



HERTFORD TOWN COUNCIL

TO: ALL MEMBERS OF THE
HERTFORD TOWN COUNCIL

You are hereby summoned to attend a meeting of Hertford Town Council to be held

On: Monday 10th July 2023
At 7.30pm

In the Robing Room, The Castle, Hertford

The Agenda for the business to be transacted at the Meeting is attached.

Dated **5th day of July 2023**

A handwritten signature in black ink, appearing to read "Joseph Whelan".

Mr J Whelan
Town Clerk
Hertford Town Council

MONDAY 10 JULY 2023

Prayers: The Mayor's Chaplain will say some words at the start of the meeting.

AGENDA

1. RECORDING OF MEETING

To establish if it is the intention of any person present to record the meeting.

2. DECLARATIONS OF INTEREST

To receive Members' declarations of Disclosable Pecuniary Interests (as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) where these Disclosable Pecuniary Interests:

- a) Have not already been entered into the register and
- b) Relate to a matter to be considered

To note that such interests so declared must be formally notified to Town Clerk and the Monitoring Officer at East Hertfordshire District Council of the interest within 28 days.

To receive Members' declarations of Declarable Interests in accordance with Hertford Town Council's Code of Conduct (adopted 8 April 2013, as amended March 2020).

3. TO CONFIRM THE MINUTES of the Full Town Council meeting held on 27 March 2023, the Annual Council Meeting held on 18 May 2023 and the Special Town Council Meeting held on 26 June 2023.

4. QUESTIONS AND/OR STATEMENTS FROM MEMBERS OF THE PUBLIC

Members of the public may speak about specific items on this agenda which contain a recommendation, provided they have advised the Town Clerk of their wish to speak no later than midday on the Friday before the meeting (or midday of the last working day of the week before the meeting). A list giving details of the name(s) and relevant agenda item(s) will be circulated to Councillors before the meeting commences.

5. MAYOR'S ANNOUNCEMENTS

6. COMMUNITY SERVICES COMMITTEE

To receive the report of the Community Services Committee held on 12 June 2023.

7. DEVELOPMENT AND LEISURE COMMITTEE

To receive the report of the Development and Leisure Committee held on 19 June 2023 (including the reports of the Planning Sub-Committee meetings of 27 March, 11 April, 2 May, 30 May, 12 June and 26 June 2023.

8. FINANCE, POLICY AND ADMINISTRATION COMMITTEE

To receive the reports of the Finance, Policy and Administration Committees held on 26 June 2023 (including the report of the Personnel Sub-Committee meeting of 31 May 2023) and the Extraordinary Meeting of the Finance, Policy and Administration Committee held on 3 July 2023.

RECOMMENDATION: Min 125: That subject to any changes Members may wish to make, the Committee recommends the adoption of the following reviewed Policies for inclusion in the Constitution. **PAPER A – page 5 (see separate Appendix pack for updated policies)**

- 2.2 Annual Town Meeting
- 2.3 Financial Regulations
- 2.3a Treasury Management Policy
- 2.3b Card Holder Data Security Policy
- 6.8 Flag Flying Policy

- 1.1 Introduction
- 1.3 Powers and Functions
- 1.4 Town Clerk and other Managers
- 2.1 Standing Orders
- 2.1a Scheme of Delegation to Committees and Officers
- 2.6 Communications protocol
- 2.7 Leader-protocol
- 4.4 Mayor and Deputy Mayor Protocol
- 5.1 Councillors and Officer Relations Protocol
- 6.2 Whistleblowing Policy
- 6-3 Child Protection Policy
- 6.4 Business Continuity Policy
- 6.5 Major Incident Plan Public
- 6.9 Logo Policy
- 6.10 Anti-corruption Policy
- 6.12 Social Media Policy
- 6-13 Protocol Death of a Senior Royal

- 4.1 Councillors Code of Conduct

RECOMMENDATION: Min 127: That subject to any changes Members may wish to make, the Committee recommends the adoption of the following reviewed IT Policies for inclusion in the Constitution. **PAPER B – page 11**

RECOMMENDATION: Min 128: That subject to any changes Members may wish to make, the Committee recommends the adoption of the following reviewed GDPR Policies for inclusion in the Constitution. **PAPER C – page 17 (see separate Appendix pack for updated policies)**

9. CIVILITY AND RESPECT PROJECT

To consider signing the Civility and Respect Pledge – **PAPER D – page 19**

10. DECLARATION OF CLIMATE EMERGENCY

To consider the declaration and a set of actions for Town Council – **PAPER E page 49**

11. APPOINTMENT OF COUNCILLORS TO ENVIRONMENTAL SUSTAINABILITY WORKING PARTY

To consider appointment of Councillors to the Environmental Sustainability working party – **PAPER F - page 51**

12. COMMUNITY GRANT APPLICATIONS

To consider the following applications under the Community Grant Fund.

(a) East Herts Council **PAPER G - page 53**

13. COUNCILLOR SURGERIES

To consider the approach the Council may wish to take to the holding of Councillors Surgeries for the 2023-2027 administration - **PAPER H - page 55 (to follow)**

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REPORT TO FULL TOWN COUNCIL– 10 JULY 2023

AGENDA ITEM 8 – CONSTITUTION DOCUMENTS

1. PURPOSE OF THE REPORT

1.1 This report presents documents that form part of the Council's constitution for review. The documents fall into three categories:

- Documents that are due for review including some with the reference of Leader of the Council included in currently adopted drafts.
- Following the decision of Full Council on 18 May 2023 not to elect a Leader, documents that require amendments that remove the role of Leader and Deputy Leader of the Council from the decision making processes prescribed in the documents.
- Documents that are being reviewed early ahead of the consideration by Full Council on Monday 10th July of signing (or not) the Civility and Respect Pledge (see: <https://www.nalc.gov.uk/our-work/civility-and-respect-project>)

1.2 The documents for review contain significant information in relation to the Governance of the Council. These documents are:

Documents due for review

- 2.2 Annual Town Meeting
- 2.3 Financial Regulations
- 2.3a Treasury Management Policy
- 2.3b Card Holder Data Security Policy
- 6.8 Flag Flying Policy

Leader and Deputy Leader documents

- 1.1 Introduction *
- 1.3 Powers and Functions *
- 1.4 Town Clerk and other Managers *
- 2.1 Standing Orders
- 2.1a Scheme of Delegation to Committees and Officers
- 2.6 Communications protocol *
- 2.7 Leader-protocol *
- 4.4 Mayor and Deputy Mayor Protocol *
- 5.1 Councillors and Officer Relations Protocol *
- 6.2 Whistleblowing Policy *
- 6-3 Child Protection Policy *
- 6.4 Business Continuity Policy *
- 6.5 Major Incident Plan Public *
- 6.9 Logo Policy *
- 6.10 Anti-corruption Policy *
- 6.12 Social Media Policy *
- 6-13 Protocol Death of a Senior Royal *

Civility and Respect documents

4.1 Councillors Code of Conduct

(Document 2.4 has not been missed out – it is not due for review)

- 1.3 The National Association of Local Councils (NALC) and the Local Government Association (LGA) provide guidance on the preparation of documents such as Standing Orders and Councillors Code of Conduct. This review has drawn on that helpful guidance and advice.

2. DOCUMENTS REVIEW

- 2.1 Officers have reviewed all the documents listed in Paragraph 1.2 of this report and the scale of the proposed changes varies between the documents. The changes proposed are discussed below and are shown as documents with tracked changes in the Appendices bundle.

Documents due for review

Annual Town Meeting – minor change to replace ‘Leader of the Council’ with ‘Chair of the Council’ at Paragraph 2.1.

Revised document attached as **Appendix 1**

Financial Regulations – two changes

to replace ‘Leader of the Council’ with ‘Chair of the Council’ at Paragraph 2.1.

to amend the description of the payments using the BACS process at Paragraph 5.5.

Revised document attached as **Appendix 2**

2.3a Treasury Management Policy

Two new paragraphs to introduce ‘ethical investment’ as a criterion for selecting short term deposits product. Paragraphs 5.6 and 5.7.

Revised document attached as **Appendix 3**

2.3b Card Holder Data Security Policy

One change proposed and that is to the front sheet to update the proposed date for addition of the revised version and the next review date.

Revised document attached as **Appendix 4**

6.8 Flag Flying Policy

Changes are proposed to update the flag flying dates resulting from the Accession to the throne of King Charles III, inclusion of additional named flags of others to be flown and changes to reflect the Leader/Deputy Leader role at the Council.

Revised document attached as **Appendix 5**

Leader and Deputy Leader documents

2.1 Standing Orders

There are a number of tracked changes shown throughout the document to remove Leader and Deputy Leader and replace with Chair of the Council and Deputy Chair of the Council.

- 2.2 The current version of the Standing Orders utilises the NALC Model Standing Orders. NALC updated their Model Standing Orders in April 2022.
- 2.3 To assist Committee the current version of the Council's Standing Orders has been combined with the NALC April 2022 Model Standing Orders. The document is attached as **Appendix 6**. The Council is not obliged to use/retain any part of the NALC Model Standing Orders April 2022.
- 2.4 The tracking in **Appendix 6** shows whether the NALC April 2022 Model Standing Orders supersede and replace anything in the Council's adopted Standing Orders. There is a lot of tracking but much of it is straightforward such as on Page 3 of **Appendix 6** where a new contents list replaces the previous contents list though many elements are common to both.
- 2.5 Some suggested changes such as the striking out of Hertford Town Council on the front page should be rejected. It is also recommended that all current time periods e.g. 2.5 hours in 3. part x on Page 12 and 4 days in 6. part d on page Page 15 should be retained.
- 2.6 A further change that is prevalent throughout the document is the exchanging of the phrase 'Chairman' for 'Chair'. The views of Committee are sought on this change.
- 2.7 Committee's attention is drawn to the key changes of:

Page 5 – Introduction

Committee may wish to retain this helpful content that provides context to the reader, including members of the public should they wish to inspect it.

