



**RESOLUTION MOVED ON NOTICE
A MEETING OF MALVERN TOWN COUNCIL
to be held on Wednesday 5 February 2020
in the Council Chamber, Belle Vue Terrace, Malvern, at 6.00 pm**

EARTH DAY

Proposed Resolution

That Malvern Town Council organises an Earth Day event on the afternoon and evening of Wednesday 22 April. This date in 2020 marks the 50th anniversary of Earth Day. The Town Council should provide a small budget of £500 to help fund the hire of Malvern Cube and any associated costs.

The event will be an 'Earth Day Fair' with local businesses, schools, youth groups, wildlife organisations and voluntary groups being asked to come along to take part and share their relevant knowledge, activities and services. The aim will be to bring the local community together to share knowledge and provide information on environmental action but also to celebrate our Earth and its wildlife with music and creativity.

The organisation of the event will require several hours of work by council staff to source participants and to promote the event. Councillor participation will also be required either in terms of organisation or to help run the event on the day itself.

Background

The first Earth Day was held in 1970 as a response to environmental crises such as oil spills, smog and river pollution. The 50th anniversary of Earth Day in 2020 will have the theme of Climate Action. Earth Day's mission is "to build the world's largest environmental movement to drive transformative change for people and planet" and "to diversify, educate and activate the environmental movement worldwide".

In September 2019, Malvern Town Council declared a climate emergency and resolved to explore ways of reducing its carbon footprint, and to look at how local residents and businesses can be encouraged to aspire to become carbon neutral and minimise waste. The 'Earth Day Fair' will help to pursue the council's aims in relation to the declared climate emergency especially with regard to education. However, we must not neglect all of the other serious environmental concerns such as habitat protection, pollution and reducing waste and plastic use. The 'Earth Day Fair' will aim to address all of the environmental concerns of our local residents and give them the chance to learn, volunteer and act.

Proposer - Cllr Josephine Leibrandt (Priory Ward)
Seconder – Cllr Neil Morton (Chase Ward)

27th January 2020

**A REPORT OF THE TOWN CLERK TO
A MEETING OF MALVERN TOWN COUNCIL
to be held on Wednesday 5 February 2020
in the Council Chamber, Belle Vue Terrace, Malvern, at 6.00 pm**

REVIEW OF TOWN COUNCIL DISPATCH METHODS

1. Purpose of Report

1.1. For decision.

2. Recommendation

2.1. Council is recommended to consider and agree the following:

- 1) Councillors to continue with use of Malvern Town Council email addresses but a training session with the Council's IT contractor to be arranged to assist anyone having difficulties.
- 2) Councillors to be offered the option to have a Windows Tablet for Council business. Tablets to be set up to receive Town Council emails, to connect with Wi-Fi in the Council Chamber during meetings and to load the Town Council website.
- 3) Non-paper dispatches to be continued but paper copies of certain large documents to be made available to those on the relevant committee. This to include Quarterly Accounts, Budget Paperwork and Grants Scheme papers.
- 4) The Councillors' annual printing allowance should be increased from £30 to £50.00.

3. Background

3.1. Further to decisions made by Full Council, the Town Council has adopted policies to use Town Council designated email addresses and also to dispatch all Council paperwork either by email or through the Town Council website.

3.2. The current procedure is as follows:

- Agendas are issued to councillors via Town Council email addresses to meet legal deadlines and also posted on the Town Council website.
- Minutes and reports are put on the Town Council website usually on the Friday before a meeting.
- The weekly memo, planning lists and any Task and Finish group paperwork are circulated to Town Council email addresses only.

3.3. At the Full Council meeting held on 18 December 2019, a review of these new procedures took place. A summary of the comments made is as follows:

- Most Councillors have adjusted to the use of the new email addresses.
- A number of Councillors find it difficult having multiple email addresses for different Councils and would like to be able to access all of their emails from one interface.
- Some Councillors would find the provision of a tablet set up for Council business extremely useful; others are comfortable with their own portable devices.

- A training session would be beneficial to help resolve some issues being experienced by some councillors in switching to the new scheme.
- Most Councillors have adapted to the issue of Council paperwork by email and through the Town Council website. However many agreed that it would be useful to have paper copies of large financial documents such as accounts and the budget.
- It was generally felt that the annual printing allowance of £30 should be increased.

