4
4	5	2	5	1	3	2	2
5	3	3	3	1		2	
6	1	1	5	1	3	3	1
7	5	2	5	1	3	4	5
8		1		2	5	4	3
9	5			1	3	2	4
10	3	2	2	1	2	5	4
11	4	5	5	2	5	2	1
12	3	5	5	2	4	1	1
13	2	5	5	2	5	5	5
14			5				
15	*	*	*	*	*	*	*
16	2	4	3	1	1	4	3
17	3	4	4	1	3	3	3
18	2	2	2	4	3	3	2
19	3	1	3	1	1	1	1
20	4	1	1	5	1	3	4
21	1		5	2	3	4	
22	3	5	4	1	2	1	1
23	2	5	3	1	2	1	1
24	3	1	5	2	4	5	5
25	1	2	5	1	3	3	3
26	2	3	3	3	1	3	4
27	3	2	4	1	4	5	1
	65	65	89	40	69	71	60
No1	3	5	1	16	4	4	7
Ave	2.7	2.83	3.7	1.54	2.87	2.96	2.6



FREEDOM OF INFORMATION POLICY

Newbiggin by-the-Sea Town Council is proactive in the publication of relevant information for the community and abides by the Freedom of Information Act 2000. Most information is available through the website www.newbiggintowncouncil.gov.uk. Copies of information detailed in the Publication Scheme below can also be requested from the Town Clerk by e-mail TownClerk@newbiggintowncouncil.gov.uk or at The Bungalow, Woodhorn Road, Newbiggin by-the-Sea, NE64 6HG. A small charge may be made for any hard copies.

Information available from the Town Council under the scheme:

Information to be published	How the information can be obtained	Cost
Class1 – Who we are and what we do:		10p per page
Who's who on the Council and its Committees	(website and/or hard copy)	
Contact details for Town Clerk and Council Members	(website and/or hard copy)	
Location of main Council office and accessibility details	(website and/or hard copy)	
Staffing structure	(hard copy)	
Class 2 – What we spend and how we spend it:	Minutes incorporating these decisions available on website	10p per page
Annual return form and report by auditor	(hard copy)	
Finalised budget	(hard copy)	
Precept	(hard copy)	
Borrowing Approval letter	(n/a)	
Financial Standing Orders and Regulations	(hard copy)	
Grants given and received	(hard copy)	

List of current contracts awarded and value	(hard copy)	
Class 3 – What our priorities are and how we are doing:		10p per page
Town Plan (initial five year plan currently being reviewed)	(website and/or hard copy)	
Quality status	(n/a)	
Local charters drawn up in accordance with DCLG guidelines	(n/a)	
Class 4 – How we make decisions:		
Timetable of meetings (Council, any committee/sub-committee meetings and parish meetings)	(website and/or hard copy)	
Agendas of meetings (as above)	(website and/or hard copy)	
Minutes of meetings (as above) – nb this will exclude information that is properly regarded as private to the meeting.	(website and/or hard copy)	
Reports presented to council meetings – nb this will exclude information that is properly regarded as private to the meeting.	(website and/or hard copy)	
Responses to consultation papers	(hard copy)	
Responses to planning applications	(hard copy)	
Bye-laws, if any	(n/a)	
Class 5 – Our policies and procedures:		10p per page
Policies and procedures for the conduct of council business, including :- Procedural Standing Orders; Code of Conduct; Policies	(hard copy or website when available)	
Policies and procedures for the provision of services and about the employment of staff, including: - Information security policy; Data protection policy; Records management policies (records retention, destruction and archive)	(As such policies are developed they will be added to the website/hard copy)	
Class 6 – Lists and Registers:		10p per page
Currently maintained lists and registers only		
Any publicly available register or list		
Assets Register	(hard copy)	
Register of members' interests	(website and County	

	website/or hard copy)	
Register of gifts and hospitality	(hard copy)	
Class 7 – The services we offer:		
Allotments	(n/a)	
Burial grounds and closed churchyards	(n/a)	
Community centres and village halls	(n/a)	
Parks, playing fields and recreational facilities	(inspection only)	
Seating, litter bins, clocks, memorials and lighting	(inspection only)	
Bus shelters	(inspection only)	
Markets	(n/a)	
Public conveniences	(n/a)	
Agency agreements	(n/a)	
A summary of services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)	(n/a)	
Additional Information -		

