



# 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: 13 March 2023**

**NOTICE IS HEREBY GIVEN** that an **ORDINARY MEETING** of **THE FINANCE COMMITTEE** will be held on **20 March, 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 Town Council Office, Unit 1, Board Room, Church House, Friargate, Penrith.**

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 Friday 17 March 2023.

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)

## COMMITTEE MEMBERSHIP

Cllr. Burgin	South Ward	Cllr. Lawson	Carleton Ward
Cllr. Kenyon	North Ward	Cllr. Rudhall	East Ward
Cllr. Knaggs	West Ward	Cllr. Shepherd	East Ward

Mrs V. Tunnadine, Town Clerk, PSLCC

# **AGENDA FOR THE ORDINARY MEETING OF THE FINANCE COMMITTEE MONDAY 20 MARCH 2023**

## **PART I**

Members are asked to:

### **1. Apologies**

Receive apologies from Members.

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

Authorise the Chair to sign, as a correct record, the minutes of the Committee held on Monday 16 January 2023.

### **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 which 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 which 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. Public Participation**

Receive any questions or representations, which have been received from members of the public. There is a period of up to 15 minutes in total for members of the public to ask questions or submit comments.

#### **ADVICE NOTE:**

Members of the public may make representations, answer questions, and give evidence at a meeting, which they are entitled to attend in respect of the business on the agenda. 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.

## **5. Excluded Item: Public Bodies (Admissions to Meetings) Act 1960**

Determine whether any items 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.

## **6. Payments for Approval**

- a) Note that Cllr. Knaggs and Cllr. Rudhall accessed the Banking System to reconcile the report of all payments made for the relevant period and would be able to recommend that each payment aligned with the invoices.
- b) Agree two Members to undertake the Payments for Approval reconciliation for the meeting of Finance Committee on the 24 April 2023.
- c) Approve the monthly report of payments for January and February 2023.

## **7. Bank Reconciliation**

Approve and sign the bank reconciliations as of 31 January and 28 February 2023 as a correct record.

## **8. Budgetary Control Statement 2022/23: 28 February 2023**

Review and approve the Budgetary Control Statement for the period 28 February 2023 and recommend the statement be ratified by Full Council.

## **9. Internal Audit Report**

Receive and approve the Internal Auditors Report for the period 01 April 2022 to 31 December 2022 and recommend the report go forward for ratification by Full Council.

## **10. Annual Review of Fees and Charges 2023/24**

Consider and approve the proposed Fees and Charges for 2023/24 financial year and recommend that these go forward for ratification by Full Council.

## **11. Banking**

- a) The Council currently has £630,000 invested with CCLA. The opening HSBC bank balance at 10 March 2023 was £33,464 which is considered insufficient to cover payments until receipt of the 2023-24 precept, which could be as late as the beginning of May. The Committee is therefore recommended to withdraw £100,000 from CCLA to supplement the bank balance.
- b) Consider the removal of all existing signatories on the Councils accounts who are not re-elected in May.

## **12. Review of the System of Internal Control 2022/23**

Consider a review of the Council's system of Internal Control and recommend that the report go forward for ratification by Full Council.

### **13. Policy Review**

Consider the following reviewed policies and recommended amendments and agree that these go forward to Full Council for ratification:

- a) Code of Conduct.
- b) Dispensations Policy.
- c) Flexible Working Policy.
- d) Financial Regulations with associated policies.
- e) Grants Scheme.
- f) Partnership Protocol.

### **14. Scheme of Delegation and Communities Committee Draft Terms of Reference**

Consider the draft Terms of Reference for the Communities Committee and the changes to the Councils' Scheme of Delegation and recommend these go forward to Full Council for ratification.

### **15. Community Services Officer – ILCA Award**

Note that the Council's Community Services Officer has passed The Introduction to Local Council Administration (ILCA) course and note his pay will increase by one spinal pay column point backdated to the date of passing the ILCA course.

### **16. Next Meeting**

Note that the next meeting is scheduled for 24 April 2023, 6.00pm at the Board Room, Church House, Friargate, Penrith.

