

MINUTES of the **Policy Committee** Meeting held on Thursday 13 February 2014 at 6.30 p.m. in the Shire House Suite, Shire House, Bodmin.

PRESENT: Chairman, Councillor K W Stubbs, presiding; together with Councillors A J Coppin, M E Dominey, A M Kerridge and J M Lyne. Councillors, J Gammon, J R Gibbs, S J Horne, P L G Skea and R Solomons were also in attendance but did not vote not being Members of this Committee.

IN ATTENDANCE: Mr P O'Callaghan (Town Clerk), Miss L Hancock (Executive Assistant) and Ms H Stevens (Committee Clerk)

CHAIRMAN'S ANNOUNCEMENTS AND APOLOGIES:

There were no announcements from the Chairman and apologies were received from Councillors S R Stephens and J H Hartill.

The Town Clerk advised the Committee that Mr H G Vanderwolfe had expressed his gratitude to Members for all the kind messages which he had received following the announcement of his resignation as a Councillor from Bodmin Town Council. The Town Clerk further advised that Mr H G Vanderwolfe had sent his very best wishes to the Policy Committee for the future.

Following an e-mail concerning photographs for ID Cards, sent from the Committee Clerk to those Members for whom a photograph was not held within records, those Members were reminded to e-mail a photograph to Officers or alternatively the Committee Clerk would be pleased to take a photograph for those Members.

POL/2014/01 **Election of Chairman for this meeting –**

Following the resignation of Councillor H G Vanderwolfe, the position of Chairman of the Policy Committee had become vacant. The Committee therefore considered the nominations for the position for this meeting only.

Councillor K W Stubbs was duly elected as Chairman of the Committee for this meeting.

POL/2014/02 **Public Representation Session –** there were no members of the public present.

POL/2014/03 **Declarations of Interest –** there were no declarations of interest made.

POL/2014/04 **Minutes of the Policy Committee Meeting held on Thursday 14 November 2013 (copy enclosed)**

These Minutes had been before Council and were acknowledged as a true record.

POL/2014/05 **Gifts & Hospitality - Town Clerk to report on the Register of Gifts and Hospitality for Councillors and Staff –** there were no items to report.

POL/2014/06

Code of Conduct – Town Clerk to report

The Town Clerk advised that research by Local Government Lawyer www.localgovernmentlawyer.co.uk and leading UK law firm Freeth Cartwright LLP, examined the impact of a number of the main provisions of the Localism Act, which received Royal Assent in 2011.

The Town Clerk advised that 78 local authorities responded to a questionnaire that was issued between 17 September and 5 November 2013, with 68 (including district and county councils, London boroughs, unitary authorities and metropolitan borough councils), completing all the questions.

The Town Clerk advised that key findings resulting from that questionnaire in respect of councillor conduct were as follows:

- A quarter of respondents (25%) reported that councillors' behaviour had worsened since the Act came into effect, although 4% claimed that the changes [4] had improved councillors' behaviour.
- The majority (85%) believed that the member sanctions introduced by the legislation were 'too weak'. Just 13% felt they were 'about right' and 2% said they were too tough.
- The number of local authorities reporting a fall in the number of vexatious complaints against members (22%) was greater than the number who said that they have increased (15%).
- Some respondents felt that the criminal sanctions for failing to disclose pecuniary interests were too draconian for many cases. Only a minority (7%) of respondents revealed that they had reported a 'failure to disclose' to the police.

This information was noted by the Committee.

POL/2014/07

Safeguarding Policy – Executive Assistant to report (draft copy enclosed)

A draft version of the Safeguarding Policy had been circulated with the agenda for consideration.

The Executive Assistant (EA) advised that for some time, the Council has been awaiting a Safeguarding Toolkit from Cornwall Council which had still not been received, however it had been considered necessary to adopt a Safeguarding Policy in the meantime which may need to be revisited in light of additional information received from Cornwall Council.

The Executive Assistant advised that the document had been prepared by looking at examples of similar documents which have been adopted by other Town & Parish Councils.

The Executive Assistant advised that following the circulation of the document with the agenda, Councillor J Gammon had kindly applied her considerable experience in this field to suggest some amendments to the

document, which were set out in the additional sheet provided to Members during the meeting and includes the following:

- Page 2, Point 3.2, amend second sentence:

“If contact is still ongoing when the incident is reported then it is the responsibility of the Town Clerk....” Amend this to read:

“If contact is still ongoing when the incident is reported then it is the responsibility of the Safeguarding Officer, the Town Clerk...”