Page 20 – Code of Conduct and Dispensations

Committee is invited to consider retaining 13. h part iv.

Removing it could lead to confusion with the Council's Scheme of Delegation. The Scheme of Delegation notes the delegation from the

Council (as a Corporate Body) to Committees and Officers (and not individual Councillors).

Retaining the helpful advice that would not undermine the roles of any Councillor nor affect the Scheme of Delegation where decisions are delegated to the Town Clerk in consultation with Councillors such as the Leader and Chairman of appropriate Committees.

In law the Council operates as Corporate Body and Councillors may not commission work on behalf of the Council.

Page 25 Financial Controls and Procurement

Committee is asked to note that NALC suggests this detailed guidance is replaced by reference to a separate and detailed procurement guidance.

Page 29 Communicating with District and County or Unitary Councillors

Committee may wish to agree to the inclusion of this new text.

Revised document attached as **Appendix 6**

2.1a Scheme of Delegation to Committees and Officers

- 2.8 There are a number of changes tracked on Page 3 of the document to remove 'Leader' of the Council and 'Deputy Leader of the Council'
- 2.9 There are references where the delegation is proposed to change to the 'Chair of the Council' and removes the reference to 'Leader of the Council' including at Paragraph 3.5 and Paragraph 3.11.
- 2.10 Paragraph 3.1 Part 7. It is suggested that for business purposes the Town Clerk is able to delegate the making of urgent decision to other senior managers (The Civic Administration Manager, the Finance Manager, the Marketing and Events Manager). The suggested amendment would not remove the very important requirement that urgent decision would still be made following consultation with the Chair of the Council and the Chair(s) of the appropriate Committee(s).

Revised document attached as **Appendix 7**

- 2.11 The remaining documents listed in Paragraph 1.2 and marked with an * only require amending by removing Leader and Replacing with 'Chair of the Council' and removing the phrase 'Deputy Leader' and replacing with 'Deputy Chair of the Council'.

The Revised documents are attached as **Appendices 8 to 22 inclusive**

Councillors Code of Conduct (attached at Appendix 23)

- 2.12 This document requires some updating and has been compared to the Model Councillor code of Conduct published by the Local Government Association.
- 2.13 The part of the LGA Model Code (**attached at Appendix 24**) that is not in the current draft of the Council's documents relates to definition of relatives and friends taken from a document published by The Standards Board for England. The Standard Board was abolished some time ago and by virtue of the fact that a such a definition is not in the LGS Code suggests that it is not essential to continue with such a definition. This is found in Section 8 of the Council's document.
- 2.14 In the contrary direction the LGA Model Code provides guidance on Disclosable Pecuniary Interests and Other Registerable Interests which uses different terminology to that of the Council (where 'Disclosable Pecuniary Interest' and 'Declarable Pecuniary and Other Interests' is the phraseology).
- 2.15 Committee is asked to consider the replacement (in full) of the current Councillor Code by the LGA Model Councillor Code of Conduct. If Committee were so minded to recommend that replacement to Full Council, the benefit of the LGA Councillor Code of Conduct Guidance (published in October 2022) is available to Councillors having been adapted for parish and town councils (**attached as Appendix 25**).
- 2.16 The LGA Code of Conduct Guidance note uses the phraseology of the LGA Model Code of Conduct and this important aspect of the use of these two documents in tandem is a potential benefit that would result from replacing the current version of the Council's Councillor Code of Conduct.

3. RECOMMENDATIONS

It is RECOMMENDED that the Council:

- a) **consider** the reviewed constitution documents.
- b) **consider** the recommendations of Finance Policy and Administration Committee that subject to any changes that they wish to see, adopts the documents in the Councils Constitution.
- c) **notes** the report.

Report by Joseph Whelan – Town Clerk

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10.INTERNET POLICY

The internet is a facility that is available for communication and research. This document provides guidelines for using internet services at Hertford Town Council. It covers

- E-Mail
- Access to the world wide web (WWW)
- Misuse
- Computer Viruses
- Official Use only

Employees who are provided with internet facilities are responsible for ensuring they conform to these guidelines and the council reserves the right to monitor the use of the internet and e-mail made by staff. Staff will be required to sign an agreement stating that they have read and understood this document and the guidelines, and agree to abide by them.

10.1 E-MAIL

Staff who have group e-mail installed on their PC will be expected to manage incoming e-mails for their service group. This will include distribution and recording in the department's mail/post logging system as appropriate.

E-mail will be responded to within 24 hours with at least a holding email. A full response should be made within 5 working days.

E-mail communications, either internally or on the internet, are not guaranteed to be private nor to arrive at their destination within a particular time, or at all. Using the telephone may be more appropriate in urgent matters.

E-mail should not be used for formal legal communications without using authentication procedures. Further information on authentication will be issued in due course. Note that advice given via e-mail has the same legal bearing as any other written advice.

Users must not transmit confidential, personal or other sensitive information via e-mail, unless appropriate encryption is applied to protect it. Avoid any risk of action for defamatory statements by not sending personal information within e-mails.

Users must not use e-mail to send inappropriate messages. In particular users must not sexually harass fellow employees, or harass or threaten anyone in any manner.

Users must not send unsolicited, irrelevant or inappropriate e-mail, nor participate in chain or pyramid letters or similar schemes.

Users should not forward material e-mailed to them personally to others, particularly to internet newsgroups or mailing lists, without the permission of the originator.

Users must not use anonymous mailing services to conceal their identity when mailing through the internet, falsify e-mails to make them appear to originate from someone else, or provide false information to any internet service which requests name, e-mail address or other details.

Viruses can be transmitted via e-mail messages to many users at one time. The council's official services provide automatic virus scanning and items sent can reasonably be expected to be virus free. E-mails received by the council's main e-mail service are automatically scanned for virus by multiple scanning services before they arrive here.

Users should avoid sending excessively large e-mails or attachments. Please use links to shared drives where appropriate.

10.2 ACCESS TO WWW

Staff with web access set up on their PC will be expected to use this facility for their department.

The quality of information available on the internet is very variable and should not be relied upon uncritically. It is the responsibility of the user to make a judgement about any information obtained from this source as to whether it is good enough for the purpose for which it will be used.

Although software is available for download on the internet, users are expressly prohibited from loading software onto their own machines. Apart from the risk of viruses, all installations of software must be carried out by the Finance and Administration [Manager or the IT Helpdesk](#) to ensure smooth running of software already in place.

Some organisations accept orders for goods and services via the internet. The fact that internet access has been granted does not authorise a user to place orders in the name of the Council. Any orders to be placed in this way must first be authorised through the normal Council procedure.

Users may participate in discussions in newsgroups and mailing lists if that is appropriate to the job, or if it represents a reasonable return for the value received from the discussion. Users should not offer help in areas that are the responsibility of someone else within the Council but may pass on enquiries to the appropriate person.

Users must not give advice or information known to be contrary to the Council's policies or interests.

In order to avoid infringing copyright, users must not copy information originated by others and use it or re-post it without permission from, or at least acknowledgement of, the original source, even if the content is modified to some extent.

10.3 MISUSE

Users should not use, or try to use, a council e-mail or internet account for any of the following purposes:

- i. breaking through security controls, whether on the Council's equipment or on any other computer system;
- ii. accessing internet traffic (such as e-mail) not intended for him/her, even if not protected by security controls, or doing anything which would adversely affect the ability of others to access internet resources they are entitled to access;
- iii. intentionally accessing or transmitting computer viruses and similar software; or intentionally accessing or transmitting information about, or software designed for, breaching security controls or creating computer viruses;

- iv. intentionally accessing or transmitting material which is obscene, sexually explicit, pornographic, racist, defamatory, hateful, incites or depicts violence, or describes techniques for criminal or terrorist acts or otherwise represents values which are contrary to Council policy;
- v. knowingly doing anything which is illegal under English law or the law of any other relevant country;
- vi. political lobbying or private business;
- vii. playing or downloading games, surfing the web and spending unjustified time;
- viii. any activity which could cause congestion and disruption of networks and systems.

10.4 VIRUSES

Virus protection software is installed on all Council computer equipment that has authorised access to the internet. Deliberate introduction of any damaging virus is a crime under the Computer Misuse Act 1990.

If material is inadvertently accessed which is believed to contain a computer virus, a user should immediately break the connection, stop using the computer, and contact computer the Finance and Administration Manager [and IT helpdesk](#) for assistance. If any of the other types of unacceptable materials described above should inadvertently be accessed, the connection should immediately be broken, and any record of this material deleted from the computer. [In order to prevent the spread of virus users must not use USB storage devices on a work computer or laptop unless this has been checked and authorised by the Council's IT provider.](#)

10.5 OFFICIAL USE ONLY

At Hertford Town Council employees shall use e-mail and internet services for official use only in the direct performance of assigned duties and tasks. If it is found that an account is being used for non-Council related business, during normal working hours users may be subject to disciplinary action. Access for personal use during official breaks and outside of office hours is authorised.