- 3.4. It was agreed that the Town Clerk along with the Mayor would prepare proposals to bring to the February council meeting for discussion.
- 3.5. The comments made at Full Council have been reviewed and fully considered when constructing the recommendations as made in 2.0 above. Recommendations try to address most of the issues raised, but it should be noted that it is not possible to provide an efficient and effective solution that fully satisfies the needs of everyone. It is also important to take into account environmental impacts, cost savings and officer time.
- 3.6. As most Councillors have now successfully transitioned onto the new email system, it seems sensible to go with the majority and to provide additional support for those having problems or who wish to receive assistance to merge their email accounts.
- 3.7. The provision of Windows Tablets at a cost of approximately £140 each will provide Councillors with an easy-to-use way of accessing their email and to view reports during Council meetings. Full IT support will be given to ensure Councillors are fully trained on their use.
- 3.8. It is apparent that non-paper dispatches are not entirely suitable for more lengthy and complicated documents such as quarterly accounts. Therefore hard copies will be provided to those on the relevant committee and any other Councillor who wishes to collect them from the Town Council offices.
- 3.9. As the majority of dispatches will remain paperless, Council may wish to consider the printing allowance to ensure that members are fairly compensated for costs incurred.

4. Financial Implications

- 4.1. There have been significant savings achieved both in direct costs – paper, franking and photocopying, and also with indirect costs in staff time.
- 4.2. A Councillor printing allowance of £30 per annum is currently available.
- 4.3. The provision of Windows Tablets would be at a cost of £140 each, total expenditure dependent on how many Councillors would wish to take up this offer.

5. Legal Implications

- 5.1. An agenda must be issued at least three clear days before a meeting; the summons may be served electronically so long as the relevant email contains the signature of the proper officer.

End

Linda Blake
Town Clerk

**A REPORT OF THE TOWN CLERK TO
A MEETING OF MALVERN TOWN COUNCIL
to be held on Wednesday 5 February 2020
in the Council Chamber, Belle Vue Terrace, Malvern, at 6.00 pm**

CODE OF CONDUCT

1. Purpose of Report

1.1. For decision.

2. Recommendation

2.1. That Full Council considers and adopts the new amended version of the Code of Conduct as attached at appendix A.

3. Background

3.1. The current Code of Conduct was adopted by Malvern Town Council on 2 October 2012.

3.2. All districts and the county council are in the process of adopting a new code of conduct following the committee for Standards in Public Life's report in January 2019. Worcestershire CALC recommends adoption of this new code in its new and full version and MHDC have recommended this amended version to all parish and town councils within the district.

3.3. The new code as attached to this report shows changes from the previous code in green with additions in red.

4. Financial Implications

4.1. None pertaining to this report.

5. Legal Implications

5.1. Local authorities are required to adopt a code of conduct which sets out the rules governing the behaviour of their members and satisfies the requirements of the Localism Act 2011.

End

Linda Blake
Town Cl

MALVERN TOWN COUNCIL

CODE OF CONDUCT FOR MEMBERS

Part 1 - General provisions

1. Introduction and interpretation

- 1.1. This Code applies to you as a member or co-opted member of Malvern Town Council ('the authority').
- 1.2. You should read this Code together with the Ten (previously seven) Principles of Public Life (also known as the Nolan Principles) set out at Appendix 1, and the Council's Member/Officer Relations Protocol as updated from time to time.
- 1.3. It is your responsibility to comply with the provisions of this Code.
- 1.4. In this Code:

"meeting" means any meeting of:

- a) the authority;
- b) any of the authority's committees, sub-committees, joint committees, joint sub-committees, or area committees;
- c) the executive (Cabinet) of the authority or its committees;
- d) an external body upon which the member sits as a representative of the authority

"Monitoring Officer" means the Monitoring Officer for the authority; (previously "for the principal Council which is Malvern Hills District Council."

"bullying and harassment" includes:

Oppressive behaviour or the abuse of power, which makes the recipient feel threatened, humiliated or vulnerable, and which may undermine his/her self-confidence and cause him/her to suffer stress.

Examples are set out at Appendix 3 to this Code.

2. Scope

- 2.1. This Code applies to you as a Member of this authority when you act in your role as a Member or as a representative of the authority in the circumstances described in paragraph 2.2 (b) below.
- 2.2. Where you act as a representative of the authority:
 - a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

- b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

3.1. You must treat others with respect **in accordance with the Nolan Principles.**

3.2. **You must co-operate with any standards investigations**

3.3. You must not:

- a) do anything which may cause your authority to breach any of the equality enactments;
- b) bully **or harass** any person;
- c) intimidate or attempt to intimidate any person who is or is likely to be:
 - i. a complainant,
 - ii. a witness, or
 - iii. involved in the administration of any investigation or proceedings in relation to an allegation that a member (including yourself) has failed to comply with the authority's Code of Conduct;
- d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

3.4. You must not:

- a) **do anything that is likely to cause your authority to breach Data Protection law;**
- b) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - i. you have the consent of a person authorised to give it;
 - ii. you are required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 - aa) reasonable and in the public interest; and
 - bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- c) prevent another person from gaining access to information to which that person is entitled by law.

