

WHITEHAVEN TOWN COUNCIL

Clerk to the Council:

Marlene Jewell
Telephone: 01946 67366

Chairman:

To: Members of the Whitehaven Town Council

You are duly **SUMMONED** to attend the **ANNUAL MEETING of WHITEHAVEN TOWN COUNCIL** which will be held in **the BEACON PORTAL, THE BEACON WHITEHAVEN**

Date: Thursday 18th May 2023

Time: 6.00pm

Signed.....*Marlene Jewell*.....Dated.....*12th May 2023*.....
Marlene Jewell, Clerk and Responsible Financial Officer

AGENDA

- 1. Introduction**
- 2. Appointment of Chairman (Mayor)**
- 3. Appointment of Deputy Chairman (Deputy Mayor)**
- 4. Apologies for Absence**

To receive apologies for absence

- 5. 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.

- 6. Minutes of the Council Meeting held on 27th April 2023**
- 7. Council's Bank Account – Authorised signatories**
- 8. Review and adoption of Standing Orders**
- 9. Review and adoption of Financial Regulations**
- 10. Review and adoption of Code of Conduct**
- 11. Chairman's Allowance**
- 12. Appointments to Committees**
- 13. Adoption of Terms of Reference for Committees**
- 14. Appointment to and Terms of Reference for Advisory Groups**
- 15. Review of Representations on or work with External Bodies and arrangements for reporting back**
- 16. Insurance Cover**
- 17. Subscription to Other Bodies**
- 18. Combined Health and Safety Policy and Risk Assessment**
- 19. Review of s137 Expenditure**
- 20. Financial Risks Assessment**
- 21. Review of Asset Register**
- 22. Review of Council Policies in respect of its obligations under Freedom of Information and Data Protection Legislation**
- 23. Review of Social Media Policy**
- 24. Recommendations made by a Committee**
- 25. Time and Place of ordinary Council Meetings up to and including the next Annual Meeting**
- 26. Date time and place of next Meeting**

WHITEHAVEN TOWN COUNCIL

Minutes of the Council Meeting held on the 27th April 2023

Present: Councillor C Maudling (Chairman); Councillor E Dinsdale; Councillor R Gill; Councillor C Hayes; Councillor B O’Kane; Councillor J Rayson; Councillor G Roberts

M. Jewell, Clerk and Responsible Financial Officer

V. Gorley, Assistant Clerk

Members of the Public

2230/23 Apologies for Absence

Apologies for absence were received from:-

Councillor R Redmond	Holiday
Councillor J Carr	Work Commitments
Councillor G Dinsdale	Meeting

It was proposed by Councillor Gill and seconded by Councillor Maudling that the apologies for absence be accepted and noted. A vote was held and it was unanimously

RESOLVED – That the apologies for absence be accepted and noted

2231/23 Declarations of Interest

There were no declarations of interest

2232/23 Public Participation

Two members of the public attended who were members of Whitehaven Tidy Town Campaign and had recently joined forces with Whitehaven in Bloom. They asked if the Council could supply 4 hanging baskets to go above the seat area in Washington Square.

They said they had money but needed it for other things and that if the council could provide the hanging baskets then Cumberland Council would maintain them. The Clerk said that the Council had no spare hanging baskets but that she would look into this matter and reply to the two members of the public

2233/23 **Minutes of the Council Meeting held on 30th March 2023**

It was proposed by Councillor Gill and seconded by Councillor Hayes that the Minutes of the Council Meeting held on 30th March 2023 be approved and signed by the Chairman as a correct record. A vote was held and 5 Councillors voted in favour of the proposal and 2 Councillors abstained.

RESOLVED – That the Minutes of the Council Meeting held on 30th March 2023 be approved and signed by the Chairman as a correct record.

2234/23 **Planning Applications**

The Council considered a list of Planning Applications shown at Appendix 1. Councillor Roberts referred to page 10 of the Agenda and the proposed residential development for 23 dwellings included associated infrastructure and landscaping at Harras Park (Application No. 4/23/2088/0F1) and informed the Council that as the sitting member for Harras Ward he had submitted an objection based on traffic, highways problems and drainage and had asked to speak at the Planning Panel and this had been confirmed.

Councillor Gill said that in order to be consistent the Council should also raise an objection along the same lines as before. Councillor O’Kane said that the Council should ask Cumberland Council to provide full details of the planning process. He said he was not at this stage being critical but at the moment all the Council had was rumours.

Councillor Gill said that he was pleased to see the Planning Application No. 4/22/2332/0F1 for 109 dwellings to the west of Valley View Road

- i. Councillor Gill proposed that an objection be made to Planning Application No 4/23/2088/0F1 on the same lines as before so that the Council is consistent in its approach and this was seconded by Councillor O’Kane. A vote was held and it was unanimously

RESOLVED - That an objection be made to Planning Application No 4/23/2088/0F1 on the same lines as before so that the Council is consistent in its approach.

- ii. Councillor Hayes proposed and Councillor Maudling seconded that having considered the Planning Applications on Schedule 1 that the Council had no further representations to make and that Cumberland Council be informed accordingly. A vote was held and it was unanimously

RESOLVED - That following consideration of the planning applications on Appendix 1 that Cumberland Council be informed that the Council had no further representations to make.

2235/23 Finance Report

The Council considered a Finance Report.

- i. Appendix 1 – The Assistant Clerk reported that there were 6 extra invoices to consider on Appendix 1 namely:-

Marlene Jewell	£5.60 for cable ties
Vanessa Gorley	£4.49 for teabags for APM
Councillor Maudling	£196.20 milage claim
Marlene Jewell	£100 voucher for painting comp.
Vanessa Gorley	£100 voucher for painting comp
Viking	£59.82 for copier paper

It was proposed by Councillor Roberts and seconded by Councillor Gill that the invoices on Appendix 1 plus the 6 additional invoices listed above be approved and paid. A vote was held and it was unanimously

RESOLVED – That the invoices shown at Appendix 1 plus the 6 additional invoices listed above be approved and paid.

- ii. Appendices 2 and 3 – the Council considered Appendices 2 and 3 and it was proposed by Councillor Roberts and seconded by Councillor Gill that these be approved and noted. A vote was held and it was unanimously

RESOLVED – That Appendices 2 and 3 be approved and noted.

- iii. It was proposed by Councillor Roberts and seconded by Councillor Gill that £150,000.00 should be transferred from the current bank account into the deposit account. A vote was held and it was unanimously

RESOLVED – That £150,000.00 should be transferred from the current bank account into the deposit account.

2236/23 Membership Renewal of CALC

The Council considered a report on the Annual Subscription to CALC. It was proposed by Councillor Gill and seconded by Councillor Maudling that the annual subscription fee of £2,005.98 to CALC be approved and paid. A vote was held and it was unanimously

RESOLVED - That that the annual subscription fee of £2,005.98 to CALC be approved and paid.