The Council reserves the right to monitor the use of e-mail and internet use by staff and the council may respond to violations of the above policies by any combination of:

- informal warning;
- denial of e-mail or internet access;
- disciplinary action, up to and including gross misconduct, through normal disciplinary process;
- provision of information to the police for possible criminal proceedings.

10.6 PASSWORDS

All users are required to protect their PCs with a password that must be between [612](#) and 14 characters. When you are away from your desk you should lock your computer by pressing ctrl+alt+del and selecting lock computer (Windows 2000 + XP only). Your PC will automatically prompt you to change your password frequently.

Passwords must only be disclosed to your colleagues in exceptional circumstances, and should then be changed as soon as reasonably practicable. When disclosing passwords to your colleagues, you should inform the IT manager that you are doing this, and whom the password is being disclosed to. This is in your own interest as you will be held responsible for use and misuse of your e-mail and Internet.

[All cloud accounts must have Multi-Factor Authentication\(MFA\) setup to protect access over internet and if MFA is setup use 8 characters as minimum.](#)

USE OF IT FACILITIES**10.7 POTENTIAL LEGAL PROBLEMS**

The following are potential legal problems that may arise when using e-mail and/or Internet. If you are suspected of committing any of the below acts, it may lead to disciplinary action being taken against you including dismissal.

10.8 HARASSMENT

Harassment is any unwelcome and persistent behaviour that may include violence, jokes of an abusive or offensive nature, pestering or stalking, gossip, slander and unfounded criticism. This includes (but is not limited to) sexual and racial harassment and harassment on the grounds of sexual orientation, religion, disability, race and age. Even a single act or comment can constitute harassment. All employees must be allowed to work in an environment free from harassment of any kind. Therefore do not send messages that could be perceived as harassment.

Harassment is a criminal offence for which the harasser can be imprisoned and victims may claim damages from the harasser and the Town Council.

10.9 DEFAMATION

Defamation is the publication of a statement that adversely affects a person's, or a Town Council's, reputation. Publication may be by way of the Internet or e-mail. You must not send or circulate, internally or externally, any information that is defamatory.

A person or Town Council defamed may sue you and the Town Council for damages. There is a defence that the information was "true" but the onus would be on you or the Town Council to show that.

10.10 COPYRIGHT

The owner of copyright has the exclusive right in certain works such as documents, articles, books, plays and musical compositions, so that they cannot be copied or used in certain other ways without the consent of the copyright owner. You must not download, copy or transmit to third parties the works of others without their permission as this may infringe copyright. Copyright is most likely to be breached when you download material from the Internet or when you copy text or attach it to an e-mail message.

You and the Town Council can be sued by the owner of the copyright for damages for unauthorised use of the copyright material.

10.11 ENTERING INTO CONTRACTS

A contract is an oral or written agreement between two or more parties to create legal obligations between them. Binding contracts can be formed by e-mail. If you are going to be negotiating contracts by e-mail, seek further guidance from your manager.

If you accidentally bind the Town Council to contractual obligations then the Town Council could be sued for breach of contract if it fails to honour those obligations. If you compromise a settlement of a legal dispute the Town Council may have to pay out more than it should or may be unable to recover as much money as it should.

USE OF IT FACILITIES

10.12 OFFENSIVE MATERIAL

Offensive material is material that any colleague, customer, or supplier may find offensive. This includes, but is not limited to, images that inspire racial / sexual hatred. As there is no possible legitimate Town Council use for accessing or transmitting sexually explicit or other offensive materials at work, the question of whether or not such material constitutes pornography is not relevant to use of Town Council e-mail and Internet access. You must not access or transmit any material with any content that could be perceived as offensive.

Accessing and transmitting offensive material may be a criminal offence for which both you and the Town Council could be liable.

10.13 CONFIDENTIAL INFORMATION

Generally, confidential information includes any information not available to the public. Ask your manager if you are not sure whether information is confidential and for guidance on the statements which should be included in the emails.

10.14 MOBILE PHONE

Employees who are accessing Council's data such as emails from mobile devices must **inform their** line manager with **the following information**

Device make and model **and** update version currently installed for example:-

Samsung s21 android 15

iPhone 11 IOS 15.5

IPAD mini IOS 15.8

The Council will keep this document up to date and all users who **have** access to data must update their phones within 14 days of the release of updates.

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REPORT TO FULL TOWN COUNCIL – 10 JULY 2023

AGENDA ITEM 8 – REVIEW OF GENERAL DATA PROTECTION REGULATION (GDPR) DOCUMENTS

1. PURPOSE OF THE REPORT

- 1.1 To review the current suite of documents that are used to manage the Council's GDPR responsibilities. The Council is invited to comment on revised documentation that governs GDPR policy, procedure and the management of notices.

2. BACKGROUND

- 2.1 The Council's GDPR policy was agreed by Full Council on 8 May 2018. The General Data Protection Regulation (the GDPR) came into effect from 25 May 2018.
- 2.2 Committee agreed to adopt the existing set of GDPR documents in March 2019. The Data Protection Policy (document 6.7) is published in the Council's website <https://www.hertford.gov.uk/constitution/>
- 2.3 The Council has appointed an external organisation, Hulse Yazdi Limited (HY) to act as the external Data Information Officer and provide professional advice regarding GDPR.
- 2.4 Town and Parish Councils don't require a Data Protection Officer (DPO) as the Council is not a 'public authority' under the definition given in s.7(3) of the Data Protection Act 2018. HY advised that the Council retains the title of Data Information Officer (DIO) instead to ensure that the Council does not open itself up to the extent of DPO responsibilities required of a public authority under the DPA 2018 and GDPR, but follows good practice by adhering to the general ethos of GDPR.

3. UPDATE ON GDPR POLICY DOCUMENTS

- 3.1 HY reviewed the Council's GDPR Policy documents during April 2023. Advice received is that the existing documentation address the main principles arising under the Data Protection Act 2018 (DPA 2018) and the General Data Protection Regulation (GDPR) but suggest that a more streamlined and user friendly suite of documents would be beneficial.
- 3.2 HY provided a proposed revised suite of documents. Officers' view is that the proposed revised suite of documents are more streamline and remove some former duplication (e.g. having different Privacy Notices for different operation al parts of the Council). The details are discussed below.

GDPR Policy

- 3.3 **Data Protection Policy (Appendix 1)** - This replaces the current policy document 6.7 of the Councils constitution (**Appendix 1a**).

GDPR Procedures

- 3.4 Subject Access Requests (**Appendix 2**) – New procedure
- 3.5 Data Breach Procedure (**Appendix 3**) – New procedure
- 3.6 Retention Management Policy (**Appendix 4**) – This replaces the current policy document retention and Disposal Policy (**Appendix 4a**).

GDPR Notices

- 3.7 Public Privacy Notice (**Appendix 5**) – This generic Privacy Notice replaces the individual ones for Council services. HY have recommended that one Privacy Notice for the Town Council is sufficient and provides a uniform approach across all services. This replaces the current GDPR Notices:

Privacy Notice (**Appendix 5a**)

Hiring Privacy Notice (**Appendix 5b**)

Allotment Tenants Privacy Notice (**Appendix 5c**)

Purchase Exclusive Rights Privacy Notice (**Appendix 5d**)

Neighbourhood Plan Privacy Notice (**Appendix 5e**)

- 3.8 Staff & Councillors Privacy Notice (**Appendix 6**) This replaces the current staff and Councillors Privacy Notice (**Appendix 6a**).
- 3.9 Committee is invited to consider the proposed changes to the GDPR documents.

4. RECOMMENDATIONS

It is **RECOMMENDED** that the Council:

- (a) **consider** the proposed changes to the GDPR policy documents.
- (b) **consider** the recommendations of Finance Policy and Administration Committee that subject to any changes that they wish to see, adopts the policies in the Councils Constitution.
- (c) **notes** the report.

Report by Joseph Whelan – Town Clerk
 Nick Kirby – Civic Administration Manager

REPORT TO FULL TOWN COUNCIL – 10 JULY 2023

AGENDA ITEM 9 – CIVILITY AND RESPECT PROJECT

1. PURPOSE OF THE REPORT

- 1.1 This report presents the Civility and Respect Project and invites the Council to consider the recommendations of Finance, Policy and Administration Committee to sign the Civility and Respect Pledge.

2. CIVILITY AND RESPECT PROJECT

- 2.1 Town, Parish and Community Councils in England and Wales are referred to as 'Local Councils'.
- 2.2 The National Association of Local Councils (NALC) in collaboration with the county associations (including the Hertfordshire Association of Parish and Town Councils), the Society of Local Council Clerks (SLCC) and One Voice Wales (OVW) have developed the Civility and Respect Project.
- 2.3 The Project has been overseen by a Steering Group and responds to growing concerns about the impact bullying, harassment, and intimidation are having on local councils, councillors, clerks and council staff and the impact that has resulted in reduced effectiveness of local councils.

Civility and Respect Project Mission Statement

- 2.4 The Mission Statement for the project is:
- Civility and respect should be at the heart of public life, and good governance is fundamental to ensuring an effective and well-functioning democracy at all levels.
 - The intimidation, abuse, bullying and harassment of councillors, clerks and council staff, in person or online, is unacceptable, whether by councillors, clerks, council staff, or the public.
 - This can prevent councils from functioning effectively, councillors from representing local people, discourage people from getting involved, including standing for election, and undermine public confidence and trust in local democracy.
 - NALC, county associations and OVW, as the membership organisations representing the first tier of local government in England and Wales, and the SLCC, as the professional body for clerks, are committed to working together to promote civility and respect in public life, good governance, positive debate and supporting the well-being of councillors, professional officers and staff.