Contact details: **Newbiggin by-the-Sea Town Council, 76
Front Street, Newbiggin by-the-Sea,
NE64 6QD**

Email: **TownClerk@newbiggintowncouncil.gov.uk**

Telephone: **01670 851833**

SCHEDULE OF CHARGES		
TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying @ 10p per sheet (black & white)	Actual cost
	Photocopying @ 20p per sheet (colour)	Actual cost
	Postage	Actual cost
Statutory Fee		Relevant legislation
Other		



DATA PROTECTION POLICY

1. Personal Information and the Data Protection Act

- 1.1 The Council is subject to the requirements of the Data Protection Act 1998 which regulates the way in which certain personal information is held and used. While there are not many occasions when such information is processed this policy will guide how the Council will comply with the Act and follow good practice.
- 1.2 The Town Council will implement this policy in association with the Code of Conduct and employment conditions to protect the personal information of employees, members of the public and the Council where the information is not in the public domain.

2. Aims and Scope of this Policy

This policy is intended to:

- Ensure everyone is aware of their responsibility regarding the Data Protection Act 1998;
- Sets out the basic guidelines for employees and Members;
- Provide a list of definitions to assist in the understanding of the Act;
- Provide information on the types of employee information held by the Council.

3. Employee Information

- 3.1 Where the Town Council, or its agents, need to keep information for purposes connected with an employee's employment, including recruitment and termination information it will be kept throughout the period of employment and for as long as is necessary following the termination of employment.
- 3.2 Such records may include information gathered about a potential employee and any references obtained during recruitment; Details of terms of employment; Payroll, tax and National Insurance information; Performance information; Details of grade and job duties; Health records; Absence records, including holiday records and self certification forms; Details of any disciplinary investigations and proceedings; Training records; Contact names and

addresses; Correspondence with the organisation and other information provided to the organisation.

3.3 The Town Council believes these uses are consistent with our employment relationship and with the principles of the Act.

3.4 Any such information held within the Council whether by Members or officers is kept in the strictest confidence.

4. Guidelines and Principles

4.1 Non adherence or disregard to any of the points below will be seen as a breach of this policy and could invoke the disciplinary procedure or constitute a breach of the Code of Conduct.

4.2 To ensure compliance with the Data Protection Act 1998, the Council will:

1. Acknowledge the rights of individuals to whom personal data relates, and ensure that these rights may be exercised in accordance with the Act;
2. Ensure that both the collection and use of personal data is done fairly and lawfully;
3. Ensure that personal data will only be obtained and processed for the purposes specified;
4. Collect and process personal data on a need to know basis, ensuring that such data is fit for the purpose, is not excessive, and is disposed of at a time appropriate to its purpose;
5. Ensure that adequate steps are taken to ensure the accuracy and currency of data;
6. Ensure that for all personal data, appropriate security measures are taken, both technically and organisationally, to protect against damage, loss or abuse;
7. Ensure that the movement of personal data is done in a lawful way, both inside and outside the Council and those suitable safeguards exist at all times.
8. All actions regarding data subject access requests will be logged. This audit trail will include details regarding the nature of the request, the steps taken to validate it, the information provided as well as any withheld, e.g. for legal reasons.
9. Treat all employee data with respect and will not obtain or disclose unauthorised, inappropriate or excessive information about individuals.

10. Respond to any information requests under the Data Protection Act within the 40 calendar day time frame.
11. Provide details of exemptions if they apply to a specific request.
12. Destroy or amend inaccurate information when it is brought to light.
13. Charge an administration fee of £10 for each request under the Data Protection Act 1998.

5. Responsibilities

- 5.1 The Town Council requires its employees, Members and agents to comply with the Data Protection Act in relation to the personal information obtained about Members; employees; applicants and contractors.
- 5.2 The Town Council, acting as custodians of personal data, will ensure that all personal data is handled properly and confidentially at all times, irrespective of whether it is held on paper or by electronic means. This covers the whole lifecycle, including:
 - the obtaining of personal data;
 - the storage and security of personal data;
 - the use of personal data;
 - the disposal / destruction of personal data.
- 5.3 The Town Clerk will ensure that any third party processing such information on behalf of the Town Council is obliged to put in place similar measures.
- 5.4 Members are bound by this policy and must adhere to the guidelines.