2237/23 Insurance Renewal

The Council considered a report on the confirmation of the Council's annual insurance cover with Zurich Municipal and reported that the premium for 2023/24 was £3,497.69. It was proposed by Councillor Gill and seconded by Councillor Hayes that the position regarding the insurance policy be noted and

approved and the premium for 2023/24 of £ 3,497.69 be paid. A vote was held and it was unanimously

RESOLVED – That the position regarding the insurance policy be noted and approved and the premium for 2023/24 of £ 3,497.69 be paid.

2238/23 **WCSSG**

Councillor Dinsdale reported that there was nothing much to report. He said the Stakeholder Group Meeting was due to be held on Tuesday 2nd May 2023 and he would report back to Council.

There was no decision made on this as the item was for information only.

2239/23 **Stroke and Coronary Care**

Councillor Dinsdale reported that he had attended a Heart and Stroke Campaign Group Meeting with Lynn Simpson, Chief Executive of the North Cumbria Trust. Steven Park was also in attendance and also Louise Bookham along with members of the campaign group. He said that this was their first meeting going back to greater than 12-13 months ago when they first supported this group. Councillor Dinsdale reminded everyone that the purpose of the group was to try and get consultancy led care treatment re-instated at West Cumberland Hospital as it was in 2019.

The overall feedback from the group was that everyone felt the meeting was very constructive. He said Lynn had taken away a number of actions around statistics, around bed breakdowns, around cancellations for outpatient appointments and that she was going to come back with statistics when they re-convened in 6 weeks around ambulance shouts, where people are going, where they're not going and they were going to be submitting whether that would be in complaint format or campaign format and reasons as to why consultancy led care should come back to West Cumberland and they were going to need stats to work from. He said one key point was raised by Grant Cattanach was that for 4-5 weekends the main road out north of Whitehaven was going to be shut and this had been mentioned to Lynn and she was asked what the contingency was. She said she wasn't aware of this and that nobody had been in touch with her but she was going to prioritise it. They would be re-convening in 6 weeks.

There was no decision made on this as the item was for information only.

2240/23 **Painting Competition**

The Clerk reported on the recent painting competition for schools based on the Theme "Charles III our new Monarch".

It was reported that all the entries had been judged and the Chairman said he had been on the Judging Panel and that there had been a lot of high quality entries.

The Clerk said that there had been no entries from infant schools or the 16-18 age group in secondary schools.

The Clerk read out the winners and those highly commended from the Primary, Secondary and Mayfield Schools and said that they would appear in the Photographic Exhibition and the Whitehaven News would be informed. There was no decision made on this as it was for information only.

2241/23 Office Accommodation Update

The Clerk reported that the Council's Architects had been trying to post a supply chain notice on the Government Contract Finder website which by law the Council is required to do for public works contracts over a certain value so that everyone can see what contracts are out for tender. The Architects had the tender documents ready to go but had experienced problems posting them on the Government Contract Finder. However the Crown Commercial Services Department had been in touch with our Architects to resolve the problem and our Architect expects that the matter will be sorted out shortly. It was proposed by Councillor Hayes and seconded by Councillor Roberts that the report be noted. A vote was held and it was unanimously

RESOLVED – That the report be noted

2242/23 Gas/Electricity Supply Contract

The Council considered a report on an approach received from 3 companies who specialise in negotiating contracts for the supply of gas and electric. The Council has a contract for the supply of gas which expires on 28th February 2024. Under this contract the Council pays £3.066 unit rate p/k Wh; £0.568 climate change levy and £1.990 daily standing charge. The Council considered the information supplied by these companies and it was proposed by Councillor Gill and seconded by Councillor Roberts that the position regarding current gas contract be noted and that the Council authorises the companies to negotiate a new contract for the supply of gas on the Council's behalf provided that it is on the same conditions as stated in paragraph 1.4 of the report. A vote was held and it was unanimously

RESOLVED - That the position regarding the current gas contract be noted and that the Council authorises the companies to negotiate a new contract for the supply of gas on the Council's behalf provided that it is on the same conditions as stated in paragraph 1.4 of the report

2443/23 Azure Cloud Backup

The Chairman agreed that this item could be discussed on the Agenda. The Clerk reported that an email had been received from the Council's IT supplier suggesting that the Council enter into an Agreement for the provision of an Azure backup system which would ensure security and safety of the Council's office data in an off-site premise and that in the event of the data being

lost through fire, burglary or any natural disaster the IT supplier would have access to all the Council's data off-site to be able to re-install it with minimum downtime. The cost of entering into an Agreement for the provision of an Azure Cloud Backup System was £80.00 per month. It was proposed by Councillor Gill and seconded by Councillor Roberts that the Council enter into an Agreement for the Azure Cloud Backup System at a cost of £80 per month. A vote was held and it was unanimously

RESOLVED - That the Council enter into an Agreement for the Azure Cloud Backup System at a cost of £80 per month.

2244/23 Councillor Ward Matters

- i. Councillor E Dinsdale referred to an area just outside his ward on the cycle path from St Gregory's towards the Cattle Arch and said just before Good Friday someone had stolen a motorbike and burnt it out. He said he had immediately reported it to Cumberland Council and it was eventually removed but that the cogs did not move as fast as he would have liked especially over that weekend and on this occasion it had taken about a week to remove it
- ii. Councillor O'Kane said this would be the fifth request for the hedges to be cut at Victoria Road and Bleach Green and it was so bad that it was growing out into the traffic. He said certain individuals seemed resistant to doing this.
- iii. Councillor Maudling said the Town was fine but the concern he had especially for the coming weekend was that the grass in St Nicholas Gardens was way overgrown and the flower beds had got a lot of quite tall weeds in them. He said he had reported it and had been told it was in hand but he was very disappointed. The Clerk said she would write to Mr Flecken about it.
- iv. Councillor O'Kane said he was worried that this was going to be the state of play in the future especially with the Open Spaces Department.
- v. Councillor O'Kane referred to potholes and said down Aikbank Road there is a section of 5 or 6 potholes and people have complained and complained and what angered him was that this was a health and safety issue. He said it wasn't just a pothole where you go over and your tyre is damaged – this is a situation where before long there is going to be a crash there because people were trying to avoid the potholes going down Aikbank to the Pelican Garage. He said during the week they had done all the little potholes from the top right down into Town on the road leading to the juniors etc but the really serious one nobody had touched it yet. He said if you report a health and safety issue to the Council you would expect action. He asked that a letter be sent to highways on the health and safety aspect of Aikbank Road as it was really bad.
- vi. Councillor Rayson referred to the top of Thornton Road right down to Carleton Drive and said there were potholes right down the middle which

- had been reported a number of times. Councillor Gill said that this should be reported to the new Cumberland Councillors
- vii. Councillor Gill said there was a big pothole on Mirehouse Road and that pressure should be put on as a Council and also as individual Councillors.
 - viii. Councillor E Dinsdale said there should be an Agenda item/slot created for the County Councillors to come along to the Council to give the Council a report which should contain all the outstanding matters that have been reported in the Whitehaven area.
 - ix. Councillor Gill said that if he was a Cumberland Councillor for Whitehaven he would be attending the meetings of the Town Council to see what they were doing and he thought that the Whitehaven Councillors on Cumberland Council should be attending the Town Council Meetings. Everyone with an interest in their community should be at the Town Council meeting to see what they were doing.

