

Councillors are hereby summoned, and members of the public and press are invited, to attend a meeting of the **Policy & Resources Committee** to be held on **Monday 9 October 2023**, following the Planning & Highways Committee meeting, and not commencing before 19.00 in the Council Chamber, Town Hall, Market Square, Crewkerne.

Note:

- **Members of the public who wish to view the meeting proceedings, either in real time or afterwards, can access the meeting through the following link:**
<https://www.youtube.com/channel/UCTA9K-7L4Onjcli2Gtz7tCg>

K. Sheehan, Town Clerk (signed on original)
3 October 2023

Agenda

Open Forum: Questions may be put to the Committee in person during this Public Participation Session of up to 15 minutes and a maximum of 3 minutes per person. Issues notified to the Clerk a minimum of 3 working days before the meeting (i.e., by 5pm on the preceding Wednesday) will receive a response during this session. Issues raised in this session without prior notice may be referred to the Clerk to respond to within 10 working days or listed on a subsequent agenda.

1. **To note apologies for absence.**
2. **Declarations of interest** in items on the agenda.
3. **To confirm the minutes of the Policy and Resources Committee meeting** held on 12 June 2023.
4. **Clerk's Progress Report:** to receive a verbal update report (for information).
5. **Finance:**
 - a. To receive the second quarter income and expenditure report.
 - b. To receive a report on the current status of Earmarked Reserves and forecast year- end balance.
6. **Review of Existing Policies (proposed changes in red):**
 - a. Tree Policy (amended to reflect changes to higher tier authorities).
 - b. Use of Council Vehicles Policy.
 - c. To receive the updated policy review schedule and identify policies for review at the next meeting.
7. **New policies:**
 - a. To receive an update on the development of an Open Spaces Management Policy (Cllrs. Nathan, Stuart and Samuel).
 - b. To adopt a formal Subject Access Request (SAR) procedure.
8. **To receive Matters of Report** (for information only).

9. Next meeting: Monday 8 January 2024 at 18.45 following the Planning and Highways Committee meeting, Council Chamber, Town Hall.

NB This meeting will be followed by a short meeting of the Full Council, see separate agenda.

Quarterly Report: 2nd Quarter 2023/24
Overall Summary

	Actual 2022/23			Budget 2023/24			Income/Expend to date 30/09/23			Yr. End Forecast 2023/24			Net expenditure: comparison of year end f'cast to budget	Prime reason(s) for variance	ER Used	% +/-
	Expend	Income	Net	Expend	Income	Net	Expend	Income	Net	Expend	Income	Net				
Staff Costs	219415	0	219415	251104	0	251104	93457	0	93457	246085	0	246085	-5000	Election expenses		-2%
Admin and bank interest/charges	52920	1266	51654	52800	40	52760	27941	2094	25847	62190	3492	58698	5900	£5k/Temporary staff costs drawdown from ER £1.5k	1500	8%
Town Hall & Victoria Hall	30023	8944	21079	39325	8384	30941	20668	5403	15265	62173	8328	53845	22900	Victoria Hall floor restoration £3k. Town hall boiler £18k from ER	18000	16%
Grounds Maintenance & Open Spaces	62166	14358	47808	96409	4330	92079	37039	3260	33779	101506	4508	96998	4900	Increase in business rates £2k. Drawdown from ER £2.3k	2300	3%
War Memorial Grounds	4271	3895	377	3050	2750	300	2307	0	2307	11690	5680	6010	5700	Pillar repair £8.6k - £4.5k drawdown from ER & £2.3k grant funding	4500	400%
Cemetery	63471	142957	-79486	42,273	31,856	10417	16010	13353	2657	67395	30795	36600	26200	Path improvements drawdown from ER £15k Railings £70k drawdown from ER	25000	12%
Aqua Centre	1026	1776	-750	500	1000	-500	0	500	-500	500	1000	-500	0			0%
George Reynolds Centre	47113	19411	27702	42093	14300	27793	23815	12309	11507	44337	20675	23662	-4100	Drawdown £2.8k from ER for air conditioning	2800	-25%
Grants	14136	0	14136	10000	0	10000	8499	0	8499	10000	0	10000	0			0%
Youth service	17492	0	17492	20162	0	20162	10246	0	10246	20347	0	20347	200			1%
Public toilets	11617	0	11617	14500	0	14500	4976	0	4976	13000	0	13000	-1500			-10%
Projects	8602	16882	-8280	2500	0	2500	1316	0	1316	3816	0	3816	1300	Neighbourhood plan £1k drawdown from ER	1000	12%
Events	18697	8033	10665	16000	400	15600	3322	0	3322	20237	400	19837	4200	Bincombe extra event. Drawdown £2.5k from ER for Coronation/Bincombe/Christma s	2500	11%
TOTAL	550950	217523	333428	590716	63050	527656	249596	36919	212677	74878	588398	60700	60700		57600	1%

