



Christchurch Town Council

Old Town Hall
30 High Street
Christchurch
Dorset, BH23 1EA

Council Agenda

Friday, 19 July 2019, 6.00pm

You are summoned to attend a meeting of the **Christchurch Town Council** to be held at Druitt Hall, High Street, Christchurch BH23 1AJ on **Friday, 19 July 2019 at 6.00pm.**

Membership:

Mayor: Cllr L Dedman

Deputy Mayor: Cllr Mrs S Bungey

Cllr J A Abbott

Hon Freeman Cllr C R Bungey

Cllr A E Coulton

Cllr F J M Cox

Cllr M Cox

Cllr S Fotheringham

Cllr C A Gardiner

Cllr W Grace

Cllr P Hilliard

Cllr G R Jarvis

Cllr D C Jones

Cllr T Lane

Cllr S J McCormack

Cllr F Neale

Cllr G E E Polson

Cllr Mrs S Spittle

Cllr M J Tarling

The business to be transacted is set out overleaf

Daniel Lucas
Town Clerk

11 July 2019

For further information please contact Daniel Lucas on 01202 022479 or email townclerk@christchurch-tc.gov.uk

Agenda

1. Prayers

Prayers will be said by the Mayor's Chaplain, the Reverend Canon Charles Stewart.

2. Apologies for Absence

To receive apologies for absence.

3. Declaration of Interests

Members are reminded that any disclosable pecuniary interests must be declared including any issues which may arise through predetermination of bias.

4. Minutes of Previous Meeting

7-12

To confirm as a correct record the Minutes of the last meeting held on 15 May 2019.

5. Announcements

13-14

To receive a schedule of Civic functions attended by the Mayor since the last meeting and any announcements from the Mayor or Town Clerk and appointment of the Mayor's Chaplain.

RECOMMENDATION: That the Reverend Canon Charles Stewart be appointed as the Mayor's Chaplain for the year 2019/2020

6. Public Participation

In accordance with the Council's Standing Orders the period of time designated for Public Participation cannot exceed 15 minutes unless directed by the Chairman of the meeting and a member of the public shall not speak for more than 5 minutes.

7. Public Questions

Members of the public who wish to ask a question at the meeting shall give notice to the Town Clerk of the question no later than 12 noon on the working day before the meeting is on. The question stated in the notice shall be the question asked at the meeting. The Mayor will call on those wishing to speak in turn, each questioner being

allowed to speak for a maximum of 3 minutes. Those wishing to speak shall state their name and address

8. Questions from Councillors

Advance notice preferred if possible. None received at publication of agenda.

9. To Receive any verbal reports from Partner Organisations

None received at time of publication of agenda.

10. Committee Minutes

To receive the Committee Minutes for the last cycle of meetings and to consider any recommendations arising from these meetings as follows:

Planning Committee 7 June 2019

15-21

To receive the draft Minutes of the meeting held on 7 June 2019

and to consider the recommendation arising therefrom: -

Minute No. 16. Christchurch Neighbourhood Plan

RECOMMENDATION: Members agree that the Town Clerk does not send the letter marking the concerns with BCP Council's scheme of delegation concerning planning applications, following BCP Council's Cabinet decision to amend the policy and scheme of delegation for planning application call-in's (12-July 2019). Secondly, that the Town Clerk explores the costings of preparing a Neighbourhood Plan with external consultants and reports to Resources Committee accordingly.

22-28

Resources Committee, 11 June 2019

To receive the Minutes of the meeting held on 11 June 2019 (Exempt Minutes withheld from agenda pack but to be considered also) and to consider the recommendation arising therefrom: -

Minute No.21 Bank Account Signatories

Minute No.23 Cllr Email addresses

RECOMMENDATION: To appoint the named Bank Account Signatories to the Council's banking mandate and delegate to the Town Clerk to amend the mandate accordingly.

RECOMMENDATION: To consider the contents of the report to Resources Committee and the provision of Cllr email addresses. The Town Clerk having investigated cheaper and secure options with the Town Council's IT provider and can report that £3 per account is the cheapest and safest option which includes back-up.

29-33

Community Committee, 2 July 2019

To receive the draft Minutes of the meeting held on 2 July 2019 (Exempt draft Minutes withheld from agenda pack but to be considered also) and to consider the recommendations arising therefrom: -

Minute No. 33. Residents' Survey
Minute No. 34. Civic Working Group

RECOMMENDATION: That a Resident's Survey Working Group is established with the sole term of reference being to devise a survey to capture residents' key areas of concern to inform a strategic town plan of priorities. That the working group shall at its first meeting appoint its own chair and shall permit the working group to determine the number and time of its meetings to be held during the business hours of the Town Council and shall sit at the Old Town Hall and that the working group shall comprise those Members who wish to be part of the working group as expressed. That the notice for the meeting be 5 working days in advance and that the quorum for the working group be no less than 3 Members. It is further RECOMMENDED that the public may not participate at a meeting of the working group and that the public and press are not permitted to attend the working group, but that the working group shall recommend to Full Council the outcomes of its endeavours.

RECOMMENDATION: That a Civic Working Group is established with the sole term of reference being to devise and maintain the Civic Handbook. That the working group shall at its first meeting appoint its own chair and shall permit the working group to determine the number and time of its meetings to be held during the business hours of the Town Council and shall sit at the Old Town Hall and that the working group shall comprise those Members who wish to be part of the working group as expressed. That the notice for the meeting be 5 working days in advance and that the quorum for the working group be no less than 3 Members. It is further RECOMMENDED that the public may not participate at a meeting of the working group and that the public and press are not permitted to attend the working group, but that the working group shall

recommend to Full Council the outcomes of its endeavours.

34-59

Resources Committee, 9 July 2019

To receive the draft Minutes of the meeting held on 9 July 2019

and to consider the recommendation arising therefrom: -

Minute No. 42. Adoption of Polices:

Grievance Policy

Disciplinary Policy

Sickness Absence Policy

RECOMMENDATION: That the Town Council adopts the Grievance, Disciplinary and Sickness Absence Policies.

11. **To consider motions under Standing Order 1 in the order in which they have been notified to the Town Clerk.**

Valid Motion received dated 5 July 2019 by written notification to the Town Clerk from Cllr D Jones:

“That the resolution of Council dated 15 May to appoint Cllr Simon McCormack to the Planning & Regulatory Committee be amended so that he now vacates the Committee and that Cllr Mrs Gillian Jarvis is appointed as a Member of that Committee”.

10. **Transfer of Arms update – Roll of Honour quote update** – verbal report of Town Clerk

11. **ICO registration**

The Data Protection (Charges and Information) Regulations 2018 requires every organisation that processes personal information to pay a fee to the Information Commissioners’ Office, unless an exemption applies. Failure to pay the fee may result in a fixed penalty. As a “data controller” and “processor” under the GDPR and Data Protection Act 2018, this Town Council needs to register and pay the fee accordingly being a “Tier 1” fee of £40, or “Tier 2” fee of £60.

RECOMMENDATION: To register with the Information Commissioners’ Office and to delegate to the Town Clerk

- the registration of the Town Council and the online payment of the registration fee accordingly.
12. **Appoint to external bodies – Legate’s Charity update**
To consider the report of the Town Clerk. 60-62
13. **Adoption of Data Protection and Privacy Policy**
To consider and adopt the Data Protection and Privacy Policy attached. 63-67
- RECOMMENDATION: That the Town Council adopts the Data Protection and Privacy Policy attached hereto.
14. **Local Government Pension Scheme**
- To apply for admitted body status in the Local Government Pension Scheme with retrospective effect to the 1 April 2019 for all employees of the Council. The LGPS was the pension provider for employees of Christchurch Borough Council/East Dorset District Council and therefore is the provider for TUPE’d members of staff. However, those staff who were not TUPE’d do not have this default position. The Town Council can use any pension provider it desires, however the LGPS is the most common provider in the Local Government Sector.
- RECOMMENDATION: Members agree to adopt the Local Government Pension Scheme as the Council’s pension provider for all employees with retrospective effect to 1 April 2019 and that the Council applies for admitted body status to the scheme for employees of the Council.
15. **To consider passing a resolution to exclude the press and public pursuant to the Public Bodies (Admissions to Meetings) Act 1960 due to the matter relating to the financial and business affairs of the authority and other authorities.**
- To receive the Exempt Minutes of the meetings held on 11 June and -2 July 2019
(Exempt Minutes withheld from agenda pack but to be confirmed also) and to consider the recommendation arising therefrom: -
- Minute No. 37. Service Level Agreement (Exempt)

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

ITEM 4

CHRISTCHURCH TOWN COUNCIL

Annual Council Meeting

Minutes of the Meeting held on 15 May 2019 at 6.00pm at the Druitt Hall, High Street, Christchurch BH23 1AJ

Present:-

Cllr Mrs L Dedman – Mayor

Cllr Mrs S Bungey – Deputy Mayor

Present: Hon Freeman Cllr C R Bungey, Cllr A E Coulton, Cllr M Cox, Cllr S Fotheringham, Cllr C A Gardiner, Cllr P Hilliard, Cllr G R Jarvis, Cllr D C Jones, Cllr T Lane, Cllr S J McCormack, Cllr F Neale, Cllr G E E Polson, Cllr Mrs S Spittle and Cllr M J Tarling.

Officers present: Daniel Lucas, Town Clerk
Susan Roxby, Administrative Support Officer

1. Prayers

The Mayor opened the proceedings with the Lord's prayer.

2. Apologies for Absence

Apologies of absence were received from Cllr Mrs F Cox.

Apologies were also received from Cllr J Abbott and Cllr W Grace who were attending the Royal Garden Party as representatives of the former Christchurch Borough Council.

3. Declarations of Interest

There were no declarations of interest on this occasion.

4. Election of Town Mayor 2019/20

It was proposed by Councillor David Jones, seconded by Councillor Gillian Jarvis, and unanimously –

RESOLVED that Councillor Mrs Lesley Dedman be elected Mayor of Christchurch Town Council for the 2019/2020 Municipal Year.

Voting: Unanimous

5. **Town Mayor's Acceptance of Office**

The new Mayor (Councillor Mrs Lesley Dedman) made the Statutory Declaration of Acceptance of Office. The Mayor then delivered the Mayor's Speech during which she:

- thanked her proposer and seconder
- thanked the Council for her election
- thanked the Town Clerk for all the work undertaken setting up the newly formed Town Council and arranging the Annual Meeting
- advised that she would have various escorts to accompany her on Mayoral engagements
- announced that her Mayoral Charity for the 2019/20 Civic Year would be the Dorset Community Foundation.

