

## **REVIEW AND ADOPTION OF FINANCIAL REGULATIONS**

### **Purpose of Report and Recommendation**

To request Members to consider the Model Financial Regulations and to recommend approval.

## **1.0 INTRODUCTION**

- 1.1 The Council like many other local authorities has adopted the Model Financial Regulations prepared by the National Association of Local Councils (NALC).(shown at Appendix 1).
- 1.2 The Model Financial Regulations were last reviewed and approved on 27<sup>th</sup> May 2021(Minute 1799/21) and are shown at Appendix 1).  
Each time NALC makes any amendment to the Model Standing Orders they are referred to Council for consideration and approval. No amendments have been made in the past year

## **2.0 RECOMMENDATION**

- 3.1 It is recommended that the Model Financial Regulations be approved and adopted and that they be further reviewed at the next Annual Meeting of the Council in May 2023 unless in the meanwhile amendments are made by NALC in which case they will be referred back to the Council at that time.



APPENDIX I  
ITEM 14  
WTCAM 26/5/22

# Financial Regulations

## WHITEHAVEN TOWN COUNCIL FINANCIAL REGULATIONS

Reviewed & Adopted by Full Council – 5<sup>th</sup> October 2017 – minute ref 793/17 (v)

Reviewed & Adopted by Full Council – 27<sup>th</sup> September 2018 – minute ref 1095/18

Reviewed & Adopted by Full Council – 16<sup>th</sup> May 2019 – minute ref 1306/19

Reviewed & Adopted at the Annual Meeting – 27<sup>th</sup> May 2021 – minute ref 1799/21

### FINANCIAL REGULATIONS

#### INDEX

1. GENERAL .....	2
2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL) .....	5
3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING .....	6
4. BUDGETARY CONTROL AND AUTHORITY TO SPEND .....	7
5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS .....	8
6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS .....	9
7. PAYMENT OF SALARIES .....	12
8. LOANS AND INVESTMENTS .....	13
9. INCOME .....	13
10. ORDERS FOR WORK, GOODS AND SERVICES .....	14
11. CONTRACTS .....	15
12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS ...	16
13. STORES AND EQUIPMENT .....	17
14. ASSETS, PROPERTIES AND ESTATES .....	17
15. INSURANCE .....	18
16. CHARITIES .....	18
17. RISK MANAGEMENT .....	18
18. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS .....	19

These Financial Regulations were adopted by the Full Council at its Meeting held on 5<sup>th</sup> October 2017 and reviewed and adopted by the Full Council at its meeting held on 27<sup>th</sup> September 2018, 16<sup>th</sup> May 2019 and 27<sup>th</sup> May 2021.

## 1. GENERAL

- 1.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders<sup>1</sup> and any individual financial regulations relating to contracts.
- 1.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.
- 1.3. The council's accounting control systems must include measures:
  - for the timely production of accounts;
  - that provide for the safe and efficient safeguarding of public money;
  - to prevent and detect inaccuracy and fraud; and
  - identifying the duties of officers.
- 1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.
- 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.

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<sup>1</sup> Model standing orders for councils are available in Local Councils Explained © 2013 National Association of Local Councils

- 1.9. The RFO;
- acts under the policy direction of the council;
  - administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
  - determines on behalf of the council its accounting records and accounting control systems;
  - ensures the accounting control systems are observed;
  - maintains the accounting records of the council up to date in accordance with proper practices;
  - assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
  - produces financial management information as required by the council.
- 1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.
- 1.11. The accounting records determined by the RFO shall in particular contain:
- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
  - a record of the assets and liabilities of the council; and
  - wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12. The accounting control systems determined by the RFO shall include:
- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
  - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
  - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
  - procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the



approval of the RFO and that the approvals are shown in the accounting records; and

- measures to ensure that risk is properly managed.

1.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- setting the final budget or the precept (Council Tax Requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors,

shall be a matter for the full council only.

1.14. In addition, the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve any grant or a single commitment in excess of £5,000; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils - a Practitioners' Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).

## 2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

- 2.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.
- 2.2. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chairman or a cheque signatory shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the council.
- 2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.
- 2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.
- 2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.
- 2.6. The internal auditor shall:
  - be competent and independent of the financial operations of the council;
  - report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
  - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - have no involvement in the financial decision making, management or control of the council.
- 2.7. Internal or external auditors may not under any circumstances:

- perform any operational duties for the council;
  - initiate or approve accounting transactions; or
  - direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
- 2.10. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

### **3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING**

- 3.1. Each committee (if any) shall review its three-year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the council not later than the end of November each year including any proposals for revising the forecast.
- 3.2. The RFO must each year, by no later than December, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the relevant committee and the council.
- 3.3. The council shall consider annual budget proposals in relation to the council's three-year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.4. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

#### 4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

- 4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
- the council for all items over £5,000;
  - a duly delegated committee of the council for items over £500; or
  - the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below £500.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chairman.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

- 4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council, or duly delegated committee. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. The salary budgets are to be reviewed at least annually in October for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.5. In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.
- 4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.
- 4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.

- 4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose, "material" shall be in excess of £100 or 15% of the budget.
- 4.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

## **5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS**

- 5.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency. The council shall seek credit references in respect of members or employees who act as signatories.
- 5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council. The council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.  
  
When checking that expenditure has been authorised by Council the Minute reference number should be recorded on the relevant file or invoice and when financial statements are produced to Council each month it would be helpful to have each item with the Minute reference to show that expenditure has been authorised together with the relevant power.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council meeting.
- 5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:



- a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council
  - b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council.
  - c) fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.
- 5.6. For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council.
- 5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- 5.8. In respect of grants, Council shall approve expenditure within any limits set by council and in accordance with any policy statement approved by council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the council.
- 5.9. Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 5.10. The council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.
- 5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

## **6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS**

- 6.1. The council will make safe and efficient arrangements for the making of its payments.

- 6.2. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be effected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council.
- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council shall be signed by two members of council in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.
- 6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. Cheques or orders for payment shall not normally be presented for signature other than at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the council at the next convenient meeting.
- 6.7. If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.
- 6.8. If thought appropriate by the council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the council at least every two years.
- 6.9. If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
- 6.10. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than

in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.

- 6.12. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.
- 6.13. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.14. The council, and any members using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.
- 6.15. Where internet banking arrangements are made with any bank, the Clerk and RFO shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.16. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by two members and the Clerk/RFO. A programme of regular checks of standing data with suppliers will be followed.
- 6.18. Any Debit Card issued for use will be specifically restricted to the Clerk and RFO and will also be restricted to a single transaction maximum value of £500 unless authorised by council or finance committee in writing before any order is placed.
- 6.19. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the council. Transactions and purchases made will be reported to the council and authority for topping-up shall be at the discretion of the council.
- 6.20. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk/RFO and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.

- 6.21. The council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk or RFO (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

## **7. PAYMENT OF SALARIES**

- 7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.
- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available council meeting, as set out in these regulations above.
- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the council.
- 7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
- a) by any councillor who can demonstrate a need to know;
  - b) by the internal auditor;
  - c) by the external auditor; or
  - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 7.6. An effective system of personal performance management should be maintained for the senior officers.
- 7.7. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.

- 7.8. Before employing interim staff, the council must consider a full business case.

## **8. LOANS AND INVESTMENTS**

- 8.1. All borrowings shall be effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.
- 8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 8.3. The council will arrange with the council's banks and investment providers for the sending of a copy of each statement of account to the Chairman of the council at the same time as one is issued to the Clerk or RFO.
- 8.4. All loans and investments shall be negotiated in the name of the council and shall be for a set period in accordance with council policy.
- 8.5. The council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 8.6. All investments of money under the control of the council shall be in the name of the council.
- 8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.8. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

## **9. INCOME**

- 9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the council.



