

PADDOCK WOOD TOWN COUNCIL

DISCIPLINARY PROCEDURE

1. THE PROCEDURE

This Procedure is to be followed when any officer's work, conduct, failures or omission warrant formal disciplinary action. It shall apply to all staff.

The expression manager used in this procedure means the officer immediately responsible for and therefore senior to an employee

2. PURPOSE

The purpose of the procedure is to set down the rules and steps that will be followed to provide order and ensure fairness of treatment of staff where formal disciplinary action needs to be taken. This procedure shall not be used as a substitute for the normal day to day counselling and guidance a manager should undertake as part of his role. It has been designed so that disciplinary matters can be dealt with speedily and efficiently with the prime aim of correcting rather than punishing.

3. TRADE UNION OFFICIALS

No disciplinary action beyond an oral warning will be taken against an accredited trade union representative until the case has been discussed by the Personnel Committee Chairman (or in his absence his representative) with the full time officer of the trade union. Such discussions may take place in person or by telephone.

4. STAGES IN THE PROCEDURE

There are three levels of warning that can be issued to an employee:-

- (a) an initial warning which will normally be issued for minor matters and will normally remain live for 6 months.
- (b) a severe warning which will be appropriate for more serious matters or where there has been a repetition or continuation of an offence for which a first warning was issued (and remains live) and which will itself normally remain live for 12 months.
- (c) A final warning where there has been a serious breach of discipline or where there has been a repetition or continuation of an offence for which a second warning was issued (and remains live) and which will itself normally remain live for 18 months.

The Town Clerk following consideration of all the facts of the case and the evidence presented will take the decision on which level of formal warning is appropriate.

5. DISMISSAL (with notice)

For a further offence after a final warning has been issued, the employee may be dismissed with notice or payment in lieu of notice. The decision to dismiss will be taken following a disciplinary meeting by the Town Clerk (or in his/her absence his/her deputy) in consultation with the Chairman of the Council (or in his/her absence his/her representative).

An employee may also be dismissed with notice or payment in lieu of notice but without previous warnings in situations where the issue of previous warnings or summary dismissal is inappropriate. This can include situations where, for example, an employee has been banned from driving and holding a current driving licence is required to undertake the duties of the post. This sanction will not be imposed automatically without full investigation and consideration of all the facts and available options. A decision to dismiss with notice or payment in lieu of notice will be taken following a disciplinary interview conducted by the Town Clerk in consultation with the Chairman of the Personnel Committee. The interview will be conducted as detailed in paragraph 13 below.

6. SUMMARY DISMISSAL

In cases of gross misconduct an employee may be summarily dismissed from employment. Summary dismissal is dismissal without previous warnings and without notice. It will be used only where there has been a severe breach of discipline and where it would be inappropriate for the employee to be allowed to remain in employment with the Council. Contained within the attached document entitled Disciplinary Rules are examples of what is considered to be gross misconduct and will warrant summary dismissal. The list is illustrative only and not exhaustive.

Where there has been an allegation of gross misconduct it will be appropriate for the employee to be suspended from duty (on full pay) as outline below, whilst an investigation is carried out. A disciplinary meeting will be arranged as detailed below for the facts to be considered before any sanction is imposed.

7. OFFENCES COMMITTED OR BEHAVIOUR OUTSIDE WORK

An employee will not be dismissed or otherwise disciplined merely because he has been charged with or convicted of criminal offence not part of his employment with the Council. The question which shall be addressed in such cases is whether the employees conduct warrants action because of its employment implications.

In all such cases the Town Clerk (or in his/her absence his/her deputy) shall investigate the facts as far as possible, and in consultation with the Chairman of the Council (or in his absence his/her representative) come to a view about them and consider whether the conduct is sufficiently serious to warrant instituting the disciplinary procedure.

Employees dismissed from employment for offences committed outside normal working hours will normally be with notice or payment in lieu of notice.

8. DESIGNATED OFFICER

The appropriate officer with authority to issue a warning under this procedure will be the manager of the employee who is being disciplined. Therefore an initial warning will be issued by the first line manager and wherever possible, a severe warning will be issued by his manager. The final warning, wherever possible will be issued by the next higher manager. It is accepted that it may not always be possible for this approach to be adopted and that in certain circumstances the same officer may issue the initial, severe and final warnings.

In the unavoidable absence of any employee's Designated Officer, the next high manager of that Service shall act down. Where, during a disciplinary meeting it becomes apparent to the Designated Officer conducting the interview that an appropriate penalty is warranted above the Designated Officer's limits of authority the employee shall be notified to this effect and the matter referred to the next higher manager for consideration.

Where, and without pre-judgement of the outcome, it is apparent that an allegation against an employee could result in the issue of a severe or final warning the manager with the authority to issue such a warning may conduct the initial interview.

9. POWERS OF DISMISSAL

Staff may be dismissed only by the Town Clerk (or in his/her absence his/her deputy) who will discuss the case with the Chairman of the Council (or in his/her absence his/her representative) before any decision is taken to dismiss the employee.

10. INVESTIGATION OF OFFENCES

No action under this procedure apart from suspension on full pay, if appropriate, will be taken against an employee until an investigation has been carried out to ascertain, as far as is practicable, the facts of the case. This may include where appropriate, the collection of written statements and the examination of any relevant records or other evidence.

11. INFORMAL

Minor misconduct will be dealt with informally usually in a confidential one-to-one meeting between the employee and line manager. In the case of the Clerk being the individual against whom there is a complaint or allegation the matter should be handled discreetly by members of the Staffing (or similar) committee and involve an informal meeting initially. However, where the matter is more serious or informal action has not brought about the necessary improvement the following procedure will be used:

12. FORMAL WARNINGS

When an employee's work, conduct or omissions warrants formal investigation and consideration, the Designated Officer shall write to the employee a letter containing the information outlines in section 1 of the attached management guidelines.

The employee shall be given two copies of the letter and one copy shall be sent to the Chairman of the Personnel Committee.

13. THE DISCIPLINARY MEETING

The interview shall be conducted by the Designated Officer and will be accompanied by the Personnel Manager (or his/her representative) and will follow the stages outlined in section 2 of the attached management guidelines.

14. RIGHTS OF REPRESENTATION

An employee shall have the right to be represented at a disciplinary interview by a member of a recognised independent trade union or a work place based colleague.

15. WRITTEN CONFIRMATION

The Designated Officer shall confirm the outcome of the meeting and the decision reached within three working days to the employee by letter, which will include the information, contained in section 3 of the attached management guidelines.

Two copies of the letter will be sent to the employee who shall sign one copy to the effect that he/she acknowledges receipt of the letter. This copy shall be returned to the Town Clerk and placed on the employee's personal file for the duration appropriate to the level of warning issued.

Where there is no repetition of the offence that resulted in the warning being issued, the copy of the letter will be removed from the employee's personal file and handed back to him/her. An expunged warning will not be taken into consideration in any further disciplinary matters except where the employee is a persistent offender as outline in paragraph 4.

16. SUSPENSION FROM DUTY

It may be necessary for an employee to be suspended from duty where his/her continuing presence may impede an investigation or where it is thought the employee may interfere with witnesses before a disciplinary interview is convened. Similarly, it may be appropriate to suspend an officer(s) where it is apparent that tempers are flared and it is believed suspension from duty will allow the situation to calm down. In all cases where the matters under investigation, if proved, would constitute gross misconduct, the employee will also be suspended on full pay. Powers of suspension are vested in the Town Clerk (or in his/her absence his/her representative) and where suspension is thought to be appropriate the Chairman of the Council (or in his/her absence his representative) shall be consulted before any action is taken. Where the Chairman of the Council (or in his/her absence his/her representative) agrees that suspension from duty is appropriate the employee will be suspended and this will be confirmed in writing by the Town Clerk (or in his/her absence his/her representative) within three working days. Suspension from duty will always be on full pay and is not in itself disciplinary action.