- To that end, the Civility and Respect Working Group will be working to deliver tangible resources, actions and interventions in four main areas: providing councils with the tools to support good governance; lobbying to strengthen the standards regime and encouraging more people to get involved; training; and processes to intervene to provide support to struggling councils.

Civility and Respect Project Workstreams

- 2.5 The Project combines six workstreams that have been identified by the Project Team. These workstreams set down a significant number of changes and improvements considered vital to provide support to help reduce and manage the issues related to bullying and harassment in the sector. The workstreams are explained in further detail below together with a note of progress already made by Hertford Town Council in addressing the individual elements and requirements of the six workstreams. The text detailing the individual workstreams draws from the NALC web pages that helpfully provide the context, purpose and requirements in embarking on a journey (long or short) of transformation that begins (formally) with the signing of the Civility and Respect Pledge.

Training

- 2.6 Is seen as a critical step in creating a safe and inclusive environment for local councils is making all councillors, clerks and council staff aware of the issues, what is — and what is not — acceptable. Knowing how to recognise and address bullying, harassment, discrimination, and inclusion is an essential step in prevention of the same.
- 2.7 Training ensures that councils demonstrate that they do not tolerate these types of behaviour and provide the tools to intervene immediately, consistently, equitably, and appropriately when bullying occurs.
- 2.8 Training is an important starting point, but the key indicator will be the application of the training. Councillors and Officers can also draw on their experience in ensuring that all at the council always demonstrate civil and respectful behaviour.
- 2.9 The training of Council Staff is overseen through the Staff Training and Development Plan that was discussed at the meeting of the Council's Personnel Sub Committee on Tuesday 30 May 2023. At that meeting Committee agree that a Councillor training plan be developed.

Governance

- 2.10 Good governance is one of the building blocks of anti-bullying and harassment and is fundamental to ensuring an effective Council.
- 2.11 The Council has a range of policies in place. These cover appropriate behaviours expected of both Staff and Councillors. Elsewhere on the agenda for this meeting are updates to a large number of policies including those governing Code of conduct, Standing Orders and The

Scheme of Delegation. All of the policies being reviewed at this Committee meeting help to define the Councillor and Officer relationship and what Hertford Town Council expects of both groups.

- 2.12 Whilst it is covered in the Staff Handbook in Section 11 Equality and Diversity Policy **Appendix 1** a recent training session that was attended by all staff noted the good practice of an organisation adopting and implementing a 'Dignity at Work' policy. A draft policy is attached at **Appendix 2**. This draft policy refers to the Council's Equality and Diversity Policy contained within the Staff Handbook.
- 2.13 There are no 'clashes' between the Council's Equality and Diversity Policy. The views of Committee are welcomed on the draft Dignity at Work Policy.

Intervention

- 2.14 The Civility and Respect Project Team is working on strategies for Councils where matters have significantly deteriorated.

Legislative

- 2.15 The Committee on Standards in Public Life undertook a review of Local Government Ethical Standards and, in January 2019, produced a report comprising 26 recommendations for legislative changes. The resulting recommendations included:
- The ability for the principal authority to impose sanctions on a parish councillor following a review.
 - The ability for a local authority to suspend councillors.
 - Mandatory training for clerks.
 - The lobbying of the government to implement these, and other recommendations, is ongoing within NALC and SLCC.
- 2.16 The project will highlight the continuous action taken to progress these and other legislative changes.
- 2.17 Committee is asked to note the work taking place in the sector.

Collaboration

- 2.18 The project team is working closely with the Local Government Association (LGA), Lawyers in Local Government (LLG) and other associations navigating their way through similar sector issues.
- 2.19 Committee is asked to note the work taking place in the sector.

Civility and Respect Resources

- 2.20 The NALC website (<https://www.nalc.gov.uk/our-work/civility-and-respect-project>) provides a number of resources including access to short e-learning course, access to podcasts and draft policy documents.

- 2.21 Committee (and other councillors) are invited to review the online and other learning opportunities and to forward requests to the Council's Civic Administration Manager who will ensure required courses are booked.
- 2.22 Generating attendance to these resources will help start to shape and populate the Councillors Training Plan noted in Section 2.6 of this report.
- 2.23 In summary, the Civility and Respect Project work has developed a number of insightful workstreams to drive forward and achieve its mission statement. Signing the Pledge would raise the profile and publicly state the ambition of the Council to achieve and maintain a civil and respectful working environment at the Council.

3. CIVILITY AND RESPECT PLEDGE

3.1 If the Council were to sign the Pledge it would commit to:

- Treat all councillors, the clerk and all employees, members of the public, representatives of partner organisations and volunteers with civility and respect in their role.
- Put in place a training programme for councillors and staff.*
- Sign up to a Code of Conduct for councillors.*
- Have in place good governance arrangements including staff contracts at Dignity at Work policy*.
- Commit to seek professional help at early stages should civility and respect issues arise.
- Commit to calling out bullying and harassment when and if it happens.
- Continue to learn from best practice in the sector and aspire to being a role model/champion council e.g. via Local Council Award Scheme.
- Support the continual lobbying for change in legislation to support the Civility and Respect Pledge including sanctions for elected members where appropriate.

The three bullet points with an asterisk are already in hand.

- 3.2 The Finance Policy and Administration Committee considered the work of the Civility and Respect Project at the extraordinary meeting of the Committee on 3rd July 2023.
- 3.3 The Committee noted many items in the Pledge are covered in Councillor policies and the staff handbook. Committee were very supportive and keen to promote this work.
- 3.4 It was noted that in Dignity at Work Policy (page 6 of the Policy – second paragraph to the bottom) that it is a legal right to be accompanied. It was agreed to include this enhancement in the Policy. The addition 'The Council recognise it is a legal right to be accompanied' has been included in the draft document for Full Council to consider.

4. RECOMMENDATIONS

It is RECOMMENDED that the Council:

- a) **consider** the Civility and Respect Project and related workstreams.
- b) **consider** the draft 'Dignity at Work' policy.
- c) **consider** the recommendations of Finance Policy and Administration Committee the adoption of the draft Dignity and Work Policy.
- d) **consider** the recommendations of Finance Policy and Administration Committee that the Council signs the Civility and Respect Pledge.
- e) **notes** the report.

Report by Joseph Whelan – Town Clerk

11 EQUALITY POLICY/DIVERSITY (Recognition of Duties)

11.1 INTRODUCTION

Hertford Town Council recognises its duties under the Equality Act 2010 and works to comply with these statutory obligations whether it be as a local council, an employer or a provider of services to the community.

The council is committed to valuing and promoting diversity in all areas of recruitment, employment, training and promotion. The Council will work towards an environment that is based on meritocracy and inclusiveness, where all employees can develop their full potential, irrespective of their race, gender, marital status, age, disability, religious belief, political opinion, or sexual orientation.

The Equality Act 2010 states that: "a person has a disability ... if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities".

Within the Equality Act 2010, the expression "gender reassignment" applies to either a man or woman who decides to live permanently as the opposite sex but does not undergo any medical procedures. Under the Act they do not have to undergo medical procedures to be covered.

Within the Equality Act 2010, sexual orientation is defined as:

Orientation towards persons of the same sex
(homosexual) Orientation towards persons of the
opposite sex (heterosexual)
Orientation towards persons of the same sex and opposite sex (bisexual)

Religion or belief, as defined in the Equality Act 2010, includes any religion, religious belief or similar philosophical belief. It also includes a lack of religion, in other words, employees or jobseekers are protected if they do not follow a certain religion or have no religion at all. Additionally, a religion must have a clear structure and belief system. Belief means any religious or philosophical belief or a lack of such belief.

Within the Equality Act 2010, an "age group" is defined as "a group of persons defined by reference to age, whether by reference to a particular age or a range of ages". Age discrimination can also occur in relation to someone's apparent age. The Act continues to allow employers to have a default retirement age of 65.

Under the Equality Act 2010, discrimination on grounds of Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; Sexual Orientation are known as „**Protected Characteristics**“

In addition there are a number of Codes of Practice which although are not legally binding, we support as far as possible, and recognise that Employment Tribunals will refer to them when determining the reasonableness of an employer's actions. These codes include the Code of Practice on Age Diversity 1999, Code of Practice on the Protection of the Dignity of Women and Men at Work as well as the Codes of Practice supplied by the Commission for Racial Equality (CRE) and the Equal Opportunities Commission

This policy applies to all employees of Hertford Town Council and users of its services.

11.2 THE COUNCIL’S RESPONSIBILITY

- To comply with the letter and spirit of this policy
- To value diversity in society and in our workforce as a means of broadening the Council’s expertise, achieving the highest levels of performance, and enabling all employees to reach their full potential
- To identify the various behaviours and barriers that discrimination can take, and understand the negative effect these can have on the Council, its employees and the public
- To dispel the myth that only certain types of people are suitable for certain types of jobs or training
- To monitor the application of this Policy, and work towards eliminating any discriminatory practices that may be limiting the Council's ability to achieve its objectives, thereby maintaining our reputation as a fair and responsible employer in the eyes of the Council’s employees and the public
- This policy is fully supported by senior management. The policy will be monitored and reviewed annually

11.3 EMPLOYEE RESPONSIBILITY

- To comply with the letter and spirit of this policy
- To be aware of the various behaviours and barriers that discrimination can take, and understand the negative impact these can have on the Council, your colleagues and the public
- To be sensitive to the potential impact of your own behaviour on colleagues, the public and job applicants
- To co-operate in the elimination of any discriminatory practices that may be identified

Why is it important?

