



MALVERN TOWN COUNCIL

POLICY AND RESOURCES COMMITTEE

REPORTS

**For meeting on Wednesday 28 February 2024 at 6.00 pm
Council Chamber, Belle Vue Terrace**

MALVERN TOWN COUNCIL

Town Clerk
28-30 Belle Vue Terrace
Malvern
WR14 4PZ



21 February 2024

townclerk@malvern-tc.org.uk
Tel: 01684 566667

MEETING OPEN TO MEMBERS OF THE PUBLIC

To Members of the Policy and Resources Committee (Quorum 5):

Councillors Iain Dawson (Chair), Clive Fletcher (Vice-Chair), Marilyn Birks, Nick Houghton, Melanie Jones, Julie MacLusky, Ronan McLaverty-Head, Karen Newbigging

All other Members of the Town Council for information only.

You are hereby invited to attend a meeting of the Policy and Resources Committee to be held in the Council Chamber, Belle Vue Terrace, Malvern on Wednesday 28 February 2024, commencing at 6.00pm for the transaction of the business shown on the Agenda below.

A handwritten signature in black ink, appearing to read 'L. Blake'.

Linda Blake
Town Clerk

No.	Agenda Item
1.	Apologies for Absence To receive and note apologies for absence
2.	Declarations of Interest To receive declarations of disclosable pecuniary interests and other disclosable interests
3.	Minutes of Previous Meeting To receive and confirm as a correct record the Minutes of the previous Policy and Resources Committee meeting: <ul style="list-style-type: none">➤ 7 February 2024 (previously circulated)
Public Participation <i>The Meeting will be adjourned for public participation when the Chairman will invite members of the public to present their questions, statements or petitions submitted under the Council's Public Participation Procedure.</i>	
4.	Terms of Reference of Committees <ul style="list-style-type: none">➤ Report PR01/24 to follow
5.	Review of Communications and Publicity Policy – Councillor Guidelines <ul style="list-style-type: none">➤ Report PR02/24
6.	Staffing Matters <ul style="list-style-type: none">➤ Report PR03/24 to be circulated at the meeting
7.	Date and Time of Next Meeting <ul style="list-style-type: none">➤ Wednesday 27 March 2024 at 6.00 pm (Grants)

**MINUTES OF A MEETING OF
THE POLICY AND RESOURCES COMMITTEE
MALVERN TOWN COUNCIL**

**held in the Council Chamber, Belle Vue Terrace, Malvern
on Wednesday 7 February 2024 at 6.00 pm**

Councillors

I Dawson (Chair)
M Birks
C Fletcher
R McLaverty-Head
J MacLusky
K Newbigging

Absent

N Houghton (apologies)
M Jones (apologies)

Also in attendance

Linda Blake - Town Clerk
Charles Porter – Operations Manager
Louise Wall – Minute Clerk
Cllr Clive Hooper
Cllr David Watkins

49. APOLOGIES FOR ABSENCE

Apologies for absence were **NOTED** from Cllr Houghton and Cllr Jones.

50. DECLARATIONS OF INTEREST

None.

51. MINUTES OF PREVIOUS MEETING

It was **RESOLVED** that the minutes of the following meeting be approved and adopted as a correct record of the proceedings, to be signed by the Chairman:

- Policy and Resources Committee meeting 6 December 2023

PUBLIC PARTICIPATION

None.

52. PROPOSED BUDGET SAVINGS – PROJECT TO CONSTRUCT TIMBER BUILDING IN CEMETERY YARD

Report PR01/24 was received and accepted.

The Operations Manager explained that an opportunity had arisen to purchase a steel shipping container that would serve as storage in the cemetery, instead of a timber structure as agreed in the 2023/24 Asset Refurbishment Scheme. The container would present a secure storage option at a much lower price and avoid the necessity of gaining planning permission for a structure next to the lodge.

The container will be painted in Town Council green (dark green) and sited between two hedges at the rear of the compost area in the cemetery. Planning permission was not required.

It was **AGREED** to amend the 2023/24 Asset Refurbishment Scheme to create budget savings by the purchase and installation of a steel storage container in the cemetery, rather than construction of a timber building in the cemetery yard.

53. REVIEW OF STANDING ORDERS

Report PR02/24 was received and accepted.

The Town Clerk reminded members that standing orders had last been reviewed and adopted in 2018. Although NALC had not issued a new set of model standing orders since then, the Town Clerk advised that it would be good practice to carry a review of the Town Council's standing orders.

The Town Council uses NALC model standing orders as a guideline, some clauses are mandatory whilst others are added or omitted to suit the size and needs of the council.

It was **AGREED** to standardise the language in the standing orders as in other Town Council policies so that Chairman and Vice-chairman would be replaced with Chair and Vice-chair, and pronouns such as he/she or his/her would be replaced with they/their.

It was also **AGREED** to include a definition of the word 'clear' when it is used in the context of how many 'clear' days were required in various clauses.

Members then reviewed the current standing orders clause by clause, making amendments as required.

