



John Wright  
Town Clerk

## Lyme Regis Town Council

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### Human Resources Committee

**Core Membership:** Cllr B. Larcombe (chairman), Cllr S. Williams (vice-chairman), Cllr J. Broom, Cllr Mrs M. Ellis, Cllr D. Hallett, Cllr S. Larcombe, Cllr O. Lovell, Cllr Mrs C. Reynolds, Cllr G. Turner.

Notice is hereby given of a meeting of the Human Resources Committee to be held in the Guildhall, Bridge Street, Lyme Regis, on 27 September 2017 commencing at 7pm when the following business is proposed to be transacted:

John Wright  
Town Clerk  
22.09.17

### AGENDA

#### 1. Public Forum

Twenty minutes will be made available for public comment and response in relation to items on this agenda

*Individuals will be permitted a maximum of three minutes each to address the committee*

#### 2. Apologies

To receive and record any apologies and reasons for absence

#### 3. Minutes

To confirm the accuracy of the minutes of the Human Resources Committee meeting held on 19 July 2017 (attached)

#### 4. Disclosable Pecuniary Interests

Members are reminded that if they have a disclosable pecuniary interest on their register of interests relating to any item on the agenda they are prevented from participating in any discussion or voting on that matter at the meeting and to do so would amount to a criminal offence. Similarly if you are or become aware of a disclosable pecuniary interest in a matter under consideration at this meeting which is not on your register of interests or is in the process of being added to your register you must disclose such interest at this meeting and register it within 28 days.

**5. Dispensations**

To note the grant of dispensations made by the town clerk in relation to the business of this meeting.

**6. Matters arising from the minutes of the previous Human Resources Committee meeting held on 19 July 2017**

To update members on matters arising from the previous meeting that are not dealt with elsewhere on this agenda and to allow members to seek further information on issues raised within the minutes of the previous meeting.

**7. Update Report**

To update members on issues previously reported to this committee

**8. Review of the Bullying and Harassment Policy and Procedure**

To allow members to undertake a three-year review of the bullying and harassment policy and procedure

**9. Postholder 214, Six-Month Probation Report**

To consider postholder 214's six-month probation review

*That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded while members consider this item in accordance with the Public Bodies (Admission to Meetings) Act 1960*

**10. Postholder 108, Six-Month Probation Report**

To consider postholder 108's six-month probation review

*That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded while members consider this item in accordance with the Public Bodies (Admission to Meetings) Act 1960*

**11. Contracts of Employment**

To allow members to consider draft contracts of employment for its employees, to consider a timetable for the introduction of contracts of employment, and to appoint MotteramHR to advise and assist the council on the transition to contracts of employment, to review its human resources' policies and procedures and to produce a staff handbook

*That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded while members consider this item in accordance with the Public Bodies (Admission to Meetings) Act 1960*

## **12. Exempt Business**

*To move that under Section 1, Paragraph 2 of The Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for this item of business in view of the likely disclosure of confidential matters about information relating to an individual, within the meaning of paragraphs 1 and 8 of schedule 12A to the Local Government Act 1972 (see Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information) Act 1985), as amended by the Local Government (Access to Information) (Variation) Order 2006*

**(a) Agenda item 9 – Postholder 214, Six-Month Probation Report**

**(b) Agenda item 10 – Postholder 108, Six-Month Probation Report**

**(c) Agenda item 11 – Contracts of Employment**

LYME REGIS TOWN COUNCIL

HUMAN RESOURCES COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY 19 JULY 2017

**Present**

**Chairman:** Cllr B. Larcombe

**Members:** Cllr J. Broom, Cllr Mrs M. Ellis, Cllr D. Hallett, Cllr S. Larcombe, Cllr O. Lovell, Cllr Mrs C. Reynolds, Cllr S. Williams

**Officers:** Miss F. Heffernan (admin assistant), Mrs A. Mullins (administrative officer), Mr J. Wright (town clerk)

**17/17/HR Public Forum**

There were no members of the public who wished to speak.