## **PART II – PRIVATE SECTION**

No matters.

### **FOR THE ATTENTION OF ALL MEMBERS OF THE FINANCE COMMITTEE AND FOR INFORMATION TO ALL REMAINING 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:

<https://www.penrithtowncouncil.gov.uk/>

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



# Penrith Town Council

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

**DRAFT** Minutes of the meeting of the

## **FINANCE COMMITTEE**

Held on Monday 16 January 2023, at 6.00 p.m.

### **PRESENT**

Cllr. Burgin	South Ward	Cllr. Lawson	Carleton Ward
Cllr. Kenyon	North Ward	Cllr. Rudhall	East Ward
Cllr. Knaggs	West Ward	Cllr. Shepherd	East Ward

Services and Contracts Manager  
Responsible Finance Officer

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, which 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.

**DRAFT MINUTES FOR THE MEETING OF  
FINANCE COMMITTEE  
16 JANUARY 2023**

**FIN22/53 Apologies for Absence**

There were no apologies for absence.

**FIN22/54 Confirmation of the Minutes**

Members authorised the Chair to sign the Minutes of the Meeting of the Finance Committee held on Monday 14 November 2022.

**FIN22/55 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.

Item 9: Proposed Budget 2023/24: Cllr. Shepherd declared that he was a Board Member on the Penrith Business Improvement District.

Councillor Lawson joined the meeting.

**FIN22/56 Public Participation**

Members received one representation from a member of the public representing Evolve Penrith who asked the following question:

'Does the town council believe they are delivering with the budget setting and spending, best value for the people of Penrith and the council tax precept they pay?'

The meeting received the question.

In accordance with standing order 3(h), 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.

The Chair confirmed that a written response to the question would be provided.

## **FIN22/57 Excluded Item: Public Bodies (Admission to Meetings) Act 1960**

Members considered whether any items should be considered without the press and public, pursuant to Section 1 (2) of the Public Bodies (Admissions to Meetings) Act, 1960.

### **RESOLVED THAT:**

Agenda item 14 Proposed Budget 2023/24: Staff Salaries be considered in Part Two, private session without the presence of the press and public as this item of business related to the financial and personal affairs of a particular person, in this instance members of staff.

## **FIN22/58 Payments for Approval**

- a) Members noted that prior to the meeting, Cllr. Kenyon and Cllr. Shepherd verified and confirmed that the banking transaction history for November and December 2022 reconciled and agreed with the transactions circulated with the meeting documents.
- b) Members were asked to agree the two Councillors to undertake the payments for approval checking for the next meeting of the Finance Committee to be held on the 20 March 2023.

### **RESOLVED THAT:**

Cllr. Knaggs and Cllr. Rudhall check the payments for approval prior to the meeting of the Finance Committee on the 20 March 2023.

- c) Members considered the Monthly Report of Payments for November and December 2022.

### **RESOLVED THAT:**

The Monthly Report of Payments for November and December 2022 be approved.

## **FIN22/59 Bank Reconciliation**

Members considered the Bank Reconciliation for the HSBC Bank account for the period ending 30 November and 31 December 2022.

### **RESOLVED THAT:**

The Bank Reconciliation for the HSBC Bank account for the period ending 30 November and 31 December 2022 be approved and signed by Cllr Knaggs.

## **FIN22/60 Budgetary Control Statement 2022/23: 31 December 2022**

Members considered the Budgetary Control Statement 2022/23 Expenditure for the period to 31 December 2022.

### **RESOLVED THAT:**

The Budgetary Control Statement 2022/23 expenditure for the period to 31 December 2022 be approved and go forward for ratification by Full Council.

## **FIN22/61 Proposed Budget 2023/24**

Members considered the report setting out the proposed budget for 2023/24.