6. **Appointment of Deputy Town Mayor 2019/20**

It was proposed by Councillor Paul Hilliard, seconded by Councillor Tom Lane, and unanimously –

RESOLVED that Councillor Mrs Susan Bungey be elected Deputy Mayor of Christchurch Town Council for the 2019/2020 Municipal Year.

Voting: Unanimous

7. **Deputy Mayor's Acceptance of Office**

The new Deputy Mayor (Councillor Mrs Susan Bungey) made the Statutory Declaration of Acceptance of Office.

8. **Appointment of Mayor's Chaplain**

The appointment of Mayor's Chaplain to be deferred until the next meeting of the Full Council.

9. **Standing Committees and Committee Memberships**

The Town Clerk submitted a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

Members were asked to decide whether the Town Council wished to create committees and delegate decisions to such committees, and establish the terms of reference for each committee.

Members were directed to Appendix 1 which sets out the terms of reference and full delegation to the committees and were informed that each committee would consist of 9 Councillors and quorum for each committee would be a minimum of 3 Councillors.

The appointment of Chairmen and Councillors to the following committees were noted:

Planning and Regulatory Committee:

Cllr D Jones (Chairman)

Cllr L Dedman

Cllr J A Abbott

Cllr S J McCormack

Cllr S Fotheringham

Cllr F Neale

Cllr M Cox

Cllr T Lane

Cllr M J Tarling

Resources Committee:

Cllr P Hilliard (Chairman)

Honorary Freeman Cllr C Bungey

Cllr C A Gardiner

Cllr F Neale

Cllr Mrs S Spittle

Cllr Mrs S Bungey

Cllr A E Coulton

Cllr W Grace

Cllr M J Tarling

Community Committee:

Honorary Freeman Cllr C Bungey (Chairman)

Cllr S J McCormack

Cllr C A Gardiner

Cllr Mrs S Spittle

Cllr G R Jarvis

Cllr G E E Polson
Cllr Mrs S Bungey
Cllr A E Coulton
Cllr W Grace

RESOLVED that:

- (a) the creation of committees and delegated decisions to committees be approved;**
- (b) the creation of a Planning and Regulatory Committee, Resources Committee and Community Committee and the terms of reference and quorum of each committee be approved and adopted;**
- (c) the calendar of meetings for the 2019/2020 Council year be noted; and**
- (d) the election of Chairmen and the appointment of Members for each committee for the 2019/2020 municipal year be approved.**

Voting: unanimous

10. **Annual Budget 2019/2020**

The Town Clerk submitted a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

Members were advised of the assets transferred under the Establishment Order as of 1st April 2019 and the proposed budget and precept amount of £342,009.00 for 2019/20. The budget was received from the outgoing Borough Council in the shadow period and as such the Town Council now cannot raise a precept above this amount as set out in the establishment order.

An annual budget had to be set by Christchurch Town Council in order to receive the precept from Bournemouth Christchurch and Poole Council (BCP) which is the billing authority for the Town Council.

Members were informed that it was a requirement for town councils to have a minimum of three to six months operating costs set aside as general reserves, with best practice to be nearer six months.

The budget received from the Shadow authority had not allocated any reserves and therefore reserves needed to be allocated as detailed in appendix 2.

The Mayor considered that this was a good budget which foresaw what the anticipated costs would be for the Town Council by looking at the previous costs incurred by the former Borough Council.

RESOLVED that:

- (a) the assets transferred to Christchurch Town Council be noted; and**
- (b) the 2019/20 budget and precept of £342,009.00 be approved to the billing authority (Bournemouth Christchurch Poole Council).**

Voting: Unanimous

11. **Outside Bodies Representation for 2019/20**

The appointment of Councillors as the Council's representatives on the following Outside Bodies for 2019/20 were noted:

Citizens Advice Bureau – Cllr G Jarvis

Regent Centre – Cllr P Hilliard and Cllr M Tarling

Christchurch Harbour Association – Honorary Freeman Cllr C Bungey and Cllr T Lane.

Members were informed that the Legates Charity rules would be looked into regarding the number of trustees and setting up a sub-committee, and that no appointments would be made at this point.

RESOLVED that:

- (a) the appointment of members as the Council's representatives on Outside Bodies for the Citizens Advice Bureau, Regent Centre and Christchurch Harbour Association be confirmed; and**
- (b) the appointment of members as the Council's representatives for the Legates Charity be deferred until the charity rules are confirmed regarding the number of trustees and sub-committee setup.**

Voting: Unanimous

12. **Members Code of Conduct**

The Town Clerk submitted a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'C' to these Minutes in the Minute Book.

Members were informed that the Code of Conduct was crucial in ensuring public confidence in those tasked with making decisions which impacted upon the local community. The standards regime was a detailed statutory mechanism designed to prove effective, open and transparent decision making within local government.

RESOLVED that the model Code of Conduct, as set out in Appendix '1' be adopted.

Voting: Unanimous

13. **Report of the Town Clerk – Transfer of our Armorial Bearings**

The Town Clerk submitted a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'D' to these Minutes in the Minute Book.

Members were informed that it would be beneficial for the Town Council to have use of the coat of arms as a corporate identity for its website and papers.

A Member considered that the existing Borough signs on the highways depicting the coat of arms should be retained until these can be updated omitting the title of 'Borough'.

Members agreed that the practice of installing a Mayoral Board should be carried forward to the Town Council.

Members congratulated the Town Clerk for the work undertaken on the Coat of Arms and the reinstatement of the Mayoral board in the Old Town Hall.

RESOLVED that:

- (a) the Town Council accepts the transfer of the grant of arms from Christchurch Borough Council noting nil cost to the Town Council;**
- (b) the Town Clerk be delegated authority to liaise with the College of Arms to complete the transfer and associated administration;**
- (c) the Coat of Arms be established as the corporate identity of the Town Council and to be used where appropriate; and**
- (d) the Town Council adopts the custom and practice of installing boards to mark the incumbent Mayor and upon succession to renew accordingly and authorises the clerk to obtain quotes for the preparation and installation of the same.**

Voting: Unanimous

The meeting ended at 7.15pm

CHAIRMAN

ITEM 5

Mayor's Engagements 16 May 2019 – 18 July 2019

Date	Event	Location
25 May 2019	Mudford Sea Food Festival	Mudford Green
26 May 2019	Blessing of the Waters Service	All Saints Church, Mudford
04 June 2019	D-Day Exhibition	Druitt Hall & Christchurch Library
06 June 2019	Drumhead Service	Christchurch Priory
08 June 2019	Members invitation to Skate Jam Park opening	Two Rivers Meet Leisure Centre
09 June 2019	Burton Parish Council Armed Forces & Vets day	Burton Green
11 June 2019	Bishop of Winchester Invitation	Wolvesey Palace, Winchester, Hampshire
15 June 2019	SAMA Act of Remembrance SAMA Falklands Veterans lunch	Purewell Cross Memorial Captains Club Hotel
16 June 2019	Church to Trinity Tea & Evensong at 6.30pm in the Priory Attended by Deputy Mayor	Monastic Lawn, Priory House & Evensong in the Priory
21 June 2019	AUB Awards- lunch at 12.00 & Ceremony 3 at 1.30	The Pavilion, Westover Road, Bournemouth
28 June 2019	Investiture of New Milton Mayor Attended by the Deputy Mayor Visit to Twin Town Saint Lo	New Milton Football Club House, Fawcetts Field, Christchurch Rd, New Milton Mayor's visit to Saint Lo Between 29 – 30 June
30 June 2019	New Forest Airfields Armed Forces Service Attended by the Deputy Mayor	Black Lane, Holmsley South, BH23 8EB
03 July 2019	Music Hub Concert & reception Christchurch Swimming Club's presentation evening Attended by the Deputy Mayor	Walled Garden, Upton Country Park, Upton, Poole Two Rivers Meet Leisure Centre

06 July 2019	Avon View's Summer Fayre Christchurch Priory Summer Attended by the Deputy Mayor Fete and Craft Fair Burton Scout Carnival	Avon View Care Home Christchurch Priory Recreation ground in Martins Hill Lane, Burton
10 July 2019	Clingan's Trust Meeting	Williams Thompsons Solicitors, 4 Bridge St, Christchurch

ITEM 10

CHRISTCHURCH TOWN COUNCIL

Planning Committee

Minutes of the Meeting held on 7 June 2019 at 6.00pm at the Druitt Hall, High Street,
Christchurch BH23 1AJ

Present:-

Chairman: Cllr D Jones

Vice-Chairman: Cllr F Neale

Present: Cllr J A Abbott, Cllr M Cox, Cllr L Dedman, Cllr T Lane, Cllr S J McCormick, Cllr F Neale, Cllr M J Tarling.

Apologies: Cllr S Fotheringham

Offices present: Daniel Lucas, Town Clerk
Susan Roxby, Administrative Support.

14. Election of Vice-Chairman

RESOLVED that Councillor Fred Neale be elected as Vice-Chairman of the Committee for the 2019/2020 Municipal Year.

Voting: unanimous

15. Declarations of Interest

Cllr T Lane declared a non-pecuniary interest in Agenda Item 4 due to having visited 20 Grove Road, East and had met and spoken with the applicant, but had not expressed an opinion and remained present.

16 Christchurch Neighbourhood Plan

The Chairman submitted a report, a copy of which had been circulated to each member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

Cllr Michael Cox joined the meeting at 6.27pm.

The Chairman informed the Committee that a Christchurch Neighbourhood Plan could be created which would form part of the Planning Policy Framework and would have to be taken into account when considering planning applications for development. The benefits of a Neighbourhood Plan would be:

- opportunity for the Town Council to shape Christchurch going forward;
- greenspaces could be protected;
- financially helpful;
- future proof and protect Christchurch.

The Chairman advised Members that the Planning Committee did not have the power to authorise a Neighbourhood Plan, but it could recommend to Full Council that it considers a Neighbourhood Plan for Christchurch.

The Committee was informed that the 2014 Local Plans were still current and that the review for Christchurch was a matter for Bournemouth, Christchurch and Poole Council (BCP).

A member reported to the committee that following a review, BCP Council's Local Plan will be in place in 2022.

Members considered that it was a matter of urgency for a Christchurch Neighbourhood Plan to be started and that the Council should make its intentions clear to BCP Council.

The Town Clerk advised Members that the 2014 Local Plan was now old and if the Council based a Christchurch Neighbourhood Plan and housing need on the 2014 Local Plan that it could be working on obsolete figures.

The Town Clerk further advised that the Council could wait to see if BCP Council reviews its position on objectively assessed need and take no action until Planning Consultant's advice had been received.