Suspension from duty will be for a maximum period of five working days. At the expiration of this period further suspension may still be appropriate in special circumstances and in this event the Town Clerk (or in his/her absence his/her deputy) will discuss the case with the Chairman of the Council (or his/her representative) before any further period of suspension is authorised.

In emergency situations (such as out of office hours) the most senior officer available shall have the power of suspension from duty. In these circumstances the officer suspending the employee will report the action to the Town Clerk (or in his/her absence his deputy) who will consult with the Chairman of the Council (or his/her representative) at the first practicable opportunity. Written confirmation of suspension from duty will follow as detailed above.

17. RIGHTS OF APPEAL

All employees who have been the subject of formal disciplinary action described in this procedure shall have the right of appeal against the decision reached and any sanction imposed.

Appeals against initial or severe warnings will be heard by the manager of the Designated Officer who issued the warning.

The Chairman of the Council will hear appeals against initial or severe warnings that have been issued to the Town Clerk.

A sub-committee of the full Council who shall have designated powers to reach a final decision on the case shall hear appeals against final warnings and decisions to terminate the employment of an employee. Appeals shall be conducted in accordance with the procedure entitled 'Disciplinary Appeals'.

Appeals against any level of warning or dismissal from employment must be lodged within 10 days of the date of receipt of the letter advising the employee of the action taken, and must be addressed to the Town Clerk.

Employees dismissed from employment either with notice or summarily without notice shall not receive salary between the date of termination and the date of appeal. Representations may be made to the Chairman of the Council (or in his/her absence his representative) in any case of hardship. If the employee, on appeal is reinstated he will receive full back pay and there shall be no loss of continuous service or other benefit.

18. POLICY REVIEW

The Chairman of the Council in conjunction with the Policy Committee will review this policy as and when necessary, in light of changes in legislation or good practices.

Reviewed June 2018

Wonderland Parish Council

Adopted April 2015 Minute Number 14/294

Disciplinary Procedure

This procedure is designed to help and encourage all council employees to achieve and maintain high standards of conduct whilst at work or representing the council. The aim is to ensure consistent and fair treatment for all. This procedure is prepared in accordance with the dismissal and dispute resolution procedures as set out in the Employment Act 2008 and the ACAS Code of Practice APR 2009

PRINCIPLES

- a) No disciplinary action will be taken against an employee until the case has been fully investigated
- b) At every stage in the procedure the employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made.
- c) At all formal stages the employee will have the right to be accompanied by a trade union representative or work colleague during the disciplinary interview.
- d) No employee will be dismissed for a first breach of discipline except in the case of gross misconduct when the penalty of dismissal without notice or payment in lieu of notice may be applied.
- e) An employee will have the right to appeal against any disciplinary penalty imposed.
- f) The procedure may be implemented at any stage if the employee's alleged misconduct warrants such action.

THE PROCEDURE FOR MISCONDUCT and GROSS MISCONDUCT

3.1.1 The following list provides examples of **misconduct** which will normally give rise to formal disciplinary action:

- Unauthorised absence from work
- Persistent short-term and/or frequent absences from work without a medical reason
- Lateness for work or poor time keeping
- Inappropriate standard of dress
- Minor breaches of Health and Safety or other Society rules or procedures
- Failure to perform your job to the standard expected or in line with your job description/objectives
- Time wasting
- Disruptive behaviour
- Misuse of the council's facilities (e.g. telephones, computers, email or the internet)
- Refusal to carry out reasonable requests or instructions
- Failure to follow an agreed council Procedure

This list is not exhaustive and offences of a similar nature will result in disciplinary action being instigated N.B. persistent or frequent absence on medical grounds and long term sickness absence will be dealt with using a procedure for Incapacity, which is described in the Absence Policy.

3.1.2 The following list provides examples of offences which are normally regarded as **gross misconduct**:

- Theft, fraud, deliberate falsification of records, or other acts of dishonesty
- Fighting, assault on another person
- Deliberate damage to property of the council, its workers or members
- Gross incompetence in the conduct of work
- Gross negligence which results in the council or employees being put at risk.
- Being under the influence of illegal drugs or excessive alcohol
- Acts of incitement towards or actual acts of discrimination, harassment or victimisation including on the grounds of sex, race, colour, ethnic origin, disability, sexual orientation, age, religion or belief
- Serious acts of insubordination
- Serious breach of duty to keep information of the council, its service providers and its clients confidential
- Unauthorised entry to computer records
- Serious breach of the council's Security Policy, Health & Safety Policy, Confidentiality or e-mail and Internet Policy
- Any action, whether committed on or off the premises, that is likely to or does bring the council into disrepute
- Serious negligence which causes or might causes significant loss, damage or injury
- Accepting bribes or incentive payments from suppliers
- Unauthorised use of Society funds or credit
- Working with an external agency to provide information which would be detrimental to and cause commercial risk to the council.

This list is not exhaustive and other offences of a similar gravity will result in disciplinary action being instigated at Gross Misconduct level which carries a potential penalty of dismissal. Gross Misconduct is generally any conduct which places extreme pressure on the mutual trust which exists in an employment relationship.

3.2 INFORMAL ACTION

Minor misconduct will be dealt with informally usually in a confidential one-to-one meeting between the employee and line manager. In the case of the Clerk being the individual against whom there is a complaint or allegation the matter should be handled discreetly by members of the Staffing (or similar) committee and involve an informal meeting initially. However, where the matter is more serious or informal action has not brought about the necessary improvement the following procedure will be used:

3.3 FORMAL ACTION

3.3.1 The level of warning you may receive for misconduct/gross misconduct will depend on how serious the council considers the alleged actions to be and your previous conduct in all the circumstances. In the event of alleged gross misconduct the formal process may commence at Stage 4 –see 3.4 below.

3.3.2 Disciplinary Letters

If there is a concern about an employee's conduct or behaviour then a letter will be given to the employee advising him/her of the allegation(s) and reasons why this is unacceptable. The letter should invite the employee to attend a meeting at which the alleged misconduct will be discussed and will inform the employee of their right to be accompanied to the meeting. The letter will specify at which stage the disciplinary procedure is being invoked (see 4 stages below) and if invoked at Stage 4 for Gross Misconduct the letter will warn that a potential outcome could be dismissal. The time, date and venue of the meeting will also be advised. Any documents to be produced at the meeting will also be provided.

3.3.3 Disciplinary Meetings

The time and location of a disciplinary meeting should be agreed with the employee and it should be held in a private location with no interruptions. This will normally be without undue delay but allowing the employee to prepare their case e.g. within 5 days of the letter being sent, where practically possible. At the meeting the manager (or in the case of the Clerk being disciplined, the Chair of the hearing panel) will state the complaint against the employee and go through the evidence which has been gathered. The employee will also be allowed to ask questions, present evidence and call witnesses if advance notice has been given that they will do so.

If the employee is unable to attend the meeting due to unforeseeable reasons out of their control (e.g. illness) then the council will reasonably rearrange the meeting. However, if the employee fails to attend the meeting without good reason the meeting can be held in the employee's absence.

3.4 OUTCOMES AND PENALTIES

Stage 1 - Oral Warning

In the instance of a first complaint that conduct does not meet acceptable standards, the employee will normally be given a formal ORAL WARNING. He or she will be advised of;

- the reason for the warning,
- that it is the first stage of the disciplinary procedure,
- the improvement that is required and the timescales for achieving this improvement,
- together with a review date and any support available (where applicable) and
- his or her right of appeal.

A brief note of the oral warning will be kept but it will be spent after 6 months, subject to satisfactory conduct.

