



# Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR

Tel: 01768 899 773 Email: [office@penrithtowncouncil.co.uk](mailto:office@penrithtowncouncil.co.uk)

16 September 2019

Dear Councillor

You are summoned to attend the:

## **MEETING OF PENRITH TOWN COUNCIL**

to be held on Monday 23 September 2019, at 6.00 p.m. Room 2, Parish Centre,  
St Andrews Place, CA11 7XX.

### **Membership**

Cllr. Bowen	Pategill Ward	Cllr. Kenyon	North Ward
Cllr. Burgin	South Ward	Cllr. Knaggs	West Ward
Cllr. Clark	South Ward	Cllr. Lawson	Carleton Ward
Cllr. Davies	West Ward	Cllr. Shepherd	East Ward
Cllr. Donald	North Ward	Cllr. Snell	West Ward
Cllr. Fallows	East Ward	Cllr. Clarke	Carleton Ward
Cllr. Hawkins	East Ward		
Cllr. Jackson	North Ward		

Mrs V. Tunnadine, Town Clerk

# **AGENDA FOR THE MEETING OF PENRITH TOWN COUNCIL MONDAY 23 September 2019**

## **1. Apologies for Absence**

Receive apologies from members.

## **2. Public Bodies (Admission To Meetings) Act 1960**

Consider whether items 24,25,and 26 should be considered without the presence of the press and public, pursuant to the Public Bodies (Admission to Meetings) Act 1960 Section 2as the matter involved exempt information of a legal context.

## **3. Declaration of Interests**

Receive any declarations of interest of any disclosable pecuniary or other registrable interests relating to any items on the agenda for this meeting. Members are reminded to make any declarations at any stage during the meeting if it becomes apparent that this may be required when an item or issue is considered.

## **4. Requests for Dispensations**

Apply for a dispensation, if a councillor has a pecuniary interest in an item on this agenda and who wish to remain, speak and/or vote during consideration of that item, they may apply for a dispensation in writing to the Town Clerk prior to the meeting. Applications may also be considered at the meeting itself should the nature of the interest become apparent to a Councillor at the time of the meeting.

## **5. Confirmation of the Minutes of the Previous Meeting**

Authorise the Chairman to sign the Minutes of the Meetings of Council held on Monday 15 July 2019 and the Management Meeting held on Wednesday 07 August 2019 as a true record.

## **6. Public Participation**

**a)** Members of the public, who have requested in writing to speak prior to the meeting, are invited to speak on matters related to the agenda for up to three minutes.

### **b) Receive Representations From:**

- Town Councillors
- District Councillors
- County Councillors

### **c) Receive a report from the Mayor**

## **7. Members' Briefing**

Receive oral reports from meetings and briefings attended by Councillors. Members are asked to note that if there is agreement that there are matters arising from the information shared, that these items will be scheduled on to the agenda of the next most appropriate Council agenda.

## **8. Resolutions Report**

Note the Resolutions Report for the 15 July 2019 meeting.

## **9. Neighbourhood Plan**

To consider and approve the draft Penrith Neighbourhood Development Plan and agree its submission to Eden District Council to enable the statutory Regulation 16 consultation to take place.

**NOTE:** all questions from town, district and county councillors are to be submitted in writing to: [deputytownclerk@penrithtowncouncil.co.uk](mailto:deputytownclerk@penrithtowncouncil.co.uk) **BY NOON on 19 September 2019**, to allow for consultation with the Council's planning consultant.

## **10. EDC Council Plan Consultation 2019-23**

To respond to the revised EDC Council Plan consultation which closes on 4 October 2019.

## **11. Cumbria Constabulary CCTV Cameras**

To consider whether the Council wishes to apply to Cumbria Constabulary for grant funding towards the purchase of CCTV Cameras.

## **12. Climate Change Action Plan**

To note the draft Climate Change Action Plan has been deferred to the next meeting of the Council.

## **13. Devolution**

Receive an oral report on the progress of Devolution.

## **14. Policy Review**

- a. To consider and approve the amended Co-option policy.
- b. To consider and approve the CCTV Policy.

## **15. Meeting Venue for Full Council**

To consider and approve the change of venue for Full Council meetings.

## **16. Council Business Plan Consultation Analysis**

To note the analysis of the comments received from the Council Business Plan consultation has been deferred to the next meeting of the Council.

## **17. Direct Elections to CALC Executive Committee**

To consider whether any Members would wish to be nominated for the direct elections to the CALC Executive Committee.

## **18. Councillor Vacancy**

To note that Councillor Whitby has resigned from North Ward and the notices of vacancy have been published.

## **MATTERS FROM FINANCE COMMITTEE**

Consider the following recommendations from the Council's Finance Committee.

## **19. Finance Committee Risk Assessment Review**

- a. To note that the Finance Committee reviewed risk assessments for 2019-20 for:
  - Business Continuity
  - Finance
  - Governance IT and Website
  - Allotments
  - War Memorials
  - Cornmarket Bandstand
  - Fairhill Playing Field
  - Fire Risk Assessment Lone Working
  - Recycling Bring Site
  - Office
  - Bus Shelters
  - Seats Musgrave Monument
- b. To ratify the recommendations for the risk assessments from the Council's Finance Committee for 2019-20.

## **20. Finance Committee Policy Review**

- a. To note that the Finance Committee reviewed the following policies:
  - Risk Management Policy
  - Procurement Policy
  - Financial Regulations
- b. To ratify the recommendation to approve these policies from the Finance Committee.

## **21. Finance Committee External Audit Annual Return 31 March 2019**

- a. To note that the external auditors have concluded the audit for the financial year ending 31 March 2019 and are satisfied that the Town Council's accounts are in accordance with proper practices, and that relevant legislation and regulatory requirements have been met.
- b. To approve the external auditors report.

## **22. Finance Committee Fairhill Signature Projects Fund**

To receive a report on the progress of the Signature Projects Fund project at Fairhill and to authorise Officers to proceed to tender and the receipt of competitive prices.

## **23. Funding for Cultural Strategy and VE Day 75 Event**

To ratify the recommendation from Finance Committee that funding for the Cultural Strategy and VE Day 75 is approved on the basis that £5,000 for the Cultural Strategy is met from the Officer Support budget (£4,500 in 2019/20 and £500 in 2020/21) and £10,000 for the VE Day 75 Event is met from the Events Grants budget in 2019/20.

## **PART TWO ITEMS**

**Private Section** (exempt reasons under Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, specified by way of paragraph number)

## **24. Renewal of Office Lease**

To authorise for Officers to prepare heads of terms for the renewal of the office lease at Unit 1 Friargate with the Council's landlord or its representative.

## **25. Thacka Beck**

To receive a report on the transfer of land at Thacka Beck.

## **26. Legal Support Services**

To ratify the recommendations by the Council's Finance Committee.

## **27. Next Meeting**

To note the next meeting is scheduled for 25 November 2019 at 6.00pm.



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**Draft** Minutes of the:

## **MEETING OF THE TOWN COUNCIL**

Held on Monday 15 July 2019 at 6.00 pm Room 2, Parish Centre,  
St Andrews Place, Penrith

### **PRESENT:**

Cllr. Bowen	Pategill Ward	Cllr. Kenyon	North Ward
Cllr. Burgin	South Ward	Cllr. Knaggs	West Ward
Cllr. Clark	South Ward	Cllr. Lawson	Carleton Ward
Cllr. Davies	West Ward	Cllr. Shepherd	East Ward
Cllr. Donald	North Ward	Cllr. Snell	West Ward
Cllr. Fallows	East Ward	Cllr. Whitby	North Ward
Cllr. Hawkins	East Ward		
Cllr. Jackson	North Ward		

Town Clerk

Services and Contracts Manager

**DRAFT MINUTES OF THE ANNUAL MEETING  
OF THE TOWN COUNCIL  
15 JULY 2019**

**PTC19/28 Apologies for Absence**

There were no apologies for absence.

**PTC19/29 Public Bodies (Admission to Meetings) Act 1960**

Members were asked to consider if agenda items 4, 18, 21 and 22 should be considered without the press and public, pursuant to the Public Bodies (Admission to Meetings) Act 1960 Section 2 prior to the matter being considered.

**RESOLVED THAT:**

Items 4,18,21 and 22 be considered without the press and public.

**PTC19/30 Declaration of Interests**

Members were asked to receive any declaration of interests of any disclosable pecuniary or other registrable interests relating to any items on the agenda for the meeting.

Cllr. Davies declared in relation to item 4, Co-option, that he was from the same political party as one of the candidates.

Cllr Shepherd declared in relation to item 4, Co-Option, that he was a member of the Penrith BID with one of the candidates.

Cllr Kenyon declared in relation to item 4, Co-Option, that he had previously worked with one of the candidates.

**PTC19/31 Co-option to Council – Carleton Ward**

Members considered two applications for co-option to the single vacancy after the May election in Carleton Ward.

Members of the public were excluded from the meeting whilst Members discussed the applications and invited one of the applicants in to answer questions.

Members of the press and public were readmitted to the meeting.

**RESOLVED THAT:**

- i. A secret ballot be held to conduct the vote, proposed by Cllr Shepherd and seconded by Cllr Burgin.
- ii. Stephen Gregory Clarke be co-opted to the Council to represent Penrith Carleton Ward.

## **PTC19/32 Requests for Dispensations**

Members were asked to apply for a dispensation, if a Councillor had a pecuniary interest in an item on the agenda and who wished to remain, speak and/or vote during consideration of that item. None received

## **PTC19/33 Confirmation of the Minutes of the Previous Meeting**

Members authorised the Chair to sign the Minutes of the Meeting held on the 20 May 2019 as a true and accurate record.

### **RESOLVED THAT:**

The minutes of the previous meeting be approved with the following amendment, PTC19/17 Final Accounts, e) Finance Outturn Report, item ii the reserves as at 31 March 2019 be General Reserve £181,256, Devolution £55,815, Acquisitions £50,000, and the Chairman be authorised to sign the Minutes.

## **PTC19/34 Public Participation**

**a)** Members noted that no requests from members of the public had been received, to speak prior to the meeting.

**b)** Members received representations from:

### **i. Town Councillors**

Cllr Kenyon reported that he had an enquiry from a resident concerned about the Raiselands Farm, Persimmon Homes development with reference to the length of the grass, weeds and thistles. It was concluded that this is not a Town Council responsibility and as such the matter be raised with Eden District Council Planning Department, as it was an enforcement issue.

### **ii. District Councillors**

District Cllr Virginia Taylor reported that it had a been a busy period since the new administration took office. EDC had resolved that no further activity takes place with regards to the Penrith Masterplan, Beacon Villages concept. The Council had declared a Climate and Ecological Emergency. Councillor Taylor received questions from Councillors.

### **iii. County Councillors**

Apologies were received from County Cllr Patricia Bell.

County Cllr Hilary Carrick reported that the Penrith Working Group was meeting, to is bring together stakeholders with an interest in Penrith, and that action plans were being prepared. The tender brief for the Penrith Car Parking and Movement study is being progressed and the brief had been widened. It was anticipated that the study would be the most complex survey the Council will have commissioned.



## **c) Mayors Report**

The Mayor reported that he had attended the following events:

- 80<sup>th</sup> Birthday of the Lakeland Dialect Society
- 40<sup>th</sup> Birthday of the Fellrunner Bus Service
- Armed Forces Breakfast Club
- Armed Forces Day at Penrith Town Hall

The Mayor had awarded Mike Freeman, Group Scout Leader with the Mayors Medal.

The Mayor had met the new Penrith Mission Area Leader, Cannon Cregeen.

The Mayor presented Cllr Jackson, the previous Mayor with the Mayors Medal, Certificate and gifts as thanks for his dedicated service to the Town.

## **PTC19/35 Members Briefing**

Members received oral reports from meetings and briefings attended:

Cllr Jackson reported that he had attended the Tea in the Castle Park event which was organised by Penrith Lions. Cllr Jackson reported that the event showcased the potential of the park and hoped that the event may be delivered in future years.

Cllr Bowen reported that he had attended the Pategill Residents Association meeting and the CALC Summer Conference.

Cllr Clark reported that the trees that had been planted in Castle Park have all died.

Cllr Davies reported that he attended the Omega Proteins Liaison Group.

Cllr Knaggs and Cllr Snell attended the opening of the Chopping Block in Penrith New Squares. Cllr Knaggs attended the NALC event.

Cllr Fallows reported that he attended the Scaws Residents Association meeting. The main item of discussion was around car parking.

## **PTC19/36 Resolutions Report**

Members noted the resolutions report for the Full Council Meeting held on Monday 20 May 2019.

## **PTC19/37 Council Business Plan 2017-23**

**a)** Members noted that the Council Plan and individual committee work plans had been reviewed by each Council committee and members noted the progress made. Members noted that the Council Plan had been refreshed accordingly and had been updated to include the electorate's feedback to three Neighbourhood Plan Consultations.

## **PTC19/37 Council Business Plan 2017-23, continued**

b) Members considered the refreshed Council Business Plan going forward for an eight-week consultation.

### **RESOLVED THAT:**

The Council Business Plan 2017-23 be approved to go forward for an eight-week consultation.

## **PTC19/38 Neighbourhood Plan**

Members received an oral update from Cllr. Knaggs at which he reported that a meeting of the Neighbourhood Plan Group was held on 29 May to consider responses to the formal Regulation 14 Neighbourhood Plan Consultation carried out 4 February to 1 April. He advised that all the responses from the public were documented and the Town Council's responses to the comments considered and approved before being published on the website and a press release sent thanking the public for their views and letting them know where the responses could be found. It was reported that it was pleasing to see that the responses to EDCs consultation on the Masterplan mirrored those given as part of the initial consultation in the Neighbourhood Planning process and in the most recent consultation undertaken. Amendments are being made to the Plan to accord to some of the comments made. The draft Plan will be presented to this meeting in September 2019 before being submitted to Eden District Council.

## **PTC19/39 Devolution**

Members noted an oral update from Cllr. Jackson at which he reported that a meeting had been held with Eden District Council on the 03 July. The Council reaffirmed its commitment to the Devolution project. Tranche 1 Devolution is now complete, and the focus is on Tranche 2. All grant payments due to the Council have been received. The Council are meeting with Eden District Council in August to begin discussions about future toilet provision and the Council again confirmed its commitment to working with EDC on any plans for redevelopment of Castle Park.

## **PTC19/40 Motion from Cllr. Snell**

Members considered a motion from Cllr Snell, to apply the term Chair as opposed to Chairman for all Council meetings and documentation.

### **RESOLVED THAT:**

The use of the term Chair in all future meetings and Council documentation be approved.