Following questions by Members, the Town Clerk informed Members that there would be economies of scale if Christchurch Town Council joined in partnership with Highcliffe and Walford Neighbourhood Council in obtaining Planning Consultant's advice, and that the contract would be required to go out to tender, and be on a no obligation basis.

RESOLVED that:

- a) the Town Clerk draft a letter to BCP Council to be considered by all Members at the next Full Council meeting; and**
- b) Christchurch Town Council invite Planning Consultants to provide an introductory Seminar for all Members of the Council.**

RECOMMENDS to Full Council that the Council consider a Neighbourhood Plan for Christchurch Town.

Voting: 7: 0 (1 abstention) (Cllr McCormick requested that his abstention be noted.)

14. **Forging Effective Partnership with BCP Planning**

An oral report was provided by the Chairman informing Members that formerly any Christchurch Borough Councillor had been able to call in a planning application to committee. The BCP Council's constitution did not give a Councillor a right to call in a planning application and there was no provision for a member of the public to call in an application.

In relation to this the Chairman considered that the new BCP constitution was restrictive and not open or transparent. The Chairman felt that a local committee could pick on the local concerns and would like Christchurch Town Council's Planning Committee to be able to make recommendations to BCP Council.

RESOLVED that this item be deferred for a report to be submitted to the next Planning Committee.

Voting: unanimous

15. **Planning Training**

The Town Clerk informed Members that he could contact the Dorset Association of Town and Parish Council to arrange training for planning and asked the Committee if they wished to receive training.

RESOLVED that the Town Clerk extend the training budget for Planning Committee members to receive training.

Voting: unanimous

The meeting ended at 7.46pm

CHAIRMAN

CHRISTCHURCH TOWN COUNCIL

PLANNING AND REGULATORY COMMITTEE MEMORANDUM TO PLANNING AND REGULATORY COMMITTEE A TOWN PLAN FOR CHRISTCHURCH A.

BACKGROUND



1. Before the 2010 General Election the Conservative Party adopted the concept of localism. This may be defined as "...a range of political philosophies which prioritize the local. Generally, localism supports ..., local control of government, and promotion of local history, local culture and local identity." This was in clear contrast to the centralising tendency of government since 1970 and possibly before.
2. The new Government's intent to promote localism was most obvious in the DCLG (Department of Communities and Local Government, now Ministry of Housing Communities and Local Government) under (Sir) Eric Pickles. Much of the Government's thinking was codified in the Localism Act 2011 which did indeed strengthen local institutions against the central State,
3. It might be justly argued though that the Civil Service and indeed some parts of the Government, notably the Treasury, were possibly less than totally committed to the localism Agenda. This is borne out by the loss of interest in localism, the drive and enthusiasm for faded very considerably after Sir Eric was removed from DCLG in May 2015.
4. Perhaps most importantly for our purposes, the Localism Act created Neighbourhood Plans. Before 2011 it was possible for communities to draw up plans for the development of the area, known variously as Town, Village, or Parish plans: Hurn, for example, had already adopted a Parish Plan before the abolition of the Borough Council. Such plans had limited legal force: they did not form part of the Planning Policy Framework (1)
5. Under the Localism Act however Neighbourhood Plans could be created which would form part of the planning policy framework and would have to be taken into account by LPAs (2) when considering applications for development.

B. ADVANTAGES OF A NEIGHBOURHOOD PLAN

1. First of all perhaps it should be noted that a Neighbourhood Plan is not cheap. Costs of this have been suggested to be in the region of £40,000. However this can be more than offset by both the financial and the non-financial benefits.

2. While the Neighbourhood Plan cannot override policies set out in the adopted Local Plan, a town plan can “fill the gaps” in a Local Plan.
3. Bridport, in the west of Dorset, has made excellent progress with adopting a neighbourhood Plan and there is no exact parallel with Christchurch, the study of the town of Bridport does provide some helpful analogies. The population is perhaps between a third or a half of ours but the situation, but Bridport itself has a very considerable rural hinterland. The town itself is very old, and suffers from traffic congestion. Many of the residents travel to work in Dorchester or westwards towards Devon.
4. Bridport’s Plan contains schemes for dealing with “climate change” and while not willing to concede that this is a tractable problem which can be affected by Christchurch it could for example require developers to provide more charging facilities for electric vehicles.
5. A study of Bridport’s plan shows how it is possible to meet certain local concerns through the Local Plan. A local priority is Climate Change, and they have introduced specific policies which they believe can regulate this (without for one moment conceding that man-made climate change is actually occurring.)
6. Turning to a specific example in Christchurch, a very recent legal case has cast doubt upon the ability of a community to protect land from development which has been used as a village green or other green space. It had been accepted that legislation had restricted the ability of a community to safeguard a green by applying for its designation as a Village Green and thus immune from development. The recent case has shown that even designation as a possible site for housing can prevent registration as a village green.
7. The court did however indicate that it was possible for communities to protect these greens through Neighbourhood Plans, and from Christchurch’s point of view there are a number of spaces which the council - might wish to protect in this way (for example, the greens built in to the Somerford estate) For example, if an area of land had been undeveloped for many years and had been used by the community as open space, and were then to be included as a possible site for housing in a district’s Local Plan, it would not be possible for a Neighbourhood Plan to designate that site for anything else e.g. public open space.
8. A further advantage of having a neighbourhood plan is that a considerably increased percentage of the community infrastructure levy bracket CIL (3) will now come to the Town Council. (If the Borough Council had not established the Town Council all the CIL from all the developments would have gone to the new Unitary Authority.)
9. Even without a Neighbourhood Plan 10% of the CIL in a Town Council’s area must be paid over to the Town Council by the LPA. Once the neighbourhood plan is in place this rises to 25%. An illustration of the importance of this is Christchurch Borough Council

charged a CIL of £150 per square metre on residential development of 10 units or less, It will be appreciated that this is not an insignificant amount and will certainly, over a very few years, repay the cost of a Town Plan.

10. However it is strongly suggested that the financial effects should not be the main reason for pursuing a plan. While the threat from Greater Bournemouth may have receded very considerably following the elections and the new Administration, it cannot be doubted that there remain considerable ambitions in parts of the District Council for expansion outwards. Once a Neighbourhood Plan is in place, like all parts of the PPF it cannot be changed on a whim. It can be argued that a Neighbourhood Plan offers the best chance of future-proofing Christchurch against certain possible events.

C. THE PROCESS OF INTRODUCING A TOWN PLAN

1. It should be noted that Burton PC is beginning the process and has reached the stage of specifying the area to be covered by the Plan. Highcliffe NC have also expressed interest in a Neighbourhood Plan.
2. A copy of the Guide from Chichester Borough Council on devising and submitting Neighbourhood Plans is attached. It will be seen that the process is quite long but importantly does not need some of the bits and pieces for a fully-fledged Local Plan.
3. It is not suggested that we should immediately commence the process as described in the Chichester paper. However it is suggested that the Council should immediately begin considering the possibility and desirability of a Neighbourhood Plan.
4. It is not intended in detail in this Memorandum to explore every aspect of the question. What is the purpose of the Memorandum is to urge the Planning and Regulatory Committee to advise Full Council to take the first steps in beginning the process.
5. This is absolutely necessary if we are to proceed. "What touches all should be discussed by all", and a Planning Committee of 9 Members should not seek to preempt a Council of 19 Members.
6. Hurn Parish council in preparing their Plan had a preliminary meeting with Ms Jo Witherden BSc(Hons) DipTP DipUD MRTPI of Dorset Planning Consultant Ltd. I am informed she was extremely helpful and provided an initial "seminar" without charge, and I would suggest to the Committee that we invite her to provide a talk or seminar for Members (which could include possibly Highcliffe Members)
7. There are also budgetary considerations – if we are to begin the process we will need advice, and while I am advised that there is an expert who has done much work with DAPTC (4) and is highly recommended by the Chairman of Hurn PC. Authorisation will be needed to pay any fees / expenses from the consultant from and, if we progress

further, the further sums required. We may, though, be able to co-operate with Highcliffe and Burton Councils in some aspects.

D. DRAFT RESOLUTION

In order to move this forward I intend to propose and I understand Cllr McCormack will second the following proposal:-

That this Committee, considering the possibility of a Neighbourhood Plan:-

Believes that such a Plan would be of benefit to Christchurch;

Agrees to invite Dorset Planning Consultants to provide an introductory Seminar for all Members of the Council

Recommends to Full Council that the Council consider a neighbourhood Plan for Christchurch Town.

D C Jones

Chairman, Planning and Regulatory Committee
Christchurch Town Council

Notes:-

1. The Planning Policy Framework is the national document which sets out a framework for all planning decisions. It has to be followed.
2. LPA = Local Planning Authority. CBC was the LPA for Christchurch : it is now subsumed into the new Unitary Council. LPAs make decisions: we can only make recommendations. (though we have to be consulted)
3. CIL = Community Infrastructure Levy. A cynic might say that this is the Government's way of making developers pay for this which it should provide such as roads, surgeries, libraries, community facilities, etc. It can add very considerably to the cost of development. Largely replaces Section 106 Contributions.
4. DAPTC = Dorset Association of Town and Parish Councils.

CHRISTCHURCH TOWN COUNCIL

RESOURCES COMMITTEE

Minutes of the Meeting held on 11 June 2019 at 6.00pm at the Druitt Hall, High Street, Christchurch BH23 1AJ

Present:-

Chairman: Cllr P Hilliard

Vice-Chairman: Cllr A E Coulton

Present: Honorary Freeman Cllr C Bungey, Cllr Mrs Susan Bungey, Cllr C A Gardiner, Cllr W Grace, Cllr F Neale, Cllr Mrs S Spittle, Cllr M J Tarling.

Officers present: Daniel Lucas, Town Clerk
Susan Roxby, Administrative Support Officer

19. Election of Vice-Chairman

RESOLVED that Councillor A E Coulton be elected as Vice-Chairman of the Committee for the 2019/2020 Municipal Year.

Voting: unanimous

20. Declarations of Interest

There were no declarations of interest on this occasion.

21. Bank Account Signatories

The Town Clerk submitted a report, a copy of which had been circulated to each member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

Honorary Freeman Cllr Colin Bungey joined the meeting at 6.20pm.

The Town Clerk informed Members that the Financial Regulations and Standing Orders required that the banking mandate and appointment of authorised signatories to be approved by Full Council.

A Member stated that if the Mayor and Deputy Mayor were appointed as signatories that the mandate would need to be changed each year. The Town Clerk informed the Committee that the regulations required that the signatories should be reviewed regularly for safety and efficiency.

Members agreed that Cllr F Neale should be the additional authorised signatory from Resources Committee.

