

# WHITEHAVEN PARISH COUNCIL

Interim Clerk to the Council: Marlene Jewell  
Telephone: 01946 598520

To: **Members of Whitehaven Parish Council**

You are duly summoned to attend the **First Annual Meeting of Whitehaven Parish Council** to be held at **The United Reformed Church Hall, Market Place, James Street, Whitehaven** on **21st May 2015** at **7.00pm**

SIGNED Paul Walker Dated 15<sup>th</sup> May 2015  
PAUL WALKER, CHIEF EXECUTIVE

## AGENDA

1. Introduction.
2. Apologies for Absence.
3. Election of Chairman.
4. Election of Vice Chairman.
5. Alternative Style for Whitehaven Parish Council.
6. Adoption of Code of Conduct.
7. Adoption of Model Standing Orders.
8. Adoption of Model Financial Regulations.
9. Public Participation at Meetings.
10. Appointment of Clerk to the Council.
11. Financial Report.
12. Bank Account.
13. Member Allowances.
14. Adoption of Model Publication Scheme.
15. Insurance.
16. Accommodation for Whitehaven Parish Council.
17. Consideration of Planning Applications.
18. Development of Website for Whitehaven Parish Council.
19. Agreements for Allotments and Pigeon Loft Sites to be signed (no report)
20. Training on 28<sup>th</sup> May 2015. (no report)
21. Dates, times and venues of next meetings.(no report)

## **ALTERNATIVE STYLE FOR WHITEHAVEN PARISH COUNCIL**

**REPORT AUTHOR: M Jewell, Interim Clerk**

### **Summary and Recommendation:**

To inform Members of the alternative names and styles for Parish Councils and to request members to make a decision as to whether or not the style/ name of Whitehaven Parish Council should be changed.

### **1. INTRODUCTION**

1.1 On 1<sup>st</sup> April 2015, by virtue of the Copeland Borough Council (Reorganisation of Community Governance) Order 2014 a new parish council called the Whitehaven Parish Council came into being.

### **2.0 ALTERNATIVE NAMES AND STYLES FOR PARISH COUNCILS**

2.1 Pursuant to Section 245 of the Local Government Act 1972 any parish council can resolve that the parish shall have the status of a town.

2.2 If such a resolution is passed, that parish council bears the name of the town so that Whitehaven Parish Council would become Whitehaven Town Council.

2.3 Pursuant to section 12 (A) of the amended 1972 Act a parish council may resolve to have an alternative style of community, neighbourhood or village. As soon as a resolution has been passed under this section a parish council must give notice of the change of style to all of the following:-

- The Secretary of State
- The Office of National Statistics
- The Director General of Ordnance Survey
- Any district council or county council within whose area the parish council lies

2.4 Where as permitted under the Local Government and Public Involvement in Health Act 2007 a parish council has resolved to change its style to that of a Community, neighbourhood or village the following shall apply (using Whitehaven Parish Council as an example):-

- The Council shall be known as The Whitehaven Community Council or
- The Whitehaven Neighbourhood Council or
- The Whitehaven Village Council

### **3.0 RECOMMENDATION**

3.1 The Council is asked to consider the above and decide whether or not it wishes to make a resolution to change the style/name of Whitehaven Parish Council and if so what that change is to be.

**List of Appendices: None**

**List of Background Documents: None**

**List of Consultees: None**

## ADOPTION OF CODE OF CONDUCT

REPORT AUTHOR: M Jewell, Interim Clerk

**Summary and Recommendation:**

To ask Members to consider and adopt the Code of Conduct shown at Appendix 1.

### 1. INTRODUCTION

- 1.1 The Localism Act 2011 requires all local authorities including town and parish Councils to :-
1. Adopt a Code of Conduct consistent with the principles of the 2011 Act.
  2. Register the disclosable pecuniary and other interests of councillors (elected and co-opted) with the monitoring officer and the local district council. This is the personal responsibility of individual councillors.
  3. The Cumbria County Council, the district councils and the Cumbria Association of Local Councils (CALC) have worked together to produce a common Code of Conduct which has been substantially adopted in Cumbria and which is attached at Appendix 1.
  4. The common code contains seven general principles of conduct in public life which all councillors must follow together with a description of pecuniary interests which all councillors must register with the district council's monitoring officer by completing and keeping up to date a declaration of interests form. A key requirement is where a member has a disclosable pecuniary interest (DPI) in an item to be discussed at a meeting, that member must declare the interest and leave the meeting room when the item is being considered.