**17/18/HR Apologies**

Cllr G. Turner – coastguard meeting

**17/19/HR To confirm the accuracy of the minutes of the Human Resources Committee meeting held on 7 June 2017**

Proposed by Cllr C. Reynolds and seconded by Cllr S. Williams, the minutes of the meeting held on 7 June 2017 were **ADOPTED**.

**17/20/HR Disclosable Pecuniary Interests**

There were no disclosable pecuniary interests.

**17/21/HR Dispensations**

There was no grant of dispensations made by the town clerk in relation to the business of this meeting.

**17/22/HR Matters arising from the minutes of the previous Human Resources Committee meeting held on 7 June 2017**

**Operations Manager Recruitment**

The town clerk informed members of the appointment of a new operations manager, whose start date was to be confirmed after references had been received.

**HR Issues**

Members discussed the work the external HR consultant would undertake, the time the work would take and how much it was likely to cost.



## Seasonal Cleansing

The town clerk said recruitment for the position had failed and the interim operations manager was making overtime arrangements with external works' staff.

Cllr S. Williams asked if there was staff in place to cover shifts at the amenities' hut over the summer.

The town clerk said the current amenities' staff had agreed to work as normal for the rest of the season, with some cover to be provided for the extra shifts. He said it was intended to review shift patterns and introduce one or more additional staff for 2018.

### 17/23/HR Update Report

Cllr D. Hallett praised the seasonal gardener and asked if there was a possibility the employee could remain with the council.

### 17/24/HR Learning and Development Plans

Cllr Mrs M. Ellis said employees would only receive an extra spinal column point if the qualification they gained was beneficial to the organisation.

The town clerk said qualifications must benefit the organisation as well as develop the employee.

Proposed by Cllr Mrs M. Ellis and seconded by Cllr J. Broom members agreed to **RECOMMEND TO FULL COUNCIL** to note the learning and development undertaken by employees in 2016/17, to note the learning and development undertaken by members in 2016/17, and to agree employees are paid an additional spinal column point if they obtain a qualification during their employment with the council which is relevant to their job and that qualification is at a level 3 or above on the National Qualification Framework.

### 17/25/HR Local Council Award Scheme

Proposed by Cllr J. Broom and seconded by Cllr S. Larcombe members agreed to note the report and to **RECOMMEND TO FULL COUNCIL** to defer the target date for achieving the Quality Gold Award of the Local Council Award Scheme to 30 September 2018.

### 17/26/HR Health and Safety

The town clerk said the council needed to get the health and safety panel running again. He said the newly-appointed operations manager was qualified in health and safety and would take the lead on this.

The town clerk said discussions had taken place with external health and safety consultants to assist in the implementation of the council's health and safety programme and he was looking at a timetable to complete the work by 31 March 2018.

### AGENDA ITEM 3

Proposed by Cllr O. Lovell and seconded by Cllr S. Williams, members agreed to **RECOMMEND TO FULL COUNCIL** to approve the appointment of a consultant undertake a health and safety audit, develop a compliance programme and oversee the implementation of the compliance programme.

#### 17/27/HR Working Patterns and Pay

Some members were concerned time-off-in-lieu (TOIL) rather than paid overtime may result in staff taking time off work when they were needed in the office.

The town clerk said the office was fairly flexible about time off arrangements and time off was not granted if employees were needed in the office. He said there was a policy which stated no more than two days' TOIL could be carried over to the next month but, at the town clerk's discretion, this could be waived.

Cllr Mrs C. Reynolds said office and external staff should be treated the same with regards to TOIL and overtime.

Cllr Mrs M. Ellis said it should be up to the individual to choose whether they would prefer to take TOIL or paid overtime.

Proposed by Cllr O. Lovell and seconded by Cllr J. Broom members agreed to **RECOMMEND TO FULL COUNCIL** that the lengthsman is paid overtime to work one Saturday each month and a local agreement is entered in to if required, a comparative review of the cleansing operative pay is undertaken with Dorset Waste Partnership and a local agreement is entered in to if required, and all employees, including office staff, up to and including spinal column point 28, who are not the subject of a separate local agreement and who are required to work additional hours beyond their 'normal' working week are offered overtime as an alternative to time-off in lieu in accordance with Part 3 para 2.6 of the 'Green Book' (National Agreement on Pay and Conditions of Service as amended December 2016).