The EA advised that this will indicate that this responsibility may be taken on by another officer in the event of the Town Clerk’s absence;

- Where references to the Police are included i.e. 3.1 bulleted list (points 6 & 8) – it would be advisable to amend this to the Cornwall & Isles of Scilly Local Safeguarding Children Board (LSCB) as it is normal practice to contact the LSCB in the first instance;
- Include a reference to the LSCB website within the document and it was suggested to include an additional section at the end of the document entitled ‘Links for Further Information’ which will also include other relevant resources/information;
- Amend Incident Report Form (Page 2) – Change ‘Statement from Child/Vulnerable Person (using their own language)’ to read ‘Adult should write verbatim what the child has said’. This is to ensure that the information is not amended by anyone which is particularly important if the document is referred to in court.

The EA advised of other recommended actions, in addition to the policy document and which are as follows:

- Include the LSCB Child Protection & Safeguarding Children Leaflet as an annex to the policy and ensure that copies are readily available in the office (circulate copies);
- Provide training for all members of staff to assist with the implementation of this policy and in order to highlight the importance of reporting any concerns. (Councillor Gammon has kindly offered to assist with the delivery of this training);
- Further to the implementation of the policy, the Council will also refer to LSCB with regards to advice on DBS checks and which Officers/Members should be checked;
- Develop a Vulnerable Adults Policy.

The Executive Assistant advised that any feedback and comments from Members would be gratefully received.

The EA recommended that the draft policy be adopted subject to the

amendments suggested by Councillor J Gammon, as set out in the document circulated to Members.

Councillor M E Dominey suggested that where reference is made within the document to the 'Safeguarding Officer' as being the 'Town Clerk', that reference to a 'Deputy' be included, to ensure an alternative Officer be given the appropriate authority in the event of the Town Clerk's absence.

Councillor ME Dominey suggested the following amendment:

Page 2, Point 2.2, final bullet point '*Obtain consent prior to any photographs, video or audio recording*' be amended to read:

'Obtain written or recorded consent prior to any photographs, video or audio recording'

Councillor J Gammon suggested the inclusion of an alternative named person other than the Town Clerk, for whom a complaint could be referred in the event that the complaint was concerning the Town Clerk. It was recommended that the wording to be included, be lifted from the complaints policy.

The Town Clerk thanked Members for their input in relation to the drafting of the policy document.

The Town Clerk recognised that although Officers do not come into contact with young and vulnerable persons in the course of their duties on a significant level, it had been considered prudent to have a policy for the protection of young and vulnerable persons as well as for the Officers themselves.

The Town Clerk advised the Committee that Officers had contacted Cornwall Council on 12th February 2014 to obtain a copy of the Safeguarding Toolkit.

Following discussion, and subject to the revisions as detailed above, it was **AGREED** to **RECOMMEND** the adoption of the Safeguarding Policy (Version 1.2 copy attached for information).

POL/2014/08

Absence Management – Report from RFO (copy enclosed)

A copy of the Absence Management Policy had been circulated with the agenda for consideration.

The Executive Assistant advised that the RFO had been working with South West Councils to review all the Council's HR Policies to ensure that they remain in accordance with current legislation. The EA further advised that these policies will be brought to future meetings on a rolling basis.

The EA advised that this new document had been prepared by South West Councils and had been considered and approved by Unison. The EA advised that this new policy sets out the procedures for dealing with Absence

Management in much more detail than previously included in the Council's Sickness, Leave & Absence Policy.

The EA advised that this document supersedes the Sickness, Leave & Absence Policy; however some sections from that policy will still be retained i.e. entitlements to sick leave, compassionate leave and exceptional weather conditions.

The Executive Assistant advised that any feedback and comments from Members would be gratefully received.

Councillor M E Dominey advised that she had identified some areas of improvement with the policy document but after having spoken with the RFO, it had been established that the document had been produced in connection with SW Councils and approved by UNISON and therefore amendments would not be considered appropriate.

Councillor M E Dominey recommended that the 'ACAS flow chart' detailing procedures for managing absence be incorporated, in the form of an appendix document.

The Town Clerk advised that he would discuss Councillor M E Dominey's suggestion for inclusion of the ACAS flow chart, at the scheduled meeting with ACAS on 14 February 2014.

Following discussion it was **AGREED** to **RECOMMEND** the adoption of the Absence Management Policy (copy attached for information).

It was further **AGREED** to **RECOMMEND** the inclusion of the ACAS flow chart document as an appendix to the Absence Management Policy, if approval is given by ACAS at the meeting between Officers and ACAS on 14 February 2014.

POL/2014/09

Health and Safety organisational responsibilities and reporting, Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) and procedure note for accident reporting – Town Clerk to report

The Town Clerk advised that in a number of the Town Council's Health and Safety Policies and Procedure Notes there are specific references to actions assigned to the Foreman. Given the restructuring, the Town Clerk advised that it would seem appropriate for there to be a tidying up exercise to clarify organisational roles and responsibility, with tasks being assigned to the SPO or the Grass-cutting Supervisor as appropriate.

