

WHITEHAVEN TOWN COUNCIL

Clerk to the Council:

Marlene Jewell

Telephone: 01946 67366

Chairman:

Councillor Brian O'Kane

To: Members of the Whitehaven Town Council

You are duly **SUMMONED** to attend a **MEETING** of **WHITEHAVEN TOWN COUNCIL** which will be held in the **DUNBOYNE HALL, WHITEHAVEN CIVIC HALL, LOWTHER STREET, WHITEHAVEN**

Date: Thursday 29th August 2019

Time: 6.30pm

Signed... *Marlene Jewell* Dated... *22nd August 2019*
Marlene Jewell, Clerk and Responsible Financial Officer

AGENDA

1. Apologies for Absence

To receive apologies for absence

2. 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.

3. Minutes of the Council Meeting held on 25th July 2019

4. Public Participation

5. Planning Applications

6. Finance Report

7. **Internal Auditors Report** – to follow
8. **Amendments to Financial Regulations**
9. **Whitehaven in Bloom**
10. **Markets Report**
11. **Councillor Expenses** – Clerk to report on
12. **Events Advisory Group Recommendations**
13. **Events Advisory Group Recommendations (Christmas Lighting)**
14. **Grass Cutting in Cemeteries**
15. **Police Report** – to follow
16. **Street Name and Numbering**
17. **Consultation on Removal of BT Public Payphones**
18. **West Cumbria Guide**
19. **Office Accommodation** – Chairman to give update
20. **Copeland Polling District and Polling Places Review Update**
21. **Councillor Business Cards**
22. **Training for Councillors** – Chairman to give a report
23. **Councillor Ward Matters**
24. **Date of next Meeting**

IN PRIVATE

That prior to the following items of business the Chairman will move the following resolution:-

That in view of the special or confidential nature of the business about to be transacted it is advisable in the public interest that the public and or press be instructed to withdraw.

25. **Grant Applications: - GCA
POW
SN (UK)**

WCT
TCN
WSACT

WHITEHAVEN TOWN COUNCIL

Minutes of the Annual Council Meeting held on 25th July 2019

Present: Councillor B O’Kane (Chairman); Councillor E Dinsdale;
Councillor C Hayes; Councillor C Maudling; Councillor R Redmond;
Councillor G Roberts; Councillor C Walmsley

M. Jewell, Clerk and Responsible Financial Officer

V. Gorley, Assistant Clerk

Matthew Labourne, The Colourful North

Members of the Public

Grant Applicant

1363/19 Apologies for Absence

Apologies for absence were received from Councillor Arrighi, Councillor G Dinsdale, Councillor Rayson and Councillor L Walmsley .

1364/19 Declarations of Interest

Councillor O’Kane declared that he was a member of CBC’s Planning Panel
Councillor Maudling declared that he was a member of CBC’s Planning Panel
Councillor Roberts declared that he was a member of CCC

1365/19 Minutes of the Council Meeting held on 27th June 2019

It was proposed by Councillor Hayes and seconded by Councillor Walmsley that the Minutes of the Meeting held on 27th June 2019 be approved and signed by the Chairman as a correct record.

RESOLVED – That the Minutes of the Council Meeting held on 27th June 2019 be approved and signed by the Chairman as a correct record

Public Participation

- i. A member of the public attended on behalf of Bay Vista Residents and gave their objections to planning application CH/ 4/19/2233/001 and asked for the Council's support in this. He handed the Clerk a typed document detailing the objections which were as follows:-
 - The original application was rejected and the amended application was the same except for an amendment to the entrance onto Bay Vista which was to reduce Victoria Road at the junction to Bay Vista by 1 metre.
 - This will increase the danger on an already acknowledged substandard junction
 - Reducing the width will increase the danger of lorries, hgvs and cars coming closer together at speed
 - There is a house and garage directly on the area of road proposed to be reduced by 1 metre but this appears to have been ignored
 - Traffic would be accessing a building site via a road which is not fit for purpose
 - Negotiation of a 16/7% gradient
 - 90 degree bend
 - Increased traffic for 50 houses
 - Restricted access for emergency vehicles

- ii. A member of the public had one further point to make on the same application and asked how their kids would get to school as the secondary kids walked up the road to get to school and cars were going at 60mph and where there were no pavements.