### **PTC19/41 Motion from Cllrs. Clark and Lawson**

Members considered a motion from Cllrs. Clark and Lawson that in liaison with the relevant authorities, identify areas in Penrith where speeding vehicles are an issue and explore using "Community Speedwatch" in these areas.

#### **RESOLVED THAT:**

- i.** The Council recognised the ongoing action taken by the police to tackle this problem and that limited police resources restrict the amount of police time that can be devoted to this;
- ii.** The Council noted that "Community Speedwatch" initiatives, where members of the public are trained by the police to use speed guns, across the UK have played a part in reducing speeds and changing driver behaviour;
- iii.** The Council liaises with local Police and "Community Speedwatch" organisation, to investigate options and report back to Full Council in due course.
- iv.** The Council enquires with Cumbria County Council as to when the 20mph signs will be installed on the Pategill estate.

### **PTC19/42 Bench Disposal Policy**

Members were requested to ratify the Bench Disposal Policy as approved and recommended by the Council's Finance Committee.

#### **RESOLVED THAT:**

The Bench Disposal Policy be ratified.

### **PTC19/43 Town Council Investments**

Members were requested to ratify the arrangements for the operation of the Council's new CCLA Deposit Fund account and to note the investment transactions as recommended by the Council's Finance Committee.

#### **RESOLVED THAT:**

- i.** The arrangements for the operation of the Councils CCLA Deposit Fund Account be ratified.
- ii.** The investment transactions be noted.

### **PTC19/44 Committee Membership**

Members were asked to consider the appointment of a Councillor to the Council's Planning Committee. The Chairman invited other nominations and none were forthcoming.

#### **RESOLVED THAT:**

Councillor Kenyon be appointed to the Council's Planning Committee for the remainder of the 2019-20 municipal year.

### **PTC19/45 A66 Northern Trans-Pennine Project Consultation**

Members noted the Council's response to the Highways England A66 Northern Trans-Pennine Project Consultation as resolved by the Council's Planning Committee on Monday 8 July 2019.

### **PTC19/46 Street Trading Consent for the Cornmarket Bandstand**

Members considered a report approving the Council's application for a Street Trading Consent for the Cornmarket Bandstand.

#### **RESOLVED THAT:**

The Council applies for a Street Trading Consent for the Cornmarket Bandstand.

### **PTC19/47 VE Day Sub Committee Terms of Reference**

Members considered the approval of new VE Day Sub Committee Terms of Reference.

#### **RESOLVED THAT:**

The VE Day Sub Committee Terms of Reference be approved.

The meeting adjourned between 7.35pm and 7.50pm

## **PART TWO**

In accordance with the Public Bodies (Admission to Meetings) Act 1960 Section 2, members of the public (including the press) should be excluded from the meeting during discussion of the following three items of business on the grounds that they involve the likely disclosure of exempt information.

### **PTC19/48 Penrith Car Parking and Movement Study**

Members were asked to consider a request from Cumbria County Council to provide a financial contribution towards the Penrith Car Parking and Movement Study.

#### **RESOLVED THAT:**

The Council approve an in principle financial contribution of £10,000 towards the Penrith Car Parking and Movement Study, funded from the Town Projects budget over two financial years, subject to being able to view and input into the scope of the tender brief.

### **PTC19/49 Land Transfer Thacka Beck (Pategill)**

Members received an oral update on the transfer of land at Thacka Beck (Pategill).

#### **RESOLVED THAT:**

The Council waits for its Solicitor to confirm the position with regards to the effects of the potential loss of access to Thacka Beck should Highways England seek to alter the access in the future.

## **PTC19/50 Councillor Personal Information**

Members considered an oral report setting out a proposal that the Town Council seeks the Monitoring Officer's approval for the public disclosure of Members personal addresses, phone numbers and personal email addresses cease at both a local and national level. Members noted that members of the public can access their ward representative via a dedicated individual councillor email, the Council Office and Council telephone number.

### **RESOLVED THAT:**

- i. The Council writes to Eden District Council Monitoring Officer requesting that in the interest of Members personal safety, the personal details of all the Town Councillors are removed from the public domain and inform the Monitoring Officer that the Town Council will seek support from the National Association of Local Council's on the matter.
- ii. The Council writes to CALC and NALC requesting their support for non-disclosure of councillor's personal details in the public domain.

Members of the press and public were readmitted to the meeting

## **PTC19/51 Next Meeting**

Members noted that the next meeting of the Full Council would take place on Monday 23 September 2019, 6.00pm, Room 2, Parish Centre, St Andrews, Penrith.



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**DRAFT** Minutes of the meeting of the:

## **MANAGEMENT MEETING**

Held on Wednesday 7 August 2019, 11.00 pm - 12.00 pm,  
Board Room, Unit 1, Church House, 19-24 Friargate, Penrith,  
Cumbria, CA11 7XR

### **PRESENT:**

Cllr. Bowen  
Cllr. Burgin  
Cllr. Davies  
Cllr. Jackson  
Cllr. Knaggs  
Cllr. Shepherd  
Cllr. Snell

Town Clerk  
Services and Contracts Manager

**PENRITH TOWN COUNCIL**  
**DRAFT MANAGEMENT MEETING MINUTES**

**MM19/01 Apologies for absence**

Apologies were received from:  
Cllrs Donald, Kenyon and Lawson

**MM19/02 Declaration of interests**

Declarations of interest of any disclosable pecuniary or other registrable interests relating to this matter were received from Cllr. Davies who has been working with the Diocese of Carlisle for the development of Unit 2.

**MM19/03 Requests for Dispensations**

Members were asked to apply for a dispensation, if a councillor had a pecuniary interest in an item on the agenda. None received.

**MM19/04 Public Bodies (Admission to Meetings) Act 1960**

Members were asked to consider whether any agenda item should be considered without the presence of the press and public, pursuant to the Public Bodies (Admission to Meetings) Act 1960 Section 2.

**Members noted that** to disclose decisions would be a breach of the Council's obligations under the Data Protection Act 1998 and is considered exempt under Section 100A(4) of the Local Government Act 1972, members of the public (including the press) should be excluded from the meeting during discussion of the of items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 to Schedule 12A of the Act, information relating to the financial or business affairs of any particular person (including the authority holding that information) and GDPR 2018 personal data.

**RESOLVED THAT:**

The matter be considered in the absence of the press and public.

**PART TWO**

**MM19/05 Property/Land Acquisition**

**RESOLVED THAT:**

- I. The Council would not pursue the opportunity as the site was not viable.
- II. That the Diocese of Carlisle be contacted to discuss the procedure for the renewal of the lease for the current Town Council office.
- III. That the criteria for future office accommodation be refined and agreed and included in the arts and cultural strategy.
- IV. That Town Centre rejuvenation be incorporated into the arts and cultural strategy.

## **MM19/06 Close of Meeting**

**CHAIR:**

**DATE:**

For the attention of all members of Penrith Town Council





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## FULL COUNCIL MONDAY 23 SEPTEMBER 2019

**MATTER: Resolutions Report from Full Council 15 July 2019**

**AUTHOR: I. Parker Services and Contracts Manager**

**SUPPORTING MEMBER: Cllr. Lawson**

**ITEM NO: 8**

## RECOMMENDATIONS

**Members are asked to note:**

Minute Ref	Matter Title	Progress
PTC19/31	Co-option to Council, Carleton Ward	Councillor Stephen Clarke has formally accepted the position of Councillor for the Carleton Ward.  <b>Completed.</b>
Minute Ref	Matter Title	Progress
PTC19/37	Council Business Plan 2017-23	Consultation on The Council Business Plan 2017-23 has commenced and will run to 09 September 2019.  <b>Completed.</b>
Minute Ref	Matter Title	Progress
PTC19/41	Motion from Cllrs Clark and Lawson, Community Speedwatch	The local Police have been contacted to seek their advice and guidance on how to investigate the options for implementing the scheme in Penrith.  Cumbria County Council has been contacted and has reported that the 20mph signs will be installed in Pategill in the Autumn of 2019.  <b>Completed.</b>

<b>Minute Ref</b>	<b>Matter Title</b>	<b>Progress</b>
PTC19/46	Street Trading Consent for the Cornmarket Bandstand	The Street Trading Consent application form has been submitted to Eden District Council and consent approved up to 29 February 2020.  <b>Completed.</b>
<b>Minute Ref</b>	<b>Matter Title</b>	<b>Progress</b>
PTC19/48	Penrith Car Parking and Movement Study	The Council has been able to provide feedback to Cumbria County Council having seen the scope of the tender.  <b>Completed.</b>
<b>Minute Ref</b>	<b>Matter Title</b>	<b>Progress</b>
PTC19/50	Councillor Personal Information	PTC wrote to EDC requesting that the matter of personal information be reviewed. A response has been received confirming that personal address details are considered as sensitive data and can be withheld.  <b>Completed.</b>



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## **FULL COUNCIL MONDAY 23 SEPTEMBER 2019**

**MATTER: Draft Neighbourhood Development Plan**

**AUTHOR: Rosalyn Richardson, Deputy Town Clerk**

**SUPPORTING MEMBERS: Cllr Knaggs and Cllr Jackson**

**ITEM NO:9**

### **RECOMMENDATIONS**

To approve the draft Penrith Neighbourhood Development Plan and agree its submission to Eden District Council to enable the statutory Regulation 16 consultation to take place.

### **LAW**

The Penrith Neighbourhood Development Plan (PNDP) has been prepared in accordance with the Localism Act 2011

### **LINK TO COUNCIL PLAN PRIORITIES**

Development of a Neighbourhood Plan for Penrith supports the strategic priorities of: Health and Wellbeing, Economic Development, Transport and Growth.

## 1. REPORT DETAILS OR OVERVIEW

- 1.1 In 2015 Penrith Town Council, as a qualifying body, applied to Eden District Council for designation as a Neighbourhood Area. This designation was approved by the Executive of Eden District Council on 6 September 2016.
- 1.2 Penrith Town Council has always been explicit in its aim that the Neighbourhood Plan should be a plan for the town developed by the residents and businesses.
- 1.3 Terms of Reference were agreed by the Planning Committee for a steering group, which involved representatives of community groups and those with the appropriate expertise and knowledge not necessarily available within the Town Council, to progress the Penrith Neighbourhood Development Plan (PNDP).
- 1.4 The Penrith Neighbourhood Development Plan Group (PNDPG) comprised of representative of the Town Council, Cumbria Action for Sustainability (CAfS), Penrith Action for Community Transition (PACT), Penrith Chamber of Trade, Penrith Business Improvement District, Cumbria Youth Alliance, Churches Together, Newton Rigg as part of Askham Bryan College, Queen Elizabeth Grammar School, Ullswater Community College, Eden Arts and Eden Valley Artistic Network. Some representatives were unable to attend every meeting but received all the documentation and provided advice and input all the way through the process. Support to the Neighbourhood Plan Group was provided by the Town Council's planning consultant Michael Wellock of Kirkwells Planning Consultancy who was appointed after a competitive tendering exercise.
- 1.5 Emphasis was put on 'front-loading' the community consultation process to engage as wide range of local people and interested parties as soon as possible and certainly before any proposals were developed. The purpose of this was to ensure that the views and priorities of the local people could inform the PNDP from the start.
- 1.6 The purpose of the initial consultation was to 'Talk About Penrith' and obtain the views of residents and businesses on the following topics: housing, leisure, wellbeing and green spaces, arts and cultural offer, educational and health facilities, transport, parking, signage and pedestrianisation, cycling and walking, town centre and heritage, business and tourism.
- 1.7 Feedback from the initial consultation was considered by the PNDPG and draft planning policies were drawn up with sustainability running through all the key issues as a 'golden thread'.
- 1.8 The PNDPG decided to carry out additional consultation during June and July 2018 to see whether it had covered all the issues raised during the initial consultation which were used to develop the plan. All the responses were tabulated and considered by the group who made some amendments to the PNDP policies and supporting actions.
- 1.9 The next public consultation on the revised draft PNDP was carried out in accordance with the Neighbourhood Planning (General) Regulations 2012, Regulation 14 from the beginning of February to April 2019.

- 1.10 The PNDPG met on 29 May to consider all the consultation comments and approve responses to them which have been published on-line. Since then the planning consultant has been working on the approved revisions to the draft document which is now attached for consideration.
- 1.11 It should be noted that only appendix 8 (Penrith Green Spaces) has been amended and is attached along with Policies Map A. All other appendices remain the same.

## 2. FINANCIAL IMPLICATIONS

- 2.1 There are no direct financial implications relating to this report, however, any delay in approving the draft Neighbourhood Development Plan for submission may result in additional expenditure relating to staff and consultancy time.

## 3. RISK MANAGEMENT

<b>RISK</b>	<b>CONSEQUENCE</b>	<b>CONTROLS REQUIRED</b>
Confusion with review of EDCs Local Plan and the cancelled EDC Masterplan	Objection to the draft plan by members of the public.	Clear information in the public domain outlining the differences
Reputation of the Council	Members of the public whose comments were used to develop the PNDP will lose faith that their voice has been listened to.	Press releases and information on social media sites to inform on progress
Project exceeds the current contract with the planning consultant	A new contract will need to be drawn up with the planning consultant to deliver additional work to finalise the document	

## 4. APPENDICES ATTACHED TO THIS REPORT

Revised draft Neighbourhood Development Plan Main document  
 Appendix 8 – Penrith Green Spaces  
 Map A Policies Map

## 5. BACKGROUND PAPERS

None



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## **FULL COUNCIL MONDAY 23 SEPTEMBER 2019**

### **ITEM 10: EDC COUNCIL PLAN CONSULTATION**

Members are asked to consider submitting individual responses via the Survey Monkey consultation as below and/or submit a letter outlining the Town Council's views.

#### **EXTRACT FROM EDC WEBSITE**

## Council plan 2019-2023

[Have your say in the Council plan 2019-2023 consultation on the Survey Monkey website.](#)

This is the proposed council plan for the next four years. We have come together as a coalition with a shared vision for Eden to be a sustainable community and place. Partnership working and collaboration have brought us together and this will be the key to success in delivering on our ambitions.

We can only deliver this plan through working with residents, the business community, public sector and the voluntary and community sector. In the coming weeks we will be inviting people from all parts of the community to plan the future with us.

We declared a Climate and Ecological Emergency in July 2019. We want to make the Council's operations zero carbon by 2030; encourage initiatives which help Eden District to become net zero carbon; improve biodiversity while protecting our working cultural landscapes and economies.

We want to be leaders in shaping a sustainable model for living in changing times and for Eden to become a centre of excellence for the latest green technologies.

Eden will be a sustainable place where everyone has an opportunity to prosper. To promote this future we need to deliver a set of key building blocks: a reviewed Eden Local Development Plan, so that our policies raise standards, particularly in affordable housing; improved broadband for our businesses, communities and visitors; and business growth which encourages ambitious young people to live and work in the district.