- 9.3. The council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.
- 9.5. All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.
- 9.6. The origin of each receipt shall be entered on the paying-in slip.
- 9.7. Personal cheques shall not be cashed out of money held on behalf of the council.
- 9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claims due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 16 below).

## **10. ORDERS FOR WORK, GOODS AND SERVICES**

- 10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2. Order books shall be controlled by the RFO.
- 10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.
- 10.4. A member may not issue an official order or make any contract on behalf of the council.

- 10.5. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

## 11. CONTRACTS

- 11.1. Procedures as to contracts are laid down as follows:

- a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
  - i. for the supply of gas, electricity, water, sewerage and telephone services;
  - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
  - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
  - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;
  - v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of council); and
  - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
- b. Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 (“the Regulations”) which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations<sup>2</sup>.
- c. The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)<sup>3</sup>.

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<sup>2</sup> The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

<sup>3</sup> Thresholds currently applicable are:

- a. For public supply and public service contracts 209,000 Euros (£164,176)
- b. For public works contracts 5,225,000 Euros (£4,104,394)

- d. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.
- e. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- f. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- g. Any invitation to tender issued under this regulation shall be subject to the 9Standing Orders, <sup>4</sup> and shall refer to the terms of the Bribery Act 2010.
- h. When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk/RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the Clerk/ RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.
- i. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j. Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

## **12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS (PUBLIC WORKS CONTRACTS).**

- 12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).

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<sup>4</sup> Based on NALC's model standing order 18d in Local Councils Explained © 2013 National Association of Local Councils

- 12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the council.
- 12.3. Any variation to a contract or addition to or omission from a contract must be approved by the council and Clerk to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

### **13. STORES AND EQUIPMENT**

- 13.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 13.3. Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

### **14. ASSETS, PROPERTIES AND ESTATES**

- 14.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £250.
- 14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

- 14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a full business case.
- 14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

## **15. INSURANCE**

- 15.1. Following the annual risk assessment (per Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers in consultation with the Clerk.
- 15.2. The Clerk shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 15.3. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.
- 15.5. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council.

## **16. CHARITIES**

- 16.1. Where the council is sole managing trustee of a charitable body the Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.

## **17. RISK MANAGEMENT**



- 17.1. The council is responsible for putting in place arrangements for the management of risk. The Clerk and the RFO shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.
- 17.2. When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

## **18. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS**

- 18.1. It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these Financial Regulations.
- 18.2. The council may, by resolution of the council duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of council.

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## **REVIEW AND ADOPTION OF CODE OF CONDUCT**

### **Purpose of Report and Recommendation**

To inform Members of the Council's Code of Conduct and to recommend that this be approved and adopted and reviewed at the next Annual Meeting of full Council or sooner should this be necessary.

## **INTRODUCTION**

- 1.1 The Council has a Code of Conduct (shown at Appendix 1) which was approved at the Annual Meeting on 27<sup>th</sup> May 2021 .

The Local Government Association has been working alongside NALC to produce a revised Code of Conduct and I have been informed by CALC that this was passed to the Monitoring Officers of CBC and CCC and they were asked to adopt it and pass it down to Parish and Town Councils for them to adopt so that there would be a consistent approach.

- 1.2 This did not happen and it appears that the shadow Unitary Authority will not be doing anything on this before 1<sup>st</sup> April 2023.

## **2.0 RECOMMENDATION**

- 2.1 That the current Code of Conduct be approved and adopted without amendment and that it be reviewed at the next Annual Meeting in 2023 and/or earlier if a revised Code of Conduct is received.



## WHITEHAVEN TOWN COUNCIL CODE OF CONDUCT

(adopted by resolution on 26.05.2016 – minute ref 351/16 refers)

(reviewed and adopted on 15.05.2019 – minute ref 1307/19 refers)

(reviewed and adopted on 27.05.2021 – minute ref 1800/21 refers)

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### FOR MEMBERS AND CO-OPTED MEMBERS OF THE WHITEHAVEN TOWN COUNCIL

1. Whitehaven Town Council (“The Council”) has adopted the following code dealing with the conduct that is expected of members and co-opted members of the Council (“Members”) when they are acting in the capacity as required by section 27 of the Localism Act 2011 (“the Act”).
2. The Council has a statutory duty under the Act to promote and maintain high standards of conduct by Members and co-opted Members whenever they conduct business of the Council or when they claim to act or give the impression of acting as a representative of the Council and the Code sets out the standards that the Council expects Members to observe.
3. The Code is based on the seven principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
4. The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.
5. The Code is intended to be consistent with the seven principles stated above and attached to this code and applies whenever a person is acting in his/her capacity as a Member of the Council or co-opted member in the conduct of the Council’s business or acting as a representative of the Council.
6. For the purpose of this Code a meeting is a meeting of the Council or any of its Committees or Advisory Groups.
7. For the purpose of this Code unless otherwise expressed a reference to a Member of the Council includes a co-opted Member of the Council.
8. When acting in your capacity as a Member

- 1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend, a close associate, and employer or a business carried on by you.
- 2) You must not place yourself under a financial or other obligation to outside individuals or organisations that may influence you in the performance of your official duties.
- 3) You must not disclose any information given to you as a Member in breach of any confidence or where disclosure is prohibited by law.
- 4) You must not seek to improperly confer an advantage or disadvantage on any person.
- 5) You must not bring your office or your Council into disrepute.
- 6) You must not act in such a way which a reasonable person would regard as bullying or intimidatory and behave in such a way that a reasonable person would regard as respectful and promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the Council's statutory officers and its other employees.
- 7) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits on merit.
- 8) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- 9) You must be as open as possible about your decisions and actions and the decisions and actions of your Council and should be prepared to give reasons for those decisions and actions.
- 10) You must declare any private interests, both disclosable pecuniary interests and any other registerable interests, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner which conforms with the procedures set out below.
- 11) You must ensure, when using or authorising the use by others of the resources of your Council, that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Council Code of Publicity made under the Local Government Act 1986.
- 12) You must promote and support high standards of conduct when serving in your office.

#### **Registering and declaring disclosable pecuniary and other registerable interests**

1. You must within 28 days of taking office as a Member or co-opted Member, notify your Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. These interests and those at (2) below are shown attached to this code.
2. In addition, you must, within 28 days of taking office as a Member or co-opted Member, notify your Council's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your Council has decided should be included in the register.
3. If an interest has not been entered onto the Council's register, then the Member must disclose the interest to any meeting of the Council at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest' as described by the Localism Act 2011.
4. Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
5. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your Council.



## SEVEN GENERAL PRINCIPLES OF CONDUCT

### Selflessness

1. Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

### Integrity

2. Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

### Objectivity

3. In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, holders of public office should make choices on merit.

### Accountability

4. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### Openness

5. Holders of public office should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### Honesty

6. Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### Leadership

7. Holders of public office should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.

## PECUNIARY AND OTHER REGISTERABLE INTERESTS

### DISCLOSABLE PECUNIARY INTERESTS (as defined by regulations)

1. Details of any employment, office, trade, profession or vocation carried on for profit or gain by you or your spouse or civil partner or by the person with whom you are living as if they were your spouse/civil partner.
2. Details of any payment or provision of any other financial benefit (other than from the relevant Council) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Member, or towards the election expenses of M. (This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
3. Details of any contract which is made between you or your spouse/civil partner or the person with whom you are living as if they were your spouse/civil partner (or a firm in which you are a partner or an incorporated body of which you are a Director or a body that you have a beneficial interest in the securities of) and the relevant Council –
  - a) under which goods or services are to be provided or works are to be executed; and
  - b) which has not been fully discharged.
4. Details of any beneficial interest in land which is within the area of the relevant Council which is held by you or by your spouse or civil partner or by the person with whom you are living as if they were your spouse/civil partner.