	Within or On Budget
	Over Budget but fully covered by Earmarked Reserves
	Over Budget by < 10% or over budget and partly covered by Earmarked Reserves
	Over budget by > 10%

Estimated balance of General Reserves for the year ending 31 March 2024

	£	
Cash Balance		
Expenditure to date	249,596	
Forecast Expenditure to Year End	663,276	a
Income to date	36,919	
Forecast Income to Year End including Precept	602,534	b
Overall Cash Balance B/fwd as of 1 April 2023 **	315,952	c
Forecast Year End Cash Balance	255,211	d = c + b - a
** Excl. ABCD funds held & W.Crewkerne reserves held		
Earmarked Reserves		
Opening Balance 1st April 2023	186,728	
Balance as at		
Forecast Year End Earmarked Reserves	127,986	e
Plus transfer of unused expenditure to Earmarked Reserves	0	f
Forecast Year End Balance	127,986	g = e + f
General Reserves		
Forecast Year End Cash Balance	255,211	from d
Less Forecast Year End Earmarked Reserves	127,986	from g
Forecast General Reserves as at 31st March 2024	127,224	h = d - g
% of Precept	24.1%	

Conclusion

The estimated level of General Reserves at 31 March 2024 of approximately £ 127,224 represents 24.1% of the Precept. The minimum level of General Reserves required to be compliant with the Town Council's policy is 25%.

CUSTOMER CARE TREE POLICY

For Crewkerne Town Council owned trees, we will endeavour to:

- Maintain our trees in a safe condition.
- Prune our trees when they are causing an actual nuisance, i.e. damage to buildings.

Tree Works the Council are not able to do:

- Prune privately owned trees.
- Prune trees back because they are overhanging.
- Systematically prune trees to control their size or height.
- Prune or remove trees in order to improve light.
- Prune or remove trees to improve a view.
- Prune or remove trees because of falling leaves, sap, seeds or debris.
- Prune or remove trees to improve television or satellite reception.

Common tree related enquiries:

If the tree does not belong to CTC and the resident is concerned about:

- Electricity cables (trees interfering with) and supply: National Grid (formerly Western Power) 0800 096 3080
- Telephone wires – BT Faults – 0800 800151
- Trees threatening or obstructing the Highway (including pavements) – Somerset ~~County~~ Council Highways – 0300 123 2224
- Trees obstructing streetlights – Somerset ~~County~~ Council Streetlight Department – 0345 601 0939
- Trees obstructing right of way – Somerset ~~County~~ Council Highways – 0300 123 2224
- High evergreen hedges – refer to land owner or ~~SDE~~ Somerset Council Tree Officer.
- Nesting birds and roosting bats – contact the police – 101
- If the resident is unsure about which arborist to employ, helpful consumer advice and directories are available at www.trees.org.uk

Doing the work yourselves:

In common law, a property owner can cut back overhanging branches to the boundary of their property. Crewkerne Town Council will usually have no objection to property owners carrying out this type of tree works or engaging a contractor at their own expense, **providing:**

- Access is not gained via Council land or trees, without written permission of the ~~Town Clerk~~ ~~Clerk to the Council~~. 01460 74001.
- The tree is not situated within a Conservation Area or subject to a Tree Preservation Order. Refer to the Town Clerk. 01460 74001.
- That any work to the tree is not detrimental to its health or stability and is carried out in accordance with British Standard 2998:2010 – Tree Works.
- That the cut branches are disposed of in a responsible manner and that no unauthorised damage to Council property occurs.

