



# Penrith Town Council

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

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

**DATE: 20 September 2021**

**NOTICE IS HEREBY GIVEN** that an **ORDINARY MEETING** of **PENRITH TOWN COUNCIL** will be held on **27 September 2021**, at **6.00pm** and you are hereby **SUMMONED** to attend to transact the business as specified in the agenda and reports hereunder.

The meeting will be held at **Penrith Parish Centre, St Andrews**.

To assist in the speedy and efficient dispatch of business', Members should read the agenda and reports in advance of the meeting. Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the relevant officer **PRIOR** to 9.00am on the day of the meeting.

Members are asked to indicate if they wish to speak on an item **PRIOR** to the meeting (by 1.00pm on the day of the meeting at the latest) by emailing [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

## FULL COUNCIL MEMBERSHIP

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

Mr I. Parker, Acting Town Clerk

Members of the public are welcome to attend. Details about how to attend the meeting and how to comment on an agenda item are available on the Town Council Website.

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence)(Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

## **AGENDA FOR THE MEETING OF FULL COUNCIL 27 SEPTEMBER 2021**

### **PART I**

#### **1. Apologies for Absence**

Receive apologies from Members.

#### **2. Minutes**

##### **a) Committee Minutes**

Note that the minutes from the following committees have been published on the Council website since the previous meeting:

- i. Planning Committee: 06 September 2021
- ii. CCEG Committee: 26 July 2021 & EOM Meeting 06 September 2021
- iii. Finance Committee: 20 September 2021

##### **b) Confirmation of Full Council Minutes**

Authorise the Chair to sign, as a correct record, the minutes of the meeting of Penrith Town Council held Tuesday 13 July and the Extra Ordinary Meeting held on Tuesday 27 July 2021 and agree they be signed by the Chair.

#### **3. Declarations of Interest and Requests for Dispensations**

Receive declarations by Members of interests in respect of items on this agenda and apply for a dispensation to remain, speak and/or vote during consideration of that item.

##### **ADVICE NOTE:**

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests that have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.) Members may, however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests that they have already declared in the Register, as well as any other registrable or other interests. If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the Monitoring Officer at least 24 hours in advance of the meeting.

#### **4. Fibrus Broadband**

To receive a presentation from Dean Jooste, Regional Director, Fibrus Broadband outlining plans for the installation of Hyperfast Fibre broadband to all premises in Penrith.

#### **5. Public Participation**

Receive any questions or representations which have been received from members of the public. A period of up to 15 minutes for members of the public to ask questions or submit comments.

##### **a) Receive public representations**

The Chair will read out any questions, petitions or statements received in advance of the meeting from Members of the Public.

##### **b) Receive reports from District and County Councillors**

- i. The Chair will read out any questions, petitions or statements received in advance of the meeting from District or County Councillors.
- ii. The Chair will invite District and County Councillors present to report to the meeting.

##### **ADVICE NOTE:**

Members of the public may make representations, answer questions and give evidence at a meeting that they are entitled to attend in respect of the business on the agenda. The public must make a request in writing to the Town Clerk **PRIOR** to the meeting, when possible. A member of the public can speak for up to three minutes. A question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.

#### **6. EXCLUDED ITEM: Public Bodies (Admissions to Meetings) Act 1960**

Determine whether item **22** should be considered without the presence of the press and public, pursuant to Section 1(2) of the Public Bodies (Admission to Meetings) Act, 1960, as publicity relating to that (any of those) matter/s may be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for the other special reasons noted in relation to that matter on the agenda.

#### **Routine Business Matters**

#### **7. Report from the Council Chair**

Note the duties undertaken by or on behalf of the Town Mayor.

#### **8. Reports from Members**

Receive and note oral reports from Councillors regarding meetings that they have attended as representatives of the Town Council and an opportunity for members to bring matters of interest to the attention of the Council for information or future discussion.

## **9. Resolutions Report**

Note the written report.

## **10. Omega Proteins Liaison Group**

Note there have been no further meetings.

## **11. A66 Northern Trans-Pennine Project**

- i. To receive a verbal update on meetings attended from Cllr C. Shepherd.
- ii. Note the dates and locations of the Highways England Consultation on proposals for the A66 Northern Trans-Pennine Project.
- iii. To consider a response to the statutory consultation for A66 Northern Trans-Pennine Project. The consultation documents will be launched on the 24 September [www.highwaysengland.co.uk/A66-NTP](http://www.highwaysengland.co.uk/A66-NTP).

## **12. Parking and Movement Study**

To receive a verbal report from the lead officer.

## **13. Local Government Reorganisation & Devolution Transfer of Assets**

To consider the written report on the position of Local Government Reorganisation and the Devolution Transfer of Assets Project.

## **14. Matters from Finance Committee**

- i. Ratify items a, b, c following approved recommendations from the Council's Finance Committee from their meeting held on Monday 20 September 2021. These matters have been considered and approved by the members of the Council's Finance Committee, and the Committee Chair, Cllr. Burgin has requested the matters be brought to Full Council for ratification.
- ii. Consider item d), to approve a budget of £2,000 to be allocated to the Thacka Beck Field budget from the Devolution Reserve.

### **a. Budgetary Control Statement**

Ratify the budgetary control statement for the period 31 August 2021.

### **b. Risk Assessments**

Ratify the corporate risk assessments for:

- i. Allotments
- ii. Bandstand
- iii. Business Continuity
- iv. Bus Shelter
- v. Fairhill
- vi. Finance
- vii. Fire

- viii. GDPR
- ix. Governance
- x. IT & Website
- xi. Lone Working
- xii. Musgrave Monument
- xiii. Morrisons Recycling Bring Site
- xiv. Office
- xv. Seats
- xvi. Thacka Beck Field
- xvii. War Memorial (St Andrews)
- xviii. Remembrance Day Parade and Service

### **c. Policy Review**

Ratify the following revised policies:

- a) Procurement Policy
- b) Financial Regulations.

### **d. Thacka Beck Field Additional Budget**

To approve the recommendation from Finance Committee to agree an additional budget of £2,000 to be allocated to the Thacka Beck Field budget from the Devolution Reserve to enable minor improvement works to be undertaken.

## **New Business**

### **15. Approval of Reason for Absence of a Councillor from Meetings**

To consider a request from Councillor Knaggs to have a period of absence from attendance at meetings approved.

### **16. Approval of Reason for Absence of a Councillor from Meetings**

To consider a request from Councillor Snell to have a period of absence from attendance at meetings approved.

### **17. CCEG Committee Additional Standing Deputy**

To consider the appointment of an additional standing deputy to the CCEG Committee.

## **18. Gambling Act 2005 Review of Policy Statement Consultation**

To consider a response to EDC's consultation on its 'Gambling Act 2005, Statement of Policy'.

## **19. Directional Signpost Beacon Edge**

To consider whether to make a financial contribution to the restoration of the signpost on Beacon Edge.

## **20. 20mph Speed Limit Order**

To note Cumbria County Council response the Council's request to create a Penrith wide 20mph Speed Limit Order.

## **21. Next Meeting**

Note the next meeting is scheduled for Monday 29 November 2021 at 6.00pm, with the venue to be determined.

# **PART II Private Section**

## **PART II – PRIVATE SECTION**

The following is exempt information as it relates to the financial or business affairs of any particular person (including the authority holding that information) and personal sensitive information relating to members of staff.

## **22. Staffing Matters**

To receive a verbal report from the Acting Town Clerk on Staffing matters.

**There are no items in this part of the agenda.**

**FOR THE INFORMATION OF ALL  
MEMBERS OF THE TOWN COUNCIL**

### **Access to Information**

Copies of the agenda are available for members of the public to inspect prior to the meeting. Agenda and Part I reports are available on the Town Council website.

### **Background Papers**

Requests for the background papers to the Part I reports, excluding those papers that contain exempt information, can be made to the Town Clerk

between the hours of 9.00 am and 3.00 pm, Monday to Wednesday via  
[office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)







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**DRAFT** Minutes of the meeting of

Item 2b

## PENRITH TOWN COUNCIL

Held on **Tuesday 13 July 2021**, at 6.00 pm, at Penrith Methodist Church.

### PRESENT

|                |               |                   |            |
|----------------|---------------|-------------------|------------|
| Cllr. Bowen    | Pategill Ward | Cllr. Fallows     | East Ward  |
| Cllr. Burgin   | South Ward    | Cllr. Kenyon      | North Ward |
| Cllr. M. Clark | South Ward    | Cllr. M. Shepherd | North Ward |
| Cllr. Davies   | West Ward     | Cllr. C. Shepherd | East Ward  |
| Cllr. Donald   | North Ward    |                   |            |

Acting Town Clerk  
Deputy Town Clerk

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

# **MINUTES FOR THE MEETING OF THE FULL COUNCIL 13 July 2021**

## **PTC21/25 Apologies for Absence**

Apologies for absence were received from Cllr Knaggs, Snell, Lawson.

A SMS voice message was received at 17:36 from Cllr S. Clarke registering his apologies due to personal reasons.

Councillors Hawkins and Jackson were absent without apologies.

## **PTC21/26 Minutes Appointment of Vice Chair**

a) Members noted that the minutes from the following committees had been circulated, and published on the Council website since the previous meeting:

- i. Planning Committee: 07 June 2021
- ii. Finance Committee: 28 June 2021
- iii. Planning Committee: 05 July 2021

b) Members were asked to authorise the Chair to sign, as a correct record, the minutes of the meeting of the Annual Meeting of Penrith Town Council held on Monday 24 May 2021.

### **RESOLVED THAT:**

The Chair be authorised to sign, as a correct record, the minutes of the meeting of the Annual Meeting of Penrith Town Council held on Monday 24 May 2021.

## **PTC21/27 Declarations of Interest and Requests for Dispensations**

Members were asked to disclose their interests in matters to be discussed whether disclosable pecuniary or other registrable interest, and to decide requests for dispensations:

Councillor Davies declared at the meeting that he was recording and live streaming the meeting.

Councillor Bowen declared in relation to Agenda item 13 A66 Community Liaison Group that she as a resident may be affected by the planned works.

## **PTC21/28 Public Participation**

### **a) Public Representations**

Members noted that there were no questions or representations that had been received from members of the public prior to the meeting.

## **b) Reports from District and County Councillors**

- i. Members noted that there were no questions, petitions or statements that had been received from County or District Councillors prior to the meeting.
- ii. Members received the following reports:

### **County Councillors**

County Councillor Carrick informed the meeting that Cumbria County Council has been allocated Government Funding which may be applied to for events and activities and capacity building as part of the covid recovery. Cllr. Carrick reported that junction improvements at Inglewood Road and Salkeld Road had been redesigned. Similarly designs for the alterations to Portland Place had been prepared. Both schemes will be subject to stakeholder consultation with the findings to be considered by Eden Local Committee on the 30 September and work scheduled to commence in November 2021.

County Councillor Bell submitted her apologies.

### **District Councillors**

District Councillor M. Clark informed the meeting that Eden District Council has commenced the partial review of the Eden Local Plan.

District Councillor Holden submitted her apologies.

## **PTC21/29 EXCLUDED ITEM: Public Bodies (Admissions to Meetings) Act 1960**

Members were informed that there were no items on the agenda that should be considered without the presence of the press and public, pursuant to Section 1(2) of the Public Bodies (Admission to Meetings) Act, 1960.

## **ROUTINE BUSINESS MATTERS**

### **PTC21/29 Report from the Council Chair**

Members noted that the mayor had attended the rededication of the Rotary Garden. He attended the formal ceremony to unveil the replacement of the Milepost on Carleton Road and is attending the Britain in Bloom judging at the Coronation Garden.

### **PTC21/30 Reports from Members**

Members noted oral reports from Councillors regarding meetings that they had attended as representatives of the Town Council and matters of interest to the attention of the Council for information or future discussion:

- i. Cllr Donald reported that the Salvation Army continues to do a good job supporting the local community.
- ii. Cllr Davies reported that he has attended the Borderlands Group, the Town Working Group, and a meeting with Cumbria County Council Highways representatives to discuss the condition of some of the roads in Penrith West.

## **PTC21/31 Resolutions Report**

Members noted the report.

## **PTC21/32 Parking and Movement Study**

Members noted the report and requested that for future updates dates are set against the actions.

## **PTC21/33 Devolution Transfer of Assets**

Members noted the report.

## **PTC21/34 Rural Services Network Market Town Group**

Members noted that there had been no further meetings.

## **PTC21/35 Omega Proteins Liaison Group**

Members noted that there had been no further meetings.

## **PTC21/36 A66 Community Liaison Group**

Members received a verbal report from Cllr C. Shepherd and noted that Highways England have presented a comprehensive and detailed environmental scoping document. Designs suggest that the underpass to Carleton Hall will be retained and one layby between Kemplay Bank and Junction 40 may be removed to accommodate the improvements. Public Consultation is scheduled to commence on the 24 September 2021 for a period of 30 days.