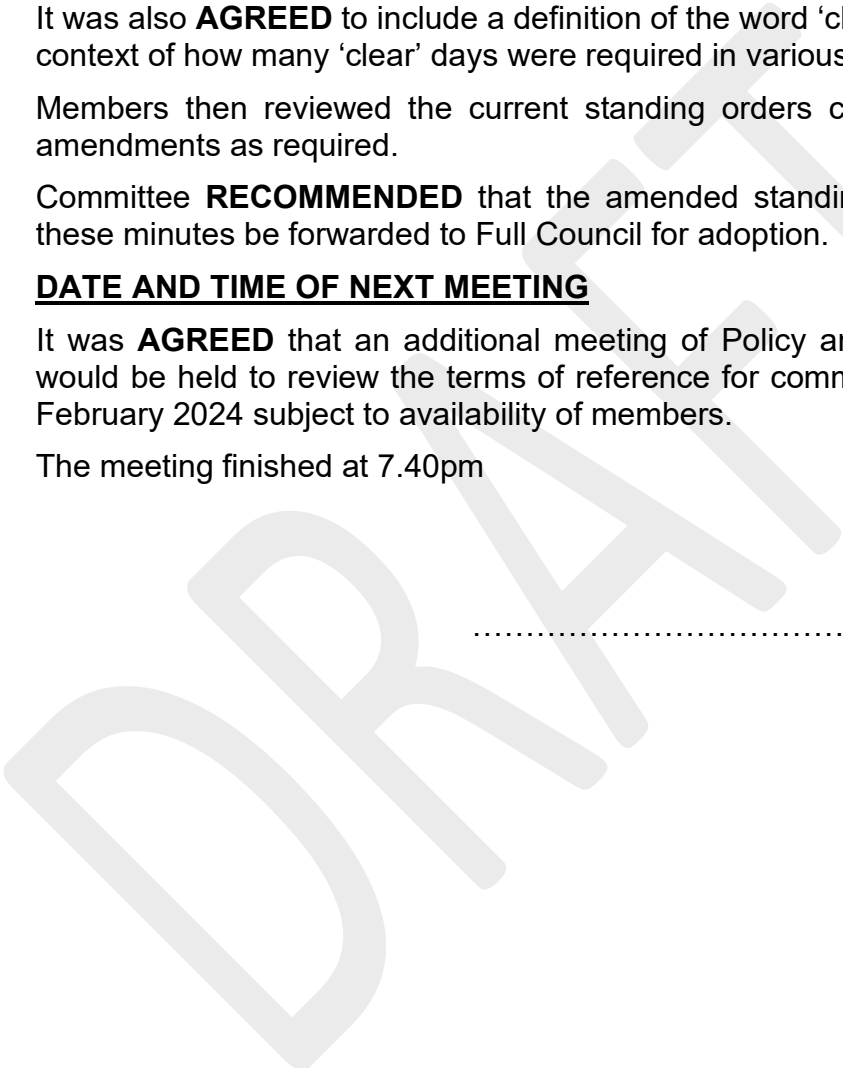
Committee **RECOMMENDED** that the amended standing orders as attached to these minutes be forwarded to Full Council for adoption.

54. DATE AND TIME OF NEXT MEETING

It was **AGREED** that an additional meeting of Policy and Resources Committee would be held to review the terms of reference for committees on Wednesday 28 February 2024 subject to availability of members.

The meeting finished at 7.40pm

.....(Chairman)





MALVERN TOWN COUNCIL

DRAFT STANDING ORDERS

As amended by Policy and Resources Committee 7 February 2024

1.	RULES OF DEBATE AT MEETINGS
a.	Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.
b.	A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
c.	A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
d.	If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
e.	An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
f.	If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
g.	This standing order has been deleted from MTC's standing orders.
h.	A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
i.	If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair of the meeting.
j.	Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
k.	One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
l.	A councillor may not move more than one amendment to an original or substantive motion.
m.	The mover of an amendment has no right of reply at the end of debate on it.
n.	Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
o.	Unless permitted by the Chair of the meeting, a councillor may speak once in the debate on a motion except: <ul style="list-style-type: none"> i. to speak on an amendment moved by another councillor; ii. to move or speak on another amendment if the motion has been amended since they last spoke; iii. to make a point of order; iv. to give a personal explanation; or v. to exercise a right of reply.
p.	During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
q.	A point of order shall be decided by the Chair of the meeting and their decision

	shall be final.
r.	When a motion is under debate, no other motion shall be moved except:
	i. to amend the motion;
	ii. to proceed to the next business;
	iii. to adjourn the debate;
	iv. to put the motion to a vote;
	v. to ask a person to be no longer heard or to leave the meeting;
	vi. to refer a motion to a committee or sub-committee for consideration;
	vii. to exclude the public and press;
	viii. to adjourn the meeting; or
	ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
s.	Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
t.	Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed five minutes without the consent of the Chair of the meeting.
2.	DISORDERLY CONDUCT AT MEETINGS
a.	No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.
b.	If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any councillor or the Chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
c.	If a resolution made under standing order 2(b) is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.
3.	MEETINGS GENERALLY
	Full Council meetings ● Committee meetings ● Sub-committee meetings ●
a.	● Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.
b.	● The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
c.	● The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.
d.	●● Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to

	be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
e.	Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. Public participation will take place following 'Apologies for Absence', 'Declarations of Interest' and 'Approval of the Minutes of the last meeting' (if relevant)
f.	The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed thirty minutes unless directed by the Chair of the meeting.
g.	Subject to standing order 3(f), a member of the public shall not speak for more than five minutes.
h.	In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
i.	A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chair of the meeting may at any time permit a person to be seated when speaking. CHANGE: some wording to be deleted as marked
j.	A person who speaks at a meeting shall direct their comments to the Chair of the meeting.
k.	Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
l.	●● Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.
m.	●● A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
n.	●● The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
o.	● Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (if there is one).
p.	● The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
q.	●●● Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.

r.	<p>●●● The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.</p>
	<p><i>See standing orders 5(h) and (i) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.</i></p>
s.	<p>● Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question. Such a request shall be made before the vote is taken and before moving on to the next item of business on the agenda.</p>
t.	<p>The minutes of a meeting shall include an accurate record of the following:</p>
	<p>i. the time and place of the meeting;</p>
	<p>ii. the names of councillors who are present and the names of councillors who are absent; Apologies for absence submitted by councillors will be considered individually with those absences that are accepted and approved by a resolution being recorded in the minutes.</p> <p>CHANGE: second sentence previously added to MTC's STOs but is not current practice in meetings.</p>
	<p>iii. interests that have been declared by councillors and non-councillors with voting rights;</p>
	<p>iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;</p>
	<p>v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;</p>
	<p>vi. if there was a public participation session; and</p>
	<p>vii. the resolutions made.</p>
u.	<p>●●● A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.</p>
v.	<p>● No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.</p>
	<p><i>See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.</i></p>
w.	<p>●●● If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.</p>
x.	<p>A meeting shall not exceed a period of two hours. At the discretion of the Chair, the council may agree to suspend standing orders and the meeting be extended for a further thirty minutes.</p>
4.	<p>COMMITTEES AND SUB-COMMITTEES</p>
a.	<p>Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.</p>

b.	The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.
c.	Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
d.	The Council may appoint standing committees or other committees as may be necessary, and:
	i. shall determine their terms of reference;
	ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
	iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
	iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
	v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer before the meeting that they are unable to attend;
	vi. shall permit the members of a standing committee or committee to appoint the Chair and Vice-Chair of that standing committee or committee at the first meeting of the committee held after the Annual Council in May; CHANGE: added 'or committee' after 'standing committee' in two places.
	vii. this standing order has been deleted from MTC's standing orders;
	viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no fewer than three;
	ix. shall determine if the public may participate at a meeting of a committee;
	x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
	xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
	xii. may dissolve a committee or a sub-committee.
5.	ORDINARY COUNCIL MEETINGS
a.	In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.
	<i>Note: Elected councillors take office on the fourth day following ordinary elections and in both cases the number of days is calculated disregarding Sundays, bank holidays and days appointed for public thanksgiving.</i>
b.	In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.
c.	If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
d.	In addition to the annual meeting of the Council, at least three other

