



Town Clerk: Miss Joy Norris MSc ACIS

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Notice is hereby given that the **Annual** meeting of the **Town Council** will take place on **Thursday 26<sup>th</sup> November 2020** starting at **19:00 hrs.**

The meeting will be held with participants being present through remote attendance by virtue of Statutory Instrument 2020 No 392 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The public are welcome to attend this meeting by using the internet, mobile phones or landline phones – please see the links below:

If you are using the internet please use the following link to join the meeting:  
<https://zoom.us/j/94597566789> Meeting ID 945 9756 6789 or use this QR code



To use one tap mobile dial 02034815240,,94597566789# or 02039017895,,94597566789#

To use a landline dial 0203 481 5240 or 0203 901 7895 or 0208 080 6591 or 0 208 080 6592 or 0330 088 5830 or 0131 460 1196 or 0203 481 5237

Meeting ID: 945 9756 6789

Members of the public are invited to ask questions or raise issues relevant to Cullompton as part of the item on the agenda called Public Participation; The overall time available for the Public Participation agenda item is restricted to 15 minutes unless the Chair decides otherwise. Individual speakers are restricted to 3 minutes and are asked not to repeat points that have been made previously. If you would like to ask a question or speak, please email [enquiries@cullomptontowncouncil.gov.uk](mailto:enquiries@cullomptontowncouncil.gov.uk) 48 hours before the meeting with your first and last names and give a brief outline of what you wish to say.. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

You may find it useful to read the Protocol on Remote Meetings before you join (this can be accessed on the Town Council's website)

The Agenda for the meeting is given below. Copies of the reports will be available on the Town Council website or hard copies can be made available if you contact the Town Council Office (contact details are at the top of this notice)

Joy Norris  
Town Clerk

**Date: 20 November 2020**

# AGENDA

## Annual Meeting of the Town Council Meeting, 26 November 2020

**PUBLIC PARTICIPATION:** 15 minutes is set aside as a specific agenda item to enable members of the public to bring issues relevant to Cullompton to the attention of Councillors. Up to 3 minutes is allowed for each person. Members of the public will only be permitted to speak during the Public Participation agenda item.

**1. Election of Mayor**

To elect the Mayor for the period until the 2021 Annual Meeting of the Town Council

**2. Declaration of Acceptance of Office**

To receive the Declaration of Acceptance of Office by the Mayor  
(Supporting Paper A)

**3. Appointment of Deputy Mayor**

To appoint the Deputy Mayor for the period until the 2021 Annual Meeting of the Town Council

**4. Mayor's Announcements**

- (i) The Mayor (incoming) may make announcements relevant to the work of the Town Council
- (ii) The Mayor (outgoing) may make announcements relevant to the work of the Town Council

Note: announcements are for information only and not for debate, discussion or questioning.

**5. Apologies for Absence**

To receive apologies for absence from Councillors unable to attend the meeting.

**6. Declarations of Interests**

To receive any Declarations of Interest from Councillors and Officers in respect of matters to be considered at this meeting, together with an appropriate statement regarding the nature of the interest.

Councillors and Officers are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.

**7. Public Participation**

To allow members of the public present at the meeting to raise matters which are relevant to Cullompton; up to 3 minutes will be allowed for each person.

**8. Minutes**

To confirm the Minutes of the meeting held on 10 November 2020 as a correct record  
(Supporting Paper B)

**9. Action List**

To receive and review the Action List relating to the Town Council. (Supporting Paper C)

**10. Recommendations from the Policy, Finance and Personnel Committee**

To consider the recommendations from the Policy Finance and Personnel Committee (Supporting Paper D)

**11. Appointment of Committees**

To consider the appointment of Town Councillors to the following Committees:

- (i) Cemetery and Town Hall Committee
- (ii) Community Wellbeing Committee
- (iii) Planning and Licensing Committee
- (iv) Policy, Finance and Personnel Committee
- (v) Town centre and Economic Development Committee
- (vi) No 19 High Street Development Committee
- (vii) Appeals Committee

(Supporting Paper E gives details of the current committee composition)

**12. Election of Committee Chairs**

To elect Chairs of the following Committees:

- (i) Cemetery and Town Hall Committee
- (ii) Community Wellbeing Committee
- (iii) Planning and Licensing Committee
- (iv) Policy, Finance and Personnel Committee
- (v) Town centre and Economic Development Committee
- (vi) No 19 High Street Development Committee
- (vii) Appeals Committee

