

## SWANAGE TOWN COUNCIL

### VEXATIOUS CORRESPONDENCE AND COMPLAINTS POLICY

#### Introduction

The great majority of people who contact Swanage Town Council do so politely and with respect to Council employees. The Town Council welcomes feedback and encourages people who feel that they have grounds for complaint to contact the Council so that their concerns can be investigated in accordance with the Council's Complaints Procedure, which is designed to provide complainants with a thorough and fair means of redress.

There are, however, exceptional circumstances where behaviour can present a challenge to the wellbeing of staff or councillors, resulting in unacceptable stress. Furthermore, some correspondence will result in a disproportionate amount of resource being spent in response, preventing the Council from efficiently fulfilling its wider duties.

Swanage Town Council does not expect its staff or councillors to tolerate unreasonable behaviour from members of the public or other points of contact. The organisation has a direct duty of care to its employees and also a responsibility to any associated organisations and/or partners it works alongside.

This procedure is designed to address vexatious correspondence and complaints. It should assist the Council to manage inappropriately demanding or unreasonable behaviour from vexatious correspondents. Where the correspondence in question can be interpreted as a request or requests for information, this policy should be read in conjunction with the Information Commissioner's guidance on dealing with vexatious requests, issued in connection with s.14 (1) of the Freedom of Information Act 2000.

It is important that the application of this policy does not prevent people from accessing services to which they have a statutory entitlement, and it is designed to ensure that the rights of service users are protected. However, Council resources are limited, and the Council has an obligation to ensure that these are used fairly and effectively. The Council must also ensure that the Clerk and Councillors receive a reasonable degree of protection from the stress that can be caused by vexatious correspondence and complaints.

This procedure is not designed to address violent or threatening behaviour which needs an urgent response.

#### 1 Defining vexatious correspondence or complaints

Vexatious complaints and correspondence can be characterised in one or more of the following ways:

1.1 Behaviour which is **perceived as** obsessive, persistent, harassing, prolific, repetitious.

- 1.2 Displays an insistence on pursuing unmeritorious issues and/or unrealistic outcomes beyond all reason.
- 1.3 Displays an insistence upon pursuing meritorious complaints or issues in an unreasonable manner, **for example failing to focus on addressing the issue in a harmonious and pragmatic way.**
- 1.4 Forms part of a ‘scatter gun’ approach, with copies of letters being sent to several recipients on a regular basis, often including various council officers, the media, the MP, the Mayor, other Councillors and external regulators; and/or is part of a completely random approach, lacking any clear focus, or seeming to have been solely designed for the purpose of ‘fishing’ for information without any idea of what might be revealed.
- 1.5 Repeated and/or frequent requests for information, whether or not those requests are made under the access to information legislation.
- 1.6 Repeated use of social media to criticise Council members or officers could also be judged as vexatious conduct, as this could amount to cyber-bullying.

Guidance issued by the Information Commissioner recommends that four broad themes are considered when assessing whether a request for information is vexatious, and these factors may be more broadly applied to other correspondence:

1. the burden (on the public authority and its staff);
2. the motive (of the requester);
3. the value or serious purpose (of the request); and
4. any harassment or distress (of and to staff and councillors).

## **2 Procedure for determining whether correspondence is vexatious**

- 2.1 If the Clerk or Councillors identify behaviour that they think exhibits the characteristics set out in Section 1, and which they believe may be vexatious, they should consult the Vexatious Correspondence sub-committee, consisting of the Mayor and/or Deputy Mayor and two members of the Finance & Governance Committee. An officer who has not been dealing with the correspondence in question should act as minute taker.
- 2.2 If the sub-committee agrees with the assessment, they should prepare a brief statement of why the sub-committee considers the complaint or correspondence to be vexatious, including its effect upon the Clerk, Councillors and/or the Town Council as a corporate body. This should be accompanied by a list of correspondence over the last 6 months via email, telephone, letter and social media, including information about whom the correspondence was addressed to, how many people/organisations it was copied to on each occasion, and a one-line description of each piece of correspondence.

## **3 Handling correspondence and complaints that have been assessed as vexatious**

- 3.1 The first step will be for the Mayor/Deputy Mayor to write to the correspondent advising them that their complaint and/or correspondence has been determined to be vexatious

and giving the reason for that decision. The letter should state that any future correspondence will be passed direct to the sub-committee who will consider whether it raises any substantive new issue(s) and whether or not it is also considered vexatious. The correspondent should be advised that if it is considered to be vexatious, any future correspondence will not receive a response, unless the Council is obliged to do so under the terms of the Freedom of Information Act or other legislative provision. They should be advised that the decision will be reviewed in six months from the date of the letter advising them that their complaint/correspondence has been determined to be vexatious. There is no route of appeal against the decision that a complaint or correspondence is vexatious.

- 3.2 Any future correspondence should be passed to the sub-committee for consideration. If they decide that it raises no genuinely new and substantive issues, and/or is considered to be otherwise vexatious, no response is required. If they consider it to be appropriate, they may acknowledge the first 2 or 3 pieces of correspondence, referring the correspondent to the letter advising them of the decision that their correspondence has been determined to be vexatious. After that, however, no response or acknowledgement should be sent.
- 3.3 If future correspondence does raise significant new issues, and does not meet the criteria for vexatious correspondence set out in Section 1 above, it should be responded to. It may be appropriate for the response to be routed via the Mayor/Deputy Mayor in order to prevent the renewal of 'scattergun' correspondence.

#### **4 Reviewing the decision**

- 4.1 Six months after the correspondent has been advised that their complaint and/or correspondence is vexatious, they can request a review. If such a request is received, the sub-committee should meet to consider whether there has been any improvement in the vexatious behaviour over that time. The Mayor/Deputy Mayor should write to the correspondent advising them of the outcome of the review. If the behaviour has improved, future correspondence can be treated in the normal way. If there has not been a significant improvement, the correspondence will continue to be treated as vexatious with the correspondent being able to request a review after a further six month period.

#### **5 Further advice and guidance**

- 5.1 Defining complaints and/or correspondence as vexatious is a very serious step and will only be undertaken as a last resort. For that reason, it is essential that the decision to treat correspondence or complaints as vexatious is evidence-based and reviewed regularly.