	ordinary meetings shall be held in each year on such dates and times as the Council decides.
e.	The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council. <i>(In the case of Malvern Town Council, this is currently the Mayor and the Deputy Mayor).</i>
f.	The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.
g.	The Vice-Chair of the Council, if there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.
h.	In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.
i.	In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.
j.	Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:
	i. in an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;
	ii. confirmation of the accuracy of the minutes of the last meeting of the Council;
	iii. receipt of the minutes of the last meeting of a committee;
	iv. consideration of the recommendations made by a committee;
	v. review of delegation arrangements to committees, sub-committees, staff and other local authorities;
	vi. review of the terms of reference for committees;
	vii. appointment of members to existing committees;
	viii. appointment of any new committees in accordance with standing order 4;
	ix. review and adoption of appropriate standing orders and financial regulations;
	x. review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses;
	xi. review of representation on or work with external bodies and arrangements for reporting back;
	xii. in an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the

	future;
	xiii. review of inventory of land and other assets including buildings and office equipment;
	xiv. confirmation of arrangements for insurance cover in respect of all insurable risks;
	xv. review of the Council's and/or staff subscriptions to other bodies;
	xvi. review of the Council's complaints procedure;
	xvii. review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (see also standing orders 11, 20 and 21);
	xviii. review of the Council's policy for dealing with the press/media;
	xix. review of the Council's employment policies and procedures;
	xx. review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
	xxi. determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.
	<i>Items v. to xxi may be referred to a committee before final ratification by Full Council during the council year.</i>
6.	EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES
a.	The Chair of the Council may convene an extraordinary meeting of the Council at any time.
b.	If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.
c.	The Chair of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.
d.	If the Chair of a committee or a sub-committee does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee or the sub-committee, any two members of the committee or the sub-committee may convene an extraordinary meeting of the committee or a sub-committee.
7.	PREVIOUS RESOLUTIONS
a.	A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least seven councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
b.	When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.
8.	VOTING ON APPOINTMENTS
a.	Where one position is to be filled: Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a

	majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the Chair of the meeting.
b.	Where more than one position is to be filled: Where there are more nominations than positions available to be filled, each councillor at the meeting shall have the same number of votes as vacancies. A councillor can choose to place fewer votes than vacancies, but cannot place more. A councillor may also only vote for each candidate once. If there is a tie in votes, which does not allow for the election of the required number of candidates, then the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes are given in favour of the required number of people to fill the vacancies
9.	MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER
a.	A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
b.	No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least seven clear days* before the meeting. Clear days do not include the day of the notice or the day of the meeting. CHANGE: last sentence removed and included in the definition of 'clear days'
c.	The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
d.	If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least five clear days* before the meeting.
e.	If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
f.	The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
g.	Motions received shall be recorded and numbered in the order that they are received.
h.	Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.
10.	MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE
a.	The following motions may be moved at a meeting without written notice to the Proper Officer:
	i. to correct an inaccuracy in the draft minutes of a meeting;
	ii. to move to a vote;
	iii. to defer consideration of a motion;
	iv. to refer a motion to a particular committee or sub-committee;
	v. to appoint a person to preside at a meeting;

	vi. to change the order of business on the agenda;
	vii. to proceed to the next business on the agenda;
	viii. to require a written report;
	ix. to appoint a committee or sub-committee and their members;
	x. to extend the time limits for speaking;
	xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
	xii. to not hear further from a councillor or a member of the public;
	xiii. to exclude a councillor or member of the public for disorderly conduct;
	xiv. to temporarily suspend the meeting;
	xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
	xvi. to adjourn the meeting;
	xvii. to close the meeting; or
	xviii. to congratulate, thank or encourage an individual or body or to send condolences or best wishes to someone.
10B	QUESTIONS
a.	Councillors' questions regarding any aspect of council business, addressed to a named councillor or officer, must be sent via the Town Clerk, not later than three working days before the Council meeting.
b.	Every question put shall be answered by that named person, either verbally or in writing at the meeting or, in the case of more complex issues, at the earliest possible opportunity.
c.	The questioner shall have the right to ask a supplementary question and receive an answer, either verbally at the meeting or in writing at the earliest possible opportunity thereafter.
d.	No further discussion or debate will be permitted.
11.	MANAGEMENT OF INFORMATION
	<i>See also standing order 20.</i>
a.	The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.
b.	The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).
c.	The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.
d.	Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

12.	DRAFT MINUTES
	<p>Full Council meetings ●</p> <p>Committee meetings ●</p> <p>Sub-committee meetings ●</p>
a.	Draft minutes will be confirmed at the next meeting of the relevant Council or committee having been served on Councillors with the agenda to attend the meeting at which they are due to be approved.
b.	There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
c.	The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
d.	<p>If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:</p> <p>“The Chair of this meeting does not believe that the minutes of the meeting of the () held on () in respect of () were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”</p>
e.	●●● If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.
f.	Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.
13.	CODE OF CONDUCT AND DISPENSATIONS
	<i>See also standing order 3(u).</i>
a.	All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
b.	Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
c.	Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council’s code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.
d.	Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
e.	A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
f.	A dispensation request shall confirm:

	i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
	ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
	iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
	iv. an explanation as to why the dispensation is sought.
g.	Subject to standing orders 13(d) and (f), a dispensation request shall be considered at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
h.	A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:
	i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;
	ii. granting the dispensation is in the interests of persons living in the Council's area; or
	iii. it is otherwise appropriate to grant a dispensation.
14.	CODE OF CONDUCT COMPLAINTS
a.	Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
b.	Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
c.	The Council may:
	i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
	ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
d.	Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.
15.	PROPER OFFICER
a.	The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
b.	The Proper Officer shall:
	i. at least three clear days before a meeting of the Council, a committee or a sub-committee,
	• serve on councillors by delivery or post at their residences or by

	email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and
	<ul style="list-style-type: none"> • Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).
	<i>See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;</i>
	ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least five clear days* before the meeting confirming their withdrawal of it;
	iii. convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;
	iv. facilitate inspection of the minute book by local government electors;
	v. receive and retain copies of byelaws made by other local authorities;
	vi. hold acceptance of office forms from councillors;
	vii. hold a copy of every councillor's register of interests;
	viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
	ix. liaise, as appropriate, with the Council's designated Data Protection Officer; CHANGE: 'designated' added to clause
	x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
	xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
	xii. arrange for legal deeds to be executed; (see also standing order 23).
	xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
	xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
	xv. refer a planning application received by the Council to the Chair or in their absence Vice-Chair (if there is one) of the Operations and Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Operations and Planning committee;
	xvi. manage access to information about the Council via the publication scheme; and
	xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect (see also standing order 23).