- Works to any tree situated in a Conservation Area, whether Council or privately owned, should have the correct permissions obtained from the Local Planning Authority (LPA) before commencement.

Version control:

Date Adopted: 13th February 2023

Minute Reference: 33/22-23/b

Updated: 9th October 2023

Minute Reference:



Use of Council Vehicles Policy

1.0 INTRODUCTION

Subject to holding a current, full driving licence, certain authorised staff are entitled to drive Council vehicles for use in the performance of their duties, and such use will be confirmed in contracts of employment. The use of Council vehicles by any other staff without the express permission of the Town Clerk may be considered as gross misconduct.

Authorised employees and qualified Councillors of Crewkerne Town Council on Council business are the only persons authorised to drive Council vehicles. Under no circumstances may any other person drive a vehicle. Insurance states that anyone can drive a vehicle with the permission of Crewkerne Town Council.

Upon request, the Employee or Councillor must provide ~~his or her~~ **their** full driving licence for inspection. A record of the users of the vehicles will be kept.

Crewkerne Town Council reserves the right to change or cancel the provision of this policy, as the needs of the Council dictate.

Please be aware that any abuse of this policy by staff leaves an individual liable to disciplinary action which could lead to dismissal. Abuse of the policy by Councillors would be in contravention of the Code of Conduct.

2.0 PRINCIPLES

2.1 Servicing Maintenance and Inspections

Crewkerne Town Council shall be responsible for the reasonable running and standing expenses of vehicles. The Council is responsible for ensuring vehicles are maintained in a serviceable condition at all times, serviced in accordance with the manufacturer's service schedule and are MOT tested as required. Crewkerne Town Council will retain all documents relating to the registration of vehicles.

2.2 Re-fuelling Vehicles

It is the Authorised User's responsibility to ensure the appropriate level of fuel is maintained in the vehicle. Fuel is obtained from the designated supplier via the Council's account. Fraudulent use of the purchasing power by this method may be treated as Gross Misconduct.

3.0 DRIVER RESPONSIBILITIES

Grounds Staff using Council vehicles have a responsibility to ensure the vehicles are in a good and clean condition at all times because they represent the Council to the public. Vehicles will be randomly inspected.

- Good driver behaviour and care of the Council's vehicles is the expected norm and drivers demonstrating negligence will be subject to disciplinary action. When driving on Council business the expectation by the Council is for safe and considerate driving; complaints received about the standard of driving whilst on Council business will be dealt with under the Council's Disciplinary Procedure Policy.

The Authorised User must ensure:

- That basic daily roadworthiness checks are carried out before first use each day and a weekly documented safety check is carried out as specified by the Health & Safety Officer.
- All defects and faults are reported immediately (a vehicle must not be used if the fault breaches road traffic regulations).
- Any road traffic **accident collision** in which the Authorised User may be involved whilst driving a vehicle must be reported immediately to the Town Clerk.
- Any fixed penalty notice or any order of any Court to endorse their driving licence or to disqualify him or her from holding a driving licence, whether or not that consequence occurred whilst driving on the Council's business must be reported immediately to the Town Clerk.
- Any other event which results in their being ineligible to drive a vehicle must be reported immediately to the Town Clerk.
- That Council vehicles are not be taken home overnight, unless express permission has been granted by the Town Clerk.
- That non-work related passengers are not carried at any time unless authorised by the Town Clerk.