“Land” excludes an easement, servitude, interest or right in or over land which does not give you or your spouse/civil partner or the person with whom you are living as if they were your spouse/civil partner (alone or jointly with another) a right to occupy or to receive income.
5. Details of any license (alone or jointly with others) held by you or by your spouse/civil partner or by the person with whom you are living as if they were your spouse/civil partner to occupy land in the area of the relevant Council for a month or longer.
6. Details of any tenancy where (to your knowledge) –
  - a) The landlord is the relevant Council; and
  - b) The tenant is a body in which you or your spouse/civil partner or by the person with whom you are living as if they were your spouse/civil partner is a partner of or a director of or has a beneficial interest in the securities of.
7. Details of any beneficial interest in securities of a body where

- a) That body your knowledge has a place of business or land in the area of the relevant Council; and
- b) Either –
  - i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - ii. If that share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your spouse/civil partner or the person with whom you are living as if they were your spouse/civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*“director” includes a member of the committee of management of an industrial and provident society*

*“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

#### **OTHER REGISTRABLE INTERESTS**

*These interests are what the Council has determined should be entered into the Council’s register of interests*

- 8. Details of any body of which you are a Member, or in a position of general control or management, and to which you are appointed or nominated to by the Council.
- 9. Details of any body of which you are a Member, or in a position of general control or management, and which –
  - a) Exercises function of a public nature;
  - b) Is directed towards charitable purposes; or
  - c) Is a body which includes as one of its principal purposes influencing public opinion or policy (this includes political parties or trade unions).
- 10. Details of any persons from who you have received a gift of hospitality by virtue of your office, with an estimated value of at least £50. (You must register any gifts or hospitality worth £50 or over that you receive personally in connection with your official duties).

**MAYOR/CHAIRMAN'S ALLOWANCE**

**Purpose of the Report and Recommendation**

To consider a Report on the Mayor's (Chairman's) Allowance and to consider and make a decision on the recommendations in paragraphs 2.1, 2.2 and 2.3 below.

**1.0 INTRODUCTION**

- 1.1 Under Section 15 (5) of the Local Government Act 1972 the Council may pay the Chairman an allowance for the purpose of meeting the expenses of the office.
- 1.2 The Council has included an amount of £3,063 in the budget for the Mayor's (Chairman's) Allowance for 2022/2023
- 1.2 The Council administers this allowance from the office and the Mayor is required to submit receipts for expenses incurred by the position of Mayor.
- 1.3 As long as the Mayor's Allowance is a reasonable reimbursement of the expenses of the unpaid office and contains no element or remuneration for the holder HMRC treat it as not chargeable for tax but they might ask Councils how much is paid and where it is thought there might be an element of remuneration they might ask the Mayor for details of the uses to which the allowance was put.
- 1.4 The Mayor's Allowance is designed to defray the expense of the office itself and which allows the Mayor to meet the expenses associated with the special office. When a Council has decided the annual budget for the allowance to be paid to the Mayor it may make payments on request or pay the allowance in quarterly or biannual instalments.

In this Council the Mayor's Allowance is held as a budget line and the Mayor submits receipts for expenses incurred and is reimbursed

and the expenditure is recorded on the cash sheet.

1.5 The Mayor enjoys a special relationship with the public and opens fetes, attends charity events or welcomes visitors etc and this is one reason why the Mayor receives the allowance to support this public role.

1.6 There has been some discussion in the Council as to what constitutes expenses of office in relation to the Mayor's Allowance and it is suggested that these be defined to include the following:-

- Annual Parish Meeting
- Civic Sunday
- Attendance tickets and donations at charity events
- Donations to Charities without attending the event
- Hospitality at events
- Support to the Mayor's chosen charity
- Christmas cards
- Provision of suitable outfits to wear at official functions
- One off events held by the Mayor
- Administrative costs at home i.e. printing, paper, telephone calls

1.7 If the total of allowances paid to the Chairman exceeds £8,500 a year they must be reported to HMRC unless a dispensation has been obtained.

## **2.0 RECOMMENDATION**

2.1 That the expenses of the office of Mayor be defined as in paragraph 1.6 above be approved and

2.2 That the Council decides whether the Mayor's Allowance continues to be administered in the office and the Mayor is reimbursed on production of a receipt for the expenditure incurred provided that it is expenditure specified in 1.6 above; or

2.3 The Mayor/Chairman's Allowance be paid in a lump sum at the beginning of the term of office or by quarterly or biannual instalments to be used in accordance with paragraph 1.6 above. It should be noted that where sums of money are paid in this way that



paragraph 1.3 above will apply and there may be tax implications for the recipient.

**APPOINTMENT TO COMMITTEES**

**Purpose of Report and Recommendation**

To appoint Councillors to the two Standing Committees of the Council

**1.0 INTRODUCTION**

1.1 The Council has two Standing Committees :-

- Staffing Committee (6members)
- Policy and Resources and Finance Committee (6members)

**2.0 RECOMMENDATION**

2.1 It is recommended that the requisite numbers of Members be appointed to sit on each of these Committees.

**ADOPTION OF TERMS OF REFERENCE FOR COMMITTEES**

**Purpose of Report and Recommendation**

To request Members to consider the Terms of Reference for Staffing and Policy and Resources and Finance Committees and to approve them with or without amendment.

**1.0 INTRODUCTION**

1.1 The Council has two Standing Committees and attached at Appendix 1 are Terms of Reference for each of these Standing Committees.

**2.0 RECOMMENDATION**

2.1 Members are asked to consider the Terms of Reference for the Committees and to recommend that they be approved with or without amendment.



# WHITEHAVEN TOWN COUNCIL

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## TERMS OF REFERENCE FOR STAFFING COMMITTEE

(approved and adopted by Full Council on 16.05.2019 – minute 1310/19 refers)  
(approved and adopted by Full Council on 27.05.2021 – minute 1802/21 refers)

### STAFFING COMMITTEE

#### Membership – 6 Members

1. The Chairman or Vice-Chairman of the Council shall be ex-officio, a voting member of every Committee;
2. The Staffing Committee to consist of 6 members including Chairman or Vice-Chairman of the Committee;
3. The Chairman and Vice-Chairman are to be elected annually by the Staffing Committee at the first meeting after the Annual Council meeting of Whitehaven Town Council and shall hold office until the next Annual Council Meeting.

#### AIMS

- To develop strategy and policy in all matters relating to Human Resources;
- To provide effective and professional staff management of all matters related to the employees of the Council.

#### Meetings

4. The Clerk at the behest of the Chair of the Staffing Committee will call Staffing Committee meetings as and when necessary;
5. Members will be summonsed to attend meetings which will be held in a suitable venue and Public Notices of the meeting shall be given in accordance with Schedule 12, Para 10(2) of the Local Government Act 1972.

#### Documentation

6. Minutes of all meetings will be recorded by the Clerk and circulated at full council meetings of Whitehaven Town Council;

7. All recommendations made to full council shall be recorded in the minutes of the meetings.

### **Accountability**

8. The Staffing Committee have no delegated powers to act on behalf of the full Council in relation to the defined terms of reference only; any recommendations outside the Staffing Committee's terms of reference shall be made to the full council.