- iii. A member of the public spoke about the serious problem of the lack of sound infrastructure in Whitehaven and made the following points
 - Harras Moor – a recent speed survey showed 1252 cars travelled into Whitehaven via Harras Road
 - 4 potential new housing developments planning to exit onto the unclassified Harras Moor Road. This would give a total of 1176 cars which added to the 1252 would give a total of 1482 potential users of this road - a road which is totally inadequate for this volume of traffic.
 - He couldn't find any statement provided either by CCC or Copeland Highways relating to Harras Road
 - Planning permission for housing developments seems to relate to meeting targets but who sets the targets
 - All around the district in nearly all cases where planning is being sought or given there is a lot of anger from residents

- iv. An email from a resident was read out asking for the Council's support for objections to planning application 4/19/2246/PIP and made the following points:-
- Land not been assessed as suitable for development in Local Plan 2013-2018
 - To build on this land would represent over development
 - It would not be a sustainable development
 - Houses in the area are not selling
 - There are already 200 empty homes in Copeland
 - There are immediate road safety concerns with access onto Victoria Road
 - Continued road safety aspects on the wider network
 - The proposed development does not meet the economic social or environmental objectives set out in the National Planning Policy Framework 2018 paragraph 8. As a result it cannot be presumed a sustainable development in paragraphs 10 and 11 and the local area's road safety is already unacceptable and the local area's road network safety and access is already severe.

1367/19 Planning Applications

The Council considered a list of planning applications received and shown at Appendix 1.

- (i) It was proposed by Councillor Roberts and seconded by Councillor Dinsdale that the objections to planning application CH/4/19/2246/PIP (iv above) be supported by the Council and that a letter be sent to Copeland Borough Council's Planning Department to inform them of this.

RESOLVED – That the objections to planning application CH/4/19/2246/PIP (iv above) be supported by the Council and that Copeland Borough Council's Planning Department be informed of this.

- (ii) It was proposed by Councillor Roberts and seconded by Councillor Dinsdale that the objections to planning application CH/4/19/2233/001 (i and ii above) be supported by the Council and that Copeland Borough Council's Planning Department be informed of this

RESOLVED - that the objections to planning application CH/4/19/2233/001 (i and ii above) be supported by the Council and that Copeland Borough Council's Planning Department be informed of this.

- (iii) It was proposed by Councillor Dinsdale and seconded by Councillor Hayes that the comments made by a member of the public about the lack of infrastructure in Whitehaven (iii above) be supported and that this be forwarded to Copeland Borough Council's Planning Department.

RESOLVED - That the comments made by a member of the public about the lack of infrastructure in Whitehaven (iii above) be supported and that this be forwarded to Copeland Borough Council's Planning Department.

1368/19 **Finance Report**

The Council considered a Financial Report.

- i It was proposed by Councillor Hayes and seconded by Councillor Walmsley that the invoices shown at Appendix 1 be approved and paid.

RESOLVED – That the invoices shown at Appendix 1 be approved and paid

- ii The Council considered Appendices 2 and 3 relating to the cashbook and Income and Expenditure. It was proposed by Councillor Hayes and seconded by Councillor C Walmsley that the Cashbook and Income and Expenditure at Appendices 2 and 3 be approved and noted.

RESOLVED – That the Cashbook and Income and Expenditure at Appendices 2 and 3 be approved and noted.

1369/19 **Whitehaven in Bloom**

The Council considered a report on Whitehaven in Bloom and that further resources were required to maintain/improve the standard for next year.

- i. It was proposed by Councillor Maudling and seconded by Councillor Hayes that the contract for the Seasonal Operative be extended to 31st March 2020 at a cost of £10,138.44 and that this be vired from the elections budget which had an underspend.

RESOLVED - That the contract for the seasonal Operative be extended to 31 March 2020 at a cost of £10,138.44 and that this be vired from the Elections budget which had an underspend.

- ii. It was proposed by Councillor Hayes and seconded by Councillor C Walmsley that the Council enter into a partnership with CBC to employ an Assistant Ranger for 3 days a week (with CBC employing for the remaining 2 days) commencing 1st April 2020 at a salary of £20,276.88 per annum and that this be factored into the Budget for 2020/2021.

RESOLVED – That the Council enter into a partnership with CBC to employ an Assistant Ranger for 3 days a week (with CBC employing for the remaining 2 days) commencing 1st April 2020 at a salary of £20,276.88 to be factored into the budget for 2020/2021.