Stage 2 - Written Warning

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If the offence is a serious one, or if further to previous formal disciplinary action, a WRITTEN WARNING will be given to the employee by the Line Manager. This will give details of the complaint, the improvement required and the timescale. It will warn that action under Stage 3 will be considered if there is no satisfactory improvement and will advise of the right of appeal. A copy of this written warning will be kept on file but it will be disregarded for disciplinary purposes after 12 months subject to satisfactory conduct.

Stage 3 – Final Written Warning

If there is still a failure to improve and conduct or performance is still unsatisfactory, or the misconduct is sufficiently serious, a FINAL WRITTEN WARNING will normally be given to the employee. This will give details of the complaint, will warn that dismissal will result if there is no satisfactory improvement and will advise of the right of appeal. A copy of this final written warning will be kept by the Line Manager (or in the case of the Clerk being disciplined by the Chair of the Hearing Panel) but it will be spent after 12 months (in exceptional cases the period may be longer) subject to satisfactory conduct.

Stage 4 – Dismissal or other sanctions

If conduct is still unsatisfactory and the employee still fails to reach the prescribed standards, or where the Society reasonably believes Gross Misconduct has occurred, DISMISSAL may result. Only the appropriately convened hearing panel can take the decision to dismiss an employee. The employee will be given a written statement of allegations against him/her, invited to a meeting and then be notified in writing of the reasons for the decision taken at the hearing. Penalties at this stage may include dismissal with notice or summary dismissal (i.e. without any notice), Final Written Warning with/without demotion, loss of pay or loss of seniority. If dismissal is the outcome, the employee will be advised of the date on which employment will terminate. In all cases the employee has a right of appeal.

Very exceptionally, if an offence of Gross Misconduct is extremely serious an employee can be dismissed immediately without a meeting. In this situation a letter setting out reasons for dismissal would be sent to the employee offering the opportunity for an appeal hearing.

3.5 SUSPENSION

If you are accused of an act of gross misconduct, you may be suspended from work on full pay while the council investigates the alleged offence. Only the appropriately convened committee has the power to suspend. This enables a swift and thorough investigation to occur. Whilst suspended pending disciplinary investigation regular contact with a nominated person at the council will be maintained although access to premises, equipment or systems may be denied. The Investigator who compiles evidence for the disciplinary hearing must play no part in the subsequent decision-making to ensure impartiality. Councils need to consider the implications of such arrangements on its hearing and appeal panel plans early on in the disciplinary process.

3.6 APPEALS

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The Appeals stage of the disciplinary process is part of the Code of Practice to which an employee has a right. It can be exercised after any of the stages of disciplinary action for Misconduct/Poor Performance or Gross Misconduct.

An employee who wishes to appeal against a disciplinary decision should inform the Chair/Mayor (or Chair of the relevant committee) within five working days, in writing and giving reasons for the appeal. An Appeal may be raised if:

- The employee thinks the finding or penalty is unfair
- New evidence has come to light
- The employee thinks that the procedure was not applied properly

Where possible the Appeal will be heard by a separate panel of elected members who have not been involved in the original disciplinary hearing, who will view the evidence with impartiality. The employee will have the right to be accompanied by a colleague or accredited Trade Union official or lay member at the appeal hearing. The outcome of the appeal and reasons for it will be advised to the employee as soon as possible after the meeting and be confirmed in writing. At the Appeal hearing any disciplinary penalty imposed will be reviewed but it cannot be increased. The decision taken at the Appeal hearing will be final.

3.7 THE RIGHT TO BE ACCOMPANIED

At each formal stage of disciplinary interview an employee has the right to be accompanied and can make a reasonable request for such a person to accompany them. An employee can ask any other employee or a trade union representative or an appropriately accredited official employed by a trade union to accompany them, to give support and help them prepare for the disciplinary interview. This right is enshrined in the 1999 Employment Relations Act. As this is an internal process there is no provision to have any external person accompany or represent an employee e.g. partner, parent, solicitor etc. The companion can address the hearing, put and sum up the employee's case, respond on behalf of the worker to any views expressed at the meeting, confer with the employee. The companion cannot however answer questions on the employee's behalf or address the hearing if the employee does not wish him/her to or prevent the employee explaining their case.

3.8 HEARING PANELS

The SLCC advise that councils establish hearing panels to hear disciplinary and grievance hearings on an annual basis so that if a dispute does arise in the workplace the elected members involved are already trained and briefed on their duties as a hearing or appeal panel member. In situations where individual members are implicated in the dispute or have undertaken an investigatory role then they will need to be substituted as panel members.

3.9 NOTE-TAKING

It is highly recommended that a note-taker be provided to every meeting/hearing which arises as a result of a disciplinary process as Employment Tribunals are particularly keen to view contemporaneous notes of events which have led to an employment dispute. Councils will need to give this requirement careful consideration in order to respect employee confidentiality.

3.10 GRIEVANCES RAISED DURING DISCIPLINARIES

In some circumstances when a disciplinary process has commenced an employee chooses to exercise his/her right to raise an internal grievance about the employment relationship with the council or individual Members. The SLCC recommends, in line with ACAS advice, that disciplinary matters are placed on hold until grievances have been aired and actions towards a resolution have been progressed. In exceptional circumstances it is pragmatic to deal with the two disputes concurrently but SLCC would advise caution and specialist advice should be sought if this arises.

3.11 CRIMINAL CHARGES OR CONVICTIONS

If an employee is charged with or convicted of a criminal offence this does not automatically give rise to a disciplinary situation. Consideration needs to be given to how a charge or conviction may affect an employee's ability to undertake his or her job duties and their relationships with the employer, colleagues, subordinates or customers.

4. GETTING IT WRONG

Failure to follow the ACAS Code of Practice (available at www.acas.org.uk) can lead to an Employment Tribunal awarding an uplift of an award against the council of up to 25%. Tribunals dealing with unfair dismissal claims are particularly interested in whether the employer followed a procedure and whether the employer acted fairly and reasonably. One way in which to avoid such a penalty is to have an agreed procedure, communicate that procedure to staff and Members, revisit and review the procedure regularly and have some training for those who are expected to operate the procedure.

PPPA (b)

PADDOCK WOOD TOWN COUNCIL

LONE WORKER POLICY

Introduction

The aim of this policy is to ensure, so far as is reasonably practicable, that employees and others who work alone are not exposed to risks to their health and safety and to outline the steps to reduce and improve personal safety to staff who work alone. The policy also aims to raise awareness of safety issues relating to lone working

Legal requirements

The Health and Safety at Work Act 1974 states that employers have to ensure the health, safety and welfare of their employees, and that self-employed persons have to ensure that they are not exposed to risks to their health and safety, in both cases so far as is reasonably practicable. The Management of Health and Safety at Work Regulations 1999 places a duty on employers, to identify significant risks to employees and others affected by an employer's activities, and to reduce those risks as far as is reasonably practicable.

Definition of a lone worker

A lone worker is anyone who works in isolation from colleagues without close or direct supervision – for example

- office staff working alone in the Town Council Office
- Estates Staff working alone off site or in the Memorial Workshops
- councillors on council business
- employees visiting sites for inspection or other works
- independent contractor maintaining the Council's assets

Risks

The primary risks are

- workplace – open to all visitors; safety
- security - personal
- equipment – manual operation and safety
- possible confrontation – in all situations
- illness

Guidance

Lone workers, whether employed by Paddock Wood Town Council or not, should take reasonable care not to put themselves at undue risk by evaluating each situation and taking appropriate steps, for example

- it is recommended that the office door should remain locked when working alone and only opened when the visitor has identified themselves. CCTV Cameras cover the outside of the building and should be checked before opening the door.