*Cllr Mrs M. Ellis left the meeting at 8.15pm.*

#### 17/28/HR Staff Leave Entitlement

The town clerk explained employees current leave entitlement, i.e. after 10 years' service and then after each additional five years' service an employee received an extra two days' annual leave. The town clerk said LRTC varied from other councils in not having a maximum leave entitlement and suggested members may wish to consider introducing a cap.

*Cllr Mrs M. Ellis returned to the meeting at 8.17pm.*

Cllr B. Larcombe suggested introducing consistency with a maximum into contracts for new members of staff but said trying to cap contracts for existing staff would not be without difficulty. He said the HR consultant could advise on this and any acquired or reserved rights that might need to be acknowledged.

Proposed by Cllr O. Lovell and seconded by Cllr J. Broom members agreed to **RECOMMEND TO FULL COUNCIL** to keep a watching brief on leave entitlement and refer the matter to the external HR consultant, with a view to introducing a cap

for new employees of 27 days, and to seek further advice on harmonising leave entitlement with other councils.

**17/29/17 Enterprise Advisor Network**

Cllr O. Lovell said the council had been to the local schools with summer work before and had not had much response.

Cllr Mrs M. Ellis said working with the Enterprise Advisor Network may encourage more response from the local schools.

Members noted the report.

**17/30/HR Former Post-holder 213**

Proposed by Cllr Mrs M. Ellis and seconded by Cllr Mrs C. Reynolds, members **RESOLVED** that under Section 1, Paragraph 2 of The Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for this item of business as it included confidential information relating to the financial or business affairs of a particular person within the meaning of paragraphs 1 and 8 of schedule 12A to the Local Government Act 1972 (see Section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information) Act 1985), as amended by the Local Government (Access to Information) (Variation) Order 2006.

**17/31/HR Exempt Business**

**a) Former Post-holder 213**

Members noted the report.

*The meeting closed at 8.46pm.*

**Committee:** Human Resources

**Date:** 27 September 2017

**Title:** Matters arising from the minutes of the previous Human Resources Committee meeting held on 19 July 2017

**Purpose of the Report**

To update members on matters arising from the previous meeting that are not dealt with elsewhere on this agenda and to allow members to seek further information on issues raised within the minutes of the previous meeting.

**Recommendation**

Members note the report

**Report**

**17/23/HR – Update Report**

The seasonal gardener's contract has been extended until 30 November 2017. A seasonal contract has also been offered for next year, to begin on 1 March 2018.

**17/25/HR – Health and Safety**

The next health and safety panel meeting is scheduled for Thursday 28 September 2017 and will be led by the operations manager.

Discussions have taken place with three health and safety consultants but none have yet been appointed.

**17/27/HR – Working Patterns and Pay**

Officers have contacted Dorset Waste Partnership to carry out a comparative review of cleansing operatives' pay.

John Wright  
Town clerk  
September 2017

**Committee:** Human Resources

**Date:** 27 September 2017

**Title:** Update Report

**Purpose of Report**

To update members on issues previously reported to this committee

**Recommendation**

Members note the report

**Report**

**Employee Training**

Franki Heffernan has now finished and passed her qualification in Business Administration Level 2 and Kyle Knight has finished and passed his qualification in Facility Services Level 2. They both intend to undertake a further level 3 qualification in each of these subjects and will be signed on with the same tutor within the next month.

Sophie Northover and Callum Taylor are progressing through their qualifications, Business Administration Level 3 and Horticulture, respectively, and they are on course to finish early-2018.

Peter Williams is progressing through his qualification in Level 3 Horticulture and is due to finish this course in February 2018.

Naomi Cleal will be undertaking an Association of Accounts Technician (AAT) Level 4 course, commencing in January 2018.

**Seasonal Enforcement**

Jon Mitchell's employment terminated on 11 September 2017 at the end of his seasonal contract.

**Operations Manager**

Matt Adamson-Drage joined the town council as operations manager on 7 August 2017. Mark Tredwin, who has been acting as interim operations manager, will cease work at the town council on 30 September 2017.