1370/19 **Colourful North**

The Council heard a presentation from Matthew Labourne of The Colourful North who informed the Council that The Colourful North had obtained a licence from Wilkinsons in Whitehaven where the aim was to commission an Art District which would provide both economic and mental prosperity and the proposal was that murals would be painted on the sides of Wilkinsons shop on Church Street and Roper Street. Mr Laybourne said he was asking the Council for a letter of support for this project and also a small grant.

It was proposed by Councillor Roberts and seconded by Councillor Hayes that a letter of support from the Council be sent to the Colourful North in support of this project.

RESOLVED – That the Council send a letter of support to The Colourful North in support of this project.

1371/19 **Markets Report**

The Clerk reported that a report had not been received from CBC. However there was to be a meeting of the Market Stakeholder Group week commencing 26th August 2019. The Council expressed concern that a report had not been received. No decisions were made as the report was not available for discussion.

1372/19 **Request for a Defibrillator**

The Council considered a request from the Whitehaven Rugby Union Club for a defibrillator. The club is located on the playground near Morrisons and is also used by Whitehaven Cricket Club and various youth teams from both clubs. The Assistant Clerk said that the Council had bought 7 defibrillators for identified locations but that a defibrillator had been installed by someone else in one of the locations leaving one spare. It was proposed by Councillor Hayes and seconded by Councillor E Dinsdale that the spare defibrillator be offered to Whitehaven Rugby Union Club for them to install on their premises.

RESOLVED – That the spare defibrillator be offered to Whitehaven Rugby Union Club for them to install on their premises.

1373/19 **Cultura Trust**

The Council considered a letter received from the Cultura Trust asking for a letter of support from the Council for the work that they were doing with the Harbour Commissioners to develop, repair and restore the North and West Pier Lighthouses. It was proposed by Councillor Maudling and seconded by Councillor Hayes that a letter of support for the project to develop, repair and

restore the North and West Pier Lighthouses be sent to Cultura Trust.

RESOLVED - That the Council send a letter of support for the project to develop, repair and restore the North and West Lighthouses to Cultura Trust.

1374/19 **Police Report**

The Council considered a police Update Report from Cumbria Police. A representative from Cumbria Police was unable to attend and therefore the Councillors could not ask any questions.

No decisions were made on this and the contents were noted.

1375/19 **Cumbria in Bloom**

The Chairman reported on the Cumbria in Bloom competition which the Council had entered and which had been judged on 10th July 2019. He said there had been a lot of trepidation about what people were going to say about our town. The Judges seemed very impressed by our town and by the time the judging was finished everyone present felt that all the effort had been worthwhile.

The Chairman said verbal feedback to Whitehaven in Bloom had been positive and now it had to be moved on with the community. He said the results of Cumbria in Bloom would be announced at an awards ceremony in September 2019 and said that a formal letter should be sent to the Bennett brothers to thank them for all their help and guidance.

The report was for information only and therefore no decisions were made.

1376/19 **Office Accommodation**

The Chairman said that matters were progressing towards the purchase of the former Whitehaven News Building and it was expected that it would be completed very shortly.

- (i) It was proposed by Councillor Maudling and seconded by Councillor O’Kane that the decision made as to who be the signatories for the Contract and the Transfer deed be reaffirmed as Councillor O’Kane and Councillor Roberts and that as Councillor Gill was no longer on the Council that Councillor Hayes be the replacement.

RESOLVED – That the signatories for the Contract and the Transfer deed be reaffirmed as Councillor O’Kane and Councillor Roberts and that as Councillor Gill was no longer on the Council that Councillor Hayes be the replacement.

- (ii) It was proposed by Councillor Hayes and seconded by Councillor Maudling

that authorisation be given for the £150,000 purchase price to be paid on completion of the purchase.

RESOLVED – That authorisation be given for the £150,000 purchase price to be paid on completion of the purchase. Two Councillors abstained in the vote on this.