3.5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

3.6. You:

- a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- b) must, when using or authorising the use by others of the resources of, or under the control of, the authority:
 - i. act in accordance with the authority's reasonable requirements **including in relation to the use of authority stationery and official logos and branding;**
 - ii. ensure that such resources are not used improperly for political purposes (including party political purposes); and
- c) must have regard to any applicable Local Authority Code of Publicity.

3.7. You must:

- a) when reaching decisions on any matter have regard to any relevant advice provided to you by the authority's officers and in particular by the authority's Monitoring Officer and Section 151 Officer; and
- b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

3.8. You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties **and must comply with the authority's guidance on gifts and hospitality (attached at Appendix 4).**

Part 2 – Interests

4. Disclosable Pecuniary Interests (“DPI”)

4.1. You will have a Disclosable Pecuniary Interest (“DPI”) under this Code if:

- a) such interest meets the definition prescribed by the DPI Regulations **(previously Relevant Authorities [disclosable pecuniary interests] Regulations 2012)** as amended from time to time and set out in Appendix 2 to this Code; and
- b) it is either an interest of yourself or it is an interest of:
 - i. your spouse or civil partner; or
 - ii. a person with whom you are living as husband and wife: or
 - iii. a person with whom you are living as if you were civil partners;and you are aware that the other person has the interest.

5. Registration of DPis

- 5.1. You must within 28 days of becoming a Member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given.

5.2. You must within 28 days of becoming aware of any new DPI, or changes to existing DPIs, notify the Monitoring Officer in writing.

6. Other Disclosable Interests

6.1. You will have a Disclosable Interest in any matter if you are aware that you or a member of your family or person or organisation with whom you are associated have:

- a) a pecuniary interest in the matter under discussion which is not de minimis; or
- b) a close connection with the matter under discussion.

6.2. If you are a member of another local authority, or public body, or you have been appointed as the authority's (previously "Council's") representative on an outside body, you do not have a Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

7. Disclosure of Interests

7.1. Formal Meetings

Disclosable Pecuniary Interest (DPI)

If you are present at a meeting (previously "of the Council") and you have a DPI then you must:

- a) disclose the nature and existence of the interest; and
- b) leave the meeting (including the meeting room and public gallery) and take no part in the discussion; and
- c) if the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

Other Disclosable Interests (ODI)

If you are present at a meeting and you have an Other Disclosable Interest, then you must:

- a) disclose the nature and existence of the interest; and
- b) if the interest:
 - i. affects your pecuniary interests or relates to the determination of a planning or regulatory matter; and
 - ii. is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest

then you must leave the meeting (including the meeting room and public gallery) and take no part in the discussion.

7.2. Informal meetings and correspondence

Disclosable Pecuniary Interest (DPI)

If you have a DPI in the matter you must not participate in informal meetings, briefings or site visits and must disclose the DPI in any correspondence with the Council.

Other Disclosable Interest (ODI)

If you have an ODI in the matter, then you must disclose the existence and nature of that interest at informal meetings, briefings or site visits and must disclose the ODI in any correspondence with the authority.

If the ODI is such that you would be required to leave a formal meeting as above, then you must not participate in the informal meeting.

7.3. Single Member Decisions

Disclosable Pecuniary Interest (ODI)

If when participating in single member decision making you have a DPI in the matter being decided then you must take no steps in relation to the decision other than asking for the matter to be decided in some other manner.

Other Disclosable Interest (ODI)

If you have an ODI in the matter being decided, then you must disclose the existence and nature and record it on the record of decision.

If the ODI is such that you would be required to leave a formal meeting as set out above, then you must take no steps in relation to the decision other than asking for the matter to be decided in some other manner.

8. Dispensations

- 8.1. You may take part in the discussion of and vote on a matter in which you have been granted a dispensation.

9. Sensitive information

- 9.1. An interest will be a sensitive interest if the two following conditions apply:
- a) that you have an interest (whether or not a DPI); and
 - b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.
- 9.2. Where it is decided that an interest is a “sensitive interest” it will be excluded from published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.

- 9.3. Where the sensitive interest is a DPI the usual rules relating to disclosure will apply save that the member will only be required to disclose that they hold a DPI in the matter concerned.

THE TEN (previously “seven”) GENERAL PRINCIPLES OF PUBLIC LIFE

Selflessness – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

Personal judgement – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority’s statutory officers and its other employees.