- confrontation should be avoided whenever possible including withdrawing from the situation
- a mobile phone should be carried at all times
- all visits or appointments should be made with another clerk or councillor whenever possible
- notes should be left advising of their whereabouts
- Councillors and staff will be provided with identification

Should an incident occur it is the responsibility of the person affected to notify the clerk or chairman as soon as possible, first by phone and then by written report.

Summary

Lone working environments present a unique health and safety problem. Paddock Wood Town Council recognises and accepts its responsibility as an employer for providing safe and healthy working conditions for all its employees. Employees and contractors are reminded, however, that they have to care for their own safety and that of other workers (and other persons who might be affected by their activities).

PPP4 (c) proposed amended copy from the
SLCC



PADDOCK WOOD TOWN COUNCIL

Member / Officer
Protocol
October 2021

INTRODUCTION

This protocol supports and adds detail to both the Members' and Officers' Codes of Conduct.

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It is based on a model drawn up by the Association of Council Secretaries and Solicitors and tailored to suit this Council.

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Councillors are democratically accountable and have political affiliations. Officers must serve the whole Council objectively. Together they should balance a complex range of obligations and competing interests. For this to be effective, Councillors and Officers must have mutual trust and respect for each other's requirements and duties. There is also a need for a transparent consistency in everyday working relations.

PRINCIPLES

- 1.1 Members and officers must always observe this protocol.
- 1.2 The protocol has been approved by the Council and will be monitored along with the Codes which it supports.
- 1.3 The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest of personal conduct.
- 1.4 Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
- 1.5 Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.
- 1.6 The Council has adopted codes of conduct for both members and officers. Both represent best practice. The Members' Code follows the national code which in turn is based on the general principles governing members' conduct enshrined in law.

These principles underpin this protocol. Until such time as a national code appears, officers are bound by the Council's own code of conduct for staff.

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THE ROLES OF MEMBERS

- 2.1 Members 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, members may wish to seek the advice of senior colleagues, the Town Clerk and/or the Borough Council's Monitoring Officer.
- 2.2 Collectively, members are the ultimate policymakers determining the core values of the Council and approving the authority's policy framework, strategic plans, and budget.
- 2.3 Members 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.

- 2.4 Every elected member 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.
- 2.5 Some members have roles relating to their position as members of committees and sub-committees of the Council.
- 2.6 Members who serve on committees and sub-committees collectively have delegated responsibilities.
- 2.7 Some members may be appointed to represent the Council on local, regional, or national bodies.
- 2.8 As politicians, members may express the values and aspirations of the party-political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.
- 2.9 Members are not authorised to instruct officers other than:
- a. Through the formal decision-making process
 - b. To request the provision of consumable resources provided by the Council for members' use
 - c. Individual Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Council. Authorised signatories however may sign cheques and authorise online banking.
- 2.10 Members must avoid taking actions which are unlawful, financially improper, or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard when reaching decisions, to any advice provided by officers.
- 2.11 Members must respect the impartiality of officers and do nothing to compromise it, e.g., by insisting that an officer change his/her professional advice.
- 2.12 Members have a duty under their code of conduct to promote equality by not discriminating unlawfully against any person and to treat others with respect.
- 2.13 Under the code, a member must not, when acting as a member or in any other capacity bring the Council or his/her position as a member into disrepute or use his/her position as a member improperly to gain an advantage or disadvantage for his/herself or any other position.

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THE ROLES OF OFFICERS

- 3.1 Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
- 3.2 Under the direction and control of the Council, officers, led by the Town Clerk, 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.
- 3.3 Officers have a duty to implement decisions of the Council, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution and are duly minuted.
- 3.4 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.

- 3.5 Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- 3.6 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media, or other sections of the public.
- 3.7 Officers have the right not to support members in any role other than that of members, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

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THE RELATIONSHIP BETWEEN MEMBERS AND OFFICERS: GENERAL

- 4.1 The conduct of members and officers should be such as to instill mutual confidence and trust.
- 4.2 The key elements of this relationship 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.
- 4.3 Informal and collaborative two-way contact between members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
- 4.4 It is not enough to avoid impropriety. Members 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 member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
- 4.5 Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
- 4.6 Officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to the Town Clerk, at least in the first instance.
- 4.7 Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by the Town Clerk. Members should avoid disrupting officers' work by imposing their own priorities.
- 4.8 Members will endeavour to give timely responses to enquiries from officers.
- 4.9 An officer shall not discuss with a member 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 (division) member.
- 4.10 Members and officers should respect other's free (i.e., non-Council) time.

THE COUNCIL AS AN EMPLOYER

- 5.1 Officers are employed by the Council as a whole.
- 5.2 Members' roles are limited to:
 - a. the appointment of specified posts
 - b. determining human resources policies and conditions of employment
 - c. hearing and determining appeals.
- 5.3 If participating in the appointment of officers, members should:
 - a. remember that the sole criterion is merit
 - b. never canvass support for a particular candidate
 - c. not take part where one of the candidates is a close friend or relative
 - d. not be influenced by personal preferences
 - e. not favour a candidate by giving him/her information not available to the other candidates.

THE MAYOR AND OFFICERS

- 6.1 Officers will respect the position of Mayor and provide appropriate support.

Commented [NR6]: Change to Chairman

MEMBERS OF OTHER COMMITTEES OR SUB-COMMITTEES AND OFFICERS

- 7.1 The appropriate senior officers will offer to arrange informal meetings with chairmen, vice-chairmen, and spokespersons of committees and sub-committees if required.
- 7.2 The Town Clerk has the right to present reports and give advice to committees and sub-committees.
- 7.3 Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee and will not otherwise instruct officers to act.
- 7.4 At some committee or sub-committee meetings, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the chairman. In these circumstances it is the officer, not the chairman, who takes the action and is responsible for it. A chairman has no legal power to take decisions on behalf of a committee or sub-committee; neither should he/she apply inappropriate pressure on the officer.

PARTY GROUPS AND OFFICERS

- 8.1 The Town Clerk may properly be asked to contribute to deliberations of matters concerning Council business by party groups.
- 8.2 The Town Clerk has the right to refuse such requests but will not attend a meeting of a party group where some of those attending are not members of the Council.

- 8.3 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
- 8.4 Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
- 8.5 Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 8.6 It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.
- 8.7 Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members.
- 8.8 In their dealings with party groups, officers must treat each group in a fair and even-handed manner.
- 8.9 Members must not do anything which compromises or is likely to compromise officers' impartiality.
- 8.10 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.
- 8.11 The Town Clerk accepting an invitation to the meeting of one-party group shall not decline an invitation to advise another group about the same matters. He/she must give substantially the same advice to each.
- 8.12 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.
- 8.13 No member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.
- 8.14 At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not members are not bound by the members' code of conduct. They do not have the same rights to Council information as members.

Commented [NR7]: Delete section

LOCAL MEMBERS AND OFFICERS

Commented [NR8]: Town Council members

- 9.1 To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. The Town Clerk must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their representative role.
- 9.2 This requirement is particularly important:

- a. during the formative stages of policy development, where practicable
 - b. in relation to significant or sensitive operational matters
 - c. whenever any form of public consultation exercise is undertaken and may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.
- 9.3 Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.
- 9.4 If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the Town Clerk. Provided the meeting has not been arranged on a party-political basis:
- a. An officer may attend but is not obliged to do so, and the meeting may be held in Council-owned premises.
 - b. No such meetings should be arranged or held in the immediate run-up to Council elections.
 - c. Whilst support for members' ward work is legitimate, staff should not be asked to accompany members to ward surgeries.
- 9.5 In seeking to deal with constituents' queries or concerns, members 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 members in the requested timetable and may need to seek instructions from their managers.