### **RESOLVED THAT:**

- i. The forecast Outturn expenditure for 2022/23 of £417,092 be noted.
- ii. The proposed budget for 2023/24 be agreed.
- iii. The proposed budget 2023/24 with a total expenditure of £575,665 which would require a precept of £468,295 resulting in a nil increase in Council Tax go forward for consideration and approval by Full Council on Monday 23 January 2023 which allows for/includes:
  - a) Salaries payable to Council staff in 2023/24, as detailed in the supporting confidential report (Minute FIN22/66).
  - b) The inclusion of Christmas lighting, Town Greening and Town Dressing into the schedule of work for 2023/24 and that the costs be met from the Town Projects budget.
  - c) The creation of an Elections Reserve of £30,000 to be met from underspending from the current years budget and thereafter a contribution of £5,000 per annum is made over the full term of the Medium-Term Financial Plan.
  - d) The maximum grant for the Signature Events Grant Fund be £5,000 per event per annum and the Policy be updated accordingly with an annual budget of £20,000 to be established for 2023/24.
  - e) The proposed level of financial reserves.
  - f) The parameters and forecasts in the Proposed Medium Term Financial Plan.

## **FIN22/62 Draft Financial Policies**

Members considered the revised Reserves Policy and Investment Strategy for 2023/24, having noted that these policies are reviewed annually as part of the budget consideration.

### **RESOLVED THAT:**

- i. The Reserves Policy for 2023/24 be approved noting the deletion of the Acquisition Reserve and the proposal for a new Elections Reserve and the policy go forward for ratification by Full Council.
- ii. The Investment Strategy be approved and go forward for ratification by Full Council.



## **FIN22/63 Responsible Finance Officer – FILCA Award**

Members noted that the Council's Responsible Finance Officer has passed The Financial Introduction to Local Council Administration (FILCA) course and noted his pay would increase by one spinal column point backdated to the date of passing the FILCA course.

## **FIN22/64 Draft Social Media and Training Policy**

Members considered the reviewed Social Media and Training Policy.

### **RESOLVED THAT:**

- i. The Social Media and Training Policies be recommended to go to Full Council for approval with amendments as proposed.
- ii. Members with additional questions on any of the policies should contact the Town Clerk by close of business on Thursday 19 January 2023.
- iii. The Town Clerk would provide a response if possible, at the meeting of Full Council on Monday 23 January 2023 if appropriate.

## **FIN22/65 Next Meeting**

Members noted that the next meeting of the Finance Committee was scheduled for **Monday 20 March 2023** at **Penrith Town Council Office, Board Room, Unit 1, Church House** at **6.00pm**.

## **Private Session**

### **Part II**

Members agreed that there was one item in this part of the agenda to be considered in private as it would involve the disclosure of exempt information under the following category of Part 1 of Schedule 12A of the Local Government Act 1972: Exempt information relating to members of staff.

## **FIN22/66 Proposed Budget 2023/24: Staff Salaries**

Members considered the salaries report for 2023/24.

### **RESOLVED THAT:**

The salaries payable to Council staff in 2023/24 be recommended to go forward to Full Council for approval as part of the Council's consideration of the Proposed Budget 2023/24.

