

**A REPORT OF THE TOWN CLERK TO
A MEETING OF THE POLICY AND RESOURCES COMMITTEE
MALVERN TOWN COUNCIL
to be held on Wednesday 11 December 2019
in the Council Chamber, Belle Vue Terrace, Malvern, at 6.00 pm**

EXPENDITURE ON BOILER AT GREAT MALVERN CEMETERY

1. Purpose of Report

1.1. For noting.

2. Recommendation

2.1. Committee is asked to note the emergency expenditure required to replace the gas boiler at Great Malvern Cemetery. These funds will be taken from the Council's contingency budget for 2019/20.

3. Background

3.1. The gas boiler at Great Malvern cemetery lodge was installed in 2005 and has worked well until recent months when a number of issues have arisen including a broken timer clock, issues with the flue and concerns over efficiency.

3.2. Officers agreed to the fitting of a new timer clock in order to keep the heating systems and this has now been done. They have now been advised that due to the age of the boiler finding a new flue may be impossible, will certainly be costly and that with other parts no longer being available, the boiler may be reaching the end of its useful life.

3.3. As a result, the decision has been taken to purchase a replacement boiler in order to continue heating the cemetery lodge which is the base of the Town Council's operational team

3.4. The Operations Manager is currently obtaining a number of quotes with the aim of replacing the boiler in the next few weeks.

4. Financial Implications

4.1. The cost of the new boiler is likely to be approximately £2,000.

4.2. This emergency expenditure will be taken from the annual contingency budget of £10,000, of which only £2,700 has already been allocated for the year.

5. Legal Implications

5.1. An installer needs to be Gas Safe Registered in order to fit a new boiler.

5.2. Malvern Town Council also owes a duty of care to its employees and provision of a warm rest room for breaks is a big part of this.

End

Linda Blake
Town Clerk

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**REVIEW OF LONG TERM OBJECTIVES AND
UPDATES AS NECESSARY**

1. Purpose of Report

1.1. For decision.

2. Recommendation

2.1. Policy and Resources committee is asked to review the Council's current long-term aims and objectives (as attached at Appendix A to this report) and make any changes and updates as necessary.

2.2. Committee may also wish to review and document the progress made against existing aims and objectives which were approved by Council in February 2019.

3. Background

3.1. Each year, the Council reviews and agrees a set of long-term and short-term objectives which are then risk-assessed as part of the Council's annual internal audit procedure.

3.2. In January 2019, the Aims and Objectives task and finish group reviewed the overall aims and objectives and decided that they should be re-branded as long-term Aims and Objectives to cover a longer period of time.

3.3. It was also agreed that committee should review progress against these objectives, as well as to set target dates where relevant.

4. Financial Implications

4.1. None pertaining to this report.

5. Legal Implications

5.1. None pertaining to this report.

End

Linda Blake
Town Clerk

MALVERN TOWN COUNCIL
LONG-TERM AIMS AND OBJECTIVES
Reviewed on 29 January 2019

1. Performance of Statutory Powers and Duties

The Town Council will:

- a) maintain and aim to improve, year on year, the delivery of Town Council services.
- b) commit to the Malvern council tax payer to provide efficient, effective and best value services for Malvern.
- c) consider the value of working with other groups and agencies when determining the future roles and responsibilities of the Town Council within the Malvern area.
- d) regularly review and monitor all policies and procedures that affect the Town Council.

2. Improvement of Operational Standards

The Town Council will:

- a) ensure all Council-owned and leased land and property is maintained to the highest possible standard.
- b) ensure the Council maintains its visible presence to the highest possible standard.
- c) when appropriate, negotiate with relevant local authorities regarding potential transfer of assets, services and accompanying funding.
- d) ensure, where possible, that the management of public parks, public realms and open spaces in Malvern remains in public ownership and is managed to the highest possible standard.
- e) lobby for the improvement of publicly-owned areas.

3. Promotion of Malvern and its Events

The Town Council:

- a) will ensure that its role and achievements in Malvern are well promoted by employing the full range of promotional media.
- b) should raise the profile of Malvern by the development of new events (both Town Council managed and in Partnership) and support and enhance the annual events calendar.
- c) should be a democratic voice for the people of Malvern to address important issues as and when they arise.

