



2025

## MELKSHAM TOWN COUNCIL



# Full Council Agenda

Monday 24<sup>th</sup> November 2025



Town Hall,  
Market Place,  
Melksham,  
Wiltshire  
SN12 6ES

01225 704187  
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# MELKSHAM TOWN COUNCIL

Town Hall,  
Market Place,  
Melksham,  
Wiltshire  
SN12 6ES

CEO Miss Hayley Bell, Assoc CIPD, CertHE, FSLCC

01225 704187

[towncouncil@melksham-tc.gov.uk](mailto:towncouncil@melksham-tc.gov.uk)

Tuesday 18<sup>th</sup> November 2025

Dear Councillors,

You are summoned in accordance with the Local Government Act (LGA) 1972, Sch 12, paras 10 (2)(b) to a meeting of the Full Council of Melksham Town Council for the transaction of the business shown on the agenda below.

Monday 24<sup>th</sup> November **2025**, to be held at 19.00 in the Council Chamber, Melksham Town Hall, Market Place, Melksham, SN12 7ES.

The quorum for Full Council is 8.

## **Public Participation.**

Members of the public and the press may attend this meeting in person or join the meeting on teams via the following link <https://tinyurl.com/u4cfcc5v> . Public participation will take place near the start of the meeting.

Each speaker is limited to three minutes, with a total public session of 20 minutes. Members of the public are requested to send their question to [CEO@melksham-tc.gov.uk](mailto:CEO@melksham-tc.gov.uk) by noon on the working day before the meeting. You should still attend the meeting, in person or online, to ask your question.

No decisions will be made on matters not already on the agenda. The Council may ask the public and press to leave if confidential matters need to be discussed.

## **The Seven Principles of Public Life.**

All members are reminded of their duty under the code of conduct to uphold the Seven Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Yours sincerely,

Miss Hayley Bell – CEO

## Full Council Terms of Reference

### **1. Membership:** All 15 elected members of the Town Council.

The following matters shall be reserved for decision by Full Council, but the appropriate Committee(s) may make recommendation for the Council's consideration:

- 1.1 The Precept demand
- 1.2 Borrowing money
- 1.3 Making, amending or revoking Standing Orders, Financial Regulations, Duties and Powers of Proper Officer provisions
- 1.4 Making, amending or revoking by-laws
- 1.5 Making of Orders under Statutory Powers
- 1.6 Matters of principle or policy
- 1.7 Addressing recommendations in any report from the Internal and External Auditors
- 1.8 Nomination of members of all proper and sub committees
- 1.9 New powers or duties
- 1.10 Prosecution or defence in a Court of Law
- 1.11 Nomination or appointment of representatives of the Council to any enquiry on matters affecting the town
- 1.12 To receive and adopt the Annual Accounts
- 1.13 To receive and sign off the Annual Internal & External Audit and Return
- 1.14 To receive reports referred to the Town Council from the various Committees/Sub-Committees
- 1.15 To set up Working Groups as necessary
- 1.16 To receive reports and consider recommendations from Working Groups set up by Full Council
- 1.17 To appoint representatives on outside bodies or joint bodies
- 1.18 To confirm the appointment of the Town Mayor/Deputy Mayor
- 1.19 To confirm the schedule of meetings of the Town Council/Committees and Sub-Committees for the ensuing year
- 1.20 To receive petitions and deputations from members of the public or any organisations
- 1.21 Any other matters not delegated to a Committee or Sub-Committee or referred to the Council by Committees or Sub-Committees

## Full Council

### **1. Apologies.** **19.00– 19.01**

To receive apologies for absences

(Local Government Act, 1972 s.85)

### **2. Declaration of interests.** **19.01 – 19.02**

To declare an interest relating to the business of the meeting.

(Melksham Town Council Code of Conduct)

### **3. Minutes** **19.02 – 19.05**

To approve the minutes of the previous meeting 3<sup>rd</sup> November 2025.

(Local Government Act 1972, s. 12)

### **4. Public participation** **19.05 – 19.25**

To allow public participation, 3 minutes per person, 20 minutes allocation.

(Local Government Act 1972, s. 12)

### **5. Questions from Councillors** **19.25 – 19.30**

(Melksham Town Council Policy and Local Government Act 1972)

### **6. Town Mayor's Announcements** **19.30 – 19.35**

### **7. Police Report** **19:35 – 19:45**

To receive a report from Sgt Rutter

### **8. Reports from Unitary Councillors** **19.45 - 19.55**

Unitary Councillors to report on any matters affecting Melksham which have been discussed at Wiltshire Council meetings.

Councillor Alford

Councillor Griffin

Councillor Hubbard

Councillor Stokes

Councillor J Westbrook



## **9. East Melksham Community Centre**

**19.55 – 20.00**

To note, there is nothing to report at this time.

## **10. Co-Option**

**20.00 – 20.10**

For decision on co-opting.

## **11. Joint Melksham Neighbourhood Plan**

**20.10 – 20.20**

MWPC are proposing two further training sessions and would like these to be joint sessions. One session will cover examples that were not reached in the previous session and the other with how to deal with appeals, in particular the upcoming Snarlton Farm appeal.

For decision on joining the training

For approval of the Support Framework Proposal.

For approval of any further costs involved.

## **12. Community Toilet Scheme**

**20.20 – 20.30**

For decision on motion from Councillor A Westbrook.

## **13. Policies**

**20.30 – 21.30**

For decision on adoption

13.1 Biodiversity

13.2 Code of Conduct

13.3 Communications Policy



- 13.4 Data Protection Policy
- 13.5 Data Security Incident Policy
- 13.6 Document Retention Policy
- 13.7 Grants Policy
- 13.8 Health & Safety Policy
- 13.9 Investment Strategy & Policy
- 13.10 Procurement Policy
- 13.11 Reserves Policy
- 13.12 Scheme of Delegation Policy
- 13.13 Traveller Policy
- 13.14 Vexatious Policy

#### **14. Committee Minutes**

**21.30 – 21.40**

##### **14.1 Economic Development and Planning**

To receive the minutes of the Economic Development and Planning Committee meetings held on 23<sup>rd</sup> September 2025 and 14th October 2025.

[Link to 23rd September 2025](#)

[Link to 14th October 2025](#)

##### **14.2 Finance, Governance and Performance**



To receive the minutes of the Finance Administration and Performance Committee meeting held on 29<sup>th</sup> September 2025.

[Link](#)

#### **14.3 Personnel**

To receive the minutes of the Personnel Committee meetings held on 21<sup>st</sup> January 2025, 3<sup>rd</sup> March 2025, 18<sup>th</sup> June 2025 and 6<sup>th</sup> August 2025

[Link to 21st January](#)

[Link to 3rd March](#)

[Link to 18th June](#)

[Link to 6th August](#)

#### **15. Confidential Session**

For resolution.

That, in accordance with the Public Bodies (Admission to Meetings) Act 1960 and the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item(s) of business, due to the confidential nature of the business to be transacted.

#### **16. Staffing Matters**

**21.40 – 22.00**

To receive a verbal update on staffing matters.

To receive a verbal update on recruitment of a Venue manager and a Project Manager.

For decision and decision if required.

## **Melksham Town Council**

### **Minutes of the Full Council**

**on Monday 3<sup>rd</sup> November 2025**

**PRESENT:**

Councillor S Rabey	Town Mayor
Councillor J Westbrook	Deputy Town Mayor
Councillor P Aves	
Councillor E Calland	
Councillor R Cleary	
Councillor J Crossley	
Councillor M Drewett	
Councillor G Elson	
Councillor A Griffin	
Councillor J Oatley	
Councillor T Price	
Councillor C Stokes	
Councillor A Westbrook	

**OFFICERS**

Hayley Bell	CEO/Town Clerk
David Skinner	RFO
Andrew Meacham	Committee Clerk

**PUBLIC** Two members of the public were present virtually

#### **151/25 Apologies**

There were no apologies.

#### **152/25 Declaration of Interest**

The Town Mayor Councillor Rabey declared a non-pecuniary interest in item 8 through her employment.

#### **153/25 Minutes**

The minutes of 20<sup>th</sup> October 2025 having been previously circulated, were approved as a correct record and signed by the Town Mayor and Chair Councillor Rabey.

#### **154/25 Public Participation**

There was no public participation.

#### **155/25 Shurnhold Fields**

Members noted the report and the minutes.

It was noted that a £5000 grant had been obtained and Melksham Town Council and Melksham Without Parish Council had each committed £12500 to fund the project

It was proposed by Councillor Cleary, seconded by Councillor Elson and



**UNANIMOUSLY RESOLVED** to confirm Melksham Town Council's commitment of £12500 funding to the project. Additional funding would require approval.

**156/25          Confidential Session**

It was proposed by the Town Mayor Councillor Rabey, seconded by the Deputy Town Mayor Councillor J Westbrook and

**UNANIMOUSLY RESOLVED** that in view of the confidential and sensitive nature of the business about to be transacted, in accordance with the Public Bodies (Admission to meetings) Act 1960 the public and press are excluded and are instructed to withdraw.

**157/25          Staffing Matters**

This item was deferred to the Full Council meeting on 24<sup>th</sup> November 2025.

**157/25          Town Council Vehicles**

The Town Mayor Councillor Rabey surrendered the Chair due to her disclosed dealings through her employment with one of the companies contacted by officers. The Deputy Town Mayor Councillor J Westbrook took the chair for the remainder of the meeting.

The CEO/Town Clerk spoke to the item and confirmed the current fleet had reached end of life.

The RFO outlined the suggestions for replacement vehicles and the costs.

Councillor Price requested the matter be put into public session. There was no support for this request.

There was a discussion of contract hire or outright purchase and electric or diesel.

There was discussion on whether vehicle 2 was necessary and whether a trailer, flatbed or additional vehicle 3 would be better.

It was proposed by the Deputy Mayor Councillor Westbrook and

**RESOLVED** for officers to obtain quotes on a flatbed or towbar trailer vehicle and the matter be referred to the Amenities & Facilities meeting on Monday 17<sup>th</sup> November 2025. Authority was delegated to the Amenities & Facilities Committee to make the final decision.

Meeting closed at: 19:20

Signed .....

Dated .....

**Made Joint Melksham Neighbourhood Plan 2**  
**Delivery Support Framework**  
**Proposal to Melksham Town Council and Melksham Without Parish Council**

**Place Studio**

**August 2025**

**Content**

**PART 1**

**Support Framework**

- 1 Background**
- 2 Framework Support & Areas**
- 3 Planning and Development**
  - 3.1 Training**
    - i. JMNP2 Use
    - ii. Achieving High Quality Design
    - iii. Potential for other JMNP2 related areas
  - 3.2 Town Planning and Design Professional Services**
    - i. Major & complex development and infrastructure proposals
    - ii. Site Regeneration- Cooper Tires Master Plan and Application
    - iii. Appeal representations (written)
  - 3.3 Responding to Policy and Development Consultations**
  - 3.3 Delivery Projects**
    - i. Melksham Town Centre Master Plan Delivery
    - ii. Green Spaces and Green & Blue Infrastructure Enhancement
  - 3.4 Setting Community Infrastructure Priorities**
  - 3.6 Joint Melksham Neighbourhood Plan Monitoring and Review**
  - 3.7 Wider Community Communications and Engagements**

**PART 2**

**Member Training Detailed Proposal**

**JMNP2 Familiarisation and Use**

**Joint Melksham Neighbourhood Plan 2**

## **1 Background**

With the help of Place Studio both Melksham Town and Melksham Without Parish Councils have jointly successfully made two versions of Joint Melksham Neighbourhood Plan (JMNP).

The updated JMNP2 was voted into force by local people on 31 July. It continues and strengthens an integrated, positive and community led planning policy and guidance framework for both town and parish areas until 2038.

JMNP2 is one of the most ambitious neighbourhood plans in the region. It shapes two town regeneration sites and a town centre master plan. It protects a large portfolio of locally valued green spaces and historic buildings and it has drives delivery of both village affordable housing the conservation of the farm yard at Whitley.

Its statutory policies are of equal weight to Wiltshire Local Plan in the JMNP area. As Melksham continues to be a focus of strategic housing and employment growth, JMNP2 can help both councils influence it to benefit local people.

By allocating land for housing, the new Neighbourhood Plan restores 'plan led' development in the JMNP area, harnessing NPPF 'Paragraph 14' to reinforce local protection against un-planned speculative development for up to five years.

Through refreshing your made neighbourhood plan, both councils have extended their increased Community Infrastructure Levy receipt from all open market housing development, up from 15% to 25%.

You have come to the highly successful completion of plan making! Both town and parish now have the opportunity to move into plan delivery.

JMNP2 firmly places Melksham's Councils and community in a powerful position to play a key role in leading and robustly influencing delivery through a combination of responding to planning applications and implementing prioritised projects, supported in whole or part, by increased CIL receipts.

Taking full advantage of this will be rely on the drive and capacity of both councils using the new plan effectively and robustly in the planning process and to shape, resource and manage a programme of prioritised implementation initiatives.

During our support we have been your go-to team for planning and design advice. We have prepared councils' representations to National and Wiltshire policy consultations, responses to planning applications and appeals and helped the Town Council secure grant funding towards increasing town centre vitality. Our long experience of working with local people in the Melksham area, means we've built a strong working relationship, hold a detailed knowledge of the area and have a track record of successful outcomes.

Place Studio works for communities. Throughout the JMNP processes we have worked with the Town and Parish Councils without conflict of interest. We also work at a community rate which is decided by Government, which is significantly below commercial fees. Importantly, we are committed to helping communities deliver their aims, not just plan to do so.

## **2 Delivery Framework Proposal**

Harnessing our relationship and knowledge, track record and our value for money, Place Studio can offer an ongoing framework of support services that can help build in-house delivery capacity and provide planning and project skills where they are needed to deliver JMNP2 objectives.

Our support would be provided at a similar community rate to previous Neighbourhood Planning support. Entering into a framework would enable each council together or separately to receive Place Studio's support swiftly, but would not prejudice procuring other providers or tendering work. Each requirement could be the subject of a bespoke brief and agreed fee proposal.

## **3 Support Areas**

We have shaped an initial framework of support areas that all relate to the delivery of JMNP2 through the planning project process. But areas of support may extend beyond these where councils identify a need for additional capacity alongside existing in-house resources. These may be procured only as needed or combined where broader support is more efficient.

The day to day delivery of JMNP2 will be achieved through effective input into development proposals. This can encompass pre-application engagement, commenting and negotiation on applications, planning conditions and legal agreements. Where needed it can include making representation at Wiltshire Council committees and through the appeal process. Our framework offers key areas of support to optimise JMNP2 delivery through input into these.

### **3.1 Training**

#### **i. JMNP2 Familiarisation and Use**

Members of both councils assess and comment on development applications of all scales and types. The 21 policies in JMNP2 provide an updated and strong foundation upon which to undertake this role. It is therefore important Members are familiar with JMNP2 policies and able to employ them to maximise influence when Wiltshire Council determines applications.

We provide a proven training module to assist Town and Parish Council Members and officers use their new Neighbourhood Plans effectively.

We see this as an important first step in JMNP2 delivery. Below this summary we set out a more detailed proposal for an initial JMNP2 familiarisation and use training module.

## **ii. Achieving High Quality Design**

Design is a key component of successful development, whether it be a house extension, infill development or a major residential scheme.

JMNP2 is now supported by a new Character Statement and Design Code. It illustrates the distinct qualities of character and place that define the JMNP area.

Our design training module will introduce the new code. It will increase Members' skills in assessing and commenting on the design of proposed development in particular. It will optimise the protection and enhancement of local character and the achievement of successful and sustainable new development of all scales.

## **iii. Other Training Areas**

JMNP2 objectives and policies address a range of topics. We have identified just two initial suggested training sessions. However, we can work with both councils to identify further areas of training that can help Members and officers jointly deliver JMNP2.

## **3.2 Town Planning and Design Professional Services**

### **i. Responding to Major & Complex Pre-application and Application Proposals**

Melksham is a focus of major development pressure, especially for housing. These schemes are often very large and complex, requiring significant assessments to provide robust and effective comments and representations. This extends to ensuring planning conditions and legal agreements protect amenity and secure the necessary contributions within the sequencing of development.

Our chartered town planning capacity and proven experience within the JMNP area can now be employed to bolster in-house and Member capacity to address the more complex development proposals thoroughly and robustly at each stage.

### **ii. Site Regeneration; Cooper Tires Master Plan and Application**

JMNP2 has allocated the 13 hectare Cooper Tires site and sets clear criteria for the master planning process and key deliverables that local people have told us they wish to achieve from its regeneration.