16.	RESPONSIBLE FINANCIAL OFFICER
a.	The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.
17.	ACCOUNTS AND ACCOUNTING STATEMENTS
a.	“Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils – a Practitioner’s Guide”.
b.	All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations.
c.	The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September, 31 December and 31 March in each year a statement to summarise:
	i. the Council’s receipts and payments (or income and expenditure) for each quarter;
	ii. the Council’s aggregate receipts and payments (or income and expenditure) for the year to date;
	iii. the balances held at the end of the quarter being reported and
	which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
d.	As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
	i. each councillor with a statement summarising the Council’s receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
	ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
e.	The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least fourteen days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.
18.	FINANCIAL CONTROLS AND PROCUREMENT
a.	The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
	i. the keeping of accounting records and systems of internal controls;
	ii. the assessment and management of financial risks faced by the Council;
	iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
	iv. the inspection and copying by councillors and local electors of the Council’s accounts and/or orders of payments; and

	v. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.
b.	Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
c.	<p>A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of <u>£30,000</u> but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity, <u>unless it proposes to use an existing list of approved suppliers (framework agreement)</u></p> <p>CHANGE: whole clause updated from A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.</p>
d.	Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
	i. a specification for the goods, materials, services or the execution of works shall be drawn up;
	ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
	iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
	iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
	v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
	vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
e.	Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
f.	<p>A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of <u>£189,330</u> for a public service or supply contract or in excess of <u>£4,733,252</u> for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.</p> <p>CHANGE: Amounts changed by Public Contracts (amendments) Regulation from £181,302 to £189,330 and £4,551,413 to £4,733,252</p>

g.	<p>A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of <u>£378,660</u> for a supply, services or design contract; or in excess of <u>£4,733,252</u> for a works contract; or <u>£663,540</u> for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.</p> <p>CHANGE: amounts changed by Public Contracts (amendments) Regulation 2022 from £363,424 to £378,660, £4,551,413 to £4,733,252 and £820,370 to £663,540</p>
19.	HANDLING STAFF MATTERS
a.	A matter personal to a member of staff that is being considered by a meeting of Council OR the Policy and Resources Committee is subject to standing order 11.
b.	<p>Subject to the Council's policy regarding absences from work, the Town Clerk will ensure that levels of staff absence are reported to Policy and Resources Committee on a quarterly basis.</p> <p>CHANGE: rewritten to reflect current practice</p>
c.	The Chair of the Policy and Resources Committee or in their absence, the Vice-Chair, along with the Chair of the Council shall upon a resolution conduct a review of the performance and annual appraisals of the work of the Town Clerk and the Operations Manager. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Policy and Resources Committee. The Policy and Resources Committee shall also have the responsibility of reviewing annual appraisals of all Town Council employees once they have been completed by the Town Clerk and the Operations Manager.
d.	Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the Chair of the Policy and Resources Committee or in their absence, the Vice-Chair of the Policy and Resources Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Policy and Resources Committee.
e.	Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by a member of staff relates to the Chair or Vice-Chair of the Policy and Resources Committee, this shall be communicated to another member of the Policy and Resources Committee, which shall be reported back and progressed by resolution of the Council.
f.	Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
g.	In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).
20.	RESPONSIBILITIES TO PROVIDE INFORMATION
	<i>See also standing order 21.</i>
a.	In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.
b.	<i>If gross annual income or expenditure (whichever is the higher) exceeds £200,000 the Council shall publish information in accordance with the requirements</i>

	of the Local Government (Transparency Requirements) (England) Regulations 2015.
21.	RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION
	<i>See also standing order 11. (Below is not an exclusive list).</i>
a.	The Council shall appoint a Data Protection Officer, if required.
b.	The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.
c.	The Council shall have a written policy in place for responding to and managing a personal data breach.
d.	The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
e.	The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
f.	The Council shall maintain a written record of its processing activities.
22.	RELATIONS WITH THE PRESS/MEDIA
a.	Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.
23.	EXECUTION AND SEALING OF LEGAL DEEDS
	<i>See also standing orders 15(b)(xii) and (xvii).</i>
a.	A legal deed shall not be executed on behalf of the Council unless authorised by a resolution or the delegated powers of the Proper Officer.
b.	Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.
	<i>The above is applicable to a Council without a common seal.</i>
24.	COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS
a.	An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council representing the area of the Council.
b.	Unless the Council determines otherwise, a copy of each correspondence sent to the District and County Council shall be sent to the ward councillor(s) representing the area of the Council.
25.	RESTRICTIONS ON COUNCILLOR ACTIVITIES
a.	Unless duly authorised no councillor shall:
	inspect any land and/or premises which the Council has a right or duty to inspect; or
	issue orders, instructions or directions.
26.	STANDING ORDERS GENERALLY
a.	All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
b.	A motion to add to or vary or revoke one or more of the Council's standing orders,

	except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least seven councillors to be given to the Proper Officer in accordance with standing order 9.
c.	The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
d.	The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

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- * A 'clear day' does not include the day on which notice was issued, the day of a meeting, a weekend, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.

**A REPORT OF THE TOWN CLERK TO
A MEETING OF THE POLICY AND RESOURCES COMMITTEE
MALVERN TOWN COUNCIL**

**to be held on Wednesday 28 February 2024 at 6.00 pm
in the Council Chamber, Belle Vue Terrace, Malvern**

TERMS OF REFERENCE FOR COMMITTEES

1. Purpose of report

1.1. For review and decision.

2. Recommendation

2.1. Policy and Resources Committee is asked to consider, review and revise as necessary, the Town Council's terms of reference for its three main committees as follows:

- i. Operations and Planning Committee
- ii. Policy and Resources Committee
- iii. Audit Committee

3. Background

3.1. The last review of the terms of reference for committees was carried out by Policy and Resources Committee in July 2018 and then adopted by Full Council on 12 September 2018.