**Lengthsman**

Steven Moody left the organisation on 18 September 2017. Officers will be re-advertising for the lengthsman post w/c 25 September 2017.

John Wright  
Town clerk  
September 2017

**Committee:** Human Resources

**Date:** 27 September 2017

**Title:** Review of the Bullying and Harassment Policy and Procedure

**Purpose**

To allow members to undertake a three-year review of the bullying and harassment policy and procedure

**Recommendation**

Members review, amend if necessary, and approve the bullying and harassment policy and procedure

**Background**

1. The bullying and harassment policy and procedure was considered by this committee on 29 October 2014 and approved by the Full Council on 19 November 2014.
2. The majority of the council's policies and procedures are subject to a three-year review.
3. There are no officer recommendations to amend either the policy, **appendix 8A**, or procedure, **appendix 8B**, other than the implementation and review dates.
4. Any recommendations from this committee will be considered by the Full Council on 1 November 2017.

John Wright  
Town clerk  
September 2017



## **Policy**

### **Bullying and Harassment**

#### **1. Introduction**

- 1.1 Lyme Regis Town Council will not tolerate bullying or harassment of or by, any of its employees, officials, members, contractors, visitors to the council or members of the public.
- 1.2 The council is committed to the elimination of any form of intimidation in the conduct of its business
- 1.3 This policy reflects the spirit in which the council intends to undertake all of its business and outlines the specific procedures available to all employees to protect them from bullying and harassment. It should be read in conjunction with the council's grievance and disciplinary policy and procedures.
- 1.4 The council will issue this policy to all employees and to all members. The council may also wish to share this policy with contractors, visitors and members of the public as necessary.

#### **2. Definitions**

- 2.1 These definitions are derived from the ACAS (Advisory, Conciliation and Arbitration Service) guidance on the topic:

##### **2.1.1 Bullying**

Bullying may be characterised as a pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse of this use of power or authority which tends to undermine an individual or a group of individuals, gradually eroding their confidence and capability, which may cause them to suffer stress.

##### **2.1.2 Harassment**

Harassment is unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment. This policy covers, but is not limited to, harassment on the grounds of sex, marital status, sexual orientation, race, colour, nationality, ethnic origin, religion, belief, disability or age.

- 2.2 Both bullying and harassment are behaviours which are unwanted by the recipient. Bullying and harassment in the workplace can lead to poor morale, low productivity and poor performance, sickness absence, lack of respect for others, turnover, damage to the council's reputation and ultimately, employment tribunal or other court cases and payment of unlimited compensation.

### **3. Examples**

#### **3.1 Examples of unacceptable behaviour include:**

Spreading malicious rumours, insulting someone, ridiculing or demeaning someone, exclusion or victimisation, unfair treatment, overbearing supervision or other misuse of position or power, unwelcome sexual advances, making threats about job security, deliberately undermining a competent worker by overloading work and/or constant criticism, preventing an individual's promotion or training opportunities. Bullying and harassment may occur face-to-face, in meetings, through written communication, including e-mail, by telephone, through social media, or through automatic supervision methods.

#### **3.2 It [unacceptable behaviour] may occur on or off work premises, during work hours or non-work time, while employees are acting in the course of their employment.**

### **4. Scope**

#### **4.1 This policy applies to all employees who have a contract of employment with the council, including employees working on temporary and fixed term contracts, officials, members and visitors to the council or members of the public. Issues relating to the conduct of agency workers or contractors should be referred to the employing agency.**

#### **4.2 The council will not tolerate bullying or harassment of an employee or member from a third party with whom the council has dealings and will make every reasonable effort to prevent such behaviour. Employees should report such conduct to their manager, and members should report such conduct to the Mayor, as soon as practically possible. The council does not necessarily have the ability to exercise control over third parties; however, every reasonable effort will be made to ensure the complaint is dealt with effectively.**

#### **4.3 The council will investigate all allegations of inappropriate behaviour. The nature/seriousness of the allegation will determine whether the council considers informal resolution of such complaints through day-to-day management processes or whether it would be necessary and appropriate to deal with the issue formally by initiating the council's disciplinary policy and procedure.**