3.1 Towing of Trailers

The Authorised User must ensure when towing any trailer or other item behind Council vehicles that:

- their driver's licence entitles them to tow a trailer
- the correct vehicle registration is displayed on the towed item
- the trailer lights are working, tyre pressure and tyre condition checked before use (any defects to be reported immediately and trailer not to be used if the fault breaches road traffic regulations)
- the safety wire is used when hitching the trailer to the vehicle, the lights are properly connected to the towing vehicle and any running wheels are securely tightened in the 'up' position
- all side and back panels are properly secured before use
- heavy items are evenly distributed to ensure ease of towing
- overhanging items will not cause obstruction or damage to the towing vehicle or other vehicles or persons and are clearly marked
- all items in the trailer are properly secured to prevent movement
- they do not exceed the speed limits of towed vehicles

3.2 Ride-on Mower and Tractor

Before using the ride-on mower or tractor on the highway, the Authorised User must ensure that:

- their driver's license entitles them to do so
- the flashing beacon is functional and in use
- the blades are disengaged and in the 'up' position
- the tyre pressure and tyre condition is checked
- all attachments are properly secured
- there is sufficient fuel in the tank for the journey
- the operator is wearing high visibility clothing provided
- it is not used at night
- any defects are reported immediately. Vehicle is not to be used if the fault breaches road traffic regulations
- the vehicle is not left unattended on the highway, except in exceptional circumstances. The keys must not be left in the vehicle if it is unattended in any circumstances

4.0 BREAKDOWN PROCEDURE

A member of office staff must be notified as soon as is reasonably practicable of the location and vehicle problem.

4.1 Accidents/Damage

The Town Clerk must be immediately advised of any accident or damage (irrespective of the seriousness or fault) involving a Council vehicle, and of any charges brought against the Authorised User arising from driving offences. In all such cases, the individual must provide written details to the Council without delay. Failure to notify of an accident may be treated as a disciplinary offence and may, subject to the nature of the accident, be considered as gross misconduct.

Any accident whilst on Council business will be investigated to determine whether the Council's Disciplinary Procedure will be involved. Drivers deemed to be at fault in the event of an accident may be required to undertake driver training – the payment of which would be determined on a case-by-case basis.

Never admit liability or give money to any third party involved in an accident/incident. Where required obtain medical assistance for any injured person.

If an Authorised User or any other person is injured whilst travelling in a Council vehicle, or if the User is absent from work as a result of an accident or incident in a Council vehicle, the details must be reported immediately and fully recorded in the Council's Accident Reporting Book in the council office.

4.2 Driver Training

Drivers may, as part of the Council's policy of effective Health & Safety management, be required to undertake additional driver skills training at various times during their employment. It is the Council's policy to ensure that all staff have the necessary skills and training to undertake their duties safely.

5.0 FINES AND PROSECUTIONS

It is the Authorised Users responsibility to ensure the prompt payment of fines for parking, driving or other motoring offences incurred whilst driving a Council vehicle, unless there are mitigating reasons for which the Council will decide.

6.0 SECURITY

Personal items are left in the vehicle entirely at the Authorised User's own risk and Crewkerne Town Council does not accept any liability for loss, theft or damage of personal items.

When the vehicle is unattended, doors and windows should be closed and the key removed from the vehicle. Belongings and all valuables should be secured discreetly and not left on seats. Vehicles are to be locked at all times when parked, including when parked on Council property.

Personal items should be removed from the vehicle when not in use.

In the event of theft or criminal damage to a Council vehicle, the Police must be advised immediately and any crime number, etc. given by Police must be recorded and immediately forwarded to the Town Clerk.

7.0 HEALTH AND SAFETY

The ~~principle~~ **principal** legislation governing road safety are the Road Traffic Acts supported by the Highway Code. There are also many other related statutes intended to safeguard road users. When employees drive Council vehicles, the employer has duties under the Health and Safety at Work Act 1974 as well as the Management of Health and Safety at Work Regulations 1999.

7.1 Alcohol and Drugs

Crewkerne Town Council has a zero tolerance of drink driving, or driving whilst under the influence of illegal drugs (this could also include certain prescription and over-the-counter medicines). Any employee found driving with illegal drugs in their bloodstream, or alcohol above the legal maximum level, will be subject to immediate dismissal.

7.2 Smoking and vaping

Council vehicles are a place of work and, as such, the Council's policy on smoking in the workplace applies to all vehicles, in accordance with Government legislation. The ban on smoking **and vaping** in Council vehicles applies at all times and not just during normal hours of work.