**2.0 RECOMMENDATION**

2.1 It is recommended that the Council adopts the Code of Conduct shown at Appendix 1.

**List of Appendices: Appendix 1 - Code of Conduct**

**List of Background Documents: None**

**List of Consultees: CALC**

## ADOPTION OF MODEL STANDING ORDERS

**REPORT AUTHOR:** M Jewell, Interim Clerk

**Summary and Recommendation:**

To inform Members of the Model Standing Orders and recommend that they be adopted by the Council and reviewed annually or sooner should that be necessary.

### 1. INTRODUCTION

- 1.1 Standing Orders are written rules of a local council. They are used to confirm a Council's internal organisational, administrative and procurement procedures and procedural matters for meetings. A local council must have standing orders for procurement of contracts and the standing orders should be reviewed annually.
- 1.2 Attached at Appendix 1 are model standing orders endorsed by the National Association of Local Councils (NALC) and also by CALC. Again these standing orders are widely used by local councils.

### 2.0 RECOMMENDATION

- 2.1 It is recommended that the model standing orders be adopted by the Council And that they be reviewed annually or sooner should that be necessary.

**List of Appendices: Appendix 1 - Model Standing Orders**

**List of Background Documents: None**

**List of Consultees: None**

## **ADOPTION OF MODEL FINANCIAL REGULATIONS**

**REPORT AUTHOR:** M Jewell, Interim Clerk

**Summary and Recommendation:**

To inform Members of Model Financial Regulations and recommend that these be adopted by the Council

### **1. INTRODUCTION**

- 1.1 Financial Regulations are the “standing Orders” of a local council that regulate its financial affairs and accounting procedures.
- 1.2 Attached at Appendix 1 are the National Association of Local Council’s Model Financial Regulations which are widely used by local councils.
- 1.3 It should be noted that these are model regulations and the council may need to review and amend them from time to time.
- 1.3 As members are aware, training has been arranged for 28<sup>th</sup> May 2015 and the training will include reference to standing orders.

### **2. Recommendation**

- 2.1 It is recommended that the model Financial Regulations be adopted by the Council.



**List of Appendices: Appendix 1 - Model Financial Regulations**

**List of Background Documents: None**

**List of Consultees: NALC**

## **PUBLIC PARTICIPATION AT MEETINGS**

**REPORT AUTHOR:** M Jewell, Interim Clerk

**Summary and Recommendation:**

To present a policy for public participation at meetings and recommend that this be adopted by the Council

### **1. INTRODUCTION**

- 1.1 The public and members of the press have the right to attend all meetings of council and any committees or sub committees. It is good practice to ensure that members of the public are made to feel welcome with appropriate seating, agenda papers etc.
- 1.2 It is undesirable to allow members of the public to speak throughout a meeting and therefore it is good practice to set aside a specific period of time early on in the meeting to allow members of the public to address the Council.
- 1.3 In the Model Standing Orders at Item 7 on the agenda clauses 3 f and g state that the period of time designated for public participation shall be 15 minutes and a member of the public shall speak for no more than 3 minutes.
- 1.4 Attached at Appendix 1 is a policy on public participation.

### **2.0 RECOMMENDATION**

- 2.1 It is recommended that the Policy on Public Participation Policy at Appendix 1 be adopted by the Council

**List of Appendices: Appendix 1 – Policy on Public Participation**

**List of Background Documents: None**

**List of Consultees: CALC**

## APPOINTMENT OF CLERK TO THE COUNCIL

REPORT AUTHOR: M Jewell, Interim Clerk

### Summary and Recommendation:

To ask the Council for a decision on the appointment of the Clerk to the Council

### 1. INTRODUCTION

- 1.1 A local council must appoint such officers as it thinks fit for the proper discharge of its functions. One of its officers must have responsibility for the administration of the Council's financial affairs. Usually the Clerk administers the Council's business including financial matters. However some councils also employ a separate Responsible Financial Officer.
- 1.2 The Clerk is an employee of the Council who should be suitably remunerated. He/she cannot be self-employed. HMRC rules require all councils to be registered as employers for PAYE. The Clerk is covered by national employment legislation,