### **Scope**

9. The Staffing Committee to have delegated power for the recruitment and selection of all staff, with the exception of the post of Town Clerk/RFO;
10. The Staffing Committee to may have delegated powers to recruit and short list applicants for the post of Town Clerk/RFO. The successful shortlisted applicants to be interviewed by the Staffing Committee, and a recommendation made to full Council;
11. A recommendation from the Staffing Committee will be submitted to full council to ratify any and all appointments;
12. The Staffing Committee to have delegated power to consider and implement any changes which are required to comply with Employment Law, Health & Safety Law and Terms & Conditions of Service as laid down by the National Joint Council (NJC "Green Book") and recommended by National Association of Local Councils (NALC) and Society of Local Council Clerks (SLCC);
13. The Staffing Committee to have delegated powers to elect a Disciplinary and Grievance Hearing Panel made up as follows:
  - a) Three panel members of mixed gender wherever possible (from within the Staffing Committee) with;
  - b) Two Members acting as substitute panel members (from within the Staffing Committee) if necessary;
  - c) All members serving on the Disciplinary and Grievance Hearing Panel should have undertaken the appropriate training;
  - d) The Disciplinary and Grievance Hearing Panel to be given delegated powers to make a decision on Disciplinary and Grievance matters on behalf of the Town Council reporting the Panel's decision to the Staffing Committee for information.
14. Only the Full Council can elect a Appeals Hearing Panel which should be as follows:
  - a) Three panel members of mixed gender wherever possible (who are not members of the Staffing Committee) with;
  - b) Two additional members acting as substitute members if necessary (who are not members of the Staffing Committee);
  - c) All members serving on the Appeal Hearings Panel should have undertaken the appropriate training;



- d) The Appeal Hearings Panel to be given delegated powers to make a final decision on appeal matters on behalf of the Town Council reporting the Panel's final decision to the Staffing Committee for information.
15. The Clerk/RFO to have delegated power to carry out annual staff appraisals and to review Personal Development Training Plans;
    - a) The Staffing Committee to have delegated power to devise all staff training programs.
  16. The Chairman and Vice-Chair of the Staffing Committee to carry out the Clerk/RFO's staff appraisal reporting back to the Staffing Committee.
  17. The Staffing Committee to have delegated powers to approve requests within the training budget for training requirements identified from individual Personal Development Training Plans.
  18. The Staffing Committee to have delegated power to consider any pay awards; increments and payroll management in line with agreed contract terms and conditions. Ratification must be by Full Council.
  19. Full Council to approve all contracts of employment.
  20. The Staffing Committee to have delegated power through the Chairman and Clerk/RFO to issue press statements regarding staffing matters on behalf of the full council.
  21. The Staffing Committee to have delegated power to manage long term sickness and incidents at work in line with the council's current Sickness Absence Policy.
  22. The Staffing Committee to take responsibility that confidentiality is maintained over all staffing matters under the Data Protection Act 1998 and the Model Code of Conduct as signed by all members of Whitehaven Town Council.
  23. The Clerk/RFO, as the Council's Proper Officer to have delegated power to manage attendance, short term sickness absence, return to work interviews, annual leave, maternity leave, paternity leave, compassionate leave, flexible leave requirements, and staff inductions in line with current agreed council policies.
  24. The Clerk/RFO to have delegated power after consultation with the Staffing Committee to progress any staffing matters with the Principal Council's Human Resources and Performance Team.



# WHITEHAVEN TOWN COUNCIL

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## TERMS OF REFERENCE FOR POLICY, RESOURCES & FINANCE COMMITTEE

(approved and adopted by Full Council on 16.05.2019 – minute 1310/19 refers)

(approved and adopted by Full Council on 27.05.2021 – minute 1802/21 refers)

### POLICY, RESOURCES & FINANCE COMMITTEE

#### Membership – 6 Elected Members (including Chairman and Vice Chairman)

1. The Chairman or Vice-Chairman shall be ex-officio, a voting member of the Committee
2. The Policy and Resources and Finance Committee to consist of 6 members including the Chairman or Vice-Chairman
3. The Chairman and Vice-Chairman are to be elected annually by the Policy and Resources and Finance Committee at the first meeting after the Annual Council meeting of Whitehaven Town Council and shall hold office until the next Annual Council Meeting.

#### Meetings

4. The Clerk at the behest of the Chair of the Policy and Resources and Finance Committee will call Committee meetings as and when necessary;
5. Members will be summonsed to attend meetings which will be held in a suitable venue and Public Notices of the meeting shall be given in accordance with Schedule 12, para 10(2) of the Local Government Act 1972.

#### Documentation

6. Minutes of all meetings will be recorded by the Clerk and circulated at Full Council meetings of the Council;
7. All recommendations made to Full Council shall be recorded in the minutes of the meetings.

#### Scope

- a) Developing and reviewing the Council's strategic plan taking into consideration other relevant documents.
- b) Ensuring the Council's strategies, policies and procedures are undertaken in accordance with up to date statutory and legislative requirements.

- c) Keeping under review the policies and resources of the Council in relation to services and to advise the Council on the future developments of existing or the introductions of new services and resources including IT.
- d) Making recommendations to the Council on matters which do not fall within the powers and duties of one or more other Committee.
- e) Making recommendations to the Council on the annual financial estimates and the Council's precept as to how these should be determined consistently with the Council's general priorities and policies.
- f) Making recommendations to the Council on the capital programme – content, phasing and monitoring.
- g) Considering and making recommendations to the Council on any policy documents received from other organisations that are outside the scope of other Committees and affect the area.
- h) Advising the Council as required on all matters affecting its scheme of administration (e.g., Standing Orders, Financial Regulations, Delegations, Risk Management) and the procedures applying to the Council and its Committees.
- i) Developing strong links with other organisations and overseeing any partnering agreements including Market Regeneration.
- j) Directing and controlling insurance in respect of the Council's property, members and employees.
- k) Reviewing the Council's financial and treasury management activities and supervising the investment of funds within the Council's control.
- l) Determining the overall strategic asset management priorities on a medium-term basis by maintaining an asset management plan and considering acquisition or disposal of assets.
- m) Making lettings or grant leases for the use of Council facilities, by any suitable applicants for appropriate purposes, subject to any covenants applicable and to any by-laws, rules or regulations which the Council make or may adopt.
- n) Deciding on initiatives to promote market and publicise the Town Council.
- o) Initiating and participating in economic development initiatives.
- p) To report all recommendations made in paragraphs a) – o) to full Council.

**APPOINTMENT TO ADVISORY GROUPS**

Purpose of Report and Recommendation

To request Members to make appointments to the various Advisory Groups and to approve the Terms of Reference for Advisory Groups.

**1.0 INTRODUCTION**

1.1 The Council has four Advisory Groups namely:-

- Whitehaven in Bloom Advisory Group
- Events Advisory Group
- Allotments Advisory Group
- Steering Group on Office Accommodation

1.2 The Council set up Advisory Groups as opposed to Committees because they are informal meetings and depending on member/officer availability Advisory Group meetings can be set up very quickly without the need to send out Agendas and take Minutes etc which is the case with Committees. They can also be held via Zoom  
A note of the discussions is taken during Advisory Group meetings and the recommendations made there are referred to the next meeting of full Council for approval.

1.3 Meetings of Advisory Groups usually take place during the day.

1.4 The Terms of Reference for Advisory Groups are shown at Appendix 1 and were approved by full Council on 27<sup>th</sup> May 2021 (Minute 1804/21 refers).

**2.0 RECOMMENDATION**

2.1 Members are requested to appoint at least four members to

each Advisory Group and to approve the Terms of Reference for Advisory Groups.





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## **TERMS OF REFERENCE FOR ADVISORY GROUPS**

(adopted by Full Council on 16.05.2019 minute ref 1311/19 (iii) refers)  
(adopted by Full Council on 27.05.2021 minute ref 1804/21 (i) refers)

Whitehaven Town Council is quite a large Town Council and this brings a variety of issues and problems.