6. Freedom of Information

Under the Freedom of Information Act 2000, the Town Council has the responsibility to ensure that data subjects have appropriate access, upon written request, to details regarding personal information relating to them. All requests will be forwarded to the Town Clerk to respond as appropriate.

7. Data Protection

The Town Clerk is responsible for gathering and disseminating information and issues relating to information security, the Data Protection Act and other related legislation.

8. Definitions

8.1 Personal Data

Data relating to a living individual who can be identified from that information or from that data and other information in possession of the data controller. Includes name, address, telephone number and ID number. It also includes expression of opinion about the individual, and of the intentions of the data controller in respect of that individual.

8.2 Sensitive Data

Different from ordinary personal data (such as name, address, telephone) and relates to racial or ethnic origin, political opinions, religious beliefs, trade union membership, health, sex life, criminal convictions. Sensitive data are subject to much stricter conditions of processing.

8.3 Data Controller

Any person (or organisation) who makes decisions with regard to particular personal data, including decisions regarding the purposes for which personal data are processed and the way in which the personal data are processed.

8.4 Data Subject

Any living individual who is the subject of personal data held by an organisation.

8.5 Processing

Any operation related to organisation, retrieval, disclosure and deletion of data and includes: Obtaining and recording data, accessing, altering, adding to, merging, and deleting data, retrieval, consultation or use of data, disclosure or otherwise making available of data.

8.6 Third Party

Any individual/organisation other than the data subject, the data controller or its agents.

8.7 Relevant Filing System

Personal data as defined, and covered, by the Act can be held in any format, electronic (including websites and emails), paper-based, photographic, CCTV etc. from which the individual's information can be readily extracted.



A PROTOCOL FOR COUNCILLOR AND OFFICERS

1. Interpretation

Unless the context indicates otherwise:

The terms "Councillor" and "Councillors" include non-elected i.e. co-opted councillors as well as elected councillors.

References to the term "Council" includes its committees, sub-committees and working groups.

References to the term "Code" shall mean the Code of Conduct for Councillors adopted under the provisions of the Localism Act 2011, as amended or replaced from time to time.

References to the term "the Clerk" shall mean the Clerk to Newbiggin by-the-Sea Town Council.

2. Introduction and Principles

The objectives of this Protocol are to guide councillors and officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council and to foster good working relationships.

- Selflessness - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
- Integrity - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- Objectivity - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, holders of public office should make choices on merit.
- Accountability - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- Openness - Holders of public office should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

- Honesty - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
 - Leadership - Holders of public office should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.
3. The Protocol seeks to reflect the principles underlying the Code, thereby enhancing and maintaining the integrity (real and perceived) of local government.
 4. Councillors and officers must at all times observe this Protocol. This Protocol is a local extension of the Code and the Officers' Contracts of Employment. Consequently a breach of the provisions of this Protocol may also constitute a breach of the Code or those Contracts.
 5. This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Councillors continue to receive objective and impartial advice and that officers are protected from accusations of bias and any undue influence from Councillors.
 6. Given the variety and complexity of relations between Councillors and officers of the Council, this Protocol does not seek to be comprehensive. It is hoped, however, that the framework it provides will serve as a guide to dealing with a range of circumstances.
 7. **The role of Councillors**
 8. Councillors have a number of roles and need to be alert to the potential for conflicts of interest which may arise between the roles. Where such conflicts are likely, Councillors may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.
 9. At all times Councillors should be aware that the role they are performing may impact upon the nature of their relationship with officers and the expectations that officers may have of them.
 10. Collectively, Councillors are the ultimate policy-makers determining the core values of the Council and approving the council's policy framework, plans and budget.
 11. Councillors represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
 12. Every Councillor represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
 13. Some Councillors may be appointed to represent the Council on local, regional or national bodies.