Getting things done is important to us. We will be reporting back annually on progress in delivering these priorities.

We hope that you will take this opportunity to provide your views on the draft plan and look forward to receiving your comments.



Councillor Virginia Taylor, Leader of the Council and Member of the Liberal Democrat Group.

Councillor Mary Robinson, Deputy Leader of the Council and Leader of the Independent Group.

Councillor Deb Holden and Leader of the Liberal Democrat Group.

Councillor Ali Ross and Leader of the Green Group.

Councillor Lissie Sharp and Leader of the Labour Group.

# Our Vision for Eden

Our vision for Eden is of a place where people act together to meet the needs of all and ensure the well-being of future generations.

## Our priorities

In order to achieve this vision, we will focus on four priorities:

### Sustainable

Make our Council financially viable, customer focused and zero carbon. Co-produce economic opportunities and strategies which will protect Eden's working cultural landscapes and biodiversity, aiming to store more carbon than is produced in the District.

#### **By March 2023 we will have:**

- A revised Local Development Framework (Local Plan) for Eden.
- Achieved financial viability by transforming the Council. This will deliver a new operating model focussing on customers, digital technology, office accommodation, workforce skills and income development.
- Identified and attained interim targets towards achieving net zero carbon by 2030.
- A sustainable waste and recycling system.
- Renewable energy schemes in operation.

#### **Key actions for 2019/2020:**

- Assess the ecological impacts of all Eden District Council's decisions and actions.
- Prepare a strategic plan to achieve zero carbon emissions by 2030 which considers all activities for which the Council is responsible.
- Work with other councils and public and private sector organisations (within Eden, Cumbria, the UK and globally) to determine best practice methods to achieve net zero carbon emissions in Eden District by 2030.
- Call on the UK Government to provide the powers, resources and funding to meet a 2030 net zero carbon target across Eden District.
- Recommission waste, recycling and streetscene services to deliver sustainability and value for money.
- Agree the programme for the review of Local Development Framework (Local Plan).
- Agree the Council's new operating model and transformation programme (One Eden).
- Invest in Heart of Cumbria Ltd to help deliver Council priorities.

Apply the revised scrutiny arrangements and structures recommended by the external review.



## Healthy, safe and secure

Improve housing, both new build and existing, working towards self-sufficiency in energy and co-produce healthy, connected, prosperous communities.

### **By March 2023 we will have:**

- Improved the availability of activities to promote healthy and active lifestyles for all through leisure centres, exercise outreach programmes, arts and countryside.
- Delivered sustainable housing that meets local need.
- Provided accessible Eden District Council services to meet changing customer needs.
- Delivered plans supporting the future of rural communities - transport, rural skills, microbusinesses.
- Supported provision and use of safe walking and cycling routes in towns.

### **Key actions for 2019/2020:**

- Develop and deliver a Housing Strategy to meet local needs.
- Publish a Housing Supplementary Planning Document (SPD).
- Deliver a strategy which supports innovative, environmentally sustainable and affordable housing.
- Support Community Led Housing schemes.
- Deliver a programme to reduce fuel poverty linked to the Zero Carbon Eden Strategy.
- Conduct a feasibility study for a support service (Homes Improvement Agency) to enable access to grants to improve the condition, energy efficiency and carbon footprint of private rented and owner-occupied properties.
- Produce a review of community grants for launch April 2020.
- Develop an Eden Local Industrial Strategy to support economic growth, business development and better jobs.

## Connected

Improve digital connectivity to attract and support businesses, employees and families, connecting Eden with the global economy and knowledge industries.

### **By March 2023 we will have:**

- Improved links between the community and the Council.
- Created conditions supporting technology businesses to set up and thrive in the district. Creating infrastructure and workspace, achieving targets towards 100% broadband coverage of Eden District.

### **Key actions for 2019/2020:**

- Form an action plan which aims to achieve maximum coverage of Superfast Broadband in Eden by 2023.
- Prepare a sector specific Business Growth Programme.
- Bring together a local strategic partners summit to plan for Eden's future.
- Prepare a new model for leisure services provision.
- Initiate co-production of a plan for the future of Castle Park.
- Develop a plan for Newton Rigg.
- Initiate co-production of renewed working arrangements with town and parish councils.

## Creative

Develop arts and cultural activities to add to town centre vibrancy; support communities; and improve health and well-being. Encourage innovation in tourism and food industries and support businesses to respond to national and global changes.

### **By March 2023 we will have:**

- Established Eden as a place for artists, craftspeople and digital innovators.
- Created conditions that support the development of green businesses.
- Reinvented our town centres for the future.
- Delivered employment sites which incorporate plans to have net zero carbon emissions.

### **Key actions for 2019/2020:**

- Signpost carbon literacy training for businesses.
- Develop an Arts and Culture Strategy.
- Support the market towns in the delivery of plans for their future.
- Develop a Town centre plan for Penrith including New Squares
- Review hotel provision to support the sustainable growth of the local and visitor economy.

## Why are we consulting on the plan?

Following the District Council Elections in May 2019, we have listened to the feedback received in response to the consultation undertaken on the draft Council Plan in March 2019 and have now developed this final draft of the Council Plan for 2019-2023.

## Who are we consulting?

This is a public consultation and we would welcome responses from residents, businesses, organisations or visitors.

## How are we consulting?

[Go the Council plan 2019-2023 consultation on Survey Monkey website](#). Please submit your response by **4 October 2019**. We will be holding an event on 1 October at Rheged between 2pm and 5pm. You are very welcome to come and share your views and meet the Leader and Members of the Council.

## Consultation Questions:

1. Do you agree with the 4 priorities of the Council for 2019-2023
2. Do you agree with the goals and actions identified to deliver the priorities?
3. Do you have any suggestions for action to make the Council zero carbon and the District of Eden net zero carbon by 2030?
4. Are there any important issues or challenges for Eden that are not currently included in the plan?

## Our performance framework

The goals and promises made in this plan represent wider plans and strategies which contain the detailed milestones and measures for delivery. We will manage this through its performance management framework.

[See policies, plans and strategies list](#).

## **APPENDED DOCUMENT: SURVEY MONKEY CONSULTATION**

# Eden District Council Plan 2019 - 2023 Consultation

## Survey Monkey Questions

1. Do you agree with the four priorities of the Council for 2019-2023?

**Sustainable** – A financially viable, customer focused and zero carbon Council

**Healthy, safe and secure** – To improve homes, health and communities

**Connected** – To improve connectivity locally and globally

**Creative** – To develop arts and culture to support vibrant communities, business growth and innovation

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

2. Do you agree with the goals and actions identified by the Council for the priority; **Sustainability** in the draft Council Plan 2019-2023?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

3. Do you agree with the goals and actions identified by the Council for the priority; **Healthy, Safe and Secure** in the draft Council Plan 2019-2023?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

4. Do you agree with the goals and actions identified by the Council for the priority; **Connected** in the draft Council Plan 2019-2023?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

5. Do you agree with the goals and actions identified by the Council for the priority; **Creative** in the draft Council Plan 2019-2023?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

**Question Title**

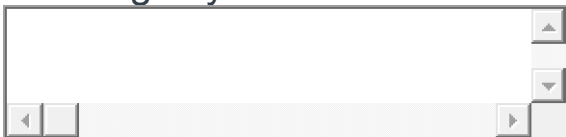
6. *If you answered 'disagree' or 'strongly disagree' to Q1 to Q5, please state your reasons. If not write n/a.*

7. The Council have committed to make the Council zero carbon and the District of Eden net zero carbon by 2030. Do you have any suggestions for action on the Zero Carbon Eden project?

8. Do you think there any other important issues or challenges for Eden and the Council over the next four years which are not identified in the draft Council Plan 2019-2023?

- Yes
- No
- Don't know

9. If you answered 'yes' to Q8, please explain what other important issues or challenges you think there are for Eden and/or the Council. If not write n/a.



10. Do you have any other comments or suggestions on the draft Council Plan 2019-2023?



# Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR

Tel: 01768 899 773 Email: [office@penrithtowncouncil.co.uk](mailto:office@penrithtowncouncil.co.uk)

## **FULL COUNCIL MONDAY 23 SEPTEMBER 2019**

### **ITEM 11: CUMBRIA CONSTABULARY CCTV SCHEME**

Members are asked to consider the letter below from the Police and Crime Commissioner.

#### **EXTRACT FROM LETTER**

Clerk to the Council  
Penrith Town Council  
Unit 1  
Church House  
19-24 Friargate  
Penrith  
CA11 7XR

Dear Councillor,

Many of you have made contact expressing an interest in developing CCTV cameras into your local area. As Police and Crime Commissioner I have listened intently together with feedback from the Constabulary and local people who are generally supportive and welcome further investment in CCTV, in the interests of reducing crime and continued economic prosperity within our communities.

I am delighted to now be in the position to move to Phase 2 of CCTV system in the county.

In 2015, the Office of the Police and Crime Commissioner invested in a number of CCTV cameras across the county to replace the existing district council network which had become obsolete. We now have 57 cameras across the county all of which are monitored by a Dedicated Monitoring Unit within the Cumbria Constabulary Command and Control Room.

The existing infrastructure is able to host up to 80 cameras in total, therefore allowing us to expand the system by 23 cameras, feeding into the existing Constabulary network and allowing capacity within the Dedicated Monitoring Unit (DMU). The DMU will monitor cameras but it is important to be clear that resources don't allow this to be monitored full-time although the camera footage will be available for evidential purposes if required.

Discussions around the potential addition of further CCTV cameras to the existing network have now taken place between myself and the Constabulary. I have identified some grant funding which I intend to make available to assist with expanding the current CCTV network in some of those towns with no current CCTV provision. The funding would be in the form of a one-off grant of up to £3,000 per camera, to assist with the initial capital purchase of the camera. As there is a limited number of cameras there may be a need to identify priority areas and this will be completed by the Constabulary when completed forms have been submitted.

The cameras themselves will be owned in their entirety by the Local Council, who will be solely responsible for the remainder of the purchase costs as well as the following costs; the cost of connecting the camera to the existing network, any necessary licenses, all maintenance costs for the lifetime of the camera and any other associated costs.

It is important to note that the existing Constabulary CCTV contract expires in December 2022. The Constabulary will have to at that time review the contract and future proof the technology delivering the CCTV system. At this time we are unable to guarantee continuation of the CCTV system past the contract date of December 2022, but we will of course ensure that we will do everything possible to extend the life of the system beyond that date. In addition, it is suggested that this element is factored into any future maintenance contracts and that these are aligned to the Constabulary contract term of December 2022.

Local Councils should also be aware that grants will only be awarded for new camera systems which integrate with the Constabulary monitoring network and will not cover the linking up of existing cameras to the Constabulary network.

Telemachus, the supplier of the current Constabulary CCTV network, are the chosen supplier for these additional grant-funded cameras. There are several camera options available and you must make your own enquiries with Telemachus to identify the different options available at your proposed site.

The Office of the Police and Crime Commissioner now invites applications from Local Councils for a one-off grant towards the purchase of CCTV cameras. Prior to submitting the application, Local Councils must identify the specific location(s) in which they would like to site cameras and provide material to support the necessity for CCTV at this particular location. Each camera should be subject to a separate application form. Following the application deadline, a decision will be made on a case-by-case basis about whether grant funding will be awarded.

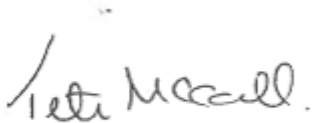
As well as outlining the identified requirement for CCTV at the specified location, applications must also be compliant with the Surveillance Commissioner's Toolkit. Further details of which can be found at: <https://www.gov.uk/government/publications/passport-to-compliance>

You may wish to refer to crime statistics to support your application. Detailed information on crime statistics can be found at [www.police.uk](http://www.police.uk) as well as on the Cumbria Intelligence Observatory website <https://www.cumbriaobservatory.org.uk/crime-community-safety/>

The deadline for receipt of completed applications by the Office of the Police and Crime Commissioner is Monday 30<sup>th</sup> September 2019.

Should you have any further questions regarding the Constabulary monitoring network or the application process, please direct these via email to Andy Petty, CCTV manager: [andy.petty@cumbria.pnn.police.uk](mailto:andy.petty@cumbria.pnn.police.uk)

Yours faithfully

A handwritten signature in black ink that reads "Peter McCall". The signature is written in a cursive style with a large initial 'P'.

Peter McCall  
Police and Crime Commissioner

Attached – required application form





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## **FULL COUNCIL MONDAY 23 SEPTEMBER 2019**

### **ITEM 14A: REVISED CO-OPTION POLICY**

Members are asked to consider and approve the revised Co-option as follows, noting the proposed amendments have been highlighted and make a decision for point 3.7:

#### **CO-OPTION PROCEDURE**

This policy sets out the procedure to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Penrith Town Council.

The co-option procedure is entirely managed by the Town Council, and this policy will ensure that a fair and equitable process is carried out. There are no statutory rules regarding filling a vacancy by co-option.

The Council is composed of six wards:

#### **Penrith East**

#### **Penrith West**

#### **Penrith North**

#### **Penrith South**

#### **Penrith Pategill**

#### **Penrith Carleton**

To ensure that a fair and transparent procedure is undertaken this policy sets out the process to be followed by Penrith Town Council when co-option is under consideration.

## 1. INTRODUCTION

- 1.1** There are two circumstances under which the Electoral Officer of Eden District Council will notify Penrith Town Council that it may, if it so wishes, proceed to fill a casual vacancy by co-option:
- a) **ORDINARY VACANCY** - when a ward seat has been left vacant because no eligible candidate stood for election at the full elections for a new council (currently at four-yearly intervals). In this instance the Town Clerk would be notified of vacancies by Eden District Council and that efforts must be made to fill the vacancies by co-option. The Council will decide if they wish to proceed to Stage 2.
  - b) **CASUAL VACANCY** - during the life of a council when a ward seat has fallen vacant (because of a resignation, death, disqualification or ineligibility). The Town Clerk will immediately notify the Electoral Officer and the vacancy will be advertised. If the required 10 electors of the ward have not called for a poll (by-election) within the legally specified time period (currently 14 days) following publication of the Notice of Vacancy, the Town Clerk would be notified by Eden District Council and that the vacancies can be filled by co-option. The Council will be notified, and they will decide if they wish to proceed to Stage 2 *within 28 days or wait a period of 6 months before proceeding.*
- 1.2** The Town Council is not obliged to co-opt to fill any vacancy.
- 1.3** Even if the Council invites applications for co-option, it is not obliged to select anyone from the candidates who apply.
- 1.4** It is not desirable that electors in a ward be left partially or fully unrepresented for a significant length of time. Neither does it contribute to effective and efficient working of the Council if there are insufficient councillors to share the workload equitably; to provide a broad cross-section of skills and interests; or to achieve meeting quorums without difficulty, given that some absence is unavoidable at times.
- 1.5** The electoral area of Penrith Town Council is divided into wards. At a full election a candidate may only stand for election in one ward. This may result in some wards having more candidates standing for election than there are seats available, while other wards may have insufficient candidates standing for election to fill the available number of seats. Under these circumstances, the Town Council will be notified by the Electoral Authority after the election that it may proceed to fill any remaining vacancies by co-option.
- 1.6** Councillors elected by co-option are FULL members of the Council.