**CHAIR:**

**DATE:**

**FOR ATTENTION FOR ALL  
MEMBERS OF FINANCE COMMITTEE  
AND FOR INFORMATION TO THE TOWN COUNCIL**

**Access to Information**

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**Background Papers**

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Item 6ci

## Payments Schedule January 2023

Date	Ref	Details	Net £	VAT £	Total £	Budget
04/01/2023	22-201	KTD - 365 Account Set up	445.00	89.00	534.00	IT
04/01/2023	22-202	KTD Ltd - 365 Support	237.60	47.52	285.12	IT
04/01/2023	22-203	KTD Ltd - Headset Hardware	1,808.00	361.60	2,169.60	IT
04/01/2023	22-204	KTD Ltd - 365 Support	118.80	23.76	142.56	IT
04/01/2023	22-205	KTD Ltd - Managed Print Use 30/11/22 - 30/12/22	205.44	41.09	246.53	Printing, Postage & Stationery
04/01/2023	22-206	Carlisle DBF Ltd - Room Hire	88.00	17.60	105.60	Room Hire/Meetings
04/01/2023	22-207	Colourmedia - Social Media Management Monthly	450.00	90.00	540.00	IT
04/01/2023	22-208	106 Partnership - Grant	1,500.00	-	1,500.00	Large Grants
04/01/2023	22-209	Walton Goodland- Fire safety	24.28	4.86	29.14	Service Charges
04/01/2023	22-209	Walton Goodland -Cleaning	50.16	10.03	60.19	Service Charges
04/01/2023	22-209	Walton Goodland - door replacement	302.10	60.42	362.52	Service Charges
04/01/2023	22-209	Walton Goodland - boiler repairs	175.48	35.10	210.58	Service Charges
04/01/2023	22-209	Walton Goodland - repairs	104.74	20.95	125.69	Service Charges
04/01/2023	22-209	Walton Goodland - gas	149.81	7.49	157.30	Heat, Light & Water
04/01/2023	22-209	Walton Goodland - water charges	48.64	-	48.64	Heat, Light & Water
04/01/2023	22-209	Walton Goodland - electricity	394.06	19.70	413.76	Heat, Light & Water
11/01/2023	22-210	OH Acquisitions Limited - OHP Consultation	275.00	-	275.00	Recruitment Expenses
11/01/2023	22-211	KTD Ltd - System Support	2,351.76	470.36	2,822.12	IT
11/01/2023	22-212	Lamont Prodmore - Accountancy Fees to December 2022	785.00	157.00	942.00	Accountancy Fees
18/01/2023	22-213	Signs of Cheshire Ltd - Replacement Locks Noticeboard	27.00	5.40	32.40	Signage, Etc
18/01/2023	22-214	Heatons Group - Paper	115.60	23.12	138.72	Printing, Postage & Stationery
18/01/2023	22-215	The Fellrunner Village Bus Ltd - Grant	3,000.00	-	3,000.00	Large Grants
18/01/2023	22-216	Glasdon UK Ltd - Seats	1,607.20	321.44	1,928.64	Thacka Beck
18/01/2023	22-217	SLCC Enterprises Ltd - Planning Policy Training Staff	35.00	7.00	42.00	Staff Training
25/01/2023	22-218	Premier Technical Services Group - Annual Inspection Monumen	206.00	41.20	247.20	Musgrave Monument
25/01/2023	22-219	KTD Ltd - Domain Services 27/02/23 - 26/05/23	23.75	4.75	28.50	Website
25/01/2023	22-220	KTD Ltd - IT Services Cover 28/02/23 - 27/03/23	118.80	23.76	142.56	IT
25/01/2023	22-221	Lewis Murray (Staff) - Mileage Expenses	5.40	-	5.40	Staff Expenses
25/01/2023	22-222	Urbaser Ltd - Community Caretaker Contract December 2022	647.34	129.47	776.81	Community Caretaker
25/01/2023	22-223	Urbaser Ltd - Grounds Maintenance Contract December 2022	300.67	60.13	360.80	Fairhill Park
25/01/2023	22-223	Urbaser Ltd - Grounds Maintenance Contract December 2022	56.00	11.20	67.20	Thacka Beck
25/01/2023	22-224	Urbaser Ltd - Caretaking Adhoc Duties Thacka Beck Field	71.28	14.26	85.54	Thacka Beck
25/01/2023	22-225	John Kemp (Staff) - ICAEW Membership 2023	207.50	-	207.50	Subscriptions
02/01/2023	CC22-79	Zoom	83.93	16.79	100.72	IT
05/01/2023	CC22-80	Post Office Ltd	1.65	-	1.65	Printing, Postage & Stationery
10/01/2023	CC22-81	Post Office Ltd	12.30	-	12.30	Printing, Postage & Stationery
11/01/2023	CC22-82	Post Office Ltd	12.30	-	12.30	Printing, Postage & Stationery
16/01/2023	CC22-83	Post Office Ltd	13.84	-	13.84	Printing, Postage & Stationery
16/01/2023	CC22-84	Post Office Ltd	37.10	-	37.10	Printing, Postage & Stationery
11/01/2023	CC22-85	Amazon Sunbridge Ltd	31.96	-	31.96	Thacka Beck
11/01/2023	CC22-86	Amazon Bird boxes	34.08	6.82	40.90	Thacka Beck
12/01/2023	CC22-87	Amazon - plants	33.33	6.67	40.00	Musgrave Monument
31/01/2023	CC	Amazon - 4 port Anker	31.35	6.27	37.62	IT
08/01/2023	CHG	Bank Charges to Dec 17	8.00	-	8.00	Bank Charges & Interest
19/01/2023	BP	LGPS Dec 22	6,390.16	-	6,390.16	Staffing - Salaries
20/01/2023	BP	HMRC IT & NIC Dec22	7,141.08	-	7,141.08	Staffing - Salaries
26/01/2023	BP	Net Pay Jan 23	13,808.64	-	13,808.64	Staffing - Salaries
11/01/2023	DD	ICO - Information Commissioner 2023	35.00	-	35.00	Licences
26/01/2023	DD	New Star Networks	291.96	58.39	350.35	IT
23/01/2023	DD	British Gas Trading	20.78	1.04	21.82	Bandstand
<b>Total</b>			<b>1143,922.87</b>	<b>2,194.19</b>	<b>46,117.06</b>	