MEMBERS' ACCESS TO DOCUMENTS AND INFORMATION

- 10.1 Members may request the Town Clerk to provide them with such information, explanation, and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
- a. It is in the public domain, and
 - b. It is not barred by the Data Protection Act from being given.
- 10.2 Every member of a committee or sub-committee has a right to inspect documents about the business of that committee or sub-committee.
- 10.3 A member who is not a member of a specific committee or sub-committee, may have access to any document of that specific part of the Council provided:
- a. he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the "need to know" principle), and
 - b. the documents do not contain "confidential" or "exempt" information as defined by the law.
- 10.4 Disputes as to the validity of a member's request to see a document on a need-to-know basis will be determined by the Town Clerk. Officers should seek his/her advice if in any doubt about the reasonableness of a member's request.
- 10.5 A member should obtain advice from the Town Clerk in circumstances where he/she wishes to have access to documents or information:

- a. where to do so is likely to be in breach of the Data Protection Act, or
 - b. where the subject matter is one in which he/she has an interest as defined in the members' code of conduct.
- 10.6 Information given to a member must only be used for the purpose for which it was requested.
- 10.7 Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- 10.8 When requested to do so, officers will keep confidential from other members advice requested by a member.
- 10.9 Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

MEDIA RELATIONS

- 11.1 All formal relations with the media must be conducted in accordance with any Council agreed procedures and the law on local authority publicity.
- 11.2 Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. ~~They cannot be used to promote a party group.~~
- 11.3 Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 11.4 Before responding to enquiries from the media, officers will ensure they are authorised to do so.
- 11.5 If a member is contacted by, or contacts, the media on an issue, he/she should:
- a. indicate in what capacity he/she is speaking (e.g., as ward member, in a personal capacity, on behalf of the Council, or on behalf of a party group)
 - b. be sure of what he/she wants to say or not to say
 - c. if necessary, and always when he/she would like a press release to be issued, seek assistance from the Town Clerk, except in relation to a statement which is party political in nature
 - d. consider the likely consequences for the Council of his/her statement (e.g., commitment to a particular course of action, image, allegations of jumping to conclusions)
 - e. never give a commitment in relation to matter which may be subject to claims from third parties and/or are likely to be an insurance matter
 - f. consider whether to consult other relevant members
 - g. take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering unless he/she has been contacted as an election candidate or political party activist.

Commented [NR9]: delete

CORRESPONDENCE

- 12.1 Correspondence between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or

consents. Where correspondence is copied, this should always be made explicit, i.e., there should be no "blind" copies.

- 12.2 Official letters written on behalf of the Council should normally be in the name of the relevant officer.
- 12.3 The Mayor may initiate/respond correspondence in his/her own name.
- 12.4 Letters which create legally enforceable obligations, or which give instructions on behalf of the Council should never be sent in the name of a member.
- 12.5 When writing in an individual capacity as a ward member, a member must make clear that fact.

Commented [NR10]: Chairman/committee chairman

ACCESS TO PREMISES

- 13.1 Officers have the right to enter Council land and premises to carry out their work.
- 13.2 Members have a right of access to Council land and premises to fulfil their duties.
- 13.3 When making visits as individual members, members should:
 - a. whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge
 - b. comply with health and safety, security, and other workplace rules
 - c. not interfere with the services or activities being provided at the time of the visit
 - d. if outside his/her own ward notify the ward member(s) beforehand
 - e. take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

USE OF COUNCIL RESOURCES

- 14.1 The Council provides all members with services such as typing, printing, and photocopying, and goods such as stationery and computer equipment, to assist them in discharging their roles as members of the Council. These goods and services are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.
- 14.2 Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:
 - a. where facilities are provided in members' homes at the Council's expense
 - b. in relation to any locally agreed arrangements e.g., payment for private photocopying
 - c. regarding ICT security
- 14.3 Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:
 - a. business which is solely to do with a political party
 - b. work in connection with a ward or constituency party political meeting
 - c. electioneering
 - d. work associated with an event attended by a member in a capacity other than as a member of the Council
 - e. private personal correspondence
 - f. work in connection with another body or organisation where a member's involvement is other than as a member of the Council

- g. support to a member in his/her capacity as a Councillor of another local authority.

INTERPRETATION, COMPLAINTS AND ALLEGATIONS OF BREACHES

- 15.1 Members or officers with questions about the implementation or interpretation of any part of this protocol should seek guidance of the Town Clerk.
- 15.2 A member who is unhappy about the actions taken by, or conduct of, an officer should
 - a. avoid personal attacks on, or abuse of, the officer always
 - b. ensure that any criticism is well founded and constructive
 - c. never make a criticism in public
 - d. take up the concern with the officer or his/her line manager privately.
- 15.3 If direct discussion with the officer is inappropriate (e.g., because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the Town Clerk.
- 15.4 A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary procedure.
- 15.5 An officer who believes a member may have acted other than in accordance with this protocol should raise his concern with the Town Clerk. He will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the leader of the relevant party group. More serious complaints may involve alleged breaches of the members' code of conduct.

Commented [NR11]: delete

existing protocol.

PADDOCK WOOD TOWN COUNCIL OFFICER MEMBER PROTOCOL

1. INTRODUCTION

- 1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council. Officers covered by this protocol are the Town Clerk, Deputy Clerk and Estates Manager. Other members of staff are covered by the Council's employment policies.
- 1.2 This Protocol does not seek to be either prescriptive or comprehensive. It offers guidance on some of the issues which most commonly arise. It should be regarded as a tool that helps ensure that the Code of Conduct and policies that prescribe activities and behaviours are not compromised or breached.
- 1.3 This Protocol is mainly a written statement of current practice and convention but aims to promote greater clarity and certainty. The Protocol should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members
- 1.4 The Council's adopted Code of Conduct for Members provides that a Member must treat others with respect. In line with this, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 1.5 A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public. An Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, they should raise the matter with the Council Chairman/Vice Chairman who will then look into the facts and report back to the Member. Any action taken against an Officer in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.
- 1.6 Where an Officer feels that s/he has not been properly treated with respect and courtesy the matters should be raised with the Council Chairman/Vice chairman. In these circumstances the chairman will take appropriate action by approaching the individual Member.

The following Council Codes and Policies should be considered alongside this protocol:

- Standing Orders
- Members Code of Conduct
- Bullying and Harassment Policy
- Disciplinary and Grievance Procedures
- Equal Opportunities Policy
- Press and Media Policy

Approved 15th September 2014

Reviewed August 2019

2. GENERAL PRINCIPLES

- 2.1 The Town Council promotes constructive relationships between councillors and officers and aims to develop a strong partnership based on mutual respect and understanding of each other's roles.
- 2.2 Both members and officers should aspire to conduct their relations, at all times, on a professional basis.
- 2.3 Relations must be based on mutual trust, respect and courtesy and neither members nor officers should seek to take unfair advantage of their position.
- 2.4 Close personal relationships between members and officers can damage professional relationships and can prove embarrassing to other members and officers. They could give rise to suspicions and/or the appearance of improper conduct or behaviour. Close personal relationships should, therefore, be avoided.
- 2.5 Officers must, at all times display impartiality and members must, at all times, accept the impartiality of officers.
- 2.6 Members and officers must have mutual respect for confidentiality where that is important to the relationship, and where that does not compromise the duty of officers to serve the public. Officers must make that clear before entering into any confidential discussions with members.
- 2.7 Members should understand that officers have a contract of employment with the Council as a corporate body and not, as such, with individual members of the Council.

3. ACCESS TO DOCUMENTS AND INFORMATION

- 3.1 Members may request the Town Clerk to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
 - i) It is in the public domain, and
 - ii) It is not barred by the Data Protection Act from being given.
- 3.2 Every member of a committee or sub-committee has a right to inspect documents about the business of that committee or sub-committee.
- 3.3 A member who is not a member of a specific committee or sub-committee may have access to any document of that specific part of the Council provided:
 - i) he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the "need to know" principle), and
 - ii) the documents do not contain "confidential" or "exempt" information as defined by the law.