14. As politicians, Councillors may express the values and aspirations of the notified party political groups to which they belong, recognising that in their role as Councillors they have a duty always to act in the public interest.
15. Councillors can request information from officers but must take into consideration the level of resources available to carry out this task. If agreement cannot be reached with regard to such requests, a discussion will take place with the Chairman. This does not, however, prevent requests for the provision of stationery and other computer consumables in respect of council duties.
16. Councillors are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council. This is because section 101 of the Local Government Act 1972 only permits decisions to be made by the Council, a committee or an officer except in a Unitary Council.
17. Councillors must avoid taking actions which are unlawful or financially improper. Councillors have an obligation under the Code of Conduct to have regard, when reaching decisions, to any advice provided by the Clerk the Monitoring Officer or the Responsible Finance Officer.
18. Councillors must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice.
19. Councillors should only become involved in commercial transactions at the formal decision making stage.
20. **Role of officers**
21. Officers are responsible for giving advice to Councillors to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
22. Under the direction and control of the Council, officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
23. Officers have a duty to implement decisions of the Council which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's policies and constitution, and duly minuted.
24. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
25. Officers must assist and advise all Councillors whether or not members of notified political groups and non-aligned Councillors. They must always act to the best of their abilities in the best interests of the Council as a whole as expressed in the Council's formal decisions.

26. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Councillors, the media or other sections of the public.
27. Officers have the right not to support Councillors in any role other than that of Councillor, and not to engage in actions incompatible with this Protocol.
28. Some officers may be appointed to local, regional or national bodies because of their particular skills and expertise. They may be appointed specifically to represent the Council or in their personal capacity.
29. **The relationship: general points**
30. Councillors are elected by the local community and officers are employees of the Council and Councillors and officers are indispensable to one another. However, their responsibilities are distinct. Councillors are accountable to the electorate and serve only so long as their term of office lasts. Officers are accountable to the Council as a whole and not to individual Councillors. Their job is to give advice to Councillors (individually and collectively) and to carry out the Council's work under the direction and control of the Council.
31. The conduct of Councillors and officers should be such as to instil mutual confidence and trust. The key elements are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
32. At the heart of the Code, and this Protocol, is the importance of mutual respect. Councillor/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Councillors and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party. The use of more extreme forms of behaviour and emotion is rarely conducive to establishing mutual respect and is not a basis for constructive discussion.
33. Informal and collaborative two-way contact between Councillors and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection. Inappropriate relationships can be inferred from language/behaviour. Close personal familiarity between individual councillors and officers can damage the relationship of mutual respect and prove embarrassing to other Councillors and officers. To protect both Councillors and officers, they should address each other in an appropriate way in the public arena, save where circumstances clearly indicate that a level of informality is appropriate.
34. It is not enough to avoid actual impropriety. Councillors and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Councillor should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

35. A Councillor should not raise matters openly or through the media relating to the conduct or capability or any personal information relating to an officer in a manner that is incompatible with the objectives of this Protocol and particularly in relation to any pending or on-going complaint or disciplinary process involving the officer. This is a long-standing tradition in public service. An Officer has no means of responding to such criticisms in public. Furthermore, open criticism may prejudice the bringing of disciplinary proceedings in circumstances where this might otherwise be appropriate.
36. A Councillor who feels s/he has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an officer should:
- avoid personal attacks on, or abuse of, the officer at all times,
 - ensure that any criticism is well founded and constructive,
 - never make a criticism in public, and
 - take up the concern with the Clerk or the Chairman. Complaints about the Clerk should be referred by the Chairman to the Council for consideration by a committee if necessary.
37. If direct discussion with an officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, s/he should raise the matter with the Clerk. The Clerk will then look into the facts and report back to the Councillor. If the Councillor continues to feel concern, then s/he should raise the issue with the Chairman who will look into the matter afresh. Where any action is contemplated against an officer in respect of a complaint it will be referred to a committee and dealt with in accordance with the proper employment practices.
38. Challenge in a constructive and non-confrontational way is important in ensuring policies and service performance are meeting the Council's strategic objectives. Nothing in this paragraph is therefore intended to stop Councillors holding officers to account for decisions made under delegated powers.
39. Where an officer feels that s/he has not been properly treated with respect and courtesy by a Councillor or has been bullied by a Councillor, s/he should raise the matter with the Clerk or Chairman as appropriate, especially if they do not feel able to discuss it directly with the Councillor concerned. In these circumstances the Clerk or Chairman will, after consultation with the complainant, take appropriate action either by approaching the individual Councillor or by referring the matter initially to a suitable Committee.
40. Bullying is prohibited by the Code. Bullying has been defined as
- "Offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health."