### 2.0 PRESENT POSITION

- 2.1 An interim Clerk to Whitehaven Parish Council was appointed from 1<sup>st</sup> April 2015 to 30<sup>th</sup> April 2015 at a pro rata salary of £37,438 for a 22 hour week.
- 2.2 The salary was evaluated in line with the National Joint Council job evaluation scheme as the post holder would be employed under Copeland's terms and conditions and it was also benchmarked against other similar roles throughout the country.
- 2.3 Attached at Appendix 1 for Members information is the job description and the person specification for the Interim Clerk post.
- 2.4 Attached at Appendix 2 is information received from CALC on recruiting a new clerk which includes salary scales, profiles, an advertisement, application forms and a form of contract.

2.5 Members are now asked to give consideration to the appointment of a Clerk to the Council and in particular:-

- Whether the post should be full time or part time
- The salary for the post
- The pension scheme. Many Councils now join the Local Government Pension Scheme

### **3.0 RECOMMENDATION**

3.1 This is very detailed information and Members may wish for more time to properly consider the matter. The following are some suggestions that Members may wish to consider:-

- Advertise the position using the present job description and salary
- Defer consideration of the matter and appoint a Staffing Committee of 5/6 members to consider this and report their recommendations to the Council for decision. If this is likely to take some time Members may wish to consider extending the contract of the Interim Clerk.

3.2 Members may also have their own ideas on this and the Council's decision is requested as to the next steps to be taken.

**List of Appendices: Appendix 1 – Job Description and person Specification for Interim Clerk post  
Appendix 2 – Information from CALC on Recruitment**

**List of Background Documents: None**

**List of Consultees: CALC**

## **FINANCIAL REPORT**

**REPORT AUTHOR:** M Jewell, Interim Clerk

### **Summary and Recommendation:**

To inform members of the current financial position and recommend that the report be noted

### **1. INTRODUCTION**

1.1 The budget for the Parish Council for 2015/2016 was set by Copeland Borough Council who decided that the initial parish precept for 2015/2016 should be set at no more than £1 per week on Band D properties. This gave a precept of £324,133.

1.2 When determining the budget the primary considerations were:-

- The new council will not be fully operational for a complete financial year. Many of the normal day to day running costs are unknown and can only be estimated i.e. current rental rates for office accommodation, staffing levels and current salary rates
- Copeland Borough Council cannot impose services on a new Parish Council. It is a reasonable expectation that the new Parish Council will expect to provide services and will need some budget allocation to do so. For this reason budgets and staffing levels of a similar sized Town Council have been used for comparison purposes.
- As this is a new council in the first year there will be set up costs.
- As this is a first year there will be no reserves carried forward
- The allotment sites will transfer to the Parish Council together with their income of £3689 per annum.
- At present Borough and County Councils are unable to raise Council Tax by more than 2% without a referendum. Parish Councils are not

currently included in that regime but it is not yet certain that they won't be for 2015/2016. The risk is that if the precept was set to cover the minimum level of set up and running costs and did not anticipate a level of service provision they could be left in the position of not being able to raise further funds going forward without that referendum.

By setting the precept at a level to be expected when it is fully operational gives the first year surplus and any operational savings as an initial boost to reserves to be utilised in later years.

The Parish Council also has discretion to lower the precept in later years.

1.3 Attached at Appendix 1 is a summary of the Parish Council budget showing how the budget of £324,133 has been allocated.

## **2.0 EXPENDITURE**

2.1 The following expenditure has been incurred since 1<sup>st</sup> April 2015:-

- Membership of the Cumbria Association of Local Councils £1,021.00
- Salary costs of Interim Clerk, 22 hours per week pro rata £4,407.64 which includes employer's NI and pension contributions
- Book on Local Councils £21.99

## **3.0 RECOMMENDATION**

3.1 It is recommended that the report be noted.

**List of Appendices: Appendix 1 – Budget details for Parish Council**

**List of Background Documents: None**

**List of Consultees: None**

## **BANK ACCOUNT**

**REPORT AUTHOR:** M Jewell, Interim Clerk

**Summary and Recommendation:**

To request members to decide which bank to use for Parish Council business and the type(s) of account required.