1377/19 **Councillor Ward Matters**

- i. Councillor Roberts said that a lady had mentioned that at the top of Rannerdale Drive where the houses run alongside The Mount there is a big open space consisting of a grassed area and overgrown bushes that are going into her garden. He said we need to know who owns this land and who is going to do something about it. The Chairman said Councillor Roberts should submit some photographs showing this land.
- ii. Councillor Walmsley said there were still problems with litter in his Ward. He said there were plenty of bins but that they were not coping with the volume of litter and the number of people using them. He said most of the litter was plastic bottles and cans. The Chairman asked Councillor Walmsley if he could put together a plan of what he wanted and pass it to the Clerk so that this could be discussed with CBC Waste Department.
- iii. Councillor Redmond referred to problems with weeds on a piece of land at the bottom of the road where he lives. The Chairman said he should take some photographs of the precise areas so that these could be passed to CBC's Open Spaces Department.
- iv. Councillor Hayes said he had held a surgery the previous week at Kells and said there had been a small problem with abuse to a new resident who had moved into the area but that this had been resolved.
- v. Councillor Hayes said they now had WOW on Kells which was an organisation where no men were allowed.
- vi. Councillor Maudling said there were no problems at the moment. He said the flowers were making a big difference and he was happy with the police response in St Nicholas Gardens.
- vii. Councillor E Dinsdale referred to Bleng Avenue and Valley Park where there was a grassy area and asked if Alan Clements could have a look at that. He said there were weeds all over Corkickle.
- viii. Councillor E Dinsdale said employees were parking on Coach Road and Inkerman Terrace.
- ix. Councillor E Dinsdale asked about business cards and the Clerk said a report was being prepared and that lanyards for identification badges would arrive during the next week.

IN PRIVATE

1378/19 Prior to the following items of business the Chairman moved the following:-

That in view of the special or confidential nature of the business about to be transacted it is advisable in the public interest that the public and or press be instructed to withdraw.

RESOLVED – That in view of the special or confidential nature of the business to be transacted it is advisable in the public interest that the public and or press be instructed to withdraw.

1379/19 **Grant Application – GCA**

The Council considered a grant application from GCA. It was proposed by Councillor Maudling and seconded by Councillor O’Kane that consideration of the application be adjourned so that Councillor Arrighi could be approached to see if she would give a grant from her Ward Grant

RESOLVED – That consideration of the application be adjourned so that Councillor Arrighi could be approached to see if she would give a grant from her Ward Grant.

1380/19 **Grant Application – POW(SN)**

The Council considered an application from POW(SN) and it was proposed by Councillor O’Kane and seconded by Councillor Maudling that consideration of the application be adjourned to allow the matter to be followed up with the Police Commissioners office regarding possible grant funding from them.

RESOLVED – That consideration of the application be adjourned to allow the matter to be followed up with the Police Commissioners office regarding possible grant funding from them.

1381/19 **Grant Application – WAGFC**

The Council considered an application for a grant from WAGFC and heard a presentation from a representative of the applicant. It was proposed by Councillor O’Kane and seconded by Councillor Hayes that a grant be awarded as follows:-

- £200 from Councillor O’Kane’s Ward Grant
- £200 from Councillor Hayes’ Ward Grant
- £200 from Councillor Redmond’s Ward Grant
- The remainder of the £889.50 to be paid out of the Council’s Grant Budget

RESOLVED – That a grant be awarded as follows;

- £200 from Councillor O’Kane’s Ward Grant
- £200 from Councillor Hayes’ Ward Grant
- £200 from Councillor Redmond’s Ward Grant
- The remainder of the £889.50 to be paid out of the Council’s Grant Budget

The Meeting closed at 9.00pm

Chairman

WTC 29/08/2019

Item 5

Planning Application for Consideration by Whitehaven Town Council

<u>Application Number</u>	<u>Detail</u>
CH/4/19/2263/0L1	LISTED BUILDING CONSENT FOR CHANGE OF USE FROM DOCTORS SURGERY (USE CLASS D1) TO RESIDENTIAL (USE CLASS C3) INCLUDING INTERNAL ALTERATIONS, REAR DORMER EXTENSION AT FIRST FLOOR, PRESERVATION OF PROTECTED INTERNAL FEATURES (FIREPLACES & PANNELLING) 3 CATHERINE STREET, WHITEHAVEN
CH/4/19/2277/0F1	CONTAINERISED BIOMASS BOILER UNIT SITED AT THE REAR OF THE BUILDING ON A CONCRETE BASE BETHEL HOUSE, ST BEES ROAD, WHITEHAVEN
CH/4/19/2279/0F1	REFURBISHMENT OF SHOP FRONT; FORMING 3M WIDE OPENING ON SIDE ELEVATION BRICKWORK TO ACCOMMODATE NEW WINDOW UNITS 4 AND 5, BRIDGES RETAIL PARK, FLATT WALKS, WHITEHAVEN
CH/4/19/2282/TPO	10% CROWN REDUCTION TO 3 ALDER TREES WITHIN THE CHURCH GROUNDS SITUATED WITHIN A CONSERVATION AREA ST JAMES CHURCH, HIGH STREET, WHITEHAVEN
CH/4/19/2283/0F1	PROPOSED TWO STOREY EXTENSION: GROUND FLOOR – GARAGE KITCHEN, SHOWER ROOM; FIRST FLOOR – MASTER BEDROOM WITH EN-SUITE BATHROOM, FAMILY BATHROOM (RESUBMISSION) BEULAH, 45 HIGH ROAD, WHITEHAVEN