41. **The relationship: officer support to councillors: general points:**
42. Officers are responsible for day-to-day managerial operational and delegated decisions within the Council and Councillors should avoid inappropriate involvement in such matters.
43. Officers will provide support to all councillors in their respective roles.
44. If participating in the appointment of officers, Councillors should:
- remember that the sole criterion is merit;
 - never canvass support for a particular candidate;
 - not take part where one of the candidates is a close friend or relative;
 - not be influenced by personal preferences; and
 - not favour a candidate by giving him/her information not available to the other candidates.
45. A Councillor should not sit on an appeal hearing if the appellant is a friend or a relative.
46. On occasion, a decision may be reached which authorises named officers to take action following consultation with a Councillor or Councillors. The Councillor or Councillors may offer his/her views or advice to the officer who must take them into account. The Councillor or Councillors must not apply inappropriate pressure on the officer. The decision remains the responsibility of the officer him/herself. It must be recognised that it is the officer, rather than the Councillor or Councillors, who takes the action and it is the officer who is accountable for it.
47. Officers will do their best to give timely responses during working hours and within 10 days of their request to enquiries from Councillors. Officers work priorities are set and managed by the Clerk and/or the Council. Councillors should avoid disrupting officers work by seeking to impose their own priorities.
48. An officer shall not discuss with a Councillor personal matters concerning him/herself or another individual employee. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with his/her ward councillor.
49. Councillors and officers should respect each other's free (i.e. non-Council) time.
50. **The relationship: officer support to councillors and party groups**
51. It must be recognised by all officers and Councillors that in discharging their duties and responsibilities, officers serve the Council as a whole and not subject to instruction of any political group, combination of groups or any individual Councillor of the Council.
52. There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant council decision making body. While officers may properly be requested to support and contribute to such deliberations by party groups they cannot be

compelled to do so and must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual Councillors, treat them in a fair and even-handed manner.

53. The support provided by officers must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not present at meetings or parts of meetings, when matters of party business are to be discussed.
54. Special care needs to be exercised whenever officers are requested to provide information and advice to a party group meeting which includes persons who are not Councillors of the Council. Such persons are not bound by the Councillors' Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons, officers may not be able to give the same level of advice as they would to a Councillors only meeting nor give advice to such meetings.
55. Officers have the right to refuse a request to attend a party group and will normally not attend a meeting of a party group where some of those attending are not Councillors of the Council.
56. The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
57. An officer who is not the Clerk shall not be invited to attend a party group meeting, but the Clerk may nominate another officer to attend on his/her behalf.
58. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
59. No Councillor will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.
60. Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group or to any other Councillors. This shall not prevent an officer providing feedback to the Clerk on a need-to-know basis.
61. It must not be assumed by any party group or councillor that any officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.
62. Where the Clerk, or a designated officer, provide information or advice regarding an aspect of Council business to a political group that information shall be available to all political groups or non-aligned Councillors.

63. **The Mayor and officers**

64. Officers will respect the position of the Mayor/Chairman and provide appropriate support. This, however, is a two way process and the Mayor/Chairman should not place unrealistic demands on officers.

65. The Mayor/Chairman may suggest certain actions to officers but as a matter of law, a Mayor or Chairman (or any individual Councillor) has no power to make decisions on behalf of the Council or give instructions to officers.

66. **Councillors and officers on outside bodies**

67. Councillors and officers serving on outside bodies will treat one another professionally and with respect.

68. Councillors and officers should be aware of their role on any outside body to which they are appointed. In particular they should be aware of whether they are appointed:-

- As a representative of the Council
- As a ward Councillor, representing the local community
- As a group Councillor, or
- In their individual capacity

69. They should ensure they are sufficiently briefed before attending a meeting with the purpose of promoting the interests of the town. Councillors will also be requested to give feedback on proceedings.

70. Where Councillors and officers are appointed to an outside body as a representative of the Council they should ensure that they are aware of the Council's position in relation to matters within the body's remit.

71. The appointee should seek to abide by the Council's position in relation to that matter unless their duties and responsibilities to the outside body prevent this, (For example, where the appointment is as a Director or Trustee of the outside body).

72. Should a Councillor and an officer both be appointed to the same body as the Council's representatives they should seek to agree their understanding of the Council's position prior to any meeting of the body.

73. If a Councillor or officer is appointed to an outside body in a capacity other than as the Council's representative they are not obliged to abide by the Council's position in respect of any matter. They should however seek to ensure that any view that they express or action they take cannot be perceived as bringing the Council into disrepute.