Approved 15th September 2014

Reviewed August 2019

- 3.4 Disputes as to the validity of a member's request to see a document on a need to know basis will be determined by the Clerk. Officers should seek his/her advice if in any doubt about the reasonableness of a member's request.
- 3.5 A member should obtain advice from the Clerk in circumstances where he/she wishes to have access to documents or information:
- i) where to do so is likely to be in breach of the Data Protection Act
 - ii) where the subject matter is one in which he/she has a personal or prejudicial interest as defined in the members' code of conduct.
- 3.8 Information given to a member must only be used for the purpose for which it was requested.
- 3.7 Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
- 3.8 When requested to do so, officers will keep confidential from other members, advice requested by a member.
- 3.9 Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.
- 4. OFFICER ATTENDANCE/PARTICIPATION AT FORMAL MEETINGS OF THE COUNCIL**
- 4.1 Town Council Meetings will be attended by the Clerk, and/or as necessary the Deputy Clerk. The Chairman may call on the Clerk or Deputy Clerk in attendance to speak. Officers may ask to speak if factual information is being reported incorrectly, for a point of clarification or if relevant data is being overlooked.
- 4.2 At a Town Council Meeting, the Chairman may require the Clerk to present a report and recommendations on each matter as appropriate.
- 4.3 At Committee Meetings the Chairman of Committee may require the Committee Clerk to present a report and recommendations on each matter as appropriate.
- 4.4 Other officers may attend meetings and may at times be invited to speak by the Chairman of that meeting.
- 5. OFFICER ATTENDANCE AT INFORMAL MEETINGS**
- 5.1 Officers may be asked to attend informal meetings. Members and officers in attendance may both contribute to the discussion as they see necessary.
- 6. ACCESS TO OFFICERS BY MEMBERS**
- 6.1 Members may contact officers for information. However, to help manage workloads and to help the smooth working of the Council, the following guidelines should, so far as is practicable, be observed:-

- (i) enquiries may be made at the office (during opening hours), by telephone or e-mail.
- (ii) where possible, the member should telephone the office in advance to ensure that an officer is available and that a meeting on the same day is practicable.
- (iii) briefings for meetings should be arranged for a fixed time in advance of the meeting.
- (iv) both members and officers should aim to keep meetings short and focused.

7. OFFICERS DEALING WITH MEMBERS ENQUIRIES

7.1 Officers will aim to respond to straightforward enquiries within 2 working days. More complicated enquiries may take longer.

7.2 The times will extend if the team is reduced due to staff holiday, illness or if there is a high volume of work where strict prioritization has to be undertaken.

8. EFFECTIVE WORKING RELATIONSHIPS BETWEEN MEMBERS AND OFFICERS

8.1 This is best achieved by working together in partnership. Members should:-

- (i) avoid putting officers under pressure to the extent that it could be regarded as harassment and /or bullying. Members should be particularly sensitive when dealing with less senior officers in the absence of the Clerk.
- (ii) not require officers to do things that are not consistent with Council policy, not within normal budgetary controls and not part of the officer's normal duties.
- (iii) avoid criticising officers, at meetings open to the public or in the media.
- (iv) avoid actions or words that may appear to others to be attaching blame to an officer(s) particularly when the officer(s) is not present.
- (v) avoid words or actions that may serve to undermine the professionalism and integrity of officers.

Officers should:

- (i) Treat members with courtesy and respect at all times.
- (ii) Not use undue influence over a member or put a member(s) under undue pressure.
- (iii) Avoid words or actions that may undermine respect for members.

9. DELEGATED DECISIONS

9.1 Members should not challenge, publicly, a decision made in good faith by an officer under delegated powers, whether or not that decision requires consultation with nominated members.

9.2 Members who require information on why a particular decision has been made may ask the relevant officer to explain the basis on which the decision has been made including any pre prepared guidelines to aid decision making.

10. OFFICER/CHAIRMAN RELATIONSHIPS

10.1 It is important that there should be a close working relationship between the Chairman of a meeting and the Officers who report to or interact with that meeting. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members.

- 10.2 In relation to action between meetings, it is important to remember that the Council's decision making structure only allows for decisions relating to the discharge of any of the Council's functions to be taken by a meeting or an Officer. There is no allowance for such decisions to be taken by a Chairman or indeed by any other single Member.
- 10.3 At some meetings, a resolution may be passed which authorises named Officers to take action between meetings in consultation with the Chairman and/or specified Member(s). It must be recognised that it is the Officer, rather than the Chairman and/or Member(s), who takes the action and it is the Officer who is accountable for it.
- 10.4 Finally, it must be remembered that Officers are accountable to the Clerk and that, whilst Officers should always seek to assist a Chairman (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by the Clerk.

11. THE RELATION SHIP BETWEEN MEMBERS AND OFFICERS: GENERAL

- 11.1 The conduct of members and officers should be such as to instil mutual confidence and trust.
- 11.2 The key elements of this relationship 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.
- 11.3 Informal and collaborative two-way contact between members and officers is encouraged. But personal familiarity can damage the relationship, as might a family or business connection.
- 11.4 It is not enough to avoid impropriety. Members 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 member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.
- 11.5 Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council.
- 11.6 Officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to the Town Clerk, or Deputy Clerk, at least in the first instance.
- 11.7 Officers should not be asked to mediate on disputes or complaints between councillors. Any disputes should be resolved between councillors with assistance from the chairman if necessary. In extreme cases complaints should be sent to the Monitoring Officer.
- 11.8 If a complaint is received from a member of the public about a councillor's behaviour, then the officer will pass the complaint to the relevant councillor and chairman for action. Officers should not be expected to act as a mediator or "messenger" for correspondence. Details will, however, be given on making a complaint to the Monitoring Officer if required.

Approved 15th September 2014

Reviewed August 2019

PPP 4 (d)

PADDOCK WOOD TOWN COUNCIL

FLAG FLYING POLICY

Flags are traditionally flown by the Town Council for a variety of reasons: to show allegiance, support, respect or to celebrate. The Town Council will always be sensitive to the views of all sectors of its community and will never use flags for political purposes.

Although it is free to fly the Union Flag at its discretion, it will as far as is appropriate follow national guidance.

The following flags will be flown on the dates indicated:

The Union Flag

The Union Flag, in accordance with guidance from the Department for Culture, Media and Sport, flies as follows:

- 6 February – Her Majesty's Accession
- March (2nd Monday) – Commonwealth Day
- 21 April – Birthday of Her Majesty the Queen
- 23 April – St George's Day
- 2 June – Coronation Day
- June (date varies) – Official Celebration of Her Majesty's Birthday
- June (date varies each year) – Armed Forces Day
- November (2nd Sunday) – Remembrance Sunday
- 11 November – Armistice Day
- 14 November – Birthday of the Prince of Wales

The Town Council have discretion to fly the Union Flag at other times:

- To celebrate and support sporting events of significance
- In recognition of a royal visit in consultation with the Lord Lieutenant
- A special significant event or success in the Town
- By request from other Town bodies

Other Flags

The Armed Forces Day Flag, on and before Armed Forces Day in accordance with advice from the Chief of Defence Staff. Dates vary, but usually fall within the last week in June.

The Commonwealth Flag on Commonwealth Day.