**13. Appointment of Councillors to Gift of A. Burrows Committee**

To consider the appointment of Town Councillors to the Gift Of A Burrows Committee. (The Current Committee comprises Councillors Andrews, Buczkowski, Dale and Dietrich)

**14. Election of Chair of the Gift of A Burrows Committee**

To elect a Chair of the Gift of A Burrows Committee

**15. Appointments To Youth Services Working Groups**

To appoint Councillors to sit on the Youth Services Working Group (The current members are Councillors Haslett and Smith)

**16. Appointment of Representatives on Outside Bodies**

To appoint Representatives to various organisations. Supporting Paper F details the current representatives

**17. Delegated Decision Making**

To ratify a decision made by the Town Clerk in accordance with the Delegated Authority given by the Policy, Finance and Personnel Committee (Supporting Paper G)

**18. Payments for Authorisation**

To examine and agree the accounts due for payment. (Supporting Paper H)

**19. Members Questions**

This agenda item is to give Councillors an opportunity to ask questions which are relevant to the work of the Committee.

Note: questions are to be for the purpose of obtaining information and not for debate nor discussion.

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*In accordance with the Public Bodies (Admission to Meetings) Act 1960, members of the public and press are very welcome to attend the meeting.*

*Members of the public will only be permitted to speak during the Public Participation session listed on the Agenda*



## **Declaration Of Acceptance of Office**

### **Mayor**

I \_\_\_\_\_ having been elected to the office of Mayor declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

**FULL NAME:**

**SIGNED:**

**Date**

***This Declaration was made and signed before me***

**SIGNED:**

**Date**

**Proper Officer of the Town Council**



Town Clerk: Miss Joy Norris MSc ACIS

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## Minutes of a meeting of the Town Council held remotely on Tuesday 10 November 2020 commencing at 19:00 hrs

### Present

**Chair:** Councillor L Knight

**Councillors:** E Andrews, J Buczkowski, M Dale, R Dietrich, K Haslett, J Johns M Rowe and M Smith.

### In attendance

**Officers:** J Norris (Town Clerk) M Weston (Deputy Town Clerk)

2 members of the press attended the meeting

3 members of the public attended the meeting

### 137. Mayor's Announcements

The Mayor reminded people that the next day was Armistice Day and maroons would be let off to mark the start and conclusion of the 2 minute silence.

### 138. Apologies for Absence

An apologies for absence was received from Councillor Lockhead.

### 139. Declarations of Interests

No Declarations of Interest were made were made regarding any items on the Agenda.

### 140. Public Participation

This agenda item allows members of the public present at the meeting to raise matters which are relevant to Cullompton.

#### Speaker 1

The Speaker has seen a sign in a former restaurant and also posts on social media regarding a property in the Bullring– does this mean the Town Council are getting involved?

The Mayor responded that to his knowledge there was no council involvement; Cllr Smith added that he knows what is happening but as a friend not as a Councillor

**Speaker 2**

Had no questions but is working for Nub News for Cullompton as part of a wider Nub news network. It is exciting times for Cullompton with a lot of positive things going on.

**Speaker 3**

1. Letter from a person from St Georges View in the Council papers about parking; one of the comments that stands out is that they are upset an email to the Town Council has not been responded to, this is not the first time such a comment has been made.

The Mayor asked the Town Clerk to remind the meeting about this matter and it was stated that the first email regarding parking in St George's View had been dealt with as a public participation item and that had resulted in a substantive agenda item being put on the agenda for the last Town Council meeting the member of the public has been sent a letter explaining what the Town Council has done.

2. The Speaker has recently contacted the Mayor by email and messenger with 2 complaints and has not received a response

The Mayor replied that the complaints have been passed to the Policy, Finance and Personnel Committee for them to deal with.

**141. Minutes**

To confirm the Minutes of the meeting held on 22 October 2020 as a correct record (Supporting Paper A to the Agenda)

**RESOLVED** that the Minutes of the meeting held on 22 October 2020 be confirmed as a correct record

**142. Action List**

The Action List relating to the Town Council was reviewed and noted. (Supporting Paper B to the Agenda)

**143. Recommendations from the Town Centre & Economic Development Committee**

Recommendations from the Town Centre & Economic Development Committee were considered. (Supporting Paper C to the Agenda)

**RESOLVED** that that the weekly market and the Farmers Market each have a representative on the Town Centre and Economic Development Committee and that those representatives may participate in a meeting as a Committee member but do not have any voting rights (as the Committee has delegated authority to deal with some financial matters).