### **1. INTRODUCTION**

- 1.1 At present the Whitehaven Parish budget of £324,133 (minus the expenditure stated in agenda item 11 above) is being held by Copeland Borough Council.
- 1.2 Before the money is transferred into a bank account members are asked for their preference as to which bank to use and the type of account. By the time this meeting takes place the Interim Clerk hopes to have further information for the Council to consider.

**List of Appendices: None**

**List of Background Documents: None**

**List of Consultees:**



## **MEMBER ALLOWANCES**

**REPORT AUTHOR:** M Jewell, Interim Clerk

### **Summary and Recommendation:**

To inform Members on the position regarding Members' Allowances and to request them to make a decision regarding the payment of allowances

### **1. INTRODUCTION**

1.1 There are three types of allowances that can be paid to Councillors:

- The Basic Parish Allowance
- The Chairmans Allowance
- The reimbursement of travelling and subsistence.

1.2 Attached at Appendix 1 is a Legal Topic Note from NALC on Councillors' Allowances for members information.

1.3 A Basic Parish Allowance is an annual amount paid to councillors to recompense them for their time and effort in carrying out their duties. An application has to be made to the Borough Council's Parish Remuneration Panel for a recommendation on the amount to be paid. A recommendation for a higher amount to be paid to the Chairman can be made. When a recommendation is received from the Remuneration Panel there is no obligation to implement the allowances recommended. It is permissible to pay lower allowances or no allowances at all or to defer implementation for a period of time.

1.4 The payment of a Chairman's allowance is permitted under section 15 of the Local Government Act 1972. This allowance is to reimburse the Chairman for incidental expenses arising from the duties of the office (including representing the Council at functions and entertaining guests of the Council whereas the Basic Parish Allowance is in recognition of "time and effort".

- 1.5 Travel and Subsistence allowances may be paid to councillors when they carry out duties approved by the Council. The Remuneration Panel should be asked to recommend the scale of allowances.
- 1.6 Many other local councils within Cumbria pay travel and subsistence allowances and a Chairman's allowance but very few in Cumbria pay a Basic Parish Allowance.
- 1.7 Members will be aware that a Chairman's allowance of £3,063 has been included in the budget.

## **2.0 RECOMMENDATION**

- 2.1 The Council's decision is required as to whether or not it wishes allowances to be paid to councillors. If the Council decides that members allowances should be paid these will have to be referred to the Remuneration Panel for decision.

**List of Appendices: Appendix 1 – Legal Topic note from NALC**

**List of Background Documents: Statutory Instrument 2003 No. 1021 - Local Authorities (Members' Allowances) (England) Regulations 2003**

**List of Consultees: NALC**

## **ADOPTION OF MODEL PUBLICATION SCHEME**

**REPORT AUTHOR: M Jewell, Interim Clerk**

**Summary and Recommendation:**

To inform Members of the Model Publication Scheme and recommend that this be adopted by the Council

### **1. INTRODUCTION**

1.1 A publication scheme is a scheme which a local Council must have in place under the Freedom of Information Act 2000. The purpose of the scheme is to publish certain information about the Council. The Information Commissioner has created a model publication scheme for all Local Council's to use. Local Council's do not have to use the model publication scheme but if a different scheme is proposed this has to be approved by the Information Commissioner.

1.2 A publication scheme commits the Council to: -

- Proactively public information that is held and is covered by the definitions below.
- Proactively publish information in line with the statements contained in the publication scheme.
- Maintain and review the information covered by the scheme on a regular basis.

1.3 The classes of information in a publication scheme are as follows: -

1. Organisational Information – who the Parish Council are and what they do.
2. Financial Information related to projected and actual income and expenditure – i.e. what the Council spends and how it spends it.
3. Strategy and Performance Information – what the Council's priorities are and how they are doing.

4. Information about decision making processes – how the Council makes decisions.
  5. Written protocols for delivering functions and responsibilities.
  6. Lists and Registers – Information held in registers required by statute and other lists and registers relating to the functions of the authority.
  7. The services the Council offers.
- 1.4 Attached at Appendix 1 for Members attention is the Model Publication Scheme from the Information Commissioners Office.

## **2.0 RECOMMENDATION**

- 2.1 It is recommended that the Model Publication Scheme at Appendix 1 be adopted.