RECOMMENDED to Full Council that:

- (a) appointment of a minimum of 4 Members be given authority on behalf of the Town Council to authorise payments and sign cheques;**
- (b) the Mayor and Deputy Mayor be authorised and that the Chair and Vice-Chair of Resources Committee also be authorised; and**
- (c) the Town Council considers appointing Cllr F Neale to also be authorised from Resources Committee for business continuity purposes.**

Voting: unanimous

22. Town clerk's Report

A report was submitted, a copy of which had been circulated to each member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

The Town Clerk provided the Committee with an overview of expenditure and income since the Council was established on 1 April 2019 up until the end of May 2019.

Members discussed the cost of payroll which they considered high.

Members enquired if any income from Play areas had been received from Bournemouth Christchurch and Poole Council (BCP). The Town Clerk reported that no income had yet been received from BCP.

The Chairman thanked the Town Clerk for a good report.

RESOLVED that the report be noted.

Voting: unanimous

23. Councillors' Email Addresses

A report was submitted, a copy of which had been circulated to each member and a copy of which appears as Appendix 'C' to these Minutes in the Minute Book.

The Town Clerk informed the Committee that there was no requirement to have a Town Council email address for Councillors.

The committee discussed Councillors' email addresses with the following points raised:

- Members considered it was an added level of protection to have Councillor email addresses;
- Members would not like their personal email address given out to the public or displayed on the Council website;
- It would maintain a professional appearance having Councillor email addresses; and
- It was a high cost per year to have Councillor email addresses.

Members asked the Town Clerk to enquire with the Council's IT provider who would be hosting the emails and whether it was available on web mail. Members further enquired if it was possible to have a Councillor email address of @christchurch-tc.gov.uk without using outlook.

Members queried the cost of setting up the Council's Web page and development. The Town Clerk advised that the Council's IT provider had quoted £60 per hour for 3 days design with the total cost of £1,728.00 inclusive of VAT.

RESOLVED that:

- a) the report be deferred to the next Full Council meeting; and**
- b) delegate to the Town Clerk to appoint Rejuvenate to undertake the Council's web page design.**

Voting: unanimous

24. CiLCA Training

A report was submitted, a copy of which had been circulated to each member and a copy of which appears as Appendix 'D' to these Minutes in the Minute Book.

The Town Clerk informed Members that having a CiLCA qualified clerk would allow the Council to apply for Quality and Quality Gold statuses and gave general power of competence to the Council to act as an individual.

RESOLVED that the Resources Committee authorise the expenditure outlined for staff training of the Town Clerk and the Administrative Support Officer:

- (a) For the payment of the Certificate in Local Council Administration (“CILCA”) registration for both the roles of Town Clerk and Administrative Support Officer; and
- (b) Delegate to the Town Clerk the necessary actions to ensure payment of, and enrolment onto the qualification.

Voting: unanimous

25. **RESOLVED to exclude the press and public pursuant to Public Bodies (Admissions to Meetings) Act 1960 due to the confidential personal nature of the business and information to be transacted.**

Voting: unanimous

Highcliffe and Walkford Neighbourhood Council- assistance

The Town Clerk submitted a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'E' to these Minutes in the Minute Book.

Members received an overview and were asked to consider assistance for Highcliffe and Walkford Neighbourhood Council.

The meeting ended at 8.04pm

CHAIRMAN

Councillor E-Mail Addresses

Report Type:	Public Report for Decision
Purpose of Report:	To consider whether to instruct the Town Clerk to set-up Cllr E-mail addresses
Recommendations:	<p>It is RECOMMENDED that:</p> <p>Resources Committee considers the cost of setting-up separate e-mail addresses for each Councillor:</p> <ul style="list-style-type: none">(a) Notes the cost of £3 per month for each Councillor and the on-going monthly/yearly cost.(b) Instructs and delegates to the Town Clerk to establish the creation of the e-mail addresses, or to leave the status quo intact at the current juncture and to review the position in six months.(c) Instructs the Town Clerk to prepare a suitable “Bring Your Own Device” Policy to be placed before Full Council as soon as possible.
Wards:	All Wards
Contact Officer:	Daniel Lucas – Town Clerk

1.0 BACKGROUND

E-Mail addresses

- 1.1 Several Town councillors have been in touch with the Clerk to enquire about establishing separate Town Council email addresses. At present the Town Clerk and the Mayor’s Secretary/Administrative Support Officer have the “@christchurch-tc.gov.uk” email address. This was established from “day one” so that the Town Council could operate effectively from the immediate outset. Some councillors have enquired about setting-up separate e-mail accounts and the Town Clerk has made enquiries. This report sets out the full position for Members to consider.
- 1.2 The Council’s IT provider was contacted to provide a quote for the separate e-mail address for each councillor. The separate mailbox would cost £3 per month for each individual councillor. The monthly ongoing expenditure would therefore

be 19x£3 = £57 per month. Over the cost of the year this would equate to £684 a significant expenditure.

- 1.3 The Town council's approved IT budget for 2019/2020 amounts to £10,000 Members shall see (from the Town Clerk's report on this agenda also) that to date £3,274.26 has been paid for IT infrastructure and support and the Town Council still has a website to design. As such the matter is before Members to consider the option of instructing the creation of "@christchurch-tc.gov.uk" for each individual Member considering the ongoing cost.

2.0 IMPLICATIONS

Legal

- 2.1 Councillors currently use their own private e-mail addresses for Town Council purposes. Councillors are also exempt from the 1 April 2019 from paying a fee to the Information Commissioner's Office ("ICO") unless they process personal data for purposes other than that of an elected representative.
- 2.2 What this means is that if Members decide to maintain the status quo it would be prudent for the Town Council to draft a "Bring Your Own Device" policy as recommended by the ICO. Indeed, it would be prudent to have also if Members resolve to create the separate email mailboxes. This "BYOD" policy will effectively direct how personal data is managed on the personal devices held by Members.
- 2.3 The Town Council as data controller must always remain in control of the personal data for which it is responsible, regardless of the ownership of the device used for the processing. Members for example, may currently use their own laptops, desktops, smart phones, tablets and so on to access their emails and Council business. The policy will help manage the risks of this approach as the Town clerk is mindful that Members do not come into the Old Town Hall to access their accounts via the IT infrastructure established at present.
- 2.4 The creation of "@christchurch-tc.gov.uk" mailboxes would make any data-breach or standards issue more manageable in that the Town Clerk/Committee could authorise the IT provider as administrator to access any mailbox as the e-mail address would be backed-up via the Town Council's cloud network. Retaining and retrieving the personal/private e-mails would make it more difficult although not impossible. For example, data breaches/standards complaints are usually reported by those impacted and forwarding the offending email or comment.

Environmental

- 2.5 None directly from this report.

Financial and Risk

- 2.6 None other than as reported in terms of the impact upon the Town Council's approved IT budget.

Equalities

2.7 None directly from this report.

Consultation and Engagement

2.8 No consultation required as the decision does not impact upon the running of services to the public at large.

3.0 CONCLUSION

3.1 Members are asked to consider the report and to instruct and delegate to the Town Clerk as appropriate.

Appendices:

None.

CHRISTCHURCH TOWN COUNCIL

COMMUNITY COMMITTEE

Minutes of the Meeting held on 2 July 2019 at 6.00pm at the Druitt Hall, High Street,
Christchurch BH23 1AJ

Present:-

- Chairman: Honorary Freeman Cllr C Bungey
- Vice-Chairman: Cllr S J McCormack
- Present: Cllr Mrs S Bungey, Cllr G R Jarvis, Cllr G E E Polson and Cllr Mrs S Spittle.
- Officers Present: D Lucas, Town Clerk
S Roxby, Administrative Support Officer
- Apologies: Cllr A E Coulton, Cllr C A Gardiner and Cllr W Grace.

26. Election of Vice-Chairman

RESOLVED that Councillor Cllr S J McCormack be elected as Vice-Chairman of the Committee for the 2019/2020 Municipal Year.

Voting: Unanimous

27. Declarations of Interest

There were no declarations of interest on this occasion.

28. Public Participation

Mr Peter Fenning, a member of The Christchurch Antiquarians, provided the Committee with an overview of the proposed Archaeological/Geophysical Survey at Druitt Gardens and were informed that it would be non-intrusive using ground penetrating radar.

The following points were noted:

- Metal detectors were not permitted at an ancient monument site.
- People would be on site to give out information to the public.
- A sign would be erected at the site to advise details of the survey work being carried out to keep the public informed.

- Results of the survey would be provided in The Christchurch Antiquarians newsletters and be forwarded to all Christchurch Town Councillors.

29. Public Questions

There were no questions from the public on this occasion.

30. Druitt Gardens Archaeological/Geophysical Survey

The Town Clerk submitted a report, a copy of which had been circulated to each member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

Members were asked to consider the report relating to the proposed survey of Druitt Gardens.

Following an overview of the proposed survey provided by Mr Peter Fenning, a member of The Christchurch Antiquarians, Members agreed to the Town Council granting a licence.

RESOLVED that the Town Council:

- (a) Agrees to grant a licence for the proposed survey;**
- (b) Delegates to the Town Clerk all necessary actions to complete the licence and funding of the survey; and**
- (c) The Town Clerk reports to the Community Committee any findings of the survey.**

Voting: unanimous

31. Defibrillator Installation at Druitt Hall

The Town Clerk submitted a report, a copy of which had been circulated to each member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

Members were provided with details of the proposed installation of a publicly available defibrillator.

Members questioned if training would be provided to the public and were informed that as soon as the defibrillator cabinet was opened that a recorded message explained how to use the equipment.

Members felt that training should be given to staff of the Town Council and the Regent Centre and also Druitt Hall users if volunteers could be arranged to provide training.

Members enquired about possible vandalization to the equipment and were advised that a 999-phone call was required to request that the defibrillator cabinet was opened.

RESOLVED that the Town Council:

- (a) Consent given subject to the conditions and limitations contained in the report for the installation of a publicly accessible defibrillator, defibrillator cabinet and public notice at Druitt Hall.**

Voting: Unanimous

32. Report Bin Sticker Campaign

The Town Clerk submitted a report, a copy of which had been circulated to each member and a copy of which appears as Appendix 'C' to these Minutes in the Minute Book.

Members were asked to consider the "Leave only footprints" campaign from Bournemouth, Christchurch and Poole (BCP) Council.

Following comprehensive debate, the Committee agreed that the Bin Stickers were not suitable in the conservation area of Christchurch.

RESOLVED that the Town Clerk be delegated to write a letter informing BCP Council that Christchurch Town Council did not wish to become part of the "Leave only footprints" scheme at Christchurch Quay.

