

WHITEHAVEN TOWN COUNCIL

Clerk and Responsible Financial Officer: Marlene Jewell
Telephone: 01946 67366

To: Members of Whitehaven Town Council

You are duly **SUMMONED** to attend the **MEETING** of the **WHITEHAVEN TOWN COUNCIL** which will be held at:-

Venue: United Reformed Church, Market Place Whitehaven

Date: Thursday 28th September 2017

Time: 7.00pm

Signed.....Dated.....
Marlene Jewell, Clerk and Responsible Financial Officer

AGENDA

1. **Apologies for Absence**
2. **To approve the Minutes of the Meeting held on 31st August 2017**
3. **To approve the Minutes of the Extraordinary Meeting held on 7th September 2017**
4. **Declarations of Interest**
To receive declarations of interests by elected members in respect of Agenda items
If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact the Clerk at least 24 hours in advance of the meeting.
5. **Public Participation**
6. **Planning Applications**

To consider planning applications received and submit any representations to Copeland Borough Council. At the time of sending the Agenda there are no Planning

Applications as Copeland Borough Council's systems are down but any received before the Council meeting will be forwarded to Councillors.

- 7. Financial Report**
- 8. Financial Regulations** – To consider and approve the Council's Financial Regulations last Revised on 25 August 2017
- 9. Standing Orders** – To consider the Council's Standing Orders last amended on 25th August 2016 and amended on 26th January 2017
- 10. Asset Register** - To consider and approve the Council's Asset Register last revised on 4th August 2016
- 11. Financial Risk Assessment** – To consider and approve the Council's financial risk assessment last revised on 4th August 2016
- 12. Health and Safety Policy and Risk Assessment** - To consider and approve a Health and Safety Policy and Risk Assessment
- 13. Safeguarding Policy** – To consider and approve a safeguarding policy for Members and staff
- 14. Litter Bins and Seats/Benches in Whitehaven** – Chairman to give a report
- 15. Christmas Events Advisory Group** – Councillor Maudling to give a report on the recent meeting of the Christmas Events Advisory Group and its recommendations.
- 16. Corruption in Copeland** –The Chairman to give a report
- 17. Ceremonial Medals** – The Chairman to give a report
- 18. Councillor Matters**
- 19. Date and Venue of next meeting**

Exclusion of Press and Public

That prior to the consideration of the following item the Chairman will move the following resolution

That in view of the special or confidential nature of the business about to be transacted the public and/or press be temporarily excluded and they are instructed to withdraw.

- 20. Allotments Advisory Group Meeting on 25th September 2017** – The Chairman to give a report.

WHITEHAVEN TOWN COUNCIL

Minutes of the Council Meeting held on 31st August 2017

Present: Councillors B O’Kane (Chairman); J. Forster; S. Gearing;
J. Kane; C Maudling; G. Roberts

M. Jewell, Clerk and Responsible Financial Officer
Vanessa Gorley, Trainee Assistant Town Clerk

Caroline Mc Donald and Clare Proudlock from Home Group
Jo McLeod CBC
Susan Fryer CBC
Janice Carrol CBC
Members of the Public

The Chairman apologised for the late start of the meeting which was due to a Copeland Borough Council meeting. He said it would be necessary to change the order of Agenda items as there were people waiting to give presentations who had a long way to travel home.

753/17 Apologies for Absence

Apologies for absence were received from Councillor Guest, Councillor Laine, Councillor Lowrey and Councillor Rayson.

754/17 Minutes of the Meeting held on 28th July 2017

RESOLVED – That the Minutes be approved and signed by the Chairman as a correct record

755/17 Minutes of the Extraordinary Council Meeting held on 30st August 2017

RESOLVED – That the Minutes be approved and signed by the Chairman as a correct record.

756/17 **Declarations of Interest**

Councillor Gearing declared that she was a tenant of Home Group

757/17 **Public Participation**

- (i) Mr Nicholson asked if there had been any progress on street cleaning as outside Wilkos was littered with cigarette ends, cans wrappers etc.
The Chairman said there was item 12 (the Whitehaven Lengthsman Partnership) later on in the Agenda about this and this might answer his questions.
Mr Nicholson said that a lot of councils now seem to be getting enforcement officers to check on these things. The Clerk said that CBC had enforcement officers who were out and about and who regularly issued a lot of litter tickets outside Wilkos and other areas of the town and that a lot of people paid the litter tickets rather than go to Court.
- (ii) Mr Nicholson asked if the Council would consider looking at introducing a Tourist Information Office perhaps at the Beacon and manned by volunteers. He said a lot of town councils seem to be doing this. The Chairman said he had a meeting the next day with CBC and would mention this. Councillor Maudling said that when he had attended a meeting for the presentation of the World Heritage Site he had stood up and said that was great but now we have Copeland open for business and we don't have any toilets nor do we have any tourist information. He said the Mayor of Copeland said that a tourist information centre would be opened.
- (iii) Mr Nicholson said the Coast to Coast starts here and when people come they haven't got a good starting point other than when they get dropped off and then start looking for a toilet. He asked if it would be possible for WTC to approach the Harbour Commissioners to ask if agreement could be reached for people to use their toilet and changing facilities before they set off. The Chairman said the Clerk would write to the Harbour Commissioners about this.
Councillor Maudling said 12,500 cyclists come to Whitehaven each year for the Coast to Coast and we never see them again and we should be looking at ways that we can retain them so that businesses can benefit.
- (iv) Mr Nicholson asked if there had been any progress on the X4 and X5. The Chairman said that Councillor Roberts would answer this

when he arrived

- (v) Dorothy Martin said that she lived on George Street and had a beautiful Home Group property but that there were one or two grot spots. She said there were discarded needles and rubbish at the entrance to Birley Court and it was an eyesore and was horrendous and horrible to look at. She said there was also a lot of antisocial behaviour and the Police were in regular attendance. Councillor Maudling said he had had this on board for the past three years and That Home Group had refused to meet him face to face to go round Birley Court. Mrs Martin said that last week someone opened a flat window and dropped a needle out and on 5th August 2 addicts were seen by her grandchildren injecting on Queen Street. Councillor Maudling said that all the druggies seemed to have been moved in together.
- (vi) Dorothy Martin said their bins after being emptied were left in the archway to Birley Court and that people didn't collect them and that this was blocking the public access. The Chairman said that he would ask the Police, the Ward Councillor and Home Group to sort this out together.