**List of Appendices: Appendix 1 – Model Publication Scheme**

**List of Background Documents: None**

**List of Consultees: None**

## **INSURANCE**

**REPORT AUTHOR: M Jewell, Interim Clerk**

### **Summary and Recommendation:**

To inform Members of the requirement to have insurance and to recommend that a policy be entered into with Zurich Municipal

### **1. INTRODUCTION**

- 1.1 All Councils must have employers' liability insurance and fidelity guarantee insurance. The other types of insurance it would be prudent to hold are public liability insurance – to protect the Council against claims for accidents caused to members of the public as a result of the Council's activities; insurance against loss or damage of property – by fire, burglary, vandalism, etc and accident insurance for members, staff and volunteer workers.
- 1.2 Quotes have been received from Zurich and AON who are both leading suppliers of Parish Council Insurance and these are shown at Appendix 1. Members will be aware that there is £4000 in the budget for insurance.
- 1.3 Zurich have quoted an annual premium of £581.00 (£532.22 if a policy is taken out for 3 years) and AON have quoted an annual premium of £2116.16 (£2010.35 if a policy is taken out for 3 years).
- 1.4 The discrepancy in these figures is not clear but the Interim Clerk telephoned Zurich to query it and ask if the quote of £581.00 would mean the Parish Council would be under-insured. An assurance was given by Zurich that the Parish Council would not be under-insured but that when any circumstances changed e.g. if the Parish Council acquired any property, took on any projects or responsibility for community facilities etc they would have to be informed and it would be likely that the premium would increase.

## **2.0 RECOMMENDATION**

- 2.1 Zurich is a recognised provider of insurance for local Councils and it is recommended that an insurance policy be taken out with Zurich Municipal.

**List of Appendices: Appendix 1 – Copies of Quotes from Zurich Municipal and AON**

**List of Background Documents: None**

**List of Consultees: As above**

## **ACCOMMODATION FOR WHITEHAVEN PARISH COUNCIL**

**REPORT AUTHOR:** M Jewell, Interim Clerk

**Summary and Recommendation:**

To consider the location of the office for Whitehaven Parish Council and to decide where this should be.

### **1. INTRODUCTION**

- 1.1 The Parish Council does not own any property in which to base its office.
- 1.2 Enquiries have been made regarding suitable office space and whilst there is office space in Whitehaven on the first floors of buildings these have no lifts and so are not accessible to the public.
- 1.3 The Civic Hall, Whitehaven has an office available on the first floor which is accessed by a lift and Copeland Borough Council have indicated that it may be available for lease by the Parish Council (subject to agreement by the Mayor of Copeland) on the basis of a five year lease at a rent of £2,000.00 per annum plus service charges. A plan showing the location of the room is shown at Appendix 1.
- 1.4 Members will be aware that there is £14,441 in the budget for office accommodation for a full year and a further £4000 for repairs and renewals.
- 1.5 Members are asked if they wish to enter into a Lease to have their offices in the Civic Hall or whether they have other accommodation in mind.

**List of Appendices: Annex 1 – Plan showing location of room in the Civic Hall**

**List of Background Documents: None**

**List of Consultees: None**



## **CONSIDERATION OF PLANNING APPLICATIONS**

**REPORT AUTHOR:** M Jewell, Interim Clerk

### **Summary and Recommendation:**

To inform Members of their power to consider and make representations on planning applications in the Parish area and to decide how this should be carried out.

### **1. INTRODUCTION**

- 1.1 All parish councils wish to comment on and are keen that notice is taken of their representations about planning applications in their area and that they receive enough information about them from the Local Planning Authority.
- 1.2 The Local Planning Authority has been requested to supply details on planning applications to the Whitehaven Parish Council and have agreed to supply the same information as it supplies to other parish councils in Copeland namely:-
  - On Monday of every week a letter together with copies of every planning application received lying within the boundaries of Whitehaven Parish Council will be sent to the Parish Council.
  - A weekly list of all the planning applications received and any decisions made by the Local Planning Authority will be sent to the Parish Council. This will include planning applications outside the Parish area.
- 1.3 On receipt of the letter and the planning applications the Parish Council has 21 days to make representations to the Local Planning Authority which runs from the date of the letter.
- 1.4 I have been informed that there are a large number of planning applications received for the Parish Council's area and it may well be time consuming to consider them at a Council meeting and because of the 21 day period for representations some may be out of time although it is possible to ask for an extension of time.