- It is essential that the Council attracts and retains the talented people to provide service to the residents of Hertford. Skills and ability are not, for example, the preserve of one particular ethnic group or one gender; by recognising this we can widen our recruitment pool and maximise the potential of our existing employees
- We are committed to providing service excellence to all residents and we believe that a workforce that values and reflects the diversity of our society can better achieve this
- We operate in an increasingly diverse society. In order to enhance our activities we should reflect and value that diversity in our objectives, policies and delivery of services
- Employees’ motivation and commitment increase if people feel valued and perceive that they are being treated fairly. Evidence from a range of sources also indicates that diversity results in more creativity and higher productivity

11.4 AVOIDING ASSUMPTIONS

Care should be taken to ensure that decisions and actions are not influenced by stereotypical views. Examples of such assumptions are:

Ethnic minorities lack qualifications
Women with young children are less committed to their work
Disabled employees are more likely to be sick
Older workers lack ambition and enthusiasm
Part-time workers are less committed to their work than those who work full time

11.5 RECRUITMENT AND SELECTION

Every effort should be made to attract applications from all sections of society and to ensure fair treatment throughout the recruitment process. This will include:

Checking that job and candidate specifications are relevant and non-discriminatory
Ensuring that the wording and images used in job adverts reflect and appeal to all sections of society
Using advertising media that reach all sections of society
Short-listing only those people whose skills and qualifications most closely match the candidate specification
Asking fair and consistent questions at interview
Keeping records of the recruitment and selection process, including interviews
Monitoring recruitment and selection to ensure equality of opportunity throughout the process and, if necessary, taking steps to eliminate any discriminatory practices

11.6 INTERVIEWING TECHNIQUE

When interviewing job applicants, employees should ask fair and consistent questions which focus on job and performance issues rather than the candidate's private life.

It is unlawful to ask candidates about their family commitments or medical history unless they are clearly relevant to the job and are asked of all candidates.

The following are examples of assumptions that should **NOT** be made, and questions that should **NOT** be asked:

Are you planning to be engaged or married? Do you have children? If so, how old are they? What is your husband's employment? What would your husband think about you working late?

Examples of acceptable questions are:

If asked to work extra hours at short notice, would you be able to do so?
This job involves helping members of the public, would that pose any problems for

you?

In the UK candidates who feel that the questions they have been asked at interview are discriminatory in terms of age, race, gender, marital status, disability, religion, belief or sexual orientation have the right to make a complaint to an Employment Tribunal, which can award unlimited compensation.

11.7 TRAINING

The role of training is to improve performance in the job, to develop skills, and to prepare individuals for their roles and responsibilities.

Managers should focus on the development needs of individuals. For example, priority should not be given to training a man in preference to a woman, and it should not be assumed that family commitments of either men or women would limit capacity to work effectively.

All training materials should be checked to ensure that the language and images used in them reflect the diversity of our employees and residents. Every effort will be made to accommodate the specific needs of a disabled employee.

11.8 DISABLED EMPLOYEES

The Council recognises its responsibility towards disabled employees and seeks to eliminate unjustified discrimination on the grounds of disability by:

- Recognising the wealth of talent and skill possessed by disabled people
- Interviewing all disabled job applicants who meet the minimum selection criteria for a job vacancy and consider them on their abilities
- Identifying and providing any 'reasonable adjustments' to working arrangements or the working environment necessary for the effective performance of their job
- Making every effort to retain employees who become disabled whilst in the Council's employment Taking action to ensure that key employees develop the awareness of disability needed to make these commitments work
- Reviewing these commitments, what has been achieved, and planning ways to improve on them

11.9 DISABLED PEOPLE

The Council also recognises its duties towards disabled people, and is committed to eliminating unjustified discriminatory against users on the grounds of disability. It will not therefore unreasonably:

1. Refuse or deliberately omit to provide its services to disabled people
2. Provide its services on worse terms, in a worse manner, or to a lower standard on the grounds of disability
3. Fail to take make any of the following 'reasonable adjustments' where they would assist disabled people to better access our services:

- Make changes to our policies, procedures or practices; or
- Provide auxiliary aids or services; or
- Provide our services by an alternative method of service delivery where a physical barrier prevents, or makes it unreasonably difficult, for disabled people to use our services; or
- Remove, alter or provide a reasonable means of avoiding any physical barrier that makes it impossible or unreasonably difficult for disabled people to use our services.

11.10 AGE

The Council is fully committed to promoting age diversity. In valuing the contribution of its employees, regardless of age, the Council will seek to eliminate age 'stereotyping' and discrimination based on age. The underlying premise of this is that employees should be assessed based on their skills, ability and potential, not their age. This means that employment opportunities will be available, irrespective of a person's age.

This will involve:

- Basing employment decisions on objective, job-related criteria
- Ensuring that staff of all age groups participate in training, and have the chance to improve their skills and experience
- Avoiding assumptions about career intentions and the physical abilities of older job applicants or employees

11.11 WHO IS RESPONSIBLE?

Accountability for the Policy lies with the Finance, Administration and Policy Committee. However, responsibility for implementing the Policy lies with the Town Clerk. Ultimately, a successful implementation of this Policy requires the genuine commitment of all employees.

11.12 HOW WILL THE POLICY BE IMPLEMENTED?

The Policy provides a framework and creates a minimum standard for the Council. It is for the Town Clerk to decide the priorities and strategies for implementing the Policy.

11.13 MONITORING

The Finance and Administration Manager will maintain records of the age, race, gender, marital status, and disability of job applicants and existing employees. However, it is the responsibility of each Manager to apply the Policy.

The Town Clerk is responsible for fully investigating any discriminatory practices identified and making sure that they are eliminated.

Once a year the Town Clerk will report on actions taken to implement the Policy.

11.14 DISCRIMINATION

11.14.1 TYPES OF DISCRIMINATION

There are many types of discrimination both direct and indirect. The responsibility for avoiding acts of discrimination lies with both you and the Town Council. All forms of discriminatory behaviour will be treated as a disciplinary offence.

The main types of discrimination are as identified below:

Direct Discrimination

Where a person or group are treated less favourably than another person because of a „Protected Characteristic“ they have or are thought to have, or because they associate with someone who has a protected characteristic.

Associative Discrimination

This already applies to race, religion or belief and sexual orientation. Under the Equality Act 2010, this was extended to cover age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perceptive Discrimination

This already applies to age, race, religion or belief and sexual orientation. Under the Equality Act 2010, this was extended to cover disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Indirect Discrimination

This already applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnership. Under the Equality Act 2010, this was extended to cover disability and gender reassignment.

Indirect Discrimination can occur when there is a rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic.

Harassment

This is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. This applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnerships. Employees will now be able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves. Employees are also protected from harassment because of perception and association.

Third Party Harassment

This already applies to sex but under the Equality Act 2010 it was extended to cover age, disability, gender reassignment, race, religion or belief and sexual orientation.

Under the Act, the company could potentially be liable for harassment of employees by third parties who are not employees of the company, such as customers or clients.

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint. There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Act.

Post Employment

Where someone is discriminated against, victimised or harassed, in certain circumstances, after the working relationship has ended.

11.15 HARASSMENT AND BULLYING

The Town Council is committed to preventing harassment and bullying in the workplace. It is unlawful, a threat to Health and Safety at Work and is a serious breach of the Equal Opportunities policy.

Harassment, including racial harassment can be defined as "attentions of a nature that are subjective, unwanted and unreciprocated, creating an intimidating environment and threaten job security" **OR** in the case of a person with a disability this may include "unwanted conduct which violates the dignity of an employee or creates an intimidating, hostile, humiliating, degrading or offensive environment".

Sexual harassment is defined as „any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose of violating the dignity of a person or of creating an intimidating, hostile, degrading, humiliating or offensive work environment.

Bullying is defined as any unsolicited and unwelcome act that humiliates, intimidates or undermines the individual involved.

There are a wide range of behaviours which may cause alarm or distress, and could be regarded as harassment, including bullying as well as acts of race, sex or disability discrimination. These behaviours may range from extremes such as violence to more discreet forms like ignoring someone.

Even a single act or comment can constitute harassment and there have been a number of cases where the individual generating the harassment has had to compensate the victim personally. Under current legislation, harassment is a criminal offence liable to imprisonment and / or a fine of up to £5, 000.