4. Consideration of Planning and Development Matters

The Town Council:

- a) should continue to assume a greater role in planning matters and consider and comment on both minor and major planning applications.
- b) should make relevant representations at all stages of the planning process, especially at local planning authority meetings.
- c) should implement and review the Neighbourhood Plan as well as look at possible actions for issues raised as part of the Neighbourhood Plan consultation which could not be included as they were non land-based.
- d) will review developments in the South Worcestershire Development Plan Review (SWDPR) and supporting documents and respond as appropriate.
- e) should continue to contribute towards, and where appropriate engage and comment on, the evolving Local Transport Plan, through Worcestershire County Council.
- f) should utilise important contributions from residents as part of the Neighbourhood Plan and work with partner organisations to develop a local transport plan.

5. Training and Accessibility

The Town Council will:

- a) seek to improve its accessibility and responsiveness to the public, as far as is reasonably practicable.
- b) provide an induction session for new Councillors and deliver an ongoing programme of training – specifically in financial and planning matters - for all Councillors to attend and to keep up to date with any changes in the law and to ensure good working practices are followed.
- c) provide continuing development of Town Council staff through a reasonable programme of training to ensure good working practices are followed.
- d) deliver an ongoing commitment to ensure the welfare of staff.

6. Efficient Working Practices

The Town Council will:

- a) investigate ways in which technology can be used to produce efficient working practice within the authority.
- b) improve its digital presence through its website and social media.
- c) improve the productivity of Council meetings by focusing on matters of importance to Malvern rather than on procedural issues.
- d) develop the practice of thinking strategically before a decision is taken and apply best practice to policies whilst preserving the Council's role as a service provider.

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REVIEW OF FREEDOM OF INFORMATION POLICY

1. Purpose of Report

- 1.1. For committee discussion and decision.

2. Recommendation

- 2.1. Committee should review the current policy in place, attached at Appendix A, and consider any need for changes, amendments or any additional sections required.

3. Background

- 3.1. The implementation of the Freedom of Information Act 2000 (FOI Act) was phased in, with the duty on public authorities to adopt publication schemes being introduced first, followed by the individual right to access provisions which came into force on 1 January 2005.
- 3.2. From 1 January 2009, Town and Parish Councils were required to adopt a new model publication scheme which the Information Commissioner produced for use by all public authorities. The model commits a public authority to 'produce and publish the method by which the specific information will be available so that it can be easily identified and accessed by members of the public.'
- 3.3. Malvern Town Council last updated its Freedom of Information Policy and Publication Scheme in 2011. At the Annual Council Meeting held on 22 May 2019, Council agreed that Policy and Resources Committee should be delegated to review the Council's policy with regard to Freedom of Information.
- 3.4. In particular, committee may wish to review the way in which information can be obtained, to take into account the increased use of the new website and email.

4. Financial Implications

- 4.1. None.

5. Legal Implications

- 5.1. The Council has a legal obligation to comply with the Freedom of Information Act 2000 and the Data Protection Act 1998.

End

Linda Blake
Town Clerk

MALVERN TOWN COUNCIL FREEDOM OF INFORMATION ACT AND MODEL PUBLICATION SCHEME

The implementation of the Freedom of Information Act 2000 (FOI Act) was phased in, with the duty on public authorities to adopt publication schemes being introduced first, followed by the individual right to access provisions which came into force on 1 January 2005.

From 1 January 2009, Malvern Town Council was required to adopt a new model publication scheme which the Information Commissioner produced for all public authorities. This publication scheme must be supported by a guide to the specific information that the authority holds and commits Malvern Town Council as an authority to make this specific information available to the public as part of its normal activities.

The information which needs to be covered is included in the classes of information listed below and is detailed in the attached Appendix.

1. **Classes of Information**

➤ **Class 1**

Who we are and what we do

Organisation information, location and contacts, constitutional and legal governance.

➤ **Class 2**

What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

➤ **Class 3**

What our priorities are and how we are doing

Strategy and performance information, plans, assessments, inspections and reviews.

➤ **Class 4**

How we make decisions

Policy proposals and decisions, decision making processes, internal criteria and procedures, consultations.

➤ **Class 5**

Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

➤ **Class 6**

Lists and registers

Information held in registers required by law and other lists and registers relating to the functions of the Town Council

➤ **Class 7**

The services we offer

Advice and guidance, booklets and leaflets, transactions and media release, a description of the services offered.

The Classes of Information will not generally include:

- Information, the disclosure of which is prevented by law or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure
- Information in draft form
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

2. How is Information Available?

The Publication Scheme indicates clearly what information is covered by the scheme and how it can be obtained. Information will be provided on Malvern Town Council's website as far as is reasonably practical or otherwise will be made available in hard copy.

3. Charges

The Publication Scheme is intended to provide the maximum amount of information at minimum cost to the public. Charges are stated within the publications document and will be the actual costs for disbursements such as photocopying and postage.