Cllr Bowen asked when the Council were last briefed on the scheme by Highways England. This was a presentation to Full Council in 2019 and a further briefing in 2020. Cllr Shepherd asked Cllr Bowen that if she has any questions relating to the scheme at this stage to send them to him to raise at the A66 Community Liaison Group.

## **PTC21/37 Assets of Community Value**

Members noted that:

- i. Eden District Council's Executive on the 20 April 2021 considered the Council's nomination for Robinson School to be registered as an Asset of Community Value. The nomination was approved, and Robinson School will be included in the List of Assets of Community Value maintained by Eden District Council.
- ii. Eden District Council's Executive on the 18 May 2021 considered the Council's nomination for the Penrith Town Hall to be registered as an Asset of Community Value. The nomination was approved, and the Town Hall will be included in the List of Assets of Community Value maintained by Eden District Council.

## **PTC21/38 Matters from Finance Committee**

Members were asked to consider and ratify the Budgetary Control Statement for the period 31 May 2021 which had been approved by the Council's Finance Committee at their meeting held on Monday 28 June 2021 and note the Investment of Funds in the CCLA Public Sector Deposit Fund Account.

### **RESOLVED THAT:**

- i. The Budgetary Control Statement for the period 31 May 2021 be ratified.
- ii. the withdrawal of £300,000 from the HSBC account which has been deposited in the CCLA Public Sector Deposit Fund Account be noted.

## **NEW BUSINESS**

### **PTC21/39 Ethical Decision Making, Code of Corporate Governance**

Members were asked to consider and approve the draft Code of Corporate Governance policy.

### **RESOLVED THAT:**

The draft Code of Corporate Governance policy be approved and retitled Code of Corporate Governance and Scrutiny policy.

### **PTC21/40 Equality and Diversity Policies**

Members were asked to consider the draft Equality and Diversity Policies, including:

- a. Equality and Diversity Policy
- b. Equality and Diversity Policy: Employment.
- c. Equality and Diversity Policy: Service Delivery.

### **RESOLVED THAT:**

- i. The Equality and Diversity Policies be approved.
- ii. The Employment Policy be checked to establish whether any reference to Adoption Leave needs adding into the policy.
- iii. Action Plans be prepared to implement and apply the Equality and Diversity policies, and these be considered by Council prior to the end of 2021.

### **PTC21/41 Anonymous Communications Policy**

Members were asked to consider and approve the draft Anonymous Communications Policy.

### **RESOLVED THAT:**

The draft Anonymous Communications Policy be approved.

## **PTC21/42 Sustainability and Climate Change**

Members were asked to consider and approve for the Council to sign up to:

- i. The Greening Campaign – Eden Parishes.
- ii. The Great Big Green Week

### **RESOLVED THAT:**

The Council signs up to The Greening Campaign – Eden Parishes and The Great Big Green Week.

## **PTC21/43 Motion from Councillor Jackson supporting 'Together with Refugees'.**

Members were to consider a motion from Councillor Jackson requesting that the Council signs up to being part of the Together with Refugees Campaign and that the Council writes to the MP Neil Hudson to request that the rewriting of the Immigration Bill does not discriminate against refugees.

### **RESOLVED THAT:**

In the absence of Cllr. Jackson the motion be deferred and considered at the Extra Ordinary Meeting of Council scheduled for 27 July 2021.

## **PTC21/44 Transport for the North – Decarbonisation Strategy Consultation**

Members were asked to note that Transport for the North are consulting on a new Decarbonisation Strategy that sets out a pathway to near zero emissions by 2045, and to approve for officers to prepare a draft response to the Transport for the North, Decarbonisation Strategy Consultation and circulate to Members for comments prior to the deadline for submissions of the 31 August 2021.

### **RESOLVED THAT:**

Officers prepare a draft response to the Transport for the North, Decarbonisation Strategy Consultation and circulate to Members for comments prior to the deadline for submissions of the 31 August 2021.

## **PTC21/45 Motion from Councillor Davies – '20mph Speed Limit Order'.**

Members considered a motion from Councillor Davies requesting that the Council calls on Cumbria County Council as the Highway Authority to create a Speed Limit Order to set a Penrith wide 20mph speed zone.

### **RESOLVED THAT:**

The Council approved the motion and agreed that the Town Council call on Cumbria County Council as the county Highways authority to create a Speed Limit Order to set a Penrith wide 20mph speed zone.

## **PTC21/46 NEXT MEETING**

Members noted that the next meeting which is the Extra Ordinary Meeting of Council would be held on 27 July 2021 at 6.00pm, at Penrith Methodist Church. The next scheduled meeting of Council is 27 September 2021.

**CHAIR:**

**DATE:**

**FOR INFORMATION FOR ALL  
MEMBERS OF THE TOWN COUNCIL**







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**DRAFT** Minutes of the meeting of

Item 2b

## PENRITH TOWN COUNCIL

Held on **Tuesday 27 July 2021**, at 6.00 pm, at Penrith Methodist Church.

### PRESENT

|                 |               |                   |               |
|-----------------|---------------|-------------------|---------------|
| Cllr. Bowen     | Pategill Ward | Cllr. Jackson     | North Ward    |
| Cllr. M. Clark  | South Ward    | Cllr. Kenyon      | North Ward    |
| Cllr. S. Clarke | Carleton Ward | Cllr. Lawson      | Carleton Ward |
| Cllr. Davies    | West Ward     | Cllr. C. Shepherd | East Ward     |
| Cllr. Donald    | North Ward    | Cllr. M. Shepherd | North Ward    |
| Cllr. Hawkins   | East Ward     |                   |               |

Acting Town Clerk

Deputy Town Clerk

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

# **MINUTES FOR THE MEETING OF THE FULL COUNCIL 27 July 2021**

## **PTC21/47 Apologies for Absence**

Apologies for absence were received from Cllr Knaggs, Snell, Fallows.

Councillor Burgin had given his apologies at the previous meeting of Council.

## **PTC21/48 Declarations of Interest and Requests for Dispensations**

Members were asked to disclose their interests in matters to be discussed whether disclosable pecuniary or other registrable interest, and to decide requests for dispensations:

Councillor Donald declared that he was a member of the Penrith Refugee Network.

Councillor M. Clark declared that she was a member for Eden District Council South Ward.

Councillor Lawson declared during the meeting that he was a member of the Friends of Penrith Beacon.

## **PTC21/49 Public Participation**

### **a) Public Representations**

Members were asked whether they were content to suspend the Council Standing Orders and allow Mr Dawson representing the Friends of Penrith Beacon to speak during Agenda item 6.

### **RESOLVED THAT:**

The Standing Orders be suspended, and Mr Dawson be permitted to speak for a period of up to three minutes as part of Agenda Item 6, Beacon Hill.

The Deputy Town Clerk read out the following question received by Keep Penrith Special.

'Keep Penrith Special's campaign team strongly supports Penrith Town Council's creation of a policy to protect Beacon Hill from development.

While supporting the policy in principle, we have some suggestions for wording changes that we consider would make the policy more robust and we have detailed these in a separate letter to the council.

We are deeply concerned that the policy is proposed to cover only a section of Beacon Hill, not the greater area to the north whose terrain would be more

suitable for development. We have concerns that any development here would be the thin end of the wedge for development spilling out into the surrounding fields, and crucially into those on the Eden Valley side as was once marked out on the Masterplan. Development here would mean the loss of nearly everything this policy is trying to protect: the cultural and iconic significance, the views to and from the Beacon, flora and fauna, woodland character, and so on.

On that basis, we ask the Town Council if they would consider going further and find ways to protect the *entirety* of Beacon Hill. Otherwise, this policy merely protects the wellbeing of the local community and even that is not a certainty being dependent on the goodwill of the landowners.'

Councillor Jackson responded as follows:

'I would like to thank Keep Penrith Special for their question.

Throughout the Neighbourhood Plan process and consultations, Penrith Town Council has given great consideration to the Beacon as it was obvious it held a very special place in the affections of the residents of Penrith and the surrounding area. The size of the whole area was always of concern as Local Green Space has to meet the criteria for designation as set out in the National Planning Policy Framework which states that it should not be an extensive tract of land. The Town Council agreed that the area for inclusion in the Neighbourhood Development Plan should be the 'front' of the Beacon away from the commercial forestry although there was always concern about the size at 45 ha.

At this point the Independent Examiner has accepted that the area included by the Town Council is demonstrably special although he has expressed concern about the size of the area. This is why he asked the Town Council to explore the development of a policy specifically for the area without frustrating the commercial aspirations of the landowner. The examiner would not accept extending the area beyond that already identified'.

### **PTC21/50 EXCLUDED ITEM: Public Bodies (Admissions to Meetings) Act 1960**

Members were informed that there were no items on the agenda that should be considered without the presence of the press and public, pursuant to Section 1(2) of the Public Bodies (Admission to Meetings) Act, 1960.

### **NEW BUSINESS**

#### **PTC21/51 Motion from Councillor Jackson supporting 'Together with Refugees'.**

Members were asked to consider a motion from Councillor Jackson requesting that the Council signs up to being a member of the Together with Refugees Campaign and that the Council writes to the MP Neil Hudson to request that the rewriting of the Immigration Bill does not discriminate against refugees.

**Cllr Lawson joined the meeting at 18:17.**

**Cllr Hawkins joined the meeting at 18:20.**

**RESOLVED THAT:**

- i. The Council signs up to be a member of the Together with Refugees Campaign.
- ii. The Council sends a letter to Neil Hudson MP to request that the rewriting of the Immigration Bill does not discriminate against refugees and ensures that refugees are treated fairly.

**PTC21/52 Beacon Hill**

Members were asked to consider and approve a policy specific to Beacon Hill for inclusion within the Neighbourhood Development Plan as recommended by the Town Council's Planning Committee.

**Members received a presentation from a representative of Friends of Penrith Beacon.**

**The Deputy Town Clerk read out a statement from Keep Penrith Special.**

**RESOLVED THAT:**

- i. The policy for Beacon Hill be approved with some minor modifications for inclusion within the Neighbourhood Development Plan (attached to these minutes as an appendix).
- ii. The policy be forwarded to the Independent Examiner for inclusion in the Penrith Neighbourhood Development Plan as a new policy.

**PTC21/53 NEXT MEETING**

Members noted that the next meeting of Council would be held on 27 September 2021 at 6.00pm with the venue to be determined.

**CHAIR:**

**DATE:**

**FOR INFORMATION FOR ALL  
MEMBERS OF THE TOWN COUNCIL**

## **POLICY - Beacon Hill Protected Landscape Feature**

Beacon Hill is a valued and prominent local landmark forming an elevated, wooded backdrop to the north-east of Penrith. The area **identified on the Policies Map as PN14 (attached)** will be a protected landscape feature and any new development will only be permitted when it clearly demonstrates that it conserves and enhances the existing landscape, character and function of this important woodland area.

Proposals for development within the area identified on the Policy Map should conserve and enhance the recreational value (including the extent of public access), biodiversity value, heritage and cultural value, woodland character, important views (to and from the Beacon) and contribution of the area to a wider landscape character and sense of place.

The following types of development in principle may, subject to detailed proposals, be considered to be compatible with these aims:

1. the construction of narrow well screened permeable footpaths, including a permeable path suitable for disabled access to the top of the Beacon from the south eastern end of the site adjacent to the Roundthorn Hotel;
2. the erection of interpretation boards to provide information for walkers and other users;
3. the erection of a suitable open sided structure suitably screened that could be used as a forest school area by local schools and community groups;
4. the development of a forest art or sculpture trail;
5. the construction of narrow well screened permeable tracks suitable for cycling that are separate from footpaths; and
6. the construction of a small suitably screened off road parking area at the southern end of the site

Development proposals that would provide accommodation for overnight stays (e.g. chalets, pods or camping) will not be permitted.

Necessary forestry operations involved in the maintenance and management of the woodland will be supported.

## **Background Justification**

1. Beacon Hill makes an important contribution to the character of Penrith and the surrounding area. It is an iconic and most valued feature of the local landscape providing an elevated, attractive, distinctive and wooded backdrop to the north-east of Penrith and provides important recreational and wellbeing opportunities for local residents and visitors.
2. Beacon Hill is an unspoilt green space and wildlife area, plainly visible from both short and long-distance views from the northern and southern approaches to the town from the M6 and A6, the eastern approach along the A66 and from many feature locations within the town itself, such as the Railway Station and Castle Park. Rising some 286m (937 feet) above sea level to the north of the town, Beacon Hill provides an unmissable wooded backdrop with a special place in local people's affections.
3. Beacon Hill is also home to Beacon Tower, a Grade 1 listed monument built in 1719, on a spot where beacons have been lit in times of war and emergency since the time of Henry VIII. From here there are open views north and south across the Eden Valley and westwards to the Lake District National Park and UNESCO World Heritage Site.