3.2. Committee is asked to consider the current terms of reference for committees as attached:

- Appendix A – Operations Committee, now Operations and Planning Committee
- Appendix B – Policy and Resources Committee
- Appendix C – Audit Committee

3.3. Recommendations for any updates or changes will go to Full Council for approval and adoption.

4. Financial Implications

4.1. None pertaining to this report.

5. Legal Implications

5.1. The Council's terms of reference govern the constitution and responsibility of the Town Council's three main committees.

End

Linda Blake
Town Clerk

TERMS OF REFERENCE OF THE OPERATIONS COMMITTEE**1. CONSTITUTION**

- 1.1. The Committee will consist of nine Councillors appointed by Full Council at the Annual Council Meeting (or another Council meeting should a vacancy occur during the year).
- 1.2. Committee meetings will be arranged by the Town Clerk with a quorum of five members.
- 1.3. The Operations Committee includes Strategic Planning and will consider the Council's response to planning consultations from the weekly lists, including any items raised by ward members or committee members.
- 1.4. District Councillors are able to attend the meetings and comment on planning matters in their role as a Town Councillor.

2. RESPONSIBILITIESOperations

- 2.1. To consider and make recommendations to the Council as to policies and initiatives which will contribute to, and promote, the Council's strategic operational objectives. These to include provision, repair, renewal, maintenance, development and improvement of operational assets and services.
- 2.2. To set and monitor policies in relation to the management of all parks and open spaces, allotments, play areas, sports activities, Christmas lights, Malvern in Bloom bedding displays etc.
- 2.3. To set and monitor policies in relation to the management of Great Malvern Cemetery.
- 2.4. To set and monitor policies in relation to the management of street furniture including litterbins, bus shelters, clocks and gas lamps.
- 2.5. To monitor the effectiveness of operations activities, making recommendations to Full Council for improvement as required.
- 2.6. Further to Full Council approving service delivery recommendations, the Operations Committee to deliver a service improvement plan.
- 2.7. To ensure that all operational activities support and inform the budget planning process.
- 2.8. To recommend service standards, performance indicators and support monitoring measures (and/or means of establishing these) for incorporation into the Council's Performance Management Systems as part of provision of best value.
- 2.9. To act as the Council's operational Health and Safety Committee.

Events

- 2.10. To consider and make recommendations to Full Council with regard to existing events as well as the expansion of Malvern Town Council's events calendar.
- 2.11. To consider and provide recommendations to Full Council for Town Council support and involvement with independent/partnership events.
- 2.12. To consider and develop methods to promote Malvern, Malvern's events and the Town Council, including the use of social media and an up-to-date Town Council website.
- 2.13. To monitor the effectiveness of events activities and make recommendations to Full Council.
- 2.14. To ensure that all events are financially viable and operate within the Council's Financial Regulations.

Strategic Planning

- 2.15. To establish aims, objectives and policies and a planning strategy for adoption by Council and implementation by the Committee to provide an effective basis for the consideration of any planning issue.
- 2.16. To consider and comment on any planning matter which affects the Town of Malvern.
- 2.17. To consider and comment on any application referred for comment to the Town Council by a Local Planning Authority.
- 2.18. To work in conjunction with, and if appropriate, support any other person or body whose aims, objectives or purpose is concerned with the proper planning of the Town of Malvern and its neighbourhood and its environment, including any other appropriate local organisation.
- 2.19. To participate fully in the development and implementation of the Neighbourhood Plan, local plans, policies and interests in order to ensure that these have a beneficial impact on Malvern.
- 2.20. To take all possible action to obtain legitimate planning gains (such as Section 106 money or a percentage of Community Infrastructure Levy) for the Town from all relevant developments in Malvern.
- 2.21. To make arrangements with, and to authorise, any person (including one or more Town Councillors) to advance or explain any planning comment made on behalf of the Town Council, or to further any policy or discussion relating to planning matters (providing the Council has not made alternative provision to the same effect.)
- 2.22. To receive reports from Working Parties formed to look at specific planning issues.

3. FINANCE

Operations

- 3.1. To prepare annually a draft budget for operational services to be agreed by Full Council as part of the budget progress.
- 3.2. Within agreed budgets and financial regulations, to exercise full delegated authority over the finance and administration of operations activities subject only to best value policies and practices as adopted from time to time.

Events

- 3.3. To prepare annually a draft budget for events to be agreed by Full Council as part of the budget progress.
- 3.4. To ensure that all events activities are within budgetary constraints and that budgets are regularly reviewed and updated to support and inform the next year's budget planning process.
- 3.5. Within agreed budgets and financial regulations, to exercise full delegated authority over the finance and administration of events activities.

4. TOWN AND COUNTRY PLANNING SYSTEM

- 4.1. This is designed to regulate development and the use of land. It does this by aiming to achieve a balance between the aspirations of the developer and the need to safeguard the character or amenity of an area and the interests of its residents.
- 4.2. Role of Local Planning Authorities in Planning:

County Council:

- Strategic planning authority;
- Prepares structure plans which guide development for the whole of its area;
- Prepares mineral and waste disposal plans and decides planning applications for these kind of developments;
- Responsible for main roads.

District Council:

- Prepares district-wide local plans which show precisely where development should or should not take place as well as covering other issues such as shopping, transport and recreation;
- Deals with the majority of planning applications.
- Joint working on the South Worcestershire Development Plan (SWDP).

Town/Parish Councils:

- Statutory consultee on planning applications and the content of development plans.

- The Council is active in participation for all planning application consultations. This is an important part of the representational role of the Town Council.