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# Penrith Town Council

## Payments Schedule February 2023

Item 6cii

Date	Ref	Details	Net £	VAT £	Total £	Budget
08/02/2023	22-226	Cumbria Association of Local Councils - Procurement Training	30.00	-	30.00	Staff Training
08/02/2023	22-227	Cumbrian Local Publications Ltd - Eden Local March 2023	510.00	-	510.00	Community Engagement
08/02/2023	22-228	Gail Little - Office Cleaning Jan 2023	60.00	-	60.00	Service Charges
08/02/2023	22-229	SLCC - ILCA Training	120.00	24.00	144.00	Staff Training
08/02/2023	22-230	KTD Ltd - Photocopier	226.77	45.36	272.13	Printing, Postage & Stationery
08/02/2023	22-231	Colourmedia - Social Media Management Monthly	450.00	90.00	540.00	IT
08/02/2023	22-232	V.Tunnadine - expenses	77.00	-	77.00	Repairs & Renewals
22/02/2023	22-233	Christine Launder - Grant Review	500.00	-	500.00	Officer Support
22/02/2023	22-234	Jean Airey Internal audit to 31 Dec 2022	216.20	-	216.20	Audit Fees
22/02/2023	22-235	Ian Cannon Ltd - Thacka Beck Field Additional Works and Fence Repairs	490.00	98.00	588.00	Thacka Beck
22/02/2023	22-236	AM Cumbria - electrical testing	193.33	38.67	232.00	Bandstand
22/02/2023	22-236	AM Cumbria - electrical testing	193.33	38.67	232.00	Musgrave Monument
22/02/2023	22-236	AM Cumbria - electrical testing	193.34	38.66	232.00	Service Charges
22/02/2023	22-237	Urbaser Ltd - Community Caretaker January 2023	647.34	129.47	776.81	Community Caretaker
22/02/2023	22-238	Urbaser Ltd - Grounds Maintenance January 2023	300.67	60.13	360.80	Fairhill Park
22/02/2023	22-238	Urbaser Ltd - Grounds Maintenance January 2023	56.00	11.20	67.20	Thacka Beck
22/02/2023	22-239	Urbaser Ltd - various repairs	166.88	33.38	200.26	Community Caretaker
22/02/2023	22-240	KTD Ltd - Sharepoint setup	795.00	159.00	954.00	IT
22/02/2023	22-241	KTD Ltd -LCD Monitor	198.00	39.60	237.60	IT
24/02/2023	22-242	KTD Ltd - additional IP address 01768899695	171.00	34.20	205.20	IT
22/02/2023	22-243	Royal British Legion Industries Ltd Queens Green Canopy plaque	258.32	51.66	309.98	Thacka Beck
22/02/2023	22-244	Carlisle DBF Ltd - Room hire	72.00	14.40	86.40	Room Hire/Meetings
22/02/2023	22-244	Carlisle DBF Ltd - office cleaning	111.15	-	111.15	Room Hire/Meetings
22/02/2023	22-245	The Friends of Penrith Museum - grant	280.00	-	280.00	Small Grants
22/02/2023	22-246	Parkplay - grant	500.00	-	500.00	Small Grants
01/02/2023	CC22-88	Booboo trading via Aamzon	22.91	4.58	27.49	Printing, Postage & Stationery
01/02/2023	CC22-89	Shenzen via Amazon	14.99	3.00	17.99	Printing, Postage & Stationery
03/02/2023	CC22-91	Zoom	83.93	16.79	100.72	IT
08/02/2023	CHG	Bank Charges to 17 Jan	8.00	-	8.00	Bank Charges & Interest
17/02/2023	BP	LGPS Jan 23	5,308.25	-	5,308.25	Staffing - Salaries
20/02/2023	BP	HMRC IT & NIC Jan23	5,443.46	-	5,443.46	Staffing - Salaries
28/02/2023	BP	Net Pay	15,935.38	-	15,935.38	Staffing - Salaries
22/02/2023	DD	British Gas Trading	7.93	0.40	8.33	Bandstand
28/02/2023	DD	New Star Networks	289.87	57.97	347.84	IT
<b>Total</b>			<b>33,931.05</b>	<b>989.14</b>	<b>34,920.19</b>	