- 1.5 Some Parish Councils do consider planning applications at their monthly Council meeting where it is a standing item on the agenda and some form a separate Planning Committee with delegated powers to deal with planning applications and the Committee then reports back to the Council meeting on the decisions made.
- 1.6 Members are asked to decide how they wish to deal with the consideration of planning applications in their area.

**List of Appendices: None**

**List of Background Documents: None**

**List of Consultees: Copeland Borough Council Planning Department**

## **DEVELOPMENT OF WEBSITE FOR WHITEHAVEN PARISH COUNCIL**

**REPORT AUTHOR:** M Jewell, Interim Clerk

### **Summary and Recommendation:**

To inform Members about the development of a website for the Whitehaven Parish Council and to ask members how they wish the matter to be progressed.

### **1. INTRODUCTION**

- 1.1 A website is a very useful way for a parish council to communicate with local residents. A website allows residents to keep in touch with what is happening in the parish and to catch up on parish council news as well as providing an easy and convenient way to access important documents like the Council's agenda and minutes.
- 1.2 There are three ways forward in considering the set up of a new website:-
  1. To use a company like Parishcouncil.net which specialises in web design
  2. To use a company that provides a package including a ready made site and web hosting. Or if someone has the time and the expertise they can buy web design software and put the site together themselves without the restriction of a company's templates
  3. To procure a service from a professional web designer. This would be to the Council's specification. The cost of course will be greater for more complex sites. It is suggested that the Council may want a professional to do the initial design and set up and then allow the Council to make changes and upload new documents etc.

## **2.0 WEBSITE DESIGNERS**

- 2.1 In a conversation with CALC the advice given was that the Borough Council should be approached in the first instance to see if they could build a website for the Parish Council. However due to staff resources this was not possible.
- 2.2 Many councils use Parishcouncil.net and attached at Appendix 1 is Information received from them. Members will see that they have quoted £450 for the first year and £200 in each subsequent year. The Council could carry out any amendments/updates to the website and an enquiry to another local council using this website provider revealed that the website was easy to update.
- 2.3 A local parish council has used a local provider for their website and attached at Appendix 2 is a copy of an email from the local provider in which he quotes various costs for a domain name and gives his time costs as £25 per hour. I have asked him for some further details regarding updates, maintenance of website and his total estimated cost in setting up the website and these will be reported to the meeting.
- 2.4 Members will be aware that there is £3000 in the budget for a website and newsletter.

## **3.0 RECOMMENDATION**

- 3.1 The Council's decision is requested as to how this matter be progressed.

**List of Appendices: Appendix 1 – Information from Parishcouncil.net  
Appendix 2 - Information from local supplier**

**List of Background Documents: None**

**List of Consultees: CALC**

**To:** Whitehaven Town Council

**Of:** C/o Mrs M Jewell, Interim Clerk, Whitehaven Town Council, The Copeland Centre, Catherine Street, Whitehaven, Cumbria CA28 7SJ

**From:** Copeland Borough Council

**Of:** The Copeland Centre, Catherine Street, Whitehaven, Cumbria CA28 7SJ

**Date:** 24<sup>th</sup> June 2015

*IMPORTANT NOTICE*

**You are being offered a lease without security of tenure. Do not commit yourself to the lease unless you have read this message carefully and have discussed it with a professional adviser.**

Business tenants normally have security of tenure – the right to stay in their business premises when the lease ends.

**If you commit yourself to the lease you will be giving up these important legal rights:**

- You will have **no right** to stay in the premises when the lease ends.
- Unless the landlord chooses to offer you another lease, you will need to leave the premises.
- You will be unable to claim compensation for the loss of your business premises, unless the lease specifically gives you this right.
- If the landlord offers you another lease, you will have no right to ask the court to fix the rent.

It is therefore important to get professional advice – from a qualified surveyor, lawyer or accountant – before agreeing to give up these rights.

If you want to ensure that you can stay in the same business premises when the lease ends, you should consult your adviser about another form of lease that does not exclude the protection of the Landlord and Tenant Act 1954.

If you receive this notice at least 14 days before committing yourself to the lease, you will need to sign a simple declaration that you have received this notice and have accepted its consequences before signing the lease.