**144. Recommendations from the Policy, Finance and Personnel Committee**

To consider the recommendations from the Policy Finance and Personnel Committee (Supporting Paper D to the Agenda)

**RESOLVED** to grant £300.00 to the Culm Valley Car Scheme to help towards the general running expenses of the service for local residents who would find it very difficult to get to hospitals, doctors surgeries and other health & welfare visits by any other means

The second item from the committee was about unreasonable, persistent and vexatious complaints and the Committee Chair made personal statement

**RESOLVED** that the Criteria for determining unreasonable, persistent or vexatious complaints and action to be taken where a complainant, either individually or as part of a group, is considered to be making complaints that are unreasonable, persistent or vexatious are as set out in Appendix 1 to these minutes.

**145. Annual Town Council Meeting**

Consideration was given to whether or not to hold an Annual Town Council Meeting for the civic year 2020/2021

(Supporting Paper E to the Agenda)

**RESOLVED** to hold the Annual Meeting of the Town Council on 26 November 2020

**146. Report from the Councillor Representatives to the Town Team**

Consideration was given to an oral report from the Councillor representatives to the Town Team (Councillors Smith and Johns) on recent activities and the grant they have received for improving community safety. (Supporting Paper F to the Agenda had not been received by Councillors so would be re-emailed)

Councillor Smith said that the Town Team had been awarded a grant of £5,000 from the Safer Communities fund. The original ideas included a neighbourhood watch project but that had been taken on by the police and no expenditure was required. The remaining 2 suggestions were to extend the CCTV into in to Church Street and to provide a youth shelter at the skatepark. The Town Team was working with Steve Densham of Mid Devon District Council regarding the youth shelter and the various permissions required; it was intended that the Town Team would take on responsibility for future any repairs due to damage / vandalism.

**147. Monitoring Officer Report**

The advice of the Monitoring Officer regarding declarations of interest and No 19 High Street was received. (Supporting Paper G to the Agenda).

Councilors were reminded that the Monitoring Officer would be providing a training session on the Code of Conduct on 19 January 2021.

**148. Cullompton Fibre Broadband**

Communications from Openreach regarding the provision of full fibre broadband in Cullompton were considered. (Supporting Paper H to the Agenda)

**RESOLVED** to support and publicise **the voucher scheme.**

**Administrator's Note:**

After the meeting it was confirmed that by "Pledging your voucher" is in fact an agreement to subscribe to a full fibre connection if and when it becomes available for a period of at least 12 months.

**149. The Town Council's Response To The Covid-19 Pandemic**

An update was received of the Town Council's response to the Covid-19 pandemic. (Supporting Paper I to the Agenda)

**150. Delegation Of Decision Making During The Covid-19 Pandemic**

Consideration was given to the decisions made by the Town Clerk in accordance with the



**Annual Meeting of the Town Council 26 November 2020**  
**Supporting Paper B**

Council resolution of 21 April 2020 i.e. that the Town Clerk is given delegated authority, following consultation with the Mayor and the Chair of the Policy, Finance and Personnel Committee, to take any necessary steps to deal with the emerging coronavirus situation, recognising that the health and safety of staff, councillors and the public is the priority. (Supporting Paper J to the Agenda)

**RESOLVED** to ratify the Town Clerk's decision that free parking is continued at St Andrews Car Park until 2 January 2021 but kept under review taking into consideration lockdown restrictions

**151. Payments for Authorisation**

The accounts due for payment were examined. (Supporting Paper K to the Agenda)

**RESOLVED** that the invoices for payment totalling £1,058.17 gross and the Direct Debits and Standing Authorisation items of £513.69 gross (as detailed on Supporting Paper K to the Agenda) be approved

**152. Members Questions**

There were no Members' questions.