4.3. Procedure for Town Council Planning Consultation:

- i. Malvern Town Council sends the planning list to all Councillors every Friday as part of their weekly packs.
- ii. Councillors are asked to inform Town Council Officers of any Planning Applications which they wish to be discussed at Strategic Planning Meetings. These applications will then be listed individually on the agenda.
- iii. If applications arise in the period between meetings, Ward members should notify the office of any applications on which they would like to comment. If these comments find the support of other ward members, then they will be passed on to MHDC.
- iv. All comments on planning applications must be based on relevant planning considerations, including:
 - The compliance of the proposals with the adopted development plan
 - How the proposal fits in terms of design and use with its surroundings
 - The effect of sunlight and daylight on adjoining properties.
 - The loss of privacy to adjoining properties
 - The effect on parking, drainage, traffic, road safety and general disturbance to local residents
- v. Planning considerations do not include:
 - Spoiling of householder views
 - Devaluation of property
 - Covenants affecting properties
 - Nuisance caused by building work
 - Land ownership disputes
 - Personal preferences for the site
- vi. It is important that all comments are clear, concise and accurate. It helps if the Council suggests conditions it would like to see imposed if the local Planning authority permits the application.
- vii. The Town Clerk will draw members' attention to planning issues that appear on the agenda for MHDC Planning meetings and an appropriate Ward councillor should be asked to speak for the Town Council at MHDC's Southern Area Development Management Committee meetings on all planning matters of concern in Malvern Wards. Ward members should

contact the Town Clerk with any matters of concern relating to planning matters.

- viii. Malvern Town Council staff will aim to prepare and send comments of the Committee to the District Council within seven days of the meeting. If the comments are too late to be included on the District Council Planning Committee Agenda, staff will circulate the comments by email to MHDC.
- ix. Members should note that many planning applications are dealt with by MHDC Planning Officers under delegations in conjunction with the relevant District Councillors.

TERMS OF REFERENCE OF THE POLICY AND RESOURCES COMMITTEE**1. CONSTITUTION**

- 1.1. The Committee will consist of ten Councillors appointed by Full Council at the Annual Council Meeting or another council meeting should a vacancy occur during the year.
- 1.2. Committee meetings will be arranged by the Town Clerk with a quorum of six members.

2. RESPONSIBILITIESPolicy and Resources

- 2.1. To keep under review the policies and resources of the Council.
- 2.2. To ensure Full Council receives detailed financial accounts on a quarterly basis together with a report on key aspects of the financial performance including proposals to address any major departures from the Council's budget.
- 2.3. To ensure Full Council receives the Full Year End Accounts and Annual Return in accordance with statutory rules and deadlines.
- 2.4. To make recommendations to the Council on the annual budget estimates and the Council's precept.
- 2.5. To consider and make recommendations to the Council on policy documents received from other organisations and affecting the area.
- 2.6. To develop and review the Policy and Resources Committee's aims and objectives.
- 2.7. To have the direction and control of insurance in respect of the Council's property, members and employees.
- 2.8. To regularly review the Council's treasury management activities and supervise the investment of funds within the Council's control.
- 2.9. To determine all grant applications received under the Council's approved Grants and Donations Policy/Scheme, subject only to the allocated budget not being exceeded.
- 2.10. To recommend and agree proposals from the RFO concerning the investment of cash surplus to current requirements and ensure such deposits are in line with good local government treasury practice.
- 2.11. To establish, monitor and review the Council's overall health and safety policy with regard to changes in legislation and the day-to-day requirements of the organisation and its workforce.
- 2.12. To establish, monitor and review the Council's risk assessment programme.

- 2.13. To make recommendations to the Council as to the strategic management of Council assets and property, including the acquisition, management and disposal of property.
- 2.14. To agree, as required, any detailed activities necessary to ensure the proper and effective operation and management of Council property and assets. This to include detailed matters related to property leasing, purchase and disposal. (Operations Committee is responsible for operational issues related to those assets under its control).
- 2.15. To determine depreciation and other detailed issues arising from the management of Council assets.
- 2.16. To consider and make recommendations to the Council as to the policies and initiatives which will contribute to and promote best value within the Authority.
- 2.17. To monitor the Council's Objectives, consider the risks of not achieving them, and make recommendations to Full Council

Staffing

- 2.18. To review annual appraisals which will be completed for all staff members.
- 2.19. To review the annual appraisal process as necessary.
- 2.20. To consider and make recommendations with regard to the pay and grading of all staff.
- 2.21. To consider and review the Council's Training and Development Policy.
- 2.22. To consider and review the policies and procedures which relate to staff/councillor conduct.
- 2.23. To consider and review the Council's Grievance Policy.
- 2.24. If a disciplinary matter arises during the year, the staffing committee will be asked to nominate 3 members of the committee to form a disciplinary panel to deal with this matter.
- 2.25. Members of the Committee will be asked to rule themselves out if they believe that their presence on the panel would deem the process to be unfair and lacking impartiality.
- 2.26. To review other general staffing policies.

TERMS OF REFERENCE OF THE AUDIT COMMITTEE

1. CONSTITUTION

- 1.1. The Committee will consist of five Councillors (excluding members of the Policy and Resources Committee) appointed by Full Council at the Annual Council Meeting. Committee meetings will be arranged by the Town Clerk.

2. ELIGIBILITY

- 2.1. Members of the Committee involved in undertaking any financial audit of the Council will withdraw from being cheque signatories for the period of the audit.

3. RESPONSIBILITIES

- 3.1. Actions required pursuant to the annual audit by the internal and external auditors.
- 3.2. To ensure that any new financial systems introduced by Council have adequate controls and provide appropriate audit trails.
- 3.3. To implement internal audits within the parameters required by statute.
- 3.4. To review the annual internal audit report on the Council's activities for further consideration by Council, and make recommendations.
- 3.5. To receive the report of the external auditor and make recommendations if necessary.

**A REPORT OF THE TOWN CLERK TO
A MEETING OF THE POLICY AND RESOURCES COMMITTEE
MALVERN TOWN COUNCIL**

**to be held on Wednesday 28 February 2024 at 6.00 pm
in the Council Chamber, Belle Vue Terrace, Malvern**

**REVIEW OF COMMUNICATIONS AND PUBLICITY POLICY – COUNCILLOR
GUIDELINES**

1. Purpose of report

1.1. For review and decision.

2. Recommendation

2.1. Policy and Resources Committee is asked to consider, review and revise as necessary, the Town Council's Communications and Publicity Policy – Councillor Guidelines.

3. Background

3.1. The last review of the Town Council's Communications and Publicity Policy – Councillor Guidelines was carried out by Policy and Resources Committee in December 2019 and then adopted by Full Council on 18 December 2019.

3.2. Committee is asked to consider and review the current Communications and Publicity Policy – Councillor Guidelines as attached at Appendix A.