Duty to uphold the Law – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

The Localism Act Definition of Disclosable Pecuniary Interests Regulations

 STATUTORY INSTRUMENTS

2012 No. 1464

LOCAL GOVERNMENT, ENGLAND
**The Relevant Authorities (Disclosable Pecuniary Interests)
Regulations 2012**

<i>Made</i> - - - -	<i>6th June 2012</i>
<i>Laid before Parliament</i>	<i>8th June 2012</i>
<i>Coming into force</i> - -	<i>1st July 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011(a), makes the following Regulations.

Citation, commencement and interpretation

—a) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.

In these regulations—

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified in the second column of the Schedule to these Regulations.

(a) 2011 c.20.
(b) 2000 c. 8.

Signed by authority of the Secretary of State for Communities and Local Government

Grant Shapps
Minister of State

6th June 2012

Department for Communities and Local Government

SCHEDULE

Regulation 2

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the

(a) 1992 c. 52.

shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a relevant authority as defined in section 27(6) of the Localism Act 2011, on taking office and in the circumstances set out in section 31, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) of the Act sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

EXAMPLES OF BULLYING AND HARASSMENT

Bullying and harassment may include:

- physical contact ranging from touching to assault
- verbal and written comments through jokes, offensive language, personal comments about appearance, size, clothing etc
- innuendo, gossip and letters etc.
- malicious rumours and allegations, including fabricating complaints from clients and other members of staff.
- open aggression, threats, shouting, abuse and obscenities, persistent negative attacks.
- constant humiliation, criticism and ridicule, belittling efforts and undervaluing contribution
- trolling behaviour.

Harassment is unwanted conduct on the grounds of any protected characteristic as defined by the Equality Act 2010, political or Trade Union affiliation, or take the form of victimisation, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

This is not exhaustive.

GIFTS AND HOSPITALITY

1. Minor gifts and hospitality are sometimes part of the normal courtesies of life: a resident may offer a modest gift as a token of appreciation and sometimes simple items such as diaries and pens are distributed as advertising matter. In dealing with a matter in your ward you may be offered a cup of tea or light refreshments.
2. As a guideline, any gift or hospitality with a value of **£15 or** more is highly unlikely to be viewed as a 'token'. You must consider whether it is appropriate to accept even token gifts, especially where you are dealing with regulatory or procurement matters when it would usually be inappropriate to receive any gift from involved parties. In case of doubt you should consult the Monitoring Officer.
3. Offers of hospitality, even if seemingly minor in nature, must be treated with particular caution as they can leave individuals and the Council open to allegations of impropriety. The timing of offers of hospitality, for example in relation to the award of contracts, granting of applications or other decisions, should be considered equally to the generosity of the hospitality offered. Accepting hospitality must be justified in the public interest, for example when there is a genuine need to represent the Council.
4. All offers and receipt of gifts and hospitality with a value of **£15 or** higher must be reported to the Monitoring Officer who will ensure it is recorded.

**A REPORT OF THE TOWN CLERK TO
A MEETING OF MALVERN TOWN COUNCIL
to be held on Wednesday 5 February 2020**

in the Council Chamber, Belle Vue Terrace, Malvern, at 6.00 pm

OPERATIONS AND PLANNING COMMITTEE RECOMMENDATIONS

1. Purpose of Report

1.1. For decision.

2. Recommendation

2.1. Full Council is asked to consider the recommendations from the meeting of Operations and Planning Committee held on 15 January 2020.

2.2. Recommendations to be presented by the Chairman of Operations and Planning Committee or, if absent, the Vice-Chairman.

- i. It was **RECOMMENDED** that contractor B's quotation be accepted subject to a satisfactory start date and a contingency amount be available as per the Town Clerk's delegations.

3. Background

3.1. At the meeting of Full Council held on 12 September 2018, it was resolved that committees would approve their own minutes for accuracy with any recommendations from committee meetings being taken separately to be accepted by Full Council before being put into effect.

3.2. Full Council is therefore asked to consider the recommendations listed above in 2.2 and to approve, amend or refer back to committee as appropriate.

3.3. Councillors are reminded that the relevant reports as considered by committees when making their recommendations can be found within the papers distributed for the meeting and these will not be reissued.

3.4. If any councillor has any queries relating to a recommendation, it is suggested that they raise it with either the Town Clerk or Chairman of Committee before the Council meeting.

4. Financial Implications

4.1. Please see individual committee reports.

5. Legal Implications

5.1. Please see individual committee reports for specific details.

5.2. Council decisions are supreme and therefore any changes to recommendations can be made with final agreement at Full Council.

End

Linda Blake
Town Clerk