4. Other Information Requests

Information held by a public authority that is not covered by the Publication Scheme can be requested in writing, when its provision will be considered in accordance with the Freedom of Information Act.

5. Making a Freedom of Information Request

If you want to make a request for some information under the Freedom of Information Act, then your request:

- i. Should be in writing
- ii. Should contain your name and address

- iii. Should contain sufficient information to allow us to locate the information that you want
- iv. Should be legible

Once a request is received, the Council has 20 working days to:

- v. Confirm whether we hold the information requested
- vi. Advise whether you need to pay a fee for the information
- vii. Advise who holds the information if we do not have it (If the information that you request is held by another public authority, then your request may be transferred to the correct body with your agreement).

All requests will be recorded by the Town Council and will be handled in accordance with The Freedom of Information Act 2000 and the Data Protection Act 1998.

There are a number of exemptions to the Freedom of Information Act in law. The Council may need to consider whether the information requested should be released or whether it is exempt. If the information requested is exempt then the Council has the right to refuse the request and under these circumstances will communicate the reasons for refusal.

Applicants who are not satisfied with the information provided have the right to complain to the Town Council. If the issue is still not resolved satisfactorily, then they can take their complaint to the Information Commissioner.

To make a request please apply either by email to townclerk@malvern-tc.org.uk or by post to Malvern Town Council, 28-30 Belle Vue Terrace, Malvern. WR14 4PZ.

October 2015

**AGENDA ITEM 7
APPENDIX A**

<u>Information to be published</u>	<u>How the information can be obtained</u>	<u>Cost</u>
Class 1 - Who we are and what we do (Organisational information, structures, locations and contacts)		
Who's Who - The Parish Council and its Committees	Website	Free
	Hard copy	0.5p per sheet
Contact details for Town Clerk and Council members (named contacts where possible with telephone number and email address (if used))	Website	Free
	Hard copy	0.5p per sheet
Location of Main Council Office and accessibility details	Pdf document via email	Free
	Hard copy	
Staffing Structure	Website	Free
	Pdf document via email	Free
	Hard copy	0.5p per sheet
Class 2 - What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit) <i>Current and previous financial year as a minimum</i>		
Annual Return Form and Report by External Auditor	Website	Free
	Hard copy	0.5p per sheet

**AGENDA ITEM 7
APPENDIX A**

<u>Information to be published</u>	<u>How the information can be obtained</u>	<u>Cost</u>
Finalised budget	Hard copy	0.5p per sheet
	Available on website as part of Policy and Resources Committee reports	Free
Precept	Website	Free
	Hard copy	0.5p per sheet
Borrowing Approval letter	Not applicable	
Financial Regulations	Website	Free
	Hard copy	0.5p per sheet
Grants given and received	Website	Free
	Hard copy	0.5p per sheet
List of Current Contracts Awarded and Value of Contract	Hard copy	0.5p per sheet
Members allowances and expenses (including travel)	Hard copy	0.5p per sheet
Class 3 - What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews)		
Town Council Aims and Objectives	Pdf document via email	Free

**AGENDA ITEM 7
APPENDIX A**

<u>Information to be published</u>	<u>How the information can be obtained</u>	<u>Cost</u>
	Hard copy	0.5p per sheet
Minutes of the Annual Town Meeting	Website	Free
	Pdf document via email	Free
	Hard copy	0.5p per sheet
Class 4 - How we make decisions (Decision making processes and records of decision) <i>Current and previous council year as a minimum</i>		
Timetable of meetings (Council, any committee/sub-committee meetings)	Website	Free
	Pdf document via email	Free
	Hard copy	0.5p per sheet
Agendas of meetings (as above)	Website (except working parties)	Free
	Parish Notice Boards (except working parties)	Free
	Pdf document via email	Free
	Hard copy	0.5p per sheet

**AGENDA ITEM 7
APPENDIX A**

<u>Information to be published</u>	<u>How the information can be obtained</u>	<u>Cost</u>
Minutes of meetings (as above) - This will exclude information that is properly regarded as being excluded from the Press and Public	Website (except working parties)	Free
	Pdf document via email	Free
	Hard copy	0.5p per sheet
Reports presented to Council meetings - this will exclude information that is properly regarded as being excluded from the Press and Public and will be available after each meeting	Website (except working parties)	Free
	Hard copy	0.5p per sheet
Responses to Consultation Papers	Hard copy	0.5p per sheet
	Available on website as included in the minutes of Operations and Planning Committee and Full Council	Free
Responses to Planning Applications	Hard copy	Free
	Available on website as included in the minutes of Operations and Planning Committee and Full Council	0.5p per sheet