7.3 First Aid Kits

The Council's vehicles are a place of work and, as such, the first aid requirements have been assessed and appropriate control measures have been taken. Crewkerne Town Council's policy is that all vehicles will carry a First Aid Kit. No additional items should be added to the First Aid Kit without the authority of the Health & Safety Officer. If items are used the Employee must immediately request replacement

items. The Health & Safety Officer is responsible for ensuring that the First Aid kits are complete and not time expired.

7.4 Mobile Phones

The use of a hand-held mobile phone or similar electronic device whilst being in control of a vehicle is prohibited.

7.5 Eating and Drinking Whilst Driving

Please note the Government recommends that eating and drinking whilst in control of a vehicle is prohibited and this is upheld by the Council.

7.6 Road Traffic Law

When driving Council owned vehicles, the employee must drive within the law and abide by all requirements of road traffic law and the Highway Code.

8.0 WITHDRAWAL OF USE

Notwithstanding any rights in their terms and conditions of employment, Crewkerne Town Council may withdraw the use of Council vehicles if an Employee loses ~~his/her~~ **their** driving licence for any reason, or is charged by the Police with a serious motoring offence, or does not comply with the procedures contained within this document. The Council will, on an individual basis, review a staff appointment with Crewkerne Town Council if an Employee is no longer able to effectively carry out duties due to the withdrawal of use of a Council vehicle or the loss of a driving licence. There is no automatic right to transfer to alternative duties on the loss of licence; each case will be reviewed on an individual basis.

If a licence is lost on medical grounds, Crewkerne Town Council will, on an individual basis, review an Employee's situation to find, where possible, suitable alternative employment in accordance with the requirements of the latest Disability Discrimination legislation.

If deemed necessary, Crewkerne Town Council may consider any such incidents as a capability issue.

In the event that the Council suspends the Employee from the performance of ~~his or her~~ **their** duties in accordance with the Council's disciplinary procedure, the Employee will not be entitled to the use of any Council vehicle during that period of suspension.

9.0 DRIVING OWN PRIVATE VEHICLES WHILST ON COUNCIL RELATED BUSINESS

The following applies to staff who drive on Council-related business, including attending training courses, using their own private vehicle.

9.1 Driving Licence and Insurance

Employees are required to be in possession of a current, full driving licence at all times when driving on Council-related business. Upon request, the Employee must provide their driving licence for inspection.

~~The Council's insurance policy covers employees and Councillors who use their own vehicles on Council business.~~

Employees using their own vehicles will need to have personal business use including commuting on their own motor policies.

9.2 Mileage Allowance

If an Employee uses their own vehicle whilst driving on Council-related business, the appropriate allowance (currently 45 pence per mile) will be granted for approved journeys. This allowance cannot be claimed for journeys between home and the Employee's place of work, except when the Employee is required to return to work for emergency or additional duties e.g., for opening/closing of Council facilities. Please note that journeys home for lunch breaks are specifically excluded.

Crewkerne Town Council reserves the right to change the amount of the allowance from time to time in line with statutory guidelines.

9.3 Roadworthiness and Tax

When using their own vehicle for business reasons, the Employee must ensure that it is maintained in good repair and in an efficient roadworthy condition, that it is serviced at the recommended intervals (in line with the vehicle log book and mileage record), that regular checks are made of tyre tread and pressure, lights, brakes, fuel, oil, water coolant, screen wash and battery, that it conforms with current road traffic legislation and that the provisions and conditions of the car insurance policy are observed and that such policy is not rendered void or voidable. The vehicle must not be used for business travel if the Employee knows or suspects it may have a defect or be in any other way unroadworthy.

In addition, the Employee must ensure their vehicle has a valid MOT certificate (where required) and a valid licence (tax) when using it for business travel. Upon request, the Employee is required to submit a copy of the vehicle's MOT certificate.

9.4 Fines and Penalties

The Authorised User is responsible for the payment of any fines or charges incurred as a result of a motoring offence committed whilst driving on Council-related business, including but not limited to parking, and speeding fines.