**153. Exclusion of the Press and Public**

**RESOLVED** to exclude the press and public for the following items or parts thereof

- Agenda No 19 **Recommendation from the No 19 High Street Development Committee** on the grounds that publicity would be prejudicial to the public interest by reason of its confidential nature (commercially sensitive information and items subject to negotiation)
- Agenda No 20 **Recommendations from the Policy, Finance and Personnel Committee** on the grounds that publicity would be prejudicial to the public interest by reason of its confidential nature (personal information)

**154** (20:13hrs) **RESOLVED** to adjourn the meeting for 5 minutes

**155. Recommendation from the No 19 High Street Development Committee**

Recommendations from the No 19 High Street Development Committee were considered regarding the submission of a revised offer to acquire the site of No 19 High Street, Cullompton (Supporting Paper L to the Agenda + Draft Business Plan)

**RESOLVED**

- (i) To make a best and final offer of [REDACTED] subject to survey and contract and
- (ii) As part of the offer 1 [REDACTED]
- (iii) As part of the offer [REDACTED]
- (iv) The purchase expenditure to be funded [REDACTED] from the Town Hall Earmarked Reserve and [REDACTED] from general reserves

**156. Recommendations from the Policy, Finance and Personnel Committee**

Recommendations from the Policy Finance and Personnel Committee regarding the treatment

of outstanding debts were considered. (Supporting Paper M)

**RESOLVED** that the following debts be written off:

- Invoice No [REDACTED] value £35.00
- Invoice No [REDACTED] Value £18.00
- Invoice [REDACTED] Value £50.00

The meeting closed at 21: 18hrs

DRAFT

**Criteria for determining unreasonable, persistent or vexatious complaints**

A complaint may be classed as unreasonable, persistent or vexatious if the complainant meets one or more of the following criteria:-

1. Persists in pursuing a complaint where the Council's complaint process has been fully and properly implemented and exhausted.
2. Persistently changes the substance of a complaint or continually raises new issues that prolong the contact and make it more difficult to respond effectively. It is important that any completely new issue is raised as a new complaint if appropriate.
3. Is repeatedly unwilling to accept documented evidence or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
4. Repeatedly make complaints but does not identify the precise issues which they wish investigated.
5. Regularly focuses on trivial matters to an extent which is out of proportion to its significance and continues to focus on this point. It is important to recognise that determining what is trivial can be subjective.
6. Have threatened or used physical violence towards employees at any time, this will mean that the complainant can only contact us in writing and staff will be informed what access to staff and buildings they are permitted to.
7. Have in the course of dealing with their complaint made an excessive number of contacts with the Council, placing unreasonable demands on employees. Contacts can be in person, phone, email, fax, letter or web-form. Judgement will be used to determine excessive contact, taking into account the specific circumstances of each individual case.
8. Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. The individual circumstances of each person need to be considered and treated sensitively.
9. Makes unreasonable demands on the Council and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognised practise.
10. Makes unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:
  - a. does not have any serious purpose or value
  - b. is designed to cause disruption or annoyance
  - c. has effect of harassing the public authority
  - d. can otherwise fairly be characterised as obsessive or manifestly unreasonable
  - e. is using the Council as a means of causing harassment to another member of the public.
11. Makes repetitive complaints and allegations which ignore the replies which Council officers have supplied in previous correspondence.

**Action to be taken where a complainant, either individually or as part of a group, is considered to be making complaints that are unreasonable, persistent or vexatious.**

Officers and Members will endeavour to respond appropriately according to the individual complainant's needs, and in compliance with our complaints policy, but this direction is to cover occasions where nothing further can be reasonably done to assist or rectify a real or perceived problem.

An individual assessment will need to be made in each and every case to determine if the complaint is to be categorised as unreasonable, persistent or vexatious.

To assist with this, the committee will need to consider if there has been repeated and/or obsessive pursuit of:

Where a complaint continues and the committee have identified the complaint as unreasonable, persistent or vexatious, as set out in direction 1 the Town Clerk will notify the complainant in writing of the reason

why the complaint has been classed as unreasonable, persistent or vexatious and of the actions to be taken, these could include (singularly or in combination, depending on the individual circumstances);

1. Send a letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
2. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by e-mail or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this person.
3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint and there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, because they have been classed as an unreasonable, persistent or vexatious and the Council does not intend to engage in further correspondence relating to the complaint.
4. Inform the complainant that in extreme circumstances the Council will seek legal advice and if appropriate commence court proceeding for an injunction.
5. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered as unreasonable, persistent or vexatious, while seeking advice or guidance from its solicitor or other relevant agency, such as the Local Government Ombudsman.