## **2. APPLICATION PROCESS**

- 2.1** On receipt, of written notification, from the Electoral Officer at Eden District Council, that a casual vacancy may be filled by means of co-option:
- a) The Town Clerk will announce the vacancy or vacancies to be filled by co-option within 21 days of receipt of the written notification by means of displaying a Notice on the Council Noticeboard and website. A copy of the Notice will also be sent to the local press.
  - b) The co-option Notice will include the closing date for acceptance of requests for consideration (between 14 and 30 days after the date of the display) and the number of vacancies.
  - c) The Town Clerk will advise the council when the Co-option Policy has been instigated, by sending a memorandum to all councillors.
- 2.2** Members may point out the vacancies and the process to any qualifying candidate(s).
- 2.3** Candidates found to be offering inducements of any kind will be disqualified.
- 2.4** The Statutory requirements to be co-opted as a Councillor are the same as standing for election to the Town Council.
- 2.5** The applicant needs to be proposed and seconded by two residents on the electoral register for the appropriate Town Council ward.
- 2.6** The applicant must meet at least one of the following qualifications:
- a) Is on the electoral register anywhere in the parish.
  - b) Has lived in or within 3 miles of the parish boundary for the previous 12 months.
  - c) Owns, rents, occupies or otherwise has right of occupation of land in the parish.
  - d) Works in the parish.

- 2.7** Although **there is no statutory requirement to do so**, applicants for co-option will be asked to:
- a) submit information about themselves, by completing a short application form (a copy of the application form is attached as Appendix 1) together with a CV and written summary covering: their reasons for wishing to be a councillor; previous community/council work; any other skills they can bring to the Council, their interests and recent career history, similar to that which they would produce if standing for election.
  - b) confirm their eligibility for the position of Councillor within the statutory rules (a copy of the confirmation of eligibility form is attached as Appendix 2)
- 2.8** Copies of the applicant's application forms will be circulated to all councillors by the Town Clerk at least seven days prior to the meeting of the full Council, when the co-option will be considered. All documents will be treated by the Clerk and all councillors in confidence and in accordance with the GDPR 2018.
- 2.9** Candidates will be sent an invitation to attend the meeting at which their appointment application will be considered and a full agenda of the meeting.
- 2.10** Applicants can withdraw not later than 24 hours prior to the meeting where the co-options are to be considered.
- 2.11** Candidates will be informed that they **may** wish to speak for up to 3 minutes about their application at the Council meeting, but this is at their discretion and not obligatory.
- 2.12** If Members wish to raise a question to the candidate, the press and public will be asked to leave the Council meeting.
- 2.13** Members written questions should be received by noon of the Thursday prior to the meeting.
- 2.14** The questions will be circulated to all the candidates in advance of the meeting.
- 2.15** In the interest of fairness and equality, each candidate will be asked to consider and respond orally to the questions at the Council meeting.
- 2.16** Candidates are not obliged to reply/respond.
- 2.17** If Members wish to discuss the candidate's application forms the press and public will be asked to leave the Council meeting, for the applications to be considered. If there is no discussion requested the Chair can commence the voting procedure.

### **3. VOTING PROCEDURE**

- 3.1** If consideration of the application has taken place without the press and public being present, the Chair will reconvene the meeting and it will be reopened to the public and press and voting takes place.
- 3.2** Voting will be according to the statutory requirements, in that, a successful candidate must have received an absolute majority vote of those present and voting.
- 3.3** If there are more than two candidates for one vacancy and no one of them at the first count receives a majority over the aggregate votes given to the rest, the candidate with the least number of votes will be removed from consideration and the remainder will then be put to the vote again
- 3.4** This process will, if necessary, be repeated until a majority is obtained.
- 3.5** This process will be followed separately for each individual vacancy for which co-option is under consideration
- 3.6** If no candidate secures an absolute majority of votes cast for an individual vacancy, then that vacancy remains unfilled (e.g. 18 councillors are present and 10 abstain from voting then there is no absolute majority).
- 3.7** Councillors are asked to consider one of the following options:
- A. Councillors shall vote by paper ballot.
  - B. Councillors shall vote by a show of hands.
  - C. Councillors shall vote by either a show of hands or by paper ballot. Members will be asked to consider and vote on their preferred method prior to voting taking place.
- 3.8** In the case of an equality of votes, the Chair of the meeting has a second or casting vote.
- 3.9** After the vote has been concluded, the Chair will declare the successful candidate duly elected and after signing their declaration of acceptance of Office may take their seat immediately.
- 3.10** The Council is not obliged to provide feedback on the application process to unsuccessful candidates.

### **4. ACCEPTANCE OF OFFICE**

- 4.1** The successful candidate(s) must sign their declaration of acceptance of office before they can act as a councillor. The Register of Interest must be completed within 28 days and the Town Clerk will forward a copy to the Monitoring Officer.
- 4.2** The Clerk will advise the Elections Officer of Eden District Council of the names of anyone co-opted to the Council.

- 4.3** The Town Clerk is responsible for providing each new councillor with an induction, a new councillors pack and should ensure that all new councillors have read and understood the Code of Conduct and the Constitution adopted by the Council.
- 4.4** All new councillors must, within 28 days of appointment to office, register their Interests with the District Council Monitoring Officer. Usually forms are supplied by the Monitoring Officers to the Clerk.

## **5. REVIEW**

This policy will be reviewed every year (or earlier if required by changes to legislation or additional documentation) and amended as necessary based on good practice or evidence taken forward.

**Adopted:** May 2015

**Reviewed and amended:** September 2019



# Penrith Town Council

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## **FULL COUNCIL MONDAY 23 SEPTEMBER 2019**

### **ITEM 14B: CCTV POLICY**

Members are asked to consider and approve the new policy for CCTV as follows:

#### **INTRODUCTION**

This Policy is to control the management, operation, use and confidentiality of the CCTV systems.

This policy was prepared after taking due account of the Code of Practice published by the Data Protection Commissioner (revised 2008), and the 2013 Surveillance Camera Code of Practice guidelines following the introduction of the Protection of Freedoms Act 2012.

This policy will be subject to periodic review by the Town Council to ensure that it continues to reflect the public interest and that it and the system meets all legislative requirements.

Penrith Town Council accepts that the General Data Protection Regulations (2018) has several underlying principles. These include that personal data:

- Must be processed lawfully, fairly and transparently.
- Is only used for a specific processing purpose that the data subject has been made aware of and no other, without further consent.
- Should be adequate, relevant and limited i.e. only the minimum amount of data should be kept for specific processing.
- Must be accurate and where necessary kept up to date.
- Should not be stored for longer than is necessary, and that storage is safe and secure.
- Should be processed in a manner that ensures appropriate security and protection.

**Penrith Town Council recognises the key changes to legislation concerning data protection in relation to the General Data Protection Regulations (2018) are:**

- Changes to how consent can be obtained from data subjects for the use of their data. For example, data subjects must explicitly 'opt in' to allowing their data to be shared, and it must be made clear for what purpose their data is being used.
- Data subjects have new rights, such as data portability and the right to be forgotten.
- Data must only be used for the purpose it was gathered for and should be deleted when it is no longer needed for that purpose.
- Sanctions over sharing data outside the European Economic Area ("EEA") will be strengthened. This requires councils to ensure appropriate privacy safeguards are in place with organisations (e.g. a business hosting and maintaining the council's server) holding data outside the EEA or that the 'importer' of data is on a list of countries which the European Union has deemed to have adequate protection for citizens regarding data protection.
- All councillors, Town Clerk and other relevant staff must have suitable training and awareness as well as additional sources of guidance and support when required.
- Conducting Data Protection Impact Assessments (DPIAs) in order to design data privacy into any new systems and processes will often be mandatory e.g. if new technology is deployed, where there is processing on a large scale of 'sensitive personal data', or if profiling is performed which will have an impact on individuals.
- Councils appoint a Data Protection Officer.
- Data breaches must be reported (where this is required) to the ICO within 72 hours of the breach.
- A new principle of accountability puts the compliance burden on councils, requiring them to produce and maintain documents that demonstrate what actions have been taken to achieve compliance.

**Penrith Town Council recognises the guidelines in the 2013 Home Office Code of Practice:**

- Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need. The use of a surveillance camera system must consider its effect on individuals and their privacy, with regular reviews to ensure its use remains justified. (appendix A annual review)
- There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints. (appendix B signage)
- There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
- Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.



- No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.
- Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes. (access log held at Council offices)
- Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
- Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use. (appendix b access request)
- There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
- When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
- Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

## **STATEMENT OF PURPOSE**

To provide a safe and secure environment for the benefit of those who might visit, work or live in the area. The system will not be used to invade the privacy of any individual, except when carried out in accordance with the law. The scheme will be used for the following purposes:

- To reduce the fear of crime by persons within the town, so they can enter and leave buildings and use facilities without fear of intimidation by individuals or groups
- To reduce the vandalism of property and to prevent, deter and detect crime and disorder
- To assist the police, the Town Council and other Law Enforcement Agencies with identification, detection, apprehension and prosecution of offenders by examining and using retrievable evidence relating to crime, public order or contravention of byelaws
- To deter potential offenders by publicly displaying the existence of CCTV, having cameras clearly sited that are not hidden and signs on display, both inside and outside Town Council buildings, other buildings and public open spaces
- To assist all "emergency services" to carry out their lawful duties

## **CHANGES TO THE PURPOSE OR POLICY**

A major change that would have a significant impact on either the purpose or this policy of operation of the CCTV scheme will take place only after discussion and resolution at full Council meeting.

## **RESPONSIBILITIES OF THE OWNERS OF THE SCHEME**

The elected Town Council retains overall responsibility for the scheme.

**Approved:**

**Review: As legislation dictates - otherwise 2023**

# **CCTV CODE OF PRACTICE**

## **1. MANAGEMENT OF THE SYSTEM**

- 1.1 Day-to-day operational responsibility rests with the Town Clerk and in their absence the Services and Contracts Manager.
- 1.2 Any breaches of this policy will be investigated by the Town Clerk and reported to the Town Council.
- 1.3 A CCTV system prevents crime largely by increasing the risk of detection and prosecution of an offender. Any relevant tape or digital evidence must be in an acceptable format for use at Court hearings. This policy must be read and understood by all persons involved in this scheme and individual copies of this policy will therefore be issued for retention. A copy will also be available for reference in the secure recording areas.

## **2. CONTROL AND OPERATION OF THE CAMERAS, MONITORS AND SYSTEMS**

**The following points must be understood and strictly observed by operators:**

- 2.1 Operators must act with integrity and not abuse the equipment or change the pre-set criteria to compromise the privacy of an individual.
- 2.2 The position of cameras and monitors have been agreed to comply with the needs of the public.
- 2.3 No public access will be allowed to the monitors except for lawful, proper and sufficient reason, with prior approval of the Town Clerk. The Police are permitted access to tapes and prints if they have reason to believe that such access is necessary to investigate, detect or prevent crime. The Police can visit the Town Council office to review and confirm the Town Council's operation of CCTV arrangements. Any visit by the Police to view images will be logged by the operator.
- 2.4 Operators should check the accuracy of the date/time displayed on a monthly basis.
- 2.5 Digital records should be securely stored to comply with data protection and should only be handled by the essentially minimum number of persons. Digital images will be automatically erased after a period of 31 days.
- 2.6 Images will not normally be supplied to the media, except on the advice of the Police if it is deemed to be in the public interest. The Town Clerk would inform the Council Chair of any such emergency.
- 2.7 As records may be required as evidence at Court, each person handling a digital record may be required to make a statement to a Police Officer and sign an exhibit label. Any images that are handed to a Police Officer should be signed for by the police officer and information logged to identify the recording and showing the officer's name and police station. The log should also show when such information is returned to the Town Council by the Police and the outcome of its use.

- 2.8 Any event that requires checking of recorded data should be clearly detailed in the logbook of incidents, including Crime Nos. if appropriate. See Appendix A.
- 2.9 Any damage to equipment or malfunction discovered by an operator should be reported immediately to the Town Clerk. The company responsible for maintenance should also be contacted and the call logged advising details of the outcome. When completed, any repair to the system should be logged showing the date and time of completion.
- 2.10 Any request by an individual member of the public for access to their own recorded image must be made on an 'Access Request Form' and is subject to a standard fee of £10.00. Forms are available from the Town Council Office and will be submitted to the next meeting of the Town Council for consideration and reply, normally within 10 working days. (see Appendix B).
- 2.11 If images of third parties are included with the images of the person who has made the access request, consideration will be given to whether the release of these images would involve an unfair intrusion into the privacy of the third party. If necessary, arrangements will be made to disguise or blur the images in question, this work may need to be contracted out to another organisation.

### **3. ACCOUNTABILITY**

- 3.1 Copies of the CCTV Policy are available in accordance with the Freedom of Information Act, as are any reports that are submitted to the Town Council *providing it does not breach security needs.*
- 3.2 Any written concerns, complaints or compliments regarding the use of the system will be considered by the Town Council, in line with the existing complaints policy.
- 3.3 Penrith Town Council has considered the need for using CCTV and has resolved that it is required for the prevention and detection of crime and for protecting the safety of members of the public. It will not be used for other purposes.
- 3.4 Penrith Town Council will conduct a bi-annual review of the use of the CCTV system, See Appendix C.

**To be completed by those authorised to monitor the CCTV system:**

*I have read the above policy and agree to abide by these instructions.*

Signed ..... Print Name .....

Date ...../...../.....

**(Operators are issued with their own copy of this policy and shall sign to confirm receipt and compliance.)**

**Adopted:**

**Reviewed:**



## CCTV INCIDENT LOG

Details of Offence	Date & Time Committed	Location	Name/Address of any Witnesses	Action taken (including Crime Ref. No.)	Reported by	Date/Time	CCTV Checked By/Result/Action



## ACCESS REQUEST FORM – CCTV IMAGES

<b>Date of Recording:</b>	<b>Place of Recording:</b>	<b>Time of Recording:</b>	
<b>Applicants Name and Address</b>		<b>Description of Applicant and any distinguishing features (e.g. clothing)</b>	
<b>Post Code:</b>		<b>A recent photograph may be necessary to aid identification.</b>	
<b>Tel. No:</b>			
<b>Signature of Applicant</b> <b>(or parent/guardian if under 18)</b>			
<b>Reason for request - to be submitted to the Town Clerk</b>			
<b>Received by:</b>	<b>Clerk's Signature:</b>	<b>Date Received:</b>	<b>Time Received:</b>
<b>Fee Charged / N.A.</b>	<b>Fee Paid:</b>	<b>Request Approved: YES/NO</b>	<b>Date Applicant Informed:</b>



## CCTV SYSTEM AUDIT

The CCTV system and images produced by it are controlled by Penrith Town Council.