2245/23 Date and Time of next Council Meeting

The next Council Meeting will be the Annual Meeting on 18th May 2023 at 6.00pm.

IN PRIVATE

2246/23 That prior to the following item of business the Chairman moved 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. Councillor Roberts proposed this and Councillor Hayes seconded it.

A vote was held and it was unanimously

RESOLVED - That the public and or press be instructed to withdraw from the Meeting

2247/23 Application for Grant – TTCWC

The Council considered an application for a grant of £1,000.00 from TTCWC. Following a discussion it was proposed by Councillor Gill and seconded by Councillor Maudling that the grant be not awarded. A vote was held and 6 Councillors voted for the proposal and 1 Councillor abstained

RESOLVED - That the grant be not awarded

The Meeting closed at 7.00pm

Chairman

Chairman

COUNCIL'S BANK ACCOUNT

Purpose of Report

To inform Members of the present position with authorised signatories for the Council's Bank Account and to recommend that the present authorised signatories continue

1.0 INTRODUCTION

- 1.1 The Council has a current and deposit account with Cumberland Building Society.
- 1.2 Four Councillors were appointed as authorised signatories for the Bank Account at the Annual Meeting in 2022 with any two from four being required to sign cheques and authorise payments. (Minute 2017/22 refers). The four Councillors were Councillor C Hayes, Councillor R Gill, Councillor B O'Kane, and Councillor G Roberts

2.0 RECOMMENDATION

- 3.1 It is recommended that Councillor C Hayes, Councillor R Gill, Councillor B O'Kane and Councillor G Roberts continue to be authorised signatories for the current year.

REVIEW AND ADOPTION OF STANDING ORDERS

Purpose of Report and Recommendation

To request members to consider the Model Standing Orders and to recommend approval and adoption

1.0 INTRODUCTION

- 1.1 The Council like many other local authorities has adopted the Model Standing Orders prepared by the National Association of Local Councils (NALC) (shown at Appendix 1).
- 1.2 The Model Standing Orders were last reviewed and approved on 27th May 2022 (Minute 1798/21 refers) and are shown at Appendix 1. Each time NALC makes any amendment to the Model Standing Orders they are referred to Council for consideration and approval. NALC reviewed the Standing Orders in 2022 and their amendments are shown in red on the document at Appendix 1.

2.0 RECOMMENDATION

- 2.1 It is recommended that the Model Standing Orders shown at Appendix 1 be approved and adopted and that they be further reviewed at the next Annual Meeting in May 2024 unless in the meanwhile amendments are made by NALC in which case they will be referred back to the Council at that time.



WHITEHAVEN TOWN COUNCIL

Standing Orders

ADOPTED BY FULL COUNCIL 21ST MAY 2015 – MINUTE REF 7/15(i)
ADOPTED BY FULL COUNCIL 25TH AUGUST 2016 – MINUTE REF 482/16
AMENDED AT FULL COUNCIL 26TH JANUARY 2017 – MINUTE REF 607/17
REVIEWED & ADOPTED BY FULL COUNCIL ON 5TH OCTOBER 2017 – MINUTE REF 794/17
REVIEWED & ADOPTED BY FULL COUNCIL ON 30TH AUGUST 2018 – MINUTE REF 1062/18
REVIEWED AND ADOPTED BY FULL COUNCIL ON 16TH MAY 2019 – MINUTE REF 1305/19
REVIEWED AND ADOPTED AT THE ANNUAL MEETING ON 27TH MAY 2021 – MINUTE REF 1798/21
REVIEWED AND ADOPTED AT THE ANNUAL MEETING ON 26TH MAY 2022 – MINUTE REF 2018/22

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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 chair~~man~~ 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 chair~~man~~ 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 (as amended) 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 chair~~man~~ of the meeting, is expressed in writing to the chair~~man~~.

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- h A councillor may move an amendment to his/**her/their** 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 chair**man** of the meeting.
 - j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair**man** of the meeting.
 - k One or more amendments may be discussed together if the chair**man** 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 chair**man** 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/**she/they** last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to 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/**she/they** considers has been breached or specify the other irregularity in the proceedings of the meeting he/**she/they** is concerned by.

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- q A point of order shall be decided by the chair~~man~~ 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 or legal requirements.
- s Before an original or substantive motion is put to the vote, the chair~~man~~ 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/~~her/their~~ 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 chair~~man~~ 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 chair~~man~~ of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chair~~man~~ of the meeting to moderate or improve their conduct, any councillor or the chair~~man~~ 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 chair~~man~~ 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
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- 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 chair~~man~~ 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 chair~~man~~ of the meeting may direct that a written or oral response be given.

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- i A person shall raise his/**her/their** hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chair**man** of the meeting may at any time permit a person to be seated when speaking
 - j A person who speaks at a meeting shall direct his/**her/their** comments to the chair**man** of the meeting.
 - k Only one person is permitted to speak at a time. If more than one person wants to speak, the chair**man** of the meeting shall direct the order of speaking.
 - ■** l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place takes place or later to persons not present.**
 - m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
 - ■** n **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.**
 - o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair**man** of the Council may in his absence be done by, to or before the Vice-Chair**man** of the Council (if there is one).**
 - p **The Chair**man**, if present, shall preside at a meeting. If the Chair**man** is absent from a meeting, the Vice-Chair**man**, if present, shall preside. If both the Chair**man** and the Vice-Chair**man** are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
 - ■ ■** q **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.**

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- ■ ■ r **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/her/their casting vote whether or not he/she/they gave an original vote.**

See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.

- s **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/her/their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

- t 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. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vi. if there was a public participation session; and
- vii. the resolutions made.

- ■ ■ u **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/her/their right to participate and vote on that matter.**

- v **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 four.**

See standing order 4d(viii) below for the quorum of a committee or sub-committee meeting.

- ■ ■ w **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.

x A meeting shall not exceed a period of 2.5 hours.