The PNDP seeks to protect the landscape, character and function of the area of Beacon Hill identified on the Policies Map from development which would have an adverse impact on its intrinsic beauty. Currently used by local residents, and those from further away, for informal recreation, the access to the area is limited to one permissive path. The Town Council would like to pursue, with the agreement of the landowners, wider public access and better facilities for informal recreation such as walking, cycling, dog walking, and jogging. In addition, the Town Council would seek to work in partnership with the landowners to assist with applications to appropriate funding bodies to develop this area for the benefit of the community.

## **Relevant District Planning Policies**

### **Eden Local Plan 2014-2032**

ENV1 Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity

ENV2 Protection and Enhancement of Landscape and Trees

ENV4 Green Infrastructure Networks

### **Penrith Town Council Strategic Priorities**

Health and Wellbeing, Growth, Community Engagement

# **FULL COUNCIL**

## **27 SEPTEMBER 2021**

### **Matter: Resolutions Report**

### **Purpose of Report:**

To note the progress against previous resolutions.

**Item no:** 09

**Author:** Acting Town Clerk

### **Recommendations**

Members are asked to NOTE the progress on resolutions agreed at Full Council on 13 July 2021 and 27 July 2021.

| <b>Minute Ref</b> | <b>Matter Title</b>   | <b>Progress</b>   |
|-------------------|---|---|
| PTC21/32          | <b>Parking and Movement Study</b><br>Council includes dates against the actions in the Parking and Movement Study Action Plan report.                         | Ongoing   |
| PTC21/39          | <b>Ethical Decision Making, Code of Corporate Governance</b><br>The draft policy be retitled Code of Corporate Governance and Scrutiny policy.                | Completed   |
| PTC21/40          | <b>Equality and Diversity Policies</b><br>The Employment Policy be checked to establish whether any reference to Adoption Leave needs adding into the policy. | Completed<br><br>Adoption Leave is not a protected characteristic, but staff may qualify for Statutory Adoption Leave and Pay. Such an arrangement would be considered as part of the Council's Employee and HR policies. The HR policies will be reviewed. |

|          |  |                                      |
|----------|--|--------------------------------------|
| PTC21/40 | <b>Equality and Diversity Policies</b><br>Action Plans be prepared to implement and apply the Equality and Diversity policies, and these be considered by Council prior to the end of 2021 | Ongoing – report to Council November |
| PTC21/42 | <b>Sustainability and Climate Change</b><br>The Council signs up to:<br>The Greening Campaign – Eden Parishes<br>The Great Big Green Week.   | Not Complete                         |
| PTC21/44 | <b>Transport for the North – Decarbonisation Strategy Consultation</b><br>Officers prepare a response to the Transport for the North, Decarbonisation Strategy Consultation.               | Completed                            |
| PTC21/45 | <b>20mph Speed Limit Order</b><br>The Council call on Cumbria County Council as the county Highways authority to create a Speed Limit Order to set a Penrith wide 20mph speed zone         | Completed                            |
| PTC21/51 | <b>Supporting Together with Refugees</b><br>The Council signs up to be a member of the Together with Refugees Campaign.<br><br>The Council sends a letter to Neil Hudson                   | Completed<br><br><br>Completed       |



MP to request that the rewriting of the Immigration Bill does not discriminate against refugees and ensures that refugees are treated fairly

PTC21/52

**Beacon Hill**

The policy for Beacon Hill be approved with some minor modifications for inclusion within the Neighbourhood Development Plan.

Completed

The policy be forwarded to the Independent Examiner for inclusion in the Penrith Neighbourhood Development Plan as a new policy.

Completed



Our ref: A66 NTP

The Chief Executive  
Penrith Town Council  
Unit 1  
19-24 Friargate  
Penrith  
CA11 7XR

5<sup>th</sup> Floor  
3 Piccadilly Place  
Manchester  
M1 3BN

0333 090 1192

3<sup>rd</sup> September 2021

Dear Sir/Madam,

### **A66 Northern Trans-Pennine Project – Notification of Consultation Launch**

We are launching our consultation on our proposals for the A66 Northern Trans-Pennine Project on Friday 24 September 2021 and this will run until Saturday 6 November 2021. This will be your opportunity to learn more about our plans for dualling the A66 and to view our proposals in more detail.

You may have already received our early awareness raising leaflet through the post (if you are within 5km of the A66).

We will be **sending you hard copies** of key consultation materials to this address.

In addition, all our consultation materials, including our consultation brochure, will be available online via our dedicated A66 Northern-Trans Pennine project website once consultation launches on 24 September 2021. The website is [highwaysengland.co.uk/A66-NTP](https://highwaysengland.co.uk/A66-NTP)

If you require materials in an **alternative format**, such as large print or alternative language, then **please call us on 0333 090 1192 as soon as possible** to order your copy of the materials in time.

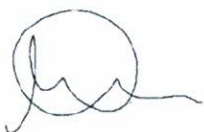
Our phone lines are open Monday to Friday between 9am-5pm or leave us a message and we'll call you back (standard call rate applies).

### **Other ways to find out more information – we will:**

- Host a series of drop-in sessions. The table overleaf outlines when and where you can come and speak to the team.
- Provide hard copies for viewing in public buildings along the A66 such as local libraries. Please refer to our website and press advertising for more information.
- Host an online virtual consultation room.
- Run webinars and a telephone surgery, enabling you to discuss your questions with a member of the team.

| Dates                     | West   | East  |
|---------------------------|--|---|
| Sunday<br>26 September    | The former Llama<br>Karma Kafe, 2pm-6pm          |   |
| Monday<br>27 September    | Haydock Centre,<br>3pm-8pm                       | Dalton and Gayles<br>Village Hall, 3pm-8pm  |
| Tuesday<br>28 September   | Haydock Centre,<br>10am-4pm                      | Dalton and Gayles<br>Village Hall, 10am-4pm |
| Wednesday<br>29 September | Haydock Centre,<br>8am-2pm                       |   |
| Thursday<br>30 September  | The former Llama<br>Karma Kafe, 2pm-6pm          |   |
| Friday<br>1 October       | Kirkby Thore Memorial<br>Hall, Midday-8pm        | Bowes Village Hall,<br>Midday-8pm           |
| Saturday<br>2 October     | Kirkby Thore Memorial<br>Hall, 9am-4pm           | Bowes Village Hall,<br>9am-4pm              |
| Monday<br>4 October       | Warcop Parish Hall,<br>3pm-8pm                   | Gilling West Village Hall,<br>3pm-8pm       |
| Tuesday<br>5 October      | Warcop Parish Hall,<br>10am-4pm                  | Gilling West Village Hall,<br>10am-4pm      |
| Wednesday<br>6 October    | Warcop Parish Hall,<br>8am-2pm                   |   |
| Saturday<br>9 October     | Appleby Hub,<br>3pm-8pm                          | The Witham,<br>3pm-8pm                      |
| Sunday<br>10 October      | Appleby Hub,<br>10am-4pm                         | The Witham,<br>10am-4pm                     |
| Monday<br>11 October      | Appleby Hub,<br>8am-2pm                          | The Witham,<br>8am-2pm                      |
| Wednesday<br>13 October   | Kirkby Stephen Sports & Social Club,<br>3pm-8pm  |   |
| Thursday<br>14 October    | Kirkby Stephen Sports & Social Club,<br>10am-4pm |   |

Yours sincerely,



**Monica Corso Griffiths**  
**Head of Design & DCO – A66 Northern Trans-Pennine Project**

**Email:** [A66NTP@highwaysengland.co.uk](mailto:A66NTP@highwaysengland.co.uk)

**Tel:** 0333 090 1192

# **FULL COUNCIL**

## **27 SEPTEMBER 2021**

### **Matter: Local Government Reorganisation & Devolution Transfer of Assets**

#### **Purpose of Report:**

To receive an update on the position of Local Government Reorganisation and the Devolution Transfer of Assets Project.

**Item no:** 13

**Author:** Services and Contracts Manager & Acting Town Clerk

**Supporting Member:** Cllr. Jackson, Lead Member for Assets

#### **Recommendations**

It is recommended that:

- i. The Local Government Reorganisation position be noted.
- ii. The Council resubmits to EDC the Expression of Interest Letter which was sent in December 2020 setting out the assets and services the Council would in principle be interested in considering for transfer and copy the letter to SLDC, BBC and CCC.
- iii. The Council writes to the leader of Eden District Council to request that all efforts are made to retain local service provision in Penrith including access to offices, officers, and services.
- iv. The Council writes to the leader of Eden District Council to stress the importance of protecting and retaining local authority jobs in Penrith which in turn serves and supports the local economy.
- v. The Council authorises for the Town Clerk to begin preparing a Town Council plan for Local Government Reorganisation.
- vi. The position with regards to the Devolution Transfer of Assets Project be noted.

#### **Law and legal implications**

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

#### **Link to Council Priorities**

Devolution remains an overarching theme within the Council's Business Plan.

#### **1. Report Details**

- 1.1 Members will be now aware that the Secretary of State has announced the proposal for Local Government Reorganisation in Cumbria. Subject to Parliamentary approval he is proposing two unitary councils, with Penrith being

situated in the 'East' unitary which covers the existing areas of Eden, South Lakeland, and Barrow.

- 1.2 The Council is receiving updates from CALC who have communicated the following processes for Local Government Reorganisation:

### **Glossary of Terms**

**Structural Change Order** – the legislation for approval by Parliament that sets out the process of creating new councils, expected to be finalised in Autumn this year setting out what will then happen over the following 18 months and then approved by Parliament early in 2022.

**Predecessor council** – the current councils, which will cease to exercise functions in relation to an area once the new authority(s) takes on all functions on the Vesting Day.

**Vesting Day** – the date on which the new councils come into effect which the Secretary of State has indicated will be 1 April 2023.

**MHCLG** – Ministry of Housing, Communities and Local Government.

**Implementation team** – the team of officers from across all the councils who will support the planning and management of the programme to implement the new councils.

### **What Happens Next**

There is now a formal process in Parliament to take this forward.

The Secretary of State has made a Written Ministerial Statement announcing he will be seeking to start a process to draft a Structural Change Order. He has indicated that the structural change order would be laid at parliament in the turn of the year.

The Structural Change Order provides the legal basis on which to implement the change to local government structures, creating the new authorities from the Vesting Day.

### **July to October/November 2021**

Officials at MHCLG will work with the affected councils in the development of the content of the Structural Change Order. All affected councils will be working with MHCLG to agree and put in place the Programme Management arrangements to deliver the new Councils.

The Order will create 'Shadow Authorities' and 'Shadow Executives' once it is approved by parliament to sit alongside the existing council structures. These shadow arrangements will make decisions on how the new authorities are constituted.



The Programme Management arrangements will determine how existing officers will work together to create the new Councils e.g., what workstreams and roles are required. The Programme will include work to develop the new Council operating models.

## **November 2021 to April 2023**

During this time as the new authorities are being designed and constituted the existing councils will continue to operate as normal, providing services and support for residents, businesses, and communities.

Once the Structural Change Order has been approved by Parliament, implementation activities will be delivered, and preparations will be made for the formal go-live of the new authorities.

A change readiness assessment will take place to confirm all requirements have been met and the new authorities can safely go-live on Vesting Day.

Shadow elections are expected to be held in May 2022.

## **1 April 2023**

'Vesting Day' is when the new authorities 'go live' and the old councils (predecessor authorities) cease to exist

### **1.3 CALC has updated the Council on the current position that:**

The Cumbria Chief Executives have met to progress the transition programme for reorganisation and have reached the stage where it has been agreed in principle.

The first phase has four parts:

1. Produce high level option appraisals for service areas
2. Collate and analyse the information and data needed to allocate resources and to establish new councils
3. Develop a Benefit Realisation Plan, setting out the ambitions and key outcomes for the new councils.
4. Gather information and views to draft the Structural Change Order. The legislation that will be laid in Parliament in the Autumn to formally establish the new Councils.

They will now be focusing on mobilising the programme, allocating resources, and starting to work to establish the new councils. This work started formally on the 14 September when the new Cumbria LGR Programme Board was held and attended by all the CEO's. Key items for discussion included:

- The final phase of work to agree the various workstreams and their named sponsors and projects leads.
- A discussion on programme development and future resourcing.
- An update on early work now underway to gather a strong foundation of data and intelligence to help inform future decisions.
- Sign off for a strategic communications and engagement plan on LGR to help ensure effective two-way communication with all key stakeholders during the transition phase.

The transition programme will be strengthened by key overarching service-based themes which have been identified as People, Place and Enabling. Each theme is being led by Senior Officers from the District and County Council's. A clear timeline for the next 18 months is being developed, based around four key phases:

**Phase one** – Mobilisation - laying the foundation to include data gathering/getting everyone to a place of common understanding and awareness/establishing governance/drafting the Structural Changes Order (SCO).