Councillor Kane and Councillor Roberts entered the meeting at this point.

- (v) Councillor Roberts then answered Mr Nicholson's question about the X4 and X5. He said it was a misunderstanding on his part, the County Council and Stagecoach. He said this was a prototype service for an early morning school bus and it would go only as far as Cockermouth Main Street. He said it was not regular and that Stagecoach had no plans to run a regular service. He said the 600 service from West Cumberland Hospital could be used to link up to Cockermouth. Mr Nicholson said his original request was could the X4 and X5 service from Kendal to Workington be extended to Whitehaven and Councillor Roberts said the answer was no and Stagecoach had no plans to do so. Cllr Gearing said that she would like to go on the X4 and X5 to go to the lakes and Councillor Roberts said that when the new Traffic Manager from Stagecoach was in place in Preston he would be having a meeting with him as he felt for the beauty of Lakeland and to open up the Lake District we need good infrastructure and buses are an integral part. Councillor Roberts was asked to make representations on this in his capacity as a County Councillor. The Clerk was asked to write a

letter about this to CCC and Stagecoach.

758/17 **Exclusion of Public and Press**

The Chairman moved the following resolution:-

That in view of the special or confidential nature of the business about to be transacted the public and/or press be temporarily excluded and they are instructed to withdraw.

RESOLVED – That the public and press be excluded for the following item

759/17 **Local Government Pension Scheme**

Further to Minute 747/17 (ii) the Chairman reported he had received advice from J McLeod about employees joining the LGPS. Jo McLeod

RESOLVED – (i) That membership of the LGPS be extended to employee VG in accordance with the employment contract.

(ii) That The Chairman and Jo McLeod discuss with employee MJ alternative to pension membership the value of which not to exceed the cost of the employer contributions to LGPS.

IN PUBLIC

760/17 **Planning Applications**

The Council considered a list of planning applications shown at Appendix 1 plus an extra application No. 4/17/9014 which had been received from CCC relating to the former Sekers site. Councillor Gearing said that she fully supported application No CH/4/17/2017/0F1. Councillor Roberts stated that he was a member of CCC.

RESOLVED – (i) That the Council noted Councillor Gearing's support and that the Local Planning Authority be informed that there were no representations to the planning applications.

- (ii) That the CCC be informed that there were no representations to planning application 4/17/9014.

761/17 **Planning Committee and Training**

Further to Minute 738/17 the Clerk reported that she had contacted CALC whose response had been that planning training was normally carried out by the Planning Manager of district councils. The Planning and Development Manager from Copeland Borough Council had been contacted about providing planning training this and a reply was awaited.

RESOLVED - That the Clerk contact the Planning Manager again and if he is unable to provide the necessary training that the Clerk find an alternative training provider.

762/17 **Whitehaven Market**

The Chairman introduced Janice Carrol from Copeland Borough Council who gave a report on the continuing development of Whitehaven Market and requesting a contribution from the Council for operational and ongoing development costs of £21,795
She said that

- Copeland was funding the Market Traders Initiative for start- up stalls and was not asking for any funding for that
- The market was starting to gain momentum
- The Markets officer has been networking and looking at other markets
- They were starting to look at Christmas events but had not looked beyond that because CBC needed commitment from WTC
- There was a lot of promotion for the market in the media
- The number of market stalls being rented was not big but was showing consistent growth.
- CBC was asking for a 50 % contribution of £21,795 for 2017/2018 for operational and ongoing development costs (including the Markets Officer on 2.5 days per week)

There was reference in the report to the cost (£1,800) of

supporting the Market Traders Support Initiative from September 2017 but Janice Carrol said that the £1,800 had been found.

Councillor Maudling said that the same markets advert was being used time after time and Janice Carrol said the Council was not going to continue with that and the plan for the future was to use different media eg the West Cumbria Guide and Facebook.

Janice Carrol said that there would need to be a meeting of the Market Stakeholder Group very soon as it had not met for a few months and the Chairman asked for a volunteer(s) from the Council to sit on the Group and Councillor Gearing volunteered to sit on the Group.

The Chairman proposed that the Council pay 50% contribution amounting to £21,795 towards operational costs and the Markets Officer on 2.5 days a week and this was seconded by Councillor Gearing.

Following a vote it was unanimously

- RESOLVED** :- (i) That the Council pay 50% contribution amounting to £21,795 for 2017/2018 towards operational and ongoing development costs for Whitehaven Market (including the Markets Officer on 2.5 days per week).
- (ii) That Councillor Gearing represent the Council on The Markets Stakeholder Group.

763/17 **Financial Report**

- (i) The Council considered at Appendix 1 a list of invoices for payment

RESOLVED - That payment of the invoices shown on Appendix 1 be authorised for payment.

- (ii) **RESOLVED** – (i) That the Cashbook (Appendix 2) and the Income and Expenditure (Appendix 3) be agreed and noted.

- (iii) **RESOLVED** – That the information at 2.1, 2.2, 2.3 and 2.4 be agreed and noted.

764/17 **Audit Report**

The Chairman reported that the Council's internal Auditor had carried out an Interim Audit for 2017/18 and her report stated that the cash book is properly maintained and up to date, VAT reclaimed, there are proper arrangements for payroll and HMRC payments, the insurance policy covers all risks, income is properly accounted for and arrangements for making transfers and payments from the Council's bank accounts are transparent and operate correctly.

RESOLVED – That the Interim Audit Report be approved.

765/17 **Annual Audit Review**

The Clerk reported that following Council approval of the Annual Return on 25th May 2017 it had been advertised for public inspection and submitted to BDO. BDO had raised 3 queries and asked for some further information. The queries were answered leaving one outstanding matter that the BDO intended to issue a qualified audit report on because the period of electors rights in 2015/2016 was not given in accordance with the Audit Regulations and the Council had in good faith ticked the box to say it had. BDO said the Council could apply to have the qualification lifted at a cost of £30 (which would involve BDO returning the original Annual Return form to have it mended and signed and returned to them) and it had been agreed that an email would be sent to BDO following the Meeting to confirm the Councils decision.

RESOLVED - That the Council apply to BDO to amend the original Annual Return form to have the qualified status lifted and that the Clerk contact BDO about this the next day.