~~y Any Councillor wishing to have an item included on the next Council Agenda should inform the Clerk of the item seven days before the Council meeting and that this be discussed by the Chairman and the Clerk and a decision made.~~

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 the 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), appoint and determine the terms of office of members of such a committee;
- v. may, subject to standing orders 4(b) and (c), 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 chair~~man~~ of the standing committee;
- vii. shall permit a committee other than a standing committee, to appoint its own chair~~man~~ at the first meeting of the committee;

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- 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 or a sub-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 the Council shall be held on such day in May as the Council **may** decides.
- 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 Chair**man**(**Mayor**) and Vice-Chair**man** (**Deputy Mayor**) (if **there is one**) of the Council.
- f** The Chair**man** (**Mayor**) of the Council, unless he/**she/they** has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/**her/their** successor is elected at the next annual meeting of the Council.
- g** The Vice-Chair**man** (**Deputy Mayor**) of the Council, if **there is one**, unless he/**she/they** resigns or becomes disqualified, shall hold office until immediately after the election of the Chair**man** of the Council at the next annual meeting of the Council.
- h** In an election year, if the current Chair**man** (**Mayor**) of the Council has not

been re-elected as a member of the Council, he/~~she/they~~ shall preside at the annual 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/~~she/they~~ shall preside at the annual meeting until a new Chairman (~~Mayor~~) of the Council has been elected. He/~~she/they~~ may exercise an original vote in respect of the election of the new Chairman (~~Mayor~~) of the Council and shall 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 there is one) 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/~~her/their~~ 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 legal agreements), with other local authorities, not for profit bodies and businesses.
 - 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

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- 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 policies, procedures and practices in respect of its obligations under Freedom of Information and Data Protection legislation (see also standing orders 11 ,20 and 21);
 - xviii. Review of the Council's policy for dealing with the press/media; and
 - xix. Review of the Council's employment policies and procedures;
 - xx. Review of the Council's expenditure incurred under s. 137 of the Local Government Act 1972 or the general power of competence.
 - xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of Council.

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

- a** The Chair**man** of the Council may convene an extraordinary meeting of the Council at any time.
- b** If the Chair**man** 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 two councillors, any 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 two councillors.
- c** The chair**man** 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 chair**man** 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 2 members of the committee [or the sub-committee], any 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 for 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 for 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 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 (3) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least (5) clear days before the meeting.
- e 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.

- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded ~~in a book for that purpose~~ and numbered in the order that they are received.
- 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 of the reason for~~ 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 other~~ 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 or legal requirements);
 - xvi. to adjourn the meeting; or
 - xvii. to close a meeting.

11. Management of Information

See also Standing Order 20

- a The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.
- b The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).
- c The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.
- d Councillors, staff, the Council's contractors or agents shall not disclose confidential information or personal data without legal justification.

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 chair**man** of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chair**man** of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/**she/they** shall sign the minutes and include a paragraph in the following terms or to the same effect:
"The chair**man** 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 If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000.00, it shall publish draft minutes on a Website which is publicly accessible and free of charge and not later than one month after the meeting has taken place
- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following 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(u) above.

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he/~~she/they~~ 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/~~she/they~~ has a disclosable pecuniary interest. He/~~she/they~~ may return to the meeting after it has considered the matter in which he/~~she/they~~ had the interest.
- c Unless he/~~she/they~~ 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/~~she/they~~ has another interest if so required by the council's code of conduct. He/~~she/they~~ may return to the meeting after it has considered the matter in which he/~~she/they~~ 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

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- ii. other interest to which the request for the dispensation relates;
 - iii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iv. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - v. 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 any of the following apply:****
- 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 Chair**man** of Council of this fact, and the Chair**man** 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~~ investigate the complaint or is ~~required by law~~ a legal requirement;

- 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 **Borough 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. ~~When considering a sanction against any Councillor that Members shall have regard to any recommendations of the Borough Council's Audit and Governance Committee that has investigated the code of conduct complaint.~~

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:
 - i. at least three clear days before a meeting of the council, a committee or a sub-committee,
 - serve on Councillors by delivery or post at their residencies or by e-mail authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the **date**, time, place and the agenda (provided the councillor has consented to service by email), and
 - Provide, in a conspicuous place, public notice of the **date**, time, place and agenda (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/**her/their** withdrawal of it;
 - iii. **convene a meeting of full the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**

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- 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 hold** acceptance of office forms from councillors;
 - vii. **retain hold** a copy of every councillor's register of interests;
 - viii. assist with responding to requests made under Freedom of Information legislation and rights exercisable under Data Protection legislation, in accordance with the Council's relevant policies and procedures;
 - ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
 - x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
 - xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
 - xii. arrange for legal deeds to be executed;
(See also standing order 23 below).
 - xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
 - xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
 - xv. refer a planning application received by the council to the Chair**man** or in his absence Vice-Chair**man** (if **any there is one**) 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
 - xvi. manage access to information about the Council via the publication scheme; and
 - xvii. retain custody of the seal of the Council (if **any there is one**) which shall not be used without a resolution to that effect.
(See also standing order 23 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

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- 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 (or income and expenditure) for each quarter;
 - ii. the council’s aggregate receipts and payments (or income and expenditure) 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 (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability 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 the year to 31 March. A completed draft annual governance and accountability return shall be presented to ~~each all~~ councillors ~~before the end of the following month of May at least 14 days prior to anticipated approval by the Council~~. The annual governance and accountability 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

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- 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. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds referred to in standing order 18(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- 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;

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- 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 — A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £189,330 for a public service or supply contract or in excess of £4,733,252 for a public works contract; or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU. Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.~~
 - ~~g — A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurements procedures and other requirements in the Utilities Contracts Regulations 2016.~~

19. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of Council is 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 of the **Staffing Committee** or, if he/she/they is not available, the vice-chairman (if there is one) of the **Staffing Committee** of absence occasioned by illness or other reason and that person shall report such absence at its next meeting.

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- c The chair~~man~~ of the Staffing Committee or in his/her/their absence, the vice-chair~~man~~ shall upon a resolution conduct a review of the performance and annual appraisal of the work of the ~~employee Clerk or Assistant Clerk~~. The reviews and appraisal shall be reported in writing and is subject to approval by resolution ~~by the Staffing Committee~~.
 - d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior ~~employee member of staff~~ (or other ~~employees members of staff~~) shall contact the chair~~man~~ of the Staffing Committee or in his/her/their absence, the vice-chair~~man~~ of the Staffing Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of ~~Council the Staffing Committee~~.
 - e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the ~~employee Clerk or Assistant Clerk~~ relates to the chair~~man~~ or vice-chair~~man~~ of the Staffing Committee, this shall be communicated to another member of the ~~Council Staffing Committee~~ which shall be reported back and progressed by resolution of the ~~Council Staffing Committee~~.
 - f Any persons responsible for all or part of the management of staff shall treat ~~as confidential~~ 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 In accordance with standing order 11(a), ~~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. Responsibilities to provide information

(See also standing order 21)

- a In accordance with freedom of information legislation, the Council shall publish

information in accordance with its publication scheme and respond to requests for information held by the Council.

- b The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

21. Responsibilities under Data Protection Legislation

See standing order 11

- a The Council may appoint a Data Protection Officer.
- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning **his/her**/their personal data.
- c The Council shall have a written policy in place for responding to and managing a personal data breach.
- d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action **taken**.
- e The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- f The Council shall maintain a written record of its processing activities.