**Phase two** – Design - finalising and agreeing the SCO/planning for elections/employee engagement.

**Phase three** – Implementation – putting in place the new Shadow Authorities/shaping service transition/countdown to vesting day.

**Phase four** – Stabilisation and closure – including Moving in/Vesting Day

- 1.4 There has been recent mention of a Combined Authority and Mayoral function for Cumbria which may amongst other things involve strategic oversight of services such as Highways. This may also be associated with a Devolution Deal for Cumbria. This approach was included in Eden District Council's formal proposal to the Secretary of State in December 2020, but to date little more is known.
- 1.5 Alongside the above process, Cumbria County Council has written to the Ministry of Homes, Communities and Local Government (MHCLG) seeking permission to challenge the Governments proposal to create two unitary councils in Cumbria (A Pre-action Protocol Letter). It is understood the County Council has received a response from the Secretary of State and the Council is considering their response.
- 1.6 Eden Association of Local Council's (EALC) held a presentation on Local Government Reorganisation on the 08 September 2021, and invited EDC Cllrs Virginia Taylor and Mary Robinson to give a presentation. The event was attended by Council officers and elected Members. Cllrs Taylor and Robinson reported that some of the main areas of focus at present are considering the



name of the new authority and determining the number of elected Members to represent the local area. It was stressed that Town and Parish Council's should make clear what they want from the LGR change process. It was suggested that Kendal may position itself as the main administrative centre for the east unitary. Further to this presentation Members may be minded to consider the following recommendations:

- i. To resubmit to EDC the Expression of Interest Letter which was sent in December 2020 setting out the assets and services the Council would in principle be interested in considering for transfer, and copy the letter to SLDC, BBC, CCC. (Copy Appendix A)
- ii. To write to the leader of Eden District Council to request that all efforts are made to retain local service provision in Penrith including access to offices, officers, and services.
- iii. To write to the leader of Eden District Council to stress the importance of protecting and retaining local jobs in Penrith which in turn serves and supports the local economy.

- 1.7 The SCM attended a presentation organised by CALC and delivered by Wellers Law Group on Local Government Reorganisation. The facilitator shared their legal knowledge on matters such as LGR change and asset transfer from their experiences across the Country. Of note was the need for Town and Parish Council's to plan, albeit it was acknowledged that it is difficult to plan with certainty. Matters that the Council may wish to consider include:

Powers – Research the powers the Council has to deliver services, assets.

Assets – what do the Council want and what do they think they may be offered.

Service Provision – Can we run services more efficiently and to better standard.

Resources – consider current and future staff resources.

Budgeting – rigorous and realistic budget planning.

Training – for staff and elected members.

Shared Working – consider with other neighbouring Towns and Parishes.

Negotiating Position – review protocol for devolution and asset transfer.

Communication and Engagement – with all stakeholders including the public.

- 1.8 Members are asked to consider the following recommendation:

- i. To authorise the Town Clerk to begin preparing a Town Council plan for Local Government reorganisation.

- 1.9 With the impending changes and pace of change communication will be essential. The Council has been a willing participant in the EDC Devolution of Assets project.

- 1.10 The last Devolution meeting held with Eden District Council was 18 May 2021, following which the Cllr Jackson sent a letter to Eden District Council on the 29

June expressing an interest to be involved in the development of EDC's proposed new Devolution policy. To date the Council have not received a reply. EDC having approved a motion to:

*'Instruct officers to work with Overview and Scrutiny and partners – including Parish and Town Councils and/or their representatives - to develop a new policy that will support devolution of appropriate services to Parish and Town councils for the benefit of the communities we serve, rather than primarily to cut costs for Eden District Council.'*

- 1.11 The Council has sought to arrange a Devolution meeting with EDC in September, yet the response from the EDC is that as Scrutiny have not concluded their deliberations on the transfer of asset policy, they are not able to meet, but the request will be raised at the Services Portfolio meeting on the 22 September.
- 1.12 The Council has separately and following the EALC presentation held on 08 September 2021 contacted the EDC Leader and Deputy Leader to request an update on the development of the new EDC Devolution Policy and were reminded that the Town Council has submitted an Expression of Interest setting out the assets and services it would in principle be interested in considering for transfer in December 2020.
- 1.13 Members are asked to note the position with regards to the Devolution Transfer of Assets Project.

## **2. Risk Assessment**

- 2.1 There are no risks associated with this report.

## **3. Financial Implications**

- 3.1 The Council has £3000 in the 2021/22 budget for the Local Government Reorganisation planning.

## **4. Legal Implications**

- 4.1 There are no direct legal implications associated with this report.

## **Appendices**

Appendix A – Devolution Letter 14 December 2020

## **Background Papers**

Previous reports to Council.



# 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)

14 December 2020

Item 13 Appendix A

Mr L Clark  
Eden District Council  
Town Hall  
Penrith  
Cumbria  
CA11 7QF

Dear Mr Clark,

## ***Devolution of Assets and Services***

As you are aware Eden District Council initiated devolution discussions with Penrith Town Council in 2015, where the district were keen to enable the Council to assume responsibility for assets and services and to work collaboratively to ensure that the devolution process was a success. Since then a range of assets have successfully transferred.

One of the key aims of devolution is to ensure that assets and services are preserved in the town for the use and benefit of its residents. In 2015 the Town Council wrote to the then Chief Executive at Eden District Council expressing an interest in all services and assets.

Dialogue has continued between the two Council's and the Town Council has continued to express its support and commitment to the devolution process. With the potential onset of local government reorganisation the Council resolved at its meeting of Full Council on the 30 November to again state its expression of interest in the devolution of the following services and assets:

|                            |                    |                               |
|----------------------------|--------------------|-------------------------------|
| Litter Bins                | Sports Pitches     | Castle Park Sports Facilities |
| Tourist Information Centre | Leisure Centre     | Cemetery                      |
| Public Toilets             | Mansion House      | Voreda House                  |
| Public Open Space          | Closed Churchyards | Castle Park                   |
| Play Areas                 | Museum             | New Squares                   |
| Car Parks                  | Town Hall          | Events & Town Centres         |
| Markets                    | Flower Beds        | Business Parks                |
| Other Buildings            |                    |                               |

Any assets offered or considered for devolution to the Council will be subject to a detailed business case which will require consideration and approvals by Full Council, hence this letter states an Expression of Interest only.

The Council would like to ensure that devolution meetings can continue to be prioritised in 2021.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Scott Jackson', written over a light blue rectangular background.

Cllr. Scott Jackson  
Lead Member for Devolution.

# **FULL COUNCIL**

## **27 September 2021**

### **Matter: Budgetary Control Statement 2021/22: Expenditure to 31 August 2021**

#### **Purpose of Report:**

Consider the budgetary control statement for the five-month period to 31 August 2021

#### **Item no: 14a**

**Author:** Jack Jones, RFO

**Supporting Member:** Cllr Roger Burgin, Committee Chair

#### **This is a public report**

#### **Recommendations**

The Committee is recommended to:

- i. Review and approve the budgetary control statement.

#### **Law and legal implications**

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

The Local Government Act 1972 requires the Council to have sound financial management.

#### **Link to Council Priorities**

Robust budgetary control supports the Council in its delivery of priorities within the approved budget framework.

### **1. Report Details**

#### **A. Budgetary Control Statement (Appendix A)**

The attached budgetary control statement shows the following information, analysed over the most detailed budget headings:

- The full year's Approved Budget for 2021/22, which was ratified by Council on 25 January 2021.
- The Latest Budget for the full year; the only changes made from the Approved Budget relate to the transfer of budgets agreed by Council on 24 May 2021 to allocate resources for the implementation of the new Grants scheme.
- The budget to date, based on the latest budget for the year. This proportion is the anticipated budget for the first five months of the year, based on a forecast of the

expected pattern of income and expenditure, known as the budget profile. For most headings, this profile will be a simple pro-rata of the annual budget (ie 5/12ths for the current period), however more detailed profiles have been used for several budget headings (eg Greening expenditure is weighted towards the first half of the year).

- Actual income and expenditure to 31 August, based on the matching principle, which means taking account of all income and expenditure which relates to the period, irrespective of when it is paid/received. An exception to the general matching rule is that grants approved but not yet paid at the end of the period are included as expenditure, on the basis that this gives a truer view of expenditure against budget.
- The variance between the actual income and expenditure and the profiled latest budget for the period. Variances are expressed as favourable (positive) where there is an underspending or increased income, and as adverse (negative and bracketed) where there is an overspending or reduced income.
- The position on the Council's three reserves: its General Reserve, Devolution and Acquisitions Reserves, at the end of August. To give a truer view of the General Reserve, it is assumed that contributions to the Devolution Reserve are made during the year at each month-end.

## **B. Commentary**

The statement shows underspendings on the majority of budget headings. It is clear that the current staffing situation, coupled with the effects of the pandemic, is adversely affecting key spending programmes.

### **B.1 Income**

Overall income of £190,788 is just below the profiled budget of £191,020.

- The full year's precept and CTRS grant income has been received from Eden DC; the appropriate proportion of each has been allocated to this period.
- It is already clear that lower investment returns will fail to meet the budget target, which now looks particularly optimistic.

### **B.2 Planning Committee**

Expenditure of £763 is shown against the profiled budget of £7,122, an underspending of £6,359.

- £3,404 of the variance relates to Planning services; expenditure is difficult to profile as it is dependent on progress with the Neighbourhood Plan.
- The Climate Change annual budget of £13,300 excludes the associated staffing costs, which are reported in the Finance Committee. The budget is profiled over the final three quarters of the year and totals £2,955 to 31 August. There has been no spend against this amount, for reasons which are known to the Committee.

### **B.3 CCEG Committee**

Net spend of £18,287 is shown against the profiled budget of £39,888, an underspending of £21,601.

- There has been little expenditure on Town Projects, including Covid-19 Response, reflected in the £7,256 underspending against budget.
- Staff time of £1,175 has been charged to the Arts & Cultural Strategy rather than Officer Support; this could be re-allocated if the Strategy budget is under pressure. Overall, Arts & Entertainment shows an underspending of £5,075.
- The Greening budget records expenditure of £7,825 to date. This exceeds the profiled budget of £4,167 and is an overspend of £2,825 against the full year's budget. The overspending is attributable to the £2,864 purchase of planters for the Monument; these were ordered in January to be met from last year's budget, however they have only recently been supplied. The CCEG Committee will be asked to suggest a transfer of estimates from another of its budgets to fund the overspending.
- As the Grants scheme was only approved on 24 May, expenditure has been profiled over the final three quarters of the year. The only expenditure to date is on two Large Grants and the overall budget is underspent by £10,388.
- The Corporate Communications budget, which includes Community Engagement, is currently underspent by £2,540, a variance which is likely to increase in the next few months.

### **B.4 Finance Committee**

Net expenditure of £133,934 is shown against the budget to date of £142,300, an underspending of £8,366. The main variances are as follows:

- The approved Staffing budget allows for the salary of the Sustainability Officer from 1 July, so the profile includes the post's costs from that date. In overall terms, the budget is underspent by £1,306, mainly on costs associated with staffing. Within this figure, direct staff costs are currently underspent by £63: to date, the saving on the vacant Community Engagement Officer post has been offset by her untaken annual leave, the allowance paid to the Acting Town Clerk and additional staff cover for the Town Clerk's absence.

The approved budget includes an allowance of 1.0% for the annual inflationary pay award. This was set in January, based on an expectation that public sector pay might be frozen. Nationally, local government unions have submitted a claim for a 10% pay increase; currently they are consulting their members on an offer of 1.75% from the employers' side.

- Civic Regalia shows an overspend of £742 due to the £485 purchase of a press and seal and £221 for past Mayors' brooches; this can be offset against administrative cost underspendings.

- The IT budget is currently underspent by £2,737; it is still too early to say if this indicates an ongoing trend.
- Devolved Services budgets are underspent by £5,483 in total, which is mirrored by a similar variance on the amount contributed to the Devolution Reserve. Currently there are variances on several headings:
  - Allotments show an underspending of £895, after meeting the surveyor's costs for Salkeld Road.
  - Benches are underspent by £1,787, mainly due to the receipt of income for a memorial bench before its purchase.
  - Fairhill Park is overspent by £869, which appears to be a profiling issue.
  - There has been little spend on Thacka Beck, which is underspent by £1,124.
  - The budget for producing an action plan for Local Government re-organisation has not yet been used, but Officers intend to progress this later in the year.
- Expenditure on Other Overheads is £2,102 below the profiled budget, the largest variance being £1,042 on Legal Fees which records nil expenditure.
- Repairs and Renewals show an underspending of £1,250 to date as there has been no call on the budget.

## **B.5 Contingency**

- The profiled portion of the contingency provision, £417, is shown as fully underspent as any unforeseen expenditure is allocated to the correct budget heading.