9.5 Accidents and Loss of Licence

The Employee must report to the Council forthwith any road traffic accident in which they are involved whilst driving their own vehicle on business travel, regardless of fault. The Employee must also immediately report to the Council any order of any court to disqualify them from holding a driving licence (or fixed penalty notice which results in disqualification under the "totting up" provisions), whether or not that consequence occurred whilst driving their vehicle on Council-related business, together with any other event which results in their being ineligible to drive.

9.6 Carrying of Passengers

The Employee should ensure they comply with the vehicle manufacturer's design specification, when carrying passengers. There should be enough seats for all passengers and only one person per seat. The driver and any passengers must wear seat belts on all journeys.

9.7 Safe Standards of Driving

When driving on Council-related business, the Authorised User must drive within the law and abide by all requirements of road traffic law and the Highway Code.

Authorised Users are prohibited from driving on Council-related business whilst under the influence of any intoxicating substances such as alcohol or drugs.

Employees who are taking any prescription drugs or other medication which may cause drowsiness should inform the Clerk prior to driving as this may affect their ability to drive. While driving on Council-related business, it is important that Employees take regular breaks because driving when tired can result in accidents.

10.0 BREACH OF THIS POLICY

A failure to observe these rules will be regarded as a disciplinary offence and will be dealt with in accordance with the Council's disciplinary procedure. Depending on the seriousness of the breach it may constitute potential gross misconduct rendering the Employee liable to summary dismissal.

Approved Policy and Resources Committee 10th June 2013 Minute No. 7 a

Update approved at Policy & Resources Committee 12 June 2017 Minute No. 17/18 08 d)

Reviewed at Policy & Resources Committee 9 October 2023 Minute No.

Due for review: October 2027.

Crewkerne Town Council					
Schedule for Review of Town Council Policies and Procedures					
Category	Policy/procedure	Date last reviewed	Frequency of review	Date of next review	Comments
Core policies	Financial Regulations	Feb-22	Annual	May-23	Amendments re Contract Procedures (Feb 22)
	Standing Orders	Aug-22	Annual	May-23	Amendment re post-Brexit contract procedures (July 22)
	Code of Conduct	May-22	4 yearly	May-26	New CoC adopted in line with Unitary creation.
	Health & Safety policy	Aug-22	Annual	Aug-23	
Social media/communications policies	Media policy	Aug-22	4 yearly	Aug-26	
	Website policy	Oct-22	4 yearly	Oct-26	
	Social Media policy	Oct-21	4 yearly	Oct-25	
	Abusive, unreasonable and vexatious complaints policy	Feb-23	4 yearly	Feb-27	
	Customer Service Policy	Jun-23	4 yearly	Jun-27	Adopted June 2023.
	Community Engagement Strategy	Oct-22	4 yearly	Oct-26	
Finance policies	Investment and Borrowing Management policy	Oct-22	2 yearly	Oct-24	
	Delegation to Officers policy	Jul-23	4 yearly	Jul-27	
	Grant Applications policy	Aug-22	4 yearly	Aug-26	
Policies relating to staff	Training policy	Jun-23	4 yearly	Jun-27	
	Complaints procedure	Jun-23	4 yearly	Jun-27	
	Discipline Policy and Procedures	Feb-11	4 yearly		
	Capability Policy and Procedures	Feb-11	4 yearly		
	Protocol for Councillor and Employee relations	Feb-15	4 yearly		
	Equalities and Diversity Policy	Jun-23	4 yearly	Jun-27	Adopted June 2023.
	Use of Council vehicles policy	Jun-17	4 yearly		On agenda October 2023.
	Absence management policy	Oct-17	4 yearly		
	Appraisals policy	Jun-23	4 yearly	Jun-27	
Dignity at Work policy	Feb-23	4 yearly	Feb-27		
Policies relating to management of information	Data protection policy	May-18	4 yearly		
	Information security policy	May-18	4 yearly		
	Subject Access Request policy	Oct-23	4 yearly	Oct-27	
	Freedom of Information Model Pub'n Scheme	Feb-23	4 yearly	Feb-27	
	Records management policy	Feb-23	4 yearly	Feb-27	
	CCTV Policy	Oct-21	4 yearly	Oct-25	Reviewed 2021 to include GRC system. Should be reviewed if any changes to system.
	Accessibility Statement	Feb-22	4 yearly	Feb-26	
	Privacy Notice	Feb-22	4 yearly	Feb-26	
Policy on audio/visual recording and photography at Council meetings	Feb-22	4 yearly	Feb-26		
Misc.	Allotments policy	Nov-17	4 yearly		
	Flag Flying and Logo policy	Aug-22	4 yearly	Aug-26	
	Child and vulnerable person protection policy	Jun-17	4 yearly		
	Customer Care Tree Policy	Feb-23	4 yearly	Oct-26	Needs updating post-LGR - October 2023.
Committee Terms of Reference	Planning & Highways Committee ToR	May-19	4 yearly		Terms of Ref should be reviewed by each Committee first.
	Policy & Resources Committee ToR	Jun-19	4 yearly		
	Amenities Committee ToR	May-19	4 yearly		
	Joint Burial Committee ToR	Dec-21	4 yearly	Dec-25	
	Staffing sub-Committee ToR	Feb-23	4 yearly	Feb-27	
SUGGESTED POLICIES FOR FUTURE ADOPTION	Open Spaces Management Policy				