Advisory Groups are an efficient way to proceed with the business of the Council because there is not the need to produce a formal report or provide Minutes although reports will have to be made on behalf of the Advisory Group to the full Council on a regular basis. Areas of Council business that could benefit from having Advisory Groups include Allotments, environmental issues and events.

### **1. MEMBERSHIP**

1.1 The Council may appoint Advisory Groups to discuss items affecting the Council, to meet with electors, officials of other bodies, contractors and discuss issues in detail;

1.2 Members of the Advisory Group will be appointed each year at the Council's Annual Meeting;

1.3 The constitution of an Advisory Group shall be a minimum of three Members and may include non-Councillors;

1.4 A Chairman will be appointed for the Advisory Group at its first meeting. The Chairman will be the main point of contact;

1.5 Any member of the Council can attend a meeting of the Advisory Group whether appointed to it or not;

### **2. POWERS**

2.1 The Advisory Group has no spending powers nor can it make decisions on behalf of the Town Council. It is an Advisory Group with no delegated powers.

### **3. RESPONSIBILITY AND AREAS OF OPERATION**

3.1 Advisory Groups are not public meetings and so do not have to be advertised;

3.2 Advisory Groups look at specific areas or problems;

3.3 Advisory Groups will report each month to the Town Council for a resolution on any decisions recommended and/or for a resolution to authorise money to be spent on a particular item. Advisory Groups have no spending powers nor can they make decisions on behalf of the Council.

**REVIEW OF SUBSCRIPTIONS TO OTHER BODIES**

To inform the Council of the Council's subscriptions to Other Bodies.

**1.0 SUBSCRIPTIONS TO OTHER BODIES**

- 1.1 The Council subscribes each year to be a member of CALC (Cumbria Association of Local Councils). Part of the subscription is payable to the parent body NALC (National Association of Local Councils). As well as receiving general advice from CALC membership also entitles the Council to the services of NALC's legal department which gives legal advice to Councils and also produces documents, policies and procedures for use by local Councils.
- 1.2 The subscription for 2022/23 is £1,914.98 - £1,398.23 of which is paid to NALC and £516.75 is paid to CALC.

**2.0 RECOMMENDATION**

- 2.1 It is recommended that the position regarding the subscription to Other Bodies be noted and approved and the subscription of £1,914.98 be paid for 2022/23.

**REVIEW REPRESENTATION ON OR WORK WITH EXTERNAL BODIES AND ARRANGEMENTS FOR REPORTING BACK**

**Purpose of Report and Recommendation**

To review the representation on or work with external bodies and arrangements for reporting back

**1.0 INTRODUCTION**

- 1.1 The Council has recently appointed the Chairman to sit on the Harbour Users Group with the first meeting being on 24<sup>th</sup> May 2021.

**2.0 RECOMMENDATION**

- 2.1 It is recommended that whenever the Chairman attends the Harbour Users Group he reports back to the next full Council meeting

## **CONFIRMATION OF INSURANCE COVER**

To inform the Council of the Council's Insurance Provision

### **1.0 INSURANCE**

- 1.1 The Council entered into long term insurance policy with Zurich Municipal in return for discounted rates (in 2017 it was agreed that the Council would enter into an agreement with Zurich Municipal for 5 years insurance cover - Minute 665/17 refers).  
This effectively means that the Council is committed to Renew the policy until the five years expire.
- 1.2 The premium for the last year 2021/2022 was £3,233.79.
- 1.3 The Council recently sought quotes for the renewal of the Insurance policy and a quote of £3,157.29 per annum was approved by the Council for a 5 year policy (Minute 1998/22 refers). However this is likely to increase if the Council acquires more equipment etc.
- 1.4 If a Councillor wishes to look at the Insurance Policy it is available in The Council's Office in Queen Street, Whitehaven

### **2.0 RECOMMENDATION**

- 2.1 It is recommended that the position regarding the Insurance policy be noted and approved.



**COMBINED HEALTH AND SAFETY POLICY AND RISK ASSESSMENT**

**Purpose of the Report and Recommendation**

- (i) To ask Members to consider a combined Health and Safety Policy and Risk Assessment, the template of which was supplied by the Health and Safety Executive and to approve and sign the documents.

**1.0 INTRODUCTION**

- 1.1 If an organisation has fewer than five employees it doesn't have to write its Health and Safety Policy down, but to help organisations the HSE have created a template for them to download and complete. This is the template that has been completed and attached at Appendix 1.
- 1.2 If an organisation has fewer than five employees it doesn't have to write its Risk Assessment down and an organisation is not expected to anticipate unforeseen risks. To assist organisations the HSE has produced a template of a Risk Assessment that organisations can download and complete and this template is attached at Appendix 2.

**2.0 RECOMMENDATION**

- 2.1 The Council has signed similar documents in the past and it is recommended that the Council consider the Health and Safety Policy and Risk Assessment and subject to any amendments to be made approve and sign the documents and that this be reviewed at the next Annual Meeting in 2023.

# Health and safety policy

APPENDIX 1

ITEM 23  
WTEAM 24/05/22

WHITEHAVEN TOWN COUNCIL
WHITEHAVEN TOWN COUNCIL
THE CLERK AND RESPONSIBLE FINANCIAL OFFICER

This is the statement of general policy and arrangements for:

Overall and final responsibility for health and safety:

Day-to-day responsibility for ensuring this policy is put into practice:

Statement of general policy	Responsibility of (Name / Title)	Action / Arrangements (Customise to meet your own situation)
Prevent accidents and cases of work-related ill health (physical and mental) by managing the health and safety risks in the workplace.	CLERK AND RESPONSIBLE FINANCIAL OFFICER	ENSURE RISK ASSESSMENTS ARE CARRIED OUT AND RECORDED.
Provide clear instructions and information, and adequate training, to ensure employees are competent to do their work.	WHITEHAVEN TOWN COUNCIL	IMPLEMENT TRAINING.
Engage and consult with employees on day-to-day health and safety conditions.	WHITEHAVEN TOWN COUNCIL	EFFECTIVE COMMUNICATION OF POLICIES.
Implement emergency procedures - evacuation in case of fire or other significant incident within the office/building. You can find help with your fire risk assessment at: <a href="https://www.gov.uk/workplace-fire-safety-your-responsibilities">https://www.gov.uk/workplace-fire-safety-your-responsibilities</a>	CLERK AND RESPONSIBLE FINANCIAL OFFICER	FOLLOW THE EVACUATION PROCEDURE FOR THE BUILDING.

Maintain safe and healthy working conditions, provide and maintain plant, equipment and machinery, and ensure safe storage / use of substances.	CLERK AND RESPONSIBLE FINANCIAL OFFICER	ENSURE FAMILIARITY WITH EQUIPMENT, HAVE ADEQUATE TRAINING, ENSURE SAFE STORAGE OF SUBSTANCES AND ENSURE ALL BUILDING SAFETY CHECKS AND CERTIFICATES ARE UP TO DATE.
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Health and safety law poster is displayed:	148 QUEEN STREET, WHITEHAVEN, CUMBRIA CA28 7AZ	
First-aid box is located:	THE CLERK AND RESPONSIBLE FINANCIAL OFFICER'S OFFICE AT 148 QUEEN STREET, WHITEHAVEN, CA28 7AZ	
Accident book is located:	THE CLERK AND RESPONSIBLE FINANCIAL OFFICER'S OFFICE AT 148 QUEEN STREET, WHITEHAVEN, CA28 7AZ	
Accidents and ill health at work reported under RIDDOR: (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations) (see note 2 below)		

Signed: (Employer)	Date:
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# Risk assessment

APPENDIX 2

ITEM 23  
WORTHAM 26/6/22

## All employers must conduct a risk assessment. Employers with five or more employees have to record the significant findings of their risk assessment.