## **B.6 Total Expenditure & Increase/Decrease in General Reserve**

- The individual variances result in an underspending of £36,743 against the profiled total expenditure budget of £189,727. As there is £232 less income, there is a net variation of £36,511 on the profiled amount transferrable to the General Reserve.

## **B.7 Reserves**

- The Actual to date column includes the General Reserve balance at 1 April 2021 of £340,432 which was £63,945 higher than forecast in the Approved Budget because of underspendings in 2020/21.
- The profiled budget assumes that the Reserve should increase by £1,293 in the period, resulting in a balance of £277,780 at 31 August. The actual balance on the reserve at the month end is £378,236, which is £100,456 higher than expected.
- The Devolution Reserve opened the year with a balance of £135,948, which was £14,070 higher than the Approved Budget. As noted above, the actual amount of £15,763 transferrable into the Devolution Reserve is £5,483 higher than profile, resulting in a total of an additional £19,553 in the Reserve.



- The Approved Budget assumes that no use will be made of the £50,000 held in the Acquisitions Reserve during 2021/22, although this money will be available if required.

## **C. Balance Sheet (Appendix B)**

Appendix B shows the Council's balance sheet as at 31 August 2021. The following points may be noted:

- The total invested of £744,773 includes £300,000 placed with CCLA pending its use to fund expenditure later in the year.
- The main debtor balance is July and August's VAT of £1,478 which has been reclaimed from HMRC.
- Prepayments of £12,240 include adjustments for insurance, office rental, licences, subscriptions and maintenance agreements.
- The HSBC Bank balance stands at £114,229; it is proposed to review whether funds need to be withdrawn from the CCLA account in the near future to meet cash flow requirements.
- Accruals of £11,504 represent goods and services received before 31 August, where the payment was not made by that date. Individual items include £4,500 grants, £1,524 staff's additional hours, £590 for accommodation, £800 Community Caretaker invoices, £500 for printing and £2,700 audit and accountancy fees.
- The Payroll Control balance of £9,110 relates to deductions calculated in the September payroll; the total is due to HMRC for income tax and national insurance and to Cumbria Pension Fund for superannuation.
- The Receipts in Advance figure comprises £270,156 income for September 2021 to March 2022, already received from Eden DC as precept or devolved services grants, together with £2,129 from United Utilities for planting maintenance.

## **D. Conclusion**

The budgetary control statement shows that overall spending to the end of August was around £37,000 below the Latest Budget for the period. The Council is now five months into the financial year, suggesting that the underspending will continue into the coming months and which, given the current staffing situation, is likely to increase as the year progresses. Officers are beginning to consider expenditure levels as part of the budget process and have been requested to be as realistic as possible about the forecast outturn for the current year.

Finally, there are no issues arising from the Council's balance sheet at 31 August.

## **2. Options Analysis including risk assessment**

### **Risk & Consequences**

The Council may fail to receive expected income or may incur unexpected overspending, potentially leading to the curtailment of planned expenditure.

Adverse criticism of over or underspending.

### **Controls Required**

A sound budgetary control system with regular reporting and identification of issues.

### **3. Financial and Resource Implications**

This report is concerned solely with financial management.

### **Appendices**

- Appendices - Income & Expenditure and Balance Sheet statements

### **Background Papers**

- Transaction and trial balance reports from the Sage accountancy system
- Budgetary control working papers



## Penrith Town Council

### BUDGETARY CONTROL STATEMENT: FIVE MONTHS ENDED 31 AUGUST 2021

| Approved Budget<br>2021/22 | Latest Budget<br>2021/22 | Heading                                   | Budget to Date | Actual to Date | Favourable/<br>(Adverse)<br>Variance |
|----------------------------|--------------------------|---|----------------|----------------|--------------------------------------|
| £                          | £                        |   | £              | £              | £                                    |
|                            |                          | <b>INCOME</b>                             |                |                |                                      |
| 450,069                    | 450,069                  | <b>Precept:</b><br>Council Tax            | 187,529        | 187,529        | 0                                    |
| 7,700                      | 7,700                    | <b>EDC - CTRS Grant</b>                   | 3,208          | 3,146          | (62)                                 |
| 670                        | 670                      | <b>Other Income:</b><br>Investment Income | 279            | 113            | (166)                                |
| 10                         | 10                       | Miscellaneous Income                      | 4              | 0              | (4)                                  |
| <b>458,449</b>             | <b>458,449</b>           | <b>TOTAL INCOME</b>                       | <b>191,020</b> | <b>190,788</b> | <b>(232)</b>                         |
|                            |                          | <b>EXPENDITURE</b>                        |                |                |                                      |
|                            |                          | <b>PLANNING COMMITTEE:</b>                |                |                |                                      |
|                            |                          | <b>Planning:</b>                          |                |                |                                      |
| }                          | }                        | Officer Support                           | 0              | 555            | }                                    |
| 10,000                     | 10,000                   | Planning Consultancy                      | 4,167          | 208            | 3,404                                |
| }                          | }                        | Consultation                              | 0              | 0              | }                                    |
| 10,000                     | 10,000                   |   | 4,167          | 763            | 3,404                                |
|                            |                          | <b>Climate Change:</b>                    |                |                |                                      |
| 5,000                      | 5,000                    | Community Consultation                    | 1,111          | 0              | 1,111                                |
| 2,000                      | 2,000                    | Internal Business Plan                    | 444            | 0              | 444                                  |
| 1,000                      | 1,000                    | Carbon Footprinting: High level baseline  | 222            | 0              | 222                                  |
| 500                        | 500                      | Carbon Footprinting: Calculator licence   | 111            | 0              | 111                                  |
| 3,000                      | 3,000                    | BIG STEP                                  | 667            | 0              | 667                                  |
| 800                        | 800                      | Staff Development/Exceptional Expenses    | 178            | 0              | 178                                  |
| 1,000                      | 1,000                    | Carbon Literacy Training                  | 222            | 0              | 222                                  |
| 13,300                     | 13,300                   |   | 2,955          | 0              | 2,955                                |
| <b>23,300</b>              | <b>23,300</b>            | <b>Planning Committee Total</b>           | <b>7,122</b>   | <b>763</b>     | <b>6,359</b>                         |
|                            |                          | <b>CCEG COMMITTEE:</b>                    |                |                |                                      |
|                            |                          | <b>Town Projects:</b>                     |                |                |                                      |
| 15,000                     | 15,000                   | Town Projects                             | 6,250          | 617            | 5,633                                |
| 5,000                      | 5,000                    | Covid-19 Response                         | 2,083          | 460            | 1,623                                |
| 20,000                     | 20,000                   |   | 8,333          | 1,077          | 7,256                                |
|                            |                          | <b>Arts &amp; Entertainment:</b>          |                |                |                                      |
| 5,000                      | 7,500                    | Officer Support                           | 3,125          | 0              | 3,125                                |
| 7,500                      | 7,500                    | Arts & Cultural Strategy                  | 3,125          | 1,175          | 1,950                                |
| 29,000                     | 0                        | Events Grants                             | 0              | 0              | 0                                    |
| 41,500                     | 15,000                   |   | 6,250          | 1,175          | 5,075                                |
|                            |                          | <b>Environment:</b>                       |                |                |                                      |
| 14,500                     | 5,000                    | Greening                                  | 4,167          | 7,825          | (3,658)                              |
| 31,000                     | 0                        | <b>Community Grants</b>                   | 0              | 0              | 0                                    |
|                            |                          | <b>Grants:</b>                            |                |                |                                      |
|                            | 15,000                   | Small Grants                              | 3,333          | 0              | 3,333                                |
|                            | 15,500                   | Grow Nature Grants                        | 3,444          | 0              | 3,444                                |
|                            | 36,500                   | Large Grants                              | 8,111          | 4,500          | 3,611                                |
| 0                          | 67,000                   |   | 14,888         | 4,500          | 10,388                               |
|                            |                          | <b>Corporate Communications:</b>          |                |                |                                      |
| 12,500                     | 12,500                   | Community Engagement                      | 5,208          | 2,270          | 2,938                                |
| 2,500                      | 2,500                    | Press Support                             | 1,042          | 1,440          | (398)                                |
| 15,000                     | 15,000                   |   | 6,250          | 3,710          | 2,540                                |
| <b>122,000</b>             | <b>122,000</b>           | <b>CCEG Committee Total</b>               | <b>39,888</b>  | <b>18,287</b>  | <b>21,601</b>                        |

| Approved Budget<br>2021/22 | Latest Budget<br>2021/22 | Heading  | Budget to Date | Actual to Date | Favourable/<br>(Adverse)<br>Variance |
|----------------------------|--------------------------|--|----------------|----------------|--------------------------------------|
| £                          | £                        |  | £              | £              | £                                    |
|                            |                          | <b>FINANCE COMMITTEE:</b>                      |                |                |                                      |
|                            |                          | <b>Staffing:</b>                               |                |                |                                      |
| 195,170                    | 195,170                  | Salaries                                       | 77,322         | 76,374         | 948                                  |
| 16,910                     | 16,910                   | National Insurance                             | 6,797          | 6,999          | (202)                                |
| 34,120                     | 34,120                   | Superannuation                                 | 13,598         | 14,281         | (683)                                |
| 1,000                      | 1,000                    | Recruitment Expenses                           | 417            | 58             | 359                                  |
| 950                        | 950                      | Staff Training                                 | 396            | 262            | 134                                  |
| 1,500                      | 1,500                    | Conferences                                    | 625            | 131            | 494                                  |
| 700                        | 700                      | Staff Expenses                                 | 292            | 36             | 256                                  |
| 250,350                    | 250,350                  |  | 99,447         | 98,141         | 1,306                                |
|                            |                          | <b>Accommodation:</b>                          |                |                |                                      |
| 7,500                      | 7,500                    | Rent   | 3,125          | 3,125          | 0                                    |
| 1,700                      | 1,700                    | Heat, Light & Water                            | 708            | 627            | 81                                   |
| 920                        | 920                      | Service Charges                                | 383            | 316            | 67                                   |
| 230                        | 230                      | Room Hire                                      | 96             | 169            | (73)                                 |
| 380                        | 380                      | Insurances                                     | 158            | 0              | 158                                  |
| (10)                       | (10)                     | Letting Income                                 | (4)            | 0              | (4)                                  |
| 10,720                     | 10,720                   |  | 4,466          | 4,237          | 229                                  |
|                            |                          | <b>Civic Functions:</b>                        |                |                |                                      |
| 400                        | 400                      | Civic Functions                                | 167            | 0              | 167                                  |
| 700                        | 700                      | Mayoral Expenses                               | 292            | 0              | 292                                  |
| 300                        | 300                      | Deputy Mayor's Expenses                        | 125            | 0              | 125                                  |
| 100                        | 100                      | Civic Regalia                                  | 42             | 784            | (742)                                |
| 1,500                      | 1,500                    |  | 626            | 784            | (158)                                |
|                            |                          | <b>Cost of Democracy:</b>                      |                |                |                                      |
| 200                        | 200                      | Annual Meeting                                 | 200            | 302            | (102)                                |
| 1,000                      | 1,000                    | Members' Training                              | 417            | 44             | 373                                  |
| 200                        | 200                      | Members' Expenses                              | 83             | 0              | 83                                   |
| 200                        | 200                      | Notice/Honours Board                           | 83             | 95             | (12)                                 |
| 1,600                      | 1,600                    |  | 783            | 441            | 342                                  |
| 21,000                     | 21,000                   | <b>IT</b>                                      | 8,750          | 6,013          | 2,737                                |
| 2,050                      | 2,050                    | <b>Website</b>                                 | 854            | 296            | 558                                  |
|                            |                          | <b>Devolved Services:</b>                      |                |                |                                      |
| (1,400)                    | (1,400)                  | Bring Site                                     | (583)          | (583)          | 0                                    |
| 1,550                      | 1,550                    | Allotments                                     | 645            | (250)          | 895                                  |
| 400                        | 400                      | War Memorial                                   | 167            | 48             | 119                                  |
| 790                        | 790                      | Benches  | 329            | (1,458)        | 1,787                                |
| 5,410                      | 5,410                    | Bus Shelters                                   | 171            | 492            | (321)                                |
| 1,700                      | 1,700                    | Bandstand                                      | 709            | 291            | 418                                  |
| 420                        | 420                      | Musgrave Monument                              | 175            | (73)           | 248                                  |
| 1,200                      | 1,200                    | Fairhill Park                                  | 500            | 1,369          | (869)                                |
| 1,500                      | 1,500                    | Play Areas                                     | 625            | 0              | 625                                  |
| 0                          | 0                        | Fairhill United Utilities Planting Maintenance | 0              | 0              | 0                                    |
| 3,000                      | 3,000                    | Thacka Beck                                    | 1,250          | 126            | 1,124                                |
| 300                        | 300                      | Signage, etc                                   | 125            | 0              | 125                                  |
| 8,800                      | 8,800                    | Community Caretaker                            | 3,667          | 3,585          | 82                                   |
| 3,000                      | 3,000                    | Local Government Re-organisation: Action Plan  | 1,250          | 0              | 1,250                                |
| 19,674                     | 19,674                   | Contribution to/(from) Devolution Reserve      | 10,280         | 15,763         | (5,483)                              |
| 46,344                     | 46,344                   |  | 19,310         | 19,310         | 0                                    |
|                            |                          | <b>Council Projects:</b>                       |                |                |                                      |
| 3,000                      | 3,000                    | Officer Support                                | 0              | 0              | 0                                    |
| 8,000                      | 8,000                    | Project Budget                                 | 0              | 0              | 0                                    |
| 11,000                     | 11,000                   |  | 0              | 0              | 0                                    |
|                            |                          | <b>Other Overheads:</b>                        |                |                |                                      |
| 1,800                      | 1,800                    | Printing, Postage & Stationery                 | 750            | 288            | 462                                  |
| 1,700                      | 1,700                    | Audit Fees                                     | 708            | 570            | 138                                  |
| 4,000                      | 4,000                    | Insurance                                      | 1,667          | 1,431          | 236                                  |
| 100                        | 100                      | Bank Charges & Interest                        | 42             | 49             | (7)                                  |
| 2,800                      | 2,800                    | Accountancy Fees                               | 1,167          | 550            | 617                                  |
| 2,500                      | 2,500                    | Legal Fees                                     | 1,042          | 0              | 1,042                                |
| 450                        | 450                      | Licences                                       | 188            | 167            | 21                                   |
| 3,000                      | 3,000                    | Subscriptions                                  | 1,250          | 1,657          | (407)                                |
| 16,350                     | 16,350                   |  | 6,814          | 4,712          | 2,102                                |
| 8,000                      | 8,000                    | <b>Repairs &amp; Renewals</b>                  | 1,250          | 0              | 1,250                                |
| <b>368,914</b>             | <b>368,914</b>           | <b>Finance Committee Total</b>                 | <b>142,300</b> | <b>133,934</b> | <b>8,366</b>                         |