The site has been sold and owners has re-stated their intention to bring forward a master plan and planning application through engagement with the community.

The process will require focused and robust dialogue with owners and Wiltshire Council as well as ensuring the effective engagement with local people. It could place an unusually large demand upon the resources of the town and parish councils, to ensure JMNP2 policy 7.1 is delivered. This is a once-in-generation opportunity to breathe new vitality into the site and the surrounding area.

Having worked closely and successfully to secure the allocation of the site, Place Studio is best-placed to provide the additional planning and design capacity that may be required within the pre-application and application process, working alongside Members and officers.

### **iii. Appeal representations (written third party)**

JMNP2 restores plan-led development to the area. It increases the ability of Wiltshire Council to refuse consent for speculative and poorly designed development. But it increases the importance of robust defence of decisions at planning appeals.

Working with Members and officers we can support the drafting of appeal representations made by the town and parish, linked to comments made during the preceding application stage. Where necessary this can be extended to assisting Members with appearances at hearings or inquiries.

### **3.3 Responding to Wiltshire Council & Government planning related consultations eg Wiltshire Local Plan / NPPF**

We have previously worked with both councils to shape formal responses to Wiltshire Local Plan consultations and responding to NPPF changes. It is highly likely that further consultations on both Wiltshire and national policy will be undertaken in the coming years.

We are well-placed to offer further support in this area, which places significant additional demands on resources.

### **3.4 Delivery Projects**

JMNP2 is not just development policies. It also prioritises supporting the vitality of the town centre with a new master plan report, it designates valued green spaces and heritage assets and sets an ambition to increase tree canopy cover across the area amongst its five themes. Its Priority Statements support the delivery of key actions including the Wilts and Berks Canal Link and working to maximising benefits of the Melksham by-pass and keeping the agreed local community infrastructure priorities up to date.

Place Studio has significant experience working with communities and councils in the delivery of town centre, environmental and transport related projects and in establishing effective funding towards their delivery. We have the right skills to support both councils in achieving JMNP2 (and other) initiatives.



**i. Melksham Town Centre**

Town centre Policy 9 is now strengthened by Melksham Town Centre Master Plan Report places Melksham Town Council in a new position to take proactive steps to prioritise and advance a programme of recommended priority actions, working with local people, stakeholders and Wiltshire Council.

Place Studio has been engaged in several historic and market town centre rejuvenation projects and has successfully secured large grants and matched funding for delivery. We can do the same with Melksham Town Council

An initial step can be to shape a delivery strategy for master plan report priorities, linking with funding and development opportunities. This can set realistic delivery goals for quick win to longer term investments and become a platform for future resource bids and delivery partnerships.

**ii. Local Green Spaces, Green Infrastructure and Tree Planting**

JMNP2 Policy 16 designates 49 valued Local Green Spaces. This protects them from development for community wellbeing. In addition Policy 12 illustrates the potential for increased green and blue infrastructure connections through the JMNP area.

CIL receipts may enable direct investment in these spaces and connections within a strategy that enhances their value and performance for people, nature and mitigating climate change.

Working with local organisations and the two councils Place Studio can draw upon green space assessments to shape a green space and infrastructure strategy that enables incremental delivery that will contribute to JMNP objectives and community wellbeing.

**3.5 Reviewing Community Infrastructure Levy Priorities**

JMNP2 Priority Actions commit to an annual review of Joint MTC/MWOPC Statement of Priorities for infrastructure needs and civic amenity projects.

JMNP entitles the NP area to 25% of CIL receipts. The delivery of allocated development to 2038 will bring significant addition funding to town and parish which must be spent within five years. We can work with both councils to help link annual review outcomes with JMNP2 project priorities to help enable this.

Research and support securing of external funding and resources towards delivery of JMNP2 and wider Council environmental, economic and community wellbeing objectives.

### **3.6 Neighbourhood Plan Monitoring and Review**

Monitoring the performance of JMNP2 policies in delivering objectives provides evidence to inform any necessary refinements to made policies and to identify where JMNP2 has policy gaps that have arisen due to new local issues.

At the point of making JMNP2, Wiltshire's new Local Plan remained unadopted. In addition the 2024 NPPF changes will force Wiltshire Council to immediately embark upon a further Local Plan review towards meeting increased mandatory strategic housing requirements.

These factors may combine to identify a benefit in reviewing JMNP2. Our monitoring of external factors together with plan performance can assist both councils in deciding if and when any plan review or additional evidence is needed.

### **3.7 Wider Community Engagements**

In addition to JMNP2 driven initiatives, we can provide additional capacity and support to existing in-house resources enable MWOPC and MTC to design, facilitate and report on stakeholder and community engagements within the JMNP2 area.

This draws upon our proven approaches to JMNP engagements working alongside council officers.

## **Member Training Detailed Proposal**

### **JMNP2 Familiarisation and Use Joint Melksham Neighbourhood Plan 2 August 2025**

#### **Background**

Place Studio worked with the Joint Melksham Neighbourhood Plan 2 (JMNP2) Steering Group, on behalf of the Parish and Town Councils to draft and successfully steer the review of the first made Neighbourhood Plan.

Following the successful referendum on 31 July 2025, JMNP2 came into force and forms the most up-to-date part of the Wiltshire Development Plan applicable to the Plan area.

JMNP2 introduces an updated and extended set of locally specific policies and guidance that have the same weight to those in the adopted Wiltshire Development Plan. It allocates land for housing and employment development and designates 49 Local Green Spaces. It is supported by new evidence bases and reinforced by a local Character Statement and Design Code and Town Centre Master Plan Report. The plan also contains a pre-application engagement protocol that encourages and supports early developer dialogue with the community and councils before submitting a development application.

Wiltshire Council, as the local planning authority (LPA), has a key responsibility in implementing the neighbourhood plan, by applying the policies through the development management process. For applications, the Town and Parish Councils are statutory consultees. However, both parish and town councils may engage directly with prospective applicants through the pre-application protocol.

The renewed mandate of JMNP2, its guidance and the updated evidence base enables the consultation responses to be rooted in the locally specific policies with the aim of shaping development that is more locally responsive.

#### **Using JMNP2**

Getting a plan 'made' or adopted was, to quote Churchill, only 'the end of the beginning'. From this point on, it is the use and application of the JMNP2, using the statutory and carefully evidenced policies to shape development, as well as projects, that will underpin much of its delivery.

This 1hr 45 min training session is to introduce local Planning Committee (and other) Members to the updated JMNP2 objectives and policies and then to use them in an interactive 'virtual committee' workshop.

It may be delivered as a single session or in two parts (which would slightly increase costs).

#### **Process and Timescale**

- 1hr 45mins (or 2x 1 hr)

- in-person
- Audience; planning committee (and other interested) members / support officers

**Part 1: An Introduction to Joint Melksham Neighbourhood Plan;**

- 30 mins
  - Introduction to JMNP2– using Mini Guide
  - Q&As

**Part 2: Applying JMNP2**

**Virtual Committee Workshop**

- Responding to planning applications as a statutory consultee
- Test run –using JMNP2 policies – a virtual committee that will quickly consider and discuss policy responses to a basket of ‘applications’.
- Introducing the ‘takeaway pack’.

Attendees would be given a takeaway document that includes:

- A summary guide to planning concepts
- AJMNP2 Mini guide
- Example application types and relevant JMNP2 policies
- A planning application response checklist

**Fees**

To plan, prepare and deliver the workshops, as well as preparation of supporting material we would charge £1140. This is the equivalent of 2 days of our time charging our community fee of £570 per day.

If feasible we can deliver a single training session for both Town Council, and Parish Council committee Members simultaneously.

**Facilitators**

The training session would be delivered by Katie Lea and Vaughan Thompson MRTPI

**Contact;**

[Info@placestudi.com](mailto:Info@placestudi.com)

07824 435104 (Vaughan Thompson)

## MELKSHAM TOWN COUNCIL

Proposed by:

Seconded by:

Dated:

### Purpose of the motion

To explore the introduction of a **Community Toilet Scheme** in Melksham, encouraging local businesses to make their toilet facilities available to the public, thereby improving accessibility and inclusivity across the town.

### Background (Including previous resolution/s made and date/s if applicable)

Public toilet provision has been an ongoing issue in many towns, with maintenance and accessibility costs often prohibitive for councils. The **Community Toilet Scheme**, successfully implemented in towns and cities across the UK and, provides an alternative by partnering with local businesses to expand access to clean, safe, and convenient toilets without requiring a purchase. This approach has been shown to increase footfall to participating businesses and improve quality of life for residents and visitors alike.

### Current Situation

Melksham currently benefits from several accessible toilet facilities, including those in local pubs and two large supermarkets within the town's boundaries. However, many members of the public are unaware that these toilets can often be used without purchase, and there is no clear information available about where public-access toilets are located. A Community Toilet Scheme would formalise this arrangement, ensuring that businesses willing to open their facilities to the public can clearly display a sticker or sign, and that a central list or map of participating venues is available. While access would remain within normal business hours, the scheme would make it much easier for residents and visitors to know where their nearest toilet is anywhere in the town, improving comfort, confidence, and inclusivity for all.

### What financial implications are there?

- Design and distribution of scheme materials (e.g., stickers, maps, online listings). These could be funded from the existing community engagement or amenities budget. Long-term, this scheme may reduce pressure on council-run toilets, resulting in savings. Maximum £500
- Officer time to start this project

### How does the motion link to Town Council policies and core values?

### How does the motion link to Town Council policies and core values?

- **Community:** Strengthens collaboration between the council, businesses, and residents.

- **Accessibility and Inclusion:** Ensures facilities are available to those with medical conditions, families, or accessibility needs.
- **Sustainability:** Reduces maintenance demands on council-run facilities.
- **Economic Development:** Supports local businesses by increasing foot traffic.

#### What risks are there?

**Cleanliness standards:** Mitigated by council monitoring and clear participation agreements.

#### What crime and disorder implications are there?

None expected. Increased legitimate use of facilities may help reduce anti-social behaviour associated with lack of public toilets.

#### What environmental and biodiversity considerations are there?

Encouraging shared use of existing facilities reduces the environmental footprint of constructing or maintaining standalone public toilets.

#### What safeguarding concerns are there?

Participating venues must ensure facilities are safe, well-lit, and accessible to all users. The council can provide guidance to businesses on safeguarding best practice.

#### . Motion

That **Melksham Town Council:**

1. **Investigates the feasibility** of introducing a Community Toilet Scheme in partnership with local businesses.
2. **Engages with the Bristol City Council model** as a best practice example.
3. **Invites expressions of interest** from Melksham businesses willing to participate.
4. **Reports back** to the Town Council with a draft framework and cost estimate for implementation.

#### . Does the motion impact/ support any previous decisions of council?

This motion supports previous council commitments to community wellbeing, accessibility, and partnership with local businesses.

#### . Confirmation that the item under consideration has not been discussed by Council within the preceding six months. If it has, has there been a material change and what is this?

This proposal has not been previously discussed by Council WITHIN SIX MONTHS

#### . Please summarise any specific recommendations you have in relation to next steps

- That the Facilities and Amenities Committee or equivalent body leads an initial consultation with businesses.
- That officers prepare a briefing report outlining costs, benefits, and implementation steps for review at a future council meeting.



**Office Use:**

Date of receipt by Proper Officer:

Date of proposed council meeting  
for motion:Date/s of relevant resolutions:  
(record full resolution/s here)

Motion accepted by Proper Officer:

Motion rejected by Proper Officer:

Reasons for rejection:




# Melksham Town Council

## Biodiversity Policy

Date Adopted:

Date Due For Review:



# **BIODIVERSITY POLICY**

## **1. Introduction**

Melksham Town Council recognises the vital importance of biodiversity in supporting healthy environments, resilient communities and a sustainable future. This Biodiversity Policy outlines the Council's commitment to conserving, enhancing and celebrating biodiversity across all its assets, activities and services. Our goal is to ensure that natural habitats and species thrive within Melksham, benefiting both wildlife and people.

## **2. Legislative Framework**

This policy is guided by key pieces of UK legislation and national strategies:

- Environment Act 2021 – Mandates public bodies to conserve and enhance biodiversity.
- Natural Environment and Rural Communities (NERC) Act 2006 – Imposes a duty on public authorities to have regard for the purpose of conserving biodiversity.
- Wildlife and Countryside Act 1981 – Protects native species and designated sites.
- National Planning Policy Framework (NPPF) – Requires the planning system to contribute to conserving and enhancing the natural environment.
- Other local and national guidance, including the Wiltshire Biodiversity Action Plan and any relevant updates.

## **3. Scope**

This policy applies to:

- All land owned, managed, or influenced by the Town Council
- All council-led or supported projects, including planning, infrastructure, and community initiatives
- Partnerships with local organizations, developers, and residents

## **4. Policy Objectives**

The Council will:

1. Protect and Enhance Local Habitats
  - Safeguard existing natural habitats, species, and ecological networks within council-managed land.
  - Identify and restore degraded habitats, particularly those of local or regional importance.
2. Integrate Biodiversity into Decision-Making
  - Embed biodiversity considerations into all relevant council strategies, policies, and planning decisions.
  - Require development proposals to avoid biodiversity loss and deliver measurable net gains.

3. Promote Nature-Based Solutions
  - Support the use of sustainable drainage systems, tree planting, rewilding, and pollinator-friendly landscaping.
  - Integrate green infrastructure into urban design to increase resilience to climate change.
4. Engage and Educate the Community
  - Encourage local residents, schools, and businesses to take part in biodiversity projects.
  - Promote awareness campaigns and citizen science initiatives to monitor local wildlife.
5. Lead by Example
  - Manage council-owned land, parks, and open spaces to maximise biodiversity.
  - Reduce pesticide and herbicide use and adopt wildlife-friendly maintenance practices.
6. Monitor and Report Progress
  - Establish measurable biodiversity indicators (e.g., species richness, habitat connectivity).
  - Publish an annual biodiversity progress report to the Council and the community.

## 5. Implementation

- Responsibility

The Town Clerk will oversee policy implementation, supported by councillors, managers, amenities team and volunteers.

- Partnerships

The Council will work with local wildlife groups, schools, regional authorities, and environmental NGOs to deliver joint biodiversity initiatives.

- Funding

Opportunities for external funding and grants will be pursued to support biodiversity projects.

- Reporting

Concerns or suggestions regarding biodiversity management can be submitted to the Council via established channels.





# Melksham Town Council Code of Conduct

Date Adopted:

Date Due For Review:



## Code of Conduct

*This Code of Conduct is composed of a number of sections which together are the Code of Conduct of Melksham Town Council, all sections and sub-sections apply to the conduct of councillors in accordance with the Localism Act 2011 and will be taken into account when any complaints regarding councillors are considered by the Monitoring Officer.*

### Code of conduct – Part 1:

#### The Principles

You are a Member or co-opted Member of Melksham Town Council and hence you shall have regard to the following Seven Principles of Public Life.

The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services.

**Selflessness** – Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**Integrity** – Holders of public office must avoid placing themselves under any obligation to people or organisations that might try, inappropriately, to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**Objectivity** – Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Accountability** – Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness** – Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty** – Holders of public office should be truthful.

**Leadership** - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to question their own behaviour and challenge poor behaviour wherever it occurs.



The Principles are interpreted in further detail at Melksham Town Council as follows:

You must promote and support high standards of conduct when serving in your public post, in particular as characterized by the following requirements of leadership and example, accordingly, when acting in your capacity as a Member or co-opted Member.

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, impartially, fairly and on merit, using the best evidence without discrimination and bias.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of Melksham Town Council, and should be prepared to give reasons for those decisions and actions.

You must be honest and truthful, ensuring that at all times you do not misrepresent the democratic decisions and actions of the council and you may not say or otherwise publish information that could denigrate councillors, officers, the council, or otherwise bring the council into disrepute. You may not edit or assist or support others to edit, any filming, recording or photography of the proceedings of the council and its committees in a way that could lead to misinterpretation of the proceedings. This includes editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being photographed, recorded or filmed or supporting and assisting any others to do so. If a councillor publishes anything on social media which is inaccurate and untruthful or otherwise seeks to portray the actions of the council in a way which fails to provide correct and accurate information, it is not acceptable under this Code of Conduct for them or anyone else to base any defence upon such material being the 'cut and thrust of political debate' or similar.

You must when authorising the use by others of the resources of Melksham Town Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must be professional in all your dealings and treat all those with whom you come into contact with, consideration and respect. Working relationships, including with officers and other councillors should be proper and appropriate. Harassing, bullying or other inappropriate discriminatory behaviour, wherever it takes place is not consistent with the Code and will not be tolerated.