**AGENDA ITEM 7
APPENDIX A**

<u>Information to be published</u>	<u>How the information can be obtained</u>	<u>Cost</u>
Bye-Laws	Hard copy	0.5p per sheet
Class 5 - Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) <i>Current Information only</i>		
Policies and procedures for the conduct of council business:		
Standing orders	Website	Free
	Hard copy	0.5p per sheet
Committee and Sub-Committee Terms of Reference	Hard copy	0.5p per sheet
Anti-Fraud and Corruption Policy	Website	Free
	Hard copy	0.5p per sheet
Delegated Authority in Respect of Officers	Hard copy	0.5p per sheet
Planning Policy	Website	Free
	Hard copy	0.5p per sheet
Code of Conduct for Members	Website	Free
	Hard copy	0.5p per sheet
Policy Statements	Website	Free

**AGENDA ITEM 7
APPENDIX A**

<u>Information to be published</u>	<u>How the information can be obtained</u>	<u>Cost</u>
	Hard copy	0.5p per sheet
Press Policy	Hard copy	0.5p per sheet
Policies and procedures for the provision of services and about the employment of staff:		
Bullying and Harassment Policy	Website	Free
	Hard copy	0.5p per sheet
Complaints Procedure	Website	Free
	Hard copy	0.5p per sheet
Equal Opportunities Policy Statement	Website	Free
	Hard copy	0.5p per sheet
Football Pitch Policy	Website	Free
	Hard copy	0.5p per sheet
Freedom of Information Policy	Website	Free
	Hard copy	0.5p per sheet
Health and Safety Policy	Website	Free

**AGENDA ITEM 7
APPENDIX A**

<u>Information to be published</u>	<u>How the information can be obtained</u>	<u>Cost</u>
	Hard copy	0.5p per sheet
Council Environmental Policy	Website	Free
	Hard copy	0.5p per sheet
Recruitment Policies (including current vacancies)	Hard copy	0.5p per sheet
Policies and procedures for handling requests for information	Hard copy from the Clerk	10p per sheet
	PDF document emailed from the Clerk	Free
Other Policies		
Risk Assessments	Hard copy	0.5p per sheet
Schedule of charges (for the publication of information)	Hard copy	0.5p per sheet
Records Management policies (records retention, destruction and archive)	To be completed	
Class 6 - Lists and Registers <i>Currently maintained lists and registers only</i>		
Assets Register	Website	Free
	Pdf document via email	Free
	Hard copy	0.5p per sheet

**AGENDA ITEM 7
APPENDIX A**

<u>Information to be published</u>	<u>How the information can be obtained</u>	<u>Cost</u>
Disclosure log (indicating the information that has been provided in response to requests;	Upon inspection by appointment	None
Members Declaration of acceptance of Office	Hard copy	0.5p per sheet
Register of members interests	Website MTC / MHDC	Free
	Hard copy	0.5p per sheet
Register of gifts and hospitality	Hard copy	0.5p per sheet
Class 7 - The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and the businesses) <i>Current information only</i>		
Allotments	Website	Free
	Hard copy	0.5p per sheet
Great Malvern Cemetery	Website	Free
	Hard copy	0.5p per sheet
Parks, playing fields and recreational facilities	Website	Free
	Hard copy	0.5p per sheet
Seating, Litter Bins, Clocks, Memorial and Lighting	Website	Free

**AGENDA ITEM 7
APPENDIX A**

<u>Information to be published</u>	<u>How the information can be obtained</u>	<u>Cost</u>
	Hard copy	0.5p per sheet
Gas Lamps	Website	Free
	Hard copy	0.5p per sheet
Bus shelters	Website	Free
	Hard copy	0.5p per sheet
Other Green Open Spaces	Website	Free
	Hard copy	0.5p per sheet
A Summary of Town Council Charges	Website	Free
	Pdf document via email	Free
	Hard copy	0.5p per sheet
Newsletter	Website	Free
	Hard copy	0.5p per sheet
Additional Information		
Any information that is not itemised will be published here		

**AGENDA ITEM 7
APPENDIX A**

<u>Information to be published</u>	<u>How the information can be obtained</u>	<u>Cost</u>
<u>Schedule of Charges</u> - The following charges apply for requests under the Freedom of Information Act		
Type of charge	Disbursement cost	Basis of charge
	Photocopying @ 0.5p per sheet (black & white)	Actual cost*
	Photocopying @ 5p per sheet (colour)	Actual cost*
	Postage, Royal Mail standard 2nd class	Actual cost*
*the actual cost incurred by the public authority		
Contact details: Malvern Town Council , email: townclerk@malvern-tc.org.uk, telephone: 01684 566667		

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REVIEW OF DATA PROTECTION POLICY

1. Purpose of Report

- 1.1. For committee discussion and decision.