## Agenda No 9 Action List

No	Date of Meeting	Agenda item/Topic / Minute No	Resolution	Financial implications	To be actioned by	Priority	Remarks
1	27/02/2020	Lease for the container at Knightswood Minute 202(v)	That the Town Council accepts the end date of the lease for the container at Knightswood as 31 March 2022 and then reviews.	Nil	TC	Medium	MDDC informed Notice of Sections Not to Apply to Tenancy received from MDDC and forwarded to Tozers
2	12/03/2020	Sale of former BT phone Kiosk Minute 212	That the Council sell its Ex-BT phone kiosk to the London Fine Antiques Centre for the sum of £300.00 and these sale proceeds are to be used (in whole or in part) for a community event, project or facility within Cullompton.		DTC		BT asked to ensure that all service connections have been disconnected 17.03.20 BT confirmed services still connected, awaiting them to disconnect 12-16 weeks H2 10.08.20 confirmation received that power has been disconnected Agreement drafted by CTC Staff now to be forwarded to Tozers for checking
3	21/04/2020	Emergency Fund - virements	£2,000 is taken from the 2019/20 Tourism and Youth Services surpluses and transferred to an emergency COVID-19 response fund in addition to £1,500 contained in the Community Wellbeing budget line.	Nil	TC		
4	14/05/2020	Motions regarding Code of Conduct	(i) That Cullompton Town Council create a new code of conduct policy which states clearly whether or not the Town Council will support a Councillor in Code of Conduct complaints and in what circumstances it would not support a Councillor in a Code of Conduct complaint (ii) That Cullompton Town Council create mechanism(s), either using existing insurance or legal support arrangements or some other means to ensure all Cullompton Town Councillors have access to legal support including for Code of Conduct allegations (iii) Prepare paper for Councillors about code of Conduct complaints, investigations and D15 sanctions		TC		

Please Note:

1: information updated or added since the last report will be in bold, red text

2: Actions Completed / Decisions Implemented will be greyed out and removed from the next report

## Agenda No 9 Action List

5	11/06/2020	Queen's Birthday Honours	Write nominations		TC		Nomination submissions have been drafted
6	23/07/2020	chromebooks for Cullompton Community College	(i) Pay for 10 chromebooks (ii) write to both neighbouring parishes asking them to consider making a similar donation and to our District and County Councillors to ask how they may be able to support the initiative.		TC		Community College contacted re purchase of 10 Chromebooks; invoice awaited from college supplier (chromebooks ordered and invoice arrangements being administered by CCC) Invoice not rec'd CCC infomed by email on several occassions <b>There is a delay with teh chromebooks being supplied to CCC</b>
7	27/08/2020	Councillor resignations	Letter to be written to Coucnillors who have resigned		TC / Mayor		<b>Letters drafted and sent to Mayor for signature</b>
8	27/08/2020	Committee Documents	- Cllr Buzckowski's proposals (i) inform staff of changes required to future agendas ands minutes (ii) update meetings protocol guidance (iii) Change Zoom settings to enable recording (iv) set up account with sound cloud and link to CTC website (v) transfer all audio and video recordings of meetings held by CTC to sound cloud account		TC		(i) staff informed of changes to committee documents (ii) Zoom settings changed 03.09.20 Sound cloud account set -up recordings are being transferred committee by committee with links from the Town Council website
9	27/08/2020	Station Road Toilets	Inform developer of Council response		TC		Developer informed by phone (letter also to be sent)
10	24/09/2020	Councillor Contact details	Compose form and circulate to all councillors for completion		TC		
11	24/09/2020	Parking Restrictions New Street	Devon County Council to research alternative solutions to double yellow lines such as access through Shortlands Lane to New Street from Tiverton Road.		TC		<b>Email sent to DCC advising of CTC Resolution</b>

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2: Actions Completed / Decions Implemented will be greyed out and removed from the next report

## Agenda No 9 Action List

12	10/11/2020	Committee Terms of Reference	Update the Committee terms of Reference for Town centre & Economic Development Committee to reflect that that the weekly market and the Farmers Market each have a representative on the Town Centre and Economic Development Committee and that those representatives may participate in a meeting as a Committee member but do not have any voting rights (as the Committee has delegated authority to deal with some financial matters)”		TC		
13	10/11/2020	Grants	make grant payment of £300.00 to Culm Valley Car Scheme		TC		
14	10/11/2020	Complaints	Add complaints definitions and courses of action to policies list & website		TC		
15	10/11/2020	Town Team Report	(i) re-send to Councillors (ii) publish report with Council papers on website		TC		Report emailed to Councillors
16	10/11/2020	Monitoring Officers Report	(i) Issue any existing NALC Guidance to Cllrs plu a briefing note covering recommendatiosn 1-3 of report (ii) Research policy as described by MO for meeting norification		TC		
17	10/11/2020	19 High Street	Submit Revised bid to MDDC		TC		Letter containg revised bid emailed to MDDC 12.11.2020