You shall never undertake any action which could cause significant damage to the reputation and integrity of Melksham Town Council as a whole, or of its members generally.

## **Code of Conduct – Part 2:**

### **Registering & Declaring Pecuniary & Non-Pecuniary Interests**

#### **Statutory Interests**

When acting in your capacity as a member or co-opted member:

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties, and must take steps to resolve any conflicts arising in a way that protects the public interest, including, registering and declaring interests in a manner conforming with the procedures set out below.

You must within 28 days of taking office as a member or co-opted member, notify Wiltshire Council's monitoring officer\* of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify Wiltshire Council's monitoring officer\* of any disclosable pecuniary interest or non-pecuniary interests which Melksham Town Council has decided should be included in the register.

If an interest has not been entered onto the register you must disclose the interest to any meeting of Melksham Town Council at which you are present, where you have a disclosable pecuniary interest in any matter being considered and where the matter is not a sensitive interest.

Following any disclosure of an interest which is not on the register or the subject of pending notification, you must notify Wiltshire Council's monitoring officer\* of the interest within 28 days beginning with the date of disclosure.

Unless a dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to the matter in which you have a disclosable pecuniary interest as defined by regulations made by the Secretary of State.

You must not participate in a discussion or vote in a matter to be considered at a meeting if you have any interest, whether registered or not, if a member of the public with knowledge of the relevant facts would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision making in relation to that matter.

You should demonstrate leadership including actively promoting and robustly supporting the Seven Principles of Public Life and be willing to examine and question your own behaviour and challenge poor behaviour wherever it occurs.

If you have any doubts about whether you are required to declare an interest, you are advised to declare it to avoid further questions arising about the possibility of an interest.

*\*this information will be published on Wiltshire Council's website and can be undertaken by the Town Clerk on your behalf if you pass the information to the Town Clerk.*

### **Additional Interests**

Additionally, you must observe the restrictions Melksham Town Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by Melksham Town Council. (See Standing Orders)

Additional 'part B' non-pecuniary interests which are required to be disclosed to a meeting but do not exclude Members from participating, unless the Member feels that it would be appropriate for them to voluntarily leave the room during the item under consideration, include the following:

- a) any body of which the councillor is a member or in a position of general control or management and to which the councillor is appointed or nominated by the Council;
- b) any body exercising functions of a public nature of which the councillor is a member or in a position of general control or management;
- c) any body directed to charitable purposes of which the councillor is a member or in a position of general control or management;
- d) any body, one whose principal purposes include the influence of public opinion or policy (including any political party or trade union) of which the councillor is a member of or in a position of general control or management.

## **Code of Conduct – Part 3**

### **Member/Officer Protocol**

#### **1. Introduction and Principles**

1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council and to satisfy the ethical standards required.

1.2 Given the variety and complexity of such relations this Protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.

1.3 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed, it should ensure that Members receive objective and impartial advice, and that Officers are protected from accusations of bias and any undue influence from Members.

1.4 This Protocol is consistent with the Members' Code of Conduct, and any guidance issued by the Standards Committee and/or Monitoring Officer of Wiltshire Council.

## **2. Limitations of Members' Authority**

2.1 The authority of Members is collective, and, as individuals, they have no authority to issue specific directions to any employee or make criticism directly. Members must not formally inspect any Town Council property without authority or issue orders or correspondence.

2.2 The long-standing requirements on Members, as employers, were re-affirmed in law by an Employment Appeals Tribunal, *Moore v Bude & Stratton Town Council*. This confirmed that the Town Council collectively was the employer, that the unofficial actions of an individual Member could destroy the entire basis of the employer/employee relationship and that employees were entitled to a "reasonably congenial working relationship".

## **3. The Relationship: General Points**

3.1 Whilst both Members and Officers are servants of the public and they are indispensable to one another the responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Members are responsible for setting policy.

Officers are responsible to the Council. Their job is to give advice to members and the Council, and to carry out the Council's work under the direction and control of the Council and its various bodies.

3.2 At the heart of the Codes and this Protocol, is the importance of mutual respect. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

3.3 Members must respect the impartiality and integrity of all the Council's Officers. Similarly, all Officers must respect the role of Members as elected representatives.

3.4 Inappropriate relationships can be inferred from language/style. To protect both Members and Officers, Officers should address Members at all formal meetings, as Councillor xxx and Mr or Madam Chair or Town Mayor, save where circumstances clearly indicate that a level of informality is appropriate. Similarly, when addressing Officers at formal meetings of the Council, Members should address Officers by their post title.

3.5 A Member should not raise matters relating to the conduct or capability of an Officer in a manner that is incompatible with the objectives of this Protocol. This is a long-standing tradition in public service. An Officer has no means of responding to criticisms in public. If a Member feels he/she has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer he/she should raise the matter with the Town Clerk. Any action taken against an Officer in respect of a complaint, will be dealt with in accordance with the provisions of the Employee Handbook.

3.6 An Officer should not raise matters with a Member relating to the conduct or capability of another Officer or to the internal management of a department in a manner that is incompatible with the overall objectives of this Protocol.

3.7 Where an Officer feels that he/she has not been properly treated with respect and courtesy by a Member, he/she should raise the matter with the Town Clerk. In these circumstances the Town Clerk will take appropriate action by referring the matter to the HR Sub Committee.

3.8 Officers work to the instructions of their senior Officers, not individual Members. It follows that, whilst such Officers will always seek to assist a Member, they may not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of the enquiry is purely to seek factual information, Members should normally direct their requests and concerns to the Town Clerk, at least in the first instance.

3.9 Officers will do their best to give timely responses to Members' enquiries. However, Officers should not have unreasonable requests placed on them. Their work priorities are set and managed by the Town Clerk. Members should avoid disrupting officers' work by imposing their own priorities.

3.10 Members will endeavour to give timely responses to enquiries from Officers.

3.11 Officers shall not discuss with a Member personal matters concerning themselves or another individual employee. This does not prevent Officers raising on a personal basis, and in their own time, a matter with their Ward Member.

3.12 Members and Officers should respect other's free time (i.e., non-Council) time.

#### **4 Roles of Members and Officers**

4.1 Members have four main roles:

- Determining the policy of the Council
- Monitoring and reviewing the performance of the Council in implementing that policy and delivering services
- Representing the Council externally
- Acting as advocates on behalf of their constituents and the wider community

4.2 Officers have the following main roles:

- Initiating policy proposals
- Implementing agreed policy, managing and providing services and being accountable for the efficiency and effectiveness of the services provided
- Providing professional advice to the Council, its various bodies and individual Members
- Ensuring the Council always acts in a lawful manner

## **5 The Council decision making process**

5.1 Day to day decision making remains the responsibility of the Town Clerk as delegated by the Town Council.

5.2 Members must always remember that decisions and policies, once determined by the Town Council are binding.

## **6 Preparation of Council agendas, minutes & report and conduct of meetings**

6.1 The Town Clerk, or other appointed Officer, although responsible under statute for preparing agendas for all meetings of the Town Council, Committees, sub-Committees and Working Parties and for circulation of them to meet statutory requirements, will normally do so in consideration with the appropriate Chair.

Additional matters for discussion may only be considered at the discretion of the Chair, in agreement with the Town Clerk.

6.2 The Town Clerk, or other appointed Officer, is responsible for the content of all minutes and for circulation of them to meet statutory requirements.

6.3 An Officer will be present at all meetings involving Members of the Town Council and will advise on any questions relating to Standing Orders, Financial Regulations, legal requirements or committee procedures and will produce formal minutes of the meeting.

6.4 When a named Officer has produced a written report for the consideration of Members, he/she is known as the 'lead officer' for the particular topic and is always given the opportunity to introduce the report and answer any questions about it, preferably having received notice verbally or in writing.

6.5 The lead officer may not necessarily be the same Officer who attends to give advice on legal requirements or procedures and produce the minutes as referred to in 7.3 above.

6.6 All committee reports will contain a recommendation where appropriate, which formally sets out the best advice from the Officer concerned, although the decision to accept this or not rests with the Members. Members should raise issues with that Officer prior to the meeting if possible.

6.7 Any Member is entitled to submit a Notice of Motion relevant to some question over which the Town Council has power or which affects its area, for inclusion on the Town Council Agenda. It must be received by letter or email by 14 days before the Council meeting.

Any such motion, on being adopted, would stand referred to the relevant committee if it is related directly to the Town Council's services.

6.8 Unless authorised otherwise by the Chair of the meeting concerned, during committee meetings, all mobile telephones will be switched to silent, no eating is permitted.

6.9 All Members shall seek the advice of the Town Clerk where they consider there is doubt about the vires for a decision or where they consider a decision might be contrary to pre-determined policies of the Council.

6.10 Members and Officer should be mutually supportive in order to minimize any potential embarrassment to the Council. Criticism of Officers should be dealt with in private and, by the same token, Officers will never be publicly critical of the Council or its policies.

## **7 The relationship: Officer support**

7.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities they serve the Council as a whole.

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

7.3 Members should not put pressure on staff to provide resources or support which Officers are not permitted to give.

## **8 Members' access to information and to council documents**

8.1 Members have the right to ask for information pursuant to their legal rights to information. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of a services activities to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:

- It is in the public domain, and
- It is not barred by the Data Protection Act from being given

8.2 Every member of a committee or working group has a right to inspect documents about the business of that committee or working group.

8.3 Information given to a Member must only be used for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. For example, early drafts of committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.

8.4 Members and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.

8.5 Members and Officers must not prevent another person from gaining access to information to which that person is entitled by law.

## **9 Correspondence**

9.1 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system, of 'silent copies' should not be employed.

9.2 Official letters on behalf of the Council should normally be sent in the name of the appropriate officer, rather than in the name of the Member. Letters which, for example create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member. The Town Mayor may initiate correspondence in his/her own name relating to his/her role as Town Mayor.

## **10 Publicity and Press Releases**

10.1 The Council is accountable to the electorate. Accountability requires local understanding. This will be promoted by the Town Council by explaining its objectives and policies to the electors and taxpayers. Every Council needs to tell the public about the services it provides. Good effective publicity aimed at improving public awareness of a Council's activities is, in the words of the Government, to be welcomed.

10.2 All formal relations with the media must be conducted in accordance with any Council agreed procedures.

10.3 Press releases or statements made by Officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy.

10.4 Officers will keep relevant Members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.

10.5 Before responding to enquiries from the media, Officers will ensure they are authorised to do so.

10.6 If Members are contacted by, or contact the media on an issue, they should:



- indicate in what capacity they are speaking (e.g. as ward member, in a personal capacity, on behalf of the Council, or on behalf of a party group);
- be sure of what they want to say or not to say;
- if necessary, and always when they would like a press release to be issued, seek assistance from the Town Clerk, except in relation to a statement which is party political in nature;
- consider whether to consult other relevant Members; and
- take particular care in what they say in the run-up to local or national elections to avoid giving the impression of electioneering unless they have been contacted as an election candidate or political party activist.

10.7 Officers and Members using website or social media must do so in compliance with policies or guidance issued by the Council.

## **11 Members in their Ward Role and Officers**

11.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected will as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members will be notified at the outset of the exercise.

11.2 Should Members or residents convene a local meeting, Officer attendance will be at the discretion of the Town Clerk and will take account of the purpose of the meeting.

11.3 In all circumstances, the role of Officers at such meetings is to provide information on the topic under consideration and any decision-making process which might be relevant, but not to offer or share judgements. Officers will seek to assist in the effective engagement of the community but will be mindful always of the integrity of the formal decision-making process.

11.4 Local consultation meetings may, on occasion, give rise to heated debate. Members attending should be mindful of the restrictions on the responses available to Officers and both Officers and Members should always act in accordance with their respective Codes of Conduct.

## **12 Conclusion**

12.1 Mutual understanding and openness on these sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and Officers.

12.2 Questions of interpretation of this Protocol will be determined by the Town Clerk.

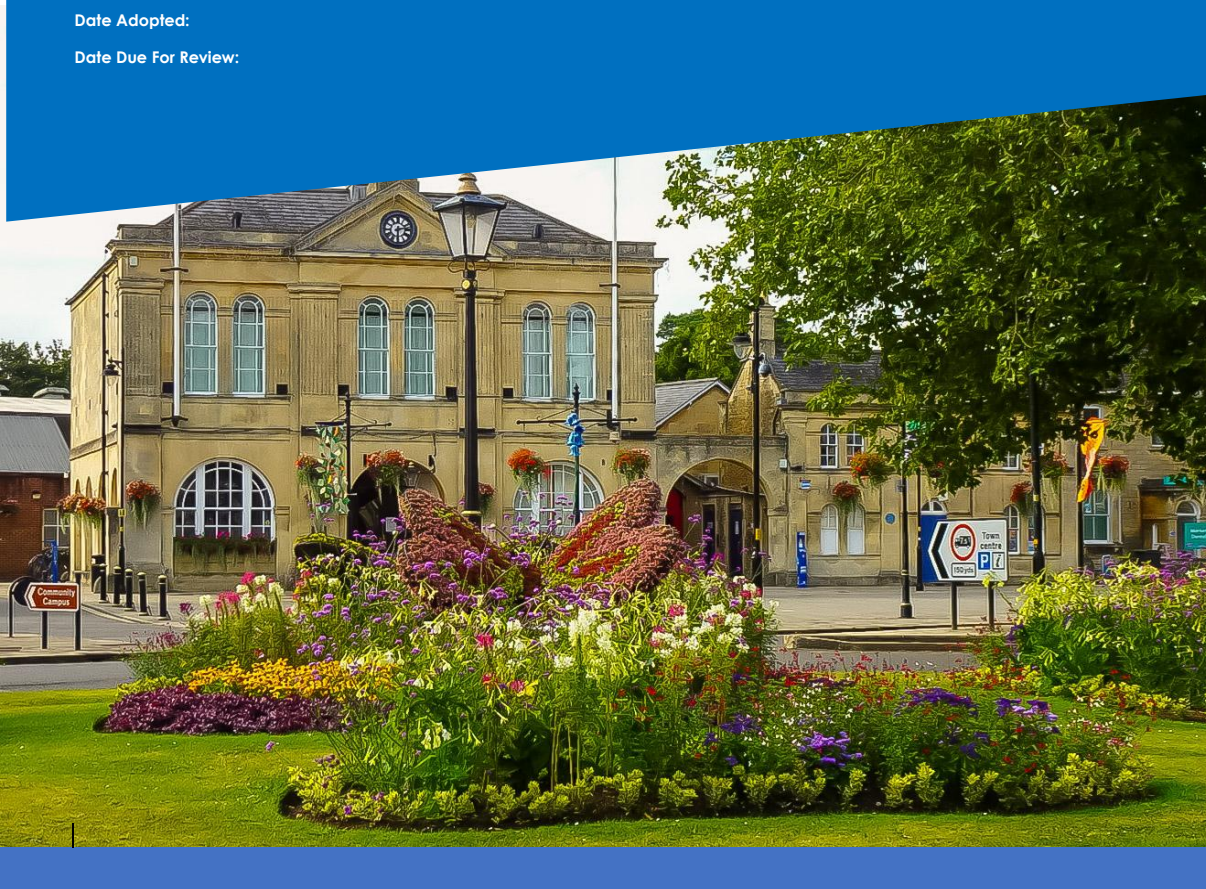
12.3 Copies of the Protocol will be issued to all Members, upon election, and all Officers of the Council.



# Melksham Town Council Communication Policy

Date Adopted:

Date Due For Review:



## COMMUNICATION POLICY

### Introduction

The purpose of this policy is to define roles and responsibilities within Melksham Town Council (hereinafter “the Council”) and give guidelines on external communications, contact with the media and effective use of social media.

It is not the intention of this policy to curb freedom of speech or to enforce strict rules and regulations. Rather, it provides guidance on how to deal with issues that may arise and indicates how any risks or pitfalls can be minimised or mitigated.

This policy relates to all communications issued by ~~Melksham Town~~the Council. It is not designed to mandate any communications issued by elected members in their own name. Members should be aware that they are not able to speak on behalf of the ~~Town~~ Council without a specific mandate ~~from the Council or through an Authorised Officer~~by resolution of the Full Council.

### Responsibilities

Only the ~~Town Clerk~~CEO, Authorised Officers, the Communications Officer and the Town Mayor are permitted to speak on behalf of ~~Melksham Town~~the Council to the press. ~~Such officers will be identified and appointed by Full Council.~~

Additionally, individual members of Council may speak to the press relating to motions or actions they have been directly involved in as a Town Councillor. Such members are reminded that when representing the Council, they should always be supportive of the Town Council's adopted policies/decisions.