| Approved Budget<br>2021/22 | Latest Budget<br>2021/22 | Heading                                   | Budget to Date | Actual to Date | Favourable/<br>(Adverse)<br>Variance |
|----------------------------|--------------------------|---|----------------|----------------|--------------------------------------|
| £                          | £                        |   | £              | £              | £                                    |
| 1,000                      | 1,000                    | Contingency                               | 417            | 0              | 417                                  |
| 0                          | 0                        | Transfer to/(from) Acquisitions Reserve   | 0              | 0              | 0                                    |
| 515,214                    | 515,214                  | <b>TOTAL EXPENDITURE</b>                  | <b>189,727</b> | <b>152,984</b> | <b>36,743</b>                        |
| (56,765)                   | (56,765)                 | <b>INCREASE/(DECR) IN GENERAL RESERVE</b> | <b>1,293</b>   | <b>37,804</b>  | <b>36,511</b>                        |
|                            |                          | <b>RESERVES:</b>                          |                |                |                                      |
|                            |                          | <b>General Reserve:</b>                   |                |                |                                      |
| 276,487                    | 276,487                  | Balance brought forward 1 April 2021      | 276,487        | 340,432        | 63,945                               |
| (56,765)                   | (56,765)                 | Increase/(decrease) in year               | 1,293          | 37,804         | 36,511                               |
| <b>219,722</b>             | <b>219,722</b>           | <b>Balance carried forward</b>            | <b>277,780</b> | <b>378,236</b> | <b>100,456</b>                       |
|                            |                          | <b>Devolution Reserve:</b>                |                |                |                                      |
| 121,878                    | 121,878                  | Balance brought forward 1 April 2021      | 121,878        | 135,948        | 14,070                               |
| 19,674                     | 19,674                   | Contribution from/(to) 2021/22 Budget     | 10,280         | 15,763         | 5,483                                |
| <b>141,552</b>             | <b>141,552</b>           | <b>Balance carried forward</b>            | <b>132,158</b> | <b>151,711</b> | <b>19,553</b>                        |
|                            |                          | <b>Acquisitions Reserve:</b>              |                |                |                                      |
| 50,000                     | 50,000                   | Balance brought forward 1 April 2021      | 50,000         | 50,000         | 0                                    |
| 0                          | 0                        | Contribution from/(to) 2021/22 Budget     | 0              | 0              | 0                                    |
| <b>50,000</b>              | <b>50,000</b>            | <b>Balance carried forward</b>            | <b>50,000</b>  | <b>50,000</b>  | <b>0</b>                             |
| <b>411,274</b>             | <b>411,274</b>           | <b>TOTAL RESERVES</b>                     | <b>459,938</b> | <b>579,947</b> | <b>120,009</b>                       |
|                            |                          |   |                |                |                                      |



## Penrith Town Council

### BALANCE SHEET AS AT 31 AUGUST 2021

|                                    | £              | £                     |
|------------------------------------|----------------|-----------------------|
| <b>Investments</b>                 |                |                       |
| Penrith Building Society           | 85,941         |                       |
| Cumberland Building Society        | 84,972         |                       |
| CCLA Public Sector Deposit Account | <u>573,860</u> |                       |
|                                    |                | 744,773               |
| <b>Current Assets</b>              |                |                       |
| Debtors                            | 126            |                       |
| Debtor - VAT                       | 1,478          |                       |
| Prepayments                        | 12,240         |                       |
| HSBC Bank Account                  | <u>114,229</u> |                       |
|                                    | 128,073        |                       |
| <b>Current Liabilities</b>         |                |                       |
| Creditors                          | 0              |                       |
| Accruals                           | 11,504         |                       |
| Payroll Control                    | 9,110          |                       |
| Receipts in Advance                | <u>272,285</u> |                       |
|                                    | 292,899        |                       |
| <b>Net Current Assets</b>          |                | (164,826 )            |
|                                    |                | <u><b>579,947</b></u> |
| <b>Represented by:</b>             |                |                       |
| <b>Reserves</b>                    |                |                       |
| General Reserve                    |                | 378,236               |
| Devolution Reserve                 |                | 151,711               |
| Acquisitions Reserve               |                | 50,000                |
|                                    |                | <u><b>579,947</b></u> |

# **FULL COUNCIL**

## **27 September 2021**

### **Matter: Corporate Risk Assessments**

#### **Purpose of Report:**

To consider and approve the Corporate Risk Assessments.

**Item no:** 14b

**Author:** Services and Contracts Manager

**Supporting Member:** Cllr. Jackson, Lead Member for Assets

### **Recommendations**

That the Corporate Risk Assessments are approved and go forward for ratification at Full Council.

### **Law and legal implications**

As an employer and duty holder the Town Council are legally obliged under the Management of Health and Safety at Work Regulations 1999 to carry out a risk assessment of the significant risks in the workplace. The Council has a duty to comply with the Health and Safety at Work Act 1974.

### **Link to Council Priorities**

This report aligns with the Council Business strategic priority and meets the aim to ensure that the Council is run in a lawful and business-like manner.

## **1. Report Details**

### **Background & Current Position**

- 1.1 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.
- 1.2 The risk assessment documents have been produced to enable the Council to assess the risks that it faces and satisfy that it is taking adequate steps to consider and minimise these risks.
- 1.3 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.
- 1.4 The risk assessments are designed to give Councillor's confidence that the management of risk is pragmatic and proactive. The management of risk is also included in relevant committee reports.

- 1.5 The Corporate Risk Assessments are set out in accordance with the Health and Safety Executive published template format. Risk Assessments are prepared for the following:
- Allotments
  - Bandstand
  - Business Continuity
  - Bus Shelter
  - Fairhill
  - Finance
  - Fire
  - GDPR
  - Governance
  - IT & Website
  - Lone Working
  - Musgrave Monument
  - Morrisons Recycling Bring Site
  - Office
  - Seats
  - Thacka Beck Field
  - War Memorial (St Andrews)
  - Remembrance Day Parade and Service
- 1.6 The table below sets out the key actions arising from each individual risk assessment, for the forthcoming 12-month period.

| <b>Risk Assessment</b> | <b>Action Required</b>  |
|------------------------|---|
| Allotments             | Inspect and instruct hedges to be cut. Mainly Folly Lane.<br>Inspect boundaries and walls.  |
| Bandstand              | Ensure electric cupboards are locked at each inspection.<br>Ensure electrical testing certificate is in date - next due 2023.<br>Obtain method statement and risk assessment for installation of Xmas Lights (BID).<br>Obtain method statement and risk assessment prior to erection of Xmas Tree (Lions).<br>Undertake inspections of Xmas tree following adverse weather (snow, high winds)<br>Monitor that Street Traders are operating within their defined area. |
| Business Continuity    | Quarterly meetings with Lamont Pridmore.<br>(Accountants)<br>Review of IT contract.   |
| Bus Shelter            | Liaise with contractor prior to any gutter cleaning to ensure safe working.   |
| Fairhill               | Commission Annual Play Area Inspection Report<br>Tree liability survey for low/medium risk trees - next due Aug 2023.<br>Inspect football goals for their integrity / hazards<br>Monitor entrances.   |



|                                    |   |
|------------------------------------|---|
| Finance                            | Finalise new bank account signatories.  |
| Fire                               | Portable Appliance Testing - next due 2023.<br>Service the Fire Extinguishers - next due April 2022<br>Weekly recorded fire check of the office.  |
| GDPR                               | Cyber Essentials check to be carried out - next due October 2021.   |
| Governance                         | Ensure fireproof cabinet is locked at night.  |
| IT & Website                       | Undertake Staff DSE Assessments upon request.<br>Ensure all backup tapes are securely locked in fireproof cabinet.<br>Review IT contract.<br>Staff training to ensure business continuity.<br>Monitor website for content, accuracy, accessibility.   |
| Lone Working                       | Identify First Aid Training for staff.<br>Staff to report to Clerk when they have finished evening or external meeting if operating alone.  |
| Musgrave Monument                  | Structural survey to commission - next due 2023.<br>Ensure main access door is always locked.<br>Ensure electrical testing certificate is in date - next due 2023.<br>Annual maintenance inspection of the ladder and latchway system - next due Feb 2022.<br>Obtain method statement and risk assessment for installation of Xmas Lights (BID).    |
| Office                             | Undertake Staff DSE Assessments upon request.<br>Portable Appliance Testing - next due 2023.<br>Service the Fire Extinguishers - next due April 2022.<br>Weekly recorded fire check of the office.  |
| Seats                              | Monitor - dangerous seats to be removed.  |
| Thacka Beck Field                  | Consideration of protection of water course at the bridge.<br>Public signage across the site.<br>New entrance gates to manage vehicle access.<br>Consideration of litter bins for dog waste disposal.<br>GM meetings to identify any hazards arising from Grounds contract.<br>Tree Liability survey to be commissioned.<br>Removal of barbed wire. |
| War Memorial (St Andrews)          | Structural survey to commission - next due 2023.<br>Regular asset monitoring.   |
| Remembrance Day Parade and Service | Liaison with Cumbria Police for traffic management for parade.<br>Follow Government Covid guidance.   |

## 2. Risk Assessment

- 2.1 The Council is responsible for ensuring that adequate risk assessments are carried where applicable and ensuring that identified risks are managed appropriately. Risk Assessments are required to be reviewed annually or when circumstances and legislation changes.

### **3. Financial Implications**

3.1 There are no financial implications associated

### **Appendices**

Service Area Risk Assessments.

### **Background Papers**

None



# Penrith Town Council

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

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## PROCUREMENT POLICY

Item 14ca

### BACKGROUND

#### CURRENT ~~EU~~ GOVERNMENT PROCUREMENT AGREEMENT (GPA) THRESHOLDS

These thresholds, which were previously set by the EU, are valid from 01 January 2020. and They are next due for review in January 2022 ~~normally subject to change every two years, when the UK Government will determine the limits~~. They apply to high value procurements which will rarely, if ever, be made by the Town Council:

Public Works contracts £ 4,733,252

Public Service & Supply contracts £ 189,330

The Council is also obliged to follow some basic principles.

For supplies and services over these thresholds, a tender notice must be placed ~~in~~ on the Find a Tender Service (FTS) website (previously advertised in the Official Journal of the European Union (OJEU)) to give all relevant 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**

- 1.** The Council will strive to attain best value for all goods, materials and services which it purchases.
- 2.** "Best Value" will be defined as a balance of price, quality of product and supplier services.
- 3.** The Council will operate a transparent procurement process in accordance with its Financial Regulations and Standing Orders for Contracts.
- 4.** 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.
- 5.** In evaluating "best value", the past record of the supplier will be taken into account.
- 6.** For goods, materials or services over £4,000, a service level agreement incorporating an evaluation report will be agreed.
- 7.** The Council will purchase Fair Trade and recycled and sustainable goods where possible.
- 8.** 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.
- 9.** 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.
- 10.** Tender opportunities will be promoted on the Council's website to encourage tenders from local community and voluntary organisations and the local SME sector.
- 11.** The Council will show favour to organisations that pay the Living Wage as set by the Living Wage Foundation.