74. If a Councillor and an officer have a disagreement in relation to a matter within the remit of that body, arising out of their respective roles on the body, they will treat that disagreement in a professional manner. In particular both the Councillor and the Officer will take steps to ensure that the disagreement does not affect the nature of their relationship within their respective roles as Councillor and officer of the Council.

75. **External meetings**

76. Councillors should ensure that they are properly supported by officers when responding to requests to meetings with individuals, external organisations and companies. They should not commit the council to any particular course of action.

77. **Support services to councillors and party groups**

78. The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc.) to Councillors is to assist them in discharging their role as Councillors of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

79. **Councillors' access to information and to council documents**

80. Councillors have the ability to ask for information pursuant to their legal rights to information to assist them in their role as a Councillor of the Council.

81. **Correspondence**

82. Correspondence between an individual Councillor and an officer should not ordinarily be copied to any other Councillor without that being apparent on the face of the correspondence. A system of silent copies should not be employed. Information concerning a particular Ward should be copied to an officer or other Ward Councillors.

83. "Correspondence" in this context means letters, emails, memoranda, reports, advice, briefing notes or any other documentation prepared specifically by an officer for a Councillor.

84. It should be noted that the Council may have to release copies of correspondence in accordance with Freedom of Information Legislation.

85. Official letters on behalf of the Council (as distinct from letters in response to constituent's queries) should normally be sent in the name of the appropriate officer, rather than the name of a Councillor. It may be appropriate in certain circumstances for a letter to appear in the name of the Mayor/Chairman, but this should be the exception rather than the norm.

86. Letters which create legally enforceable obligations or which give Instructions on behalf of the Council should never be sent in the name of a Councillor.

87. When writing in an individual capacity as a Ward Councillor, a Councillor must make clear that fact.

88. Officers should respond in a timely manner dependent upon the content/urgency.
89. When entering into correspondence with one another both Councillors and officers should ensure that they maintain their recognition of and respect for each other's roles and responsibilities. As with other areas of their relationship Councillors and officers should conduct correspondence in a positive and constructive way and observe the same level of courtesy and respect.
90. **Publicity and press releases**
91. Local Councils are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Council, explaining its objectives and policies to the electors, and non-domestic rate-payers. In recent years, all local authorities have increasingly used publicity to keep the public informed to encourage public participation. Every Council needs to tell the public about the services it provides from time to time. Increasingly, local authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of a Council's activities is, in the words of the Government, to be welcomed. The Local Government Act 1986 prohibits political publicity – this is defined as any material which, in whole or in part, appears to be designed to affect public support for a political party.
92. Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity should be reasonable and decisions on publicity made in accordance with the Code of Recommended Practice on Local Council Publicity. The main principles of the Code are:
93. That publicity relating to individual Councillors should relate to their role as a holder of a particular position and personalisation of issues or personal image making should be avoided.
94. Publicity should be factual and designed to raise public awareness and its primary purpose must not be to persuade Councillors or the public to hold a particular view on a matter of policy.
95. Particular care should be taken when publicity is issued immediately before an election or by-election to ensure that this could not be perceived as seeking to influence public opinion, or to promote the image of a particular candidate, or group of candidates. The Code provides between the time of publication of a notice of an election and polling day, publicity should not be issued which deals with controversial issues, or which reports views or policies in a way that identifies them with individual councillors or groups of councillors'.
96. The Code also applies to other bodies funded by the Council, where that funding could be used for publicity.
97. Officers and Councillors of the Council will, therefore, in making decisions on publicity, take account of the provisions of this Code. If in doubt, Officers and/or Councillors should initially seek advice from the Clerk.

98. **Involvement of Ward Councillors**

99. Whenever a public meeting is organised by the Council to consider a local issue, all the Councillors will as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Councillors should be notified at the outset of the exercise.

100. Whilst support for Councillors ward work is legitimate provided resources permit, officers should not be asked to accompany Councillors to ward surgeries, the offices or premises of political parties or to attend ward or constituency political party meetings.

101. It is acknowledged that officers may receive and handle messages for Councillors on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.

102. In seeking to deal with constituent's queries or concerns, Councillors should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by Councillors in the requested time-scale, and may need to seek instructions from their managers or the Council.

103. **Access to premises**

104. Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.