Penrith Town Council has considered the need for a CCTV system and has resolved on the installation of such a system to assist with the prevention and detection of crime and for protecting the safety of members of the public, employees and Members; it will not be used for any other purpose. The Town Council conducts an annual audit of the use of the CCTV system, details as follows;

CHECK	Checked (Date)	By	Date of next review
Notification has been submitted to the Information Commissioner and the next renewal date recorded.			
There is at least one named individual who is responsible for the operation of the system.			
The problem we are trying to address has been clearly defined and installing cameras is the best solution. This decision should be reviewed on a regular basis.			
A system has been chosen that produces clear images and which law enforcement bodies (usually the police) can use to investigate crime. These images can easily be taken from the system.			
A camera has been sited so that they provide clear images.			
Cameras have been positioned to avoid capturing the images of persons not visiting the Town Council Office.			

CHECK	Checked (Date)	By	Date of next review
There are visible signs showing that CCTV is in operation. Where it is not obvious who is responsible for the system, contact details are displayed on the sign(s).			
Images from this CCTV system are securely stored, where only a limited number of authorised persons may have access to them.			
The recorded images will only be retained long enough for any incident to come to light (e.g. for a theft to be noticed) and the incident to be investigated.			
Except for law enforcement bodies, images will not be provided to third parties.			
The Town Council knows how to respond to individuals making requests for copies of their own images. If unsure, the operator/s knows to seek advice from the Information Commissioner as soon as such a request is made.			
Regular checks are carried out to ensure that the system is working properly and produces high quality images.			

**Please keep this checklist in a safe place until the date of the next review.**





# Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR  
Tel: 01768 899 773 Email: office@penrithtowncouncil.co.uk

## **FULL COUNCIL MONDAY 23 SEPTEMBER 2019**

### **MEETING VENUE FOR FULL COUNCIL**

**AUTHOR: Ian Parker – Services and Contracts Manager**

**SUPPORTING MEMBER: Cllr Lawson**

**ITEM NUMBER: 15**

To consider and approve the change of venue for Full Council Meetings.

### **RECOMMENDATION**

It is recommended that all future meetings of the Full Council are held in Unit 2, Friargate, Penrith.

#### **1. LAW**

<b>SUBJECT</b>	<b>POWER</b>	<b>LEGISLATION</b>
Meetings	Power to convene a Parish Meeting	LGA 1972, Schedule 12, Paragraph 14.

#### **2. LINKS TO COUNCIL PRIORITIES**

The provision of Parish Meetings contributes to the Core Council Business priority. This priority sets out to provide good governance.

### **3. REPORT DETAILS**

- 3.1 The Council currently holds its meetings of Full Council at the Penrith Parish Centre, St Andrews Churchyard. This report sets out a proposal to recommend that future meetings of Full Council are held at Unit 2, Church House, Friargate.
- 3.2 Penrith Parish Centre has been used to facilitate meetings of Full Council since the Council was constituted. The venue is detached from the main office in Friargate, being some 5 minutes' walk. The Council has no ownership or management responsibility for the Penrith Parish Centre.
- 3.3 It has been noted that on occasions meetings are affected by fluctuating room temperatures, glare from external sunlight, noise from other users within the building, vibrating doors and poor acoustics which all have an effect on the general running of the Council meetings. At the last Annual Town Meeting the Council hired both Room 2 and the dining area of the kitchen to be able to meet and greet attendees. However, officers were given strict instructions not to use any of the kitchen facilities as this was operated by another organisation, despite needing to serve refreshments. This information was only declared when officers arrived to set up for the meeting.
- 3.4 Unit 2, Church House Friargate is currently being refurbished by the Carlisle Diocese, the landlord, to provide a meeting room. The meeting room is ground floor, providing central heating, air conditioning, smart monitor, IT access and a kitchen with serving hatch into the main meeting room
- 3.5 Unit 2 is directly adjacent to the Town Council office which allows officers ready access to the meeting room to allow for meeting set up, transfer of files and documents without the need to transport them outside. The floor area is similar to that at the Penrith Parish Centre, therefore there is the ability to accommodate those attending meetings and those attending the public gallery. The room will not be affected by noise from other users of the building.
- 3.6 Unit 2 is considered to be accessible for members of the public and is within a central location within the Town.
- 3.7 Unit 2's close proximity to the Council allows the Council to host a large meeting such as perhaps a Planning Committee that will consider a controversial application when the Council might expect a significant number of people to attend. The IT infrastructure within the unit will allow for improved communication in such a meeting when it would be useful to use visual tools for site plans..
- 3.8 Within Unit 1, The Council Office, there is potential space for increased numbers of officers as the Board Room was developed with the IT infrastructure in place for work stations. Committee meetings could then operate out of Unit 2.

## 4. FINANCIAL IMPLICATIONS

- 4.1 The cost to hire the Penrith Parish Centre is currently £30.00 per Full Council meeting. Penrith Parish Centre has written to the Council advising that the fee charges would be increased from September 2019 to £32.00 per meeting and have asked for the Council to complete a booking form for the remainder of this Council's meetings until May 2020.
- 4.2 The Carlisle Diocese has outlined that the cost to hire the new meeting room at Unit 2, will be £32.00 per Full Council meeting or £16.00 per hour.

## 5. RISK MANAGEMENT

RISK	CONSEQUENCE	CONTROLS REQUIRED
Reputational risk from withdrawing from a Community facility	Negative reaction to the Town Council	Explanation as to reasons for seeking new venue
Unit 2 does not meet the requirements of the Council	Meetings are not effectively conducted	Review meeting accommodation.
Reliability of bookings	Affected meetings should there be issues with room booking arrangements	All booking requests submitted in writing and confirmations required. Meetings to be booked in advance.

## 6. APPENDICES ATTACHED TO THIS REPORT

None

## 7. BACKGROUND PAPERS

None



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Tel: 01768 899 773 Email: [office@penrithtowncouncil.co.uk](mailto:office@penrithtowncouncil.co.uk)

## **FULL COUNCIL MONDAY 23 SEPTEMBER 2019**

### **ITEM 17: NOMINATIONS FOR DIRECT ELECTIONS TO CALC EXECUTIVE COMMITTEE**

Members are reminded that Cllr. Burgin has held a position on the executive since November 2018.

Members are asked to consider a letter from the Chief Officer of CALC and supporting documents and support a nomination from member of the Council if they decide to put themselves forward.

#### **LETTER EXTRACT AS FOLLOWS:**

Dear Clerk,

##### **Direct Elections to CALC Executive Committee**

At our General Meeting in November five members will be elected to serve on our Executive Committee for a three-year period to 2022. These are in addition to the two members appointed by each district association. The term of office of the current members - who may be nominated again - comes to an end this year.

The attached document spells out what is expected of Executive Committee members and invites local councils to submit nominations.

Serving on the Executive Committee is an opportunity to help shape CALC's work and the support we provide for our member councils and parish meetings.

You'll see from the form that nominations must be received in the CALC office by Friday 4<sup>th</sup> October.

If you have any queries do give us a call, but please invite your council to consider putting forward a nomination.

Yours sincerely  
Samantha Bagshaw, Chief Officer



## **CALL FOR NOMINATIONS FOR THE CALC EXECUTIVE COMMITTEE 2019-22**

Direct elections to the CALC Executive Committee take place every three years, with the next taking place at the AGM in November 2019. Membership of the Executive Committee is an opportunity for members to help shape the way CALC works and supports member councils.

### **Why become a member of the CALC Executive Committee?**

It's an opportunity to help the Association influence some of the important issues affecting Cumbria's communities – devolution of assets and services, local housing, flooding, planning, health and well-being, policing, as well as helping in the task of developing the role of town and parish councils in Cumbria and running the Association itself.

### **The Executive Committee**

Under our constitution the Association's affairs are managed by an Executive Committee that consists of the Honorary Officers (President, Vice Presidents and Treasurer elected by the General Meeting), the Chairman and one other representative from each District Association (elected by the District Associations) and five other members elected by the General Meeting. The Committee usually meets four times a year in Penrith on a Saturday morning, starting at 10.00 am. Travel expenses are paid. Time spent representing the Association on other bodies would be in addition to this but is voluntary.

The attached nomination form is for the filling of all five vacancies on the committee. The election will take place at the AGM to be held on Saturday 9th November 2019. Both councillors and officers are eligible for election. Election will be for a three year term of office running until November 2022.

### **The Role of Executive Committee Members**

The Executive Committee's general role is to manage the Association's affairs and to pursue the implementation of the Association's policies. Members of the Committee have the opportunity to volunteer to 'lead' on a particular area of interest and, where appropriate, represent the Association on an outside body. CALC now represents its member councils on a wide range of influential regional, Cumbria and local bodies and has access to many senior policy makers. The Executive Committee will want to use our representatives to maximum effect with the support of CALC's Chief Officer and other officers.

**EXECUTIVE COMMITTEE 2019**

**NOMINATION FORM**

Name: \_\_\_\_\_

Town/Parish Council: \_\_\_\_\_

Please summarise your particular interests and experience:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I wish my name to go forward for election to the Executive Committee

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

Name of Proposer: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Seconder: \_\_\_\_\_

Signature: \_\_\_\_\_

NB Proposers and seconders must be a councillor or clerk from a CALC member council.

**This form should be returned to CALC, Fire and Rescue Service Headquarters, Carleton Avenue, Penrith, Cumbria, CA10 2FA by post or email ([office@calc.org.uk](mailto:office@calc.org.uk)) by no later than Friday 4<sup>th</sup> October 2019**



# Penrith Town Council

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## **FULL COUNCIL MONDAY 23 SEPTEMBER 2019**

### **ITEM 19 THROUGH TO 21:**

#### **MATTERS FROM FINANCE COMMITTEE**

**Consider the following recommendations from the Council's Finance Committee from items 19 through to 21 .**

#### **19. Finance Committee Risk Assessment Review**

a. To note that the Finance Committee reviewed risk assessments for 2019-20 for:

- Business Continuity
- Finance
- Governance IT and Website
- Allotments
- War Memorials
- Cornmarket Bandstand
- Fairhill Playing Field
- Fire Risk Assessment Lone Working
- Recycling Bring Site
- Office
- Bus Shelters
- Seats Musgrave Monument

b. To ratify the recommendations for the risk assessments from the Council's Finance Committee for 2019-20.

#### **RECOMMENDATION**

That Full Council ratifies the Corporate Risk Assessments.

## **BACKGROUND**

Risk assessment is a systematic general examination of working conditions, workplace activities and environmental factors that will enable the Town Council to identify all potential inherent risks.

The Town Council, based on a recorded assessment, will take all practical and necessary steps to reduce or eliminate the risks, insofar as is practicably possible. The risk assessment documents have been produced to enable the Council to assess the risks that it faces and satisfy itself that it is taking adequate steps to consider and minimise these risks.

The management of risk is further included in each report presented to Council/Committees to assist Councillors in their decision making. The risks are assessed annually unless there are material changes to the law or circumstances that require an immediate review.

The Council's Services and Contracts Manager will monitor and record progress against the actions throughout the year. As services grow and policies are adopted this schedule will expand. Its purpose is designed to give Councillors confidence that the management of risk is pragmatic and proactive.

The Council has a duty to comply with the Health and Safety at Work Act 1974.

## **RISK ASSESSMENTS**

The risk assessments are set out as per the Health and Safety Executive (HSE) published format. Risk Assessments are prepared as follows:

- Allotments
- Bus Shelters
- Business Continuity
- Cornmarket Bandstand
- Fairhill Playing Field
- Finance
- Fire
- Governance
- Information Technology and Website
- Lone Working
- Musgrave Monument
- Office
- Recycling Bring Site
- Seats
- St Andrews War Memorial



## RISK ASSESSMENT ACTIONS

The table below sets out the actions arising from each of the individual risk assessments.

Risk Assessment	Action Required
Allotments	<ul style="list-style-type: none"> <li>a. New signage at all water outlet points to advise that it is 'Not Drinking Water'.</li> <li>b. Ensure outward facing hedges are cut as required to prevent obstruction of highway.</li> <li>c. Liaison with PAA to ensure defects falling under the Council's responsibility are reported.</li> <li>d. Liaison with PAA to ensure that the responsibilities as set out in the lease are upheld.</li> </ul>
Bus Shelters	<ul style="list-style-type: none"> <li>a. Gutter cleaning to be undertaken by specialist company.</li> <li>b. All operatives to wear PPE.</li> </ul>
Business Continuity	<ul style="list-style-type: none"> <li>a. Quarterly Meetings to be scheduled with Accountancy Provider Lamont Pridmore</li> <li>b. Accountancy contract to be reviewed in 2019.</li> <li>c. IT contract to be reviewed in November 2020.</li> </ul>
Cornmarket Bandstand	<ul style="list-style-type: none"> <li>a. Repaint white lines on steps</li> <li>b. Ensure all electric cupboards are securely locked as part of monthly inspection.</li> <li>c. Electrical inspection every 5 years. Next due in July 2023</li> <li>d. Obtain method statement and risk assessment from Penrith Lions prior to installation of Christmas Tree.</li> <li>e. Undertake inspection visits of the Christmas Tree following adverse weather including high winds, snow.</li> </ul>

Risk Assessment	Action Required
Cornmarket Bandstand cont.	<ul style="list-style-type: none"> <li>f. Undertake inspection visits of the Christmas Tree following adverse weather including high winds, snow.</li> <li>g. Obtain Method Statement and risk assessment for the installation of the Christmas Lights. (Penrith BID)</li> <li>h. All third-party use of the area to be via Bandstand Hire Policy and application process.</li> <li>i. Monitor street traders to ensure operating within agreed area.</li> </ul>
Fairhill Playing Field	<ul style="list-style-type: none"> <li>a. Review Management Agreement for the Play Area.</li> <li>b. Tree assessment to be undertaken for medium risk trees, due in December 2019, and low risk trees in December 2020.</li> <li>c. Installation of gates off Salkeld Road to prevent pedestrians entering the highway.</li> <li>d. Inspect integrity of football goal posts monthly.</li> <li>e. Ongoing monitoring of the Grounds Maintenance Contract</li> </ul>
Finance	<ul style="list-style-type: none"> <li>a. Review the system of internal control annually.</li> <li>b. Risk assessments are documented and approved annually.</li> <li>c. Quarterly meetings to be scheduled with Accountancy Provider Lamont Pridmore</li> <li>d. In house training for staff on finance arrangements and systems via the team briefings.</li> <li>e. Maintain Asset Register as assets are transferred, ensuring it records accurate values.</li> <li>f. Update insurance cover as assets are transferred, or as business expands.</li> <li>g. Ensure Asset Register is compliant by recording all assets worth £500 or more in value.</li> <li>h. Regular reconciliation for VAT.</li> </ul>