For further information:

Information Commissioner's Office:

<https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/freedom-of-information-and-environmental-information-regulations/section-14-dealing-with-vexatious-requests/>

Local Government and Social Care Ombudsman:

<https://www.lgo.org.uk/information-centre/information-for-organisations-we-investigate/councils/guidance-notes/guidance-on-managing-unreasonable-complainant-behaviour>

- 5.2 Any concerns about a particular correspondent should be discussed with the Mayor/Deputy Mayor in the first instance.

## 6 Document change history

Date	Changes made
2 <sup>nd</sup> February 2024	Template policy amended for Swanage Town Council.
20 <sup>th</sup> March 2024	Draft Policy presented to Finance & Governance Committee for recommendation to adopt.
	Policy adopted by Full Council.
	Policy review date (initially 6 monthly)

**To consider adoption of Draft Safeguarding Policy**

On 20<sup>th</sup> March 2024 the Council’s Health and Safety Advisors, Worknest, undertook a planned visit to review a number of the Council’s operations. Feedback received regarding the Council’s controls was positive, however a recommendation was made to implement a Safeguarding Policy to provide a framework for existing Council protocols in matters such as lost children. Previously the Town Council had been advised that this was not necessary as it did not deliver any services that required such a policy to be in place (e.g. youth club, day care etc).

In order to address the recommendation received, a Safeguarding Policy has been drafted which clearly sets out policy principles and responsibilities for safeguarding young people and vulnerable adults. This was presented to the Extraordinary Finance and Governance Committee held on 25<sup>th</sup> April 2024 and a recommendation made for adoption.

Once adopted, it is proposed that this is communicated to appropriate team members through a training session that is in development.

**Decision required:**

To consider adopting the draft Safeguarding Policy in accordance with advice received from the Council’s Health and Safety Advisors, and to communicate its content to appropriate team members through the delivery of a training session.

Gail Percival  
Assets and Compliance Manager

April 2024

**Swanage Town Council - DRAFT Safeguarding Policy****April 2024****1. Introduction**

The purpose of this policy is to make clear to all members, staff, volunteers, and contractors what is required in relation to the protection of children, young people and vulnerable adults. This policy will help to maintain a safe and positive environment for children and vulnerable adults.

**2. Policy coverage**

This policy applies to all members, employees, volunteers, and contractors working in partnership with Swanage Town Council. Legislation provides the framework for safeguarding and child protection in England. It makes clear the expectations and requirements around duties of care to children and creates accountability for these. The main legislation in England is the Children Act 1989, the Children Act 2004 and the Children and Social Work Act 2017.

Swanage Town Council has a duty to co-operate with other agencies and authorities to promote the well-being of children and young people. Local safeguarding partners are responsible for child protection policy, procedure and guidance at a local level.

The local safeguarding arrangements are led by three statutory safeguarding partners:

- Dorset Council
- the integrated care board (ICB, previously clinical commissioning group or 'CCG')
- the police.

It is not the role of Swanage Town Council to investigate allegations of abuse. However, all members, staff, volunteers and contracted services providers have a responsibility to take action when they suspect or recognise that a child or vulnerable adult may be a victim of significant harm or abuse.

Children, young people and vulnerable adults are:

- Anyone under the age of 18;
- Someone who is 18 or over and who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

This policy is to be used in conjunction with the Council's Health and Safety Policies, Equal Opportunities Policy, Complaints Policy and Staff Handbook.

**3. Policy Principles**

Swanage Town Council recognises that all children and vulnerable adults have an equal right to protection from abuse. It is committed to safeguarding children and vulnerable adults and protecting them from abuse when they are engaged in services organised and provided by, or on behalf of, the Council.

#### **4. Policy Statement**

Swanage Town Council is committed to taking all reasonable precautions to safeguard the welfare of children and vulnerable adults that use its services and promotes a safeguarding culture and environment.

#### **5. Procedure and Systems**

The Council's Safeguarding Lead Officer is the Town Clerk.

#### **6. Definitions and Abuse**

- Abuse covers any form of physical, emotional, mental and sexual abuse including bullying or lack of care that leads to injury or harm. For vulnerable adults abuse may also be financial.
- Neglect is where people fail to meet a child's or vulnerable person's basic physical / psychological needs and is likely to result in the serious impairment of their health or development, e.g. failure to ensure that a child is protected from unnecessary risk of injury, or exposing them to undue cold.
- Physical Abuse is where physical pain or injury is caused, e.g. hitting, shaking, biting, etc.
- Sexual Abuse is where children or vulnerable adults knowingly or unknowingly take part in an activity that meets the sexual needs of the other person or persons involved. This includes inappropriate photography or videoing.
- Emotional / Mental Abuse is where there is persistent emotional ill treatment that causes severe and persistent adverse effects on the child's or vulnerable person's emotional status e.g. bullying (including cyber and text bullying), constant criticism and unrealistic pressure to perform.

#### **7. Responding to Allegations**

If a person discloses abuse by someone else:

- Stay calm, take the allegation seriously.
- Allow the person to speak without interruption, accepting what is said, but DO NOT investigate.
- Only ask questions for clarification, do not ask leading questions and do not attempt to investigate.
- Pass no judgement. Reassure them that they did the right thing by talking to you.
- Advise that you will try to offer support, but that you MUST pass the information on, do not offer to keep secrets.
- Record the facts as you know them.
- Refer the allegation immediately and directly to the appropriate person. If an employee or volunteer is implicated, refer to their Line Manager. If a manager or another young person is implicated, refer directly to the Town Clerk. If the Town Clerk is implicated, refer to the Town Mayor. All allegations must be referred, no matter how insignificant they seem to be, or when they occur.

- Try to ensure that no-one is placed in a position which could cause further compromise.

As soon as possible after the incident or disclosure has occurred:

- Write down notes, dates, times, facts, observations, and verbatim speech.
- Ensure the correct details are available, the young person's / vulnerable adult's name and address, and the name and address of their parent or guardian.
- Immediately contact the Social Services Department at Dorset Council. Ask for a duty officer and indicate that you wish to discuss a matter of child / vulnerable person protection. Ask for the name of the person with whom you are speaking. Do not filter out or withhold any information. Ask if there is anyone else who should be informed.
- Prepare a confidential file. Record all notes, conversations, and advice from Social Services. Every effort should be made to ensure that confidentiality is maintained for all concerned.
- Store information in a secure place with limited access to designated people, in line with data protection legislation.
- Follow the advice from Social Services; take no other action unless advised to do so by Social Services. Do not attempt to investigate any matters – this is not the role of the Town Council.
- If in doubt about the advice you have received at any stage refer to Social Services for guidance.