22. 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.

23. 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 23(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 23(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.

24. 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 District and County Council OR Unitary Council** representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the **District and County Council OR Unitary Council** shall be sent to the ward councillor(s) representing the area of the Council.

25. Restrictions on councillor activities

- a. Unless **duly** 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.

26. 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.

REVIEW AND ADOPTION OF FINANCIAL REGULATIONS

Purpose of Report and Recommendation

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

1.0 INTRODUCTION

- 1.1 The Council like many other local authorities has adopted the Model Financial Regulations prepared by the National Association of Local Councils (NALC).(shown at Appendix 1).
- 1.2 The Model Financial Regulations were last reviewed and approved on 26th May 2022(Minute 2019/22 refers) and are shown at Appendix 1).
Each time NALC makes any amendment to the Model Standing Orders they are referred to Council for consideration and approval. No amendments have been made in the past year

2.0 RECOMMENDATION

- 3.1 It is recommended that the Model Financial Regulations be approved and adopted and that they be further reviewed at the next Annual Meeting of the Council in May 2024 unless in the meanwhile amendments are made by NALC in which case they will be referred back to the Council at that time.



Financial Regulations

WHITEHAVEN TOWN COUNCIL FINANCIAL REGULATIONS

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

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

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

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

Reviewed & Adopted at the Annual Meeting – 26th May 2022 – minute ref 2019/22

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These Financial Regulations were adopted by the Full Council at its Meeting held on 5th October 2017 and reviewed and adopted by the Full Council at its meeting held on 27th September 2018, 16th May 2019, 27th May 2021 and 25th May 2022.

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

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

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

- measures to ensure that risk is properly managed.

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

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

shall be a matter for the full council only.

1.14. In addition, the council must:

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

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

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

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

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

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

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

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

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

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

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

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

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

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

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 5.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency. The council shall seek credit references in respect of members or employees who act as signatories.
- 5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council. The council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.

When checking that expenditure has been authorised by Council the Minute reference number should be recorded on the relevant file or invoice and when financial statements are produced to Council each month it would be helpful to have each item with the Minute reference to show that expenditure has been authorised together with the relevant power.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council meeting.
- 5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:

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

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

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

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

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

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

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

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 claims due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 16 below).

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2. Order books shall be controlled by the RFO.
- 10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.
- 10.4. A member may not issue an official order or make any contract on behalf of the council.
- 10.5. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

11. CONTRACTS

- 11.1. Procedures as to contracts are laid down as follows:
 - a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
 - i. for the supply of gas, electricity, water, sewerage and telephone services;
 - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;
 - v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of council); and
 - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

- b. Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 (“the Regulations”) which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations².
- 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

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

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

be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

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

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

* * *

REVIEW AND ADOPTION OF CODE OF CONDUCT

Purpose of Report and Recommendation

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

INTRODUCTION

- 1.1 The Council has a Code of Conduct (shown at Appendix 1) which was approved and adopted at the full Council Meeting on 25th August 2022 (Minute 2078/22 refers).
- 1.2 This was a new Code of Conduct which had recently been approved by Copeland Borough Council. CALC had previously advised that both Allerdale and Copeland were looking to adopt a new Code of Conduct which would be passed to Town and Parish Councils for them to consider adopting so that there would be a consistent approach. CALC's advice was that all local Councils should adopt the new Code of Conduct and the Town Council agreed to this on 25th August 2022.

2.0 RECOMMENDATION

- 2.1. That the current Code of Conduct be approved and adopted with or without amendment and that it be reviewed at the next Annual Meeting in 2024 and/or earlier if a revised Code of Conduct is received.



WHITEHAVEN TOWN COUNCIL CODE OF CONDUCT

Adopted and approved by Full Council on 25th August 2022 (minute ref 2078/22 refers)

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in virtual meetings, emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.**

- 10.3 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering

interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable pecuniary interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room/meeting unless you have been granted a dispensation. In addition, you may speak on the matter only if members of the public are also allowed to speak and having spoken you must leave the room/meeting. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as an Executive member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registrable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registrable Interests (as set out in Table 2), you must disclose the interest. If you have

such an interest you must consider whether a reasonable member of the public, knowing all the facts, would think the interest such that it may influence the way you vote. If the ordinary person would think that the interest may influence your vote then you should not participate in the matter. In these circumstances you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

The requirements to disclose an Other Registrable Interest and not participate in a decision directly relating to or affecting it, shall be applied in such a manner as to recognise that this Code should not obstruct a member's service on more than one local authority.

For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from taking part in discussion and decision making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to bias in exceptional circumstances

Disclosure of Non- Registrable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects**—

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

you must disclose the interest. In order to determine whether you may participate in the meeting after disclosing your interest the following test should be applied:

9. Where a matter **affects** your financial interest or well-being so that a reasonable member of the public knowing all the facts would believe that it may affect your view of the wider public interest.

a.

you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

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

Table 2: Other Registrable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none">a) any body of which you are in general control or management and to which you are nominated or appointed by your authorityb) any body<ul style="list-style-type: none">(i) exercising functions of a public nature(ii) any body directed to charitable purposes or(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

MAYOR/CHAIRMAN'S ALLOWANCE

Purpose of the Report and Recommendation

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

1.0 INTRODUCTION

- 1.1 Under Section 15 (5) of the Local Government Act 1972 the Council may pay the Chairman an allowance for the purpose of meeting the expenses of the office.
- 1.2 The Council has included an amount of £3,063 in the budget for the Mayor's (Chairman's) Allowance for 2023/2024
- 1.2 The Council administers this allowance from the office and the Mayor is required to submit receipts for expenses incurred by the position of Mayor.
- 1.3 As long as the Mayor's Allowance is a reasonable reimbursement of the expenses of the unpaid office and contains no element or remuneration for the holder HMRC treat it as not chargeable for tax but they might ask Councils how much is paid and where it is thought there might be an element of remuneration they might ask the Mayor for details of the uses to which the allowance was put.
- 1.4 The Mayor's Allowance is designed to defray the expense of the office itself and which allows the Mayor to meet the expenses associated with the special office. When a Council has decided the annual budget for the allowance to be paid to the Mayor it may make payments on request or pay the allowance in quarterly or biannual instalments.

In this Council the Mayor's Allowance is held as a budget line and the Mayor submits receipts for expenses incurred and is reimbursed and the expenditure is recorded on the cash sheet.