766/17 **Whitehaven Lengthsman Partnership**

The Chairman said that over the last two years the Council had discussed the idea of having an employee of our own who would be able to do a range of different jobs. At a recent meeting with Mayor Starkie the proposal was to form a partnership based on a person employed for five days by Copeland Borough Council but for three days the person would work for WTC and the salary for those three days would be paid by

WTC. The cost for three days was £26,800 which included employee costs, machinery, maintenance, transport, training, admin costs.

During the three days WTC would have charge of the employee and for things like grass cutting the whole of WTC's area would be covered.

Other duties would include litter picking and checking play areas.

Reference was made to funding an electric hand operated sweeper (Glutton machine) at a cost of £11,000. The Chairman asked to leave the Glutton machine to another time as this was being discussed elsewhere and proposed that this be revisited at the next meeting and CBC agreed to arrange a demonstration of the Glutton machine.

Susan Fryer from CBC said the work would be carried out by a member of the proposed Ranger Team and that the team would be supported by an arborist who would deal with any issues relating to trees. The Ranger Team would come into operation on 1st January 2018. Janice Carrol said that CBC could give business continuity in that if the Ranger was away from work there would be someone else in the Ranger Team to take over the duties.

Councillor Kane said the Council should have input into the job description.

The Chairman proposed that the Council agree in principle to entering into a partnership with CBC for an employee to work for the Town Council three days a week at a cost of £26,800 per annum subject to WTC and CBC working through the job description before anyone is employed either internally or externally. This was seconded by Councillor Maudling.

RESOLVED –(i) That the Council agree in principle to partner with CBC and pay a contribution of £26,800 per annum towards the annual operational costs of employing a Ranger based on three days per week working exclusively for WTC subject to WTC and CBC working through and agreeing the job description before someone is employed.

(ii) That the funding for the Glutton machine be deferred and that WTC and CBC should meet in the next few weeks and in the meanwhile CBC would arrange a demonstration of this machine.

767/17

Home Group

The Chairman said at the last meeting there was a range of Home Group issues and the reason for asking for the meeting was because the Council was concerned about the relationship between the Whitehaven residents and Home Group and the meeting was to discuss how to improve communication and get work done. Two representatives from Home

Group, Caroline McDonald and Clare Proudlock attended the Council meeting.

Home Group said that they were working quite closely with the Portfolio Holder for Housing.

Home Group said that it was more difficult to get in touch with them because the customer had to have an understanding of how they offered their service. They said everything was now structured and recorded and that according to their records they had a very low rate of drop off of telephone calls.

Councillor Maudling said it was the responsibility of Home Group to care for their tenants and Home Group said that their customers also had a responsibility to report any repairs to them

Councillor Kane referred to the many empty properties and Home Group said they had 5 empty properties which were ready to let but that they couldn't find tenants for them.

Home Group asked that customers make contact with them initially. The Chairman said that the reputation of Home Group was nose-diving and that the communication issue was by far the worst problem.

The Chairman asked how the people of Whitehaven could be represented and the dialogue between the people in the Council's area and Home Group be improved.

Councillor Forster said that in Hensingham they had regular surgeries for people to attend.

Following a discussion it was

RESOLVED – That Home Group send information to the Council on how people can communicate with Home Group so that this can be put on the Council's website.

768/17

Christmas Events Advisory Group

The notes from the meeting of the Christmas Events Advisory Group held on 11th August 2017 were circulated. Councillor Maudling reported that the switch on of the Christmas lights would be 19th November 2017. He said that he was waiting to hear about the festivities but he estimated that it would cost between £6000 and £8000 to stage the event and that 2 artistes would be appearing.

The Clerk said that the Advisory Group recommended either using S101 of the Local Government Act 1972 or suspending Financial Regulations to award the contract for this year for the collection, repair, testing, erection, maintenance and dismantling of the Christmas lights to Cumbria County Council and that for the future it was recommended

that the infrastructure of the Christmas lights be completely redesigned and revamped/replaced.

Cumbria County Council had submitted a quote that said this work would cost £26,745 but that there would be unseen repairs which may take the cost to a maximum of £27,000. S101 could not be used as it referred to the delegation of Council functions and Christmas lights was not a Town Council function. The Clerk said that the procedure for suspending Financial Regulations would require the matter to be dealt with at an Extraordinary Council meeting. The Chairman said that the cost of Christmas Festivities could be dealt with at the same Extraordinary Council meeting.

RESOLVED – (i) That an Extraordinary Council meeting be called to suspend Financial Regulations to award the contract for this year for the collection, testing, repair, erection, maintenance and dismantling of the Christmas lights to Cumbria County Council.

(ii) That Christmas Festivities be discussed at the same Meeting.

(iii) That the switch on of the Christmas lights in Whitehaven on 19th November 2017 be approved.

769/17

Bus Shelters, Waste Bins and Seats/Benches Litter

The Chairman said that at the moment the Council did not have a full list of requirements for bus shelters so they would be discussed at a future meeting.

The Chairman said that there were several bus shelters in the pipe line. He said all this was connected with the Pride of Place for Copeland and that one of the main areas was Whitehaven. So because everyone was aware that the town centre needed various things he was proposing that the litter bins and the seats/benches in the town centre be replaced (including those that had been removed) by the Council on a like for like basis. Research had been carried out by Nicky Scott and that the cost of the black soldier bins was approximately £3000 (including seagull-proof flaps). 36 bins were to be removed which would therefore cost approximately £12,000. It had been estimated that 50% of the bins removed could be recycled and redistributed at a cost.

The Chairman said that his second proposal was to replace the 10 seats/benches again on a like for like basis with high quality coastal seats/benches at a cost of approximately £900 each but that the Council needed the permission of CCC to do this.

Councillor Maudling asked if the seats would be resin instead of wood and the Clerk said that the seats were made of enviropol material. The Chairman proposed spending £10,000 to remove and replace the seats/benches and £12,000 to remove and replace the litter bins in Whitehaven Town Centre subject to consulting with CBC to make sure the furniture is of the right design, making a total of £22,000. Councillor Maudling seconded this

- RESOLVED** – (i) That 10 seats/benches in the town centre be replaced on a like for like basis subject to consultation with CBC and at a cost of £10,000.
- (ii) That 36 bins be removed and replaced on a like for like basis subject to consultation with CBC and CCC at a cost of £12,000
- (iii) That the Council investigate where to redistribute any bins that can be recycled.
- (iv) That Council look at Ward litter bins at the next meeting

770/17

King Street Pedestrian Area

The Chairman said that because of problems the Police and CCC were to be contacted to ask them to review the traffic access to King Street, Whitehaven.