#### **8. Responding to concerns about a child's welfare where there has been no specific disclosure or allegation.**

All members, employees, volunteers, and organisations contracted to provide services on behalf of the Council are encouraged to share concerns with the Town Clerk.

The Town Clerk will, if appropriate, make a referral to Social Services. Recognising abuse is not always easy to identify. The list below provides some indicators of abuse; however, the list is not exhaustive and contains only indicators, not confirmation, of abuse:

- unexplained bruising, marks or injuries on any part of the body e.g. cigarette burns, bite marks;
- bruises which reflect hand marks or fingertips (from slapping or pinching);
- an injury for which the explanation seems inconsistent, or which has not been treated adequately;
- sudden changes in behaviour, including becoming withdrawn or becoming aggressive, severe temper outbursts;
- reluctance to get changed e.g., for swimming;
- neglected in appearance, dirty or 'smelly';
- constant hunger, sometimes stealing food from others;
- inappropriate dress for the conditions;
- fear of parents or carers being approached for an explanation;
- flinching when approached or touched;
- neurotic behaviour e.g., hair twisting, rocking;
- being unable to play.



- fear of making mistakes;
- self-harm;
- fear of being left with a specific person or group of people, lack of trust in adults;
- sexual knowledge which is beyond their age or development age;
- sexual drawings or language;
- saying they have secrets they cannot tell anyone about;
- not allowed to have friends.

## **9. Confidentiality**

Members, employees, volunteers, and contracted service providers must not discuss allegations of abuse, substantiated or not, with anyone other than in connection with the formal investigation. Where it is necessary to put in procedures to prevent continuing abuse the matter should be shared with the Town Clerk so that appropriate risk assessments may be undertaken.

## **10. Prevention**

Prospective employees will be interviewed and previous, relevant experience will be noted. Two appropriate references will be taken up for all employees. All employees will undergo a probationary period.

Swanage Town Council paid and voluntary positions will be assessed using Government Guidance [Disclosure and Barring Service - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/disclosure-and-barring-service) to determine if Disclosure and Barring Service checks are appropriate to the role. Where this is the case and in line with best practice, these checks will be repeated every three years.

## **11. Training**

The council will make the Safeguarding policy available to all members, staff and volunteers. Line managers will encourage good practice and identify any training needs required through the Council's Appraisal System. All members and employees will be expected to read this policy and sign the Declaration at the end of the document.

## **12. Reporting**

The Council is committed to maintaining an open culture where members employees, volunteers, children, vulnerable persons, parents, carers and guardians feel able to express concerns both about safeguarding and issues of poor practice. In addition to the procedures outlined in this policy, the Council's Whistleblowing Policy and Complaints Policy and Procedure are available to all members, employees, volunteers, and the general public.

## **13. Policy monitoring and review**

All incidents, allegations of abuse and complaints will be recorded and monitored.

## **14. Procedure in Relation to Specific Activities**

### Work Experience

Swanage Town Council may offer work experience placements. The Council will ensure that employees working with children or vulnerable adults are aware of the Council's

Safeguarding Policy. Line managers are responsible for the health, safety and welfare of work experience students who under law are regarded as employees.

#### Employees aged under 18

Swanage Town Council may employ workers aged under 18. The Council will ensure that all employees are aware of the Council's Safeguarding Policy

#### Grants

All organisations applying for a grant will be required to supply a copy of their safeguarding policy in order for their application to be progressed, if they supply services to children and vulnerable adults.

#### Council Assets and Facilities

Independent sports clubs and private individuals who regularly use the assets and facilities operated by Swanage Town Council should have appropriate safeguarding policies in place, commensurate with the level of contact they have.

#### Contractors

Swanage Town Council will take reasonable care that contractors doing work on behalf of the Council are monitored appropriately. Any contractor or sub-contractor engaged by the Council in areas where workers are likely to come into regular contact with children, young people, or vulnerable adults, should have its own equivalent Safeguarding Policy or failing this, must comply with the terms of this policy.

#### First Aid

The administration of first aid to children, young people and vulnerable adults can present risks. Under ordinary circumstances, a child or young person can be administered with first aid only if their parent or guardian expressly permits this course of action. When administering first aid, wherever possible, employees should ensure that another adult is present, or is aware of the action being taken. Parents/carers should always be informed when first aid is administered. Child welfare is of paramount importance. In certain limited circumstances members, employees, volunteers, and contracted service providers may undertake first aid as a last resort only, notifying parents / carers as soon as possible, to minimise a child's or vulnerable adult's distress.

#### Photography

Every attempt should be made to ensure inappropriate photographs or footage of children does not occur. Members, employees, volunteers, and contracted service providers should be vigilant at all times. Anyone using cameras or film recorders for or on behalf of the Council should obtain consent from the parents of children being photographed or filmed before the activity commences. When commissioning professional photographers or inviting the press to cover Council services, events and activities the Council's expectations must be made clear in relation to safeguarding by checking the credentials of any photographers, ensuring identification is worn and by not allowing unsupervised access to children or one to one photographic sessions.

Misuse of Procedure

Malicious complaints about a member or an employee(s) and/or serious and/or persistent abuse of these safeguarding policies and procedures will not be tolerated and will be dealt with through Swanage Town Council's disciplinary process.

**15. Declaration**

Swanage Town Council is fully committed to safeguarding the wellbeing of children, young people and vulnerable adults and promoting their welfare. As a representative of Swanage Town Council as an Elected Members, or working as an employee, volunteer or contracted service provider of Swanage Town Council it is important that you have taken the time to thoroughly read the Safeguarding Policy and Procedures document. By being made aware of the policy it is our intention to ensure that all are proactive in providing a safe and secure environment for the children and vulnerable adults in our community.