- 1.5 The Mayor enjoys a special relationship with the public and opens fetes, attends charity events or welcomes visitors etc and this is one reason why the Mayor receives the allowance to support this public role.
- 1.6 There has been some discussion in the Council as to what constitutes expenses of office in relation to the Mayor's Allowance and it is suggested that these be defined to include the following:-
- Annual Parish Meeting
 - Civic Sunday
 - Attendance tickets and donations at charity events
 - Donations to Charities without attending the event
 - Hospitality at events
 - Support to the Mayor's chosen charity
 - Christmas cards
 - Provision of suitable outfits to wear at official functions
 - One off events held by the Mayor
 - Administrative costs at home i.e. printing, paper, telephone calls
- 1.7 If the total of allowances paid to the Chairman exceeds £8,500 a year they must be reported to HMRC unless a dispensation has been obtained.

2.0 RECOMMENDATION

- 2.1 That the expenses of the office of Mayor be defined as in paragraph 1.6 above be approved and
- 2.2 That the Council decides whether the Mayor's Allowance continues to be administered in the office and the Mayor is reimbursed on production of a receipt for the expenditure incurred provided that it is expenditure specified in 1.6 above; or
- 2.3 The Mayor/Chairman's Allowance be paid in a lump sum at the beginning of the term of office or by quarterly or biannual instalments to be used in accordance with paragraph 1.6 above. It should be noted that where sums of money are paid in this way that paragraph 1.3 above will apply and there may be tax implications for the recipient.

APPOINTMENT TO COMMITTEES

Purpose of Report and Recommendation

To appoint Councillors to the two Standing Committees of the Council

1.0 INTRODUCTION

1.1 The Council has two Standing Committees :-

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

2.0 RECOMMENDATION

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

**REVIEW AND ADOPTION OF TERMS OF REFERENCE FOR
COMMITTEES**

Purpose of Report and Recommendation

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

1.0 INTRODUCTION

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

2.0 RECOMMENDATION

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



WHITEHAVEN TOWN COUNCIL

TERMS OF REFERENCE FOR STAFFING COMMITTEE

(approved and adopted by Full Council on 16.05.2019 – minute 1310/19 refers)
(approved and adopted by Full Council on 27.05.2021 – minute 1802/21 refers)
(approved and adopted by Full Council on 26.05.2022 – minute ref 2023/22 refers)

STAFFING COMMITTEE

Membership – 6 Members

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

AIMS

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

Meetings

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

Documentation

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

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

Accountability

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

Scope

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

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



WHITEHAVEN TOWN COUNCIL

TERMS OF REFERENCE FOR POLICY, RESOURCES & FINANCE COMMITTEE

(approved and adopted by Full Council on 16.05.2019 – minute 1310/19 refers)
(approved and adopted by Full Council on 27.05.2021 – minute 1802/21 refers)
(approved and adopted by Full Council on 26.05.2022 – minute ref 2023/22 refers)

POLICY, RESOURCES & FINANCE COMMITTEE

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

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

Meetings

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

Documentation

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

Scope

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

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

**APPOINTMENT TO AND TERMS OF REFERENCE FOR
ADVISORY GROUPS**

Purpose of Report and Recommendation

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

1.0 INTRODUCTION

1.1 The Council has five Advisory Groups namely:-

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

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

1.3 Meetings of Advisory Groups usually take place during the day or by zoom in the early evening..

1.4 The Terms of Reference for Advisory Groups are shown at Appendix 1 and were approved by full Council on 26th May 2022 (Minute 2024/22 refers).

2.0 **RECOMMENDATION**

2.1 Members are requested to:

- Approve the Terms of Reference for Advisory Groups and
- appoint at least four members to each Advisory Group

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TERMS OF REFERENCE FOR ADVISORY GROUPS

(adopted by Full Council on 16.05.2019 minute ref 1311/19 (iii) refers)

(adopted by Full Council on 27.05.2021 minute ref 1804/21 (i) refers)

(adopted by Full Council on 26.05.2022 minute ref 2024/22 (ii) refers)

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

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

1. MEMBERSHIP

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

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

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

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

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

2. POWERS

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

3. RESPONSIBILITY AND AREAS OF OPERATION

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

3.2 Advisory Groups look at specific areas or problems;

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

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

Purpose of Report and Recommendation

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

1.0 INTRODUCTION

- 1.1 The Council from time to time appoints Councillors to sit on External Bodies although Councillor Hayes presently attends the Harbour Users Group as an individual.

2.0 RECOMMENDATION

- 2.1 It is recommended that whenever a Councillor is appointed to represent the Council on or work with an External Body that the Councillor reports back to the next full Council Meeting.

CONFIRMATION OF INSURANCE COVER

To inform the Council of the Council's Insurance Provision

1.0 INSURANCE

- 1.1 The Council agreed in 2022 to enter into a 5 year insurance policy with Zurich Municipal in return for discounted rates (Minute 1998/22 refers).
This effectively means that the Council is committed to renew the policy until the five years expire.
- 1.2 The premium for the year 2022/2023 was £3,233.79.
- 1.3 The Premium for 2023/24 is £3,497.69 and has been paid.
- 1.4 If a Councillor wishes to look at the Insurance Policy it is available in The Council's Office in Queen Street, Whitehaven

2.0 RECOMMENDATION

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

REVIEW OF SUBSCRIPTION TO OTHER BODIES

Purpose of the Report

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

1.0 INTRODUCTION

- 1.1 The Council subscribes each year to be a member of CALC (Cumbria Association of Local Councils). Part of the subscription is payable to the parent body NALC (National Association of Local Councils). As well as receiving general advice from CALC membership also entitles the Council to the services of NALC's legal department which gives legal advice to Council's and produces documents, policies and procedures for use by local Councils.
- 1.2 The subscription for 2023/2024 is £2,005.98 - £1,436.06 of which is paid to NALC and £569.92 is paid to CALC.
- 1.3 The Council agreed at Full Council on 27th April 2023 to continue with membership of CALC/NALC and the fee of £2,005.98 was paid on 28th April 2023.

2.0 RECOMMENDATION

- 2.1 It is recommended that the position regarding the subscription to Other Bodies be noted.

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

Purpose of the Report

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

1.0 INTRODUCTION

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

2.0 RECOMMENDATION

- 2.1 The Council has signed similar documents in the past and it is recommended that the Council consider the Health and Safety Policy and Risk Assessment and subject to any amendments to be made approve and sign the documents and that this be reviewed at the next Annual Meeting in 2024.