RESOLVED – That a letter be sent to the Police and CCC to ask them to review traffic access to King Street, Whitehaven

771/17

Corruption in Copeland

The Chairman expressed concern that one of our Councillors had posted comments about corruption in Copeland. He read out what had been posted on an open facebook page.

Councillor Maudling said he would rather the Councillor was at the Council meeting to answer the questions.

RESOLVED – That the matter be deferred to the next meeting so that an explanation could be given by the Councillor concerned.

772/17 **Suspension of Standing Orders**

The Chairman said it was now 9.30 and in order to deal with the remaining Agenda items he proposed that Standing Orders be suspended for 30mins to do this.

RESOLVED – That Standing Orders be suspended for 30 minutes to deal with the remaining items on the Agenda.

773/17 **Councillor Protocols**

The Chairman asked that all Councillors pass any issues they may have directly to the appropriate authority be it CBC or CCC as the Council should not be diving in and trying to solve everyone's problems but should be referring them to the appropriate authority.

RESOLVED – That this be noted

774/17 **Ceremonial Medals**

The Chairman said that the Council had two medals in its possession, one gold and one silver and that a decision needed to be made about them. The Chairman asked the Clerk to inform the Council of the Chairmans expenses for 2015/2016.

Following a discussion it was

RESOLVED – That this be deferred to the next meeting

The Mayor Announced that this year he had no proposals to do a Mayoral ceremony but said he would be having a Mass for Whitehaven at St Begh's Church because it was all about our town. This was noted.

775/17 **Councillor Matters**

1. The Clerk informed the Council that Councillor Rayson had asked that certain matters relating to her Ward be mentioned. These were as follows:-
 - (i) The equipment in Jericho park is starting to look a bit dated with rust and flaky paint. Also a resident has commented on how it can't be used after wet weather unlike other play parks that have bark or

matting on the ground.

- (ii) The usual issue about lack of dog bins has been raised.
 - (iii) There is an ongoing problem with the path at the top of Highfields leading to Rascals Nursery which floods in winter. Residents have raised this with the previous Councillor.
 - (iv) A resident is regularly feeding seagulls, often scraping the remains of his meal off his plate onto the grass outside his house where children play. One of his neighbours has reported him to me.
2. Councillor Gearing said there were problems with the waste team getting round because of parked cars. She said she had suggested designated bin areas but they said that that would be difficult as they had assisted bin collections and that it seemed that every suggestion she put forward was rejected.
 3. Councillor Kane said that someone had dumped dead rabbits in a waste bin but that Janice Carrol had taken the bin away and replaced it with a new one.
 4. Councillor Forster said there would be a Ward clean up in Hensingham on 5/9/17 by herself, CBC and others to deal with weeds etc. Councillor Gearing suggested that other Councillors go along to help and Councillor Forster welcomed all help
 5. Councillor O'Kane read out a letter received from Mark Kirkbride the CEO of West Cumbria Mining which stated that WMC was extremely grateful for the letter of support from the Town Council dated 30th June 2017 but was concerned by a letter date 10th July 2017 signed by 2 Whitehaven Town Councillors written in a manner that appeared to represent and have the support of the Town Council and which set out a number of requests for financial support and other commitments to be made by WMC.
Mr Kirkbride said that WCM was seeking to bring major investment into Whitehaven with the prospect of well-paid jobs, financial benefits to local businesses and suppliers and that if there were too many formal demands placed on the project it could reach a point where it becomes uneconomical to proceed and that this would not be in the best interests of the Town Council or local communities.
Councillor Roberts said that he had said at a previous meeting that this

was a County Council matter

776/17 Date and Venue of next Meeting

RESOLVED – That the next Council meeting be on 28th September 2017 at a venue to be arranged.

The Meeting closed at 9.50

Chairman

WHITEHAVEN TOWN COUNCIL

Minutes of the Extraordinary Council Meeting held on 7th September 2017

Present: Councillors B. O’Kane (Chairman); J. Forster; R. Gill;
J. Kane; C. Maudling; G. Roberts;

M. Jewell, Clerk and Responsible Financial Officer

V Gorley Trainee Assistant Town Clerk

777/17 Apologies For Absence

Apologies for absence were received from Councillor Guest, Councillor Gearing, Councillor Laine; Councillor Lowrey and Councillor Rayson.

778/17 Declarations of Interest

Councillor Roberts declared that he was a member for Cumbria County Council.

779/17 Public Participation

There was no public participation.

780/17 Christmas Lights and Festivities

Following the last Council Meeting on 31 August 2017 (Minute 768/17 refers) The Chairman reported on the prior notice of a resolution to suspend Financial Regulation 11 and the Council considered the risk assessment. The purpose of suspending Financial Regulations was to have the testing, repairing, maintenance and dismantling of the Christmas lights undertaken by Cumbria County Council without seeking tenders/estimates/quotes from other companies. The budget for Christmas was £25,000 and the County Council had submitted a quote of £24,785.50 and had stated that there was likely to be further costs to a maximum of £27,000.

A discussion followed on this and it was agreed that the County Council would provide a value for money service and the Town Council could be confident that the work would be carried out in a safe and efficient manner.

RESOLVED – That Financial Regulation 11 be suspended and that the work to collect, test, erect, repair, maintain and dismantle the Christmas lights be carried out this year by Cumbria County Council in accordance with their quote.

781/17 **Christmas Festivities**

The Chairman referred to the last Council meeting (Minute 768/17 refers) when it was agreed that the Christmas festivities would be discussed at the Extraordinary Council meeting.

Councillor Maudling said that £6000 to £8000 was required for Christmas festivities for the Christmas switch on to pay for:-

CFM stage	£2,500
Generator	£400-500
Paramedics	£21 per hour or ask St John's Ambulance and make a donation
Security	£17 per hour
Barriers	£400
2 Artistes on the day	£1500 (£750 each)

Following a discussion Councillor Gill proposed that £7,000 be added to the Christmas budget for Christmas festivities increasing the budget for Christmas to a total of £34,000. This was seconded by Councillor Kane

RESOLVED – (i) That £7,000 be agreed for Christmas festivities for the Christmas switch on which would increase the original budget of £25,000 (plus the increase of £2,000 in 780/17 above) to a total of £34,000.