This by no means stops councillors from speaking to the press in their own name but they must make it clear that they are not representing the ~~Town~~ Council when doing so.

### Key Aims

The Council is accountable to the local community for its actions; this accountability can be managed, in part, through effective two-way communications. The media is crucially important in conveying information to the community and, as such, the Council must maintain positive, constructive media relations and work with the media to increase public awareness of the services and facilities provided by the Council, and to explain the reasons for particular policies and priorities.

It is important that the media has access to the Council and to background information to assist them in giving accurate accounts to the public. To balance this, the Council reserves the right to defend itself from any unfounded criticism and will ensure that the public is properly informed of all the relevant facts.

~~Melksham Town~~The Council acknowledges social media as a useful communication tool. However, clear guidelines are needed for the use of social media to ensure they are used effectively as part

of a wider communications mix and that its use does not expose the Council to security risks, reputational damage or breach of the Data Protection Act.

## The Legal Framework

The law governing communications in local authorities can be found in the Local Government Acts 1986 and 1988. The Council must also have regard to the Government's Code of Recommended Practice on Local Authority Publicity.

The Town Council's Standing Orders and The Openness of Local Government Bodies Regulations 2014 should be adhered to.

### ~~Town Council Standing Orders – Admission of the public and press to meetings~~

~~The Public and Press shall be admitted to all meetings of the Council and its Committees, which may however temporarily exclude the public or the press or both, by means of the following resolution:-~~

~~"That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the public and press be excluded, and they are instructed to withdraw."~~

~~If a member of the press or public interrupts the proceedings at any meeting, the Chair may, after warning, order that he/she be removed from the meeting room and/or that part of the room open to the public be cleared. The Chair may adjourn the meeting for such a period as is necessary to restore order.~~

~~The Town Council would appreciate notification of any audio or video recordings or photographs planned to be taken of the meeting in order to assist and facilitate where appropriate. Please refer to the "Audio recording, filming, photographing and reporting of Council and Committee Meetings Policy."~~

Commented [CC1]: Removed as irrelevant to policy

## External Communications and Working with the Media

Authorised Officers and Members should always have due regard for the long-term reputation of the Council in all their dealings with the media.

Confidential documents, exempt minutes, reports, papers and private correspondence should not be disclosed to the media. If such disclosures do occur, an investigation will take place to establish who was responsible, with appropriate action taken.

When the media wish to discuss an issue that is, or is likely to be, subject to legal proceedings then advice should be taken from the Council's solicitor before any response is made.

There are a number of personal privacy issues for the Council that must be handled carefully and sensitively. These include the release of personal information, such as home address and telephone number (although Member contact details are in the public domain), and disciplinary procedures and long-term sickness absences that are affecting service provision. In all these, and

similar situations, advice must be taken from the ~~Town Clerk~~CEO or in their absence, their designated deputy before any response is made to the media.

There are occasions when it is appropriate for the Council to submit a letter, for example to explain important policies or to correct factual errors in letters submitted by other correspondents; such letters should be kept brief and balanced in tone and correspondence should not be drawn out over several weeks. Such correspondence would usually come from the ~~Town Clerk~~CEO, or in their absence their designated deputy, or the Town Mayor/Deputy Mayor. However, all such correspondence should be approved by the ~~Town Clerk~~CEO or their designated deputy before being released.

### Attendance of Media at Council Meetings

The Local Government Act 1972 requires that agendas, reports and minutes are sent to the media upon request.

The media are encouraged to attend Council meetings and seating and workspace will be made available.

### Press Releases

The purpose of a press release is to make the media aware of a potential story, to provide important public information or to explain the Council's position on a particular issue. It is the responsibility of all staff and Members to look for opportunities where the issuing of a press release may be beneficial.

~~Authorised Officers~~The Communications Officer should prepare all press releases, however as per above, input is welcomed from all staff and members, in order to ensure that the principles outlined in section three (Legal Framework) are adhered to, that there is consistency of style across the Council and that the use of the press release can be monitored.

### Notices of Meetings

The Council noticeboards, website and its social media accounts will be used to convey information on matters of interest such as, advertising meeting notices, events, latest news and general public information. They will be updated regularly by officers.

### Social Media

For the purposes of this policy, the term 'social media' covers websites and applications that enable users to create and share content or to participate in social networking~~covers sites and applications including but not restricted to Facebook, Twitter, MySpace, Flickr, YouTube, LinkedIn, blogs, discussion forums, wikis and any sites which may emerge after the creation of this policy where Melksham Town Council could be represented.~~

The following risks have been identified with social media use (this is not an exhaustive list):

- Virus or other malware infection from an infected site.
- Disclosure of confidential information.

- Damage to the Council's reputation.
- Social engineering attacks (also known as phishing).
- Bullying or witch-hunting.
- Civil or criminal action relating to breaches of legislation.
- Breach of safeguarding through the use of images or personal details leading to the exploitation of vulnerable individuals.

Social media sites will be monitored to mitigate these risks to ensure:

- A consistent and corporate approach is adopted and maintained in the use of social media.
- Council information remains secure and is not compromised through the use of social media.
- Users operate within existing policies, guidelines and existing legislation.
- The Council's reputation is not damaged or adversely affected.

Users must ensure that they use social media sensibly and responsibly, in line with this guidance. Social media sites are in the public domain and officers must ensure the reliability and be confident of the nature of the information published. Once published, content is almost impossible to control and may be manipulated without consent, used in different contexts or further distributed.

From time to time, the Council may have to respond to negative issues and may become involved in drawn out conversations on social media. Members and Officers must alert the Town Clerk or, in their absence, their designated deputy as soon as practicable, so that the situation can be managed effectively and efficiently to minimise negative publicity.

Council social media must not be used for party political purposes or specific party political campaigning. Officers must not seek to promote councillors' social media accounts.

### **Urgent Situations**

In the case of an urgent letter or press release being required in advance of a Council or Committee meeting, this may be issued by the Town Clerk or, in their absence, their designated deputy, with the agreement of the Town Mayor, or relevant Committee Chair following circulation of a draft version to other Members for comment.

In the case of urgent actions being required in the absence of the Members and Officers with specific roles and responsibilities under this policy, the following delegations shall apply:

- a) the Deputy Town Mayor of the Council may act in the absence of the Town Mayor;
- b) the Vice Chair of a Committee may act in the absence of the Chair;
- c) the Town Clerk or, in their absence, their designated deputy may act in the absence of the Town Mayor or Deputy Town Mayor of The Council.

~~Reviewed and Adopted by Full Council on 18 March 2024~~  
~~To be reviewed April 2025~~





# Melksham Town Council Data Protection Policy

Date Adopted:

Date Due For Review:





# DATA PROTECTION POLICY

## 1. Introduction

Melksham Town Council has a responsibility under the Data Protection Act 2018 [and UK General Data Protection Regulation](#) and to hold, obtain, record, use and store all personal data relating to an identifiable individual in a secure and confidential manner. This Policy is a statement of what the Town Council does to ensure its compliance with the Act.

The Data Protection Policy applies to all Melksham Town Council employees, Councillors, volunteers, and contractors. The Policy provides a framework within which the Town Council will ensure compliance with the requirements of the Act and will underpin any operational procedures and activities connected with the implementation of the Act.

## 2. Background

The Data Protection Act 2018 governs the handling of personal information that identifies living individuals directly or indirectly and covers both manual and computerised information. It provides a mechanism by which individuals about whom data is held (the “data subjects”) can have a certain amount of control over the way in which it is handled.

Some of the main features of the Act are:

- All data covered by the Act must be handled in accordance with the Six Data Protection Principles (see Appendix 1)
- The person about whom the information is held (the Data Subject) has various rights under the Act including the right to be informed about what personal data is being processed, the right to request access to that information, the right to request that inaccuracies or incomplete data are rectified, and the right to have personal data erased and to prevent or restrict processing in specific circumstances. Individuals also have the right to object to processing based on the performance of a task in the public interest/exercise of official authority (including profiling), direct marketing (including profiling); and processing for the purposes of scientific/historical research and statistics. There are also rights concerning automated decision making (including profiling) and data portability.
- Processing of special categories of data must be done under a lawful basis. This data includes information about race, ethnic origin, political persuasion, religious belief, trade union membership, genetics, biometrics (where used for identification purposes), health, sex life and sexual orientation.
- The Data Protection Act deals with criminal offence data in a similar way to special category data and sets out specific conditions providing lawful authority for processing it.
- There is a principle of accountability of data controllers to implement appropriate technical and organisational measures that include internal data protection policies and procedures, staff training and awareness of the requirements of the Act, internal audits of processing activities,

maintaining relevant documentation on processing activities, appointing a data protection officer, and implementing measures that meet the principles of data protection by design and data protection by default, including data minimisation, transparency, and creating and improving security features on an ongoing basis.

- Data protection impact assessments are carried out where appropriate as part of the design and planning of projects, systems and programmes.
- Data controllers must have written contracts in place with all data processors and ensure that processors are only appointed if they can provide 'sufficient guarantees' that the requirements of the Act will be met and the rights of data subjects protected.
- Data breaches that are likely to result in a risk to the rights and freedoms of individuals must be reported to the Information Commissioner's Office within 72 hours of the Council becoming aware of the breach. Where a breach is likely to result in a high risk to the rights and freedoms of individuals, the Council will notify those individuals concerned directly.
- The Information Commissioner is responsible for regulation and issue notices to organisations where they are not complying with the requirements of the Act. He/she also has the ability to prosecute those who commit offences under the Act and to issue fines.

### **3. Policy Statement**

The Town Council is committed to ensuring that personal information is handled in a secure and confidential manner in accordance with its obligations under the Data Protection Act 2018 and professional guidelines. The Town Council will use all appropriate and necessary means at its disposal to comply with the Data Protection Act and associated guidance.

### **4. Roles and Responsibilities**

#### **4.1. Data Protection Officer**

The Data Protection Officer is the Town Clerk and he/ she is responsible for the following tasks:

- Informing and advising the Town Council, any processor engaged by the Town Council as data controller, and any employee of the Town Council who carries out processing of personal data, of that person's obligations under the legislation;
- Providing advice and monitoring for the carrying out of a data protection impact assessments;
- Co-operating with the Information Commissioner's Office, acting as the contact point for the Information Commissioner's Office monitoring compliance with policies of the Town Council in relation to the protection of personal data monitoring compliance by the Town Council with the legislation.

In relation to the policies mentioned above, the Data Protection Officer's tasks include:

- a) assigning responsibilities under those policies;
- b) raising awareness of those policies;
- c) training staff involved in processing operations, and
- d) conducting audits required under those policies.

The Town Council must provide the Data Protection Officer with the necessary resources and access to personal data and processing operations to enable them to perform the tasks outlined above and to maintain their expert knowledge of data protection law and practice.

#### **4.2. Town Council**

The Town Council will be responsible for ensuring that the organisation complies with its responsibilities under the Data Protection Act through monitoring of activities and incidents via reporting by the Data Protection Officer. The Town Council will also ensure that there are adequate resources to support the work outlined in this policy to ensure compliance with the Data Protection Act.

#### **4.3. All Staff and Councillors**

All staff and Councillors will ensure that:-

- Personal information is treated in a confidential manner in accordance with this and any associated policies;
- The rights of data subjects are respected at all times;
- Privacy notices will be made available to inform individuals how their data is being processed;
- Personal information is only used for the stated purpose, unless explicit consent has been given by the Data Subject to use their information for a different purpose;
- Personal information is only disclosed on a strict need to know basis, to recipients who are entitled to that information;
- Personal information held within applications, systems, personal or shared drives is only accessed in order to carry out work responsibilities;
- Personal information is recorded accurately and is kept up to date;
- They refer any subject access requests and/or requests in relation to the rights of individuals to the Data Protection Officer;
- They raise actual or potential breaches of the Data Protection Act to the Data Protection Officer as soon as the breach is discovered.

It is the responsibility of all staff and Councillors to ensure that they comply with the requirements of this policy and any associated policies or procedures.

#### **4.4. Contractors and Employment Agencies**

Where contractors are used, the contracts between the Town Council and these third parties should contain mandatory information assurance clauses to ensure that the contract staff are bound by the same code of behaviour as Town Council members of staff and Councillors in relation to the Data Protection Act.

#### **4.5. Volunteers**

All volunteers are bound by the same code of behaviour as Town Council members of staff and Councillors in relation to the Data Protection Act.

### **5. Records Management**

Good records management practice plays a pivotal role in ensuring that the Town Council is able to meet its obligations to provide information, and to retain it, in a timely and effective manner in order to meet the requirements of the Act. All records should be retained and disposed of in accordance with the Town Council retention schedule.

## **6. Consent**

The Town Council will take all reasonable steps to ensure that service users, members of staff, volunteers, and contractors are informed of the reasons the Town Council requires information from them, how that information will be used and who it will be shared with. This will enable the data subject to give explicit informed consent to the Town Council handling their data where the legal basis for processing is consent.

Should the Town Council wish to use personal data for any purpose other than that specified when it was originally obtained, the data subject's explicit consent should be obtained prior to using the data in the new way unless exceptionally such use is in accordance with other provisions of the Act.

Should the Town Council wish to share personal data with anyone other than those recipients specified at the time the data was originally obtained, the data subject's explicit consent should be obtained prior to sharing that data, failure to do so could result in a breach of confidentiality.

## **7. Accuracy and Data Quality**

The Town Council will ensure that all reasonable steps are taken to confirm the validity of personal information directly with the data subject.

All members of staff and Councillors must ensure that service user personal information is checked and kept accurate and up to date on a regular basis, for example, by checking it with the service user when they attend for appointments in order that the information held can be validated.

Where a member of the public exercises their right for their data to be erased, rectified, or restricted, or where a member of the public objects to the processing of their data, the Data Protection Officer must be notified and the appropriate procedures followed.

## **8. Data Protection Impact Assessments**

A data protection impact assessment is a process which helps to assess privacy risks to individuals in the collection, use and disclosure of information. They must be carried out at the early stages of projects and are embedded into the Town Council's decision-making process.

## **9. Providers**

The Town Council must have written contracts in place with all suppliers who process personal data on behalf of the Town Council as "data processors". The Town Council will ensure that processors are only appointed if they can provide 'sufficient guarantees' through the procurement process that the requirements of the Act will be met, and the rights of data subjects protected.

## **10. Complaints**

Any expression of dissatisfaction from an applicant with reference to the Town Council's handling of personal information will be treated as a complaint and handled under the Town Council's complaint's processes. The Data Protection Officer will be involved in responding to the complaint.

Should the complainant remain dissatisfied with the outcome of their complaint to the Council, a complaint can be made to the Information Commissioner's Office who will then investigate the complaint and take action where necessary.

## **11. Security and Confidentiality**

All staff and Councillors must ensure that information relating to identifiable individuals is kept secure and confidential at all times. The Town Council will ensure that its holdings of personal data are properly secured from loss or corruption and that no unauthorised disclosures of personal data are made.

The Town Council will ensure that information is not transferred to countries outside the European Economic Area (EEA) unless that country has an adequate level of protection for security and confidentiality of information which has been confirmed by the Information Commissioner.

## **12. Rights of Data Subjects**

Individuals wishing to request their information as a subject access request should contact the Town Council, who will arrange for the information to be processed in accordance with the Data Protection Act. Further information on this is available in a separate document, How to access your records.

Individuals should also make requests in writing to the Town Council if they wish to exercise their other rights under the legislation.

## **APPENDIX 1**

### **DATA PROTECTION PRINCIPLES**

#### **First Principle**

Processed lawfully, fairly and in a transparent manner in relation to individuals;

#### **Second Principle**

Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;

#### **Third Principle**

Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

#### **Fourth Principle**

Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;

#### **Fifth Principle**

Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals;

#### **Sixth Principle**

Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.





# Melksham Town Council Data Security Incident Policy

Date Adopted:

Date Due For Review:





# DATA SECURITY INCIDENT POLICY

## 1. Introduction

We have a responsibility to ensure that personal information is kept and used securely. If anything goes wrong and, for example, data is lost, stolen, misused, sent to the wrong address or inappropriately accessed or released, we equally have a responsibility to put things right.

All suspected information security incidents must be reported to the Data Protection Officer (DPO). This enables the DPO to conduct a full investigation, and to identify areas of weakness and improvements that need to be made. It also enables the DPO to take a decision as to whether the incident should be reported to the Information Commissioner's Office as a data breach. The latter must be done within 72 hours of discovery. Therefore, all suspected incidents must be reported to the DPO as soon as they are discovered.