I have received, read, and understood the Swanage Town Council Safeguarding Policy and Procedure document. By signing I agree to adhere to the principles of the policy.

Signed: \_\_\_\_\_

Name (please print): \_\_\_\_\_

Date: \_\_\_\_\_



# SWANAGE TOWN COUNCIL

# DRAFT STANDING ORDERS

Adopted on: ~~25<sup>th</sup> February 2019~~

<b>Index Of Standing Orders</b>		<b>Page</b>
	Introduction	4
<b>1.</b>	Meetings generally	4
<b>2.</b>	Public Participation Time	7
<b>3.</b>	Rules of debate at meetings	8
<b>4.</b>	Disorderly conduct at meetings	10
<b>5.</b>	Committees and sub-committees	10
<b>6.</b>	Working parties	11
<b>7.</b>	Ordinary Council meetings	12
<b>8.</b>	Extraordinary meetings of the Council and committees and sub-committees	13
<b>9.</b>	Previous Resolutions	14
<b>10.</b>	Appointments	14
<b>11.</b>	Motions for a meeting that require written notice to the Proper Officer	15
<b>12.</b>	Motions at a meeting that do not require written notice	16
<b>13.</b>	Handling confidential or sensitive information	16
<b>14.</b>	Draft minutes	17
<b>15.</b>	Code of Conduct and Dispensations	17
<b>16.</b>	Code of Conduct complaints	18
<b>17.</b>	Proper Officer	19
<b>18.</b>	Responsible Financial Officer	20
<b>19.</b>	Accounts and Accounting Statements	20
<b>20.</b>	Financial controls and procurement	21
<b>21.</b>	Handling staff matters	22
<b>22.</b>	Requests for information	23
<b>23.</b>	<b>Responsibilities under Data Protection Legislation</b>	<b>23</b>
<b>24.</b>	Execution and sealing of Legal Deeds	23
<b>25.</b>	Communicating with <del>District and County</del> (or) Unitary Councillors	23
<b>26.</b>	Restrictions on Councillor activities	24

<b>27.</b> Complaints	24
<b>28.</b> Standing Orders generally	24

# Introduction

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. Standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

These standing orders have been adapted from the model provided by NALC. The standing orders that are in bold type contain legal and statutory requirements; other standing orders have been tailored to reflect custom and practice at Swanage Town Council.

- ~~1. It is implicit in these standing orders that the masculine shall include the feminine.~~
- ~~2. Standing orders that are in bold type contain statutory requirements and cannot be amended.~~

## 1. Meetings generally

- 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. 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 the reason(s) for the public's exclusion.
- d. 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.
- e. **Filming, audio-recording, taking photographs and the use of social media are permitted**, in compliance with the Town Council's adopted Policy and protocol.

- f. **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice Chairman of the Council (if any).**
- g. **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice Chairman, if present, shall preside. If both the Chairman and the Vice Chairman are absent from a meeting, a Councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- h. **The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**
- i. **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors present and voting.**
- j. **The Chairman 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 his casting vote whether or not he gave an original vote.**

*See Standing Orders 7(h) and (i) below for the different rules that apply in the election of the Chairman of the Council at the Annual Meeting of the Council.*

- k. **Voting on a question shall be by a show of hands or, if at least two Members so request, by signed ballot. 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 his vote for or against that question. Such a request must be made prior to the vote being taken.**
- l. **The minutes of a meeting shall include an accurate record of the following:**
  - i. the time and place of the meeting;
  - ii. the names of councillors present and absent;
  - iii. apologies provided to the Proper Officer prior to the start of the meeting;
  - iv. **the grant of dispensations (if any) to councillors and non-councillors with voting rights;**
  - v. interests that have been declared by councillors and non-councillors with voting rights;
  - vi. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vii. if there was a public participation session; and
  - viii. the Resolutions made.
- m. **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 his/**her/their** right to participate and vote on that matter.**
- n. **No business may be transacted at a meeting unless at least**



**one-third of the whole number of Members of the Council (i.e. 4) are present.**

*See Standing Order 5(j) below for the quorum of a committee or sub-committee meeting.*

- o. 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.** At all meetings of the Council the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.
- q.** A meeting shall not exceed a period of 2 hours, except at the discretion of the Chairman.

## 2. Public Participation Time

- a. Each Council Meeting shall be preceded by a period of Public Participation Time during which members of the public may make representations, ask questions and give evidence. Matters must relate to one of the following categories, and those wishing to speak will be called in the following order:
  - business on the agenda of the meeting;
  - matters where the Town Council has powers or duties;
  - other matters which directly affect the parish of Swanage.
- b. The Chairman will not allow any participation which is of a personal nature or relates to individual issues, nor in respect of complaints which must be dealt with through the Council's adopted Complaints Procedure.
- c. The Chairman will not allow a question to be repeated at future meetings of the Town Council, or its Committees, until such time as there has been a material change in circumstances in relation to the issue raised. Nor will evidence be allowed to be re-stated or any other form of representation be made on a recurrent basis.
- d. The period of time designated for public participation in accordance with Standing Order 2(a) above shall not exceed 15 minutes unless directed by the Chairman of the meeting.
- e. Subject to Standing Order 2(d) above, a member of the public shall not speak for more than 3 minutes.
- f. In accordance with Standing Order 2(a) above, a question shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or oral response be given.
- g. A person shall raise his/**her/their** hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). A person speaking must give their name and parish of residence. The Chairman of the meeting may at any time permit a person to be seated when speaking.
- h. A person who speaks in Public Participation Time shall direct his/**her/their** comments to the Chairman of the meeting.
- i. Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the meeting shall direct the order of speaking. Where more than one person wishes to speak on the same issue the Chairman will expect participants not to repeat comments made by earlier speakers. The Chairman may also ask for a single representative to speak on behalf of those with similar concerns.

- j. No person shall behave offensively or improperly. If this Standing Order is ignored, the Chairman of the meeting shall direct such person(s) to moderate or improve their conduct.
- k. If person(s) disregard the request of the Chairman of the meeting to moderate or improve their conduct, the Chairman may request that the person be no longer heard or excluded from the meeting room.
- l. If a request by the Chairman under Standing Order 2(k) above is ignored, the Chairman may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the public participation session.