The Town Clerk advised that with Committees permission, Officers planned to work through the policies and make amendments as appropriate. The Town Clerk advised that where additional training is required to enable the designated person to carry out any new tasks, then training will be organised.

This information was noted by the Committee.

Electronic Devices Protocol – Report from RFO – (copy enclosed) and update from Town Clerk

A copy of the Electronic Devices Protocol had been circulated with the agenda for consideration.

The Town Clerk advised that the Local Audit and Accountability Act 2014 was enacted on 30 January 2014.

The Town Clerk advised that Section 40 – Access to local government meetings and documents – is of interest to Bodmin Town Council in terms of tablets and Dropbox, and serving notice of Council and Committee Meetings by e-mail, in particular Section 40(4)(a) which reads:

The Secretary of State may by regulations provide that any of the following may or must be given or made available by electronic means –

(a) Any notice which is required by the Public Bodies (Admission to Meetings) Act 1960, Part 5A of the Local Government Act 1972 (access to meetings and documents of certain authorities etc) or regulations under this section to be given by a body which this section applies:

With regard to commencement, section 49(2) of the act advises that sections 39 and 40 come into force at the end of the period of 2 months beginning with the day on which this Act is passed. As the Act was passed on 30 January 2014, sections 39 & 40 come into force on 30 March 2014.

The Town Clerk advised that assuming that the regulation is in place for 30 March 2014, then from Bodmin Town Council's perspective, everything will be in order for an introduction of tablets at the start of the next financial year.

This information was noted by the Committee.

Councillor A Kerridge raised concern over point 2 of the Electronic Devices Protocol where Members are advised to notify the Committee Clerk via e-mail of their new password, following the recommendation to change it every 30 days. Councillor A Kerridge considered that this would pose a security risk by including any password within an unsecure e-mail.

The Town Clerk advised that the Protocol document could be amended to include that Members would be asked to notify the Committee Clerk of their change of password by including the detail within a sealed envelope, the contents of which would be stored within the fire proof safe within the Shire House.

Councillor A Kerridge suggested that Members be given some direction and best practice guidelines in terms of choosing suitable and secure passwords.

Councillor Gammon raised concerns over the current method of administering the Committee documents via the Dropbox system which posed a security risk due to all Members being privy to the Committee Clerks password.

The Committee Clerk advised that this current method would not be in

operation under the proposed procedures to be adopted.

The Town Clerk advised that Officers were endeavouring to achieve the most convenient and secure, paperless mode of administering Committee documentation which was most suitable to Members requirements.

It was acknowledged that the Committee Chairmen had previously made a recommendation to Council that Members would be asked to use the electronic tablets which were to be purchased by Bodmin Town Council.

Following concerns raised by Members over the recommendation which would require Members to use the Council's electronic tablets, and in recognising that some Members may find it more convenient to use their own IT equipment, it was considered appropriate to reconsider the recommendation at the Full Council Meeting scheduled for 20 March 2014.

The Town Clerk advised that the RFO and the Committee Clerk would be asked to seek Members views over their preference of use of IT equipment, in advance of the Full Council meeting on 20 March 2014.

Following discussion it was **AGREED** to **RECOMMEND** reconsideration of the recommendation to use electronic tablets provided by the Council for administering Committee meeting documentation and referral of the Electronic Devices Protocol for consideration at the Full Council meeting scheduled for 20 March 2014. It was further **AGREED** to **RECOMMEND** that the Committee Clerk would seek Members views over their preference of IT equipment to be used to access documentation relating to Committee Meetings in advance of the Full Council meeting on the 20 March 2014.

POL/2014/11

Document Retention Policy – Executive Assistant to report - (copy enclosed)

The Executive Assistant advised that this document had been prepared with a view to downsizing some of the Council's archived documents. The EA advised that the information included in the annex is based on recommended guidelines and examples of best practice.

The EA advised that any feedback and comments from Members would be gratefully received.

It was noted that records of accidents relating to children are required to be kept for a minimum of 25 years from closure, due to the eligibility for persons to claim up to the age of majority plus an additional three years.

It was further highlighted that records relating to insurance claims are required to be kept for a period to allow for claimants to reach the age of 25 years.

Following discussion, it was **AGREED** to **RECOMMEND** adoption of the Document Retention Policy (copy attached for information).

POL/2014/12

Any other urgent and relevant item, for information, that the Chairman considers appropriate – There were no other items raised.

The Meeting closed at 7.05 p.m.