3.3. Recommendations for any updates or changes will go to Full Council for approval and adoption.

4. Financial Implications

4.1. None pertaining to this report.

5. Legal Implications

5.1. The following laws and code of practice will apply to this policy:

- Local Government Acts 1986 and 1988
- Government's Code of Recommended Practice on Local Authority Publicity
- GDPR
- Freedom of Information Act 2000
- The Council's Standing Orders

End

Linda Blake
Town Clerk



MALVERN TOWN COUNCIL

COMMUNICATION AND PUBLICITY POLICY COUNCILLOR GUIDELINES

MALVERN TOWN COUNCIL

COMMUNICATIONS AND PUBLICITY POLICY

COUNCILLOR GUIDELINES

1. Introduction

- 1.1. The purpose of these guidelines is to define roles and responsibilities within Malvern Town Council (hereafter known as 'The Town Council') and to provide guidance to Councillors for external communications, contact with the media and the effective use of social media. It is not the intention of these guidelines to curb freedom of speech or to enforce strict rules and regulations.
- 1.2. For the purpose of these guidelines, the term 'media' refers to means of mass communication and includes broadcasting (television and radio), print media (newspapers, magazines etc) and the internet.
- 1.3. The media is an important channel to convey information to the community, to increase public awareness of the services and facilities provided by Malvern Town Council and the reasons for particular policies and priorities. As such the Council must maintain positive, constructive media relations and work with the media to enable this.
- 1.4. It is important that the media has access 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.
- 1.5. The Council is accountable to the local community for its actions; this accountability can be managed in part through effective two-way communications.

2. The Legal Framework

- 2.1. 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.
- 2.2. The Town Council's Standing Orders (approved and adopted on 3 October 2018) and The Openness of Local Government Bodies Regulations 2014 should be adhered to.
- 2.3. The Town Council's media relationships must be consistent with the provisions of:
 - The law governing communications set out in the Local Government Acts 1986 and 1988

- The Code of Recommended Practice on Local Authority Practice
- The Code of Conduct for Councillors as adopted by the Council
- The Council's Standing Orders

- 2.4. When dealing with the media, Councillors should always be aware of the need to comply with data protection requirements and the General Data Protection Regulation (GDPR) as from 25 May 2018 as well as the need to observe confidentiality.
- 2.5. The Council acknowledges the right of the media to obtain information under the Freedom of Information Act 2000.

3. Meetings of Council and Committees

- 3.1. In accordance with The Local Government Act 1972 copies of agendas, reports and minutes sent to Members for meetings of the Council or its Committees will be emailed to the media and facilities will be provided at meetings for the media to take notes of the proceedings.
- 3.2. The public and media shall be admitted to all meetings of the Council and its Committees, which may however temporarily exclude the public or the media or both, by means of the following resolution:

Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

(Note: the Town Council as a Parish Council is governed by the Public Bodies (Admission to Meetings) Act 1960.

- 3.3. These meetings may be reported on by filming, photographing, making an audio recording or otherwise reporting on them e.g. through the use of social media.
- 3.4. Councillors must treat anything said in a closed session of a meeting or working party as confidential and should not divulge that information. Councillors should take care that they do not make any comments that bring themselves or the Town Council into disrepute or make comments that may be defamatory or lead to any other legal action.
- 3.5. Town Council noticeboards will be used for advertising meeting notices.
- 3.6. Social media will be used for advertising meeting notices, events and delivering general public information notices.

4. External Communications and Working with the Media

- 4.1. Councillors must always have due regard for the reputation of the Town Council in all their dealings with the media. It is important to build and develop a relationship with the local press and media, in which communication is a two-way process.
- 4.2. Councillors must not disclose information that is of a confidential nature. This includes any discussion with the media on any matter which has been discussed under confidential items on Council or Committee agendas or at any other private briefing. If such leaks do occur, an investigation will take place to establish who was responsible, with appropriate action taken.
- 4.3. In line with the Town Council's adopted Code of Conduct, all Councillors should act with integrity at all times when representing or acting on behalf of Malvern Town Council.
- 4.4. When speaking or providing written material to the media, Councillors must make clear the capacity in which they are providing the information. For example:
 - i. As Mayor
 - ii. As Chair of a Committee
 - iii. As a Ward Councillor
 - iv. As an individual Councillor (i.e. letter to press for publication)
- 4.5. It is accepted that Councillors are able to use the prefix "Councillor" when writing to the press as an individual; however, Councillors must ensure that any communication with the press makes it clear whether they are writing to express their individual view or whether they are speaking on behalf of the Town Council as a whole. A copy of any written material sent to the media by a Member, as representing the Town Council must be forwarded to the Town Clerk.
- 4.6. When Councillors write to the media in response to a matter in their ward, then they can sign themselves as Councillor xyz representing abc Ward, but they must again ensure that it is clearly stated whether they are expressing their own opinion or that of the Town Council.
- 4.7. Councillors are advised to take particular care if the media approaches them for comment on a controversial or confidential subject, and should take care not to be led into stating something that they did not really mean to say. If unsure, a simple "no comment" statement should be made and the media should be asked to contact the Town Council offices.

- 4.8. When a member of the media wishes to discuss an issue that is, or is likely to be, subject to legal proceedings, advice should be taken from the Town Council's solicitor before any response is made.
- 4.9. There are a number of personal privacy issues which Councillors must handle carefully and sensitively. These include the release of personal information, (although Councillor contact details are in the public domain), and disciplinary procedures and long-term sickness absences that may affect service provision. In all of these, and similar situations, advice must be taken from the Town Clerk before any response is made to the media.
- 4.10. The Mayor (or Deputy Mayor in the absence of the Mayor) will be authorised to make contact with the media if the issue or query concerned is related to Civic business or Mayoral engagements.
- 4.11. The individual Chairmen of Council Committees will be authorised to make contact with the media if the issue concerned is related to decisions made by that particular committee. Any responses should be copied to the Town Clerk and Town Council's Press Officer and should reflect the Town Council's opinion.
- 4.12. The Town Clerk and/or Press Officer will ensure that the appropriate Councillors are involved in any Town Council response with relevant quotes included.
- 4.13. Unless authorised either by the terms of these guidelines or by the Town Council, Councillors who are asked for comment should make it clear that any opinions given are their own and not those of the Town Council and they should ask that it be clearly reported as their personal view.
- 4.14. When an immediate response is required to an important and/or potentially contentious issue relating to Town Council business, or an issue on which Town Council Policy has yet to be decided, the Town Clerk will call together the group of Committee Chairmen to discuss, formulate and agree a response on behalf of the Town Council. This may be done in person or by email or conference call.