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**Annual Meeting of the Town Council 26 November 2020**  
**Supporting Paper D**

**Agenda No 10,**  
**Recommendations From The Policy, Finance and Personnel Committee**

1. The Policy Finance and Personnel Committee meeting on 19 October 2020 made the following resolution:  
**RESOLVED to recommend to Council that the following statement be added to the Councillor's Declaration of Acceptance of Office "I undertake to attend any training as required"**  
This recommendation was as a result of discussion on the suggestion from the Audit Sub-Committee (when they were reviewing the Business Procedures Risk Register) that councillors should be required to undertake basic training relevant to the committees on which they sit e.g. councillors in the planning committee should undertake planning training

2. The Policy Finance and Personnel Committee meeting on 12 November 2020 made the following resolution:  
**RESOLVED to recommend to Council that a grant of £250.00 is made to Cullompton Rangers Youth Football Club for the purchase for winter wear and training tops for the u14 girls and u16boys and an away kit for the ladies team.**

The total estimated cost of the equipment /kit the club wish to purchase is £1,634.

3. The Policy Finance and Personnel Committee meeting on 12 November 2020 considered the recommendation of the Policy Review Working Group and made the following resolution:  
**RESOLVED to recommend to Council that the Alcohol and Drug Policy, Rules and Procedures be approved and implemented [as attached]**



**Annual Meeting of the Town Council 26 November 2020**  
**Supporting Paper D**

**Alcohol and Drugs Policy, Rules and Procedures**

**Policy Statement**

At all times whilst on Town Council premises, or whilst on Town Council business employees, volunteers, contractors and councillors must be free from the influence of alcohol or drugs (other than those prescribed by their doctor or “over the counter” medication for short term use e.g. headache pain relief).

**Background Information**

**Introduction**

This policy covers all employees, councillors, volunteers and contractors and sets out the Town Council’s approach to the management of situations involving the inappropriate or excessive use and addiction to alcohol or drugs that may put employees, councillors, volunteers or others at risk. It includes the use of prescription and over the counter medication that may have an impact on person’s ability to carry out their work.

The aim of this policy is to ensure the safety of all employees, volunteers, councillors, contractors and visitors by having clear rules in place regarding the use and possession of alcohol and drugs, and to support those employees, volunteers and councillors who have reported a problem with alcohol or drug dependence.

This Policy is complementary to the Town Council’s Health and Safety Policy.

**The Legal Framework**

- **Health and Safety at Work Act 1974 - section 2** - places a duty on an employer to ensure, as far as is reasonably practicable, the health, safety and welfare at work of their employees. Employees also have a personal responsibility to take reasonable care of themselves and others.
- **Management of Health and Safety at Work Regulations 1999** places a duty on an employer to assess the risks to the health and safety of employees. This means an employer can be prosecuted if they knowingly allow an employee to continue working while under the influence of alcohol or drugs and their behaviour places the employee themselves or others at risk.
- **Misuse of Drugs Act 1971** - makes it an offence for someone to knowingly permit the production, supply or use of controlled drugs on their premises except in specified circumstances (for example drugs prescribed by a doctor)
- **Road Traffic Act 1988** - states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence.

**Policy Principles**

- Everyone covered by this Policy and its rules will be treated consistently and fairly
- The rules on alcohol and drugs will be strictly enforced
- Employees who admit to having a problem with alcohol or drugs shall be fully supported by their line manager
- Employees with an illness related to alcohol or drugs are encouraged to disclose this at the earliest opportunity to ensure support

## Annual Meeting of the Town Council 26 November 2020

### Supporting Paper D

- All matters concerning alcohol and drugs shall be treated as confidential
- The rules laid out in this policy apply to all employees, volunteers, councillors and contractors
- Employee misconduct in relation to alcohol and drugs (including being under the influence of alcohol or drugs whilst at work) will be dealt with in accordance with the Town Council's Disciplinary Policy
- An employee's poor performance (including attendance or a long-term alcohol / drugs related illness) as a result of alcohol or drug use will be dealt with in accordance with the appropriate Town Council procedure (e.g. capability, absence management)

#### **Rules and Procedures**

1. An employee, volunteer, contractor or Councillor, who, when reporting for duty is or appears to be under the influence of alcohol or illegal drugs or medication which impairs their ability to undertake their role, will be asked to go home and will be escorted from the premises immediately.