2. Recommendation

- 2.1. Committee should review the Council's current Data Protection Policy and consider the need for any changes, amendments or additional sections as necessary.

3. Background

- 3.1. At the Annual Council meeting held in May 2019, the review of the Council's Data Protection Policy was delegated to Policy and Resources Committee.
- 3.2. The Data Protection Policy was last fully reviewed in October 2017, with a brief review in April 2018 ahead of the new GDPR taking effect in May 2018.
- 3.3. The current policy is attached at Appendix A to this report.
- 3.4. Councillors should note that the Council also has a Data Retention and Storage Policy which is linked to this.

4. Financial Implications

- 4.1. None pertaining to this report.

5. Legal Implications

- 5.1. The Town Council must be compliant with the General Data Protection Regulations which came into force on 25 May 2018.

End

Linda Blake
Town Clerk

MALVERN TOWN COUNCIL DATA PROTECTION ACT

1. Personal information - your right to know

- 1.1. This document explains how Malvern Town Council is complying with the requirements of the Data Protection Act 1998.

2. Introduction

- 2.1. The information in this document tells you how you can obtain details of personal information we hold about you. We have tried to make the document as clear as possible but, if there is anything you do not understand or would like explained, please call or write to the Town Clerk. The contact details are at the end of this document. If we are unable to answer your query about the Act and your rights, we will find the answer as quickly as possible and get back to you.

3. What is the Data Protection Act 1998?

- 3.1. It is designed to protect an individual's personal information, no matter how it is processed, what it is processed for or who processes it. It sets rules and conditions which any person or organisation who handles personal data must comply with when obtaining and using information about you.

4. What is personal data?

- 4.1. It is information about a living individual from which that person can be identified. That information can be in a variety of formats. For example it might be on a computer, in a paper filing system or in more unusual formats such as CCTV footage.
- 4.2. It includes information such as your name, address, telephone number, email address and date of birth. It is needed so that we can provide you with the services you require and so that we can fulfil our functions as a local authority.

5. Does the authority need my consent to process my personal data?

- 5.1. We require your consent if we are going to process data about you for purposes other than those we are required to provide by law. If we intend to use your personal data for another purpose, we may need your consent.

6. Can I find out what data Malvern Town Council holds about me?

6.1. Yes, you have the right to be:

- told whether we are processing information about you;
- provided with a description of the data, why we are processing it and the sorts of people or organisations we might disclose the information to;
- provided with a copy of the data in an intelligible and permanent form;
- told, if we know, where the information was obtained from.

7. How do I obtain information about me?

7.1. You must write to us, the address for which is at the end of this document, asking to see your records. You will need to provide your name and address, details of the service(s) to which your enquiry relates and any other information that could help us find your information. All requests should be in writing, and the use of email is permitted. You cannot request information verbally.

8. Is there a charge?

8.1. Yes. We charge £10.00, which is the maximum allowed by law, and the information cannot be provided until the fee has been paid. Cheques or postal orders should be made payable to 'Malvern Town Council'. The fee must be sent with your request.

9. How long will it take?

9.1. The law says that we must supply the information within 40 days of receiving sufficient details to enable us to find the information, the £10.00 fee, and satisfactory evidence regarding the identity of the person making the request. Failure to supply any of this may therefore delay the request.

9.2. However, your request will be acknowledged within 7 working days of our receipt of the request.

10. Do I need to provide identification?

10.1. Yes. To ensure that we only supply information to those who are entitled to receive it, we ask that you provide some means of identification. Acceptable forms are a birth certificate or driving licence. Photocopies are permitted unless the information is likely to be of a very sensitive nature, when sight of the original may be requested. Recent correspondence from the Council or utility bills showing your

name and address will also suffice for most enquiries. If original documents have been provided, they will be returned to you as soon as possible. If you make a request by e-mail you will need to provide a form of identification separately. You may prefer to bring the documents in person to Customer Services, where a member of staff can copy them and give them straight back to you.

11. Can I always obtain information about myself?

11.1. Not always. The Act has a number of exemptions. If you make a request and we consider that the information concerned is exempt from any provision of the Act, we will inform you accordingly. If you disagree with our view, you can ask us to reconsider or you can take the matter up with the Information Commissioner who oversees compliance with this legislation. The contact details are at the end of the document.