11.15.1 FORMS OF HARASSMENT AND/OR BULLYING

Forms of harassment and/or bullying include (but is

not limited to): Physical violence

Jokes of an abusive or offensive nature, gossip, slander, offensive language

Obscene gestures, posters or graffiti of an abusive or offensive nature
Isolation or non cooperation and exclusion from social activities
Treating a colleague in a bullying or intimidating way
Physical contact which is unwanted and unnecessary
Sectarian songs, letters or rhymes
Sarcasm
Use of slang names for members of particular racial groups or persons suffering from certain disabilities
Unfounded criticism
Deliberately ignoring someone
Setting unattainable targets at work
Offensive or abusive e-mails, text messages, letters, faxes, memo's, phone calls etc. Violation of a person's dignity or demeaning them
Verbal degradation/hostility

Forms of Sexual Harassment

Sexual Harassment can take the form of (but is not limited to):

Unsolicited advances and propositions
Coercion to sexual favours
Unwanted physical contact
Lewd comments
Pornographic and sexually explicit material
Unwanted sexual advances
Suggestions or pressure for sexual activity
Spying, pestering and/or stalking a colleague with unwelcome attentions, including emails, phone calls, text messages, faxes and letters
Intimidating conduct including the display of sexually explicit materials in the workplace
Derogatory gender-based remarks/jokes of a sexual nature
Suggestions that sexual favours may further an employee's career or that refusal may hinder it

11.16 EQUAL PAY

The Company is committed to ensuring equality of pay between men and women and will strive to ensure that our employees will receive equal pay for work of equal value. Pay and benefits will be regularly reviewed and monitored to ensure pay parity. Staff are entitled to ask and receive a reply as to how their pay has been arrived at. Decisions regarding pay and benefits and salary reviews will be made with equal pay in mind. Complaints regarding equal pay should be progressed using the Grievance Procedure.

11.17 PRE-EMPLOYMENT CHECKS

The company may request medical information from employees in order to determine if reasonable adjustments are needed for the selection process and in order to determine if the applicant can carry out a function that is essential to the job.

11.18 POSITIVE ACTION

The company may take positive action to encourage employees or job applicants, with a protected characteristic, to apply for a post within the company. Positive action may include guaranteeing an interview for applicants who apply and who come under one of the protected characteristics, or by offering development or training to equip those with a protected characteristic with the necessary skills or knowledge to become proficient in that job.

11.19 RACE AND EQUALITY POLICY

11.19.1 INTRODUCTION

Under the Race Relations (Amendment) Act 2000, public bodies, including Hertford Town Council have a general duty, in carrying out their functions, to have due regard to the need:

- a) to eliminate unlawful racial discrimination; and
- b) to promote equality of opportunity; and
- c) to promote good relations between persons of different racial groups.

Some local authorities, such as district and county councils, have a specific duty to have a race equality scheme. This does not apply to Hertford Town Council.

11.19.2 POLICY STATEMENT

Hertford Town Council acknowledges the general duty placed upon it by the Race Relations (Amendment) Act 2000. The Council will continue within its functions and policies to have due regard to the need to eliminate discrimination, promote equality of opportunity and promote racial equality between people of different racial groups.

11.19.3 FUNCTIONS RELEVANT TO THE POLICY

All functions with a public interface are relevant, particularly those that focus upon hiring of facilities, catering, provision of information and burial services. The Council has not overlooked the fact that it is an employer appropriate consideration of race equality is given in its Equal Opportunities Policy.

The Council is clear that the services it provides are non-discriminatory and that all members of the public, staff and Councillors are treated equitably and with fairness, respect and consideration, regardless of their colour and/or ethnic classification.

The Council is also committed to ensuring that if a council policy is shown to adversely impact on certain racial groups and could be considered unlawful racial discrimination, then changes to the policy will be made forthwith. The Finance, Administration and Policy Committee will consider such issues.

11.19.4 WHO IS RESPONSIBLE?

Accountability for the Policy lies with the Finance, Administration and Policy Committee. However, responsibility for implementing the Policy lies with the Town Clerk. Ultimately, a successful implementation of this Policy requires the genuine commitment of all employees and Councillors.

11.19.5 HOW WILL THE POLICY BE IMPLEMENTED?

In preparing reports, reviewing or introducing policies for consideration by the Council, officers will ensure they take due regard to the policy statement in 1.1 above and provide advice as appropriate.

Activities that celebrate diversity generally, and that foster understanding and respect for the cultures and faiths of local residents will be promoted – for example in the Council's entertainment programme.

When awarding grants, activities that promote good race relations will be supported.

The Council will work with other public authorities and voluntary or community organisations as part of its duty to promote good race relations.

Staff will be fully involved in implementing this policy and will be encouraged to promote good race relations and training will be provided where appropriate.

Complaints of racial discrimination or harassment from staff will be dealt with speedily and staff notified of any action taken. All such matters will be reported to the Finance, Administration and Policy Committee

The above points create a minimum standard to be applied. It is for the Town Clerk to decide the actual priorities and strategies for implementing the Policy effectively.

11.19.6 MONITORING

The Town Clerk is responsible for fully investigating any discriminatory practices identified and making sure that they are eliminated.

Once a year the Town Clerk will report on actions taken to implement the Policy.

11.20 EQUAL OPPORTUNITIES COMPLAINT PROCEDURE

If you have been subjected to treatment that you feel is inconsistent with the equal opportunities policy you must make a complaint about that treatment.

It is the joint responsibility of everyone, management and employees, to recognise harassment, bullying and discrimination when it happens and take the necessary steps to stop it.

In defining whether a given action or attitude constitutes harassment, bullying or discrimination, it is essential to remember that it is the perception of the recipient(s) not the intention of the perpetrator(s) that is key.

If you have witnessed an offence under this policy you also must

raise a complaint. Your Complaints Officer is **the Town Clerk in**

the first instance.

11.20.1 STAGE 1 INFORMAL ACTION

If you have reason to make a complaint you may want to take one or more of the

following steps: Inform the harasser to stop

Seek help or guidance from a colleague, supervisor, manager etc

If you are too upset or embarrassed to speak directly to the harasser, you may write a letter to them stating what behaviour is causing offence, how it affects you and asking them to stop. Keep a copy of this letter, and any notes of incidents and occurrences with dates and times

Any of the above people may speak to the harasser, requesting them to stop. Most problems will cease once the harasser knows their behaviour is unacceptable and in breach of the equal opportunities policy.

Guidance specific to local government is available from the Commission for Racial Equality at: http://www.cre.gov.uk/duty/grr/local_govt.html

11.20.2 STAGE 2 FORMAL ACTION

Making the formal complaint

If the informal action does not result in the harassment ceasing, or where it is considered that more serious harassment has taken place, then the individual should report the facts in writing to the Complaints Officer which can be processed through a representative if preferred. This should detail the:

- Name of the alleged harasser Nature of the alleged harassment
- Dates and times when the alleged harassment occurred Names of any witnesses
- Action already taken, if any, by you to stop the alleged harasser.

Investigation of the complaint

In all instances, allegations will be treated seriously and with the utmost confidentiality for all concerned.

On receipt of the formal complaint action will be taken to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another area of work or suspension with

pay until the matter is resolved.

The complaint will be thoroughly investigated by the Complaints Officer normally within 5 working days of receiving a complaint. In the absence of one of these people, and in the case of extenuating circumstances, a substitute of appropriate status would be acceptable. No person who has been involved in the complaint being investigated will be responsible for the investigation.

During the investigation the Complaints Officer will interview both the complainant and accused, interview witnesses, if any, and ascertain all the relevant facts. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

During an investigation, all parties involved may be accompanied by a colleague or TU representative of their choice.

Reports

When the investigation has been concluded a draft report of the findings and the Complaints Officer's proposed decision will be sent in writing to you and the alleged harasser.

If you or the alleged harasser are dissatisfied with the draft report or the proposed decision, this should be raised with the Complaints Officer within 5 working days of receiving the draft. Any points will be considered by the Complaints Officer before the final report is sent, in writing, to you and the alleged harasser.

Further Action

If the report concludes that the allegation is well founded, the harasser will be subject to disciplinary action in accordance with the disciplinary procedure, and as such may also appeal against any action taken against them. The resulting disciplinary action will also consider whether it is necessary to transfer the offender to avoid further conflict within the working environment.

If you bring a complaint of harassment you will not be victimised for having brought the complaint. However if the report concludes that the complaint was both untrue and was brought with malicious intent, disciplinary action may be taken against you.

If the complaint is not upheld but the Complaints Officer believes that the current working relationship cannot be maintained, then either party may be asked to relocate.

The Complaints Officer may recommend mediation to help both parties to find a course of action that is acceptable to them and allows each to retain their dignity. This is only possible with the agreement of both parties.

DIGNITY AT WORK POLICY

[Council] believes that civility and respect are important in the working environment, and expect all councillors, officers and the public to be polite and courteous when working for, and with the council.

Purpose

[Council] is committed to creating a working environment where all council employees, councillors, contractors and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying

[Optional – for Councils who have committed to the pledge] In support of this objective, **[Council]** has signed up to the Civility Pledge, as a commitment to civility and respect in our work, and politeness and courtesy in behaviour, speech, and in the written word. Further information about the Civility and Respect Pledge is available [NALC](#) & [SLCC](#)

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment;
- ensures that we respond sensitively and promptly; and,
- supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

Scope

This policy covers bullying and harassment of and by **clerks/chief officers** and all employees engaged to work at **[Council]**. Should agency staff, or contractors have a complaint connected to their engagement with **[Council]** this should be raised to their nominated contact, manager, or the Chair of the Council, in the first instance. Should the complaint be about the chair of the council the complaint should be raised to the **deputy chair / council's personnel / staffing committee**.

Agency staff, or contractors are equally expected to treat council colleagues, and other representatives and stakeholders with dignity and respect, and the council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

Complaints about other employment matters will be managed under the council's grievance policy.

It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

The position on bullying and harassment

All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. [Council] will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, [civility and respect pledge], equality opportunities policy, and all other policies and procedures set by the Council.

We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure.

What Type of Treatment amounts to Bullying or Harassment?