The decision of the Town Clerk or Deputy Clerk or Maintenance Supervisor regarding the fitness for work of employees, volunteers or contractors is final.

In the case of Councillors it will be the Town Clerk (or in their absence the Deputy Clerk) in consultation with the Mayor or Deputy Mayor or if it is at a Committee meeting the Committee Chair or Vice-Chair.

2. Employees, volunteers, contractors and Councillors are not permitted to be in possession of alcohol or illegal drugs on Town Council premises whilst on Town Council business other than for arranging or attending civic functions.
3. Intoxication at work either as a result of alcohol or illegal drugs will normally be treated as gross misconduct and result in disciplinary action.
4. Whilst on Town Council premises or whilst on Town Council business employees, volunteers, contractors and Councillors shall not supply others with illegal drugs or alcohol (with the exception of Civic functions where alcohol may be provided).
5. Whilst on Town Council premises or whilst on Town Council business employees, volunteers, contractors and Councillors shall not consume alcohol (with the exception of Civic functions where alcohol may be provided) illegal drugs or abuse any substance.

In addition, employees, volunteers, contractors and Councillors must

- Ensure they are aware of the side effects of any prescription or over the counter medication they are taking, and
- Inform their line manager or, in the case of a Councillor The Mayor or the Town Clerk, of any side effects which may affect work performance or the health and safety of themselves or others e.g. drowsiness.

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### **Supporting Paper D**

Contravention of any of the above rules by an employee will be treated as gross misconduct and disciplinary action will be taken; in the case of volunteers or contractors their services will be terminated immediately.

Possession of or dealing in illegal drugs on Town Council premises will, without exception, be reported to the Police and, if children or vulnerable adults may be impacted social services will also be informed.

#### **Employees, Volunteers and Councillor Responsibilities**

- Everyone is responsible for ensuring their own fitness to carry out their duties when they start work and throughout the working period.
- Anyone taking prescribed medication or over the counter medication that could impact upon their ability to undertake their role should inform their line manager or, in the case of a Councillor, The Mayor or the Town Clerk,
- Anyone who has a drug or alcohol problem should discuss the matter with their line manager or the Town Clerk or, in the case of a Councillor, The Mayor
- No one should “cover-up” for a colleague. Anyone believing a colleague may have an alcohol or drug misuse problem or is affected by other medication must tell their own line manager.

#### **Management Responsibilities**

- Line managers are responsible for monitoring the performance, health and well-being and conduct of their teams whilst they are at work. Changes in an employee’s behaviour or performance that may be as a result of substance abuse must be monitored and managed in accordance with this policy.

#### **Help and Support**

Any employee who seeks the assistance of the Town Council in finding treatment for a drugs or alcohol problem has the Town Council’s assurance that information will only be shared as agreed by the employee, their manager and the Town Clerk. All information will be handled sensitively and only used for its proper purpose and in line with the Data Protection Act 1998

The Town Council will endeavour to ensure that help and advice are made available to any employee, volunteer or Councillor who feels that they have a problem with alcohol or drug misuse. In the first instance, individuals will be encouraged to seek help from their General Practitioner.

It may be necessary for an employee to be absent from work or undertake restricted duties to ensure their own safety and that of others. Such absences will be treated in accordance with the Town Council’s usual rules for sickness absence.

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### **Supporting Paper D**

The Town Council will allow time off (normally unpaid) for employees to obtain treatment or attend support groups.

#### **Policy Review**

This policy will be reviewed every 3 years unless legislation necessitates an earlier review.