(ii) That an item be put on the first Council meeting in 2018 recommending that for Christmas 2018 the Council only be responsible for the erection, maintenance and dismantling of the Christmas lights and that a committee external to and separate from the Council be set up to raise money to provide Christmas festivities for the town.

782/17

Annual Return

The Chairman asked permission to raise an urgent issue and this was agreed and he asked the Clerk to explain the issue.

The Clerk referred to the earlier Minute 765/17 of the Council Meeting on 30th August 2017 and said that BDO had not sent the form back for amendment but had informed the Council on 4th September 2017 that because of financial irregularities between April 2016 and December 2016 which were identified in the Internal Auditors Report carried out in December 2016 that a Qualified Return would be issued to the Council, meaning that the Council could not apply for Quality Council status in the next 12 months. BDO had said that it was now too late to appeal to get the qualified status lifted which was agreed in Minute 765/17 and that there was no point appealing the irregularities raised in the Internal Auditors report on the basis that everything was in order by March 2017 as these irregularities had happened in 2016/2017. In the circumstances the Chairman had agreed that no appeal should be made either in respect of Minute 765/17 or the latest qualifications raised by BDO on 4th September 2017 and the BDO be informed accordingly.

RESOLVED – That the position be noted and that the action taken by the Chairman not to appeal be approved.

The Meeting closed at 7.00pm

Chairman

FINANCIAL REPORT

Purpose of the Report

- (i) Members are asked to consider a list of invoices for authorisation and payment as shown at Appendix 1
- (ii) That the recommendations in paragraphs 3.1 and 3.2 be approved

1.0 INTRODUCTION

- 1.1 Authorise the payment of all invoices as listed in Appendix 1
- 1.2 The Council is asked to note the cashbook as reconciled with the bank account as shown at Appendix 2 together with Income and Expenditure at Appendix 3.

2.0 FINANCIAL POSITION

- 2.1 The bank reconciliation was carried out on 19th September 2017. This shows a balance of £328,191.01. There are however cheques to the value of £13,345.31 still to be presented and cleared.
- 2.2 The balance in the deposit account as at 19th September 2017 was £139,885.77

3.0 RECOMMENDATION

- 3.1 The invoices listed and shown in Appendix 1 be approved and authorised for payment.
- 3.2 The Cashbook (Appendix 2) and the Income and Expenditure (Appendix 3) be noted.
- 3.3 That the information at 2.1 and 2.2 be noted

28/09/2017

Appendix 1

Invoices for Consideration by Whitehaven Town Council

<u>Date</u>	<u>Supplier</u>	<u>Category</u>	<u>Detail</u>	<u>Total Amount</u>	<u>Power</u>
05.05.2017	Westlakes Recruit UK	Salaries	Agency staff w/e 28.04.2017	£541.68	s111 LGA 1972
29.08.2017	Viking	Office	Copier Paper	£31.42	s111 LGA 1972
14.09.2017	Cumbria Media	Office	Website maintenance	£92.00	s111 LGA 1972
19.09.2017	Rosehill Youth Theatre	Office	Hire of Ennerdale Room	£60.00	S11 LGA 1972
				£725.10	

WHITEHAVEN TOWN COUNCIL - RECREATED CASH BOOK

INCOME 2017-18

Date	Item	Precept	Interest	Other
01/04/2017	Interest		4750.03	
25/04/2017	Parish Precept	334166.78		
15/06/2017	Charity Fund			100
05/07/2017	VAT Refund			28683.93
18/07/2017	SBRR			1574.08
27/07/2017	VAT Refund			11701.65
21/08/2017	VAT Refund			548.88

334166.78	4750.03	42608.54
------------------	----------------	-----------------

Expenditure Net Invoices not yet processed Budget of VAT

**WHITEHAVEN TOWN COUNCIL
SUMMARISED INCOME & EXPENDITURE STATEMENT
FINANCIAL YEAR 2017-18**

BANK BALANCES BROUGHT FORWARD
CBS 53905917 44,343.62
CBS 53906216 185,135.74
TOTAL OPENING BALANCE 229,479.36

INCOME:
Precept 334,166.78
Interest (Deposit) 4,750.03
Other Income 42,608.54
TOTAL INCOME 381,525.35

EXPENDITURE
Salaries 37,319.55
Expenses (Clerk & Councillors) 37.30
Training -
Office Exps/Room Hire 10,168.69
Allotments 6,690.00
Christmas 628.35
Market -
Cleaning & Maintenance -
General Grants 70,060.07
Sponsorship -
Insurance & Audit 3,075.07
Mayor's Events 140.00
Ward Grants 6,032.80
Elections 8,908.72
Regeneration 1,000.00
VAT (to be reclaimed) 6,482.69
TOTAL EXPENDITURE 156,273.24

CASH BOOK BALANCE
Brought forward 229,479.36
Income 381,525.35
Expenditure 156,273.24
Town Council Funds 454,731.47

BANK BALANCES
CBS 53905917 (21 July 2017) 328,191.01
CBS 53906216 (21 July 2017) 139,885.77
468,076.78

Unpresented Cheques 13,345.31
FINANCIAL POSITION 454,731.47

FINANCIAL REGULATIONS

Purpose of the Report

- (i) To ask Members to review the Council's Financial Regulations and to approve them subject to any amendments to be made

1.0 INTRODUCTION

- 1.1 Members will be aware that the Council's Financial Regulations were adopted on 25th August 2016.
- 1.2 The Financial Regulations now need to be reviewed, any amendments made and then approved for the ensuing year.
- 1.3 The Council's current Financial Regulations shown at Appendix 1 are model Standing Orders produced by NALC.
- 1.4 The model Financial Regulations produced by NALC have been checked against our Financial Regulations and both documents are the same.
- 1.5 Should any amendments be made by NALC to the model Financial Regulations these amendments will be referred to full Council at that time for consideration of incorporation.

2.0 RECOMMENDATION

- 2.1 That the Council review the Financial Regulations and approve them subject to any amendments they may wish to make.



Financial Regulations

WHITEHAVEN TOWN COUNCIL

FINANCIAL REGULATIONS

Adopted 25th August 2016 – Review May 17

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	14
10. ORDERS FOR WORK, GOODS AND SERVICES	14
11. CONTRACTS	15
12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS ...	17
13. STORES AND EQUIPMENT	17
14. ASSETS, PROPERTIES AND ESTATES	17
15. INSURANCE	18
16. CHARITIES	18
17. RISK MANAGEMENT	19
18. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS	19

These Financial Regulations were adopted by the Full Council at its Meeting held on (date to be added)

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 orders¹ 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.
- 1.9. The RFO;

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

- 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.
- 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 a duly authorised committee 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.