### 3. 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 Chairman 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 Chairman 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 amended original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chairman of the meeting, is expressed in writing to the Chairman.
- h. A Councillor may move an amendment to his/**her/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 Chairman.
- j. Subject to Standing Order 3(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting.
- k. One or more amendments may be discussed together if the Chairman 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 of 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 Chairman of the meeting, a Councillor may speak once in the debate on a motion except:
  - 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 he last spoke;
  - iii.** to make a point of order;
  - iv.** to give a personal explanation; or
  - v.** in exercise of a right of reply.
- p.** During the debate of 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 he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q.** A point of order shall be decided by the Chairman of the meeting and his 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 requirements.
- s.** Before an original or substantive motion is put to the vote, the Chairman 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 his right of reply.
- t.** Excluding motions moved under Standing Order 3(r) above, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the Chairman of the meeting.

- u. A Member may remain seated when speaking unless requested to stand by the Chairman.

## 4. Disorderly conduct at meetings

- a. No person, including councillors, shall obstruct the transaction of business at a meeting or behave offensively or improperly or **in such a manner as to bring the Council into disrepute**. If this Standing Order is ignored, the Chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b. If person(s) disregard the request of the Chairman of the meeting to moderate or improve their conduct, any councillor or the Chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c. If a Resolution made under Standing Order 4(b) above is ignored, the Chairman 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.

## 5. Committees and sub-committees

- a. **Standing Orders 1 c, d, j, k, l, and p shall apply to meetings of committees as they do to full Council meetings.**
- b. **Standing Orders 1 i, j, l and n shall apply to meetings of sub-committees as they do to full Council and committee meetings.**
- c. The Council shall not appoint any member of a committee or sub-committee so as to hold office later than the next Annual Meeting.
- d. **The minimum three clear days' public notice for a meeting of a committee or sub-committee 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**
- e. **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.** This will include determining whether members of the public may attend meetings of the sub-committee.
- f. The Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
- g. Each sub-committee shall appoint its own Chairman at its first meeting in each council year.
- h. **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- i. **Subject to a meeting being quorate, all questions at a meeting shall be**

**decided by a majority of the councillors with voting rights present and voting.**

- j. Except where ordered by the Council in respect of a committee or by the relevant committee in respect of a sub-committee, the quorum of a committee or sub-committee shall be three voting members. **No business may be transacted unless a quorum is present.**
- k. 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 full 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, after it has appointed the members of a standing committee, appoint the Chairman of the standing committee;
  - v. shall permit a committee other than a standing committee, to appoint its own Chairman at the first meeting of the committee;
  - vi. may dissolve, **or alter the membership of**, a committee.
- l. The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- m. The Proper Officer shall inform the members of each advisory committee of the terms of reference of the committee.
- n. An advisory committee may make recommendations and give notice thereof to the Council.
- o. Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
- p. Any Councillor shall be entitled to attend any meetings of any committee or sub-committee of which he is not a member, with the exception of the confidential business of the Personnel Committee. **He/she/they** may not vote but may speak at the invitation of the Chairman.

## 6. Working parties

- a. The Council or any standing committee may appoint such working parties as it considers necessary to provide detailed consideration to any matter within its remit.
- b. Any such working party shall formulate a recommendation to the Council or committee but cannot make a decision on behalf of the Council. **unless**

~~specifically delegated to do so.~~

- c. The Council shall not appoint any member of a working party so as to hold office later than the next Annual Meeting.
- d. The Council may appoint persons other than Members of the Council to any working party.
- e. The Council may subject to the provisions of Standing Order 9 at any time dissolve or alter the membership of a working group ~~party~~ ~~or committee~~.

## 7. 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 ~~new~~ councillors elected take office.
- b. In a year which is not an election year, the Annual Meeting of a Council shall be held on such day in May as the Council ~~decides.~~ ~~may direct.~~
- c. If no other time is fixed, the Annual Meeting of the Council shall take place at 6.00 p.m.
- 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 directs.
- e. The first business conducted at the Annual Meeting of the Council shall be the election of the Chairman and Vice Chairman of the Council.
- f. The Chairman of the Council, unless he/~~she/they~~ has resigned or becomes disqualified, shall continue in office and preside at the Annual Meeting until his successor is elected at the next Annual Meeting of the Council.
- g. The Vice Chairman of the Council, unless he/~~she/they~~ resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next Annual Meeting of the Council.
- h. In an election year, if the current Chairman of the Council has not been re-elected as a Member of the Council, he/~~she/they~~ shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- i. In an election year, if the current Chairman of the Council has been re-elected as a Member of the Council, he/~~she/they~~ shall preside at the meeting until a new Chairman of the Council has been elected. He/~~she/they~~ may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.
- j. The business of the Annual Meeting shall include:

- i. **The election of the Chairman of the Council, to be known as Town Mayor.**
- ii. **To receive the Chairman's Declaration of Acceptance of Office form, or, if not then received, to decide when it shall be received.**
- iii. To elect a Vice Chairman of the Council, to be known as Deputy Town Mayor.
- iv. **In an election year, delivery by the councillors of their Acceptance of Office forms unless the Council resolves for this to be done at a later date;**
- v. **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
- vi. Confirmation of the accuracy of the minutes of the last meeting of the Council;
- vii. Receipt of the minutes of the last meeting of a committee;
- viii. Consideration of the recommendations made by a committee;
- ix. Appointment of members to existing committees;
- x. Appointment of Chairman to existing committees;
- xi. Appointment of any new committees in accordance with Standing Order 5 above.
- xii. Appointment of any new committees in accordance with Standing Order 5 above;
- xiii. Appointment of representatives to outside bodies;
- xiv. Review of the Council's subscriptions to other bodies;
- xv. Determining the time and place of ordinary meetings of the full Council up to and including the next Annual Meeting of full Council.
- xvi. **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;**

## **8. Extraordinary meetings of the Council and committees and sub-committees**

- a. **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b. **If the Chairman of the Council does not, or refuses to, 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 must be signed by the two councillors.**
- c. The Chairman 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 Chairman of a committee or sub-committee does not, or refuses to, call an Extraordinary Meeting, such a meeting can be summoned on the requisition in



writing of not less than a quarter of the members of the committee or sub-committee. The summons shall set out the business to be considered at the Extraordinary Meeting and no other business shall be transacted at that meeting.