‘Bullying’ or ‘harassment’ are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person’s dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person’s appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

Bullying and harassment can occur through verbal and face to face interactions, but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear, however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic (such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due

to their association with someone else (such as harassment related to their partner having a disability for example). **See the council's equality and diversity Policy.**

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines, and should not be interpreted as anything different.

Victimisation

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

Reporting Concerns

What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your nominated manager in the first instance or, with the clerk/or a councillor. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

What you should do if you feel you are being bullied or harassed by a councillor: If you are being bullied or harassed by a councillor, please raise this with the clerk/chief officer or the chair of the council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.

The council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

What you should do if you witness an incident you believe to harassment or bullying: If you witness such behaviour you should report the incident in confidence to the clerk/chief officer or a councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if you are being bullied or harassed by another member of staff: If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

Informal resolution

If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the council's policy and must stop. Alternatively, you may wish to ask the clerk/chief officer, your nominated manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own nominated manager, you should raise the issue with the chair of the council. (If your concern relates to the chair, you should raise it with the chair of the personnel/staffing committee). The chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a member of the council staff
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The chair (or another appropriate person) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the council's grievance procedure. You should raise your complaint to the clerk/chief officer or the chair of the council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The clerk/chief officer or the chair of the council will appoint someone to investigate your complaint in line with the grievance policy. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred,
- The names of any witnesses and
- Any action taken by you to resolve the matter informally.

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

The council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to understand better your complaint (see the grievance policy for further information, and details of your right to be accompanied).

After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official. The Council recognise it is a legal right to be accompanied.

Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the grievance procedure.

The use of the Disciplinary Procedure

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome.

This is a non-contractual policy and procedure which will be reviewed from time to time.

GUIDANCE FOR USING THE DIGNITY AT WORK POLICY

This is an example of an employment policy designed for a council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This guidance is provided to support understanding of the policy, and its application, as well as where local adaptations may be required. The guidance is not part of the policy and should be removed from the policy adopted and shared with council employees.

The Dignity at Work Policy will replace a previous 'Bullying and Harassment' Policy, to create a policy that is focussed on encompassing behaviours beyond simply bullying and harassment, and zero tolerance with the aim of dealing with concerns before they escalate. It is important that any commitment made in the policy is applied in practice.

Wording has been suggested to demonstrate a council's commitment to promoting dignity and respect where they have signed up to the NALC, SLCC and OVW Civility and Respect Pledge. Councils that have not signed up to this are requested to consider making this pledge which is based on basic behaviours and expectations of all council representatives to create workplaces that allow people to maintain their dignity at all times. If your council has not agreed to the pledge this wording should be removed.

The policy is drafted with consideration of employment language and terminology that is reflective of a modern working environment, setting a tone that is engaging, collaborative and inclusive. A council may want to update references where relevant to reflect local terminology and structure, however should be considerate of equality, diversity and inclusion.

The examples of bullying and harassment are just that – examples. This should not be considered an exhaustive list.

Notes:

Protected Characteristics

A 'protected characteristic' is defined in the Equality Act 2010 as age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is unlawful to discriminate against an individual because of any of the protected characteristics.

Discrimination includes treating people differently because of a protected characteristic. Employees can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. An employee can complain of unlawful harassment if they are related someone with a protected characteristic, or because a colleague believes they have a protected characteristic.

Examples of harassment related to a protected characteristic could include;

- Making assumptions about someone's ability due to their **age**, or denying development opportunities to someone based on their age. This could also include assumptions about their lifestyle or making inappropriate jokes related to age.
- Making fun or mimicking impairments related to a health condition, or using inappropriate language about disabilities. Constantly selecting social activities that make it impossible for a colleague with a **disability** to participate in.
- Refusing to treat a person as their new gender, or disclosing information about their gender identity could be harassment on the grounds of **gender reassignment**.
- **Pregnancy/Maternity** harassment could include refusing opportunities due to pregnancy or maternity leave, or inappropriate touching and invasion of personal space such as unwanted touching of a pregnant person's stomach.
- Harassment based on **race** could include derogatory nicknames, or stereotyping based on ethnicity. It could include racist comments or jokes, or assumptions about someone's lifestyle based on their ethnicity.
- **Gender** harassment could include not considering people for a job based on gender stereotyping roles, or implementing practices that disadvantage one gender over another. Rude, explicit jokes, even if not directed at an individual, or comments on individuals' dress or appearance.
- Regularly arranging team meals over periods of fasting or religious occasions or failing to adjust a dress code to accommodate religious dress could be examples of harassment based on **religion/belief**.
- Excluding same sex partners from social events could be both **sexual orientation** and **marriage/civil partnership** discrimination, as could not offering the same work-related benefits.

A person does not need to be employed or have 2 years qualifying service to make a discrimination claim at a tribunal.

- Job applicants who believe they have not been appointed because of a 'protected characteristic' can make a claim.
- New or established employees who are dismissed, or treated unreasonably because of a health condition can make a discrimination claim.
- An employee subjected to harassment can make a discrimination claim at a tribunal.
- An employee asked to retire can make a discrimination claim at a tribunal.

Legal risks

Successful unfair dismissal claims are limited to a compensation cap, whereas those for unlawful discrimination have no cap.

A positive employment culture, and swift action if conduct falls beneath acceptable standards will help mitigate the risks. An unhealthy culture will make it difficult to defend claims.

The time to defend and the cost of defending tribunal claims can be significant, irrespective of the outcome.

Culture and behaviour

We work in eclectic communities and working environments, and a positive culture within the council enables employees with different backgrounds and beliefs to share ideas and shape how the council achieves its objectives for their community.

It is important to recognise that different individuals may find different behaviours bullying or harassing so while there is not always intent to offend or cause harm, that does not mean that the effect of the behaviour has not caused harm or offence.

It can take people a period of time to decide to raise their concerns, as they worry about consequences (perhaps from peers by complaining about a colleague who is popular, or they fear victimisation from the perpetrator or others). The council should consider whether there are opportunities (such as 121s to offer opportunity to reflect on relationships/morale) to identify issues earlier and address negative behaviours. Individuals can often mention concerns they are experiencing but not want to take it further. The council should remind the complainant that it has a zero tolerance to bullying and harassment and remind them of the policy in place to address concerns. If the allegations mentioned are significant, the council may want to suggest that it will need to investigate further, even if a 'grievance' is not raised, so as to ensure that any concerns and risks are managed, and the council is meeting its responsibilities and duty of care as an employer.

Whilst both staff and councillors jointly determine the working culture, councillors are key in demonstrating what is and isn't acceptable behaviour. This is apparent from how councillors behave with each other in council meetings and also in how standards of behaviour are applied through the use of informal discussion and formal policies.

Scope

All council representatives are expected to uphold the values of the Dignity at Work Policy, however this policy sets out how allegations from employees will be managed. As indicated in the policy, concerns from a contractor, agency worker etc. should be raised to the identified person, and an appropriate approach will be considered based on the situation and relationship of the complainant with the council.

Likewise, concerns raised about the behaviour of a contractor or agency worker would not generally be managed via the full process (such as the disciplinary process) but appropriate action would be considered based on the situation. To treat people (such as contractors, or a casual worker) engaged

by the council the same as an employee could blur the status of the employment relationship, so consider seeking professional advice if needed.

Managers

Recognising that councils are of varying sizes, where the term manager/nominated manager is used it is recognised this could be the clerk/chief officer, another employee of the council, or a councillor depending on the situation. It is good practice to have a clearly identified person who is the responsible 'line manager' or equivalent contact for an employee so that there is clarity on how the employee should report concerns to, who they notify if they are sick or to request leave etc. More often for council employees this may be the clerk/chief officer, and for the clerk/chief officer this could be the chair/deputy Chair, or possibly chair of a staffing/personnel committee.

Bullying and harassment & performance management

The policy sets out that bullying and harassment does not include appropriate criticism of an employee's behaviour or effective, robust performance management. It is not uncommon for an employee, when receiving critical feedback, to claim that this is bullying and/or harassing. It is the role of the nominated manager to provide effective and constructive feedback to encourage performance at the required standard.

Even when the feedback is not positive it should be fair, communicated in a professional and reasonable manner and shared with the objective of aiding understanding and achieving an improvement to overcome the shortfalls. There is no absolute definition of when the feedback may not be appropriate. Often it will be for the person/panel hearing the dignity at work complaint/grievance to determine whether the performance management has upheld the standards expected in terms of respect and civility and any feedback has been shared in a fair and professional way.

Responsibilities

All staff and representatives of the council are responsible for their own behaviour in the workplace and for taking steps to revise unacceptable behaviour and appropriately challenge that of others.

Leaders – councillors, clerks, chief officers, managers - are responsible for ensuring that these standards of treating people with civility, respect and courtesy are upheld, both through their own example, and by communicating and promoting these expectations to all employees. They are also responsible for ensuring that concerns raised are treated seriously and addressed in line with this policy in a timely manner.

During the investigation

Employers have a duty of care to provide a safe place of work. If a complaint is made, discuss how to manage working relationships whilst the allegation is being investigated and until the outcome is disclosed. This is as much for the protection of the alleged perpetrator as for the aggrieved.

Consider whether a neutral person should be offered as a 'listening ear' for both parties in the investigation. This could be a councillor or nominated manager who is not involved in the investigation or allegations and can be a point of check in as raising, or being subject to allegations can be stressful.

Offer other support that may be appropriate to the situation such as signposting to support groups, time off for counselling etc. If you have suspended a staff member, your duty of care continues and it is important to consider their wellbeing and mental health.

Ensure that you communicate regularly with both parties.