Voting: unanimous

33. Residents' Survey

Members were asked to consider setting up a working group for the purposes of designing a survey to inform a Town Centre Strategy or such other corporate document.

Members considered that the Town Council should engage with residents and ask what they would like the Town Council to do for the community.

RECOMMENDED to Full Council that a working group be set up and extended to all Members of the Council to design a Residents Survey.

Voting: unanimous

34. Civic Working Group

Members were asked to consider setting up a working group for the purposes of updating the Civic Handbook and considering matters of regalia and customs and practice for the Office of the Mayor.

RECOMENDED to Full Council that:

- a) a Civic Working Group be set up to meet informally to discuss recommendations to the Community Committee and approved by Full Council; and**
- b) the Town Clerk be delegated to set up the first meeting of the Civic Working Group.**

Voting: unanimous

35. Single Point of Contact with Dorset Constabulary

Members were asked to consider as the Single Point of Contact (SPOC) for the Police and BCP Council following a request from BCP Senior Community Safety Officer. The SPOC would deal with matters relating to community safety, anti-social behaviour and crime.

The Town Clerk informed Members that this would be a two way flow of information between the Police and Council in partnership.

Cllr McCormack, the Vice-Chairman of the Committee volunteered to act as the SPOC.

A motion was proposed by Cllr Mrs S Spittle and seconded by Cllr Mrs S Bungey that to spread the responsibilities, it should be determined by Full Council which Member should be appointed as the SPOC. This proposal was put to the vote: 2:3 (1 abstention). The motion was lost.

Other Members of the Committee proposed that Cllr S J McCormack should be appointed as the SPOC.

RESOLVED that Cllr S J McCormack be appointed as the SPOC for Christchurch Town Council.

Voting: 3:2 (1 abstention)

36. Report Bus Routes - Stanpit

The Town Clerk submitted a report, a copy of which had been circulated to each member and a copy of which appears as Appendix 'D' to these Minutes in the Minute Book.

Members were advised of Cllr Jarvis' concerns about the accessibility of buses in the Stanpit area and re-routing suggestions made to assist accessibility.

The Chairman considered that there was also a need for an improved bus service to reduce pollution.

RESOLVED that the Community Committee delegate to the Town Clerk:

- (a) to write a letter signed by the Chairman of Community Committee outlining the problems identified in the report;**
- (b) the letter be sent to 1) CEO of BCP Council, 2) The Director of BCP Council for the Transport Directorate; 3) BCP Ward Members 4) BCP Portfolio holder responsible for public transport 5) More and Yellow Buses 6) Any concerned Residents Association or community group 7) Public Noticeboards in the vicinity.**
- (c) this report be forwarded to the next Full Council meeting to review bus services provision; and**
- (d) all ward members to contact the Town Clerk with any bus service provision concerns prior to the report being forwarded to Full Council.**

Voting: unanimous

37. RESOLVED to exclude the press and public pursuant to Public Bodies (Admissions to Meetings) Act 1960 due to the confidential personal nature of the business and information to be transacted.

Service Level Agreement – Grounds Maintenance and Events Management

The Town Clerk submitted a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'E' to these Minutes in the Minute Book.

The Town Clerk provided the Committee with an overview of the proposed terms of the Service Level Agreement (SLA) with BCP Council dealing with grounds maintenance and events management.

Voting: unanimous

The meeting ended at 8.05pm

CHAIRMAN

CHRISTCHURCH TOWN COUNCIL

RESOURCES COMMITTEE

Minutes of the Meeting held on 9 July 2019 at 6.00pm at the Druitt Hall, High Street,
Christchurch BH23 1AJ

Present:-

Chairman: Cllr P Hilliard

Vice-Chairman: Cllr A Coulton

Present: Cllr Mrs S Bungey, Cllr C A Gardiner, Cllr W Grace, Cllr F Neale,
and Cllr M J Tarling.

Apologies: Hon Freeman C Bungey, Cllr A Coulton and Cllr Mrs S Spittle.

Officers present: Daniel Lucas, Town Clerk
Susan Roxby, Administrative Support Officer

38. Declarations of Interest

There were no declarations of interest on this occasion.

39. Minutes

Minutes of Previous Meeting The minutes of the meeting held on 11 June 2019 were agreed and signed as an accurate record.

40. Public Participation

There was no public participation on this occasion.

41. Public Questions

There were no questions from the public on this occasion.

42. Adoption of Policies

The Town Clerk provided Members with an overview of the staff-related policies.

RECOMENDED that Full Council Adopt the following staff-related policies:

- a) **Grievance Policy**
- b) **Disciplinary Policy**
- c) **Sickness Absence Policy**

Voting: unanimous

43. Town Clerk's Report

A report was submitted, a copy of which had been circulated to each member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The Town Clerk provided Members with an overview of the income and expenditure for June 2019.

Members were informed that the Council was exploring options with Stour Valley and Poole Partnership (SVVP) for the outsourcing of allotment invoicing.

Members were updated that the Council's internet provider advised it would not be possible to provide a cheaper email option for Councillors email address' of @christchurch-tc.gov.uk. Other options would result in unreliable and unprotected emails without a backup.

RESOLVED that the report be noted.

Voting: unanimous

44. Budget Monitoring Report

A report was submitted, a copy of which had been circulated to each member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

The Town Clerk provided Members with an overview of the quarterly budget statement of the Council's current budgetary position.

A member questioned who would be paying for the Christmas Lights and was advised that Bournemouth, Christchurch and Poole Council would be providing the funding.

The Town Clerk informed Members that there was no provision in the Council's budget to purchase a Performing Rights Society (PRS) Licence. The PRS managed the royalties when music was played at events. It did not have to be the Council who paid for the PRS licence, but the Council did need to check with each event organiser that they had their own PRS licence.

Members felt that they would wait to see what effect this had for the first year of events held before considering whether the Council should buy a PRS Licence.

RESOLVED that the report be noted.

Voting: unanimous

The meeting ended at 7.09pm

CHAIRMAN



Christchurch Town Council

Disciplinary Policy

Policy name	Version	Owner	Date Adopted	Review Date
Disciplinary Policy	V1.0	Clerk	July 2019	June 2020

INTRODUCTION

1. This policy is based on and complies with the 2015 ACAS Code of Practice:

(http://www.acas.org.uk/media/pdf/p/f/11287_CoP1_Disciplinary_Procedures_v1_Accessible.pdf)

It also takes account of the 2019 ACAS guide on discipline and grievances at work:

(http://www.acas.org.uk/media/pdf/p/3/DG_Guide_Feb_2019.pdf)

The policy is designed to help Council employees improve unsatisfactory conduct and performance in their job. Wherever possible, the Council will try to resolve its concerns about employees' behaviour informally, without starting the formal procedure set out below.

2. The policy will be applied fairly, consistently and in accordance with the Equality Act 2010.

3. This policy confirms:

- the Council will fully investigate the facts of each case
- the Council recognises that misconduct and unsatisfactory work performance are different issues. The disciplinary policy will also apply to work performance issues to ensure that all alleged instances of employees' underperformance are dealt with fairly and in a way that is consistent with required standards. However, the disciplinary policy will only be used to when performance management proves ineffective. For more information see the ACAS website concerning performance management at:

(<http://www.acas.org.uk/index.aspx?articleid=6608>)

- employees will be informed in writing about the nature of the complaint against them and given the opportunity to state their case
- employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any disciplinary, investigatory or appeal meeting. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining his/her case
- the Council will give employees reasonable notice of any meetings in this procedure. Employee must make all reasonable efforts to attend. Failure to attend any meeting may result in it going ahead and a decision being taken. An employee who does not attend a meeting will be given the opportunity to be represented and to make written submission

- If the employee's companion is not available for the proposed date of the meeting, the employee can request a postponement and can propose an alternative date that is within five working days of the original meeting date
- any changes to specified time limits in the Council's procedure must be agreed by the employee and the Council
- information about an employee's disciplinary matter will be restricted to those involved in the disciplinary process. A record of the reason for disciplinary action and the action taken by the Council is confidential to the employee. The employee's disciplinary records will be held by the Council in accordance with the Data Protection Act 2018
- recordings of the proceedings at any stage of the disciplinary procedure are prohibited, unless agreed as a reasonable adjustment that takes account of an employee's medical condition
- employees have the right to appeal against any disciplinary action. The appeal decision is final
- if an employee who is already subject to the Council's disciplinary procedure, raises a grievance, the grievance will normally be heard after the completion of the disciplinary procedure
- disciplinary action taken by the Council can include an oral warning, written warning, final written warning or dismissal
- except for gross misconduct when an employee may be dismissed without notice, the Council will not dismiss an employee on the first occasion that it decides there has been misconduct
- if an employee is suspended following allegations of misconduct, it will be on full pay and only for such time as is necessary. Suspension is not a disciplinary sanction. The Council will write to the employee to confirm any period of suspension and the reasons for it.
- the Council may consider mediation at any stage of the disciplinary procedure where appropriate (for example where there have been communication breakdowns or allegations of bullying or harassment). Mediation is a dispute resolution process that requires the Council's and the employee's consent.

Examples of misconduct

4. Misconduct is employee behaviour that can lead to the employer taking disciplinary action. The following list contains some examples of misconduct:

- unauthorised absence

- poor timekeeping
- misuse of the Council's resources and facilities including telephone, email and internet
- inappropriate behaviour
- refusal to follow reasonable instructions
- breach of health and safety rules.

Examples of gross misconduct

5. Gross misconduct is misconduct that is so serious that it is likely to lead to dismissal without notice. The following list contains some examples of gross misconduct:

- bullying, discrimination and harassment
- incapacity at work because of alcohol or drugs
- violent behaviour
- fraud or theft
- gross negligence
- gross insubordination
- serious breaches of health and safety rules
- serious and deliberate damage to property
- use of the internet or email to access pornographic, obscene or offensive material
- disclosure of confidential information.

Examples of unsatisfactory work performance

6. The following list contains some examples of unsatisfactory work performance:

- inadequate application of office procedures
- inadequate IT skills
- unsatisfactory management of staff
- unsatisfactory communication skills.

DISCIPLINARY INVESTIGATION

7. The Council's Resources Committee shall assist in dealing with disciplinary matters, or in following the policies and procedures as set out. The Resources Committee will appoint an Investigator who will be responsible for undertaking the investigation - a fact-finding exercise to collect all relevant information. The Investigator will be independent and will normally be a councillor. If the Resources Committee considers that there are no councillors who are independent (for example, because they all have direct involvement in the allegations about the employee), it will appoint someone from outside the Council. The Investigator will be appointed as soon as possible after the allegations have been made. The Resources Committee will inform the Investigator of the terms of reference of the investigation. The terms of reference should deal with the following:

- what the investigation is required to examine
- whether a recommendation is required
- how the findings should be presented. For example, an investigator will often be required to present the findings in the form of a report
- who the findings should be reported to and who to contact for further direction if unexpected issues arise or advice is needed.