105. Councillors have a right of access to Council land and premises to fulfil their duties.

106. When making visits as individual Councillors, Councillors should:

- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
- comply with health and safety, security and other workplace rules;
- not interfere with the services or activities being provided at the time of the visit;
- if outside his/her own ward, notify the Ward Councillor beforehand; and
- take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

107. **Use of Council resources**

108. The Council may provide Councillors with limited consumables such as stationery and computer equipment, to assist them in discharging their roles as Councillors of the Council. These goods and services are paid for from the public purse. They must not be used for private purposes or in connection with party political or campaigning activities.

109. Councillors should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:

where facilities are provided in Councillors' homes at the Council's expense;
in relation to any locally-agreed arrangements e.g. payment for private use or
photocopying; and regarding ICT security.

110. Councillors must not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:

- business which is solely to do with a political party;
- work in connection with a ward or constituency party political meeting; electioneering;
- work associated with an event attended by a Councillor in a capacity other than as a Councillor of the Council;

- private personal correspondence;
- work in connection with another body or organisation where a Councillor's involvement is other than as a Councillor of the Council; and
- support to a Councillor in his/her capacity as a councillor of another local council.

Policy for dealing with Habitual Abusive Persistent or Vexatious Behaviour

1. The Town Council its Councillors and Officers operate in the course of all normal communication/working relationships with an expected level of trust and respect in such dealings on all sides. The Council recognises that, unfortunately, there are times when nothing further can be done to solve real or perceived problems or continual contact dealing with time consuming and costly queries or complaints and circumstances develop when relationships etc change as a result of frustrations or disagreements. When this occurs it is essential to have appropriate guidelines in place and this policy should assist in resolving such issues.
2. This policy seeks to identify some examples of habitual abusive persistent or vexatious behaviour and how they will be handled but is not conclusive. These terms can have both normal and legal meanings encompassing disruptive and unreasonable conduct and will be considered in context with other appropriate policies. Particularly in the context of such limited staff resources dealing with such behaviour disrupts and displaces the Council priorities for the community.
3. For the purposes of this policy the terms complaint and complainant will be used in relation to behaviour or persons whose conduct is being considered and will include unreasonable requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
4. The first stage of the process is for the Chairman and the Town Clerk to consider whether speaking to all parties concerned is likely to reach an early resolution in relation to Councillors or a member of the public. If this is not possible or proves unsuccessful then the matter will be formalized and referred to a Complaints and Grievance Committee to allow consideration of the views of all parties, and reach a decision as to what actions/sanctions will be taken or make recommendations to the Council. If vexatious behaviour comes from a member of staff it will be looked at by the Town Clerk or Chairman as appropriate, who will then consider instigating disciplinary procedures. Should the member of staff wish to appeal this will be referred to a Staff Committee if necessary.
5. The Council recognises that it is important to distinguish between someone who makes a number of complaints because there are genuine grounds to believe things have gone wrong, and someone who is being difficult, abusive, making excessive demands or disagrees with democratic decisions of the Council. The Council acknowledge that some complainants can be frustrated or aggrieved and it is therefore important to consider the merits of their case and not just their attitude.
6. An individual (Officer/Councillor/member of the Public) may be deemed to be habitual abusive persistent or vexatious where previous or current contact with them shows that they meet one or more of the following criteria:
 - The repeated and/or obsessive pursuit of unreasonable requests or complaints and/or unrealistic outcomes and/or reasonable requests or complaints in an unreasonable manner.

- Repeatedly change the substance of a complaint/request/query or continually raise new issues to seek to prolong contact by continually raising further concerns or questions upon received of a response, whilst the complaint/request/query is being addressed.
- Are repeatedly unwilling to accept documented evidence as being factual or deny receipt of an adequate response, in spite of correspondence specifically answering their questions, or do not accept that facts can be sometimes difficult to verify when a long period of time has elapsed.
- Repeatedly do not clearly identify the precise issues which they wish to raise despite reasonable efforts to address their concerns, and/or where the concerns identified are not within the remit of the Council.
- Regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what is a trivial matter can be subjective and careful judgement will be used in applying this criteria.
- Have threatened or used physical violence towards an individual at any time - this will, in itself, cause personal contact with the complainant and/or their representatives to be discontinued and the complaint will, thereafter, only be continued through written communication received by post. All such incidences will be documented. The Town Council has determined that any complainant who threatens or uses actual physical violence towards someone will be regarded as a vexatious complainant and will receive written confirmation that this is the case and will inform the complainant of the action that will be taken.
- Have, in the course of addressing a registered complaint or grievance and request for information, had an excessive number of contacts with the Council - placing unreasonable demands on staff. For the purposes of determining an excessive number, the contact may be in person, by telephone, letter, e-mail or voicemail. Discretion will be used in determining the precise number of excessive contacts applicable under this section, using judgement based on the specific circumstances of each individual case.
- Have harassed or been personally abusive or verbally aggressive on more than one occasion towards any Councillor staff or contractors dealing with the complaint/grievance/query. It is recognised, however, that complainants may sometimes act out of character in times of stress, anxiety or distress and may make reasonable allowances for this where appropriate. However all instances of harassment, abusive or verbally aggressive behaviour will be documented.
- Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the original request or complaint at the start of the 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.
- Electronically record meetings and conversations without the prior knowledge and consent of the other person(s) involved.
- Adopts an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the Council, but at the same time with, for example, a Member