FINANCIAL REPORT

Purpose of the Report

Members are asked to consider a list of invoices for authorisation and payment as shown at Appendix 1 and approve the recommendations in paragraphs 3.1 and 3.2.

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 August 2019. This shows a balance of £440,422.96. There are however cheques to the value of £3,658.54 still to be presented and cleared.
- 2.2 The balance in the deposit account is £144,431.97.

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.

29/08/2019

Appendix 1

Invoices for Consideration by Whitehaven Town Council

Date	Supplier	Category	Detail	Total Amount	Power
31/07/2019	Copeland Borough Council	3rd Party	Small Societies Lottery Registration - Annual Fee	£ 20.00	£
01/08/2019	Copeland Borough Council	3rd Party	Seasonal Operative Contract - August 2019	£ 1,013.84	£
01/08/2019	Copeland Borough Council	3rd Party	Allotment/Pigeon Loft Maintenance Contract - August 2019	£ 656.93	£
01/08/2019	Copeland Borough Council	3rd Party	Grass Cutting Contract - August 2019	£ 1,056.25	£
01/08/2019	Copeland Borough Council	3rd Party	Ranger Contract - August 2019	£ 3,096.77	£
01/08/2019	Copeland Borough Council	Premises	Energy Charges for Room 3, Civic Hall - August 2019	£ 65.40	£
01/08/2019	Copeland Borough Council	Premises	NNDR charge 05/08/2019 - 31/03/2020, 148 Queen Street	£ 7,022.95	£
01/08/2019	Zurich Municipal	Supplies and Services	Additional Insurance Premium for 148 Queen Street	£ 374.67	£
12/08/2019	Midshire	Supplies and Services	Photocopier Charges 25/04/2019 - 31/07/2019	£ 442.34	£
14/08/2019	Viking	Supplies and Services	Stationery	£ 100.13	£
14/08/2019	Maypole Manufacturing	3rd Party	3 bay enclosed flat roof bus shelter x 1	£ 4,245.60	£
15/08/2019	Cumbria Media	Supplies and Services	Website Maintenance, Job No's 236 - 247	£ 104.00	£
19/08/2019	Branstey Royal British Legion	3rd Party	65 x large event poppies	£ 195.00	£

£18,393.88

INCOME 2019-20

Date	Item	Precept	Interest	Other
08/04/2019	Allotment Rents 2019/20			1320.08
10/04/2019	Allotment Rents 2019/20			120.00
24/04/2019	HMRC - VAT REFUND March			5616.68
29/04/2019	Allotment Rents 2019/20			420.00
30/04/2019	2019/20 Precept	442558.02		
17/05/2019	HMRC - VAT REFUND April			510.68
03/06/2019	Allotment Rents 2019/20			519.33
14/06/2019	HMRC - VAT REFUND May			2936.96
12/07/2019	HMRC - VAT REFUND June			2464.02
12/07/2019	Allotment Rents 2019/20			307.00
12/07/2019	Refund Midshire Account			254.58
23/07/2019	Allotment Rents 2019/20			64.00
02/08/2019	Allotment Rents 2019/20			54.00

442558.02	0.00	14587.33	457145.35
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**WHITEHAVEN TOWN COUNCIL
SUMMARISED INCOME & EXPENDITURE STATEMENT
FINANCIAL YEAR 2019-20**

**Expenditure Net
of VAT** **Invoices not yet
processed** **Budget**

BANK BALANCES BROUGHT FORWARD

CBS 53905917 (01.04.2019) 256,152.97

CBS 53906216 (01.04.2019) 144,431.97

TOTAL OPENING BALANCE **£ 400,584.94**

INCOME:

Precept 442,558.02

Interest (Deposit)

Other Income 14,587.33

TOTAL INCOME **£ 457,145.35**

EXPENDITURE

Employees & Allowances 37200.83

Premises 2280.98

Supplies/Services 6919.67

3rd Party 250.00

Grants 4966.60

Allotments 2535.21

Christmas 0.00

Markets 0.00

Community Plan 0.00

Ground Maintenance 3520.84

Civic Hospitality 0.00

Ranger 13702.04

Whitehaven In Bloom 10433.26

Ward Grants 8864.60

Elections 9212.93

Environmental Improvements 9491.70

Events 7398.23

Contingencies 47.50

Reserves 150256.00

VAT (to be reclaimed) 9453.51

TOTAL EXPENDITURE **£ 276,533.90**

CASH BOOK BALANCE

Brought forward £ 400,584.94

Income £ 457,145.35

Expenditure £ 276,533.90

Town Council Funds **£ 581,196.39**

BANK BALANCES

CBS 53905917 (19/08/2019) 440,422.96

CBS 53906216 (19/08/2019) 144,431.97

£ 584,854.93

Unpresented Cheques 2019/2020

3,658.54

FINANCIAL POSITION

£ 581,196.39

AMENDMENTS TO FINANCIAL REGULATIONS

Purpose of Report and Recommendation

To request Members to consider the amendments made by NALC to the Financial Regulations and to consider, amend where necessary and approve and adopt.

1.0 INTRODUCTION

- 1.1 The Council like many other local authorities has adopted the Model Financial Regulations prepared by the National Association of Local Councils (NALC). They were approved by the Council at the Annual Meeting on 16th May 2019.
- 1.2 NALC has now produced a Guidance Document and given a list of Clauses that the Council may wish to amend (see Appendix1).

2.0 RECOMMENDATION

- 2.1 It is recommended that the list of Clauses made by NALC be reviewed, amended where considered necessary and approved and adopted.

GUIDANCE ON THE MODEL FINANCIAL REGULATIONS TEMPLATES FOR ENGLAND AND WALES

This guidance document provides information on how to use the Model Financial Regulations templates for England and Wales, produced by the National Association of Local Councils (NALC) in 2019.

Dates and timeframes

Stated dates or months may be changed to suit local circumstances.

Where the word “regularly” is used in the text it is for the individual council to set the required interval, monthly, quarterly, or half-yearly. This period should never exceed 12 months.

Amending the regulations for your council

Where the guidance has information in [square brackets] this part may be deleted if not relevant. An alternative option may have been provided.

The value inserted in [square brackets] in any of the paragraphs (other than the EU Procurement and Public Contract Regulations 2015 thresholds referred to in 11.1a (England), 11.1b (England) and 11.1k (Wales)) may be varied by the council and should be reviewed regularly and confirmed annually by the council.

The appropriate approved list referred to in paragraph 11.1b (Wales) shall be a list drawn up by the clerk and approved by council but, normally shall be based on the list maintained by the district council for such works, if such list is maintained. In the absence of an appropriate list, the words in square brackets should be omitted

You will find information that requires amending for your local council in paragraphs.

England:

- 1.8 and 1.14
- 2.2
- 3.1 and 3.2
- 4.1, 4.4, 4.5 and 4.8
- 5.1, 5.2, 5.4, 5.5 and 5.6
- 6.3, 6.4, 6.6, 6.15, 6.17, 6.18, 6.19, 6.20, 6.21 and 6.22
- 7.3
- 9.10
- 11.1
- 12, 12.1, 12.2 and 12.3

- 13, 13.1, 13.2, 13.3 and 13.4
- 14.2
- 15.1, 15.2 and 15.5
- 16 and 16.1
- 17.1 and 17.2
- 18.2

Wales:

- 1.8 and 1.14
- 2.2
- 3.1 and 3.2
- 4.1, 4.4, 4.5 and 4.8
- 5.1, 5.2, 5.5 and 5.6
- 6.3, 6.4, 6.6, 6.15, 6.17, 6.18, 6.19,
6.20, 6.21 and 6.22
- 7.3
- 9.10
- 11.1
- 12, 12.1, 12.2 and 12.3
- 13, 13.1, 13.2, 13.3 and 13.4
- 14.2
- 15.1, 15.2 and 15.5
- 16 and 16.1
- 17.1 and 17.2