To be removed

OR

- 6.22. [The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.
- a) The RFO shall maintain a petty cash float of £250 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
 - b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to council under 5.2 above.

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 claim 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 Regulations².

² 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

- 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)³.
- 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 relevant Standing Orders, ⁴ 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.

³ 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)

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

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).
- 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.

* * *

STANDING ORDERS

Purpose of the Report

- (i) To ask Members to review the Council's Standing Orders and to approve them subject to any amendments to be made

1.0 INTRODUCTION

- 1.1 Members will be aware that the Council's Standing Orders were adopted on 25th August 2016 and amended on 26/01/2017.
- 1.2 The Standing Orders now need to be reviewed, any amendments made and then approved for the ensuing year.
- 1.3 The Council's current Standing Orders shown at Appendix 1 are model Standing Orders produced by NALC.
- 1.4 The model Standing Orders produced by NALC have been checked against our Standing Orders and both documents are the same.
- 1.5 Should any amendments be made by NALC to the model Standing Orders (the last amendment was in 2014) these amendments will be referred to full Council at that time for consideration of incorporation.

2.0 RECOMMENDATION

- 2.1 That the Council review the Standing Orders and approve them subject to any amendments they may wish to make.



WHITEHAVEN TOWN COUNCIL

Standing Orders

ADOPTED BY RESOLUTION ON 25th August 2016

Review date May 2017

*S.O. 6 Amended by
Full Council on 26/1/17*

Index of standing orders

1. Rules of debate at meetings (P3)
2. Disorderly conduct at meetings (P5)
3. Meetings generally (P6)
4. Committees and sub-committees (P8)
5. Ordinary council meetings (P10)
6. Extraordinary meetings of the council and committees and sub-committees (P12)
7. Previous resolutions (P12)
8. Voting on appointments (P13)
9. Motions for a meeting that require written notice to be given to the Proper Officer (P13)
10. Motions at a meeting that do not require written notice (P14)
11. Handling confidential or sensitive information (P15)
12. Draft minutes (P15)
13. Code of conduct and dispensations (P16)
14. Code of conduct complaints (P17)
15. Proper Officer (P18)
16. Responsible Financial Officer (P19)
17. Accounts and accounting statements (P19)
18. Financial controls and procurement (P20)
19. Handling staff matters (P21)
20. Requests for information (P22)
21. Relations with the press/media (P22)
22. Execution and sealing of legal deeds (P22)
23. Communicating with District and County or Unitary councillors (P23)
24. Restrictions on councillor activities (P23)
25. Standing orders generally (P23)

WHITEHAVEN TOWN COUNCIL

Standing orders

1. Rules of debate at meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.

-
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
 - h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
 - i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
 - j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
 - k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
 - l A councillor may not move more than one amendment to an original or substantive motion.
 - m The mover of an amendment has no right of reply at the end of debate on it.
 - n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
 - o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
 - p During the debate of a motion, a councillor may interrupt only on a point of order

or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.

- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.

2. Disorderly conduct at meetings

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.

-
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
 - c If a resolution made under standing order 2(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. Meetings generally

- Full Council meetings
- Committee meetings
- Sub-committee meetings

- a Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.
- b The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- c The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.
- ■ d Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from

part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.

- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed 15 minutes unless directed by the chairman of the meeting.
- g Subject to standing order 3(f) above, a member of the public shall not speak for more than 3 minutes.
- h In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak (except when a person has a disability or is likely to suffer discomfort).
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted in accordance with the DCLG guide for the press and public on attending and reporting meetings of local government issued August 2014.**
- m The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- n Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**
- o The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

-
- p Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.
- q The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.
See standing orders 5(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.
- r Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- s The minutes of a meeting shall include an accurate record of the following:
- i. the time and place of the meeting;
 - ii. the names of councillors present and absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - v. if there was a public participation session; and
 - vi. the resolutions made.
- t A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.
- u No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than three.
See standing order 4d(viii) below for the quorum of a committee or sub-committee meeting.
- v If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- w A meeting shall not exceed a period of 2.5 hours.

4. Committees and sub-committees

- a **Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- c **Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 2 days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;

-
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - xii. may dissolve a committee.

5. Ordinary council meetings

- a In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.
- b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.
- c If no other time is fixed, the annual meeting of the council shall take place at 6pm.
- d In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.
- e The first business conducted at the annual meeting of the council shall be the election of the Chairman(Mayor) and Vice-Chairman (Deputy Mayor) (if any) of the Council.
- f The Chairman (Mayor) of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.
- g The Vice-Chairman (Deputy Mayor) of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.
- h In an election year, if the current Chairman (Mayor) of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman (Mayor) of the Council has been elected. The current Chairman (Mayor) of the Council

shall not have an original vote in respect of the election of the new Chairman (Mayor) of the Council but must give a casting vote in the case of an equality of votes.

- i In an election year, if the current Chairman (Mayor) of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman (Mayor) of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman (Mayor) of the Council and must give a casting vote in the case of an equality of votes.
- j Following the election of the Chairman (Mayor) of the Council and Vice-Chairman (Deputy Mayor) (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:
 - i **In an election year, delivery by the Chairman (Mayor) of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman (Mayor) of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;**
 - ii Confirmation of the accuracy of the minutes of the last meeting of the council;
 - iii Receipt of the minutes of the last meeting of a committee;
 - iv Consideration of the recommendations made by a committee;
 - v Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi Review of the terms of reference for committees;
 - vii Appointment of members to existing committees;
 - viii Appointment of any new committees in accordance with standing order 4 above;
 - ix Review and adoption of appropriate standing orders and financial regulations;
 - x Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
 - xi Review of representation on or work with external bodies and arrangements for reporting back;
 - xii In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;
 - xiii Review of inventory of land and assets including buildings and office equipment;
 - xiv Confirmation of arrangements for insurance cover in respect of all insured risks;
 - xv Review of the council's and/or staff subscriptions to other bodies;
 - xvi Review of the council's complaints procedure;

-
- xvii. Review of the council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
 - xviii. Review of the council's policy for dealing with the press/media; and
 - xix. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

6. Extraordinary meetings of the council and committees and sub-committees

- a The Chairman of the Council may convene an extraordinary meeting of the council at any time.
- b If the Chairman of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by ~~four~~^{two} councillors, any ~~four~~^{two} councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the ~~four~~^{two} councillors. *Amended*
- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by ~~4~~² members of the committee [or the sub-committee], any ~~4~~² members of the committee [and the sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].