## 9. 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 4 councillors to be given to the Proper Officer in accordance with Standing Order 11 below, 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 9(a) above has been disposed of, no similar motion may be moved within a further six months.

## 10. Appointments

- a. 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 Chairman of the meeting.
- b. If a candidate for any appointment under the Council is to his knowledge related to any Member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Proper Officer. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Proper Officer shall report to the Council or to the appropriate committee any such disclosure. Where a relationship to a member is disclosed, the relevant sections of Standing Order 15 shall apply as appropriate.
- c. The Proper Officer shall make known the purpose of Standing Order 10(b) to every candidate.
- d. Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Proper Officer shall make known the purport of this subparagraph of this Standing Order to every candidate.
- e. A Member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such Member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- f. Standing Orders 10(d) and (e) shall apply to tenders as if the person making the tender were a candidate for an appointment.

# 11. Motions for a meeting that require written notice to be given to the Proper Officer

- a. A motion shall relate to the ~~responsibilities terms of reference~~ of the meeting which it is tabled for 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 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c. The Proper Officer may, before including a motion on the agenda received in accordance with Standing Order 11(b) above, 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 11(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 5 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 Chairman 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. Subject to Standing Order 11(e) above, 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 ~~in a book for that purpose~~ and numbered in the order that they are received.
- h. Motions rejected shall also be recorded ~~in that book~~ with an explanation by the Proper Officer for their rejection.
- i. The Proper Officer shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the Member giving a notice of motion has stated in writing that he intends to move at some later meeting or withdraws it.
- j. If a Resolution or Recommendation specified in the summons is not moved either by the Member who gave notice of it or by any other Member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- k. If the subject matter of a Resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

## 12. 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 adopt the report or recommendation from a committee, sub-committee, Officer, or professional advisor and any Resolutions consequential upon that adoption;
  - iii. to determine the response to any correspondence or consultation document placed on the agenda by the Proper Officer;
  - iv. to move to a vote;
  - v. to defer consideration of a motion;
  - vi. to refer a motion to a particular committee or sub-committee;
  - vii. to appoint a person to preside at a meeting;
  - viii. to change the order of business on the agenda;
  - ix. to proceed to the next business on the agenda;
  - x. to require a written report;
  - xi. to appoint a committee or sub-committee and their members;
  - xii. to extend the time limits for speaking;
  - xiii. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
  - xiv. to not hear further from a councillor or a member of the public;
  - xv. to exclude a councillor or member of the public for disorderly conduct;
  - xvi. to temporarily suspend the meeting;
  - xvii. to suspend a particular Standing Order (unless it reflects mandatory statutory requirements);
  - xviii. to adjourn the meeting; or
  - xix. to close a meeting.

## 13. ~~Handling confidential or sensitive information~~ Management of Information

- 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.**

## 14. Draft minutes

- a. If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- 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 12(a)(i) above.
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by Resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/**she/they** shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chairman of this meeting does not believe that the minutes of the meeting of the ... held on [date] in respect of ... were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- e. Upon 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.

## 15. Code of Conduct and dispensations

*See also Standing Order 1(m) above.*

- a. All councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- b. If a Member has a disclosable interest as defined by the Code of Conduct which is not included in his/**her/their** Register of Interests then he/**she/they shall** declare such interest as soon as it becomes apparent.
- 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 he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.

- d. 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 he has another interest if so required by the Council's Code of Conduct. He/~~she/they~~ may return to the meeting after it has considered the matter in which he/~~she/they~~ had the interest.
- e. **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.
- f. 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.
- g. 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.
- h. Subject to Standing Orders 15(d) and (f) above, dispensations requests shall be considered at the beginning of the meeting of the Council, or committee or a sub-committee for which the dispensation is required.
- i. **A dispensation may be granted in accordance with Standing Order 15(f) above if having regard to all relevant circumstances ~~any of~~ the following applies:**
  - 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 or**
  - 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.**

## 16. 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 13 above, report this to the Council.
- b. Where the notification in Standing Order 16(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman 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 16(d) below.

- c. The Council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is **is a legal requirement required by law;**
  - 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 him. Such action excludes disqualification or suspension from office.**

## 17. 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 and a sub-committee serve on Councillors a signed summons, by delivery at their residence or by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.
  - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an Extraordinary Meeting of the Council convened by councillors is signed by them);**
  - iii. subject to Standing Order 11 above, include on the agenda all motions in the order received unless a councillor has given written notice at least three clear days before the meeting confirming his/**her/their** withdrawal of it;
  - iv. **convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his/**her/their** office;**
  - v. **facilitate inspection of the minute book by local government electors;**
  - vi. **receive and retain copies of byelaws made by other local authorities;**
  - vii. retain Acceptance of Office forms from councillors;
  - 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 Data Protection Officer (if**

- there is one);
- x. receive and retain plans and documents;
- xi. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiii. sign notices or other documents on behalf of the Council;
- xiv. keep proper records of all Council meetings
- xv. arrange for Legal Deeds to be executed.
- 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).

## 18. 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.

## 19. Accounts and Accounting Statements

- a. "Proper practices" in Standing Orders refer to the most recent version of ~~Governance and Accountability for Local Councils – a Practitioners' Guide(England)~~ the Joint Panel on Accountability and Governance Practitioners' 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 and 31 December in each year a statement to summarise:
  - i. the Council's aggregate ~~receipts and payments~~ income and expenditure for the year to date;
  - ii. 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. The Finance and Governance Committee ~~each councillor with a~~ statement summarising the Council's ~~receipts and payments~~ income and expenditure for the last quarter and the year to date for

- information; and
  - ii. to the full Council the Accounting Statements for the year in the form of Section 4 2 of the Annual 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 applying the form of accounts determined by the Council (~~receipts and payments, or income and expenditure~~) for a year to 31 March. A completed draft Annual governance and accountability return shall be presented to all councillors at least 7 days prior to anticipated approval by the council. The Annual accountability return of the Council, which is subject to external audit, including the Annual Governance Statement, shall be presented to Council for consideration and formal approval before 30 June.