When sensitive information has been put at risk, but has not actually been lost, stolen, misused or inappropriately accessed or released, it may not be an incident requiring reporting to the Information Commissioner's Office however it is not good practice. For example, a member of staff taking sensitive information home without authority but returning it safely the next day would have put data at risk. The DPO will still put measures in place to prevent a reoccurrence.

All staff and councillors must be made aware of this procedure.

## 2. Procedure

All identified incidents must be reported to the DPO as soon as they are detected. Even where there is some difference of opinion regarding breach, err on the side of caution and report it.

Upon detecting a breach, it is important to act quickly. In particular it is important to let the DPO know the following:

- The extent of the breach
- The amount of information involved
- The sensitivity of information involved

The DPO will investigate the incident and establish why it happened, whether or not it constitutes a breach and what remedial action is necessary.

The DPO will use their initial assessment to report the breach if it meets the necessary threshold for reporting to the Information Commissioner's Office within 72 hours of the discovery of the breach. If this is done after 72 hours, the DPO will provide an explanation for this.

The DPO will prepare an incident report containing the following:

- A timeline of dates and times concerning the incident
- The potential for loss or damage to individuals, the Town Council or any other body
- What measures need to be taken and how quickly to address:-
  - i. Restoring any lost information to our custody or control
  - ii. Whether to warn people about the loss, including who to warn and when. This may require a risk assessment.
  - iii. Factors taken into account for deciding to report the loss to the Information Commissioner's Office.
  - iv. Whether to report the loss to the Police.

The DPO will consider taking statements from those involved, especially where the quality of evidence may be lost through time or people may not be present for long.

The DPO will report any actions that need to be taken to prevent a re-occurrence of the breach and the Town Council will ensure that these are implemented.

The DPO will write to any data subject(s) affected, if necessary, dependent on the outcome of a risk assessment, and deal with any subsequent complaint. A standard letter template for this is in Appendix 1.

The DPO will also correspond as applicable with any member of the public reporting a breach.

The DPO will deal with any correspondence from the Information Commissioner's Office, providing any further information requested and implementing any recommendations.

## APPENDIX 1

### Letter to notify that personal data has been breached

~~I write to you to bring to your attention a breach of the Data Protection Act that unfortunately involves your personal data.~~

~~As you would imagine we have taken this matter very seriously and are investigating the matter / have concluded our investigation into it.~~

~~The facts in this matter are: Give a brief description of what has happened eg. A letter intended for you was sent to another individual because of an administrative error. The other individual immediately notified me on receipt and returned the letter.~~

~~I am unable for reasons of confidentiality to go into details of my investigation. However, I am able to tell you that you If you have any questions or concerns regarding this letter, please get in touch with me.~~

~~I would again like to apologise for the incident of which you were no doubt unaware.~~

~~Yours sincerely~~

**Subject: Important Security Notice Regarding Your Personal Data**

**Dear [Recipient Name],**

We are writing to inform you of a data security incident that may have involved some of your personal information. We sincerely regret this incident and take the security of your data very seriously.

### **What happened?**

On [Date], we became aware of a data breach that occurred at Melksham Town Council. The incident happened because [clearly describe what happened, e.g., an employee accidentally sent a file to the wrong recipient, a cyber-attack, a lost device].

### **What information was involved?**

The data involved may include [list the categories of personal data, e.g., your name, address, date of birth, email address, phone number, etc.]. To the best of our knowledge, the following information was not involved: [if possible, state what was not compromised, e.g., bank account details, national insurance numbers, etc.].

### **What are the potential consequences?**

Based on the data involved, there may be risks such as [describe the likely consequences, e.g., phishing attempts, identity theft, financial fraud, damage to reputation. Be specific based on the data compromised].

### **What we are doing**

Upon discovering the breach, we took immediate action, including:

- [Describe the immediate actions taken, e.g., Securing the affected systems, launching an investigation, notifying the Information Commissioner's Office (ICO)].
- [Describe any further measures to mitigate harm, e.g., We are working to limit the effects, we have implemented additional security measures to prevent future incidents].

### **What you can do**

To help protect yourself, we recommend that you:

- [Provide specific guidance for the individual, e.g., Be vigilant against phishing scams, monitor your bank accounts, change passwords for any affected accounts].
- [Include any additional information relevant to the type of breach, e.g., If bank details were involved, please alert your bank].

### **For more information**

We understand you may have questions or concerns. If so, please do not hesitate to get in touch with me. We will update you if there are any significant developments.

You may also wish to look at information available on the website of the Information Commissioner's Office, which can be accessed via this link <https://ico.org.uk/for-the-public/>.

We deeply regret any harm or concern this incident may have caused you.

Sincerely,

**[Name]**

**[Title]**

~~Reviewed and Adopted by Full Council on 22 March 2021~~  
~~To be reviewed April 2023~~





# Melksham Town Council Documentation Retention Policy

Date Adopted:

Date Due For Review:



# **DOCUMENTATION RETENTION POLICY**

## **1. Introduction**

This policy guides the management and timely disposal of correspondence files and other Town Council documents. The policy may also be used to guide members of the public as to which documents are readily available for requests under the Freedom of Information Act 2000.

## **2. Scope and purpose**

The purpose of this policy is to provide a framework to govern management decisions on whether a particular document (or set of documents) should either be:

- Retained – and, if so, in what format and for what period; or
- Disposed of – and, if so, when and by what method.

For the purposes of this policy, the terms ‘document’ and ‘records’ include information in both hard-copy and electronic format.

## **3. The Retention/Disposal Protocol**

Any decision whether to retain or dispose of a document should be taken in accordance with the following criteria:

- Has the document been appraised?
- Is retention required to fulfil statutory or other regulatory requirements?
- Is retention required to evidence events in the case of a dispute?
- Is retention required to meet the operational needs of the Council?

Where the nominated reviewing manager is familiar with the contents of the document or where the contents are straightforward and easily apparent then such an exercise may only take a few minutes.

## **4. Roles and Responsibilities – Managing Officers**

Responsibility for determining whether to retain or dispose of specific documents rests with the Town Clerk with whom control and responsibility for those areas of the business properly falls. The Town Clerk will appraise the documentation in accordance with the Retention/ Disposal Protocol detailed at Section 3 and the documentation listed in Section 5.

The rationale for this is that it would be reasonable to assume and expect that the Town Clerk should be broadly conversant with the types of documents received, generated and stored.

The Town Clerk must ensure that an annual review of all documentation detailed in Section 5 below occurs. This review may be delegated to a member of staff. However, the Town Clerk must ensure that the delegated member of staff has a full understanding of the process – and that the member of staff presents all documentation identified as applicable for destruction to the Town Clerk for confirmation before final disposal.

Documents that are not to be reviewed by Officers below the Town Clerk are as follows:

- Personnel files

- Records relating to disciplinary hearings, complaints of a personal nature against staff, Officers or ~~may any~~ member of the public carrying out work paid or unpaid on behalf of the Council
- Salary details

## 5. Disposal

Disposal can be achieved by one of the following options:

- Confidential waste – ie making available for collection by a designated refuse collection service
- Physical destruction on site (paper records – shredding).
- Deletion – where computer files are concerned
- Migration of documents to external body.

The Town Clerk should take into account the following considerations when selecting any method of disposal:

- Under no circumstances should paper documents or computer memory sticks containing personal data or confidential information be simply binned or deposited in refuse tips. To do so could result in the unauthorised disclosure of information to third parties and render the Council liable to prosecution or other enforcement under the Data Protection Act. Such documents should be destroyed on site (eg. By shredding) or placed in specially marked 'Confidential Waste' bins or bags.

~~The Town Council utilises the services of a designated secure refuse collection service. The service provider supplies sacks into which the selected paperwork is to be placed and then secured. The bags have a specified weight limit which ensures the bags are not overloaded, thus reducing the risk of potential injury when lifting or carrying them. Partially filled waste bags or files are not to be left unattended at any time unless the room in which the work is being undertaken is lockable.~~

- Deletion – the Information Commissioner has advised that if steps are taken to make data virtually impossible to retrieve then this will be regarded as equivalent to deletion.
- Migration of documents to a third party (other than for destruction or recycling) is unlikely to be an option in most cases. However, this method of disposal is relevant where documents or records are of historic interest and/ or have intrinsic value. The third party here in many instances would be the Public Record Office (PRO). 'Migration' can also include the sale of documents to a third party, eg. Historic maps.
- Recycling – wherever practicable disposal should further recycle ~~inline in line~~ with the Council's commitment to sustainable development and promotion of an alternative waste disposal strategy.

Disposal should be documented by keeping a record of the document disposed of, the date and method of disposal, and the Officer who authorised disposal. The documenting of disposal will be particularly important to ensure compliance with the Freedom of Information Act.

## DATA PROTECTION ACT 1998

The Town Clerk needs to be aware that under the Data Protection Act, personal data processed for any purpose must not be kept for longer than is necessary for that purpose. In other words, retaining documents or records that contain personal data beyond the length of time necessary for the purpose for which that data was obtained is unlawful.

The following documents will be retained for the periods stated and the reasons given:

<b>Document</b>	<b>Minimum Period</b>	<b>Reason</b>
Record of disposal records	Destroy after 12 years	Common practice
Minute books	Indefinite	Historical
Scale of fees and charges	Six years	Management
Annual audited accounts	Indefinite	Historical
Receipt books	Six years	VAT
All bank statements including savings and deposit accounts	Last completed audit year	Audit
Bank paying in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotations/ tenders	Indefinite	Statute of Limitations Act
Paid Invoices	Six years	VAT
Paid cheques	Six years	Statute of Limitations Act
Sundry debtor invoices	Six years	VAT
VAT records	Six years	VAT
Petty cash, postage books	Six years	VAT
Payroll records	12 years	Superannuation
Employers liability insurance	40 years	Management and Statute of limitations
Public Liability insurance	21 years	Management and Statute of limitations
Health and Safety inspection records	21 years	Management and Statute of limitations
Investment records	Indefinite, archive after five years	Audit, Management



Title deeds, leases, licenses, agreements, contracts	Indefinite, archive after five years	Audit, Management
Members' allowances register	Six years	Tax, Statute of Limitations
For Town Hall premises and facilities (applications to hire, lettings diaries, copy invoices, record of tickets issued)	Six years	VAT
Allotments register and plans	Indefinite	Audit, management
Insurance certificates/ employers' liability certificates	Indefinite, archive after five years	Management
Planning lists, plans and observations	Destroy after two years	Local choice
Statutory development plans and observations	Destroy five years after expiry or when draft superseded	Local choice
Consultations on statutory functions eg. Licensing and highways	Destroy after two years	Local choice
Member contact details	As long as the person remains a member of Council	Common practice
Representation – list of members representing the Council on outside bodies	Six years	Local choice
Corporate plans, strategies, policies, business plans, annual reports, asset register	Permanent archive after superseded	Common practice
Personnel administration	Destroy five years after person leaves employment	Local choice
Recruitment and interview documents	One year	Equal opportunities claims
Staff team briefs	Three years	Common practice
Equality opportunities	Destroy 15 years after last action	Common practice
Health and Safety	Destroy 15 years after last action or after six years if superseded.	Statutory and common practice

	40 years for asbestos and other occupational health records	
Statutory returns	Seven years	Common practice
Operating procedures	Two years after superseded	Local choice
Consultations of public and staff	Destroy after five years from closure	Common practice
Record of complaints against the Council	Destroy after six years	Common practice
Freedom of information	Destroy after five years	Common practice
Reviewing the quality, efficiency or performance of the Council	Destroy after five years	Common practice
Publicised work of the Council	One copy to permanent archive Destroy others after administrative use	Common practice
Media relations – records of interactions	Destroy after three years	Common practice
Marketing and promotions literature	Destroy after six years	Local choice
Civic and royal events – records of administration	Permanent archive after use concluded	Common practice
Organising documents	Destroy after seven years	Common practice
Making local bylaws, copies and procedures (if applicable)	Permanent archive after use ended	Common practice
Administration/ enforcement of bylaws	Destroy two years after conclusion of action	Common practice
Emergency planning and environmental issues	Destroy seven years after administration concluded	Common practice
Contamination of land	Indefinitely	Common practice
CRB/ DBS disclosures	Six months	Management

## 6. Storage of Retained Documents

Retained documents will be stored on the Town Council's premises and recorded/ archived to ensure easy retrieval. Where possible documents are to be stored in electronic format.

An annual review of the method of storage will be carried out to ensure that items continue to be accessible and safe and also to ensure that the system remains up to date with developing technology.

Historic documents too large or fragile to be scanned should be stored in the fireproof safe located in the Town Hall. Those documents and files will be reviewed periodically and, if considered appropriate, offered to the County Records Office for safekeeping. This is to ensure that very old documents are kept in optimum conditions to ensure longevity.

~~Reviewed and Adopted by Full Council on 28 June 2021.~~  
~~To be reviewed June 2023.~~



# Melksham Town Council

## Grants Policy

Date Adopted: TBC

Date Due For Review: TBC



# GRANTS POLICY

## 1. Introduction

Melksham Town Council is committed to supporting and strengthening our local community. Each year, we allocate a portion of our budget to a discretionary grants scheme designed to bring tangible improvements to the lives of residents and enhance community well-being. These grants aim to support local projects and initiatives that contribute to a stronger, more connected, and vibrant Melksham. Grants are ultimately made at the discretion of the council – meeting the criteria does not guarantee a grant and applicants should not assume that they will be successful.

## 2. Grants

2.1. There are three types of grants:

2.1.1. **Community Grants:** applications for up to £1,000 are invited twice in a year with closing dates of the 15th of April and the 15<sup>th</sup> of September.

2.1.2. **Facility Hire Grants:** Melksham Town Council can fund room hire in Melksham Town Hall, Melksham Assembly Hall, or KGV park for a specified (number of) event(s). These too are offered twice a year with closing date of 15th of April or 15<sup>th</sup> of September.

[Before applying for a Facility Hire Grant, please contact Melksham Assembly Hall [assemblyhall@melksham-tc.gov.uk](mailto:assemblyhall@melksham-tc.gov.uk) to get a cost for your event/s.]

2.1.3. **Core Grants** are intended to offer financial assurance to larger organisations providing services within Melksham Town and awarded annually for a maximum of four years. [“Larger” typically includes organisations with paid staff, annual turnovers in excess of £10,000 or which involve large numbers of volunteers.]

Applicants must demonstrate how their work meets the strategic aims of Melksham Town Council.

To remain in Melksham Town Council’s budget each year, core grant recipients must submit monitoring forms by 1st October.

## 3. Principles

3.1. Melksham Town Council serves only the main town area, not surrounding regions. Our grants must primarily benefit residents who fund this council, rather than those in neighbouring or outlying areas: we cannot fund projects which work wholly outside our town. We appreciate this may be confusing for applicants with Melksham postal addresses who nonetheless operate within the Melksham Without Parish Council’s area. Melksham Town Council and Melksham Without Parish Council often cooperate on projects and we can fund projects in proportion to their impact on the town: in such cases, the council will expect to see a robust breakdown of beneficiary locations with an explanation of how this is monitored.

Melksham Town Council always encourages applicants to seek other funding so that organisations do not become solely reliant on the Council and evidence of this is seen as a positive.

Applications that do not benefit the community of the Melksham Town Council area will be declined.



#### **4. Process**

- 4.1. Application forms and monitoring forms can be completed on Melksham Town Council's website: this is the council's preferred method of receiving applications.
  - 4.1.1. If using a website causes genuine difficulties which might lead to unintended exclusion, officers can help to complete an application in other ways.
- 4.2. Applications will be reviewed by the Community Officer to ensure compliance with the basic requirements established by the council; however, officers do not make the funding decisions. Applications meeting the council's eligibility criteria will be presented to the Community Development Committee for consideration and decision by elected members.
  - 4.2.1. Councillors who are connected to any applicant must declare an interest at the time of the grant application hearing.
- 4.3. Application forms will have personal and sensitive information redacted before becoming public as part of the Community Development Committee's agenda.
- 4.4. A representative from the applicant must attend the committee meeting considering application (in person or virtually) to explain the application and to ask and answer any questions; if a representative is not able to attend, the application will be deferred to another meeting.
- 4.5. There is no guarantee that a grant application will be successful solely because it meets the eligibility criteria.