The investigation and any subsequent hearing should be completed in accordance with the grievance policy which sets out a process for dealing with concerns. You should ensure that the grievance policy adopted adheres to any local policies and procedures, with consideration of any timescales and escalation routes in your locally adopted policy.

Confidentiality

It may be possible for concerns to be raised with the perpetrator without disclosing the name of the complainant however in a small council it is likely that it will be clear that the accused will know where the accusation has come from. The council representative (clerk/chief officer/councillor) speaking to the alleged perpetrator must be clear that the discussion is confidential and the individual would be at risk of formal disciplinary action if there is any sort of victimisation or retaliation for the individual raising their concern.

During any formal investigation it may be necessary to disclose the nature of the allegations and where they came from to ensure a fair and balanced investigation and process. This should be discussed with the person raising the concerns to understand any issues and how they may be mitigated. In some situations it may be appropriate to provide anonymised witness statements however this would be a last resort, and could compromise the fairness of the process. Where there is a genuine fear of consequences and this may need to be considered, it is recommended that professional advice is sought. For the same reason it can be difficult for a council to consider an anonymous complaint, however if the concerns are significant and compromise the council in their duty of care to employees, then consideration of how to deal with the matter may be required.

Victimisation

All employees have the right to raise genuine concerns without the fear of reprisals. If the aggrieved (or a witness) is treated differently / less favourably because they have raised a complaint, then this is victimisation. This would include isolating someone because they have made a complaint, cancelling a planned training event, or giving them a heavier or more difficult workload. Victimisation can lead to a claim to an employment tribunal.

False allegations

If an employee makes an allegation that they know to be untrue, or gives evidence that they know to be untrue, the council should consider the matter under the disciplinary procedure. Such an allegation would be potentially be gross misconduct.

Complaints against Councillors

Following the Ledbury case, the law is clear that any formal complaint about a councillor regarding a breach of the code of conduct must be referred to the Monitoring Officer for investigation (either by the complainant, or the Council with agreement of the complainant). During the investigation, it is critical to ensure that where an employee of the council has made the complaint, that the council

agrees reasonable measures with the employee to protect their health and safety. Such measures may include a temporary change in duties, change of work location, not attending meetings with the person about whom the complaint has been made etc.

Careful consideration is required where a grievance is raised against the council as a whole due to lack of support related to councillor behaviours. The specific allegations will need to be considered to determine whether the allegations can be addressed by the council, or require exploration of the councillors behaviour in order to respond, in which case the Monitoring Officer may be required to investigate the alleged behaviours of a/any councillors where this may relate to the code of conduct. It is a matter of fact whether the complaint is against the council and can therefore be dealt with by the council's grievance procedure or against a councillor and can only be dealt with by the Monitoring Officer.

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REPORT TO FULL TOWN COUNCIL – 10 JULY 2023

AGENDA ITEM 10 – DECLARATION OF CLIMATE EMERGENCY

1. PURPOSE OF THE REPORT

- 1.1 For the Council to consider declaring a Climate Emergency.

2. CONTEXT

- 2.1 Council is asked to note the negative impacts of climate change caused by human activities are beginning to seriously affect the health and wellbeing of the people and environment of Hertford. These negative impacts will only increase as the climate crisis worsens.

3. CLIMATE EMERGENCY

- 3.1 All governments (national, regional and local) have a duty to do all within their power to limit the negative impacts of Climate Breakdown. Local governments should not wait for their national governments to change their policies. It is important for the residents of Hertford and the UK that towns such as ours commit to achieving carbon neutrality as quickly as possible, and act to protect human health and biodiversity to the maximum extent their powers allow.
- 3.2 Towns such as ours have some ability to act to reduce carbon emissions, to preserve biodiversity, and to protect the health of their citizens. It is an obligation to act to do so. The actions we can take are generally quicker and simpler than those of large cities, and decarbonisation is easier to achieve.
- 3.3 The consequences of global temperature rising above 1.5°C are predicted to be very severe. Preventing this from happening is viewed by many that it must be humanity's number one priority.
- 3.4 Radical and urgent climate action in Hertford and beyond can deliver economic benefits in terms of new jobs, economic savings and market opportunities (as well as improved well-being for people worldwide).

4. ACTIONS AVAILABLE

- 4.1 The Council is invited to consider agreeing to a set of actions:
- a. Declare a 'Climate Emergency' which threatens the health and wellbeing of the people of Hertford.
 - b. Make the Council's operations carbon neutral by 2030, taking into account both production and consumption emissions, and to encourage and assist the citizens and businesses of Hertford to do the same using the means available to us, including budgetary, ensuring

that all Council activities are consistent with the goal of carbon neutrality;

- c. Hold dialogue with East Herts Council and Herts County Council on decarbonisation of their operations by 2030, and to request our MP and national government to provide the powers and resources to make the 2030 target possible;
- d. Work with other local government bodies to determine and implement best practice methods locally to help limit Global Warming below a 1.5°C rise;
- e. Ensure that all Council policies and practices within our control, including commercial operations and investments, are compatible with the goal of carbon neutrality;
- f. Provide advice and assistance to residents in Hertford so that they understand and can contribute towards the goal of carbon neutrality, providing appropriate options and choices where possible to encourage a modal shift away from carbon producing activities;
- g. Report annually to the Town Meeting and to residents on progress towards this goal.

5. RECOMMENDATIONS

It is RECOMMENDED that Council:

- a) **considers** whether, or not to declare a Climate Emergency
- b) if a) approved, **considers** whether, or not to agree to the set of actions a) to g) in section 4 of this report to respond to the climate crisis.
- c) **notes** the report.

Report by Nick Kirby – Civic Administration Manager

REPORT TO FULL TOWN COUNCIL- 10 JULY 2023

AGENDA ITEM 11 - APPOINTMENT OF COUNCILLORS TO THE ENVIRONMENTAL SUSTAINABILITY WORKING PARTY FOR 2023/24

1. PURPOSE OF THE REPORT

- 1.1 To appoint Councillors to the Environmental Sustainability Working Party for 2023-24.

2. BACKGROUND

- 2.1 The function of the working party is to have oversight on the progress of the work identified in the Councils Eco Audit Report, January 2021.

3. MEMBERSHIP

- 3.1 The Council is asked to agree the members of the working party for 2023-24. It is suggested that the working party be made up of five Members.
- 3.2 The proportionality for a working party of five, is four from the Green Party and one from the Labour Party.
- 3.3 The Nominations put forward for membership are:
Councillors: S Hopewell, S Watson, V Glover-Ward, A Woodward. A Member of the Labour Party is to be confirmed.
- 3.4 It is suggested that the first meeting of the working party could take place once the Council has agreed its objectives for 2023-2027. The first meeting could start discussing/developing how the current action plan changes.

4. RECOMMENDATIONS

It is RECOMMENDED that Council:

- a) **agrees** the nominations for members of the Environmental Sustainability Working Party.
- b) **notes** the report.

Report by - Nick Kirby, Civic Administration Manager

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REPORT TO FULL TOWN COUNCIL – 10 JULY 2023

AGENDA ITEM 12 – COMMUNITY GRANT APPLICATIONS

1. PURPOSE OF THE REPORT

- 1.1 To present to Committee the applications received for funding from the Community Grant fund.

2. BACKGROUND

- 2.1 The Council has a provision for funding Community Grants which qualifies as expenditure under the General Power of Competence, as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, adopted by the Council on 8 July 2013. The guidelines and criteria for grants, is detailed on the Councils [website](#). Should the Committee decide to waive any of these criteria the reason should be recorded.

- 2.2 There is a budget of £16,720 for Community Grants in 2023/24 of which £12,145 remains unspent.

The Committee is asked to decide:

- whether or not to approve individual application;
 - the amount of any grant so approved; and
 - Any conditions that will be attached to the grant awarded.
- 2.3 Under paragraph 4.3 of the Grants policy, normally grant applications from organisations will only be considered when accompanied by at least one of the following:
- a. Audited accounts.
 - b. Accounts that have been subjected to independent inspection as required by the Charities Act or, where the organisation is newly formed, a case for funding including supporting evidence of fund raising efforts.

3 GRANT APPLICATIONS

- 3.1 The following applications have been received and the Committee is asked to give consideration to the following:

East Herts Council

- 3.2 An application for funding of £1200 towards the total cost of £1480 for diversionary activities in Hertford. The grant would be used to support and develop diversionary activities in Hartham Common and Sele Farm, Hertford, as part of the District wide programme of summer activities for young people.

- 3.3 The sessions would employ a coach to develop a range of activities and would include a local youth worker from YC Hertfordshire who would lead each session.
- 3.4 The application states that 100 young people from Hertford could benefit from these sessions.
- 3.5 Activities previously have included a mobile climbing wall, mobile trampolines and canvas art. This work is also an opportunity to raise awareness on issues relevant to young people such as ASB, personal safety, CSE, gang association, stress, sex and relationships, drugs, alcohol and smoking. The application states it would link to their main objectives of working with vulnerable people locally and helping to keep crime low through diverting young people to positive activities during the school holidays.
- 3.6 This organisation has received grants from Hertford Town Council for summer diversionary activities of £1000 in 2017, £1200 in 2018, £1000 in 2019, £1200 in 2021 and £1000 in 2022.

4. RECOMMENDATIONS

It is recommended that Council:

- a) **considers** the level of grant, if any, it would wish to make in each case.
- b) **notes** the report.

Report by Nick Kirby- Civic Administration Manager