We have started off the risk assessment for you by including a sample entry for a common hazard to illustrate what is expected (the sample entry is taken from an office-based business). Look at how this might apply to your business, continue by identifying the hazards that are the real priorities in your case and complete the table to suit. You can print and save this template so you can easily review and update the information as and when required. You may find our example risk assessments a useful guide ([www.hse.gov.uk/risk/casestudies](http://www.hse.gov.uk/risk/casestudies)). Simply choose the example closest to your business.

Organisation name: **WHITEHAVEN TOWN COUNCIL** Date of Risk Assessment:

What are the hazards?	Who might be harmed and how?	What are you already doing?	Do you need to do anything else to manage this risk?	Action by whom?	Action by when?	Done
Slips and trips	Staff and visitors may be injured if they trip over objects or slip on spillages	General good housekeeping is carried out. All areas are well lit including stairs. There are no trailing leads or cables. Staff keep work areas clear, eg no boxes left in walkways, deliveries stored immediately.	No	All staff, to monitor daily	Continuous	Daily
Personal Safety of Staff and Members at meetings.	Staff and Members	Producing a report and policy for safeguarding Staff and Members.	Monitor the situation.	The Council	Ongoing	Ongoing
Building access by unknown persons.	Staff members and the Public	List of emergency numbers. Alarm in reception. Sign in book at reception.	No.	Clerk/RFO	Ongoing	Ongoing
Persons known to be a danger.	Staff Members and the Public	In the event of an incident call 999.	No there is already a Restricted Persons Register	Clerk/RFO	Ongoing	Ongoing

You should review your risk assessment if you think it might no longer be valid, eg following an accident in the workplace, or if there are any significant changes to the hazards in your workplace, such as new equipment or work activities.

## **REVIEW OF S137 EXPENDITURE**

### **Purpose of Report and Recommendation**

To review the S137 Expenditure

## **1.0 INTRODUCTION**

- 1.1 The Council is required to report on s 137 expenditure to the Annual Meeting each year. This is shown at Appendix 1.
- 1.2 S137 expenditure enables local Councils to spend a limited amount of money for purposes for which they have no other specific power but which the council considers will bring direct benefit to the area or any part of it or to all or some of the inhabitants subject to the benefit obtained being commensurate with the expenditure incurred.
- 1.3 The amount that can be spent on s137 for 2022/23 is £8.82 per elector.
- 1.4 All s137 expenditure is approved and authorised by full Council

## **2.0 RECOMMENDATION**

- 2.1 It is recommended that the s137 expenditure shown at Appendix 1 be reviewed and approved.

2021/2022 - s.137 Expenditure

Date	Suppliers Name	Description	Nett	Tax	Gross
30/04/2021	Vulture Club	Grant	1000.00		1000.00
08/11/2021	Mrs V Gorley	Cable Ties for Large Event Poppies	26.98		26.98
03/12/2021	Whitehaven Brass Band	Music for Remembrance Sunday	205.00		205.00
09/12/2021	Hensingham Peoples Action Group	Ward Grant - Cllr Gill	300.00		300.00
15/12/2021	Bransty Royal British Legion	5 x poppy wreaths for remembrance events	92.00		92.00
16/02/2022	Time To Change (West Cumbria)	Grant	1000.00		1000.00
31/03/2022	Whitehaven Community Trust	Grant	995.00		995.00

**RISK ASSESSMENT AND MANAGEMENT (FINANCIAL AND OPERATIONAL)**

**Purpose of the Report and Recommendation**

To ask Members to consider the Council's Risk policy which also covers operational risks as recommended by the Council's Internal Auditor and to approve and adopt the Policy.

**1.0 INTRODUCTION**

- 1.1 Attached at Appendix 1 is the Council's Risk Policy which also covers operational risks as recommended by the Council's Internal Auditor.

**2.0 RECOMMENDATION**

- 2.1 Members are asked to consider the Risk Assessment and Management (Financial and Operational) Policy at Appendix 1 and to recommend approval with or without amendment.





Whitehaven Town Council

Risk Assessment and Management (Financial) and Operational for the period 1st April to 31st March (in any given year)  
 Reviewed & Adopted at Full Council - 16th May 2019 - minute 1315/19 refers  
 Reviewed & Adopted at Full Council - 26th September 2019 - minute 1431/19 refers  
 Reviewed & Adopted at Full Council - 27th May 2021 - minute 1809/21 refers

APPENDIX 1  
 ITEM 25  
 WTCAM 26/05/22

Topic	Risk Identified	H/M/L	Management of Risk	Staff Action
Reserves - General & Earmarked	Inadequate or Excessive	M	Review at out-turn and budget setting	RFO & P&R and Finance Committee
Reserves - Earmarked	A future liability that has not been funded	L	Review all risks and reserves at out-turn	RFO/member view
Assets	Loss, damage etc	M	Bi annual inspection, update insurance and asset registers	Diary
Assets	Risk or damage to third party property or individuals	M	Annual review of adequacy of public liability insurance regular meetings & site visits with Site Reps.	Diary
Staff	Loss of key personnel (Clerk)	L	Hours, health, stress, training, long term sick, early departure - risk monitored and managed as appropriate.	RFO/Staffing Committee
Staff	Fraud or theft of money by staff	L	Financial Regulations set out clear system of internal controls	Financial Regs are reviewed annually
Financial Loss	Consequential loss due to critical damage or third party performance	L	Annual review adequacy of insurance cover	Diary
Maintenance	Reduced value of assets or amenities - loss of performance	M	Regular maintenance inspections bi annually by qualified person	Diary
Legal Powers	Illegal activity or payment	M	Regular training for Councillors and Clerk	Diary
Financial Records	Inadequate records	L	RFO checks regularly and internal audit review	Diary
Minutes	Accurate and legal	L	Review at following meeting. Training	Diary
Members Interests	Conflict of interest	M	Declarations of interest to be documented/minutes and any conflict addressed as appropriate	Diary
Salaries	Wrong salary/hours/rate paid	L	Check salary to minute, check hours and rate to contract	Member to verify
Salaries	Wrong deductions - NI and income tax	L	Check to PAYE calculations. Use of HMRC RTI system	Member to verify
Direct Costs and Overhead Expenses	Goods not supplied to council	L	Follow up on all orders	Approval check
Direct Costs and Overhead Expenses	Invoice incorrectly calculated or recorded	L	Check arithmetic on invoices and perform bank reconciliations on monthly basis	RFO to perform monthly and auditor to check annually
Direct Costs and Overhead Expenses	Cheque payable is excessive or to wrong party	L	Two Signatories on all cheques	Approval check
Grants and Support	No power to pay or no evidence of agreement of Council to pay	L	Minute council agreement with the power used to authorise payment.	Member to verify
Grants and Support	Conditions agreed	L	Set clear grant awards procedures.	RFO to check
Election Costs	Invoice at agreed rate	L	Agree and document any reasonable conditions	RFO to verify
VAT	Failure to reclaim VAT and loss of income to Council	L	RFO check and consider budget	RFO to verify
Precept	Failure to submit on time to CBC to include in Council Tax bills	L	VAT control totals in cash book used to compile return.	Diary
Precept	Not paid by District Council	L	RFO to plan meetings to ensure deadline is met.	RFO to verify
Precept	Precept is inadequate	M	Clear income budgets are set and monitored quarterly	Diary
Other Income	Cash handling	L	Comprehensive budget planning.	RFO to check on 01/04 each year
Allotment Rents	Not received	L	System of internal control ensures that any cash received is properly receipted, audit trail exists and regular bank rec.	Diary regular meetings P&R and Finance Committee
Grants	Claims procedure	L	Database of all tenants, date rent due, date invoices sent and recovery action taken	Annual review of doc controls
Expenditure	Council overspending is not detected	M	Clerk RFO check as required	Clerk/RFO to monitor and take appropriate action
			Clear budgets and actual exp are monitored quarterly	Diary
				P&R and Finance Committee dates