7. Previous resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

-
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8. Voting on appointments

- a Where more than two persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

9. Motions for a meeting that require written notice to be given to the Proper Officer

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b Subject to standing order 9(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- c Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- d No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 5 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- e The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- f If the Proper Officer considers the wording of a motion received in accordance with

standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 5 clear days before the meeting.

- g If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- h Motions rejected shall be recorded in a book if the wording or subject of a proposed motion is considered improper, the for that purpose with an explanation by the Proper Officer for their rejection.

10. Motions at a meeting that do not require written notice

- a The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
 - xii. to not hear further from a councillor or a member of the public;
 - xiii. to exclude a councillor or member of the public for disorderly conduct;
 - xiv. to temporarily suspend the meeting;
 - xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
 - xvi. to adjourn the meeting; or
 - xvii. to close a meeting.

11. Handling confidential or sensitive information

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

12. Draft minutes

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. Code of conduct and dispensations

See also standing order 3(t) above.

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the

start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required].

- h **A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**
- i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
 - ii. **granting the dispensation is in the interests of persons living in the council's area or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

14. Code of conduct complaints

- a Upon notification by the Borough Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 11 above, report this to the council.
- b Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 14(d) below.
- c The council may:
- i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

15. Proper Officer

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- at least three clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer].
See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3 (c) above for a meeting of a committee.
 - i. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**
See standing order 3(b) above for the meaning of clear days for a meeting of a full council and standing order 3(c) above for a meeting of a committee.
 - ii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;
 - iii. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
 - iv. facilitate inspection of the minute book by local government electors;
 - v. **receive and retain copies of byelaws made by other local authorities;**
 - vi. retain acceptance of office forms from councillors;
 - vii. retain a copy of every councillor's register of interests;
 - viii. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
 - ix. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
 - x. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
 - xi. arrange for legal deeds to be executed;
See also standing order 22 below.
 - xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
 - xiii. record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;
 - xiv. refer a planning application received by the council to Chairman or in his absence Vice-Chairman (if any) of the Planning Sub Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application

-
- requires consideration before the next ordinary meeting of the council
- xv. manage access to information about the council via the publication scheme; and
 - xvi. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.

See also standing order 22 below.

16. Responsible Financial Officer

- a The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

17. Accounts and accounting statements

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England)
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the council's receipts and payments for each quarter;
 - ii. the council's aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the quarter being reported

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
 - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following

month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

18. Financial controls and procurement

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
 - v. procurement policies (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £25,000.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **Financial regulations shall confirm that the proposed procurement and the award of contracts covered by the Public Contract Regulations 2015 which have an estimated value of £25,000 or more, must satisfy the requirements of the 2015 Regulations which include the use of the Contract Finder website.**
- d Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;

-
- v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- e. Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
 - f. The procurement rules applied must reflect the thresholds in the 2015 Regulations which may vary from time to time.

19. Handling staff matters

- a. A matter personal to a member of staff that is being considered by a meeting of council subject to standing order 11 above.
- b. Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the chairman or, if he is not available, the vice-chairman of the absence occasioned by illness or other reason and that person shall report such absence at its next meeting.
- c. The chairman or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the employee. The reviews and appraisal shall be reported in writing and is subject to approval by resolution.
- d. Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee (or other employees) shall contact the chairman or in his absence, the vice-chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of Council.
- e. Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the employee relates to the chairman or vice-chairman this shall be communicated to another member of the Council which shall be reported back and progressed by resolution of the Council.
- f. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g. The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- h. Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.

-
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) and (g) above shall be provided only to (post holder) and/or the Chairman of the Council.

20. Requests for information

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Policy, Resources & Finance committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

21. Relations with the press/media

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

22. Execution and sealing of legal deeds

See also standing orders 15(b)(xii) and (xvii) above.

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b **Subject to standing order 22(a) above, the council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.**
The above is applicable to a council with a common seal.
OR
Subject to standing order 22(a) above, any two councillors may sign, on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.
The above is applicable to a council without a common seal.

23. Communicating with District and County or Unitary councillors

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of the County Council representing the area of the council.
- b Unless the council determines otherwise, a copy of each letter sent to the County Council shall be sent to the ward councillor(s) representing the area of the council.

24. Restrictions on councillor activities

- a Unless authorised by a resolution, no councillor shall:
 - i inspect any land and/or premises which the council has a right or duty to inspect; or
 - ii issue orders, instructions or directions.

25. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

FC 28/09/17

ITEM 10

ASSET REGISTER

OFFICE FURNITURE AND EQUIPMENT

INSURANCE

3 x Cream 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
2 x 4 Drawer Filing Cabinets
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 Dehumidifier
1 x Halogen Heater
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 £20,200.00

1 x Cast Iron Road Sign

Insured for £510.00

CHRISTMAS LIGHTS

Christmas Lights 1
Christmas Lights 2

Insured for £12,445.22
Insured for £3,060.30

REGALIA

1 x Ceremonial Pendant
1 x Mayoral Ceremonial Robe
Civic Regalia

Insured for £36,723.00
Insured for £111,800.00

ALLOTMENT AND PIGEON LOFT SITES

Cartgate Allotment Site
Crow Park Allotment
Midgey Allotment Site
Sneckyeat Allotment Site
Calder Club Pigeon Loft Site
Langdale Close Pigeon Loft Site
Overend Pigeon Loft Site

Insurance value - £1 for each site

RISK ASSESSMENT (FINANCIAL)

Purpose of the Report

- (i) To ask Members to consider and approve the Council's Risk Assessment subject to any amendments to be made

1.0 INTRODUCTION

- 1.1 Members will be aware the Council's Risk Assessment was last reviewed and approved at the Council meeting on 4th August 2016..
- 1.2 The Risk Assessment now needs to be reviewed, any amendments made and then approved for the ensuing year.
- 1.3 The Risk Assessment (Financial) is shown attached at Appendix 1

2.0 RECOMMENDATION

- 2.1 That the Council review the Risk Assessment approve it subject to any amendments they may wish to make.