Risk Assessment	Action Required
Fire	<ul style="list-style-type: none"> <li>a. Service the fire extinguishers on an annual basis. Next service in April 2020.</li> <li>b. Portable Appliance Testing is due in March 2021.</li> <li>c. Complete recorded Weekly Fire Check.</li> </ul>
Governance	<ul style="list-style-type: none"> <li>a. Copies of legal documents to be stored Burnett's Solicitors, and or in the fireproof safe.</li> </ul>
IT & Website	<ul style="list-style-type: none"> <li>a. Undertake review of Display Screen Equipment and Workstation set up.</li> <li>b. Ensure that the server backup tapes are changed daily and stored securely in the fireproof cabinet.</li> <li>c. To commission an annual IT health check.</li> <li>d. Continued monitoring of website content to ensure credibility and control of the website.</li> <li>e. Town Clerk attend website accessibility training course.</li> </ul>
Lone Working	<ul style="list-style-type: none"> <li>a. All staff mobile telephone numbers exchanged.</li> <li>b. Review and monitor office opening arrangements.</li> <li>c. Staff aware of evacuation procedure arrangements and routes.</li> <li>d. Identify First Aid Training for staff.</li> </ul>
Musgrave Monument	<ul style="list-style-type: none"> <li>a. Undertake structural survey every five years. Next survey due in 2022.</li> <li>b. Ensure main access door remains locked at all times.</li> <li>c. Annual maintenance inspection of the ladder latch way system and harness. Next available in Feb 2020.</li> <li>d. Ensure harness is available.</li> <li>e. Electrical inspection every 5 years. Next due in July 2023.</li> <li>f. Obtain Method Statement and risk assessment for the installation of the Christmas Lights. (Penrith BID).</li> </ul>

Risk Assessment	Action Required
Office	<ul style="list-style-type: none"> <li>a. Undertake review of Display Screen Equipment and Workstation set up.</li> <li>b. Continue a regular programme of staff team briefings.</li> <li>c. Portable Appliance Testing is due in March 2021.</li> <li>d. Service the fire extinguishers on an annual basis. Next service in April 2020.</li> <li>e. Continue to review and monitor the office conditions recorded check.</li> <li>f. Lone working arrangements when participating in evening meetings.</li> </ul>
Recycling Bring Site	<ul style="list-style-type: none"> <li>a. Personal protective equipment (PPE) for staff visiting bring site.</li> <li>b. Instruct Community Caretaker not to undertake own cleaning duties when recycling vehicles are emptying or moving recycling bins.</li> <li>c. Report all fly tipping to EDC.</li> </ul>
Seats	<ul style="list-style-type: none"> <li>a. Monitor seats and remove any seats considered to present a danger to the public.</li> <li>b. All operatives to wear PPE.</li> </ul>
St Andrews War Memorial	<ul style="list-style-type: none"> <li>a. Undertake structural survey every five years. Next survey due in 2022.</li> </ul>

## **20.Finance Committee Policy Review**

- a. To note that the Finance Committee reviewed the following policies:
  - Risk Management Policy
  - Procurement Policy
  - Financial Regulations
- b. To ratify the recommendation to approve these policies from the Finance Committee.

### **RECOMMENDATIONS**

To ratify the following policies:

## **RISK MANAGEMENT POLICY**

### **Introduction**

Risk Management is an essential feature of the Town Council's corporate governance arrangements. Risk Management applies to all areas of the Council's work and this Policy outlines the overarching approach to Risk Management. This Policy is supported by other approved policies, protocols and procedures.

### **Definition**

Risk Management is the way that the Council responds to uncertainty in both the internal and external environment. Having a policy for risk management allows the Council to:

- Identify risks in the context of corporate objectives.
- Assess risks to determine and develop actions and controls to manage risks.
- Communicate with all stakeholders its process for identifying and managing risk.

### **Policy Statement**

Penrith Town Council recognises that it has a responsibility to manage risks, both internal and external, and is therefore committed to the implementation of a risk management policy to protect the Council.

The Town Council recognises that Risk management is an essential part of effective corporate governance and that the Council has a statutory duty

to have in place arrangements for managing risk as stated in the Account and Audit Regulations.

### **Assessing Risk**

The Accounts and Audit Regulations 2015 require smaller authorities, each financial year, to conduct a review of the effectiveness of the system of internal control and prepare an annual governance statement in accordance with proper practices in relation to accounts. Risk management is part of the review and when completing The Annual Governance Statement for the external auditor, the Council is confirming the following assertion:

#### ***"Assertion 5: Risk Management***

*We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required."*

To warrant a positive response to this assertion, the Council needs to have the following arrangements in place:

- Identifying and assessing risks. The Council needs to identify, assess and record risks associated with actions and decisions it has taken or considered taking during the year that could have financial or reputational consequences.
- Addressing risks. Having identified, assessed and recorded the risks, the Council needs to address them by ensuring that appropriate measures are in place to mitigate and manage risk which will include the use of internal controls and insurance cover.

## **Risk Assessment**

Risk Assessment forms a key element as to how the Council assesses risk. The Council on an annual basis will review the following corporate risk assessments:

- Business Continuity
- Finance
- Fire
- Governance
- Information Technology and Website
- Lone Working
- Services and Assets

Furthermore, the Council reviews annually several its key policies and procedures to identify and manage risk. These include:

- The annual review of the corporate health and safety policy.
- The annual review of corporate risk assessments.
- The annual review of the procurement policy.
- The annual review of the internal control policy.
- The annual review of the corporate financial regulations.

The Council maintains a documented Governance and Finance Schedule that it monitors and manages across the year.

## **Reviewing Our Risk**

The risk assessment template used to prepare the corporate risk assessments is the Health and Safety Executive corporate template.

Risk Assessments are a continual process and whilst they are reviewed annually, they are live documents which form an essential part of service delivery.

## **Reporting of Risks**

The risk assessments and supporting policies are reviewed annually by the Finance Committee.

## **Persons Responsible for the Delivery and Monitoring of this Policy**

Risk management is embedded in the everyday culture of the Council. The roles and responsibilities are set out below and are designed to ensure that risk is managed effectively:

### **Elected Members**

Risk management is a key part of the Members role, where they lead on the monitoring, approval, review of the Risk Management Policy, Risk Assessments and associated policies.

## **Town Clerk**

Is responsible for the oversight and management of the Council employees and the implementation of agreed policies. The Town Clerk will communicate with and provide advice to Elected Members on matters relating to Risk Management.

## **Services and Contracts Manager**

Is responsible for Health and Safety Policy and the preparation and ongoing monitoring of the corporate risk assessments. This includes the inspection and monitoring of assets, the health and safety responsibilities for third party contractors and addressing the actions arising from the risk assessments.

## **Responsible Finance Officer**

Is responsible for Section 151 of the Local Government Act 1972, the RFO manages the financial affairs of the Council, including reviewing the system of internal control and ensuring that the Council is adequately insured.

## **Employees**

All employees have a duty responsibility to achieve a healthy and safe workplace, and to take reasonable care of themselves and others. Employees are required to report risk factors to managers and elected members as appropriate.

## **Internal Audit**

Provides an important scrutiny role by carrying out audits to provide independent assurance to the Council that the necessary management systems are in place and that business risks are being managed effectively.

## **External Services**

The Council has a range of external providers including external accountancy, IT and website support who manage, monitor and advise on risks as required. The Council will submit its accounts annually to an external auditor.



# **PROCUREMENT POLICY**

## **BACKGROUND**

### **CURRENT EU PROCUREMENT THRESHOLDS**

These thresholds are valid from 01 January 2018 and are normally subject to change every two years. They apply to high value procurements which will rarely, if ever, be made by the Town Council:

Public Works contracts	£4,551,413
Public Service contracts	£181,302
Public Supply contracts	£181,302

The Council is also obliged to follow some basic principles.

For supplies and services over these thresholds, a tender notice must be placed in the Official Journal of the European Union (OJEU) to give all providers within the EU an opportunity to tender.

Tenders must be invited in accordance with one of the prescribed procedures either Open, Restricted, Competitive with Negotiation, Competitive Dialogue, Innovation Partnership or Light Touch Regime. Each of these procedures imposes minimum time scales covering the tender activities to ensure that reasonable time is given to interested parties to respond to advertisements and prepare submissions.

### **NATIONAL RULES**

Whilst there is no prescription on local authorities to tender out specific services all councils have a duty under best value legislation as laid down by Part 1 of the Local Government Act 1999 to fundamentally review their services and make arrangements to ensure continuous improvement, having regard to economy, efficiency and effectiveness.

All contracts opportunities and contract awards of £25,000 in value and above in accordance with The Public Contracts Regulations 2015 must be advertised openly on the Contracts Finder portal.

### **LOCAL RULES**

The Council will strive to attain best value for all goods, materials and services which it purchases.

“Best Value” will be defined as a balance of price, quality of product and supplier services.

The Council will operate a transparent procurement process in accordance with its Financial Regulations and Standing Orders for Contracts.

1. The Council will purchase locally wherever possible and where best value can be satisfied. The Council will primarily make purchases within the parish of Penrith and the district of Eden.
2. In evaluating "best value", the past record of the supplier will be taken into account.
3. For goods, materials or services over £4,000, a service level agreement incorporating an evaluation report will be agreed.
4. The Council will purchase Fair Trade and recycled and sustainable goods where possible.
5. The Council will purchase re-cycled goods or less environmentally damaging materials where they meet the required functional standard and will have regard to protect and sustain the environment.
6. Procurement activities will comply with the Council's Financial Regulations and the Procurement Regulations 2015 and reflect the practices as recorded in the NALC Procurement Toolkit.
7. Tender opportunities will be promoted on the Council's website to encourage tenders from local community and voluntary organisations and the local SME sector.
8. The Council will show favour to organisations that pay the Living Wage as set by the Living Wage Foundation.
9. The Council will evaluate tenders and award work by means of an assessment which combines price and quality criteria. Quality will be measured on a basis which allocates an appropriate weighting to factors. The quality factors may vary depending upon the project or goods and services being sourced. The assessment criteria shall be published within the tender documents when they are published.

## THRESHOLDS & PROCEDURES

Procedures as recorded in the Financial Regulations apply. Procurements should not be disaggregated solely to avoid the need to meet a more rigorous procedure.

<b>Estimated contract value</b> (net of VAT)	<b>Contract requirements</b>
Up to £15,000	<p>A purchase can be made from the source that offers the best value for money to the Council. This should be demonstrated by the obtaining of 3 written quotes, where this is possible.</p> <p>Contracts shall be by written instruction.</p>
£15,001 to £25,000	<p>Shall be advertised on the website of the Council (and/or other public advertisement as determined by the relevant Committee) unless, in consultation with the Responsible Financial Officer, it is agreed to approach suppliers on an ad hoc basis inviting expressions of interest (in which case 3 written quotes shall be sought).</p>
£25,001 to £50,000	<p>Procurement opportunities over £25,000 in value shall be openly advertised on the Council's website and shall also be advertised on Contract Finder within 24 hours of that advert appearing together with unrestricted and full direct internet access to relevant contract documents.</p> <p>A formal written contract approved by a solicitor must be utilised. A purchase order referring to the contract will also be utilised where required. Following award of the contract, relevant details must be published on Contract Finder.</p>
£50,001 to EU procurement threshold	<p>Shall be advertised on the website of the Authority and on Contract Finder (within 24 hours of any other adverts appearing; and /or other public advertisement as determined by the authorised officer) together with unrestricted and full direct access to relevant contract documents.</p> <p>Pre-Qualification Questionnaires (PQQ's) can be used in procurements above the lower EU threshold for supplies and services for tender opportunities for works contracts. A formal written contract prepared/approved by the Council's Solicitor must be utilised. A covering purchase order referring to the contract will also be utilised where required.</p> <p>Following award of the contract, relevant details must be published on Contract Finder.</p>

<b>Estimated contract value</b> (net of VAT)	<b>Contract requirements</b>
EU procurement threshold and above	<p>Shall be advertised in the Official Journal of the European Journal (OJEU), on the Council's website and on Contract Finder (within 3 days of the receipt of OJEU notice at publications office or within 24 hours of the OJEU notice being published; and/or other public advertisement as determined by the Authorised Officer).</p> <p>Pre-Qualification Questionnaires (PQQ's) can be used in procurements above the lower EU threshold for supplies and services for tender opportunities for supplies, services and works.</p> <p>The Council's Solicitor shall advise on the most appropriate EU procurement procedure to be used for the relevant supplies. Services and/or works to be procured. The two most common procedures are:</p> <p>Open Procedure - anyone can submit a tender</p> <p>Restricted Procedure - following receipt of expressions of interest a pre-qualification questionnaire (PQQ) is used to shortlist candidates who are then invited to submit a tender.</p>

**APPROVED:**

**September 2018**

**REVIEWED:**

**September 2019**

**APPROVED:**

**Reviewed annually**

# FINANCIAL REGULATIONS

The National Association of Local Councils has reviewed the Financial Regulations and the highlighted sections are the amendments that NALC require ratifying.

## 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 Councillors and officers. Financial regulations must be observed in conjunction with the Council's standing orders 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. Councillors 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 Council employs external accountants who are responsible for **processing payroll and making all payments for the Council, together with hosting the Council's accounting software**. These Regulations shall apply equally to the accountants.

1.9 The RFO and external accountants:

- act under the policy direction of the Council;
- administer the Council's financial affairs in accordance with all Acts, Regulations and proper practices;
- determine on behalf of the Council its accounting records and accounting control systems;
- ensure the accounting control systems are observed;
- maintain the accounting records of the Council up to date in accordance with proper practices;
- assist the Council to secure economy, efficiency and effectiveness in the use of its resources; and
- produce 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 him to prepare all required financial information in accordance with the Accounts and Audit Regulations and proper practice.

1.11 The accounting records shall, in particular, contain:

- entries from day to day of all sums of money received and expended by the Council and the details relating to those transactions;
- 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 (separation of duties);
- procedures to ensure that uncollectable amounts, including any bad debts, are only submitted to the Council for approval to be written off with the opinion 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 £20,001 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 the Local Audit and Accountability Act 2014, 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 Satisfactory monthly bank reconciliations shall be produced promptly by the RFO. At each meeting of the Finance Committee, the most recent monthly bank reconciliation(s), supported by the appropriate bank statement, shall be reviewed by the Committee and both documents signed by the Committee Chair. The approval of the reconciliations shall be recorded in the minutes of the meeting.