#### **5. Who can get a grant?**

- 5.1. Below are some examples of typical grant recipients:
  - Charitable organisations
  - Youth/Senior Citizen groups
  - Sports clubs or arts groups
  - Advice organisations
  - Organisations assisting the disabled
  - Minority groups
  - Community buildings
  - Community events
  - Health/transport/safety groups

#### **6. Eligibility Criteria**

- 6.1. To be eligible for funding, an organisation must:
  - 6.1.1. be a community, voluntary or charitable organisation
  - 6.1.2. have its own bank/building society current account in the name of the organisation and operated by two unrelated signatories ("dual signatory")
  - 6.1.3. have at least three members on its management committee/board
  - 6.1.4. have a written governing document (e.g., a constitution, memorandum, articles of association, set of rules or trust deed)
  - 6.1.5. have an adopted Safeguarding Policy if working with children, young people and/or vulnerable adults
  - 6.1.6. have an adopted Equal Opportunities Policy or Statement
  - 6.1.7. have an adopted Environmental Policy (or evidence of environmentally responsible and sustainable practices)
  - 6.1.8. show evidence that their project/service is required in Melksham Town Council's area and has community support
  - 6.1.9. show evidence that their project/service will benefit the community and/or individuals based in Melksham Town Council
  - 6.1.10. show evidence that an application for over £250 will be match funded. (The notional value of volunteer time may be accepted as match funding.)

6.2. Those applying for grants agree that if successful they will:

- 6.2.1. ringfence grant money for use for the benefit of Melksham Town residents
- 6.2.2. return any grant money should the project/event not take place
- 6.2.3. spend the grant within six months (extendable to 12 by prior agreement)
- 6.2.4. attend a meeting of the Melksham Town Council to receive a presentation cheque and be photographed with the Town Mayor
- 6.2.5. attend the Annual Town Meeting (in person or virtually) to explain the impact of the Melksham Town Council grant
- 6.2.6. complete a monitoring form after six months to show how the grant money was spent (downloadable from the town council's website)
- 6.2.7. provide financial evidence of the grant expenditure
- 6.2.8. receive funds into a bank account in their name of their organisation (not an individual)  
if a group lacks an account, council may approve allocating funds to another recognised community organisation to hold them
- 6.2.9. acknowledge Melksham Town Council's support on all print and electronic materials, including websites, social media, and press releases, for at least one year or until the funded project concludes
- 6.2.10. display the Melksham Town Council logo on a suitable plaque on any capital build project funded by a grant
- 6.2.11. arrange for a visit by the mayor to the organisation

**6.3. Failure to comply with any of the applicable conditions may result in Melksham Town Council seeking to recover any grant and might adversely affect any future applications.**

## **7. Ineligibility**

7.1. Grants will not be awarded to fund:

- 7.1.1. private organisations operating as a business to make a profit or surplus
- 7.1.2. individuals (i.e. not a group)
- 7.1.3. applications originating from national organisations or charities
- 7.1.4. "Upward Funders" i.e. groups whose fundraising is sent to central headquarters for redistribution
- 7.1.5. organisations who wish to pass on money to other individuals or groups (except to pay for goods and services used in their projects)
- 7.1.6. political organisations
- 7.1.7. activities that are completely funded from another funding source
- 7.1.8. loans or interest payments
- 7.1.9. organisations whose function is primarily undertaken by the Health Authority or Wiltshire Council's Social Services
- 7.1.10. activities whose funding is provided by government e.g. school education
- 7.1.11. organisations that discriminate on the grounds of race, religion, age, gender, transgender, sexual orientation, marital status, pregnancy or any disability
- 7.1.12. expenditure incurred or committed before confirmation of the grant (e.g. for project which has already happened)
- 7.1.13. groups/organisations which received similar grant funding from Melksham Town Council in the last 6 months

7.2. And normally, unless specifically negotiated, we will not fund:

- 7.2.1. general or ongoing running costs such as salaries or rent [Please see Schedule 1 below for a list of items we consider to be running costs]
- 7.2.2. community grant requests for over £1,000

## **8. Grant Application Checklist**

8.1. Applicants are required to supply a completed application form and provide the following:

- 8.1.1. contact details for the organisation applying
- 8.1.2. the type of grant requested
- 8.1.3. the amount being requested
- 8.1.4. estimated total cost of the project for which the grant is being requested
- 8.1.5. an overview of the organisation and the project/service for which funding is requested
- 8.1.6. evidence that the project/service is required by the community and/or individuals based in the area covered by Melksham Town Council.
- 8.1.7. evidence that the grant will benefit the community and/or individuals based in the area covered by Melksham Town Council
- 8.1.8. evidence showing any negative impacts on the community or individuals within the Melksham Town Council area if the project or service is discontinued
- 8.1.9. the estimated total number of beneficiaries of the project/service and the estimated number of those beneficiaries residing in the area covered by Melksham Town Council with an explanation of how these numbers were determined
- 8.1.10. a clear explanation of how any grant will be spent
- 8.1.11. evidence that other sources of funding and support have been secured or are being sought for the project (benefit in kind of voluntary time can be counted as match funding).
- 8.1.12. details of any previous grants received from Melksham Town Council in the last 2 years

8.2. The application form must also be accompanied by the following documentation:

- 8.2.1. a copy of your governing document (e.g., a constitution, memorandum, articles of association, set of rules or trust deed)
- 8.2.2. a copy of your most recent full annual accounts with details of all monies held in reserves
- 8.2.3. a copy of your most recent bank account statement & details of any other investments/savings held
- 8.2.4. a copy of your adopted Safeguarding Policy (if your group works with children and young people and/or vulnerable adults)
- 8.2.5. a copy of your adopted Equal Opportunities Policy or Statement
- 8.2.6. a copy of your adopted Environmental Policy or evidence of the environmentally responsible and sustainable practices of your organisation

8.3. Melksham Town Council reserves the right to request any additional information to aid determination of the grant.

## **9. Bid Outcome and Future Conditions**

9.1. Applicants will be notified in writing of their grant application outcome within 14 days of the Community Development Committee's decision.

### **9.2. If Your Grant Application Is Unsuccessful**



- 9.2.1. If an organisation doesn't meet the eligibility criteria but could qualify later, it may be advised that it can reapply in a future round.
- 9.2.2. If there is a more appropriate source of funding, the organisation may be redirected.

## **Alternative Sources of Local Funding and Support**

This list is updated regularly but cannot reflect all possible funding and support available in Wiltshire. It may not reflect the changing priorities and opportunities within the organisations listed. Contact the providers directly for details of any grants or support.

### **Local Grants**

- **Melksham Without Parish Council** invite applications annually for grant aid from organisations who can show that they benefit residents of the Parish.
  - This includes Bowerhill and surrounding villages, including Beanacre, Berryfield, Shaw, The Spa and Whitley
  - Deadline for applications is 31<sup>st</sup> January, annually.
  - More information: <https://melkshamwithout-pc.gov.uk/index.php?page=grant%20aid>.
- **Melksham Area Board** award grants for local community projects and initiatives that meet local priorities and deliver exceptional outcomes for residents.
  - More information: <https://www.wiltshire.gov.uk/article/6145/Area-Board-Grants>.
- **Wiltshire Community Foundation** have a Grants programme which supports people and communities in need in Wiltshire and Swindon.
  - More information: [Grants overview | Wiltshire and Swindon Community Foundation](https://www.wscf.org.uk/grants-and-support/grants-overview/) <https://www.wscf.org.uk/grants-and-support/grants-overview/>
- **The Gov.UK website** has a 'Find a Grant' service that allows you to search government grants here: <https://www.find-government-grants.service.gov.uk/>.

## **Schedule 1** **Schedule of Running Costs**

We usually consider the following to be "Running Costs" – this list is not exclusive.

- Rent
- Staff costs
- Volunteer expenses
- Travel costs
- Utilities including but not limited to, electricity, gas, water, internet
- Insurance; premises, employer, public and vehicle
- Business rates or council tax
- Membership fees or DBC costs
- Software licences
- TV licencing
- Third party staffing such as accountancy or legal fees

- Daily cleaning costs
- Advertisement and marketing or reprographics
- Annual vehicle maintenance and costs such as yearly tax, MOT and servicing
- General vehicle wear and tear such as replacement tyres or brakes
- Equipment repairs
- Website hosting
- Any sundries such as food, refreshments and stationery that are supplied as part of standard activities of your organisation
- The purchase of uniforms for staff or volunteers



# Melksham Town Council Health & Safety Policy

Date Adopted:

Date Due For Review:



# HEALTH & SAFETY POLICY

## 1. Introduction

Melksham Town Council aims to promote the health, safety and welfare of all staff, customers, volunteers and visitors through a commitment to the development of a positive health and safety culture within all offices, facilities and departments operated under their management.

## 2. Aims

To achieve the highest possible standards, Melksham Town Council aims to, so far as is reasonably practicable:

- Implement and develop a health and safety management strategy around the Health and Safety Executive (HSE) principles of Plan, Do, Check and Act
- Identify the risk to health through comprehensive risk assessments, ensuring actions arising are implemented and the risks are reduced to the lowest practicable level
- Provide defined standards, which will include safe methods of working for all staff
- Provide and maintain plant, equipment and machinery, and ensure safe storage/use of substances
- Seek to prevent accidents, incidents and near misses, and cases of work-related ill health
- Implement emergency procedures
- Increase the number of near miss reports and the timely completion of investigations to prevent a reoccurrence
- Ensure mechanisms are in place to report hazards and identify faults for rectification
- Provide a safe and healthy working environment for all members of staff, visitors, members of the public and contractors
- Award contracts for goods and services to persons or organisations able to demonstrate compliance with health and safety legislation and best practice.

## 3. Actions

Melksham Town Council are committed to staff development and involvement and aim to ensure the following provisions are met:

- Establish an effective management structure, with key health and safety responsibilities identified and communicated
- Create a proactive and sustainable health and safety culture, which encourages the involvement of all members of staff
- Consult and engage with our staff on matters affecting their health and safety, including day-to-day health and safety conditions
- Ensure suitable welfare arrangements are in place for all staff
- Raise the standard of internal health and safety knowledge by providing suitable and sufficient training, which is appropriate to the business needs of the organisation
- Provide staff with appropriate information, instruction and supervision to ensure staff are competent

- Ensure staff are given necessary health and safety induction and provided with appropriate training and personal protective equipment.

#### **4. Implementation**

The CEO is responsible for the implementation and management of the health and safety arrangements that exist within Melksham Town Council and accepts this responsibility, on behalf of the Full Council. The Senior Leadership Team will review this policy statement at least annually and any revisions will be made accessible to all members of staff.





# Melksham Town Council Investment Strategy Policy

Date Adopted:

Date Due For Review:



# INVESTMENT STRATEGY AND POLICY

## 1. Introduction

Melksham Town Council (the Council) acknowledges the importance of prudently investing the temporary surplus funds held on behalf of the community as part of its fiduciary duty. This strategy complies with the revised requirements set out in the Department of Communities and Local Government Guidance on Local Government Investments and takes into account Section 15(1)(a) of the Local Government Act 2003 and guidance within Governance and Accountability for Local Councils Practitioner's Guide.

The Local Government Act 2003 states that a local authority may invest:

- For any purpose relevant to its functions under any enactment.
- For the purpose of prudent management of its financial affairs.

The council defines its treasury management activities as 'the management of the council's cash flows, its banking and money market transactions, the effective control of the risks associated with those activities, and the pursuit of best value performance consistent with those risks'.

## 2. Policy

This strategy establishes formal objectives, policies and practices and reporting arrangements for the effective management and control of the council's treasury management activities and the associated risks and should be read in conjunction with the council's Financial Regulations.

## 3. Investment Objectives

The council's investment priorities are:

- the security of its reserves, and
- the adequate liquidity of its investments, and
- the return on investment.

The council will aim to achieve the optimum return on its investments commensurate with proper levels of security and liquidity. The council will ensure it has adequate though not excessive cash resources, or standby facilities to enable it at all times to have the level of funds available which are necessary for the achievement of its service objectives.

All investments will be made in sterling.

The Department of Communities and Local Government maintains the borrowing of money purely to invest or to lend and make a return is unlawful and the council will not engage in such activity.

The council will monitor the risk of loss on investments by review of credit ratings on a regular basis. The council will only invest in institutions of high credit quality – based on information from credit rating agencies.

Investments will be spread over different providers where appropriate to minimise risk.

## 4. Specified investments

Specified investments are those offering high security and high liquidity, made in sterling and with a maturity of no more than a year. Such short-term investments made with the UK Government or a local authority or town or parish council will automatically be Specified Investments.

For the prudent management of its treasury balances, maintaining sufficient levels of security and liquidity, Melksham Town Council will use:

- Deposits with banks and building societies.
- Other approved public sector investment funds.

The choice of institution and length of deposit will be at the recommendation of the Town Clerk ~~and~~ Responsible Financial Officer (RFO).

The council will aim to achieve the optimum return on its investments commensurate with the proper levels of security and liquidity.

## **5. Non specified investments**

These investments have greater potential risk – examples include investment in the money market, stocks and shares. Given the unpredictability and uncertainty surrounding such investments the council will not use this type of investment.

## **6. Liquidity of investments**

The Town Clerk ~~and~~ RFO will determine the maximum periods for which funds may prudently be committed so as not to compromise liquidity.

Investments will be regarded as commencing on the date the commitment to invest is entered into rather than the date on which the funds are paid over to the counterparty.

## **7. Long term investments**

Long term investments are defined in the Guidance as greater than 12 months.

## **8. Investment strategy**

The council will only invest in institutions of high credit quality – based on information from approved credit rating agencies (Moody's Investors Service Ltd, Fitch Ratings Ltd or Standard and Poor's). High credit quality is defined as a body or investment scheme with an 'A' or P1 rating.

When considering the investments to be made by the council, credit checks will be carried out and regard will be had to UK credit ratings as follows:

AAA - Extremely strong capacity to meet its financial commitments. AAA is the highest issuer credit rating.

AA - Very strong capacity to meet its financial commitments. It differs from the highest rated investment companies only in small degrees.

A - Strong capacity to meet its financial commitments but is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than investment companies in higher-rated categories.



BBB - Adequate capacity to meet its financial commitments. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the investment company to meet its financial commitments.

The council will monitor the risk of loss on investments by a periodic review of credit ratings and assess the risk of loss before entering into, and whilst holding, an investment.

Melksham Town Council aims to invest in companies/ investments with a AAA or AA credit rating.

## **9. Banking Arrangements**

The council will periodically review its banking arrangements by a competitive process which balances returns, high street presence, accessibility of funds, service level, bank charges and ethical credentials.

## **10. Review and amendment of regulations**

At the end of the financial year, the ~~Town Clerk~~/RFO will report on investment activity to Full Council.

## **11. Review and amendment of regulations**

The Investment Strategy and Policy must be reviewed annually by Full Council and revised if considered necessary.

The council reserves the right to make variations to the Investment Strategy and Policy at any time subject to the approval of Full Council. Any variations will be made available to the public.

## **12. Freedom of information**

In accordance with the Freedom of Information Act 2000, the council's Investment Strategy and Policy will be published on the Town Council's



# Melksham Town Council Procurement Policy

Date Adopted:

Date Due For Review:



# PROCUREMENT POLICY

## 1. Introduction

The purpose of this policy is to provide guidance on the procedures which will be followed when purchasing goods and services. The policy aims to give effect to and comply with S135 of the Local Government Act 1972 and the Public Contracts Regulations 2015.

Every Contract by the Council or person acting on its behalf shall comply with this Procurement Policy, the Town Council's Standing Orders and Financial Regulations. Each document should be read in conjunction with the others. These regulations cover, amongst other things: the number of quotations to be sought and the tendering procedure.

The National Association of Local Councils Legal Topic Note 87 also provides sensible guidance. [NALC 87 re Procurement Policy.pdf](#)

A Contract is an agreement between the Council and an individual or organisation for the individual or organisation to provide works, goods, or services (including the engagement of consultants) in exchange for payment by the Council. The following contracts are exempt from the requirements of these rules: contracts relating solely to disposal or acquisition of land; employment contracts and individual agency contracts for the provision of temporary staff.

The Council strives to attain best value for the goods, materials, and services that it purchases. Best value is defined as a balance of price, quality of product and local supplier services. Before commencing a procurement, it is essential that the authorised person leading the procurement has identified the need and fully assessed the options for meeting those needs. The best use of purchasing power shall be sought by bulk purchases wherever possible.

Exceptions to any of the following provisions of these Contract Procurement Rules may be made under the direction of the Council, in consultation with the RFO, where they are satisfied that the exception is justified in special circumstances. Every exception and reason therefore shall be recorded by a resolution of Council.

The council must be mindful of avoiding conflicts of interest when obtaining quotations and awarding tenders. **Quotations cannot be obtained by members.**

## 2. Purpose

Melksham Town Council's Procurement Policy has four main purposes:

1. To obtain best value in the way that the Council spends money, so that it may in turn offer better and more cost-effective services to the public.
2. To support the ability of the Council's officers to procure and manage goods, services, and suppliers effectively, advising all Council staff of the appropriate procedures and responsibilities.
3. To enable the Council to comply with legal obligations that govern the spending of public money.
4. To contribute to the Council's duty towards biodiversity and environmental aims.