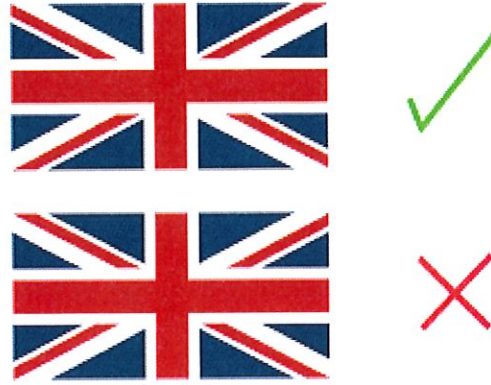
On St George's Day, 23rd April, the Flag of St George should be flown. Under the flag flying guidance from the Department of Communities and Local Government, the Cross of St George may be flown on St George's Day from UK Government buildings in England with two or more flag poles. At the Chairman's discretion, the Flag of St George may be flown to celebrate / support sporting events of significance of an England Team. At the discretion of the Chairman, the Cross of St George may be flown to commemorate local civic and community dignitaries who have recently died.

November 2018

Amended 7th June 2021

How should the Union Flag be flown?

The correct way up for the Union Flag when flying is with the broader diagonal white stripe at the top left-hand side of the flag nearest the flagpole.



The Union Flag will be flown on the flagpole situated at the War Memorial from 8.00am until sunset.

When and how should flags be flown at half-mast?

When flags are to be flown at half-mast, they should be two-thirds up between the top and bottom of the flagstaff with at least the height of the flag between the top of the flag and the top of the flag pole.

When raising the flag, it should always be hoisted right up and then lowered back down to half-mast. Likewise, before it is lowered at sunset, it should first be hoisted right up and then lowered back down.

Flags should be flown at half-mast on the following occasions:

- From the announcement of the death, up to the funeral of the Sovereign, except on Proclamation Day (the Day of the Announcement to the Accession of the new Sovereign), when the flags are hoisted right up from 11:00am until Sunset,
- In the event of the death of a member of the Sovereigns immediate family, flags should be lowered from the day of death to the day of the funeral, subject to special commands from Her Majesty in each case,
- The funerals of Prime Ministers and ex-Prime Ministers of the United Kingdom, subject to special commands from Her Majesty in each case. The Department for Culture, Media and Sport will inform of any other occasions where Her Majesty has given a special command.
- When flag flying days coincide with days for flying flags at half-mast, flags should be flown right up; although a member of the Sovereigns immediate family, may be lying dead, unless special commands are received from Her Majesty to the contrary.
- At the discretion of the Chairman, to commemorate local civic and community dignitaries who have recently died .

Flags will be kept at the home of the Chairman and the Estates Manager with keys to the flag pole.

IN THE EVENT OF A DEATH DURING THE CHRISTMAS PERIOD MEMBERS ARE ASKED TO CONSIDER WHAT ACTION SHOULD BE TAKEN AS THE CHRISTMAS TREE IS ERECTED IN THE LOCATION OF THE FLAG POLE.

PPP4 (e)

PADDOCK WOOD TOWN COUNCIL Grants Policy and Procedure

Policy

A grant is any payment or gift made by the Council to an organisation for a specific purpose. Guidance in the Local Government Act section 137 states that grants must be “in the interests of or will directly benefit the area or its inhabitants, or of part of it, or of some of it” and “the direct benefit should be commensurate with expenditure.”

At the Finance meeting in January an amount will be set in the budget from which grants will be allocated during the following financial year. Once the Grants budget is exhausted, the town council will only consider emergency requests for assistance, and generally only from organisations with which it has close links. The maximum amount any group can apply for in any one year is £500.

The Council will allow 50% of its grant budget to be paid out every six months.

Applications can be submitted at any time but will be considered in August for a decision in September and February for a decision in March.”

Application Procedure

Organisations requesting financial assistance will be requested to submit:

- A completed application form.
- Copies of their last year end accounts.
- If possible, the number, or percentage, of members that belong to the organisation and/or persons expected to benefit living within Paddock Wood.
- Details of any restrictions placed on who can use/access their services.
- Confirmation (on the application form) that it agrees with the Town Council's Equal Opportunities Policy or give details of their own policy.

Organisations will normally be expected to have clear written aims and objectives, a written constitution and a separate bank account.

For grant requests for projects costing over £3,000 the Town Council will require that the organisation has robust tendering regulations, e.g. obtaining a minimum of three tenders. The Town Council reserves the right to request proof of the tender process. Whilst Paddock Wood Town Council would not normally consider applications for Capital Projects, any such applications will require a more substantial case with supporting evidence of the community benefit.

Applications will not be considered from:

- Individuals.
- A political party.
- Private organisations operated as a business.
- “Upward funders” i.e. local groups where funds raised are sent to a central HQ for redistribution

A grant request, once received in writing, will be considered at the next meeting of the Town Council.

Each application will be assessed on its own merits. However, to ensure as fair a distribution as possible of available funds, the Council will take into account the amount and frequency of any previous awards. Due account may

also be taken of the extent to which funding has been sought or secured from other sources and/or by fund raising activities. (The Clerk can advise on alternative funding sources). Proposals for match funding will also be considered.

Successful Applications

Organisations receiving grants are required to advise their users/members that the grant or equipment had been received from Paddock Wood Council. Where possible, the Council will affix an appropriate label. Where equipment is gifted to an organisation, the Town Council requires that it be insured and maintained at the expense of the user.

Grant Application Form.

Please complete this form and attach any other relevant information and send to Paddock Wood Town Council, The Podmore Building, St Andrews Road Paddock Wood, TN12 6HT – 01892 837373 – clerk@paddockwoodtc.co.uk

Application from Title/organisation

Contact details

Name:

Address:

Telephone/e-mail

Aims of the Group

Number of members

Percentage who are Paddock Wood residents?

Amount requested:

Total cost of project:

Purpose of the Grant

Have you included a copy of the last year end accounts? YES/NO
If not available please explain why.

Are there any restrictions placed on who can use/access the services. YES/NO.
If yes, please supply details of the restrictions.

This application will not be accepted unless the organisation's Equal Opportunities Policy is attached or it agrees to abide by the Town Council's Equal Opportunities Policy.

Statement of understanding.

I have read and understood the Paddock Wood Town Council Grants Policy and Procedure and agree that if a grant is awarded the organisation I represent will abide by the conditions therein outlined.

Signed.....

Date.....

PPP h (f)

PADDOCK WOOD TOWN COUNCIL Adverse Weather Management Plan

The experience of recent winters has highlighted the importance of co-operation between the various agencies and the value of the Town Council's roles within the communities.

The Town Council does not have a statutory duty to prepare for and deal with snow, ice or flooding. However, it is in a good position to inform the principal authorities about local needs. Kent County Council's winter service plans can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/winter-service/road-salting-and-snow-clearance>. Up to date information can also be obtained by following KCC's Twitter feed - <https://twitter.com/GrittingKent> or local radio stations. Paddock Wood Town Council also posts on Twitter and Facebook.

KCC's primary gritting routes in Paddock Wood are Badsell Road, Maidstone Road, Commercial Road, Church Road and Pearsons Green Road.

The secondary gritting routes are Warrington Road and Mascalls Court Road.

A copy of the local primary and secondary gritting routes is attached to this document.

Where possible, the Town Council has a duty to ensure that its employees and users of its facilities have a safe passage. The footpath through St Andrews Field, the area around the workshops and the Day Centre path will be gritted, if conditions allow.

Paddock Wood Town Council also holds a supply of salt/grit which is supplied by Kent County Council. This is for use in public areas. Estates staff will grit and clear the footpaths in Commercial Road and a walkway through both of the car parks, in the event that KCC are unable to do so and conditions allow.

Members may, if they wish collect some grit and clear walkways in their vicinity. This is subject to availability.

Legal Advice and Litigation

Throughout the country people have been hesitant to clear snow because of fears of litigation if someone should slip on a treated area.

The Ministry of Justice has stated that "The prospect of a person who volunteers to clear snow from a pavement being successfully sued for damages by a person who subsequently slips on the cleared area and is injured are very small." A snow clearer does however, have a duty to clear with reasonable care so as not to create a new or worse risk.