All policies should be reviewed at least once in each cycle of Council, and more frequently should changes to legislation require.

	Identifies policies on the next P&R agenda for review
	Identifies policies which have been reviewed within required timescales
	Identifies policies which need to be reviewed



Subject Access Requests (SAR) Policy

1. Introduction

1.1 Employees, councillors, residents, customers and other data subjects have the right to access personal data held about them by the Town Council.

1.2 This policy sets out how Crewkerne Town Council will respond to requests from data subjects to access personal data and clarifies the Town Council's legal obligations under Data Protection legislation.

2. How must a data subject make an access request?

2.1 The request must be made in writing to the Town Council. It must define what personal data is required. If it does not, the Town Council may ask for clarification. The person making the request must supply their address and valid evidence to prove their identity.

2.2 The Town Council accepts the following forms of identification (* these documents must be dated in the past 12 months; + these documents must be dated in the past 3 months):

- Current UK/EEA Passport
- UK Photocard Driving Licence (Full or Provisional)
- Firearms Licence / Shotgun Certificate
- EEA National Identity Card
- Full UK Paper Driving Licence
- State Benefits Entitlement Document*
- State Pension Entitlement Document*
- HMRC Tax Credit Document*
- Local Authority Benefit Document*
- State/Local Authority Educational Grant Document*
- HMRC Tax Notification Document
- Disabled Driver's Pass
- Financial Statement issued by bank, building society or credit card company+
- Judiciary Document such as a Notice of Hearing, Summons or Court Order
- Utility bill for supply of gas, electric, water or telephone landline+
- Most recent Mortgage Statement
- Most recent council Tax Bill/Demand or Statement
- Tenancy Agreement
- Building Society Passbook which shows a transaction in the last 3 months and your address

3. How must the town council respond?

3.1 The member of staff or councillor receiving the request must forward it immediately to the Clerk. In the absence of the Clerk the request must be forwarded to the Deputy Clerk.

3.2 The Clerk will identify whether the request has been made under the Data Protection legislation.

3.3 The Clerk will ask relevant members of staff and/or councillors to locate and supply personal data relating to the Subject Access Request. All members of staff and councillors receiving such a request from the Clerk must make a full exhaustive search of the records to which they have access. As appropriate, this search will include emails (including archived emails and those that have been deleted but are still recoverable), cloud based data, Word documents, spreadsheets, databases, systems, removable media (for example memory sticks, CDs), tape recordings, paper records in relevant filing systems etc.

3.4 The Town Council must provide all the personal data that has been requested unless an exemption can be applied.

3.5 The Town Council must respond to the person making the Subject Access Request within one calendar month of having accepted the request as valid.

3.6 The data must be provided to the requestor free of charge.

3.7 Personal data must not be withheld because the Town Council believes it will be misunderstood; instead the Town Council should provide an explanation with the personal data.