- 2.3 The RFO shall complete the annual income and expenditure account, Annual Governance and Accountability Return, and any related documents required with the 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 Councillor 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, external accountants, 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;
  - demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family or professional 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 auditor.
- 2.8 Where the internal auditor identifies any issue or irregularity which cannot be explained satisfactorily, he/she shall have direct access to the Chair of the Council in order to raise and discuss the matter.
- 2.9 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.



- 2.10 The RFO shall arrange for the exercise of electors' rights in relation to the annual accounts, including the opportunity to inspect the accounts, books and vouchers, and display or publish any notices and statements of account required by the Local Audit and Accountability Act 2014, the Accounts and Audit Regulations or any superseding legislation.
- 2.11 The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from the internal or external auditors.

### **3. ANNUAL BUDGET AND FORWARD FINANCIAL PLANNING**

- 3.1 Each Committee shall review its medium-term financial forecast of income and expenditure. 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 shall, each year, by no later than the end of January, prepare detailed estimates of all expenditure and income, 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 Finance Committee and Council.
- 3.3 The Council shall consider annual budget proposals in the context of the Council's medium-term financial forecast, including recommendations for the use of reserves and sources of funding, and update the forecast accordingly.
- 3.4 As part of the budget process, the Council shall approve a Reserves Policy which sets out the purpose and financial limits for each of its financial reserves.
- 3.5 The Council shall set its annual budget and fix the precept (Council tax requirement) and the resulting relevant basic amount of Council tax to be levied for the ensuing financial year not later than by the end of February each year. In setting the budget, the Council shall have regard to the opinion of the RFO concerning the robustness of estimates and the adequacy of reserves. The RFO shall issue the precept to the billing authority and shall supply each Councillor with a copy of the approved annual budget.
- 3.6 The approved annual budget shall form the basis of financial control for the ensuing year, subject to any amendments authorised by Council.

## **4. BUDGETARY CONTROL AND AUTHORITY TO INCUR EXPENDITURE**

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 £20,001;
- a duly delegated committee of the Council for items over £1,000; or
- the Clerk, in conjunction with Chair of Council or Chair of the appropriate committee, for any items below £1,000

Such authority is to be evidenced by the schedule of payments for approval at the next available meeting. 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 Finance 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 transferred to other budget headings or to an earmarked reserve as appropriate ('virement').

4.3 Unspent provisions in the revenue or capital budgets at the end of a financial year shall be retained in general reserves and shall not be carried forward to a subsequent year.

4.4 The salary budgets are to be reviewed during the annual budget process and such review shall be evidenced by a resolution of the Finance 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 Town 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 £1,000. The Town Clerk shall record such expenditure within the payments schedule and, where there is no budgetary provision for the expenditure, report the expenditure and its purpose in writing 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 any necessary 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 expenditure and income for the financial year to date against each head of the budget, comparing actual expenditure to the appropriate date against the expected proportion of the budget. These statements are to be prepared at least quarterly and shall show explanations of material variances from budget.
- 4.9 Transfers to and from earmarked reserves shall be approved by Council in accordance with its Reserves Policy.

## **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 security and efficiency.
- 5.2 All bank signatories must be Councillors. All members of the Finance Committee shall be bank signatories, **in order to promote business continuity and reduce the risk of fraud.**

## **6. MAKING AND APPROVAL OF PAYMENTS**

### **Method of Payment**

- 6.1 Payments by direct debit will be used where the council is committed to regular payments principally for utilities and payments under lease arrangements.
- 6.2 All other payments shall be made through the electronic banking system (EBS) provided by the council's current account provider, except that payment can be made by cheque when:
- The electronic banking system is not functioning
  - The RFO determines that there are valid reasons to make such a payment

6.3 Only the Council's appointed external accountants shall have the ability to make electronic payments on the Council's behalf. In setting up access to the current account provider's EBS, the Council's bank signatories will direct that the Council's external accountants shall:

- be the system administrator for the council's use of the EBS.
- be the only holder of the current account provider's device, which is required to make an electronic payment.
- be the only user capable of setting up a new payee.
- set the RFO, and whoever the RFO directs, with access to the EBS except that no member of staff shall have the ability to make a payment or create a new payee.

### **Certification of Payments**

6.4 All invoices for payment shall be examined, verified and certified manually by an **appropriate combination of** the Town Clerk/Services & Contracts Manager/ Deputy Town Clerk/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. This includes any amounts paid by direct debit.

6.5 The Services & Contracts Manager/Town Clerk/RFO shall examine invoices for arithmetical accuracy and appropriateness and allocate the expenditure to the appropriate budget heading.

6.6 The Services & Contracts Manager /Town Clerk/RFO shall ensure that there is budget provision for payment. Where there is no budget provision, the Finance Committee shall determine how funds should be made available to pay the amount due.

6.7 The Services & Contracts Manager /Town Clerk/RFO shall then arrange for payment (see sections 6.9 to 6.11 below) and report payments made to the next available Finance Committee (see sections 6.12 to 6.13 below).

### **Setting up new Payees**

6.8 The RFO will instruct the external accountants to set up any new payees in the EBS and keep a record of any such instructions.

## Making Payments

### *Direct Debits*

- 6.9 The RFO will instruct the external accountants to set up, or cancel, any required direct debits. The RFO will keep a record of any such instructions and report any newly created direct debits to the next Finance Committee.

### *Electronic payments*

- 6.10 When the Services & Contracts Manager/Town Clerk/Deputy Town Clerk/ has properly **certified** payment **of an invoice**, the external accountants will be instructed to make a payment to the payee. This will be by **providing the accountants** with a weekly payments schedule **and copies of the associated invoices**.

**The external accountants shall have the authority to challenge any proposed payment which they consider could be fraudulent, unlawful or inappropriate and raise the issue with the appropriate officer, Chair of the Council or the Police as they think fit.**

Ad hoc payments can be requested where the RFO determines that a payment is urgent. The Services & Contracts Manager RFO will keep a record of all weekly payment schedules and any ad hoc payments.

### *Cheque payments*

- 6.11 Any cheque payments must be requested by the RFO and signed by two signatories, **who shall also countersign the cheque stub**. The requirement for two signatories must be part of the bank mandate. The RFO will keep a record of all cheque payments.

## Reporting and Approving Payments

- 6.12 **Following production of a satisfactory bank reconciliation**, the RFO shall prepare a report of payments made each month, as part of the agenda for each Finance Committee meeting. The report will be produced from the Council's accounting system. All payments on the report shall be supported by appropriate documentation, i.e. invoices etc., which will be provided separately to all Councillors in advance of the Committee meeting.
- 6.13 **Prior to the Finance Committee meeting, the report of payments shall be reviewed by two members of the Committee, selected on a rota basis, who shall confirm the accuracy and appropriateness of those payments and recommend their acceptance and approval by the Committee.**
- 6.14 The minutes of the Committee shall note its approval of the number and amount of payments made and refer to the report of payments.

- 6.15 Details of all payments shall be placed on the Council's website, once confirmed by the Finance Committee.

### **Personal Payments**

- 6.16 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.

### **Corporate Credit/ Debit Cards**

- 6.17 Any corporate credit or debit card account opened by the Council will be specifically restricted and shall be subject to automatic payment in full by no later than each month-end. Personal credit or debit cards belonging to members or staff shall not be used under any circumstances.
- 6.18 The RFO shall determine procedures for the recording, reconciliation and reporting to Councillors, of all payments made by means of the corporate debit/credit card.

### **Cash**

- 6.19 The Council shall not maintain any form of cash float. Any payments made in cash by staff (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

## **7. PAYMENT OF SALARIES**

- 7.1 As an employer, the Council shall arrange to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. All salaries shall be calculated 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 The Council's external accountants shall, on instructions from the Town Clerk, calculate, record and pay all salaries and related costs for Council officers. The accountants shall deal with all relevant correspondence and complete all required forms relating to the Council's payroll and pensions.
- 7.3 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.
- 7.4 No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council.

- 7.5 Each 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. 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 the Local Audit and Accountability Act 2014 or any superseding legislation.
- 7.6 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.
- 7.7 An effective system of personal performance management should be maintained for the senior officers.
- 7.8 Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 7.9 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 (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 Chair of the Council at the same time as one is issued to the RFO.
- 8.4 All loans and investments shall be negotiated and recorded in the name of the Council and shall be for a set period in accordance with Council policy.

- 8.5 During the annual budget process, the Council shall approve an Investment Policy which shall be in accordance with relevant regulations, proper practices and guidance.
- 8.6 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.7 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 6 (Authorisation and making of 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, who 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 RFO.
- 9.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Council, accompanied by an opinion from the RFO, 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 claim for the refund of VAT 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 The Council shall not accept the receipt of sums of cash in excess of £1,000, nor smaller amounts which have been disaggregated to avoid this limit.
- 9.10 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.



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

- 10.1 An official written instruction shall be issued for all work, goods and services unless a formal contract is to be prepared. Copies of such instructions shall be retained.
- 10.2 Order books shall be controlled by the RFO.
- 10.3 All Councillors and officers are responsible for obtaining value for money at all times. An officer issuing an official instruction 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 below.
- 10.4 A Councillor shall 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**

Procedures for contracts are laid down as follows.

- 11.1 Every contract shall comply with these financial regulations **and the detailed procedures in the Procurement Policy**; no exceptions shall be made otherwise than in an emergency provided that these regulations 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 RFO shall act after consultation with the Chair and Vice Chair 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.

- 11.2 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 those Regulations. 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.
- 11.3 The full requirements of the 2015 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).
- 11.4 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 resolution of the Council.
- 11.5 Such invitation to tender shall state the 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. **Where appropriate, tenderers shall be required to obtain a performance bond to protect the Council against a failure to deliver the contract.**
- 11.6 All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one Councillor.
- 11.7 If less than three tenders are received for contracts above £15,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- 11.8 Any invitation to tender issued under this regulation shall be subject to Standing Order 18 and shall refer to the terms of the Bribery Act 2010.

11.9 When it is **proposed** to enter into a contract of £25,000 or less 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 regulation 11.1:

1. where the supply is valued at £15,000 or below, the purchase should be made from the source which offers the best value for money, demonstrated by three written quotes where possible;
2. where the value is estimated at between £15,001 and £25,000, the opportunity to tender for the supply shall be advertised on the Council's website and/or, if appropriate, by public notice, unless the RFO agrees to approach suppliers on an ad hoc basis inviting expressions of interest (in which case three written quotes shall be sought).

11.10 The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

11.11 Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.

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

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 the retention of any percentage withheld 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. ASSETS, PROPERTIES AND ESTATES**

- 13.1 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.
- 13.2 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 £500.
- 13.3 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).
- 13.4 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).
- 13.5 Subject only to the limit set in Reg. 12.2 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.
- 13.6 The Town Clerk/Services & Contracts Manager/RFO shall ensure that all assets for which they are responsible are protected against loss or damaged, maintained appropriately and subject to periodic safety inspections.
- 13.7 The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. Assets shall be valued in accordance with proper practice and any policy adopted by the Council. 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.

## **14. INSURANCE**

- 14.1 Following the annual risk assessment required by Financial Regulation 16, the RFO shall be responsible for effecting all appropriate insurances and shall negotiate all claims on the Council's insurers.
- 14.2 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it. He shall also be informed promptly of any new risk, activity or asset for which insurance cover is required.
- 14.3 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.
- 14.4 All appropriate Councillors 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, following advice from the RFO.

## **15. CHARITIES**

- 15.1 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.

## **16. RISK MANAGEMENT**

- 16.1 The Council is responsible for putting in place arrangements for the management of risk. The Clerk/Services & Contracts Manager/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.
- 16.2 When considering any new activity, the Clerk/Services & Contracts Manager/RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

## **17. REVISION & SUSPENSION OF FINANCIAL REGULATIONS**

- 17.1 It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The RFO 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 formal proposal of a resolution, 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 Councillors.

**APPROVED:**

**September 2018**

**REVIEWED:**

**September 2019**

**Reviewed annually**

## **21.Finance Committee External Audit Annual Return 31 March 2019**

- a. To note that the external auditors have concluded the audit for the financial year ending 31 March 2019 and are satisfied that the Town Council's accounts are in accordance with proper practices, and that relevant legislation and regulatory requirements have been met.
- b. To approve the external auditors report.

### **Appended documents:**

- a. AGAR Annual Governance Statement
- b. AGAR Closure letter
- c. External Auditor Report

## Section 1 – Annual Governance Statement 2018/19

We acknowledge as the members of:

### PENRITH TOWN COUNCIL

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2019, that:

	Agreed		'Yes' means that this authority:
	Yes	No*	
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✓		<i>prepared its accounting statements in accordance with the Accounts and Audit Regulations.</i>
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		<i>made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.</i>
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.	✓		<i>has only done what it has the legal power to do and has complied with Proper Practices in doing so.</i>
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓		<i>during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.</i>
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		<i>considered and documented the financial and other risks it faces and dealt with them properly.</i>
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✓		<i>arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.</i>
7. We took appropriate action on all matters raised in reports from internal and external audit.	✓		<i>responded to matters brought to its attention by internal and external audit.</i>
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.	✓		<i>disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.</i>
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	N/A
			✓
			<i>has met all of its responsibilities where, as a body corporate, it is a sole managing trustee of a local trust or trusts.</i>

\*Please provide explanations to the external auditor on a separate sheet for each 'No' response and describe how the authority will address the weaknesses identified. These sheets should be published with the Annual Governance Statement.