DO

- Move snow to a porous surface such as grass verge or garden.
- Spread salt/grit evenly at the appropriate spread rates –
Frost or ice after dry conditions = 10 - 15 grams/sq. metre
Frost or ice after rainfall/wet conditions = 20 - 40 grams/sq metre
Snowfall = 20 - 40 grams/sq metre
- Clear any excess salt or grit once the snow/ice has melted

DON'T

- Use water to melt snow, if there is a risk it will re-freeze
- Move snow to a location where it will create another risk, such as another part of the pavement, road or where people are likely to walk
- Use excessive salt, grit or other material so as to create a new or worse risk.

In the event of severe weather the Town Clerk and Estates Manager will determine what efforts can be made by the Town Council to facilitate access for the town's residents.

Salt Bins are located at:

Junction of Green Lane and Church Road

Mascalls Court Road and Chantlers Hill

Pearson's Green Road at Junction of Castle Hill.

The bins are filled by Kent County Council (PWTC staff will check during the autumn and advise KCC if they need filling) and are for use on the public highway ONLY.

FLOODING

In the event of flooding the sandbag store at Putlands which will be unlocked and residents may collect sandbags if their homes are in danger of flooding. Elderly or infirm residents may contact the Town Council offices on 01892 837373, and arrangements will be made to deliver a limited number of sand bags to those homes, if possible.

Used sandbags should be disposed of by residents – PLEASE DO NOT RETURN CONTAMINATED SANDBAGS TO THE STORE

In order to help prevent flooding residents are urged:

- Ensure all ditches on their land are kept clear
- Not to throw garden rubbish over their garden fences as it may block ditches
- Report any blocked ditches, drains or gullies to Kent County Council at <http://www.kent.gov.uk/roads-and-travel/report-a-problem> or telephone 03000 41 8181

PPPS

DAY CENTRE PREMISES TERMS AND CONDITIONS OF HIRE

1. **BOOKING:** All booking applications must be made to Paddock Wood Town Council, The Podmore Building, St Andrews Road, Paddock Wood, TN12 6HT, 01892 837373 admin@paddockwoodtc.co.uk.
2. **KEYS:** Arrangements must be made to collect the keys from the town council offices or obtain the code to the key safe.
3. **SUPERVISION AND RESPONSIBILITY:** The Hirer will during the period of the hiring be responsible for supervision of the premises, the fabric and the contents, their care, safety from damage however slight and the behaviour of all persons using the premises whatever their capacity including proper supervision of car-parking arrangements.
4. **COMPLETION OF HIRE:** At the end of hiring the Hirer shall be responsible for leaving the premises and surrounds in a clean and tidy condition properly locked and secured unless directed otherwise by authorised representatives of Paddock Wood Town Council and any contents temporarily removed from their usual positions properly replaced.
5. **PARKING:** Cars may be parked to the rear and sides of the building. Please do not use the car park to Dowding House. Additional parking can be found in the public car parks in Commercial Road or on the road.
6. **ALCOHOL:** These are not licensed premises and no alcohol can be sold thereon without a licence from the local authority. **SMOKING:** The entire premises and grounds are a No Smoking Zone. For safety reasons individuals should not smoke in the car park.
7. **EMERGENCIES:** In anticipation of an emergency it is the Hirer's responsibility to ensure that they know the location of first aid kits, stopcocks, fuse box and electrical mains switch. The hirer should be aware of the location of the nearest hospital and the postcode of the building.
8. **DAMAGE:** The Hirer will be responsible for the cost of repair of any damage done to any part of the property including the surroundings or the contents of the building, which may occur during the period of the hiring as a result of the hiring.
9. **CAPACITY:** The capacity of the Day Centre is 50 people. There are 50 chairs and there is no more capacity for larger numbers.
10. The Hirer shall not interfere in any way with the fuse box, electricity or gas fittings, meter fittings or fixtures on the premises.
11. It is the responsibility of the Hirer to ensure that the electricity supply is appropriate for any equipment used and that any equipment used will not endanger, overload or damage the electricity supply, circuits, wiring, plugs, sockets, switchboards or other equipment.
12. **INSURANCE:** The Hirer acknowledges that the loss of any items left unattended is not covered by Paddock Wood Town Council insurance cover.
13. Paddock Wood Town Council reserves the right to cancel this hiring in the event of the premises being required for use as a polling station, for a parliamentary or local government election or bye-election
14. Even if the Hirer has a regular booking for the hire of the premises Paddock Wood Town Council reserves the right to renew, vary or cancel any such regular arrangements. This right will not be unreasonably enforced.
15. Unless otherwise specified, invoices will be sent out by email. Payment is preferred by BACS.

DAY CENTRE PREMISES TERMS AND CONDITIONS OF HIRE

16. Additional Covid-19 Information

Hirers and clients are advised to wash/sanitise their hands on entering and leaving the building.

Hirers should provide hand sanitiser to their clients who will be visiting the hall.

Hirers and their clients may wear face coverings & should limit social interaction with anyone they do not live with outside of the activity they are attending.

Hirers can keep a record, for at least 21 days, of group members attending on each occasion (including their contact details), or use the Government Track and Trace QR code if they wish. In addition, you must inform PWTC of anyone who has attended the building who reports suffering symptoms or tests positive for Covid-19.

External doors and windows may be opened to improve ventilation during time in the Hall, please ensure these are shut before you leave.

Should a group member show/develop symptoms of Covid-19 whilst on site, they must be isolated within the hall with the remainder of the group evacuated once contact details have been obtained, and they have been reminded to sanitise their hands before leaving and to launder clothes when they arrive home. Tissues should be provided to the affected person and hand sanitiser made available. This must then be reported to PWTC.

Hirers should clean all relevant surfaces before and after each session, these include: tables, handles on chair backs, light switches, door handles, window handles, toilet handles, buttons on fans and any other surfaces touched.

17. PWTC will:

Put up signage about hand sanitising, etc.

Provide hand sanitiser in the entrance hall and soap and paper towels in the toilets.

Increase the cleaning of the hall.

Provide cleaning materials & PPE to allow for cleaning of surfaces.

PPP 5

TO ALL FOOTBALL/CRICKET CLUBS

Pitch Terms and Conditions

1. West Kent Sunday League email their fixtures directly to the Town Council once a month. If you play in any other league you need to ensure that the pitches are booked directly with us. REMEMBER IT IS YOUR RESPONSIBILITY TO ENSURE THE BOOKINGS ARE MADE AS FAR IN ADVANCE AS POSSIBLE.
2. Putlands will no longer hold the keys to the Pavilions. Arrangements need to be made to collect the keys for the Memorial Pavilion or Green Lane from the town council office the week before a match. Alternatively, Clubs may hold a set of keys themselves on payment of a £50 deposit.
3. Clubs playing at Putlands will still have the use of the changing rooms for matches. However, if you wish to use the changing rooms at any other time you will need to book and pay directly with the Centre.
4. A pitch will be charged for UNLESS it is cancelled a minimum of two days before the match. The only exceptions will be if the Estates Manager or the referee calls off the game due to bad weather or poor pitch conditions.
5. If the referee calls off the game then it is the Club's responsibility to notify the Council, and give the reason for the cancellation.
6. The Estates Manager will carry out a pitch inspection the day before a game or the Friday before weekend fixtures. Clubs will be notified that day if the pitches are unfit. The Estates Manager's decision is final. All clubs will be required to supply Paddock Wood town Council with an email address or mobile number so that notification can be sent.
7. Invoices will be sent out at the beginning of every month for games played the previous month. Any team failing to pay its bill within 30 days may be barred from playing until the bill is settled.

The pitches are allocated as follows:

Paddock Wood FC

Insulators

Green Lane FC

East Peckham Rugby FC

Elm Tree

Memorial

Green Lane

Putlands