### **3. Local contractors preferred**

3.1. The Council recognises the benefits to the economy of using local businesses and will seek out local contractors and suppliers, wherever possible.

### **4. Competence of contractors and due diligence**

4.1 The Council shall only enter into a contract with a supplier if it is satisfied as to the supplier's suitability, eligibility, financial standing, and technical capacity to undertake the contract by carrying out appropriate due diligence. A credit check will be carried out for all contracts which exceed the threshold in Financial Regulations. Officers will also seek references from suppliers.

4.2 All contractors and suppliers working on Council sites will be required to comply with the Council's relevant Health & Safety policy and any rules specific to the site of operation. Provision of suitable risk assessments and safe working method statements will be a condition of all such contracts.

4.3 The Council requires all contractors working on Council sites and projects to maintain adequate insurance, including but not limited to Public Liability insurance, per the threshold in Financial Regulations, and only more where there is a legal requirement for it to be more.

4.4 All procurement will be in accordance with the Council's Equality Policy and in line with our legal obligations under the Equalities Act 2010 which makes it generally unlawful to discriminate on the grounds of colour, race, nationality, ethnic or national origins, sex or marital status, disability and on the grounds of age.

### **5. Equality and sustainability**

5.1 The Council recognises the importance of sustainability and will consider the environmental, social and economic impacts of its purchasing decisions.

5.2 The Council recognises its duty to protect biodiversity under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006. To meet this duty the Council will wherever possible purchase products that protect biodiversity, for example peat-free compost.

5.3 The Council will encourage the purchase of locally sourced products and, where possible, ensure that products and materials originate from sustainable sources and accredited sustainable companies. To:

- minimise waste and maximise efficiency
- minimise travel
- minimise energy consumption
- promote greater use of new sustainable technologies
- keep material consumption to a minimum.

5.4 The Council will, wherever possible, purchase goods that meet international Fairtrade standards (or similar).

5.5 The Council will consider the whole life cost of products when selecting a supplier (Energy efficient products for example often have an increased capital cost that is more than offset over time by the reduced operational cost)

5.6 The Council will never buy products that are harmful to the environment if a less damaging alternative is available (for example never use tropical hardwood that is not independently certified as being from a sustainable forest). The Council will always specify goods, products and materials that cause minimum damage to the environment including the impact of their manufacture, distribution, use & disposal.

5.7 The Council aims to promote sustainability within all its contract and tendering documentation and promote awareness amongst members and officers.

5.8 The Council will continually review the purchasing of goods and services through contract specifications, with the intention of decreasing the Council's environmental impact and increasing its positive impacts on society, the local economy, and producers.

5.9 The Council aims to draw the sustainable elements of its Procurement Policy to the attention of key suppliers and communicate it as widely as is practicable to the potential supply market.

## **6. Prompt payment of invoices**

6.1. The Council understands the importance of paying suppliers promptly and will wherever possible settle accounts within a maximum of 30 days, or earlier, by agreement. To comply with current legislation all payments (apart from petty cash payments) are made by BACS transfer, Direct Debit, or cheque.

6.2. Non-compliance by contractors/ suppliers with the specification or other contract requirements could result in delayed or even reduced payment.

## **7. Community engagement**

7.1 Where relevant, the Council will consult with residents and service users to better understand what is needed, who will use it and what the essential requirements are for an item of capital expenditure.

## **8. Pre-approval of contractors**

8.1. In respect of contracts that may be exempt from the Public Contracts Regulations 2015, the Council may require access to pre-approved contractors to supply routine services (or who can be called on to provide emergency services) including but not limited to:

- a) Electricians
- b) General builders

- c) Glaziers
- d) Grass and hedge cutting contractors
- e) Groundworkers
- f) HR advice
- g) IT support
- h) Legal advice
- i) Locksmiths
- j) Plant hirers
- k) Play equipment repairers
- l) Plumbing and heating engineers
- m) Project management/ quantity surveying
- o) Tree surgeons
- p) Vehicle and machinery service engineers

8.2 Contractors wishing to be included on the Council's register of approved contractors will be required to complete a registration form (See Appendix A).

8.3 The register of approved contractors will be reviewed every three years.

8.4 Provision of the Town Council's internal audit services is reviewed every three years. A decision must be made by 31 December for the next financial year.

## **9. Best value**

9.1 Normally the Council will accept the quotation, estimate, or tender that provides best value for money. However, in accordance with Standing Orders, the Council is not obliged to accept the lowest of any tender, quotation, or estimate.

## **10. Purchases on account**

10.1 The Council maintains monthly accounts with suppliers of regular purchases. All purchases on Council accounts may only be made by authorised Council officers who must be provided with a receipt. A purchase order must be raised for all goods. Limits will be set on each account on the maximum value of individual purchases and the overall balance on the account. Expenditure over these limits must be authorised in advance.

## **11. Specifications for tender process**

11.1. Enquiries and invitations to tender shall be based on a written specification. The specification shall adequately describe the requirement procedure in sufficient detail to enable effective procurement in accordance with these rules.

11.2 A specification is the description of the product or service required and will form part of the contract with the selected supplier. It is therefore important that the specification is clear and un-ambiguous as changes/additions to the specification post-contract may entail extra costs. Also, the specification should not be biased towards any one company and should enable suppliers to tender or quote the Town Council on an equitable basis. Where adequate expertise is not available within the Council (officers and members) outside assistance should be sought.

Invitations to quote should be in writing or by e-mail and sent to all suppliers selected to quote.

11.3 Specifications for the provision of goods and services should include where applicable:

- The key features, functions, performance and installation standards and methods (where appropriate) required
- Any essential design requirements and/or limitations
- Details of any existing suitable products that the requirements are based upon including relevant standards and Health and Safety considerations
- The timescale required for delivery
- Any specific evaluation criteria and relevant experience required
- A statement to the effect that non-compliance with instructions may lead to disqualification from the procurement process

Wherever possible/relevant a note should be included stating that where suppliers feel that specific requirements could be varied to the benefit or improvement in overall value to or effective operation by the Council, they are encouraged to say so in writing along with detailed justification. Consideration will then be given without compromising the principle of fairness previously referred to.

## **12. Supplier selection and appraisal**

12.1 In many cases a list of potential suppliers can be produced through previous experience and market knowledge. In other circumstances advertisements may be placed in appropriate trade journals. The Town Council website should also be used. Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is defined as a very large contract, the council shall comply with the relevant requirements of the Regulations. Potential suppliers need to be assessed to ensure that they can meet the requirements. This assessment should be based on technical, commercial, and financial grounds and may involve one or more of the following:

- Requesting that potential suppliers complete a pre-qualification document, where appropriate, providing information relevant to the contract
- Visiting and assessing the premises and/or web site of a supplier
- Taking up references from appropriate professional organisations or comparison websites

Where appropriate, suppliers should be contacted prior to the issue of invitations to quote/tender in order to establish:

- That they are willing to quote/tender for the work
- Timescales for return of quotes/tenders.

- A contact name, address, phone number and e-mail address
- 12.2 If supplies or services can only be supplied by one supplier or local specialists are needed or the supplies or services are proprietary, they can be sourced outside the normal procurement procedure subject to the procedure referred to in Section 1 para 7.
- 12.3 Suppliers and contractors are monitored to assess their compliance against the pre-determined performance criteria set out in the contract documentation, which will be decided on a project-by-project basis. We work continually to improve our performance and expect our contractors to do the same.

### **13. Contracts - medium (to be read in conjunction with Financial Regulations)**

13.1 A minimum of three quotes shall be sought and obtained, wherever possible, in accordance with Financial Regulations, by the RFO or delegated officer (except where a pre-approved contractor is used per Para 8 above).

13.2 A credit check should be carried out for all suppliers where the contract being awarded is more than the threshold per Financial Regulations.

### **14. Contracts - large (to be read in conjunction with Financial Regulations)**

14.1 A minimum of three quotes shall be sought and obtained, wherever possible, in accordance with Financial Regulations, by the RFO or delegated officer (except where a pre-approved contractor is used per Para 8 above).

14.2 If it is not possible to obtain three quotes, the reasons and actions must be noted and approval to proceed authorised by the RFO/ Chair of the Finance, [Admin-Governance](#) and Performance committee, or formally approved by a resolution of Council.

### **15. Contracts – very large and tender process (to be read in conjunction with Financial Regulations)**

15.1 The tender shall be advertised in a local newspaper, the Government's 'Contracts Finder' website, the Melksham Town Council website and social media, and in any other manner that is appropriate including notifying local businesses, (Para. 14.7) setting out particulars of the contract and inviting persons interested to apply for the opportunity to tender.

15.2 After the expiration of the period specified in the public notice invitations to tender shall be sent to individuals or organisations that could undertake the contract.

15.3 Tenders are to be submitted and opened in accordance with Para 16.3 below.

15.4 Every written contract shall comply with Financial Regulations.

15.5 Every contract which is categorised as a very large contract and is either for the execution of work or the supply of goods or materials shall provide for payment of liquidated damages by the contractor in case the terms of the contract are not performed.

15.6 Very large contracts shall comply with Articles 109 to 114 of the Public Contracts Regulations 2015 [as explained in NALC 87 re Procurement Policy.pdf](#) regarding the advertising of contracts and the use of the Government's 'Contracts Finder' website.

## **16. Submission of tenders: submission procedures for very large contracts (to be read in conjunction with Financial Regulations)**

16.1 Where an invitation to tender is made, such invitation to tender shall state the general nature of the intended contract and the Town Clerk/ RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitations shall in addition state that tenders must be addressed to the Town Clerk/ RFO. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed dates for opening tenders for the contract.

16.2 The tenders shall be kept in the custody of the appropriate nominated person until the time and date specified for their opening.

16.3 Tenders shall be opened by the Town Clerk/ RFO in the presence of at least two councillors from the Finance, [Admin-Governance](#) and Performance Committee. Tenders shall be date stamped and signed on all pages containing price information.

## **17. Acceptance of quotations and tenders**

17.1 Tenders received will be evaluated and reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.

17.2 The Town Council shall not be obliged to accept the lowest of any tender, quote, or estimate.

17.3 Where the Town Clerk/ RFO considers it in the best interest of the Council, ~~he/she~~[they](#) may negotiate with the tenderers whose tenders are being considered for acceptance. No negotiation on very large contracts can take place without reference to the Town Clerk/ RFO. Any negotiations which would distort competition is expressly forbidden.

17.4 Arithmetical errors found in any tender when checking shall be dealt with as follows: the tenderer shall have the error pointed out to them and be offered the opportunity to stand by their original tender, or their corrected tender, or withdraw it.

17.5 Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated, and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.



## **18. Nominated sub-contractors and suppliers**

- 18.1. Where a sub-contractor or supplier is to be nominated to a main contractor, the procurement of the services of the sub-contractor or supplier shall be subject to these Contract Procedure Rules.

## **19. Contracts' record**

19.1 A record of all contracts placed by the Council, dealt with under the tender process, shall be kept by the Town Clerk. This record shall specify for each contract the name of the contractor, the works to be executed or the goods or services to be supplied, the contract value and the contract period. This is the responsibility of the appointed person authorising the contract to ensure that an accurate record is maintained.

## **20. Contract variations**

20.1 Any variation to a contract or addition to or omission from a contract must be approved by the Council and stated in writing to the contractor by the Town Clerk. The Council must be informed where the final cost is likely to exceed the financial provision.

## **21. Bonds, guarantees and insurance**

21.1 For procurement projects where the spend is categorised as a very large contract per Financial Regulations, consideration must be given as part of the pre-qualification assessment and evaluation process as to whether a performance bond and/or parent company guarantee (if applicable) shall be required from the successful tenderer.

21.2 Consideration must be given as to the appropriate type (employee liability, public liability, professional indemnity, etc.) and level of insurance requirements for each contract.

## **22. Termination of contracts**

22.1 The Council reserves the right to terminate any contract immediately for any of the following reasons: Termination for Cause – where a supplier commits a material breach of the agreement to deliver services, or fails to deliver agreed services, in the agreed timeframe without a plan to address the failings.

## **23. Compliance with other relevant legislation**

23.1 In cases where any law, statutory instrument of Government regulation is found to be at variance with any section of this policy, then that shall be applied, and this document shall be amended accordingly.

## APPENDIX A

### APPLICATION FOR INCLUSION ON MELKSHAM TOWN COUNCIL'S APPROVED CONTRACTOR LIST

Business	
Business Address	
Postcode	
Telephone	
Email	
Services provided	
Years in business	
Memberships/ professional bodies	
Declaration	<ul style="list-style-type: none"> <li>• I understand that the Council requires me to hold Public Liability Insurance for contracts which involve working on Council sites for the minimum amount set out in the Town Council's Financial Regulations (TBC at the time of order).</li> <li>• I confirm that I will supply a copy of my PLI policy schedule annually at renewal.</li> <li>• I am aware that I am required to comply with the Council's Health and Safety and Equality policies.</li> <li>• I am aware that I may be required to provide suitable risk assessments and/ or method statements.</li> </ul>
Signed	
Date	
Name	
Position	



# Melksham Town Council

## Reserves Policy

Date Adopted:

Date Due For Review:



# RESERVES POLICY

## Introduction

Local Authorities are empowered to hold reserves through section 32 and 43 of the Local Government Finance Act 1992.

Reserves are an essential part of good financial management; they assist the Council to manage unpredictable financial pressures and plan for future spending commitments.

Legislation states the Council must set a balanced budget, in setting the balanced budget the Council should consider the following:

- What level of expenditure is required to deliver the desired level of services;
- What income the Council can generate through fees and charges to support the expenditure;
- The amount of reserves available to support the Council's expenditure;
- The level of reserves required to fund the Council's capital projects contained within the medium-term financial plan;
- The level of Precept the Council is prepared to charge local residents.

## Reserves-Definition

This Council's reserves fall into three main categories:

1. The General Reserve;
2. Earmarked Reserves to fund future revenue and capital costs;
3. Major Projects Reserve.

### 1. The General Reserve

The level of this reserve is designed to reflect the general cash flow and day to day risks surrounding the delivery of the Council's services. There is no specific guidance on the minimum level of the general reserve but It is suggested that Council's should hold between 3-12 months of net revenue expenditure and smaller council should keep closer to 12 months; The Council should determine what is a prudent level of reserve based on its own circumstances, risks and uncertainties.

### 2. Earmarked Reserves

Earmarked reserves are set up for identified projects. These are sums set aside for service departments to meet future expenditure not contained within the annual revenue budget. They are created by carrying approved unspent budgets or over recovery on income into earmarked reserves, also if expenditure on certain items is delayed then these may be earmarked for completion in the following year.

### 3. Major Projects Reserve

This is created from sums raised via the Precept and other receipts with restrictions on use (CIL, Solar Farm Receipts and other receipts of a capital nature), this reserve is designed to finance capital projects and other projects for the benefit of the community.

## **Reserves Policy**

### **General Reserve**

As stated above there is no hard and fast rule governing the level of general reserve, using a ratio of Precept to income generated from activities, in this Council 60% Precept 40% other income, the cash flow risk is considered to be medium, based on this income mix the level of General Reserve should be between four and six months operating costs (excluding capital projects). If the General Reserve drops below four months operating costs it should be topped up by either contribution from the Precept or by virement of sufficient funds from the Earmarked or Major Projects Reserves to restore the General Reserve to an acceptable level. If the General Reserve exceeds six months operating costs, surplus funds should be carried into the Major Projects Fund or a new Earmarked Reserve created to support future years Precept.

### **Earmarked Reserves**

Earmarked Reserves are created by carrying surpluses into the following financial year, these may be either underspends on expenditure or over recovery on income budgets. They may also be created to smooth irregular revenue expenditure by making an annual allowance in the budget (for example an Election Reserve). The practice of rolling over budgets due to over budgeting is not allowed, accounting for such surpluses will take place each year end, when the overall financial position of the Council can be established and the treatment of the surplus/deficit is decided by the Full Council.

Earmarked Reserves are controlled by the committee responsible for the delivery of the relevant services and are set up and spent by resolution of that committee. The committee in conjunction with the head of service should define:

- The reason for/purpose of the reserve;
- How and when the reserve can be used;
- Procedures for the reserve's management and control;
- Timescale for review of the reserve to ensure its continuing relevance and adequacy.