8. The Investigator will be asked to submit a report within 20 working days of appointment. In cases of alleged unsatisfactory performance or of allegations of minor misconduct, the appointment of an investigator may not be necessary and the Council may decide to commence disciplinary proceedings at the next stage (see paragraph 16).

9. The Resources Committee will first notify the employee in writing of the alleged misconduct and ask him/her to attend a meeting with the Investigator. The employee will be given at least five working days' notice of the meeting with the Investigator so that he/she has reasonable time to prepare for it. The letter will explain the investigatory process and that the meeting is part of that process. The employee should be provided with a copy of the Council's disciplinary procedure. The Council will also inform the employee that when he/she meets with the Investigator, he/she will have the opportunity to comment on the allegations of misconduct.

10. Employees may be accompanied or represented by a workplace colleague, a trade union representative or a trade union official at any investigatory meeting.

11. If there are other persons (eg employees, councillors, members of the public or the Council's contractors) who can provide relevant information, the Investigator should try to obtain it from them in advance of the meeting with the employee.

12. The Investigator has no authority to take disciplinary action. His/her role is to establish the facts of the case as quickly as possible and prepare a report that recommends to the staffing committee whether or not disciplinary action should be taken.

13. The Investigator's report will contain his/her recommendations and the findings on which they were based. He/she will recommend either:

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

14. The Investigator will submit the report to the Resources Committee which will decide whether further action will be taken.

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

THE DISCIPLINARY MEETING

16. If the Resources Committee decides that there is a case to answer, it will appoint a Disciplinary Sub-Committee of three councillors. The Disciplinary Sub-Committee will appoint a Chairman from one of its members. The Investigator shall not sit on the sub-committee. No councillor with direct involvement in the matter shall be appointed to the sub-committee. The employee will be invited, in writing, to attend a disciplinary meeting. The sub-committee's letter will confirm the following:

- the names of its Chairman and other two members
- details of the alleged misconduct, its possible consequences and the employee's statutory right to be accompanied at the meeting
- a copy of the investigation report, all the supporting evidence and a copy of the Council's disciplinary procedure
- the time and place for the meeting. The employee will be given reasonable notice of the hearing (at least 15 working days) so that he /she has sufficient time to prepare for it
- that witnesses may attend on the employee's and the Council's behalf and that both parties should inform each other of their witnesses' names at least five working days before the meeting

- that the employee and the Council will provide each other with all supporting evidence at least five working days before the meeting. If witnesses are not attending the meeting, witness statements will be submitted to the other side at least five working days before the hearing
- that the employee may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official

The disciplinary meeting will be conducted as follows:

- the Chairman will introduce the members of the sub-committee to the employee
- the Investigator will present the findings of the investigation report
- the Chairman will set out the Council's case and present supporting evidence (including any witnesses)
- the employee (or the companion) will set out his/her case and present evidence (including any witnesses)
- any member of the sub-committee and the employee (or the companion) may question the Investigator and any witness
- the employee (or the companion) will have the opportunity to sum up his/her case
- the Chairman will provide the employee with the sub-committee's decision with reasons, in writing, within five working days of the meeting. The Chairman will also notify the employee of the right to appeal the decision
- the disciplinary meeting may be adjourned to allow matters that were raised during the meeting to be investigated by the sub-committee.

DISCIPLINARY ACTION

17. If the sub-committee decides that there should be disciplinary action, it may be any of the following:

Oral warning

An oral warning is issued for most first instances of minor misconduct. The Council will notify the employee:

- of the reason for the warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action
- of the right to appeal

- that a note confirming the oral warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for six months.

Written warning

If there is a repetition of earlier misconduct which resulted in an oral warning, or for different and more serious misconduct, the employee will normally be given a written warning. A written warning will set out:

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

Final written warning

If there is further misconduct during the period of a written warning or if the misconduct is sufficiently serious, the employee will be given a final written warning. A final written warning will set out:

- the reason for the final written warning, the improvement required (if appropriate) and the time period for improvement
- that further misconduct/failure to improve will result in more serious disciplinary action up to and including dismissal
- the employee's right of appeal
- that a note confirming the final written warning will be placed on the employee's personnel file, that a copy will be provided to the employee and that the warning will remain in force for 18 months.

Dismissal

The Council may dismiss:

- for gross misconduct
- if there is no improvement within the specified time period in the conduct which has been the subject of a final written warning

- if another instance of misconduct has occurred and a final written warning has already been issued and remains in force.

18. The Council will consider very carefully a decision to dismiss. If an employee is dismissed, he/she will receive a written statement of the reasons for his/her dismissal, the date on which the employment will end and details of his/her right of appeal.

19. If the sub-committee decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file. Action imposed as a result of the disciplinary meeting will remain in force unless and until it is modified as a result of an appeal

THE APPEAL

20. An employee who is the subject of disciplinary action will be notified of the right of appeal. His/her written notice of appeal must be received by the Council within five working days of the employee receiving written notice of the disciplinary action and must specify the grounds for appeal.

21. The grounds for appeal include;

- a failure by the Council to follow its disciplinary policy
- the sub-committee's decision was not supported by the evidence
- the disciplinary action was too severe in the circumstances of the case
- new evidence has come to light since the disciplinary meeting.

22. The Appeal will be heard by a panel of three members of the Resources Committee who have not previously been involved in the case. This includes the Investigator. There may be insufficient members of the Resources Committee who have not previously been involved. If so, the appeal panel will be a committee of three members of the Council who may include members of the Resources Committee. The appeal panel will appoint a Chairman from one of its members.

23. The employee will be notified, in writing, within 10 working days of receipt of the notice of appeal of the time, date and place of the appeal meeting. The employee will be advised that he/she may be accompanied by a companion - a workplace colleague, a trade union representative or a trade union official.

24. At the appeal meeting, the Chairman will:

- introduce the panel members to the employee
- explain the purpose of the meeting, which is to hear the employee's reasons for appealing against the decision of the staffing sub-committee

- explain the action that the appeal panel may take.

25. The employee (or his companion) will be asked to explain the grounds for appeal.

26. The Chairman will inform the employee that he/she will receive the decision and the panel's reasons, in writing, within five working days of the appeal hearing.

27. The appeal panel may decide to uphold the decision of the Disciplinary Sub-Committee, substitute a less serious sanction or decide that no disciplinary action is necessary. If it decides to take no disciplinary action, no record of the matter will be retained on the employee's personnel file.

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

29 The appeal panel's decision is final.



Christchurch Town Council

Grievance Policy

Policy name	Version	Owner	Date Adopted	Review Date
Grievance Policy	V1.0	Clerk	June 2019	June 2020

1. PURPOSE AND SCOPE

It is the policy of the Christchurch Town Council to foster and maintain a safe, pleasurable and transparent working environment. At times things may go wrong and this policy explains how employees can air and seek redress for any individual employment grievance which they may have. Grievances may be any concerns, problems or complaints employees wish to raise with the council. This document describes the procedure which aims to facilitate a speedy, fair and consistent solution to an individual employee's employment grievance. This procedure is produced in line with "*Discipline and Grievances at Work: The ACAS Guide*" (February, 2019).

Issues that may cause grievances include (but are not limited to):

- terms and conditions of employment
- health and safety
- work relations
- bullying and harassment
- new working practices
- working environment
- organisational change
- discrimination.

2. PRINCIPLES

a) At every stage in the procedure the employee will be given the opportunity to state his or her case before any decision is made. b) Grievances will be dealt with promptly and consistently. c) At all formal stages the employee will have the right to be accompanied by a work colleague or trade union representative during the Grievance Hearing. d) An employee will have the right to appeal against any outcome of a Grievance Hearing. e) At no time will an employee be penalised or victimised for having raised a Grievance.

3. PROCEDURE

3.1 Informal Approach

Wherever possible, any grievance should be raised informally with the employee's line manager, or if this is inappropriate with the next level of management. All grievances should state the nature of the complaint clearly, with supporting facts and/or evidence and suggest ways upon which the cause for complaint can be resolved. In cases where the Town Clerk is the subject of the grievance employees should discuss their concerns with the Chair of Resources Committee. In the case of the Town Clerk raising a grievance this should be in the first instance raised with the Chair of Resources Committee, unless the complaint is about the Chair of the Resources Committee in

which case the Vice-Chair of Resources Committee (“Vice-Chair”) should handle the Clerk’s concerns. The recipient of the grievance will meet with the employee to discuss the nature of the grievance and establish if an informal approach can be taken, usually by meeting with all involved parties and discussing the concerns. Discretion and confidentiality will always be upheld throughout this process. If required, the Chair of the Resources Committee or Vice-Chair, whoever is dealing with a grievance from the Clerk, may wish to seek external professional support during this process.

If the grievance is not contested and/or easily resolvable the Town Clerk, Chair of Resources Committee, or Vice-Chair should respond in writing to the grievance within 5 working days. If it is not possible to respond within this time the employee should be given an explanation for the delay and advised when a response can be expected.

At any stage of both informal or formally raised grievances the Chair of the Resources Committee or Vice-Chair can convene a Grievance Sub-Committee consisting of x3 Members of Resources Committee to assist in dealing with grievances, or in following the policies and procedures as set out. The Grievance Sub-Committee shall appoint its own chair.

3.2 Formal Approach

If the employee does not consider it appropriate to raise the grievance informally, or if requested by the person the employee spoke to informally, then the employee should submit a formal grievance in writing to their line manager, or if this is inappropriate to the Chair of Resources Committee, or Vice-Chair if the grievance concerns the Chair of Resources Committee. Upon receipt of a formal written grievance the Chair or Vice-Chair of Resources Committee shall convene a Grievance Sub-Committee. The Sub-Committee shall appoint its own Chair. The Chair of the Grievance Sub-Committee will need to take steps to arrange a meeting of the Grievance Sub-Committee. The Clerk or Administration Support Officer to the Town Council can carry out the administration when arranging the meeting bearing in mind the subject of the grievance and the nature and manner of the grievance. The Chair of the Sub-Committee should look to seek external professional support at this meeting.