Health and safety policy

WTC AM 18/05/2023
Agenda Item 18
Appendix 1

This is the statement of general policy and arrangements for:

Overall and final responsibility for health and safety:

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

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

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

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

Signed: (Employer)	Date:
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Risk assessment

WTC Am 18/05/2023
Agenda Item 18
Appendix 2

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

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

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

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

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

REVIEW OF S137 EXPENDITURE

Purpose of Report and Recommendation

To review the S137 Expenditure

1.0 INTRODUCTION

- 1.1 The Council is required to report on s 137 expenditure to the Annual Meeting each year. This is shown at Appendix 1.
- 1.2 S137 expenditure enables local Councils to spend a limited amount of money for purposes for which they have no other specific power but which the council considers will bring direct benefit to the area or any part of it or to all or some of the inhabitants subject to the benefit obtained being commensurate with the expenditure incurred.
- 1.3 The amount that can be spent on s137 for 2023/24 is £9.93 per elector.
- 1.4 All s137 expenditure is approved and authorised by full Council

2.0 RECOMMENDATION

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

s.137 Expenditure during 2022/2023

Date	Suppliers Name	Description	Nett	Tax	Gross
31.05.2022	The Community Centre - Red Lonning	To fund a community event for Platinum Jubilee Celebration	£ 250.00		£ 250.00
12.08.2022	Whitehaven Theatre Group	Volunteer Expenses Costs (DBS Checks and Training Costs)	£ 1,000.00		£ 1,000.00
01.11.2022	RBL Poppy Appeal	3 x Poppy Wreaths	£ 90.00		£ 90.00
01.11.2022	W D Ferguson (Sandwich Man)	6 x sandwich platters for Remembrance Sunday reception	£ 45.00		£ 45.00
01.11.2022	W D Ferguson (Sandwich Man)	Further 8 x sandwich platters for Remembrance Sunday reception	£ 60.00		£ 60.00
28.11.2022	Mrs V Gorley	Refreshments for Remembrance Sunday	£ 32.99		£ 32.99
29.11.2022	Whitehaven Brass Band	Music at Remembrance Sunday Parade	£ 210.00		£ 210.00
29.11.2022	Mrs V Gorley	200 x cable ties for event poppies	£ 22.48		£ 22.48

RISK ASSESSMENT AND MANAGEMENT (FINANCIAL AND OPERATIONAL)

Purpose of the Report and Recommendation

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

1.0 INTRODUCTION

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

2.0 RECOMMENDATION

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

WTCAM 18/05/2023
 Agenda Item 20
 Appendix 1.



Whitehaven Town Council

Risk Assessment and Management (Financial) and Operational for the period 1st April to 31st March (in any given year).
 Reviewed & Adopted at Full Council - 16th May 2019 - minute 1315/19 refers
 Reviewed & Adopted at Full Council - 26th September 2019 - minute 1431/19 refers
 Reviewed & Adopted at Full Council - 27th May 2021 - minute 1809/21 refers
 Reviewed & Adopted at Full Council - 26th May 2022 - minute ref 2030/22 refers

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

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

Adopted on:

Signed by the Clerk:

Signed by the Mayor:

REVIEW OF ASSET REGISTER

Purpose of the Report

To review the Asset Register.

1.0 INTRODUCTION

- 1.1 The Asset Register was last approved at the Annual Meeting on 26th May 2022.
- 1.2 The Council is required to report on the Asset Register to the Annual Meeting each year. This is shown at Appendix 1 and is up to date at the time of writing.

2.0 RECOMMENDATION

- 2.1 It is recommended that the Asset Register shown at Appendix 1 be reviewed and approved and be further reviewed at the Annual Meeting in 2024.

WHITEHAVEN TOWN COUNCIL ASSET REGISTER 2023/2024

PROPERTY

148 Queen Street, Whitehaven, Cumbria CA28 7AW

INSURANCE

INSURED FOR: £515,000.00

STREET FURNITURE

4 x 3 bay bus shelter (New Road, Greenbank, Sneckyeat
And Red Lonning)

INSURED FOR: £15,366.42

1 x 3 bay bus shelter (Bransty Road)

INSURED FOR: £4,488.00

1 x 3 bay cantilever bus shelter (Walkmill Gardens)

INSURED FOR: £4,314.00

44 x Waste Litter Bins

INSURED FOR: £15,292.53

1 x Topsy Royale Litter Bin (Hensingham)

INSURED FOR: £216.47

2 x Topsy Royale Litter Bins (Corkickle)

INSURED FOR: £454.88

2 x Royal British Legion Silent Soldier Statues

INSURED FOR: £530.45

13 x Lowther Seats (Town Centre)

INSURED FOR: £6,643.50

7 x Defibrillators and Cabinets

INSURED FOR: £12,000.00

8 x AED Rescue Kits

INSURED FOR: £144.00

4 x Lowther Seats with commemorative plaques (St Nics)

INSURED FOR: £3,064.89

500 x gull proof bags

INSURED FOR: £1,944.00

Replacement De-Fib Pads

INSURED FOR: £573.54

2 x Lowther Seats with replacement plaques (St Nics)

INSURED FOR: £1,863.18

1 x Coronation Lowther Seat (St Nics)

INSURED FOR: £847.65

1 x Lowther Street (St Nics)

INSURED FOR: £879.79

WHITEHAVEN IN BLOOM

20 x Large wooden flower barrels

INSURED FOR: £1,060.90

8 x Octagonal 3-tiered planters and 16 x barrier baskets

INSURED FOR: £8,623.36

102 x cup and saucer self-watering hanging baskets

INSURED FOR: £3,207.55

4 x self-watering window boxes (Wilkinsons)

INSURED FOR: £627.25

2 x metre square planters

INSURED FOR: £710.39

30 x hanging basket brackets

INSURED FOR: £450.00

20 x Envirpol self-watering barrels

INSURED FOR: £4,526.00

2 x 3-tiered Pagoda planter (Badge Bed)

INSURED FOR: £899.14

4 x barrier baskets and liners (Marchon Club)

INSURED FOR: £809.47

10 x cup and saucer self-watering hanging baskets

INSURED FOR: £436.50

20 x hanging basket brackets

INSURED FOR: £500.00

EVENTS

Union Jack Bunting

INSURED FOR: £1,364.00

Additional 300mtrs Union Jack Bunting

INSURED FOR: £393.97

2 x feather flags and weights

INSURED FOR: £408.82

10 x Market gazebos and 32 sandbag weights

INSURED FOR: £4,077.30

20 x 6ft folding tables

INSURED FOR: £1,127.00

10 x litter handihoods

INSURED FOR: £71.28

1 x advertisement banner	INSURED FOR: £180.00
4 x Jubilee Flags	INSURED FOR: £87.80
100 x QPJ Lamp Post Signs	INSURED FOR: £410.98
Blue polypropylene rope	INSURED FOR: £149.82
10 x High Viz Waistcoats	INSURED FOR: £117.00
Additional 250mts Union Jack Bunting	INSURED FOR: £420.89
100 x Coronation Lamp Post Signs	INSURED FOR: £410.98
4 x Coronation Flags	INSURED FOR: £80.00
Photographic Images of Whitehaven	INSURED FOR: £600.00
Old Whitehaven and Past Royal Visits Photographic Exhibition Boards	INSURED FOR: £1200.00