5. Press Releases

- 5.1. The purpose of a press release is to inform the media and the public. This may include providing important public information, promoting the Town Council, advertising an event, explaining the Town Council's position on a particular issue or raising awareness of the Town Council's policies, services and functions. Press releases can be issued both before and after an event.

- 5.2. The Town Clerk and the Town Council's Press Officer are authorised to receive all communications from the media and to issue press statements on behalf of the Town Council. All communications made by Town Council Officers will relate to the stated business and day-to-day management of the activities or adopted policy of the Town Council.
- 5.3. The Town Clerk and Town Council's Press Officer will review potential press releases regularly to ensure a proactive approach is taken to reporting Town Council business.
- 5.4. It may be appropriate for a press release to be issued on behalf of the Mayor or a Chair of a Committee and in these circumstances the Town Council's Press Officer will work alongside the appropriate Councillor to ensure that this is achieved.
- 5.5. The following should be considered when reviewing items to be sent to the media:
- i. Agendas being issued and the business stated on them
 - ii. Committee and Council decisions
 - iii. Town Council events
 - iv. Town Council achievements
 - v. Important issues in the Town that may affect the Town Council
 - vi. Possible criticism/contentious issues
- 5.6. Press releases and advertisements for events will be sent to local newspapers and made available on social media as appropriate.
- 5.7. Press releases and advertisements for events will also be put on Town Council noticeboards.
- 5.8. The Town Council website will be used to convey information on matters of interest and latest news and will be updated regularly by Officers, under the direction of the Town Clerk or delegated authority of the Town Clerk.
- 5.9. There are occasions when it is appropriate for a letter to be submitted on behalf of the Town Council, 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. All correspondence must come from the Town Clerk.

6. Social Media

- 6.1. Malvern Town Council acknowledges social media as a useful communication tool. However, clear guidelines are needed for Councillors on the use of social media to ensure it is used effectively as part of a wider communications mix and that its use does not

expose the Town Council to security risks, reputational damage or breach of the Data Protection Act.

- 6.2. For the purposes of this section, the term 'social media' 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 the Town Council could be represented.
- 6.3. Councillors should be aware of the following risks 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 Town 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
- 6.4. Councillors must ensure that they use social media sensibly and responsibly, in line with this guidance.
- 6.5. Councillors should have particular regard to Malvern Town Council's Code of Conduct and ensure that, when online, they treat others with respect and conduct themselves in a manner that will not bring the Town Council into disrepute.
- 6.6. Councillors should take time to think before publishing. Even when a post is deleted it could have been read several times and it could also have already had a screenshot taken and saved as a permanent record.
- 6.7. Consideration should be given by Councillors as to whether there are appropriate privacy settings in place for their social media accounts especially those that they use as personal accounts. Councillors should have separate accounts for Councillor posts and personal ones, and if a Councillor account is set up, a short statement should be posted disclosing their identity as a Councillor.
- 6.8. Councillors should be aware that, by publishing information obtained through their position as Councillor, they will be seen as acting as a representative of Malvern Town Council.
- 6.9. Councillors should be aware of misinterpretation and take care when communicating sarcasm or irony through short online messages as the message may be misinterpreted.

- 6.10. Councillors should avoid being drawn into an online argument with someone clearly trying to provoke or openly criticise, and in such a case should not respond.
- 6.11. Councillors should be aware that sharing someone else's post, e.g. 're-tweeting' on Twitter or sharing on Facebook, may be interpreted as the Councillor agreeing, endorsing or supporting its content.
- 6.12. Caution should be taken to avoid anything which could be considered discriminatory against, or bullying or harassment of any individual(s) such as:
- i. Making offensive or derogatory comments related to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief, or age
 - ii. Using social media to bully or harass another individual
 - iii. Posting images that are discriminatory or offensive, or providing links to such content
- 6.13. Town Council social media must not be used for party political purposes or specific party political campaigning.
- 6.14. Councillors will be personally responsible for their social media presence. Malvern Town Council does not take any responsibility for social media content on behalf of individual Councillors.
- 6.15. These guidelines do not seek to be either prescriptive or comprehensive but set out to provide guidance on how to deal with some of the practical issues that may arise when dealing with the media.

**A REPORT OF THE TOWN CLERK TO
A MEETING OF THE POLICY AND RESOURCES COMMITTEE
MALVERN TOWN COUNCIL**

**to be held on Wednesday 28 February 2024 at 6.00 pm
in the Council Chamber, Belle Vue Terrace, Malvern**

STAFFING MATTERS

1. Purpose of report

1.1. For urgent review.

2. Recommendation

2.1. Policy and Resources Committee is asked to consider the contractual issues raised by a decision at Full Council to delay the start times of all Town Council evening meetings.

3. Background

3.1. Further to the resolution at Full Council that the start time of evening meetings should be moved to 6.30pm, a contractual issue has been raised, requiring this decision to be reconsidered.

3.2. Evening meetings of the Town Council start at 6pm, except in the case of the Annual Town meeting. This has been the practice for as long as staff who currently work evening meetings have held their roles.

3.3. HR advice has been taken, which has stated that the employees affected by a change in start time to meetings have a reasonable expectation for current start times to remain. If the Council wishes to change that term of their contract they need to do so by mutual agreement.

3.4. The Town Clerk has spoken to staff members and their wish is to carry on with the current arrangements for meetings. Although this change is only thirty minutes, it will apply to all meetings and therefore most weeks of the year. The Town Council is a small team and staff are often needed during the day to carry out other duties and later evening meetings would impact on this.

3.5. Council could choose to proceed with the change, but this would require a process of consultation based on a sound business case and may affect the morale of current hard-working staff.

4. Financial Implications

4.1. A contractually imposed change to working hours may result in the need for part-time staff to cover morning duties as appropriate.

5. Legal Implications

5.1. In April 2020, there was a change to the Government's "Good Work Plan" which changed the requirements under Section 1 of the Employment Rights Act 1996. This affects all staff contracts even those pre-dating 2020.

5.2. Council's standing orders state that a council resolution can be reversed within six months by a motion moved in pursuance of the recommendation of a committee.

**AGENDA ITEM 6
REPORT PR03/24**

Policy and Resources Committee hold staffing responsibilities and therefore should consider the contractual issue raised by this Council decision.

End

Linda Blake
Town Clerk