12. What will I receive?

12.1. You will be given a copy of all the information that we hold about you, or which relates to the specific area of your enquiry. The information will be taken from both our computer systems and manual records. We will also provide a description of the purposes for which the information is being processed.

13. What do I do if the data is incorrect?

13.1. You must write telling us what data is incorrect and ask for it to be corrected. We must tell you what has been done within 21 days of receiving your request. If we do not agree that the information is incorrect you can ask us to note your disagreement within the personal records we hold on you. You can also appeal to the Information Commissioner or the courts if we do not correct the information.

13.2. If you think that you have not been given all of the information you asked for, please contact us first so that we can verify our understanding of your request. If you are still not happy, you can make a formal complaint to the Council or you can appeal to the Information Commissioner.

14. Can I claim compensation?

14.1. If we have broken any of the rules or conditions established by the Act and you have suffered substantial damage or distress you may be able to claim

compensation. You may also be able to claim compensation if the damage or distress was caused by our use of inaccurate data.

- 14.2. Claims are made through the court which will only support these if you can show that the authority had not taken reasonable care to ensure we complied with the Act and in the case of the use of inaccurate data, it is satisfied that you have suffered damage as a result of our use of such data.

15. Can I stop you using my information?

- 15.1. If you think that we have used your personal data to send you promotional literature or event emails which you do not wish to receive, please write to the Council requesting us not to use your details for these purposes. If you think that the use of your personal data could cause you damage or distress, write to us stating your reasons for stopping the processing.

Contact Details

Malvern Town Council
28-30 Belle Vue Terrace
Malvern
Worcestershire
WR14 4PZ
townclerk@malvern-tc.org.uk
Tel: 01684 566667

Opening hours:

Monday to Thursday 9.00 am to 1.00 pm and 2.00 pm to 5.00 pm
Friday: 8.00 am to 1.00 pm and 2.00 pm to 4.00 pm.

Further information or advice on the Data Protection Act can be obtained from:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113 (local rate)
Tel: 01625 545745 (local rate)
www.ico.org.uk

October 2017

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**REVIEW OF COMMUNICATIONS AND PUBLICITY
POLICY FOR COUNCILLORS**

1. Purpose of Report

- 1.1. For committee discussion and decision.

2. Recommendation

- 2.1. Committee should review the current policy in place and consider the need for changes, amendments or any additional sections required.

3. Background

- 3.1. At the Annual Council meeting held in May 2019 the review of the Council's policy for dealing with the press/media was delegated to Policy and Resources committee.
- 3.2. The Council's policy for Communication and Publicity was completely re-drafted in February/March 2018 when a Task and Finish group was set up to review, moderate and finalise a new policy document. It was further reviewed and updated in March 2019.
- 3.3. The Council's current policy for dealing with the press and media is included within the document "Communications and Publicity – Councillor Guidelines". This is attached at Appendix A to this report.
- 3.4. Committee is now asked to review this document and consider if there are any amendments or revisions required and whether there are any gaps in the policy which require additional sections to be inserted.

4. Financial Implications

- 4.1. None pertaining to this report.

5. Legal Implications

- 5.1. The Council must be mindful of:
- The General Data Protection Regulations
 - The Freedom of Information Act
 - Confidential Business such as Human Resource matters, contracts and legal proceedings

End

Linda Blake
Town Clerk

**MALVERN TOWN COUNCIL COMMUNICATION AND PUBLICITY POLICY
COUNCILLOR GUIDELINES**

1. Introduction

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

2. The Legal Framework

- 2.1. The law governing communications in local authorities can be found in the Local Government Acts 1986 and 1988. The Council must also have regard to the Government's Code of Recommended Practice on Local Authority Publicity.
 - 2.2. The Town Council's Standing Orders (approved and adopted on 10 February 2015) and The Openness of Local Government Bodies Regulations 2014 should be adhered to.
 - 2.3. The Town Council's media relationships must be consistent with the provisions of:
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- The law governing communications set out in the Local Government Acts 1986 and 1988
- The Code of Recommended Practice on Local Authority Practice
- The Code of Conduct for Councillors as adopted by the Council
- The Council's Standing Orders

2.4. When dealing with the media, Councillors should always be aware of the need to comply with data protection requirements and the General Data Protection Regulation (GDPR) as from 25 May 2018 as well as the need to observe confidentiality.

2.5. The Council acknowledges the right of the media to obtain information under the Freedom of Information Act 2000.

3. Meetings of Council and Committees

3.1. In accordance with The Local Government Act 1972 copies of agendas, reports and minutes sent to Members for meetings of the Council or its Committees will be emailed to the media and facilities will be provided at meetings for the media to take notes of the proceedings.