3.3 Hearing

Generally, within a reasonable period of time e.g. five working days of receipt of a written complaint, the Chair of the Grievance Sub-Committee will arrange a hearing with the employee. The Sub-Committee will endeavour to make the hearing arrangements mutually convenient and will arrange a confidential location, free from interruptions. The hearing will investigate the substance of the complaint and hear submissions from the employee concerned together with such other submissions or evidence as s/he shall consider appropriate and take such steps as s/he shall consider

necessary to resolve the issue raised. It may be necessary to adjourn the meeting in order for an investigation to take place. Careful consideration of the evidence and the necessary steps required to resolve the problems will be given to the grievance. The employee may call witnesses by prior arrangement with the panel. There is no right for a Member or employee implicated in an employee's grievance to cross examine the aggrieved during a grievance hearing but the Sub-Committee may wish to make its own investigations through interviewing these individuals and/or other witnesses separately. The Sub-Committee may ask the employee what he or she would like to happen as a result of raising the grievance and bear this in mind when preparing the response. It is not practical to expect the entire Grievance Sub-Committee to carry out an investigation into a grievance. The Sub-Committee would therefore hold a properly convened hearing to initially discuss the grievance with employee. The Chair of the Grievance Sub-Committee should take the lead on investigating a grievance further, if deemed necessary by the Sub-Committee having heard the initial grievance, and report findings back to the Sub-Committee at a further properly convened meeting. The Sub-Committee will then discuss the investigation and findings and agree on a response to the grievance. At any point in the above stages, external support should be sought where felt necessary to ensure a fair and just process is followed.

3.4 Response

The Grievance Sub-Committee with the necessary administrative support will advise the decision to the employee in writing and, where appropriate, include an action plan to assist in the resolution of the problem. There may be some value in exploring Mediation as a way in which to resolve differences between two parties.

3.5 Appeal

If the employee is dissatisfied with the outcome of his/her grievance investigation, s/he may appeal against the decision to the Appeals Committee by written notice within five working days of the decision. The appeal should be sent to the Chair of the Grievance Sub-Committee. The Appeals Committee shall consist of x3 Members of Resources Committee who took no part in the original Grievance Sub-Committee proceedings. The Appeals Committee shall appoint its own Chair. An appeal may be raised if:

- The employee thinks the finding, or action plan, is unfair;
- New evidence has come to light;
- The employee thinks that the procedure was not applied properly.

On receipt of the appeal the Council's Appeals Committee shall arrange to meet and consult with the employee, the line manager or Members concerned and any other persons, as the Committee shall consider appropriate without unreasonable delay. This will be a properly convened meeting of the Committee. The Appeal Committee Chair

shall consider the issues and shall then take all such steps, as s/he may consider necessary to resolve those issues. The Appeal Committee decision will be final.

The Council will need to ensure that the Members involved in the hearings are always able to act impartially and reasonably. The outcome of the appeal should be conveyed to the employee in writing in a timely manner.

3.6 Misconduct

If a grievance is deemed to concern the misconduct of another employee, the Council's Disciplinary Procedure will need to be referred to and separate investigations in to the alleged misconduct carried out. Where the grievance concerns the misconduct/breach of the Code of Conduct of a Member, the employee will be advised that if they wish they can lodge a formal complaint with the Monitoring Officer at BCP Council, who will lead an investigation in any allegations made.

3.7 Right to be Accompanied

At any formal stage of the procedure an employee may be accompanied by a fellow employee of their choice or their trade union representative or official of a trade union (appropriately accredited) but as this is an internal procedure they will not be entitled to be accompanied by any external supporter e.g. partner, parent, solicitor etc. This right to be accompanied is enshrined in the Employment Relations Act 1999. To exercise this right the employee should make a reasonable request. The companion will be allowed to address the hearing, put and sum up the employee's case, respond to views expressed at the hearing and to confer with the employee during the hearing (sometimes in an adjournment) but is not allowed to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

3.8 Hearing Conflicts of Interest

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 Confidentiality

So far as is reasonably practicable, the Council will keep any grievance or complaint of harassment confidential between the manager, Member, or Committee investigating the grievance or complaint, the employee and the person about whom the grievance or complaint is made. If it is necessary to investigate the matter with any other employee or person, the employee will be so advised.

3.10 Record Keeping

In all cases, written records of the nature of the grievance raised, the employer's response, action taken (with reasons), details of any appeal and subsequent developments will be retained and kept in accordance with the Data Protection Act 2018.

3.11 Grievances raised during Disciplinary Proceedings

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. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.



Christchurch Town Council

Sickness Absence Policy

Policy name	Version	Owner	Date Adopted	Review Date
Sickness Absence Policy	V1.0	Clerk	June 2019	June 2020

Should you be unwell and unable to come to work, you must comply with the Town Council's sickness absence policy.

In this policy, the expressions listed below shall have the meanings respectively assigned in relation thereto:

The Town Council – Christchurch Town Council;

the Town Clerk – the Town Clerk & RFO.

1. Purpose and Scope

The purpose of this policy is to ensure that the operational efficiency of the council can be maintained whilst employees are absent from work for sickness or injury related reasons. It also seeks to provide guidance, security and support to employees during periods of ill health.

2. Procedure

Employees who are unable to attend work through sickness, accident or personal circumstances must notify the Town Clerk of the reason for their absence as soon as possible but no later than 12 noon on the working day on which the absence first occurs. If the Town Clerk is unavailable, you should contact the Chairman of the Resources Committee or the Mayor of the Council who must be briefed on your current workload and any urgent matters that may require attention. If possible, you should give an indication of how long you expect to be absent so that arrangements can be made for cover if required. If the Clerk is unable to attend work, he / she should contact the Chairman of the Resources Committee or the Mayor of the Council and his / her assistant.

If the absence is for a period of less than 7 days, employees should complete a self-certification form on their return to work. For periods over 7 days a medical Statement of Fitness for Work (fit note) from a GP (or relevant medical establishment) is required.

It is the responsibility of each employee to keep the Town Clerk (or the Chairman of the Resources Committee or the Mayor of the Council) advised of the circumstances that are preventing them from attending work, of their likely return date, action being taken to mitigate the effect of the illness (e.g. GP / medical appointments) and contact details in case of work-related queries. Employees who are absent from work due to reasons other than sickness / accident are required, wherever possible, to obtain prior permission from the Town Clerk or the Chairman of the Resources Committee or the Mayor of the Council. Where appropriate, the Resources Committee will consider each case of absenteeism on its merits and written evidence may be required.

Where the incapacity to work arises from a voluntary action by the employee e.g. cosmetic surgery or organ donation, then sickness absence leave and pay will be entirely at the Council's discretion and employees are strongly advised to discuss such circumstances, in confidence, with the Town Clerk (or the Chairman of the Resources Committee or the Mayor of the Council) in advance of such a procedure.

Where absenteeism appears unreasonable or unwarranted, employees may be liable for disciplinary action for misconduct. The Town Council reserves the right to make welfare visits to the home of employees whilst they are on sick leave.

Staff members will undertake a “return to work” meeting with the Town Clerk (or the Chairman of the Resources Committee or the Mayor of the Council) on their day of returning to work after any period of absence. This practice is to ensure that staff members are fit to work; agree a phased return to work (where appropriate); receive work related updates and prioritise workload. In the case of the Town Clerk he / she will meet with the Chairman of the Resources Committee and the Mayor of the Council at the earliest opportunity.

3. Sickness Payments (SSP)

Sick pay will be paid in accordance with your length of service as outlined in your contract of employment.

Statutory Sick Pay will be paid where applicable at the current rate.

4. Long Term or Frequent Short Term Absence Procedure.

This procedure is designed to outline the process where an employee is absent due to sickness on a long-term or frequent short-term basis. Discussions and investigations will review the employee’s capability or capacity to undertake the work. The aim is to ensure fair treatment for all.

The procedure is non-contractual and does not form part of the terms and conditions of employment with the council. The procedure may be amended from time to time.

4.1 Principles

a) Sickness absence issues will be dealt with sympathetically and sensitively, whilst also recognising the requirements of the Council and the impact of the absence on others.

b) The Clerk (or, in the case of the Town Clerk, the Chairman of the Resources Committee or the Mayor of the Council) will maintain periodic contact during the period of sickness absence.

c) A full review, normally including medical reports, may be undertaken in each case.

d) All periods of sickness absence (after the first seven days self-certification period) must be certificated by a medical practitioner (“fit note”) and in some cases the employer may request certification for periods of absence of less than seven days, in which case it will pay the appropriate fee to the medical practitioner issuing the certificate.

e) The employee will be consulted at each stage of the procedure, to establish the true medical position and in order that the situation can be reviewed in full.

- f) The employee will be advised if their employment may be at risk (where appropriate).
- g) Throughout the procedure, discussions should take place on any reasonable adjustments that might be considered, to enable the employee to return to work.
- h) Where possible, appropriate assistance will be provided to help the employee to return to work.
- i) In cases of long-term ill health, the Town Council will, where possible, hold employment open for up to two years.
- j) In all cases before taking a decision to terminate an employee's contract on grounds of ill health, the council will take into account:
 - i) any representations from employees, including additional medical information;
 - ii) the employee's length of service;
 - iii) the employee's most recent health situation and the likelihood of an improvement in attendance;
 - iv) whether it is possible to hold the job open for longer and the effect of past and future absences on the Council;
 - v) the availability of suitable alternative work or working hours;
 - vi) any other reasonable adjustments which could be reasonably expected to facilitate the return;
 - vii) the impact of the Equality Act 2010 on the particular case, and whether this may have a bearing on the actions to be taken.
- k) The employee will be informed of the right of appeal against any decision taken to terminate his or her contract of employment.
- l) At all formal stages of the procedure, the employee may be accompanied by a colleague or trade union representative.
- m) Where it is clear early on that the employee will not be well enough to return to work, and after consultation with the employee, the employee's contract may be terminated prior to stage 3 of the procedure, but not before the employee's sick pay has expired.
- n) Where there is reason to believe that the employee is absent due to misconduct rather than genuine sickness, the matter will be dealt with as a disciplinary matter under the disciplinary procedure.

4.2 Informal Meeting

Absence levels will generally start to be of concern to the clerk (or, in the case of the Town Clerk, the Chairman of the Resources Committee or the Mayor of the Council) at the following trigger points:

- i) 10 absences in a 12 week period;

- ii) 20 days intermittent absence over the past 12 months;
- iii) 4 or more weeks continuously off sick.

Where this is the case, the Town Clerk (or, in the case of the Town Clerk, the Chairman of the Resources Committee or the Mayor of the Council) will normally discuss absence levels with the employee.