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Bank Ref:	1205	Date To:	31/01/2023
Bank Name:	HSBC	Statement Ref:	1205 2023-02-06 01
Currency:	Pound Sterling		

Balance as per cash book at 31/01/2023:

61,971.75

Add: Unpresented Payments

Tran No	Date	Ref	Details	£
				0.00

Less: Outstanding Receipts

Tran No	Date	Ref	Details	£
				0.00

Reconciled balance :

61,971.75

Balance as per statement :

61,971.75

Difference :

0.00

**3 January to 2 February 2023**

## Your Statement

**Account Name**  
Penrith Town Council

**Sortcode** **Account Number** **Sheet Number**  
[REDACTED] [REDACTED] 184

### Your BUSINESS CURRENT ACCOUNT details

Date	Payment type and details	Paid out	Paid in	Balance
	<b>BALANCE BROUGHT FORWARD</b>			<b>70,574.18</b>
	BP [REDACTED]	[REDACTED]		
	BP [REDACTED]	[REDACTED]		
	BP [REDACTED]	[REDACTED]		
	BP Mr Lewis Murray Penrith Town Council	5.40		
	BP KTD K147369	28.50		63,896.98
30 Jan 23	BP PTSG INVCSV204698	247.20		
	BP KTD K147370	142.56		
	BP Urbaser Ltd PTC INV 6988	85.54		
	BP Urbaser Ltd PTC INV 6986	776.81		
	BP Urbaser Ltd PTC INV 6987	428.00		
	BP Mr John Kemp Penrith Town Council	207.50		62,009.37
31 Jan 23	VIS AMZNMktplace amazon.co.uk	37.62		61,971.75
01 Feb 23	VIS AMZNMktplace amazon.co.uk	45.48		61,926.27
02 Feb 23	CR PUBLIC SECTOR DEPO		1,911.61	63,837.88
<b>02 Feb 23</b>	<b>BALANCE CARRIED FORWARD</b>			<b>63,837.88</b>

### Information about the Financial Services Compensation Scheme

Most deposits made by HSBC Business customers are eligible for protection under the Financial Services Compensation Scheme (FSCS). For further information about the compensation provided by the FSCS, refer to the FSCS website at [fscs.org.uk](https://fscs.org.uk), call into your nearest branch or call your telephone banking service. Further details can be found on the FSCS Information Sheet and Exclusions List which is available on our website ([hsbc.co.uk/fscs/](https://hsbc.co.uk/fscs/)).