Whitehaven Town Council

Risk assessment and management (financial) for the period 28th September to 31st March 2018

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	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	L	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. Set clear grant awards procedures.	Member to verify
Grants and Support	Conditions agreed	L	Agree and document any reasonable conditions	RFO to check
Election Costs	Invoice at agreed rate	L	VAT check and consider budget	RFO to verify
VAT	Failure to reclaim VAT and loss of income to Council	L	VAT control totals in cash book used to compile return.	RFO to verify
Precept	Failure to submit on time to CBC to include in Council Tax bills	L	RFO to plan meetings to ensure deadline is met.	Diary
Precept	Not paid by District Council	L	Clear income budgets are set and monitored quarterly	RFO to check on 01/04 each year
Precept	Precept is inadequate	M	Comprehensive budget planning.	Diary/regular meetings P&R and Finance Committee
Other Income	Cash handling	L	System of internal control ensures that any cash received is properly receipted, audit trail exists and regular bank rec.	Annual review of doc controls
Grants	Claims procedure	L	Clerk RFO check as required	Diary
Expenditure	Council overspending is not detected	M	Clear budgets and actual exp are monitored quarterly	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.	P&R and Finance Committee dates
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 perform annual checks.	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.

Adopted on:
Signed by the Clerk:
Signed by the Mayor:

COMBINED HEALTH AND SAFETY POLICY AND RISK ASSESSMENT

Purpose of the Report

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

1.0 INTRODUCTION

An issue has been raised regarding the Council's Health and Safety Policy.

- 1.1 Enquiries from the Health and Safety Executive via their leaflet "Health and Safety Made Simple" has revealed 2 things:-
 - (i) 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.
 - (ii) 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 produce a template of a Risk Assessment that organisations can download and complete and this template is attached at Appendix 2.

2.0 RECOMMENDATION

It would appear that the Council signed similar documents in October 2016.

- 2.1 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.

Health and safety policy

APPENDIX 1

This is the statement of general policy and arrangements for:

WHITEHAVEN TOWN COUNCIL

WHITEHAVEN TOWN COUNCIL

has overall and final responsibility for health and safety

THE CLERK AND RESPONSIBLE FINANCIAL OFFICER

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

Statement of general policy	Responsibility of: Name/Title	Action/Arrangements (What are you going to do?)
Prevent accidents and cases of work-related ill health by managing the health and safety risks in the workplace	Clerk and Responsible Financial Officer	Ensure risk assessments are carried out and recorded in compliance with statutory regulations
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. You can find help with your fire risk assessment at: https://www.gov.uk/workplace-fire-safety-your-responsibilities	Clerk and Responsible Financial Officer	Follow the emergency evacuation procedure for the Civic Hall
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	If necessary ensure familiarity with equipment, give adequate training and ensure COSHH is up to date for safe storage and use of substances
Signed: * (Employer)		Date:

You should review your policy if you think it might no longer be valid, eg if circumstances change. If you have fewer than five employees, you don't have to write down your policy.

Health and safety law poster is displayed at (location)	
First-aid box is located:	The Reception, Whitehaven Civic Hall
Accident book is located:	Room 3 Whitehaven Civic Hall

Accidents and ill health at work reported under RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations) <http://www.hse.gov.uk/riddor>
 To get an interactive version of this template go to <http://www.hse.gov.uk/risk/risk-assessment-and-policy-template.doc>
 Combined risk assessment and policy template published by the Health and Safety Executive 08/14

Risk assessment

APPENDIX 2

All employers must conduct a risk assessment. If you have fewer than five employees you don't have to write anything down.

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 (<http://www.hse.gov.uk/risk/casesstudies>). Simply choose the example closest to your business.

Company 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 control this risk?	Action by who?	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 well lit, including stairs. 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 draft policy for safeguarding staff and Members	Monitor the situation	The Council	31/12/17	
Building Access by unknown persons	Staff Members and the Public	List of Emergency Numbers Sign in book at reception	List to be displayed in all meeting rooms	Clerk/RFO	Immediately	Done
Persons known to be a danger	Staff Members and the Public	In the event of an incident call 999 or use Pubwatch radio	Clerk to create a Restricted Persons Register	Clerk/RFO	Immediately	Yes

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 hazards, such as new work equipment or work activities)

SAFEGUARDING AT PUBLIC MEETINGS

Purpose of the Report

- (i) To ask Members to consider a draft policy for safeguarding at meetings of the Council and subject to any amendments to approve the draft policy.

1.0 INTRODUCTION

- 1.1 Members will be aware that at the Council meeting on 25th May 2017 a report was considered on a draft safeguarding policy where it was resolved that this be deferred to a meeting of the Policy and Resource's and Finance Committee. However, in view of the fact that there are items on the Agenda relating to a Health and Safety Policy and Risk Assessment it was thought to be appropriate to include this here.
- 1.2 The aim of the draft policy is to put measures in place to ensure the safety of Members of the Council and staff when attending Council Meetings and meeting Members of the Public.
- 1.3 The personal safety of Members and Officers is important and measures need to be in place to safeguard this.

2.0 RECOMMENDATION

- 2.1 That the Council consider the draft Safeguarding at Public Meetings Policy at Appendix 1 and subject to any amendments to be made approve and sign the document.



SAFEGUARDING POLICY FOR PUBLIC MEETINGS

The aim of this policy is to put measures in place to ensure the safety of Members of the Council and Staff when attending Council Meetings and meeting Members of the Public.

It is hereby agreed: -

- (i) That the front doors of the venue for public meetings are monitored and that persons sign into the register upon arrival and sign out on departure.
- (ii) The Clerk should ensure that where possible that the meeting room has restricted access prior to the meeting.
- (iii) That a list of emergency security telephone numbers, including out of hours first aiders be displayed in all meeting rooms within the venue. This list be supplied by the Clerk to all Members of the Council for their information.
- (iv) That the Clerk should maintain a Restricted Persons Register of members of the public who are on the Restricted Persons Register to ensure that Members of the Council are not put under any risk when meeting with members of the public.
- (v) From a personal safety perspective, where possible, all public meetings are held during operational hours to reduce any security risk.
- (vi) The Clerk to obtain a Pub Watch radio for use during meetings.
- (vii) That Members of the Council provide their chosen telephone contact number to the Council and that the Council set up general e-mail addresses for Councillors to be published on the Council's website.
- (viii) That Members be given training on personal safety in general and in particular whilst engaged on Council business.

Date:	
Internal Review	Annually