3.2. The public and media shall be admitted to all meetings of the Council and its Committees, which may however temporarily exclude the public or the media or both, by means of the following resolution:

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

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

3.3. These meetings may be reported on by filming, photographing, making an audio recording or otherwise reporting on them e.g. through the use of social media (*please refer to Malvern Town Council's Protocol for Filming or Recording Public Meetings*).

3.4. Councillors must treat anything said in a closed session of a meeting or working party as confidential and should not divulge that information. Councillors should

take care that they do not make any comments that bring themselves or the Town Council into disrepute or make comments that may be defamatory or lead to any other legal action.

- 3.5. Town Council noticeboards will be used for advertising meeting notices.
- 3.6. Social media will be used for advertising meeting notices, events and delivering general public information notices.

4. External Communications and Working with the Media

- 4.1. Councillors must always have due regard for the reputation of the Town Council in all their dealings with the media. It is important to build and develop a relationship with the local press and media, in which communication is a two-way process.
 - 4.2. Councillors must not disclose information that is of a confidential nature. This includes any discussion with the media on any matter which has been discussed under confidential items on Council or Committee agendas or at any other private briefing. If such leaks do occur, an investigation will take place to establish who was responsible, with appropriate action taken.
 - 4.3. In line with the Town Council's adopted Code of Conduct, all Councillors should act with integrity at all times when representing or acting on behalf of Malvern Town Council.
 - 4.4. When speaking or providing written material to the media, Councillors must make clear the capacity in which they are providing the information. For example:
 - i. As Mayor
 - ii. As Chairman of a Committee
 - iii. As a Ward Councillor
 - iv. As an individual Councillor (i.e. letter to press for publication)
 - 4.5. It is accepted that Councillors are able to use the prefix "Councillor" when writing to the press as an individual; however, Councillors must ensure that any communication with the press makes it clear whether they are writing to express their individual view or whether they are speaking on behalf of the Town Council as a whole. A copy of any written material sent to the media by a Member, as representing the Town Council must be forwarded to the Town Clerk.
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- 4.6. When Councillors write to the media in response to a matter in their ward, then they can sign themselves as Councillor xyz representing abc Ward, but they must again ensure that it is clearly stated whether they are expressing their own opinion or that of the Town Council.
 - 4.7. Councillors are advised to take particular care if the media approaches them for comment on a controversial or confidential subject, and should take care not to be led into stating something that they did not really mean to say. If unsure, a simple “no comment” statement should be made and the media should be asked to contact the Town Council offices.
 - 4.8. When a member of the media wishes to discuss an issue that is, or is likely to be, subject to legal proceedings, advice should be taken from the Town Council's solicitor before any response is made.
 - 4.9. There are a number of personal privacy issues which Councillors must handle carefully and sensitively. These include the release of personal information, (although Councillor contact details are in the public domain), and disciplinary procedures and long-term sickness absences that may affect service provision. In all of these, and similar situations, advice must be taken from the Town Clerk before any response is made to the media.
 - 4.10. The Mayor (or Deputy Mayor in the absence of the Mayor) will be authorised to make contact with the media if the issue or query concerned is related to Civic business or Mayoral engagements.
 - 4.11. The individual Chairmen of Council Committees will be authorised to make contact with the media if the issue concerned is related to decisions made by that particular committee. Any responses should be copied to the Town Clerk and Town Council's Press Officer and should reflect the Town Council's opinion.
 - 4.12. The Town Clerk and/or Press Officer will ensure that the appropriate Councillors are involved in any Town Council response with relevant quotes included.
 - 4.13. Unless authorised either by the terms of these guidelines or by the Town Council, Councillors who are asked for comment should make it clear that any opinions given are their own and not those of the Town Council and they should ask that it be clearly reported as their personal view.
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- 4.14. When an immediate response is required to an important and/or potentially contentious issue relating to Town Council business, or an issue on which Town Council Policy has yet to be decided, the Town Clerk will call together the group of Committee Chairmen to discuss, formulate and agree a response on behalf of the Town Council. This may be done in person or by email or conference call.