#### **Useful contacts / sources of Information:**

Alcoholics Anonymous

<https://www.alcoholics-anonymous.org.uk/>

Advice and Counselling On Alcohol And Drugs

<http://www.acad.org.uk/>

FRANK

Friendly, confidential drugs advice

<http://www.talktofrank.com/>

**Background Documents:** ACAS Advisory Booklet "Health, work and well-being"

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## Supporting Paper E

### Agenda No 11, Appointment of Committees

#### CULLOMPTON TOWN COUNCIL COMMITTEE MEMBERSHIP LIST (Revised 5 November 2020)

**NOTE:** The Town Council's Scheme of Delegation / Terms of Reference state that Committees will comprise a maximum of seven members of the Council plus the Town Mayor and Deputy Town Mayor who are ex-officio members of all committees

Cemetery and Town Hall Committee	Eileen Andrews James Buczkowski Robert Dietrich Kate Haslett (ex-officio) Janet Johns (Vice-Chair) Lloyd Knight (ex-officio) <b>Michelle Rowe (Chair)</b>
Community Wellbeing Committee	Eileen Andrews James Buczkowski Gordon Guest <b>Janet Johns (Chair)</b> Kate Haslett (ex-officio) Lloyd Knight (ex-officio) Michelle Rowe
Planning & Licensing Committee	Eileen Andrews <b>Gordon Guest (Chair)</b> Kate Haslett (ex-officio) (Vice-Chair) Janet Johns Martin Smith Lloyd Knight (ex-officio) Justin Lochhead Michelle Rowe
Policy, Finance and Personnel Committee	Eileen Andrews <b>James Buczkowski (Chair)</b> Matthew Dale Gordon Guest Kate Haslett (ex-officio) Lloyd Knight (ex-officio) Justin Lochhead Michelle Rowe (Vice-Chair)
Town Centre and Economic Development	James Buczkowski Matthew Dale Kate Haslett (ex-officio) Janet Johns Lloyd Knight (ex-officio) Justin Lochhead <b>Martin Smith (Chair)</b>
No 19 High Street Development Committee	Eileen Andrews James Buczkowski Kate Haslett (ex officio)

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	Janet Johns Lloyd Knight (ex Officio) Justin Lockhead <b>Michelle Rowe (Chair)</b> Martin Smith
Gift of A Burrow for Allotments Committee	E Andrews J Buzckowski M Dale R Dietrich
Appeals Sub-Committee	Kate Haslett Robert Dietrich Martin Smith

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**Supporting Paper F**

**Agenda No 16, Appointment of Representatives on Outside Bodies**

<b>Organisation</b>	<b>Current Town Council Representative(s)</b>
Allotment Association	James Buczkowski
Cullompton Community Association	Lloyd Knight
Cullompton Doing What Matters (DCC Initiative)	Martin Smith
Cullompton Pub-Watch Scheme	Inactive
Cullompton Swimming Pool Campaign	Gordon Guest & 1 vacancy
Cullompton Town Centre Regeneration Partnership	
Cullompton Town Team ( <b>Two representatives</b> )	Martin Smith Janet Johns
Cullompton United Charities	Eileen Andrews Also: Iain Emmett Pauline Hammett Richard Stephenson Anthony Nderitu
Culm Garden Village Delivery Board	Gordon Guest
Culm Garden Village Member Forum	Gordon Guest Kate Haslett
Culm Garden Village Stakeholder Forum	Planning Committee members and Town Clerk
Cullompton Town Centre Regeneration Partnership	James Buczkowski Matthew Dale
Culm Valley in Business	Martin Smith
Culm Valley Dementia Alliance	Janet Johns Lloyd Knight
Devon & Somerset Metro Group	Martin Smith
Larger Local Councils	Lloyd Knight & Deputy Town Clerk
Heritage Action Zone Steering Group	Janet Johns
Traffic & Environment Working Group	Lloyd Knight
Tree Protection Officer	Martin Smith
Voluntary Car Scheme	Eileen Andrews

**Agenda No 17, Delegated Decision Making**

1. The following decision is reported for information

<b>No</b>	<b>Topic</b>	<b>Decision</b>	<b>Councillors Consulted</b>
1	Cemetery Rateable Value	Agreed to the proposed change to the rating list as set out in the agreement offer dated 26 October 2020 i.e. that the rateable value is changed from £18,250 to £6,900 with effect from 1 April 2017. (delegation from Policy, Finance & personnel Committee 13 August 2020 That authority is delegated to the Town Clerk following consultation with the Mayor and Chair of the Policy, Finance and Personnel Committee to accept or reject the rateable value as suggested by the Valuation Office Agency dated 4 August 2020, <i>Note: the initial offer was rejected and further information provided which resulted in an improved offer</i> )	Cllrs Knight, and Buzckowski,