3.8 The Town Council must provide the personal data in an intelligible form, which includes giving an explanation of any codes, acronyms and complex items.

3.9 The personal data must be supplied in a permanent form except where the person agrees or where it is impossible or would involve undue effort. The Town Council may agree with the requester that they will view the personal data on screen or inspect files on the Town Council's premises.

3.10 The town council will redact any exempt personal data from the released documents and explain why that personal data is being withheld.

4. Other matters relating to Subject Access Requests

4.1 Where the requestor is not satisfied with a response to a Subject Access Request, the Town Council will manage this as a complaint under its Complaints Procedure.

4.2 The Town Council will ensure that all councillors and staff are aware of this guidance and follow it through the use of induction, training and establishing and maintaining appropriate day to day working practices.

4.3 The Town Council will maintain a database allowing it to identify the volume of requests and compliance against the statutory timescale.

4.4 When responding to a complaint, the Town Council will advise the requestor that they may complain to the Information Commissioners Office (ICO) if they remain unhappy with the outcome.

APPENDIX A:

SAMPLE LETTERS RESPONDING TO SUBJECT ACCESS REQUESTS

1. All letters must include the following information:

- (a) the purposes of the processing;
- (b) the categories of personal data concerned;
- (c) the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data, such as Binding Corporate Rules¹ or EU model clauses²;
- (d) where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
- (e) the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- (f) the right to lodge a complaint with the Information Commissioners Office (“ICO”);
- (g) if the data has not been collected from the data subject: the source of such data;
- (h) the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

2. Replying to a subject access request providing the requested personal data

“[Name]

[Address]

[Date]

Dear [Name of data subject]

Data Protection subject access request

Thank you for your letter of [date] making a data subject access request for [subject].

We are pleased to enclose the personal data you requested. Include 1(a) to (h) above.

Copyright in the personal data you have been given belongs to the council or to another party.

Copyright material must not be copied, distributed, modified, reproduced, transmitted, published or

¹ “Binding Corporate Rules” is a global data protection policy covering the international transfer of personal data out of the European Union. It requires approval of a data protection regulator in the European Union. In most cases this will be the relevant regulator where an organisation’s headquarters is located. In the UK, the relevant regulator is the Information Commissioner’s Office.

² “EU model clauses” are clauses approved by the European Union which govern the international transfer of personal data. The clauses can be between two data controllers or a data controller and a data processor.

otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely”

3. Release of part of the personal data, when the remainder is covered by an exemption

“[Name]

[Address]

[Date]

Dear [Name of data subject]

Data Protection subject access request

Thank you for your letter of [date] making a data subject access request for [subject].

To answer your request we asked the following areas to search their records for personal data relating to you: • [List the areas]

I am pleased to enclose [some/most] of the personal data you requested. [If any personal data has been removed] We have removed any obvious duplicate personal data that we noticed as we processed your request, as well as any personal data that is not about you. You will notice that [if there are gaps in the document] parts of the document(s) have been blacked out. [OR if there are fewer documents enclose] I have not enclosed all of the personal data you requested. This is because [explain why it is exempt]. Include 1(a) to (h) above.

Copyright in the personal data you have been given belongs to the council or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published, or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely”

4. Replying to a subject access request explaining why you cannot provide any of the requested personal data

“[Name]

[Address]

[Date]

Dear [Name of data subject]

Data Protection subject access request

Thank you for your letter of [date] making a data subject access request for [subject].

I regret that we cannot provide the personal data you requested. This is because [explanation where appropriate]. [Examples include where one of the exemptions under the data protection legislation applies. For example, the personal data might include personal data is ‘legally privileged’ because it

is contained within legal advice provided to the council or relevant to on-going or preparation for litigation. Other exemptions include where the personal data identifies another living individual or relates to negotiations with the data subject.

If the council is going to rely on the exemption to withhold or redact the data disclosed to the individual, then in this section of the letter the council should set out the reason why some of the data has been excluded.]

Yours sincerely,"

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Due for review: October 2027.