5. Press Releases

- 5.1. The purpose of a press release is to inform the media and the public. This may include providing important public information, promoting the Town Council, advertising an event, explaining the Town Council's position on a particular issue or raising awareness of the Town Council's policies, services and functions. Press releases can be issued both before and after an event.
- 5.2. The Town Clerk and the Town Council's Press Officer are authorised to receive all communications from the media and to issue press statements on behalf of the Town Council. All communications made by Town Council Officers will relate to the stated business and day-to-day management of the activities or adopted policy of the Town Council.
- 5.3. The Town Clerk and Town Council's Press Officer will review potential press releases regularly to ensure a proactive approach is taken to reporting Town Council business.
- 5.4. It may be appropriate for a press release to be issued on behalf of the Mayor or a Chairman of a Committee and in these circumstances the Town Council's Press Officer will work alongside the appropriate Councillor to ensure that this is achieved.
- 5.5. The following should be considered when reviewing items to be sent to the media:
- i. Agendas being issued and the business stated on them
 - ii. Committee and Council decisions
 - iii. Town Council events
 - iv. Town Council achievements
 - v. Important issues in the Town that may affect the Town Council
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vi. Possible criticism/contentious issues

- 5.6. Press releases and advertisements for events will be sent to local newspapers and made available on social media as appropriate.
- 5.7. Press releases and advertisements for events will also be put on Town Council noticeboards.
- 5.8. The Town Council website will be used to convey information on matters of interest and latest news and will be updated regularly by Officers, under the direction of the Town Clerk or delegated authority of the Town Clerk.
- 5.9. There are occasions when it is appropriate for a letter to be submitted on behalf of the Town Council, for example to explain important policies or to correct factual errors in letters submitted by other correspondents; such letters should be kept brief and balanced in tone. All correspondence must come from the Town Clerk.

6. Social Media

- 6.1. Malvern Town Council acknowledges social media as a useful communication tool. However, clear guidelines are needed for Councillors on the use of social media to ensure it is used effectively as part of a wider communications mix and that its use does not expose the Town Council to security risks, reputational damage or breach of the Data Protection Act.
 - 6.2. For the purposes of this section, the term 'social media' covers sites and applications including, but not restricted to, Facebook, Twitter, Myspace, Flickr, YouTube, LinkedIn, blogs, discussion forums, wikis and any sites which may emerge after the creation of this policy where the Town Council could be represented.
 - 6.3. Councillors should be aware of the following risks identified with social media use (this is not an exhaustive list):
 - Virus or other malware infection from an infected site
 - Disclosure of confidential information
 - Damage to the Town Council's reputation
 - Social engineering attacks (also known as phishing)
 - Bullying or witch-hunting
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- Civil or criminal action relating to breaches of legislation
- Breach of safeguarding through the use of images or personal details leading to the exploitation of vulnerable individuals

- 6.4. Councillors must ensure that they use social media sensibly and responsibly, in line with this guidance.
- 6.5. Councillors should have particular regard to Malvern Town Council's Code of Conduct and ensure that, when online, they treat others with respect and conduct themselves in a manner that will not bring the Town Council into disrepute.
- 6.6. Councillors should take time to think before publishing. Even when a post is deleted it could have been read several times and it could also have already had a screenshot taken and saved as a permanent record.
- 6.7. Consideration should be given by Councillors as to whether there are appropriate privacy settings in place for their social media accounts especially those that they use as personal accounts. Councillors should have separate accounts for Councillor posts and personal ones, and if a Councillor account is set up, a short statement should be posted disclosing their identity as a Councillor.
- 6.8. Councillors should be aware that, by publishing information obtained through their position as Councillor, they will be seen as acting as a representative of Malvern Town Council.
- 6.9. Councillors should be aware of misinterpretation and take care when communicating sarcasm or irony through short online messages as the message may be misinterpreted.
- 6.10. Councillors should avoid being drawn into an online argument with someone clearly trying to provoke or openly criticise, and in such a case should not respond.
- 6.11. Councillors should be aware that sharing someone else's post, e.g. 're-tweeting' on twitter or sharing on Facebook, may be interpreted as the Councillor agreeing, endorsing or supporting its content.
- 6.12. Caution should be taken to avoid anything which could be considered discriminatory against, or bullying or harassment of any individual(s) such as:
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**AGENDA ITEM 9
APPENDIX A**

- i. Making offensive or derogatory comments related to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief, or age
 - ii. Using social media to bully or harass another individual
 - iii. Posting images that are discriminatory or offensive, or providing links to such content
- 6.13. Town Council social media must not be used for party political purposes or specific party political campaigning.
- 6.14. Councillors will be personally responsible for their social media presence. Malvern Town Council does not take any responsibility for social media content on behalf of individual Councillors.
- 6.15. These guidelines do not seek to be either prescriptive or comprehensive but set out to provide guidance on how to deal with some of the practical issues that may arise when dealing with the media.

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