## 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<br/>(net of VAT)</b>   | <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 <del>GPA</del><br>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 <del>EU</del><del>GPA</del> 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> |

| Estimated contract value<br>(net of VAT)                            | Contract requirements   |
|---|---|
| <p><del>EU</del>GPA<br/>procurement<br/>threshold and<br/>above</p> | <p>Shall be advertised <del>in</del>on the <del>Find a Tender Service</del>Official Journal of the <del>European Journal (OJEU)</del>, and on the Council's website and on Contract Finder <u>as soon as practicable after the FTS notice.</u> <del>(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).</del></p> <p>Pre-Qualification Questionnaires (PQQ's) can be used in procurements above the lower <del>EU</del>GPA 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 <del>EU</del> 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:

**Reviewed annually**



**Penrith Town Council**

# Financial Regulations

Viv Tunnadine

# FINANCIAL REGULATIONS

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## **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:
  - a) for the timely production of accounts;
  - b) that provide for the safe and efficient safeguarding of public money;
  - c) to prevent and detect inaccuracy and fraud; and
  - d) 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:
- a) act under the policy direction of the Council;
  - b) administer the Council's financial affairs in accordance with all Acts, Regulations and proper practices;
  - c) determine on behalf of the Council its accounting records and accounting control systems;
  - d) ensure the accounting control systems are observed;
  - e) maintain the accounting records of the Council up to date in accordance with proper practices;
  - f) assist the Council to secure economy, efficiency and effectiveness in the use of its resources; and
  - g) 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:
- a) entries from day to day of all sums of money received and expended by the Council and the details relating to those transactions;
  - b) a record of the assets and liabilities of the Council; and
  - c) 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:
- a) procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
  - b) procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
  - c) 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);
  - d) 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
  - e) 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:
- a) setting the final budget or the precept (Council Tax Requirement);
  - b) approving accounting statements;
  - c) approving an annual governance statement;
  - d) borrowing;
  - e) writing off bad debts;
  - f) declaring eligibility for the General Power of Competence; and
  - g) 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:
- a) determine and keep under regular review the bank mandate for all Council bank accounts;
  - b) approve any grant or a single commitment in excess of £20,001 and
  - c) 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:
  - a) be competent and independent of the financial operations of the Council;
  - b) report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
  - c) demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family or professional relationships; and
  - d) 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:
  - a) perform any operational duties for the Council;
  - b) initiate or approve accounting transactions; or
  - c) 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 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.
- 3.4 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.
- 3.5 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.

- 3.6 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.
- 3.7 The approved annual budget shall form the basis of financial control for the ensuing year, subject to any subsequent 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:

- a) the Council for all items over £20,001;
- b) a duly delegated committee of the Council for items over £1,000; or
- c) 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. Any report or proposal to a Committee or Council that would result in expenditure exceeding the appropriate budget shall not be considered until it has been reviewed by the RFO and his comments taken into account in making the decision on the proposal.
- 4.3 During the budget year and subject to the approval of Council, having considered fully the implications, a supplementary estimate may be allocated from reserves or unspent and available budgets may be transferred to other budget headings or to an earmarked reserve as appropriate ('virement'); however no virement shall be permitted from salaries budgets.

- 4.4 Unspent budget provisions at the end of a financial year shall be retained in general reserves and shall not be carried forward to a subsequent year.
- 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 and Committees 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. The arrangements shall be regularly reviewed for security and efficiency.
- 5.2 All bank signatories must be Councillors. In order to promote business continuity and reduce the risk of fraud, all members of the Finance Committee shall be bank signatories. If the bank's mandate arrangements limit the number of authorised signatories, the Finance Committee shall nominate the appropriate number of its Members to fulfil the role.





## 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:
  - a) The electronic banking system is not functioning
  - b) 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:
  - a) be the system administrator for the council's use of the EBS.
  - b) be the only holder of the current account provider's device, which is required to make an electronic payment.
  - c) be the only user capable of setting up a new payee.
  - d) 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 or by exchange of emails 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 or insufficient budget provision, the relevant Committee shall be invited to identify an appropriate source of funds; if this is not possible, the Finance Committee shall determine how funds should be made available to pay the amount due. In either case, the funding decision will be subject to approval by Council.

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, unauthorised, 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, ie 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 shall 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 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. Authorised signatories for the management of investment accounts shall be determined in the same manner as those for the Council's bank accounts.
- 8.4 During the annual budget process, the Council shall approve an Investment Policy which shall be in accordance with relevant regulations, proper practices and guidance.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

- 8.6 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. Such repayment claims, due in accordance with VAT Act 1994 section 33, shall be made at least quarterly, including 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:
- a) 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;
  - b) 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.
- 17.2 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:**

**Reviewed: Annually**

# **FULL COUNCIL**

## **27 September 2021**

**Matter: Thacka Beck Field**

**Purpose of Report:**

To consider approving an additional budget from the Devolution Reserve for Thacka Beck Field.

**Item no:** 14d

**Author:** Services and Contracts Manager

**Supporting Member:** Cllr. Jackson, Lead Member for Assets

### **Recommendations**

The Committee is recommended to approve the recommendation from Finance Committee to agree an additional budget of £2,000 to be allocated to the Thacka Beck Field budget from the Devolution Reserve to enable improvement works to be undertaken.

### **Law and legal implications**

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

### **Link to Council Priorities**

This report aligns with the strategic priority for Health and Wellbeing to protect and improve the environment, leisure and recreational community facilities, services and assets that contribute to our quality of life.

## **1. Report Details**

- 1.1 Councillors considered a report regarding the Thacka Beck Field at Finance Committee on the 28 June 2021 and approved a series of recommendations. This report is intended to provide a brief update since the previous meeting.
- 1.2 A site visit for Members and the local ward councillor was undertaken on the 15 July and allowed members to give thought to future enhancements of the field.
- 1.3 The Council has sought quotations to undertake a Phase 1 Habitat Survey. The deadline for receipt of quotations was 10 September and an order has now been raised for the survey to be undertaken.
- 1.4 The Council has sought quotations for a tree hazard survey and an order has now been raised for the survey to be undertaken.
- 1.5 The Services and Contracts Manager has via Cllr Bowen asked whether it would be possible to attend future meetings of the Pategill TRA to outline to residents the Council's plans for future management and enhancement of the field and enable a relationship between the Council and the residents to be established.

- 1.6 The Services and Contracts Manager has enquired out of courtesy with Cumbria CC highways and footpath officers to seek their opinion on the removal of the timber fence at the Tynefield Drive side of the field and they have no objections. The Services and Contracts Manager is currently working to obtain quotations to undertake Stage 1 improvements which will include:
- Entry Signage.
  - Removal of the fence alongside Tynefield end and repositioning of pedestrian gate.
  - Gates at Carleton Road end and fencing
  - Bridge balustrades
  - Removal of barbed wire
  - Shrub clearance
- 1.7 Northern Gas Networks who are working on the field to install new gas pipelines, have experienced delays and are now scheduled to complete their works by the end of September.

## **2. Risk Assessment**

- 2.1 Members approved a site risk assessment at the meeting of Finance Committee on the 28 June 2021.
- 2.2 There are no further risks associated with this report.

## **3. Financial Implications**

- 3.1 The Council has approved a budget of £3,000 for Thacka Beck field in the 2021/22 financial year.
- 3.2 The Tree Survey and Biodiversity Survey have been commissioned at a cost of £450 and £700 respectively leaving an uncommitted balance of £1850.
- 3.3 The works as set out in paragraph 1.6 are estimated to cost £2,500 - £3000 and as such a request for an additional budget of £2,000 from the Devolution Reserve is being made to meet the costs of the works. The reserve balance stood at £136,000 at the start of the current financial year and the approved budget provides for a further £20,000 to be added to this balance.

## **4. Legal Implications**

- 4.1 There are no direct legal implications associated with this report.

## **Appendices**

None

## **Background Papers**

Finance Committee Report, 28 June 2021, 20 September 2021.

# **FULL COUNCIL**

## **27 September 2021**

### **Matter: Approval of Reason for Absence of a Councillor from Meetings**

#### **Purpose of Report:**

To consider a request from Councillor Knaggs to have a period of absence from meetings approved.

**Item no:** 15

**Author:** Ian Parker, Acting Town Clerk

#### **Recommendations**

Council is asked to:

- i. Consider approving Cllr Knaggs absence from attendance at meetings between 06 May and 27 September 2021 for the reasons as set out in paragraph 1.3.
- ii. Consider the request from Cllr Knaggs to be approved absent from Council meetings for a period of six months effective from the date of this meeting for the reasons as set out in paragraph 1.3.

#### **Law and legal implications**

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

#### **Link to Council Priorities**

This report aligns with the strategic priority for Council Business to ensure that the Council is run in a lawful and business-like manner and provides good governance.

#### **1. Report Details**

- 1.1 Section 85 of the Local Government Act 1972 states that where a Councillor fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Council, then he/she ceases to be a Member of the Council unless that failure was due to some reason approved before the expiry of that period by the Council.
- 1.2 Councillor Knaggs has made a request to be approved absent from meetings. Councillor Knaggs most recent attendance at a Council meeting was Planning Committee held on 05 May 2021. This meeting was a virtual meeting and was held prior to the legislation on the holding of virtual meetings was changed. Six months from the 05 May 2021 would require Cllr Knaggs to attend a meeting no later than 05 November 2021 unless his reasons for absence are approved by Council.
- 1.3 Cllr Knaggs has submitted a Dispensation Form and states the following:

"I feel it is yet safe to attend indoor meetings and now that all Covid restrictions have gone, participants in meetings do not even need to wear face coverings and that this cannot be legally imposed upon them. Many of the Town Council are within the highly vulnerable category. If online meetings resume, I will be very happy to attend."

- 1.4 Councillor Knaggs has given apologies to the Acting Town Clerk for all meetings at which he is expected since the 05 May 2021 including for Full Council and Committees.
- 1.5 Council are being asked to consider approving Cllr Knaggs absence from attendance at meetings between 06 May and 27 September 2021 for the reasons set out above. Should Council approve this request the six-month period for attendance is reset from the 27 September 2021.
- 1.6 Councillor Knaggs is seeking a dispensation to be absent from meetings for a further period of six months effective from the date of this meeting for the reasons set out in paragraph 1.3.
- 1.7 Approval of this request would allow for Cllr Knaggs apologies to be recorded at meetings for which he would be expected to attend for the period of six months effective from the date of this meeting. Cllr Knaggs is still able to attend meetings in person should he feel he is able to, and he has set out that were virtual meetings to resume he would attend meetings.

## **2. Options Analysis including Risk Assessment**

### **2.1 Risk**

That Councillor Knaggs fails to attend meetings for a period of six months risking vacation of office by failure to attend meetings.

### **2.2 Consequence**

The Councillor would cease to be a member of the Council in the event of a failure to attend a meeting for a period of 6 months.

### **2.3 Controls Required**

To consider a request for Cllr Knaggs to have reasons for absence to date approved and approval for absence from meetings for a further period of six months.

## **3. Financial Implications**

- 3.1 There are no financial implications arising from this report.

## **Appendices**

None

## **Background Papers**

None



# **FULL COUNCIL**

## **27 September 2021**

### **Matter: Approval of Reason for Absence of a Councillor from Meetings**

#### **Purpose of Report:**

To consider a request from Councillor Snell to have a period of absence from meetings approved.

**Item no:** 16

**Author:** Ian Parker, Acting Town Clerk

#### **Recommendations**

Council is asked to:

- i. Consider approving Cllr Snell's absence from attendance at meetings between 06 May and 27 September 2021 for the reasons as set out in paragraph 1.3.
- ii. Consider the request from Cllr Snell to be approved absent from Council meetings from the 27 September until a date it is safe to attend meetings in person and for the reasons as set out in paragraph 1.3.

#### **Law and legal implications**

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

#### **Link to Council Priorities**

This report aligns with the strategic priority for Council Business to ensure that the Council is run in a lawful and business-like manner and provides good governance.

#### **1. Report Details**

- 1.1 Section 85 of the Local Government Act 1972 states that where a Councillor fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the Council, then he/she ceases to be a Member of the Council unless that failure was due to some reason approved before the expiry of that period by the Council.
- 1.2 Councillor Snell has made a request to be approved absent from meetings. Councillor Snell's most recent attendance at a Council meeting was Planning Committee held on 05 May 2021. This meeting was a virtual meeting and was held prior to the legislation on the holding of virtual meetings was changed. Six months from the 05 May 2021 would require Cllr Snell to attend a meeting no later than 05 November 2021 unless her reasons for absence are approved by Council.
- 1.3 Cllr Snell has submitted a Dispensation Form and states the following:

"I have underlying health issues that make me vulnerable and it would be unsafe for me to attend meetings held inside buildings, particularly when people no longer have to wear masks to protect each other. The cases of Covid are increasing and having had two vaccinations is not proven to prevent getting the virus or being a carrier. I wish to have it on record that not being able to continue with hybrid (virtual) meetings is disenfranchising for me as a councillor and the residents I represent."