This Annual Governance Statement was approved at a meeting of the authority on:

20/05/2019

and recorded as minute reference:

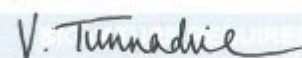
PTC19/17c (ii)

Signed by the Chairman and Clerk of the meeting where approval was given:

Chairman



Clerk



**Other information required by the Transparency Codes** (not part of Annual Governance Statement)

Authority web address

[www.penrithtowncouncil.co.uk](http://www.penrithtowncouncil.co.uk) AUTHORITY WEBSITE ADDRESS



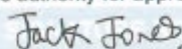
## Section 2 – Accounting Statements 2018/19 for

### PENRITH TOWN COUNCIL

	Year ending		Notes and guidance
	31 March 2018 £	31 March 2019 £	
1. Balances brought forward	113,246	191,740	Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.
2. (+) Precept or Rates and Levies	372,145	417,739	Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.
3. (+) Total other receipts	33,595	58,251	Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.
4. (-) Staff costs	135,266	205,590	Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and employment expenses.
5. (-) Loan interest/capital repayments	0	0	Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).
6. (-) All other payments	191,980	175,069	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7. (=) Balances carried forward	191,740	287,071	Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).
8. Total value of cash and short term investments	214,895	293,519	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – <b>To agree with bank reconciliation.</b>
9. Total fixed assets plus long term investments and assets	24,794	38,070	The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.
10. Total borrowings	0	0	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).
11. (For Local Councils Only) Disclosure note re Trust funds (including charitable)	Yes	No	The Council, as a body corporate, acts as sole trustee for and is responsible for managing Trust funds or assets  N.B. The figures in the accounting statements above do not include any Trust transactions.
		✓	

I certify that for the year ended 31 March 2019 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

Signed by Responsible Financial Officer before being presented to the authority for approval

 **REQUIRED**

Date

23/04/2019

I confirm that these Accounting Statements were approved by this authority on this date:

20/05/2019

as recorded in minute reference:

PTC 19/17 f(i)

Signed by Chairman of the meeting where the Accounting Statements were approved



Ms Viv Tunnadine  
Penrith Town Council  
Unit 1, Church House  
19-24 Friargate  
PENRITH  
CA11 7XR

Our ref CU0267  
SAAA SB10023  
ref  
Email sba@pkf-littlejohn.com

03 September 2019

Dear Ms Tunnadine

**Penrith Town Council**  
**Completion of the limited assurance review for the year ended 31 March 2019**

We have completed our review of the Annual Governance & Accountability Return (AGAR) for Penrith Town Council for the year ended 31 March 2019. Please find the external auditor report and certificate (Section 3 of the AGAR Part 3) included for your attention as another attachment to the email containing this letter along with a copy of Sections 1 and 2, on which our report is based.

The external auditor report and certificate detail any matters arising from the review. The smaller authority must consider these matters and decide what, if any, action is required.

**Action you are required to take at the conclusion of the review**

The Accounts and Audit Regulations 2015 (SI 2015/234) set out what you must do at the conclusion of the review. In summary, you are required to:

- Prepare a "Notice of conclusion of audit" which details the rights of inspection, in line with the statutory requirements. We attach a pro forma notice you may use for this purpose.
- Publish the "Notice" along with the certified AGAR (Sections 1, 2 & 3) before 30 September, which must include publication on the smaller authority's website.
- Keep copies of the AGAR available for purchase by any person on payment of a reasonable sum.
- Ensure that Sections 1, 2 and 3 of the published AGAR remain available for public access for a period of not less than 5 years from the date of publication.

**Fee**

We enclose our fee note for the review, which is in accordance with the fee scales set by Smaller Authorities' Audit Appointments Ltd. Please arrange for this to be paid **at the earliest opportunity**.

Additional charges are itemised on the fee note if applicable. These arise where either we were required to issue chaser letters and/or exercise our statutory powers due to a failure to provide an AGAR; or we had to

Tel: +44 (0)20 7516 2200 • Fax: +44 (0)20 7516 2400 • DX 42660 Isle of Dogs • [www.pkf-littlejohn.com](http://www.pkf-littlejohn.com)  
PKF Littlejohn LLP • 1 Westferry Circus • Canary Wharf • London E14 4HD

PKF Littlejohn LLP, Chartered Accountants. A list of members' names is available at the above address. PKF Littlejohn LLP is a limited liability partnership registered in England and Wales No. 0C342572. Registered office as above. PKF Littlejohn LLP is a member firm of the PKF International Limited network of legally independent firms and does not accept any responsibility or liability for the actions or inactions on the part of any other individual member firm or firms.

send the AGAR back for correction due to a mistake or omission by the smaller authority; or we had to seek clarification and/or correction to supporting documentation due to a mistake or omission by the smaller authority; or it was necessary for us to undertake additional work; or we had to send back documentation that was not requested.

*Please return the remittance advice with your payment, which should be sent to: PKF Littlejohn LLP, Ref: Credit control (SBA), 2<sup>nd</sup> Floor, 1 Westferry Circus, Canary Wharf, London, E14 4HD. Please include the reference CU0267 or Penrith Town Council as a reference when paying by BACS.*

#### Timetable for 2019/20

Next year we plan to set a submission deadline for the return of the completed AGAR Part 3 and associated documents (or Certificate of Exemption) in the usual way and this is expected to be Monday 29 June 2020.

It is anticipated that the instructions will be sent out during March 2020 in line with current practice, subject to arrangements for the 2019/20 AGARs and Certificates of Exemption being finalised by SAAA. Our instructions will cover any changes about which smaller authorities need to be aware.

In line with the Accounts and Audit Regulations 2015:

- The smaller authority must inform the electorate of a single period of 30 working days during which public rights may be exercised. This information must be published at least the day before the inspection period commences;
- The inspection period **must** include the first 10 working days of July 2020, i.e. 1 to 14 July inclusive. In practice this means that public rights may be exercised:
  - at the earliest, between Wednesday 3 June and Tuesday 14 July 2020; and
  - at the latest, between Wednesday 1 July and Tuesday 11 August 2020.

If there are any changes to the above arising from updates to the statutory requirements, you will be notified in good time.

In order to assist you in this process, we plan to include a pro forma template notice with a suggested inspection period on our website, as in previous years. On submitting your AGAR and associated documentation, as was the case for this year, we will need you to either confirm that the suggested dates have been adopted or inform us of the alternative dates selected.

#### Feedback on 2018/19

Please note that if you wish to provide feedback, our satisfaction survey template can be used, which is available on our website: [https://www.pkf-littlejohn.com/sites/default/files/media/documents/xsatisfaction\\_survey\\_2018-19.docx](https://www.pkf-littlejohn.com/sites/default/files/media/documents/xsatisfaction_survey_2018-19.docx)

Yours sincerely



PKF Littlejohn LLP

### Section 3 – External Auditor Report and Certificate 2018/19

In respect of

Penrith Town Council CU0267

#### 1 Respective responsibilities of the body and the auditor

This authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The authority prepares an Annual Governance and Accountability Return in accordance with *Proper Practices* which:

- summarises the accounting records for the year ended 31 March 2019; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

Our responsibility is to review Sections 1 and 2 of the Annual Governance and Accountability Return in accordance with guidance issued by the National Audit Office (NAO) on behalf of the Comptroller and Auditor General (see note below). Our work does not constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and does not provide the same level of assurance that such an audit would do.

#### 2 External auditor report 2018/19

On the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with *Proper Practices* and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.

Other matters not affecting our opinion which we draw to the attention of the authority:

None


#### 3 External auditor certificate 2018/19

We certify that we have completed our review of Sections 1 and 2 of the Annual Governance and Accountability Return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2019.

External Auditor Name

PKF LITTLEJOHN LLP

External Auditor Signature



Date

30/08/2019

\* Note: the NAO issued guidance applicable to external auditors' work on limited assurance reviews for 2018/19 in Auditor Guidance Note AGN/02. The AGN is available from the NAO website ([www.nao.org.uk](http://www.nao.org.uk))



# Penrith Town Council

**FULL COUNCIL 23 SEPTEMBER 2019**

**FAIRHILL SIGNATURE PROJECTS FUND**

**AUTHOR: Ian Parker – Services and Contracts  
Manager**

**LEAD COUNCILLOR: CLLR JACKSON**

**ITEM NUMBER: 22**

## **RECOMMENDATIONS**

The Committee is asked to:

- I. Note the progress of the Fairhill Signature Projects fund project.
- II. Authorise Officers to proceed to tender and the receipt of competitive quotations.

### **1. LAW: LINK TO COUNCIL**

<b>Subject</b>	<b>Power</b>	<b>Legislation</b>
Recreation	Power to provide a wide range of recreational facilities	Open Spaces Act 1906 Local Government Act 1976

## **2. LINKS TO COUNCIL PRIORITIES**

This report addresses the Health and Wellbeing strategic priority and meets the aim to support and contribute to the social fabric of the town, enhancing community facilities.

### **3. BACKGROUND**

- 3.1** Members approved Officers to liaise with the Fairhill Community Group to develop a project proposal to improve the Fairhill Site, and to make a submission to the Eden District Council Signature Projects Fund. (Report 10 September 2019, Minute FIN.COM.18/34)
- 3.2** The Council applied to the Signature Projects Fund in November 2018 to deliver inclusive improvements to the Fairhill Playing Field. The project proposes to:
- Improve gates and access points
  - Install new inclusive play equipment
  - Install new street furniture
  - Install new connecting tarmac paths
- 3.3** The cost of the project is anticipated to be £62,626 excl. VAT. This cost is based on quotations obtained prior to submission of the grant applications.
- 3.4** Eden District Council considered the application to the Signature Fund at its meeting of the Executive in January 2019. The Town Council were successful in being offered a grant of £33,750.
- 3.5** The Council accepted the offer of grant from EDC at its meeting of the Finance Committee, 11 March 2018, where the Council further resolved to approve a budget of £5,000 from the Devolution Reserve and confirm the grant of £4,500 received from Eden District Council to the Town Council which arose from the sale of land at Fairhill to United Utilities be committed to this project.
- 3.6** The finance approved in paragraph 3.5 laid the foundation for the Council to secure further grant awards, so that the funding target could be met. Officers can confirm that following the submission of a number of grant applications over the summer the funding target has now been realised.

- 3.7** The Council continues to work with the Fairhill Community Group on all aspects of the project. During the coming weeks the Council and the community group will be finalising the specification for the play area improvements.
- 3.8** This report whilst providing an update on progress to date seeks authorisation from Councillors to proceed to tender and competitive quotations. In line with the Council's Procurement Policy the Play Equipment improvements will be advertised on Contracts Finder and the Council's website. The street furniture, entrance gate and path improvements will be advertised on the Council's website and will be purchased in line with the Procurement Policy, yet the value of these items means they do not need to be advertised on Contracts Finder.
- 3.9** The outline timescale for the delivery of the project is set out below, yet the Council shall be mindful of the winter weather conditions and the effect these may have on the ground conditions. As such there may be delays to this outline schedule.

<b>Task</b>	<b>Timeline</b>
Finalise Specification	End October
Tender Period	5 weeks (to early Dec)
Review of Submissions / order placed	By 18 December 2019
Commence on site	Early March (weather dependant)
Construction	6 weeks
Completion	End April 2020

#### **4. FINANCE IMPLICATIONS**

- 4.1** The cost of the project at Fairhill was budgeted to cost £62,626 net of VAT. These costs were arrived at following outline quotations obtained in October 2018.
- 4.2** So far, the Council has secured £72,787 which includes the £5,000 from the Devolution Reserve and £4,500 grant held from the sale of land to UU.

**4.3** The funding target has therefore been exceeded which will allow for the increase in labour and material costs since October 2018 and any unforeseen occurrences.

## **5. RISK ASSESSMENT**

<b>Risk</b>	<b>Consequence</b>	<b>Controls Required</b>
Financial	Overspend on the project.	All items subject to competitive quotations.
Reputational	Should the project be undelivered or meet unforeseen costs there will be reputational damage to the Council.	Robust quotations for works. Evidence of budget in place Continued liaison with the Fairhill Community Group. Adhere to grant terms and conditions. Liaison with United Utilities who are known to have infrastructure beneath ground.
Weather	Delays in the project, damage to field, increased costs.	Timeline for delivery to be flexible to allow for delays. Liaison with successful contractors to ensure suitable site and ground protection. Liaison with successful contractors to delay works commencing where required.

Construction Risk Assessments, insurances, method statements, site storage and security will be obtained separately from the contractors at prestart stage.

All play equipment and surfacing will comply to standards BSEN1176 / 1177.





# Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR  
Tel: 01768 899 773 Email: office@penrithtowncouncil.co.uk

## **FUNDING FOR CULTURAL STRATEGY AND VE DAY 75 EVENT**

**AUTHOR: Jack Jones - RFO**

**SUPPORTING MEMBERS:** Cllr Scott Jackson  
Chairman of CCEG Committee  
Cllr Roger Burgin -  
Chairman of Finance  
Committee

### **ITEM NUMBER: 23**

To ratify the recommendations from both the CCEG Committee and the Finance Committee as follows:

That £5,000 for the Cultural Strategy is met from the Officer Support budget (£4,500 in 2019/20 and £500 in 2020/21) and £10,000 for the VE Day 75 Event is met from the Events Grants budget, initially in 2019/20.

### **RECOMMENDATIONS**

That Council ratifies the recommendation.

## **2. LINKS TO COUNCIL PRIORITIES**

These proposals will help the Council to address the Health and Wellbeing strategic priority and meet the aim to support and contribute to the social fabric of the town, enhancing community facilities and supporting arts and culture.

### **3. REPORT DETAILS**

This report proposes sources of funding from existing budgets for the following two items which were approved by CCEG Committee on 17 June 2019:

- The Work Plan for the Economic Development Officer should include the creation of a Cultural Strategy; and
- In respect of a VE Day Event:
  - a. Agree to participate in VE Day 75
  - b. A subcommittee be set up of members of the CCEG Committee
  - c. Officers liaise with Community organisations to evaluate local interest in VE Day 75 event
  - d. A budget of up to £10,000 be allocated to fund events and activities.

The Cultural Strategy is expected to cost £5,000. The majority of this amount will be spent in the current financial year and could be met by using the CCEG Committee's budget of £5,000 for Officer Support to Arts and Entertainment. Expenditure on other items charged to this heading can be limited to £500, which would leave a similar amount for the Cultural Strategy to be charged to the 2020/21 budget.

To date, grants totalling £14,500 have been committed from the current year's Events Grants budget of £30,000, leaving £15,500 available. It is proposed that £10,000 of this amount is used to fund the VE Day Event, which would allow £5,500 to be allocated for Christmas 2019. The £10,000 allocation for VE Day would comprise £2,500 for an Event Organiser and £7,500 for the event itself. The Committees will appreciate that some of the expenditure on these items will be paid in 2020/21 rather than the current year, however this approach enables the funding to be committed from known budgets. The effect of the timing of payments can be reviewed early in 2020 to assess the effect on budgets for the two financial years.

In accordance with Financial Regulations, the proposed use of CCEG Committee's budgets has to be referred to full Council for approval.

### **4. FINANCE IMPLICATIONS**

This report is concerned solely with financial management.

## **5. RISK MANAGEMENT**

<b>RISK</b>	<b>CONSEQUENCE</b>	<b>CONTROLS REQUIRED</b>
The estimated cost of the two items is not recognised or a source of funding not identified.	The Council may incur unexpected overspending, potentially leading to the curtailment of planned expenditure in other areas.	Clear identification of funding, followed by sound project management and budgetary control.

**FOR THE ATTENTION OF ALL  
MEMBERS OF PENRITH TOWN COUNCIL**