Expenditure	Council underspending is not managed - resource underdeployment	M	Clear budgets and actual exp are monitored quarterly	P&R and Finance Committee dates
Income	Loss of income by forgetting to issue charges/invoices	L	Clear list of billing expected linked to income budgets which are monitored on a quarterly basis.	RFO to keep list of bills up to date.
Investment Income	Inadequate budgeting or loss of investment opportunities	L	RFO regularly reviews investment and amounts received.	Diary
Procurement/Contracts	Risk of corrupt practices by Members and staff - allegations of favouritism to suppliers or contracts	M	Financial Regulations have clear procurement procedures in respect of quotations, estimates and tendering. RFO ensures they are followed. Internal/Audit performs annual checks.	Annual review of financial regulations & Annual Internal Audit.
Internal Audit	Inadequate Internal Audit leads to errors/fraud not being detected	L	The adequacy of Internal Audit is reviewed annually along with the system of internal control.	RFO to ensure this takes places as part of closedown and annual accounts.
Seats in the Town	Damage by vandalism. Unfit for use.	L	Annual checks. Respond to any reports of damage.	Clerk and Council
Street Furniture	Damage by vandalism. Unfit for use.	L	Regular checks.	Clerk and Council
Bus Shelters	Damage by vandalism. Unfit for use.	L	Monthly checks. Respond to any reports of damage.	Clerk and Council
Defibrillators	Damage by vandalism/use	L	Weekly checks carried out. Respond to any reports of damage.	Clerk and Council
Allotment Sites	Users may injure themselves.	L	Rules in place, regular inspections, review waiting list.	Clerk, Allotment Advisory Group & Council
Allotment Communal Paths/Areas	Users may trip or slip on any uneven surfaces/obstacles	L	Monthly checks. Respond to any reports of damage.	Staff and Council
<b>Council Offices at 148 Queen Street</b>				
Utilities	Safety of supply of gas and electricity	L	Yearly gas and electricity safety checks of whole building	Clerk and Council
Building	Maintenance of structural report carried out in 2018	L	Only ground floor used as no lift. All floors checked visually by Clerk and any necessary repairs carried out.	Clerk and Council
Insurance	Failure to insure resulting in lack of cover.	L	Insurance Policy for building, equipment and contents renewed each year.	Clerk
Slips, Trips & Falls	Staff, Councillors and Public may injure themselves	M	Surfaces kept free of obstructions. Lighting maintained. No loose wiring	All Staff, Councillors and Public
Electricity	Staff and users at risk of injury from faulty equipment.	L	Annual PAT testing of all electrical items. Qualified electrician to carry out	All Staff and Councillors.
Fire	Staff, Councillors and Public	L	Weekly fire alarm tests, check of fire extinguishers.	Staff
Fire Safety	Extinguishers checked by provider annually	L	Checked in July of each year.	Clerk
Security	Fire Safety Certificate renewed when necessary	L	Renewed when necessary.	Clerk
Civic Regalia	Loss of Keys.	M	Keys & spare keys are kept in the safe.	Staff and Council
Staff safety	Loss or theft of.	L	Always kept in safe.	Only staff know the combination code.
	Lone Working.	M	Safety equipment in place. Mobile phone carried with them and regular contact with the office.	Staff and Council
	Injury from Equipment.	M	Safety equipment provided. Purchase new equipment when needed. Re-iterate to staff the need to use safety items	Staff and Council
Public Safety	Injury from equipment, falls etc	L	Ensure signs are in place, keep paths etc free of obstructions where possible	Staff and Council
Safety at Meetings	Personal Safety.	L	Fire checks, stairs & floor kept free of obstructions.	Council
Information Loss	Loss of data/information.	L	Back up on hard drive.	Clerk and Council
Data Protection	Breach of the rules/loss of information	L	Adhere the rules and regular check of rules for amendments.	Staff and Council

Adopted on: 27.05.2021

Signed by the Clerk:

Page 108



## **REVIEW OF ASSET REGISTER**

### **Purpose of Report and Recommendation**

To review the Asset Register

### **1.0 INTRODUCTION**

- 1.1 The Asset Register was last approved at the Annual Meeting on 27<sup>th</sup> May 2021
- 1.2 The Council is required to report on the Asset Register to the Annual Meeting each year. This is shown at Appendix 1 and is up to date at the time of writing.

### **1.3 RECOMMENDATION**

- 2.1 It is recommended that the Asset Register shown at Appendix 1 be reviewed and approved and be further reviewed at the Annual Meeting in 2023.

**WTCAM 26/05/22**  
**Item 26**  
**APPENDIX 1**

**WHITEHAVEN TOWN COUNCIL ASSET REGISTER 2022/23**

**PROPERTY**

148 Queen Street, Whitehaven Cumbria  
4 x 3 bay bus shelter,  
1 x 3 bay bus shelter (Bransty Road)

**INSURANCE**

INSURED FOR £515,000.00  
INSURED FOR £15,366.42  
£4,488.00

**OFFICE FURNITURE AND EQUIPMENT**

2 x Swivel Chairs  
4 x Blue Chairs  
4 x Oak Desks  
2 x Curved Desks  
1 x Oak Dresser  
2 x 2 Drawer Units  
3 x 3 Drawer Units  
1 x Low Level Table  
3 x 4 Drawer Filing Cabinet  
2 x Filing Cupboards  
1 x Ativa Shredder  
1 x Lexmark Printer  
1 x Sharp Printer  
1 x Brother Printer  
3 x Samsung Desk Phones  
4 x PC Monitors  
3 x Hard Drives  
4 x Keyboards  
3 x Laptops  
1 x BT Server  
1 x Safe  
1 x Laminator  
1 x Binding Machine  
2 x Whiteboards  
1 x Bosch Hot Water Machine  
1 x Water Fountain  
1 x Drinks Fridge  
1 x Hoover  
1 x Dehumidifier  
1 x Halogen Heater

**INSURANCE**

1 x Portable PA System and 2 microphones	
2 x Thermos Flasks	
3 x Large Whitehaven Banners	
1 x Framed Whitehaven Rugby League Shirt	
	INSURED FOR: £22,787.09

1 x Cast Iron Road Sign	INSURED FOR: £557.35
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**CHRISTMAS LIGHTS**

Christmas Lights 1	INSURED FOR: £13,599.23
Christmas Lights 2	INSURED FOR: £5,404.07
Christmas Lights 3	INSURED FOR: £5,000.00
Christmas Lights 4	INSURED FOR: £2,240.00
10 x Feeder Boxes	INSURED FOR: £15,450.00

**REGALIA**

1 x Ceremonial Pendant	INSURED FOR: £40,128.87
Loaned Civic Regalia – ceremonial collar, Lady’s jewel pendant, oval Belcher chain, mayoral robe, past mayors medal, and further medal.	INSURED FOR: £102,684.20

**ALLOTMENT AND PIGEON LOFT SITES**

Cartgate Allotment Site	
Crow Park Allotment Site	
Midgey Allotment Site	
Sneckyeat Allotment Site	
Calder Club Pigeon Loft Site	
Langdale Close Pigeon Loft Site	
Overend Pigeon Loft Site	INSURED FOR: £1.00 FOR EACH SITE