## 20. 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 procurement thresholds and arrangements for the awards of contracts.
- b. Financial Regulations shall be reviewed regularly, **in response to changes to legislation or statutory instruments, and at least once in each council term, and at least annually** for fitness of purpose.
- c. 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 **where it is deemed necessary to obtain at least three estimates 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 **or otherwise submitted electronically to a confidential email address;**
  - 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, **unless that responsibility has been specifically delegated to officers in advance .**
  - d. Neither the Council, nor a committee, a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
  - e. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules.**

## 21. Handling staff matters

- a. A matter personal to a member of staff that is being considered by a meeting of Council or the Personnel Committee is subject to Standing Order 13 above.
- b. The Chairman of the Personnel Committee, together with the Town Mayor and Deputy Mayor, will conduct a review of the performance and annual appraisal of the work of the Proper Officer. Any resultant action plan shall be reported to the next meeting of the Personnel Committee.
- c. All grievance matters will be dealt with in accordance with the Council's disciplinary and grievance policy.
- d. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- e. The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- f. Only persons with line management responsibilities shall have access to staff records referred to in Standing Orders 21(d) and (e) above if so justified.
- g. Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 21(d) and (e) above shall be provided only to relevant Council Officers.

## 22. Requests for information

- a. Requests for information held by the Council shall be handled in accordance with the Freedom of Information Act 2000 and the Data Protection Act 2018.

## 23. Responsibilities under Data Protection Legislation

*See also Standing Order 22 above.*

- a. The Council may appoint a Data Protection Officer.
- b. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his/~~her~~/~~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.

## 24. Execution and sealing of Legal Deeds

*See also Standing Order 17(b)(xi) above.*

- a. A Legal Deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b. Subject to Standing Order 23(a) above, the Town Mayor and Deputy Mayor, or any other two such designated Councillors, may sign, on behalf of the Council, any Deed required by law.

## 25. Communicating with ~~District and~~ County ~~(or~~ Unitary 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~~ Unitary Council representing the area of the Council.
- b. Unless the Council determines otherwise, a copy of each letter sent to the ~~District and~~ Unitary Council shall be sent to the Ward Councillor(s) representing the area of the Council.

## 26. Restrictions on Councillor activities

- a. Unless authorised by a Resolution, no councillor shall on behalf of the Council:
  - i. inspect any land and/or premises which the Council has a right

- or duty to inspect; or
- ii. issue orders, instructions or directions.

## 27. Complaints

- a. The Council shall deal with complaints committed by the Council or by any Officer or Member in accordance with its adopted Complaints Procedure.

## 28. Standing Orders generally

- a. All or part of a Standing Order, except one that incorporates mandatory statutory requirements (shown in bold type), 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 requirements, shall be proposed by a special motion, the written notice by at least four councillors to be given to the Proper Officer in accordance with Standing Order 11 above.
- c. The Proper Officer shall provide a copy of the Council's Standing Orders to a councillor as soon as possible ~~after he has delivered his Acceptance of Office form.~~
- d. The decision of the Chairman of a meeting as to the application of Standing Orders at the meeting shall be final.

**Environment Budget 2024/25 – To consider allocation as per recommendation of the Environmental Action Plan Working Party**

The Environment and Green Spaces Committee met on 28<sup>th</sup> February 2024 and approved the ‘Environmental Community Engagement Plan for 2024-25’. The Environment Action Plan Working Party was requested to identify resources to undertake the actions within the plan, utilising the £20,000 Environmental Projects budget set aside for 2024-25.

The Working Party met on 9<sup>th</sup> April and discussed resourcing options for the Action Plan from two organisations and directly through Swanage Town Council. These were Litter Free Dorset and Planet Purbeck.

Not all of the original actions could be funded, either because the cost would exceed the budget or because the potential partners were unable to support one or more of the projects.

The proposed projects to be funded for 2024-25 are detailed in Appendix 1. The end two columns indicate whether they will be managed by the Town Council or Planet Purbeck.

**Decision required**

To confirm the allocation of the environmental projects budget 2024/25, as detailed in Appendix 1.

Culvin Milmer  
Visitor Services and Business Development Manager

April 2024

## Environmental Community Engagement Action Plan 2024-25

No.	Project	Detail	STC	Planet Purbeck
1.	Lead on the education component of Sustainable Swanage, i.e. develop a two-monthly programme of interesting public Open Meetings	5-6 sessions, including one on repairs to support the Swanage Repair Café. Assumes that the programme of events will be available from June/July.	-	£3,000
2.	Support the Sustainable Swanage website and social media pages	Based on weekly social media posts and updating the webpages as required to an agreed standard <a href="#">Sustainable Swanage - WELCOME TO SUSTAINABLE SWANAGE</a>	-	£1,500
3.	Improving water quality – Freshwater and ocean	Includes support for the ‘Swanage Rivers Partnership’ and the proposed Motion for the Ocean action plan. The ‘Swanage Rivers Partnership’ is currently considering a co-ordinator role to be funded by a number of different organisations. Further information should be available at a later date. The Environment Committee will need to consider any potential funding of such a role and therefore this £7,000 has been set aside to potentially support this and/or the Motion for the Ocean work. It is currently assumed that the Motion for Ocean Action Plan will be developed during the summer of 2024.	£7,000	-
4.	Undertake greenspaces review of King George’s Field and Forres Field	To be led by the Sports, Leisure and Wellbeing Working Party and funding found from additional sources. £1,000 to be set aside to undertake a biodiversity audit of site in first half of 2024/24 to support the work on the Greenspaces Strategy.	£1,000	-
5.	Support engagement projects as they arise from time to time.	Friends of the Downs, Herston Community Field event 6 <sup>th</sup> May etc. This budget to be delegated to the officer responsible with advice from the Environment Action Plan Working Party.	£4,500	

6.	Set up a Tree Warden scheme in Swanage		Internal resources	-
7.	Undertake a 'dog poo' publicity campaign in the town to encourage people to dispose of this in a suitable manner.	Unfortunately, Litter Free Dorset are now unable to undertake this project. Officers are seeking alternative ways to deliver a campaign for the autumn.	£3,000	-
8.	Repair Café – develop individuals to take this on and ensure it is independent (all set up now but doesn't yet have a lead).	No direct support but include a public meeting within the Sustainable Swanage open meetings programme.	-	-
9.	Work with local businesses, waste collection partners and local councils to reduce the impact of waste on the seafront environment.	No further work on this action – consider next year.	-	-
	<b>Total - £20,000</b>		<b>£15,500</b>	<b>£4,500</b>

**Shore Road – To consider proposal to remove line markings from closed section between the Mowlem and Victoria Avenue**

Councillors will be aware that in early 2024, Dorset Council approved that Shore Road, between the Mowlem and the Clocktower would be closed permanently throughout the year.