Council's Independent Auditor, the Police 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.
- The continual submission of requests, demands, complaints, or challenges, whether as one or a series of topics, that require a level of resource to investigate and respond that is unrealistic or disproportionate to the resources available particularly in relation to other priorities and requirements of the community as a whole.
- Make unreasonable requests or demands and fail to accept that these may be unreasonable.
- Seeking to coerce, intimidate or threaten staff, Councillors or other people involved, whether by use of language, tone of voice or behaviour including body language.

7. **PROCESS FOR MANAGING THE COMPLAINT**

Where a member of the public is involved:

Any restrictions will be appropriate and proportionate to the nature of the complainant's contacts with the council at that time. The following are examples of the types of restriction which may be used:

- Placing time limits on telephone conversations and personal contacts.
 - Restricting the number of telephone calls that will be taken (for example one call on one specified morning/afternoon of any week).
 - Limiting the complainant to one medium of contact (telephone, letter, e-mail etc)
 - Requiring the complainant to communicate only with a named employee.
 - Requiring any personal contacts to take place in the presence of a witness.
 - Closing the investigation into a complaint.
 - Refusing to register and process further complaints providing the complainant with acknowledgements only of further letters or e-mails received after a particular point.
 - Banning a complainant from some or all of the Council's premises.
 - Involving the police in cases where we believe the complainant has committed a criminal offence (for example, harassment, assault on staff or criminal damage), where assault is threatened, or where the complainant refuses repeated requests to leave council premises. Where this policy is applied, the complainant will be told in writing why a decision has been made to restrict future contact, the restricted contact arrangements, the length of time that these restrictions will be in place and what they can do to have the decision reviewed.
8. In deciding which restrictions are appropriate, careful consideration will be given to balancing the rights of the individual with the need to ensure other residents and our employees do not suffer any disadvantage or undue stress and the resources of the council are used as effectively as possible. This includes the impact the situation may be having on an individual's personal life.

Council will work to prevent any form of harassment from happening in the first instance and where it has already occurred, will work to prevent it from happening again. Harassment is a term that is generally used to define unwelcome and unwarranted behaviour that affects the dignity of an individual or group of individuals. Harassment may also include the following:

- Actions characterised as offensive, intimidating, malicious, insulting or humiliating that attempts to undermine or injure an individual or group of individuals.

10. Where a member of staff is involved:

Where a member of staff is involved in a complaint the disciplinary process will be followed.

11. Where a Councillor is involved (except where a breach of the Code of Conduct is alleged in which case it must be submitted to the Monitoring Officer in accordance with the County process):

- The Town Clerk will meet with the Councillor to discuss the issues.
- If the behaviour continues the Town Clerk will discuss it with the Chairman.
- The Councillor may be instructed by the Chairman to cease all contact with the complainant, which includes talking to the individual, emails or telephone conversations and entering the building where necessary, pending the outcome of the issue.
- Following adequate investigation by the Town Clerk the matter will be heard by a Committee appointed to consider Complaints and/or Grievances.
- The appointed Committee will consider the evidence, receive clarification from all parties and consider possible actions (any actions taken will be done in such a way that they will not restrict the Councillor from carrying out democratic duties for his/her Ward), which will include:
 - Whether the complaint is upheld or dismissed.
 - Mediation between both parties.
 - If the complaint is upheld, alternative methods of communication will be arranged and all office visits must be pre-arranged. Access to the member of staff will be restricted for a period of time.
 - If the vexatious behaviour continues the matter will be referred to the Monitoring Officer as a breach of the Code of Conduct.