#### **4.4 If an employee is not satisfied with the action taken to resolve such issues they may submit a formal complaint under the council's grievance policy and procedure.**

### **5. Sanctions**

#### **5.1 Bullying and harassment are considered examples of serious misconduct and may result in summary dismissal from the council for employees, or through referral to the monitoring officer as a contravention of the Code of Conduct for Members.**

#### **5.2 In extreme cases, harassment can constitute a criminal offence and the council should take appropriate legal advice, sometimes available from the council's insurer, if such a matter arises.**

**6. Legislation**

- 6.1 Councils have a duty of care towards all their workers and liability under common law arising out of the Employment Rights Act 1996 and the Health and Safety at Work Act 1974.
- 6.2 Under the following laws bullying or harassment may be considered unlawful discrimination:
  - 6.2.1 Sex Discrimination Act 1975
  - 6.2.2 Race Relations Act 1976
  - 6.2.3 Disability Discrimination Act 1995
  - 6.2.4 Employment Equality (Sexual Orientation) Regulations 2003
  - 6.2.5 Employment Equality (Religion or Belief) Regulations 2003
  - 6.2.6 Employment Equality (Sex Discrimination) 2005
  - 6.2.7 Employment Equality (Age) Regulations 2006
- 6.3 In addition, the Criminal Justice and Public Order Act 1994 and Protection from Harassment Act 1997 created a criminal offence of harassment with a fine and/or prison sentence as a penalty and a right to damages for the victim.
- 6.4 In addition, a harasser may be personally liable to pay damages if a victim complains to an employment tribunal for sexual, racial, disability or age discrimination.

**7. Review**

- 7.1 This policy will be reviewed in November 2017 or sooner if there are changes in legislation or best practice.

**Supporting Procedure**

This policy is supported by a procedure, appendix B.

**Implementation date:** 1 November 2017

**Review Date:** November 2021

John Wright  
Town clerk  
November 2017

## **Bullying and Harassment Procedure**

### **1. Introduction**

- 1.1 The principal aim of this procedure is to provide a framework for employees who believe they are being harassed, bullied or victimised to raise a complaint. It also provides managers with a fair and consistent procedure to follow when they receive a complaint from an employee. The principles and processes contained within this procedure also apply to others with whom the council works, including members.
- 1.2 While allegations of harassment will be taken very seriously, every effort will be made to resolve issues that arise informally. However, those incidents which are serious in nature i.e. threatening behaviour, swearing at colleagues, will be dealt with immediately under the formal procedure.
- 1.3 Disciplinary action, which may include dismissal, will be taken if there is found to be substance to any allegation and in cases where allegations made by an employee are deliberately false, vexatious or malicious.
- 1.4 Complaints raised in line with this procedure will be treated as confidential and therefore not be discussed with anyone not involved in the procedures.

### **2. Support available for employees**

- 2.1 Employees are encouraged to seek advice and support about any examples of unwanted conduct even if they are unsure the incident constitutes harassment or bullying or whether they wish to pursue the complaint. Talking about a situation will help to clarify matters, and allow the options to be explored.
- 2.1 Employees who are a member of a trade union organisation may wish to contact their Trade Union Representative for support if they feel they are being bullied and/or harassed.

### **2. Process for dealing with complaints**

#### **2.1 Informal approach**

- 2.1.1 This stage is outside of the formal procedure and applies where the harassment is not serious enough to warrant immediate formal action or has not been repeated.
- 2.1.2 The manager dealing with the complaint, or in the case of members, the Mayor, should at this point refer to the informal stage of the council's grievance policy and procedure.
- 2.1.3 In cases of bullying and harassment, the following factors should be considered in addition to the grievance procedures:
  - 2.1.3.1 It may be sufficient to explain to the person(s) involved in the unwanted behaviour that their conduct is unacceptable, offensive or causing discomfort.

2.1.3.2 Those who feel able to, can seek to resolve the situation informally by:

- i. Approaching, or writing to the alleged harasser directly and making it clear that the behaviour in question is offensive, is unwelcome and must be stopped;
- ii. Approaching the alleged harasser with the support of a colleague or trade union representative.