The Visitor Services Manager has contacted Dorset Council to ask if there are any plans to remove the double yellow and white road markings along with four metal posts that hold parking information signs (see pictures below). The removal of the redundant street furniture and line markings will go some way towards enhancing this area to make it feel more like a promenade, rather than a closed road.

The following response was received from Dorset Council:

*Further to your request to carry out signing & lining works at Shore Road, Swanage.*

*The cost to provide a two-person Highways gang with lorry and suitable tools to remove and dispose of four number 89mm diameter posts with reinstatement of the surface using asphalt concrete surface course would be £ 330.00 only excluding vat.*

*The cost to provide a two-person traffic management gang with stop/go boards together with a hydro-blaster and remove @ 600m of yellow line and 250m of parking bays would be £ 6,204.00 only excluding vat.*

*If we can add additional works for the hydro-blaster for the day we would be able to reduce the mobilisation charge @ £2K and the full day's charge for the traffic management gang.*

A follow up email asked if a traffic management gang was required as this was a closed road, however due to the way the 'hydro-blaster' works, the safety team are required to ensure that pedestrians remain safe during the work.

The Town Council has asked if they could obtain permission from Dorset Council to undertake the work themselves. A quote has been received to burn the lines off at an approximate cost of £1,500, although it is understood that Dorset Council no longer use the burn method, which has been replaced by the water-based hydro-blaster method. In addition, Town Council staff could remove the poles and make good. While a request to undertake the work directly has been made to Dorset Council, so far, a direct response to this request has not been received.

**Decision required**

To consider if the Town Council wishes to identify a budget of £6,534 to fund the works to remove the road markings and redundant signage from the closed section of Shore Road, or if an alternative approach might be adopted.

Culvin Milmer  
Visitor Services and Business Development Manager  
April 2024





**Day's Park Community Sports Facility – Proposal to commission specialist VAT advice**

Further to Minute No. 148 of the Council Meeting held on 11<sup>th</sup> December 2023, the Council has been working with Swanage and Herston Football Club to take forward development of a community sports facility at Day's Park. Subsequently, at the Council Meeting held on 29<sup>th</sup> January 2024 (see Minute No. 181), Members agreed to provide grant funding of £13,200 (incl. VAT) towards the initial stages of working up a planning application.

As part of this award of funding, agreement in principle was given to a further payment of £26,522 (incl. VAT) for additional reports to take this through to the full planning application. This second tranche is dependent on evidence being provided that the project is deliverable, including the availability of capital funding, production of a business plan and confirmation of the relevant legal structure that would be used to deliver the project, and ultimately run the facility.

In order to address these points, it has been identified that one key factor is the need for specialist VAT advice in order to understand the significant financial implications of deciding which legal vehicle would be best to deliver the project and operate the facility upon completion. Options under consideration include Swanage and Herston Football Club Ltd, the Town Council itself or a newly established Community Interest Company (CIC) or Charitable Incorporated Organisation (CIO).

An initial fact finding discussion was held with the Council's VAT advisors, PSTax, in February, attended by officers together with Councillors Bonfield and Tomes. They subsequently provided a budget figure of £4,000 to produce a report to the Council identifying potential structures for the construction and ongoing operation of the facility, setting out the VAT implications of each. A cost estimate of a maximum of £4,000 was provided, on the proviso that if the work takes less time to complete than estimated, their charge will be lower. This estimate takes into account that as a PSTax subscriber, the Council is entitled to discounted consultancy rates.

This advice could be funded in large part by the £3,000 held in the Football Club reserve, which originated from the Vodafone mast rental back payment, with any cost over and above that to be taken from the Council's Professional Services budget for 2024/25.

PSTax have also proposed a second phase of advice, as follows: 'Once the Council had decided which structure should be adopted, and documents between the parties have been drafted, we will review them to ensure that they are consistent with our advice from phase 1 and will achieve the intended outcome. Unfortunately it is not possible to provide an accurate quote for the second phase at this stage, as the extent of the documentation to be reviewed will depend upon the structure adopted'.

Any second phase advice can be considered at a later date.

## **Decision required**

To determine whether or not the Town Council will instruct PSTax to advise on the VAT implications of each of the potential legal structures for the construction and ongoing operation of the Day's Park Community Sports Facility, at a maximum cost of £4,000.

Martin Ayres  
Town Clerk

April 2024

**Authorisation of Mayor and Deputy Mayor to sign outstanding legal agreements**

The Town Council's 6-monthly priority list includes as a high priority finalising outstanding legal agreements. The final step in completing any deed is applying the signature of the Mayor and Deputy Mayor. The Council's legal advisers have recently devised a new execution clause for the Council's leases which refers to Members being authorised to sign by a resolution of the Council, in accordance with Standing Order 23.

As good progress is being made in finalising a number of outstanding agreements, Members are asked to authorise the signing of the following once the documents are finalised. Each has been drafted in accordance with previous Council resolutions:

- Prospect Nursery (Swanage & Purbeck Development Trust)
- Town Hall Annexe (Dorset Police)
- Coastguard Station (MCA)
- Lifeboat Station (RNLI)
- Hut to East of Lifeboat Station (M. Hadley)
- Former Taxi Office, Swanage Station (Swanage Railway)
- Washpond Lane Field (Swanage Cricket Club)
- Seafront Concessions, Shore Road (Carve Coffee and T. Waters)
- Beach Concession (C. Wiggins)
- Documentation related to drainage rights, Northbrook Road (Barratt Homes)
- Documentation connected to dedication of Panorama Road and Cow Lane (Dorset Council)

**Decision required**

To authorise the mayor and deputy mayor to sign the legal agreements as listed above.

Martin Ayres  
Town Clerk

April 2024