- 1.4 Councillor Snell has given apologies to the Acting Town Clerk for all meetings at which she is expected since the 05 May 2021 including for Full Council and Committees.
- 1.5 Council are being asked to consider approving Cllr Snell's absence from attendance at meetings between 06 May and 27 September 2021 for the reasons set out above. Should Council approve this request the six-month period for attendance is reset from the 27 September 2021.
- 1.6 Councillor Snell is seeking a dispensation to be absent from meetings for a further period which she states as 'until the date it is safe to attend meetings in person'. Therefore, no clearly defined period. The reasons for absence are those set out in paragraph 1.3.
- 1.7 Approval of this request would allow for Cllr Snell's apologies to be recorded at meetings for which she would be expected to attend, although no set period is stated. Cllr Snell has stated that she will attend meetings that can be done by virtual means.

## **2. Options Analysis including Risk Assessment**

### **2.1 Risk**

That Councillor Snell fails to attend meetings for a period of six months risking vacation of office by failure to attend meetings.

### **2.2 Consequence**

The Councillor would cease to be a member of the Council in the event of a failure to attend a meeting for a period of 6 months.

### **2.3 Controls Required**

To consider a request for Cllr Snell to have reasons for absence to date approved and consider approval for absence from meetings for the future for the reasons stated.

## **3. Financial Implications**

- 3.1 There are no financial implications arising from this report.

## **Appendices**

None

## **Background Papers**

None

# **FULL COUNCIL**

## **27 September 2021**

### **Matter: CCEG Additional Standing Deputy**

#### **Purpose of Report:**

To appoint an additional Standing Deputy to the Community Culture and Economic Growth Committee.

**Item no:** 17

**Author:** Acting Town Clerk

**Supporting Member:** Cllr. C. Shepherd, Chair

#### **Recommendations**

To appoint an additional Standing Deputy to the Community Culture and Economic Growth Committee.

#### **Law and legal implications**

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

#### **Link to Council Priorities**

This report aligns with the strategic priority for Council Business to ensure that the Council is run in a business-like manner and give confidence in decision making.

### **1. Report Details**

- 1.1 The Council approved the appointment to Committees at the Annual Meeting of the Town Council, 24 May 2021, Minute PTC21/13. For the CCEG Committee Cllrs Davies, Donald, Hawkins, Jackson, Knaggs, Snell were appointed with Cllr M. Clark appointed as a Standing Deputy.
- 1.2 For a meeting of the CCEG to be quorate three Councillors need to be present in attendance and so far during this municipal year it has proved difficult to get a full complement of Councillors attending.
- 1.3 It is recommended to appoint an additional Standing Deputy to the CCEG Committee to give additional resilience. If the resolution is supported, the Chair shall invite nominations for the position of Standing Deputy. Should more than one nomination come forward a vote shall be held.

### **2. Risk Assessment**

- 2.1 Appointing an additional standing deputy will provide additional resilience when required.

### **3. Financial Implications**

3.1 There are no financial implications associated with this report.

### **4. Legal Implications**

4.1 There are no direct legal implications associated with this report.

### **Appendices**

None

### **Background Papers**

None.

# **FULL COUNCIL**

## **27 September 2021**

### **Matter: Consultation - Gambling Act 2005**

#### **Purpose of Report:**

To consider a response to EDC's consultation on its Gambling Act Statement of Policy.

**Item no:** 18

**Author:** Acting Town Clerk

**Supporting Member:** Cllr. C. Shepherd, Chair

#### **Recommendations**

It is recommended that:

- i. As the policy being consulted only includes minor amendments and was last reviewed as recently as 2019, then Councillors submit any comments no later than Friday 01 October 2021 to the Acting Town Clerk who will then prepare a response to EDC and submit it on their Consultation Response Template.
- ii. Should the Acting Town Clerk receive no comments then a Consultation Response Form will be submitted stating such.

#### **Law and legal implications**

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

#### **Link to Council Priorities**

This report aligns with the strategic priority for Council Business to ensure that the Council is run in a business-like manner and give confidence in decision making.

### **1. Report Details**

- 1.1 Eden District Council are currently undertaking a consultation on its Gambling Act 2005, Statement of Policy. EDC report that they have only made minor amendments to the policy since its last review in 2019. Due to the size of the document the policy can be accessed by the following link:  
[www.eden.gov.uk/business-and-trade/licensing/gambling-act-2005/about-the-gambling-act-2005/](http://www.eden.gov.uk/business-and-trade/licensing/gambling-act-2005/about-the-gambling-act-2005/)
- 1.2 The Gambling Act 2005 gives responsibility to Licensing Authorities to undertake a number of licensing and regulatory functions in relation to premises used for gambling. Under the Act, Authorities are required to prepare and publish a Licensing Policy Statement every three years setting out the principles the Authority proposes to apply in exercising its functions under the Act. The policy, which was originally prepared jointly with each of the other Licensing

Authorities in Cumbria, was first published in 2007 and was subsequently reviewed and published in 2010, 2013, 2016 and 2019. That policy must now be reviewed, and a revised statement published to come into effect by the end of January 2022.

- 1.3 As the policy being consulted on includes only minor amendments and was last reviewed as recently as 2019, it is recommended that Councillors submit any comments no later than Friday 01 October 2021 to the Acting Town Clerk who will then prepare a response to EDC and submit it on their Consultation Response Template. Should the Acting Town Clerk receive no comments then a Consultation Response Form will be submitted stating such.

## **2. Risk Assessment**

- 2.1 There are no risks associated with this report.

## **3. Financial Implications**

- 3.1 There are no financial implications associated with this report.

## **4. Legal Implications**

- 4.1 There are no direct legal implications associated with this report.

## **Appendices**

Letter from EDC, 04 August 2021, Gambling Act 2005 Review of Statement of Policy.

## **Background Papers**

None.

Your Reference:  
Our Reference: LW/Licensing  
Enquiries to: Linda Watson  
Direct Dial: 01768 212273  
Email: linda.watson@eden.gov.uk  
Date: 4 August 2021



Town Hall, Penrith, Cumbria CA11 7QF  
Tel: 01768 817817

All Town/Parish Council and Meeting Clerks

Item 18 Appendix A

Dear Sir/Madam

### **Gambling Act 2005 Review of Statement of Policy**

The Gambling Act 2005 gives responsibility to Licensing Authorities to undertake a number of licensing and regulatory functions in relation to premises used for gambling. Under the Act, Authorities are required to prepare and publish a Licensing Policy Statement every three years setting out the principles the Authority proposes to apply in exercising its functions under the Act. The policy, which was originally prepared jointly with each of the other Licensing Authorities in Cumbria, was first published in 2007 and was subsequently reviewed and published in 2010, 2013, 2016 and 2019. That policy must now be reviewed and a revised statement published to come into effect by the end of January 2022.

We are undertaking a 9-week consultation so that you or your organisation may comment on the contents of a revised draft policy. Only minor amendments have been made to bring the policy up to date since the last review and it is available on our website at [www.eden.gov.uk/business-and-trade/licensing/gambling-act-2005/about-the-gambling-act-2005/](http://www.eden.gov.uk/business-and-trade/licensing/gambling-act-2005/about-the-gambling-act-2005/) Copies are also available on request from the licensing office.

All representations will receive due consideration prior to the final draft being placed before full Council for adoption from 31 January 2022. If you wish to comment on any aspect of the draft policy, it would be appreciated if you would please use a 'Consultation Response Form' available on our website. Responses to the consultation must be received in writing by no later than **6 October 2021** and may be made by email to [admin.licensing@eden.gov.uk](mailto:admin.licensing@eden.gov.uk)

If you require any further information, please do not hesitate to contact the licensing office.

Yours faithfully

A handwritten signature in cursive script that reads 'Linda Watson'.

Linda Watson  
Licensing Officer





# **FULL COUNCIL**

## **27 SEPTEMBER 2021**

### **Matter: Directional Signpost Beacon Edge**

#### **Purpose of Report:**

To consider whether to make a financial contribution to the restoration of the Directional Signpost on Beacon Edge.

**Item no:** 19

**Author:** Services and Contracts Manager

**Supporting Member:** Cllr. Jackson, Lead Member for Assets

#### **Recommendations**

That the Council considers whether it is minded to approve a financial contribution to the restoration of the directional signpost on Beacon Edge and determine the level of financial support.

#### **Law and legal implications**

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

#### **Link to Council Priorities**

This report addressed the Growth strategic priority and meets the aim to conserve historic and notable buildings.

#### **1. Report Details**

- 1.1 The Council has been approached by a County Councillor enquiring whether the Town Council would consider making a financial contribution to the restoration of the directional signpost on Beacon Edge. Below is an image of the signpost:



- 1.2 The Council have made enquiries with Cumbria County Council who have confirmed that they are responsible for the maintenance of these posts, and although have a maintenance budget, works on these signs are often expensive. It is anticipated that the costs to repair this sign will be up to £2,000.
- 1.3 Town and Parish Council's are known to have contributed to the restoration of these types of signs in other areas. The County Council has confirmed that this sign is able to be repaired in the 2021/22 financial year, yet any contribution to the cost of the repair would be welcomed as it may assist them to carry out more repairs than they usually would within their budget.
- 1.4 This report asks whether the Council will consider approving a financial contribution to the restoration of the signpost, and should they wish to, to determine the level of support. Any financial contribution would be met from the Town Projects budget.

## **2. Risk Assessment**

- 2.1 There are no risks associated with this report.

## **3. Financial Implications**

- 3.1 Should the Council be minded to determine a financial contribution the cost will be met from the Town Projects budget.

## **4. Legal Implications**

- 4.1 There are no direct legal implications associated with this report.

## **Appendices**

No appendices

## **Background Papers**

None

# **FULL COUNCIL**

## **27 September 2021**

### **Matter: 20mph Speed Limit Order**

### **Purpose of Report:**

Note Cumbria County Council's response to the Councils, request to create a Penrith wide 20mph Speed Limit Order.

**Item no:** 20

**Author:** Acting Town Clerk

**Supporting Member:** Cllr. Davies

### **Recommendations**

To note Cumbria County Council's response to the Council's request to create a Penrith wide 20mph Speed Limit Order.

### **Law and legal implications**

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

### **Link to Council Priorities**

This report aligns with the strategic priority for Transport to support experiences that are safe and reliable.

### **1. Report Details**

- 1.1 Full Council, 13 July 2021 considered and approved a motion brought forward by Cllr Davies, that the Council calls on Cumbria County Council as the county Highway Authority to create a Speed Limit Order to set a Penrith wide 20mph speed zone.
- 1.2 Following the meeting the Council submitted this request to Cumbria County Council for consideration. A response has been received from Cumbria County Council which is set out below:

Whilst we appreciate 20mph speed limits are favoured for small villages and built-up areas, the restriction will only be implemented where the speed is already at or below 24 mph (if not then physical measures such as traffic calming may be introduced, if appropriate to achieve this).

The restriction is split into two categories:

- i. 20 mph zones - these consist of traffic calming measures at regular intervals, meaning no point within the zone should be more than 50 metres from a feature. In addition to this, the beginning and end of a zone is indicated by a terminal sign. There is no requirement for repeater signing within the zone and zones usually cover a number of roads.

- ii 20 mph speed limits – these are signed with terminal signs, at least one repeater sign and are not supported by traffic calming measures.

It must also be noted that 20mph speed limits and zones are self-enforcing and would not receive additional Police enforcement.

The first steps will be to gather speed limit data to establish a picture of driver behaviour in the area.

Following that, Highways Officers will be able to identify how to progress with this request and the requirements which will need to be met.

As your request relates to all streets within the built-up area of Penrith not already covered by a 20mph restriction, it is unlikely that your proposals will be carried forward at this time to cover all areas. Considerations will be made however to establish any action needed around the town.

- 1.3 Members are asked to note the response from Cumbria County Council and the conclusion that it is unlikely that the Council's request will be carried forward at this time to cover all areas, yet considerations will be made to establish any action needed around town.

## **2. Risk Assessment**

- 2.1 There are no risks associated with this report.

## **3. Financial Implications**

- 3.1 There are no financial implications associated with this report.

## **4. Legal Implications**

- 4.1 There are no legal implications associated with this report.

## **Appendices**

None

## **Background Papers**

Minute PTC21/45, Motion from Cllr Davies – 20mph Speed Limit Order, 13 July 2021