OFFICE FURNITURE AND EQUIPMENT

2 x Swivel Chairs	
4 x Blue Chairs	
4 x Oak Desks	
2 x Curved Desks	
1 x Oak Dresser	
2 x 2 Drawer Units	
3 x 3 Drawer Units	
1 x Low Level Table	
3 x 4 Drawer Filing Cabinet	
2 x Filing Cupboards	
1 x Ativa Shredder	
1 x Lexmark Printer	
1 x Sharp Printer	
1 x Brother Printer	
3 x Samsung Desk Phones	
4 x PC Monitors	
3 x Hard Drives	
4 x Keyboards	
3 x Laptops	
1 x BT Server	
1 x Safe	
1 x Laminator	
1 x Binding machine	
2 x Whiteboards	
1 x Bosch Hot Water Fountain	
1 x Water Fountain	
1 x Drinks Fridge	
1 x Hoover	
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: £22,787.09
1 x Cast Iron Road Sign	INSURED FOR: £557.35
1 x LG 50" Colour Television	INSURED FOR: £450.00

1 x Sharp MX2651 Photocopier
1 x Filing Cabinet

INSURED FOR: £3,240.00
INSURED FOR: £160.80

CHRISTMAS LIGHTS

Christmas Lights 1
Christmas Lights 2
Christmas Lights 3
Christmas Lights 4
10 x Feeder Boxes
500mtrs catenary wire and fittings
200mtrs festoon, Clusterline, lamps and power leads
Christmas Lights 5
400 x bayonet cap lamps
Clusterline

INSURED FOR: £13,599.23
INSURED FOR: £5,404.07
INSURED FOR: £5,000.00
INSURED FOR: £2,240.00
INSURED FOR: £15,540.00
INSURED FOR: £1,539.00
INSURED FOR: £4,997.52
INSURED FOR: £1,814.95
INSURED FOR: £1,266.00
INSURED FOR: £4,696.80

REGALIA

1 x Ceremonial Pendant
Civic Regalia – ceremonial collar, Lady’s Jewelled Pendant, Oval
Belcher Chain, Mayoral Robe, Past Mayors Medal, and other medal
Bicorn Hat
Ceremonial Mace
Copeland Chair

INSURED FOR: £40,128.87
INSURED FOR: £102,684.20
INSURED FOR: £310.00
INSURED FOR: £45,600
INSURED FOR: £10,000.00

ALLOTMENT AND PIGEON LOFT SITES

Cartgate Allotment Site
Crow Park Allotment Site
Midgey Allotment Site
Sneckyeat Allotment Site
Calder Pigeon Loft Site
Langdale Pigeon Loft Site
Overend Pigeon Loft Site
500mtrs Groundcover/weed membrane

INSURED FOR: £1.00 EACH
INSURED FOR: £1,100.00

Mayor: _____

Date: _____

**REVIEW OF COUNCIL POLICIES IN RESPECT OF
OBLIGATIONS UNDER FREEDOM OF INFORMATION AND
DATA PROTECTION LEGISLATION**

Purpose of the Report and Recommendation

To inform the Council of Council Policies in respect of Freedom of Information and Data Protection Legislation and to recommend approval of these

1.0 INTRODUCTION

1.1 The Council has various documents on its website previously approved by the Council relating to the General Data Protection Regulations. These are as follows:-

- i. Whitehaven Town Council and your Privacy
- ii. General Privacy Notice
- iii. Whitehaven Town Council and Your Privacy
- iv. General Privacy Notice for Staff and Councillors
- v. Consent Form
- vi. Whitehaven Town Council Document Retention Policy
- vii. Subject Access Request Policy

1.2 The main principle behind Freedom of Information legislation is that people have a right to know about activities of public authorities. The Act does not give people access to their own personal data (information about themselves) such as health records or credit reference files. If a member of the public wants to see information that a public authority holds about them they should make a data protection subject access application the form for which is on the Council's website. There is also a form on the Council's website for submitting a freedom of information request although this can be done by email.

2.0 RECOMMENDATION

- 2.1 It is recommended that the documents on the Council's website relating to Data Protection and Freedom of Information be approved and reviewed at the Annual Council Meeting in 2024 unless there are changes in law in which case the matter will be referred to full Council at that time.

REVIEW OF SOCIAL MEDIA POLICY

Purpose of Report and Recommendation

To review the Council's Social Media Policy

1.0 INTRODUCTION

- 1.1 The Council adopted a Social Media Policy at full Council on 7th August 2020 and this is shown at Appendix 1. This was reviewed and adopted at the Annual Meetings on 27th May 2021 and 26th May 2022.

2.0 RECOMMENDATION

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



WHITEHAVEN TOWN COUNCIL SOCIAL MEDIA POLICY

ADOPTED BY FULL COUNCIL ON 7TH AUGUST 2020 – MINUTE REF 1585/20 REFERS
REVIEWED AND ADOPTED BY FULL COUNCIL ON 27TH MAY 2021 – MINUTE REF 1801/21 REFERS
REVIEWED AND ADOPTED BY FULL COUNCIL ON 26TH MAY 2022 – MINUTE REF 2032/22 REFERS

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

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

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

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

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

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

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

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

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

Social media may be used to:

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

CODE OF PRACTICE

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

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

Town Councillors and Council staff must not:

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

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

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

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

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

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

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

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

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

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

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

RECOMMENDATIONS MADE BY A COMMITTEE

Purpose of the Report and Recommendation

To inform the Council of recommendations made by the Policy and Resources and Finance Committee

1.0 INTRODUCTION

- 1.1 At the Council Meeting on 29th September 2022 the Council considered a report on recommendations made by the Policy and Resources Committee at their Meeting on 27th September 2022. These were as follows:-
- i. That Councillor Hayes be appointed Chairman for the ensuing year
 - ii. That Councillor Carr be appointed as Deputy Chairman for the ensuing year
 - iii. That the Minutes of the Meeting held on 13th October 2021 be approved and signed by the Chairman as a correct record.
 - iv. That a recommendation be made to Full Council that the report and budget monitoring figures be noted and approved.
 - v. a Budget Working Group be set up comprising those on the Policy and Resources and Finance Committee to work on setting the Budget for 2023/2024 and make recommendations to Full Council and that these meetings were to be held face to face.

2.0 RECOMMENDATION

- 2.1 It is recommended that the Council considers the recommendations made by the Policy and Resources Committee on 27th September 2022 and subsequently approved by full Council on 29th September 2022 and that these be noted and approved

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

Thursday 25/05/2023 at 6.00pm
Thursday 29/06/2023 at 6:00pm
Thursday 27/07/2023 at 6:00pm
Thursday 31/08/2023 at 6:00 pm
Thursday 28/09/2023 at 6:00pm
Thursday 26/10/2023 at 6:00pm
Thursday 30/11/2023 at 6:00pm
None scheduled for December
Thursday 25/01/2024 at 6:00pm
Thursday 29/02/2024 at 6:00pm
Thursday 28/03/2024 at 6:00pm
Thursday 25/04/2024 at 6:00pm

All Meetings to be held at the Beacon Portal