44 x Waste Litter Bins	INSURED FOR: £15,292.53
2 x Royal British Legion Silent Soldier Silhouettes	INSURED FOR: £530.45
13 x Lowther Seats	INSURED FOR: £6643.50
20 x Large Flower Barrels	INSURED FOR: £1060.90
8 x Octagonal 3-tiered planters and 16 x barrier baskets	INSURED FOR: £8,623.36
102 x cup and saucer hanging baskets	INSURED FOR: £3,207.55
7 x Defibrillators and cabinets	INSURED FOR: £12,000.00
4 x Self Watering Window Boxes	INSURED FOR: £627.25
Union Jack Bunting	INSURED FOR: £1,364.00
Bicorn Hat:	INSURED FOR: £310.00
LG 50” Smart TV	INSURED FOR: £450.00
2 x metre square planters	INSURED FOR: £710.39
Topsy Royale Litter Bin	INSURED FOR: £216.47
30 x Hanging Basket Brackets	INSURED FOR £450.00
20 x Enviropol Self-watering barrels	INSURED FOR £4,526.00
8 x AED rescue kits	INSURED FOR £144.00



2 x Feather Flags and weights	INSURED FOR £408.82
4 x Lowther Seats with commemorative plaques (St Nics)	INSURED FOR £3,064.89
2 x 3 tier Pagoda Towers	INSURED FOR £899.14
4 x barrier baskets & liners	INSURED FOR £809.47
500 gull proof bags	INSURED FOR £1,944.00
10 x Market gazebos and 32 sandbag weights	INSURED FOR £4,077.30
20 x 6ft folding tables	INSURED FOR £1,127.00
1 x Sharp MX2651 Photocopier	INSURED FOR £3,240.00
10 x litter handihoops	INSURED FOR £71.28
Replacement de-fib pads	INSURED FOR £573.54
Additional 300mtrs Union Jack Bunting	INSURED FOR £393.37
2 x Topsy Royale Bins	INSURED FOR £454.88
1 x Advertisement Banner	INSURED FOR £180.00
500mtrs catenary wire & fittings	INSURED FOR £1539.00
Blue polypropylene rope	INSURED FOR £149.82
4 x Jubilee Flags	INSURED FOR £87.80
500mtrs Groundcover/weed membrane	INSURED FOR £1,100.00
1 x Filing Cabinet	INSURED FOR £60.80
100 x Jubilee Lamp Post Signs	INSURED FOR £410.98
200mtrs festoon, clusterline, lamps and power leads	INSURED FOR £4,997.52

Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**REVIEW OF SOCIAL MEDIA POLICY**

**Purpose of Report and Recommendation**

To review the Council's Social Media Policy

**1.0 INTRODUCTION**

1.1 The Council adopted a Social Media Policy at full Council on 7<sup>th</sup> August 2020 and this is shown at Appendix 1. This was reviewed and adopted at the Annual Meeting on 27<sup>th</sup> May 2021.

**2.0 RECOMMENDATION**

2.1 It is recommended that the Social Media Policy be reviewed and adopted with or without amendment and be reviewed at the Annual Meeting in 2023



## WHITEHAVEN TOWN COUNCIL SOCIAL MEDIA POLICY

ADOPTED BY FULL COUNCIL ON 7<sup>TH</sup> AUGUST 2020 – MINUTE REF 1585/20 REFERS  
REVIEWED AND ADOPTED BY FULL COUNCIL ON 27<sup>TH</sup> MAY 2021 – MINUTE REF 1801/21 REFERS

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The aim of this policy is to set out a Code of Practice to provide guidance to Town Councillors, Council staff and others who engage with the Council using online communications, collectively referred to as social media.

Social media is a collective term used to describe methods of publishing on the internet.

This policy covers all forms of social media and social networking sites which include (but are not limited to):

- Town Council Website;
- Facebook, Myspace and other social networking sites;
- Twitter and other micro blogging sites;
- YouTube and other video clips and podcast sites;
- LinkedIn;
- Blogs and discussion forums;
- Email

The use of social media does not replace existing forms of communication.

The principles of this policy apply to Town Councillors and Council staff and also applies to others communicating with the Town Council.

The current Code of Conduct applies to online activity in the same way it does to other written or verbal communication.

Individual Town Councillors and Council staff are responsible for what they post in a Council and personal capacity.

In the main, Councillors and Council staff have the same legal duties online as anyone else, but failure to comply with the law may have more serious consequences.

Social media may be used to:

- Distribute agendas, post minutes and dates of meetings;

- Advertise events and activities;
- Good news stories linked website or press page;
- Vacancies;
- Re-tweet or share information from partner agencies such as Principle Authorities, Police, Library, Health etc.;
- Announcing new information;
- Post or Share information from other parish related community groups such as schools, sports clubs, community groups and charities;
- Refer resident queries to the clerk and all other councillors

### **CODE OF PRACTICE**

When using social media (including email) Town Councillors and Council staff must be mindful of the information they post in a personal and council capacity and keep the tone of any comments respectful and informative.

Online content should be accurate, objective, balanced and informative.

Town Councillors and Council staff must not:

- Hide their identity using false names or pseudonyms;
- Present personal opinions as that of the Council;
- Present themselves in a way that might cause embarrassment to the Council;
- Post content that is contrary to the democratic decisions of the Council;
- Post controversial or potentially inflammatory remarks;
- Engage in personal attacks, online fights and hostile communications;
- Use an individual's name unless given written permission to do so;
- Publish photographs or videos of minors without parental permission;
- Post any information that infringes copyright of others;
- Post any information that may be deemed libel'
- Post online activity that constitutes bullying or harassment;
- Bring the Council into disrepute, including through content posted in a personal capacity;
- Post offensive language relating to race, sexuality, disability, gender, age, religion or belief;
- Conduct any online activity that violates laws, regulations or that constitutes a criminal offence.

Publishing untrue statements about a person which is damaging to their reputation is libel and can result in court action and fine for damages.

This also applies if someone else publishes something libelous on your social media site. A successful libel claim will result in an award of damages against you.

Posting copyright images or text on social media is an offence. Breach of copyright will result in an award of damages against you.

Publishing personal data of individuals without permission is a breach of Data Protection legislation is an offence.

Publication of obscene material is a criminal offence and is subject to a custodial sentence.

Councillor's views posted in any capacity in advance of matters to be debated by the Council at a Council or Committee meeting may constitute Pre-disposition, Pre-determination or Bias and may require the individual to declare an interest at Council meetings.

Anyone with concerns regarding content placed on social media sites that denigrate Town Councillors, Council staff or residents should report them to the Clerk of the Council.

Misuse of social media content that is contrary to this and other policies could result in actions being taken.

The Council will appoint a nominated person as Administrator of the Town Council social media output and be responsible for posting and monitoring content to ensure it complies with the Social Media Policy.

The Administrator will have authority to remove any posts made by third parties from Council social media pages which are deemed to be of a defamatory or insulting nature.

**TIME AND PLACE OF ORDINARY COUNCIL MEETINGS UP TO  
AND INCLUDING THE NEXT ANNUAL MEETING**

Thursday 30/06/2022 at 6:00pm  
Thursday 28/07/2022 at 6:00pm  
Thursday 25/08/2022 at 6:00 pm  
Thursday 29/09/2022 at 6:00pm  
Thursday 27/10/2022 at 6:00pm  
Thursday 24/11/2022 at 6:00pm  
None scheduled for December  
Thursday 26/01/2023 at 6:00pm  
Thursday 23/02/2023 at 6:00pm  
Thursday 30/03/2023 at 6:00pm  
Thursday 27/04/2023 at 6:00pm

All Meetings to be held at the Beacon Portal