The aim will be to encourage the employee to understand the clerk's concerns and to agree ways, if possible, of improving the situation. If the employee has been off sick continuously, or it there appears to be an underlying health problem, the council shall have the right at any time to require the employee to submit to examination by an independent medical practitioner selected by the council, to obtain a confidential report on your condition from such practitioner and to discuss with such practitioner the findings of his/her examination and his/her prognosis of your likely recovery and or fitness to resume work and any recommended treatment

4.3 The Procedure

a) Stage One: First Formal Meeting

A first formal meeting will be arranged where:

- i) in the case of long term sickness absence, there is no clear date of return;
- ii) in the case of frequent short term sickness absence, there has been no improvement in the weeks subsequent to the informal meeting.

The Chairman of the Resources Committee of the Council (in consultation with the Mayor of the Council) will notify the employee in writing of the meeting to discuss the employee's sickness absence. The employee will be advised of the concerns and that this is the first formal stage of the procedure. He or she will be advised of the right to be accompanied by a colleague or trade union representative and will be given the opportunity to state his or her point of view.

Medical reports may normally be reviewed to assess whether there is any underlying health problem, and if so, what this is. Alternatively, permission to access medical records may be sought at this meeting.

There will be a discussion on ways to assist the employee to return to work, where appropriate.

Unless there is a clear date for return (e.g. in the case of a broken limb), the Chairman of the Resources Committee (in consultation with the Mayor of the Council) should advise the employee that employment cannot be held open indefinitely and will state that there will normally be two further meetings, after which the employee's contract may need to be terminated on grounds of capability (using official Town Council approved wording / stationery).

The issues discussed at the meeting will be recorded and a date set for a second formal meeting.

b) Stage Two: Second Formal Meeting

The employee will be informed in advance of the meeting in writing and advised that he / she may be accompanied by a colleague or trade union representative. At the meeting the employee's absence will be reviewed. Medical reports will be reviewed again where appropriate.

An up-to-date medical report will normally be sought prior to the second formal meeting; the report will be discussed at the meeting. If at the second formal meeting, the employee's absence is still a cause for concern, the chairman of the staffing committee should advise the employee that there will be one further meeting, after which the employee's contract may need to be terminated on grounds of capability. The issues discussed at the meeting will be recorded and a date set for a third formal meeting.

c) Stage Three: Third Formal Meeting

The employee will be informed of the meeting in writing and advised of his / her right to be accompanied by a colleague or trade union representative. The meeting will be held with the Resources Committee and the Mayor of the Council. A letter will advise the employee that it is possible that termination of employment on the grounds of ill health may be an outcome of the meeting, but that the employee will have the opportunity to state his / her point of view, which will be fully considered.

Medical information should again be reviewed at this meeting. The employee's absence should be discussed again. An up-to-date medical report will be sought prior to the third formal meeting and the employee should be asked for his or her views. The report will be discussed at the meeting. Where there is any lack of clarity, or a dispute on the medical information, a second, independent medical report may be sought.

If absence levels have not reduced at this stage and if the staffing committee believes, on an assessment of medical information and after discussion with the employee, that there is no likelihood of improvement in the foreseeable future, the employee's contract will be terminated on the grounds of capability. Before taking this step, the staffing committee must consider again, and discuss with the employee, whether any reasonable adjustments might be made, to enable the employee to return to work.

If a decision to terminate employment is taken, the employee will be provided, soon afterwards, with a letter outlining the reasons for the termination of his / her contract, the date on which the contract will terminate, and details of the right of appeal.

d) Appeal

If the employee wishes to appeal against the decision to terminate employment, he / she should write to the Town Clerk (or, in the case of the Town Clerk, the Mayor of the Council), giving reasons for the appeal.

This appeal must be made within ten working days of the date of the letter confirming termination of employment.

The employee will have the right to be accompanied by a colleague or trade union representative at the meeting, which will be held without unreasonable delay.

The employee will be given the opportunity to state his or her point of view at the meeting.

The termination date of employment may be delayed in order for the appeal hearing to take place.

The Council's decision will be final.

Agenda Item 12

Legate's Charity

Report Type:	Public Report for Decision
Purpose of Report:	To recommend that the Legates charitable legacy is
Recommendations:	It is RECOMMENDED that: The Town Council: (a) Resolves to pass the management and administration of the Legate's charitable legacy to the Dorset Community Foundation in principle subject to further information about costings etc; (b) That the Town Clerk be delegated to action the resolution in consultation with the Dorset Community Foundation ascertaining how the governance, handover, management and costings shall have an impact upon the charity; (c) That the Town Clerk shall report the findings of the above delegation to the next cycle of Council for a final decision to be made.
Wards:	All Wards
Contact Officer:	Daniel Lucas – Town Clerk

1.0 BACKGROUND

Legate's Charity

- 1.1 Christchurch Borough Council oversaw and managed a philanthropic legacy known as the "Legates Charity". The fund was established in the bequest of an individual and since then the now defunct Christchurch Borough Council dealt with the running of this charity.
- 1.2 The Charity is registered with the Charity Commission (No: 215712) and is established for the following purpose: *"Assists those in conditions of need, hardship or distress in the borough of Christchurch by awarding one-off grants towards specific items or a monthly allowance (currently £8 per week for an individual £10 per week for a couple).*
- 1.3 At Annual Council in appointing to "External Bodies" reasonable questions were asked by Members of this Town Council about Legate's; the Town Clerk having learned since accepting the position that this now falls upon the Town Council to administer.

Workings of the Charity

- 1.4 Following Annual Council resolving to defer the appointment of Members to Legate's the Town Clerk has met with the previous administrators of the charity who now have since moved across to the new BCP Council. The following can be reported to Members:
- The charity has approximately £300,000 in assets held in investments (equities);
 - It has an operating account held with a High Street Bank and holds approximately £30,000 therein;
 - The charity as expected must comply with all charitable governance and produces annual returns which required the services of a book-keeper to produce who received a small sum;
 - In terms of impact upon time the officer estimated that approximately 3 hours per week were taken-up by the running of the Legate's charity away from the day-job functions they held as an Officer of Christchurch Borough Council;
 - A nominal *honorarium* was paid in the sum of approximately £200 per annum and this appeared in their job-description.
- 1.5 As can be seen the running of this charity is onerous and would remove the Town Clerk for approximately 3 hours of the week away from Town Council duties. Moreover, the running of this charity does not appear in the job-description of the role of the Town Clerk, and it would also require a second officer of the charity to keep the accounts in good order. Thirdly, the Legate's charity covers a wider jurisdictional area of the Town Council as defined by the '*borough*' of Christchurch, this would mean that potential applicants to the charity could be outside the purview of the jurisdiction of the Town Council. With this in mind, other alternative options have been explored.

Dorset Community Foundation

- 1.6 In dialogue with the former administrator of the Legate's charity reference to the Dorset Community Foundation ("DCF") was made. In pursuing this line of enquiry, the Town Clerk has managed to contact a Director of the DCF who is able to assist in the day-to-day running and administration of this charity. The DCF were sympathetic to the overarching philosophy of the legacy and understood the nature of this fund. It transpires that the DCF would be prepared to "ringfence" the funds of the legacy to respect the aims and objectives of the bequest. Furthermore, in seeking guarantees that those Members on Town Council who would still like to be a fundamental part of assessing applications and the awards process the Town Clerk can report that this too could be accommodated.
- 1.7 In summary for the reasons that the Town Council is not equipped to take on the function as paragraph 1.5 above illustrates, the proposal to pass across the legacy to the DCF is a safe operational decision.

2.0 IMPLICATIONS

Legal

2.1.1 None.

Environmental

2.2 None directly from this report.

Financial and Risk

2.3 None the Legate's Charity has its own funds separate to the annual budget raised by precept by the Town Council.

Equalities

2.4 None directly from this report.

Consultation and Engagement

2.5 No consultation required as the decision does not impact upon the running of statutory services to the public at large.

3.0 CONCLUSION

3.1 Members are asked to consider the report and to approve the recommendations outlined.

Appendices: None.

ITEM 13



Christchurch Town Council

Data Protection and Privacy Policy

Policy name	Version	Owner	Date Adopted	Review Date
Data Protection/Privacy Policy	V1.0	Clerk	July 2019	June 2020

1. Your personal data – what is it?

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be by the personal data alone or in conjunction with any other personal data. The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR) and other local legislation relating to personal data and rights such as the Human Rights Act.

2. Council information

This Privacy Policy is for the direction and transactions of Christchurch Town Council which is the data controller for your data.

Details: Christchurch Town Council, Old Town Hall, 30 High Street, Christchurch. BH23 1EA.

3. Who are the data controllers?

Christchurch Town Council is the data controller, however joint arrangements exist between Christchurch Town Council and Bournemouth Christchurch and Poole Council concerning the maintenance of Christchurch Town Council’s open spaces and events management and licensing. Your personal data may be shared for these purposes with Bournemouth Christchurch and Poole Council.

We may also share your personal information where there is a lawful basis to do so with other statutory authorities, contractors, credit reference agencies or where your explicit consent to do so has been provided.

4. What personal information is collected?

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process demographic information such as gender, age,, marital status, nationality, education/work histories, academic/professional qualifications, hobbies, family composition, and dependants;
- Where you pay for activities such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- The data we process may include sensitive personal data or other special categories of data such as racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sex life or sexual orientation.

5. The council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

6. We use your personal data for some or all of the following purposes:

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council
- To allow the statistical analysis of data so we can plan the provision of services.

Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.

7. What is the legal basis for processing your personal data?

The council is a public authority and has certain powers and duties. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers. Sometime when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account your interests and rights. This Privacy Policy sets out your rights and the council's obligations to you in detail.

We may also process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. An example of this would be processing your data in connection with the use of sports facilities, or the acceptance of an allotment garden tenancy.

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

8. Sharing your personal data

The council will implement appropriate security measures to protect your personal data. This section of the Privacy Policy provides information about the third parties with whom the council will share your personal data. These third parties also have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

9. How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is current best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

10. Your rights and your personal data

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

- (i) The right to access personal data we hold on you*
- (ii) The right to correct and update the personal data we hold on you*
- (iii) The right to have your personal data erased*
- (iv) The right to object to processing of your personal data or to restrict it to certain purposes only*
- (v) The right to data portability*
- (vi) The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained*
- (vii) The right to lodge a complaint with the Information Commissioner's Office.*

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

11. Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. [Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas].

12. Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Policy, then we will provide you with a Privacy Notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

13. Changes to this policy

We keep this Privacy Policy under regular review.

Contact Details

Please contact us if you have any questions about this Privacy Policy or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Town Clerk, Christchurch Town Council, Old Town Hall, 30 High Street, BH23 1EA.
Email: townclerk@christchurch-tc.gov.uk