2.1.3.3 If it is too difficult for the employee to do this personally, a designated representative may approach the alleged harasser on the employee's behalf.

2.1.3.4 The employee, or their designated representative, should make a note of the conversation, or keep a copy of the letter sent to the alleged harasser, and any response, which will be used in formal procedures if necessary.

## **2.2 Formal approach**

2.2.1 Where the nature of the harassment is such that the council has no alternative but to deal with the matter formally, where the employee would prefer to go through the formal stage, or if the harassment continues the formal procedures should be used.

2.2.2 The manager dealing with the complaint should at this point refer to the procedures contained in the formal stage of the council's grievance policy and procedure.

2.2.3 In cases of bullying and harassment, the employee or member may request a manager of the same sex to prevent embarrassment.

## **3. Initial meetings during the formal stage**

3.1 Initial meetings will take the same form as outlined in the council's grievance policy and procedure.

3.2 In cases of bullying and harassment, the manager will hold separate meetings with the complainant and the alleged harasser and confirm that the complaint is being dealt with under the formal bullying and harassment procedures.

## **4. Avoiding contact between the complainant and alleged harasser**

4.1 If there is an issue about the complainant and the alleged harasser continuing to work together the line manager must give consideration to:

4.1.1 Suspending both parties on full pay;

4.1.2 Suspending the alleged harasser on full pay (suspension does not imply that the employee is guilty of the allegations made against them);

4.1.3 Transferring the alleged harasser to a different department or team.

4.2 The complainant must not be moved, or be pressured to move, unless it is specifically requested.

- 4.3 All parties must be informed that during the formal procedures there should be no communication between them, either directly or indirectly, in relation to any allegations. Disciplinary action may be taken in the event that contact takes place.

**5. Investigating complaints of harassment**

- 5.1 The manager dealing with the complaint should at this point refer to the investigation and hearing procedures contained in the formal stage of the council's grievance policy and procedure.
- 5.6 In cases of bullying and harassment, possible outcomes and actions that might be considered are as follows:
- 5.6.1 If a complaint is not upheld or the evidence is inconclusive, mediation sessions could be offered with both parties or voluntary transfers could be considered;
- 5.6.2 If there is sufficient evidence of serious unacceptable conduct, formal disciplinary action must be taken by referring to the council's disciplinary policy and procedure.
- 5.6.3 If a complaint is upheld and the behaviour was unintentional and the actions regretted, counselling could be offered to both parties to repair any damage done to the working relationship, awareness training provided for the perpetrator, or consideration given to using the council's disciplinary policy and procedure.
- 5.7 The complainant should be informed that action has been taken at a level that the manager believes is appropriate, but must give consideration to the alleged harasser's entitlement to confidentiality.

**6. Complaints from others**

- 6.1 Any other party to the council, other than an employee who feels he or she is being bullied or harassed should raise their complaint with a councillor, where possible, or the monitoring officer if an informal notification to a member has been unsuccessful at eliminating the problem or where a member is directly involved in the bullying or harassment.
- 6.2 The complaint should then be investigated and a hearing held to discuss the facts and recommend the way forward. A member of the public who feels he/she has been bullied or harassed by any member or officer(s) of the council should use the council's official complaints policy and procedure.
- 6.3 For members who the council reasonably believe have been bullying or harassing another person(s) while undertaking council activities or in relation to any activities associated with the council the action taken must be reasonable and in some cases counselling or training in appropriate skill areas, i.e., interpersonal communication, assertiveness, chairmanship may be more appropriate than a penalty. This is in



## **APPENDIX 8B**

accordance with section 1.2 of the council's Code of Conduct for Members, which states: 'He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory'.

- 6.4 False or malicious allegations of harassment or bullying which damage the reputation of a fellow employee/member will not be tolerated and will be dealt with as serious misconduct under the Disciplinary Policy and Procedure and/or a referral to the monitoring officer.

**Implementation date:** 1 November 2017

**Review date:** November 2021

John Wright  
Town Clerk  
November 2017