### **Major Projects Reserve**

The Major Projects Reserve is funded partially by an amount determined each year (subject to any constraints or no requirement) to be included in the annual budget calculation and claimed via the Precept, it may also be funded via special receipts whose use is restricted to projects specifically for the benefit of the community.

The Major Projects Reserve is controlled by the Council in conjunction with the Town Clerk and is set up and spent by resolution of the Council. Capital Projects are defined in the strategic plan (NB

strategic plan to be completed). Projects should be reviewed annually, and progress reported to the Council. If for any reason the project is abandoned, then the funds can be re-allocated to a new project or returned to the General Reserve to support the Precept.





# Melksham Town Council Scheme of Delegation Policy

Date Adopted:

Date Due For Review:





# SCHEME OF DELEGATION POLICY

## 1. Introduction

This Scheme of Delegation authorises the Proper Officer/Responsible Financial Officer, Standing Committees and Subcommittees of the Council to act with delegated authority in the specific circumstances detailed.

## 2. Proper Officer and Responsible Financial Officer (RFO) – Duties and Powers

### i) Proper Officer

The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- Receive declarations of acceptance of office.
- Receive and record notices from Councillors disclosing interests.
- Receive and retain plans and documents.
- Sign Notices or other documents on behalf of the Council.
- Receive copies of By-laws made by the Unitary Council.
- Certify copies of By-laws made by the Council.
- Sign and issue summonses to attend meetings of the Council.

Give public notice of the time, place, and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them)

Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office

In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:

The day to day administration of services, together with routine inspection and control.

Day to day supervision and control of all staff employed by the Council.

Authorisation of routine expenditure within the agreed budget.

Emergency expenditure up to £10,000 outside of the agreed budget.

Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations, ~~and~~ this Scheme of Delegation and with directions given by the Council from time to time.

### ii) Responsible Financial Officer

~~The Town Clerk shall be~~ the Responsible Financial Officer to the Council ~~and~~ shall be responsible for the Town Councils accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

## 3. Council

The following matters are reserved to the Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration:

- Setting the Precept.
- Borrowing money.
- Making, amending, or revoking Standing Orders, Financial Regulations, or this Scheme of Delegation.
- Making, amending, or revoking By-laws.
- Making of Orders under any Statutory powers.
- Matters of principle or policy.
- Nomination and appointment of representatives of the Council to any other authority, organisation, or body (excepting approved Conferences or meetings).
- Any proposed new undertakings.
- Prosecution or defence in a court of law.
- Nomination or appointment of representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.
- Approving the annual return.
- Confirming eligibility to exercise the General Power of Competence

#### 4. Standing Committees

The Finance, ~~Administration~~ Governance and Performance Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- All matters relating to Finance except for those listed below
- ~~Grants and Donations~~
- To make recommendations to Council on the Budgets of all Standing Committees.
- General Administration
- Civic Activities/Local Democracy
- Community Safety including CCTV
- Any other matter which may be delegated to it by the Council from time to time.

The following matters are reserved to the Council for decision, but the Committee may make recommendations:

- Setting the Budget and Precept

The Committee may refer specific matters to the Council for a final decision if it so wishes.

The ~~Asset Management and~~ Amenities & Facilities Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- Playing Fields and Amenity Areas
- Footpaths and Bridle Ways
- Maintenance and repair of all the buildings owned by the Council
- Environmental Matters
- Markets and Craft Fairs
- Events and Carnivals

- Town floral displays
- Maintenance and upkeep of all vehicles and equipment used for grounds maintenance purposes.
- Any other matter which may be delegated to it by the Council from time to time.

The following matters are reserved to the Council for decision, but the Committee may make recommendations:

- Recommendation of the Committee's budget each financial year.
- Any funding required outside of the set budget in any given financial year.
- Any other matter which may be delegated to it by the Council from time to time.

The Economic Development and Planning Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- To comment on planning applications received from Wiltshire Council (Planning Authority)
- Street Naming
- Licensing Matters
- Any other matter which may be delegated to it by the Council from time to time
- To comment on behalf of the Council on Local Plans, Structure Plans, Mineral Plans, Waste Plans, Regional Plans and any other Plans or Studies as considered appropriate.
- Markets and Craft Fairs
- Highways and Street Furniture
- CATG matters/recommendations

The following matters are reserved to the Council for decision, but the Committee may make recommendations:

- Recommendation of the Committee's budget each financial year.

The Community Development Committee shall be delegated to make decisions on behalf of the Council in the following

- All community events
- Community activities
- CCTV
- Marketing and Promotion
- Business Support such as Car Parking refunds
- Civic Awards
- Review all budget lines and monthly accounts for all events
- Prepare regular reports to the Asset Committee
- Grants and donations
- Any other matter which may be delegated to it by the Council from time to time

The Staffing Committee shall be delegated to make decisions on behalf of the Council in the following matters:

- To advertise and arrange interviews for the appointment of a Town Clerk and make recommendations to Full Council about said appointment
- To carry out the Town Clerk's staff appraisal and agree objectives
- Hearings for Grievance, Disciplinary and Capability matters in accordance with the Council's Grievance and Disciplinary Procedure.
- Dealing with any Grievance, Disciplinary and Capability matters to a final conclusion, only reporting to Council when the time for any Appeal has passed.
- To discuss with the Town Clerk, and staff concerned, any issues relating to staffing levels and re-grading, pay levels and staffing structures and make decisions
- To deal with any complaints made against the Town Council in accordance with the Council's Complaints Procedure
- To deal with any staff complaint concerning the Town Clerk
- To deal with any staff matters referred by the Town Clerk
- To ensure that the Council complies with Health and Safety issues including the annual risk assessment procedure

It is vital that the Staffing Committee keeps confidential its deliberations and decisions in cases of Grievance, Disciplinary and Capability hearings, because if an Appeal against a decision is received it must, legally and in the interests of fairness, be heard again by elected members with no prior knowledge of the case.

In order to ensure as far as possible that such matters as Appraisal, Grievance, Disciplinary and Capability issues are dealt with professionally and in accordance with Employment legislation, all members of the Staffing Committee must agree to undertake training in these matters.

## **5. Working Groups/ Parties**

Working Groups/Parties may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group/Party will be decided upon at the time it is formed by means of a Minute detailing the Terms of Reference. Each Working Group/Party will report back with recommendations to the Council or the Committee that formed it.

## **6. Delegation - Limitations**

Committees and Sub Committees shall, at all times, act in accordance with the Council's Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, By-laws or orders made and with any directions given by the Council from time to time.





# Melksham Town Council

## Traveller Policy

Date Adopted:

Date Due For Review:



# **TRAVELLER POLICY**

## **1. INTRODUCTION**

This policy provides guidance to Melksham Council Officers and Councillors when dealing with unauthorised Traveller encampments on land owned by the Council. It aims to ensure a consistent, lawful, fair, and proportionate approach and to reassure residents and stakeholders about the Council's position on such matters.

## **2. DEFINITION**

An unauthorised encampment refers to the occupation of land by two or more persons intending to reside there without the prior consent of the landowner.

## **3. POLICY STATEMENT**

Responsibility for enacting this policy lies with the duty Council Officer at the time of the report. Given the dynamic nature of encampments, real-time decisions may be required. This policy enables appropriate action without delay while ensuring respect for legal rights and welfare considerations.

Each situation will be assessed individually, taking into account:

- The specific circumstances of the encampment
- Potential impact on local services and residents
- The balance between the needs of Travellers and the wider community
- Any welfare concerns or safeguarding issues

Where appropriate, the Council may tolerate an encampment for a short period. Where this is not possible, proportionate and lawful eviction procedures will be followed.

## **4. POLICE POWERS**

Wiltshire Police will attend all reported sites. However:

- Trespass is a civil offence, not a criminal one. Prevention and removal are the landowner's responsibility.
- Police powers to evict under Sections 61–62 of the Criminal Justice and Public Order Act 1994 are discretionary and may be used only where specific conditions are met, including:
  1. Damage to land or property
  2. Use of threatening or abusive behaviour
  3. Presence of six or more vehicles on site

For these powers to be exercised, the police must believe:

- The group intends to reside on the land
- The landowner has taken reasonable steps to request they leave
- There is a significant adverse impact on the local community

Eviction by police requires authorisation from a senior officer. All criminal or nuisance activity should be reported via the Police non-emergency number: 101.

Police must also act in accordance with the Human Rights Act, and cannot use Section 61 powers where it would circumvent the civil court's welfare safeguards.

## **5. FORMAL REPOSSESSION PROCEDURE**

When police powers are not applicable or authorised, the Council (as landowner) may seek possession through the courts under the Criminal Justice and Public Order Act 1994:

### **Step-by-Step Process**

1. Verify Land Ownership – Confirm the land belongs to the Council. If not, refer the issue to the private landowner.
2. Initial Site Assessment – Council officers assess:
  - Welfare needs of the Travellers, normally through Police Welfare Officer.
  - Any criminal activity or risk
  - Overall impact on the community
3. Welfare Considerations – Welfare assessments should not delay action, but urgent needs must be considered.
4. Notice to Leave (Section 77) – A Direction to Leave is issued, typically requiring vacation within 24 hours. All steps taken must be documented.
5. Application for Court Order (Section 78) – If the site is not vacated, apply to Magistrates' Court for a removal order. (Council solicitor will arrange this)
6. Enforcement of Eviction – If ignored, bailiffs may be instructed to remove the encampment.
7. Post-Eviction Clearance – The Council will clear any remaining waste or debris.

## **6. KEY PRINCIPLES**

- Human Rights Compliance: Actions must align with the Human Rights Act.
- Welfare: Pay special attention to vulnerable individuals.
- Police Involvement: Typically a civil matter unless crime or disruption occurs.
- Private Land: Responsibility lies with the landowner.
- Government Guidance: National legal frameworks will guide the Council's response.

## **7. CONTACT AND REPORTING**

Residents are encouraged to report:

- Any criminal behaviour or nuisance to the Police via 101
- Encampments on Council land to the Town Clerk or designated officer





# Melksham Town Council

## Vexatious Complaints Policy

Date Adopted:

Date Due For Review:



# VEXATIOUS COMPLAINTS POLICY

## 1. Introduction

This policy is about the management of abusive, persistent and/or vexatious complainants. It sets out how Melksham Town Council will deal with complainants that fall within the scope of this definition. Those identified will be treated consistently, honestly and proportionately while ensuring that other service users, officers and the Council as a whole suffer no detriment. This policy applies to all areas of the Council.

It is considered that all complainants have the right to have their concerns examined in line with the relevant complaints' procedure. In most cases, dealing with complaints will be a straightforward process; however, in a minority of cases, the complainant may act in a manner that is deemed unacceptable. They may act in a way that is considered abusive, unreasonably persistent or vexatious and by doing so it may hinder the Council's ability to investigate their complaint or the complaints of others. This behaviour may occur at any time before, during or after a complaint has been investigated.

The time spent on dealing with all complaints should be proportionate to the nature of the complaint and consistent with the outcome that is being sought being realistic and achievable.

## 2. How is unreasonable complaints' behaviour defined?

2.1 It should be noted that raising a complaint about a Council service does not in itself constitute unreasonably persistent behaviour and neither do complainants who escalate through all stages of the relevant complaints procedure or those who express criticism about the complaints process itself.

2.2 The Council has adopted the Local Government Ombudsman's definition and the identified characteristics for unreasonable or unreasonably persistent complainants *"For us, unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints"*.

2.3 Examples of unreasonably persistent behaviour include, but are not necessarily limited to:

~~{this list is not exhaustive, nor does one single characteristic on its own imply that the person will be considered as being in this category}~~

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints' investigation process.
- Refusing to accept that certain issues are not within the scope of the Council's jurisdiction or within the scope of a complaints' procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.

- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various members of staff and/or organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations, which the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

one single characteristic on its own does not necessarily imply that the complaint will be considered as being in this category

#### 2.4 Examples of abusive and/or vexatious complainants

The Council will take steps to protect its staff from members of the public who are behaving in a way which is considered abusive and/or vexatious. This may include physical or verbal abuse and could include the following (however this list is not exhaustive):

- Speaking to the member of staff in a derogatory manner ~~which causes offence.~~
- Swearing, either verbally or in writing ~~despite being asked to refrain from using such language.~~
- Using threatening language towards Council staff ~~which provokes fear.~~
- Repeatedly contacting a member of staff regarding the same matter which has already been addressed

### 3. Managing unreasonable complaint behaviour

3.1 This policy may be invoked if the Council considers that a complainant has behaved in a manner which is deemed unreasonable (see above). The Council may take any actions against a complainant that it considers to be reasonable and proportionate in the circumstances.

#### 3.2 Types of actions the Council may take:

- Where the complainant tries to reopen an issue that has already been considered through one of the Council's complaints' procedures, they will be informed in writing that the procedure has been exhausted and that the matter is now closed



- Where a decision on the complaint has been made, the complainant should be informed that future correspondence will be read and placed on file, but not acknowledged, unless it contains important new information
- Limiting the complainant to one type of contact (e.g. telephone, letter, email, etc.)
- Placing limits on the number and duration of contacts with staff per week or month
- Requiring contact to take place with a named member of staff and informing the complainant that if they do not keep to these arrangements, any further correspondence that does not highlight any significantly new matters will not necessarily be acknowledged and responded to, but will be kept on file
- Assigning one officer to read the complainant's correspondence, in order to ensure appropriate action is taken
- Offering a restricted time slot for necessary calls to specified dates and times
- Requiring any face to face contacts to take place in the presence of a witness and in a suitable location

#### **4. Matters to take into account before taking action**

4.1 Before taking a decision to invoke this policy consideration should be given to whether any further action is necessary, such as:

- Consideration about whether it is appropriate to convene a meeting with the complainant and a senior officer in order to seek a mutually agreeable resolution
- If it is known or suspected that the complainant has any special needs then consider offering an independent advocate who may assist the complainant with their communication with the Council
- Where more than one department is being contacted by the complainant, agree a cross departmental approach; and designate a lead officer to co-ordinate the Council's response.

4.2 Staff must be satisfied before taking any action as defined by this policy that the complainant's individual circumstances have been taken into account ~~including such issues as age, disability, gender, race and religion or belief.~~

#### **5. Imposing restrictions**

5.1 In the first instance the Town Clerk or delegated officer will communicate to the complainant either by phone or in writing to explain why this behaviour is causing concern and ask them to change this behaviour. The Town Clerk will explain what actions the Council may take if the behaviour does not change.

5.2 If the complainant continues with the unreasonable behaviour the Town Clerk will decide whether it is necessary to take appropriate action by invoking this policy.

5.3 When the decision has been taken to apply this policy to a complainant, the Town Clerk will contact the complainant in writing (and/or as appropriate) to explain:

- why this decision has been taken
- what action the Council will be taking
- the duration of that action
- the review process of this policy

and

- the right of the complainant to contact the Local Government Ombudsman about the fact that they have been treated as a persistent/vexatious complainant.

5.4 Any restriction that is imposed on the complainant's contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

5.5 If the complainant continues to behave in a way which is deemed unacceptable then the Town Clerk, in consultation with the Monitoring Officer, may decide to refuse all contact with the complainant and cease any investigation into his or her complaint.

5.6 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, the Council will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

## **6. New complaints from those who have been deemed to be abusive, vexatious and/or unreasonably persistent complainants**

Any new complaints received from complainants who have come under this policy will be treated on their merits. The Council does not support a blanket ban on genuine complaints simply because restrictions may be imposed upon that complainant.

## **7. Review**

7.1 The Town Clerk or delegated officer will review any restrictions which are imposed upon the complainant after six months and at the end of every subsequent six months within the period during which the policy is to apply.

7.2 Should the decision be taken to extend the period of restriction, the complainant will be advised in writing how the Council plans to go about this and that the decision to restrict contact will be put in place for a further specified period (e.g. six months). The outcome of any subsequent review will be communicated to the complainant, outlining if the restrictions will continue to apply and if so why.

7.3 If at the end of the restricted period it is considered that the complainant's behaviour is no longer deemed to be unreasonable, the Council will confirm this in writing advising that the restrictions have now been lifted.

## **8. Ceasing contact with a complainant**

8.1. There may be occasions where the relationship between the Council and unreasonably persistent or vexatious complainants breaks down completely. This may even be the case while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints' procedure. Where this occurs, the Council will advise the complainant that they may approach the Local Government & Social Care Ombudsman who may be prepared to consider a complaint before the procedure has run its course.

## **9. Record Keeping**

9.1 The Council will keep a record of all complainants who have been treated as being unreasonably persistent, abusive and/or vexatious in accordance with this policy. This will include details of why the policy was invoked, what restrictions were imposed and for what period of time.

9.2 Anonymised information will be reported in the complaints report.