Guidance on the Model Financial Regulations templates for England and Wales were produced by the National Association of Local Councils (NALC) in July 2019 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. The National Association of Local Councils (NALC) cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

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[ENTER COUNCIL NAME] MODEL FINANCIAL REGULATIONS 2019 FOR ENGLAND

1. General	2
2. Accounting and audit (internal and external)	4
3. Annual estimates (budget) and forward planning	6
4. Budgetary control and authority to spend	6
5. Banking arrangements and authorisation of payments	8
6. Instructions for the making of payments	9
7. Payment of salaries	12
8. Loans and investments	13
9. Income	13
10. Orders for work, goods and services	14
11. Contracts	15
12. [Payments under contracts for building or other construction works]	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 council at its meeting held on [enter date].

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 (2018 Edition) is available from NALC (©NALC 2018)

- 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 [Finance Committee].

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
- has 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 [month], 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 [or finance committee]. The council / committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council [or finance committee]. 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 [or Finance Committee] 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 [or finance committee];

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 [or finance committee]; or

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 [or finance committee].

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 [, or a duly authorised committee,] 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 [or Finance Committee].

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 affected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council [or duly delegated committee].

6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by [one] two member[s] of council [and countersigned by the Clerk,] 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 [or Finance Committee] 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 [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 of] the Clerk [the RFO] [a member]. 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 the 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 [Finance Committee]. Transactions and purchases made will be reported to the [council] [relevant committee] and authority for topping-up shall be at the discretion of the [council] [relevant committee].

6.20. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk [and 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.

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] [relevant committee].

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 affected 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 legal professionals acting in disputes;
- 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 Standing Orders[], ⁴[insert reference of the council's relevant standing order] 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 or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below [£3,000] and above [£100] the Clerk or 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 (£181,302)

b) For public works contracts 5,225,000 Euros (£4,551,413)

⁴ Based on NALC's Model Standing Order 18d ©NALC 2018

[12. Payments under contracts for building or other construction works]

[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, or duly delegated committee.

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 [with 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 [with the RFO] 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.

The Model Financial Regulations templates were produced by the National Association of Local Councils (NALC) in July 2019 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

WHITEHAVEN IN BLOOM

Purpose of the Report and Recommendation

To consider a report on the cost of winter bedding plants for Whitehaven and to recommend suspending Financial Regulations to allow the Council's preferred supplier of plants to supply the winter bedding plants for Whitehaven

1.0 INTRODUCTION

- 1.1 The Council has previously approved labour costs for planting and maintenance of winter bedding plants in Whitehaven. This does not include St Nicholas Gardens or the hexagonal planters.
- 1.2 A quote has now been received from the Council's preferred supplier for the winter bedding plants in the sum of £4,136.55.
- 1.3 When the Council has asked for quotes for flowers/plants in the Past from other local suppliers we have either not received a quote or the quote has been higher than our preferred supplier.
- 1.4 In accordance with Financial Regulation 18.2 the Council may by resolution of the Council duly notified prior to the relevant meeting of Council suspend any part of the 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 members of the Council.

2.0 RECOMMENDATION

- 2.1 That in accordance with 18.2 of the Financial Regulations the Council makes a resolution to suspend the Financial Regulations to allow the preferred supplier to supply the winter bedding plants for Whitehaven.

Whitehaven Market – Town Council Report.

July - August 2019

Brief update report prepared in the absence of Markets Officer.

There have been 13 markets during this period with a total of 137 stalls. Unfortunately, due to adverse weather conditions the market was cancelled on Saturday 10th August.

Market Use.

We currently have **ten regular traders (+3)** on Thursday. They sell the following:

- Handbags
- Ladies clothing
- CD's, DVD's, Canvas prints and dog beds
- Rugby shirts and memorabilia
- Cakes
- Watches and watch batteries
- Jehovah's Witnesses
- Fish sales
- Baby clothing
- Shoes

On Saturday, we have **nine regular traders. (+1)** Offering the following:

- Ladies clothing
- CD's, DVD's, Canvas prints and dog beds
- Rugby shirts and memorabilia
- Cakes
- Watches and watch batteries
- Babies clothing
- Roundabout
- Jehovah's Witnesses
- Baby clothing

- **On Thursday, we have 11 of our stalls in use.**
- **On Saturday, we have 10 of our stalls in use.**

Thursday remains the busier market day with traders continuing to report higher footfall and income, although traders report that Saturday remains an important trading day for them.

The anticipated and hoped for trader uplift over the summer months has not materialised to the extent expected.

Potential new/return traders contacted during this period include the following:

- Hartley's Ice Cream
- Fruit and Veg stallholder
- Baked goods including bread stall
- Jams and Chutneys stall

Income.

Currently all of our traders are classed as regular traders and therefore pay £12.30 per stall per market day. (*£18.40 for casual users*)

Current Situation

The absence of dedicated Markets Officer has obviously affected services supported and provided, and at the time of this submission, no confirmed date for her return to work is known.

The Whitehaven 'Bee Hunt' ran alongside the 'Love Your Parks' events from 12th-22nd July and received limited support/interest due primarily to the market officer's absence.

We are continuing to organise a Christmas market for Saturday 14th December and we will be holding a meeting regarding this shortly.

Improving and Regenerating the Market.

August 2019 has seen an increase in both Copeland and County enforcement activity to support access and Health and Safety concerns around parking and traffic flow.

At a strategic level, a Market Proposals Report has been compiled and submitted for consideration and an update on the suggestions and options is anticipated shortly this will drive the formation of an appropriate stakeholders group.

EVENTS ADVISORY GROUP RECOMMENDATIONS

Purpose of the Report

To inform members of the meeting of the Events Advisory Group and to consider any recommendations made.

1.0 INTRODUCTION

- 1.1 A meeting of the Events Advisory Group was held on 25.07.2019 to discuss Christmas Lighting;
- 1.2 Present at the meeting were Councillors B O'Kane, Councillor E Dinsdale, Councillor R Redmond, Gerard Richardson and The Clerk and Assistant Clerk.

2.0 CUMBRIAN TRADERS EVENTS

- 2.1 Egremont Crab Fair Committee had agreed for us to use their two marquees for the Traders Markets on 13th September 2019 and 13th December 2019 and that they would erect and dismantle the marquee. It was recommended that this offer be accepted;
- 2.2 That traders be informed that if they use their own gazebos that they must be of the pull up type and pegged with weights;
- 2.3 An offer from K Melville from CCC to provide and install matting in the marquee on 13th December 2019 had been received.

3.0 OTHER EVENT IDEAS FOR 2019

- 3.1 That Councillor E Dinsdale bring some ideas for Halloween to a future meeting of the Events Advisory Group.

4.0 EVENTS FOR 2020

- 4.1 8th May 2020 is the 75th Anniversary of V.E. Day and is to be a national celebration. This is an extraordinary, one-off event so

5.0 RECOMMENDATIONS

Members are asked to note the contents of the report and to approve the recommendations at 2.1, 4.1 and 4.4.

EVENTS ADVISORY GROUP RECOMMENDATIONS (CHRISTMAS LIGHTING)

Purpose of the Report

To inform members of the meeting of the Events Advisory Group to discuss the Christmas Lighting and to consider any recommendations made.

1.0 INTRODUCTION

- 1.1 A meeting of the Events Advisory Group was held on 16.08.2019 to discuss Christmas Lighting;
- 1.2 Present at the meeting were Brian Holmes from CCC, Councillors B O'Kane, Councillor C Hayes, Councillor E Dinsdale, Councillor R Redmond and The Clerk and Assistant Clerk.

2.0 DETAILS OF THE DISCUSSION

- 2.1 Brian Holmes informed the group that the 2 x 'Welcome to Whitehaven' signs had been repaired along with various other lighting frames and would be erected to form part of the lighting displays this year;
- 2.2 New feeder boxes had been installed and would be wired up in due course;
- 2.3 A lighting column had been requested at the new Bransty Row Junction development so that banner lights could be installed in future years;
- 2.4 Brian Holmes submitted a quote from CCC to erect, maintain and dismantle the Christmas Lights display for 2019/2020.

3.0 RECOMMENDATIONS

- 3.1 That the contents of the report be noted;

- 3.2 It is recommended that the Council considers suspending Financial Regulation 11 in accordance with Financial Regulation 18 to allow CCC to erect, maintain and dismantle the Christmas Lights for 2019/2020 and that the reasons for the suspension be discussed and recorded at the next Council meeting together with an assessment of the risk arising both of which to be drawn up and presented in advance.