Credit Interest Rates	balance	AER variable	Debit Interest Rates	balance	EAR variable
Credit interest is not applied			Debit interest		21.34%



Bank Ref:	1205	Date To:	28/02/2023
Bank Name:	HSBC	Statement Ref:	1205 2023-03-06 01
Currency:	Pound Sterling		

Balance as per cash book at 28/02/2023:

36,657.36

Add: Unpresented Payments

Tran No	Date	Ref	Details	£
				0.00

Less: Outstanding Receipts

Tran No	Date	Ref	Details	£
				0.00

Reconciled balance :

36,657.36

Balance as per statement :

36,657.36

Difference :

0.00

**3 February to 2 March 2023**

## Your Statement

**Account Name**  
Penrith Town Council

**Sortcode** **Account Number** **Sheet Number**  
[REDACTED] [REDACTED] 187

### Your BUSINESS CURRENT ACCOUNT details

Date	Payment type and details	Paid out	Paid in	Balance
	<b>BALANCE BROUGHT FORWARD</b>			<b>38,986.99</b>
	BP [REDACTED]			
	Penrith Town Council	[REDACTED]		36,657.36
<b>02 Mar 23</b>	<b>BALANCE CARRIED FORWARD</b>			<b>36,657.36</b>

### Information about the Financial Services Compensation Scheme

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<b>Credit Interest Rates</b>	<i>balance</i>	<i>AER variable</i>	<b>Debit Interest Rates</b>	<i>balance</i>	<i>EAR variable</i>
Credit interest is not applied			Debit interest		21.34%

# **FINANCE COMMITTEE**

**20 March 2023**

## **COUNCIL**

**27 March 2023**

**Matter: Budgetary Control Statement 2022-23:  
Expenditure to 28 February 2023**

### **Purpose of Report:**

To consider the budgetary control statement for the eleven month period to 28 February 2023.

**Item no: 08**

**Author:** RFO

**Supporting Member:** Cllr Dave Knaggs, Finance Committee Chair

**This is a public report**

### **Recommendations**

Finance Committee is recommended to review and approve the budgetary control statement and forward it to Council for ratification.

### **Law and legal implications**

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, who 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 2022-23, which was ratified by Council on 24 January 2022.
- The Latest Budget for the full year; no changes have been made to the Revised Budget which was approved in July this year.

- The budget to date, based on the latest budget for the year. This proportion is the anticipated budget for the first eleven 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 (i.e., 11/12ths for the current period), however more detailed profiles have been used for several budget headings.
- Actual income and expenditure to 28 February, 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 committed 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 February 2023. 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. The transfer of balance on the Acquisitions Reserve is planned for 31 March 2023.

## **B. Commentary**

The statement shows underspending on most budget headings, continuing the trend from the December statement. The following comments concentrate on unusual or unexpected variances.

### **B.1 Income**

Overall income of £435,542 exceeds the profiled budget of £425,891 by £9,651.

- The approved budget set a very modest amount for investment income, which was increased in the revised budget. Returns have continued to improve, and income is well above profile.

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

Expenditure of £5,013 is shown against the profiled budget of £21,551, an underspending of £13,982.

- The only notable expenditure is on Carbon Literacy Training, where £2,910 has been spent against the full annual budget of £1,000. The excess can be offset against underspending elsewhere in the Climate Change budget.

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

Net spend of £43,422 is shown against the profiled budget of £106,792, an underspending of £63,370.

- The Revised Budget transferred £7,000 from Large Grants to Arts & Culture Development to meet an expected overspending due to events earlier in the year. The anticipated overspend has been reduced to £937, which can be set against substantial underspending elsewhere, notably Town Projects £10,563, Greening £5,000, Grants £30,075 and Participatory Budgeting £9,167.

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

Net expenditure of £330,750 is shown against the budget to date of £358,660, an underspending of £27,910.

. The main variances are as follows:

- The Staffing budget is currently underspent by £13,317 for the eleven months to February 2023, though the monthly rate of spend is now close to budget.
- Heat, Light and Water expenditure includes estimates of costs since the last invoices from the Council's landlord. Since those invoices are received sporadically, the latest trends may not be forecast accurately, however an overspend of £903 suggests that the Council's costs are increasing, similar to the national picture.
- The IT budget is currently overspent by £4,157, this includes expenditure on equipment for new posts and upgrades to the system.
- The £25,500 initial contribution to the Thacka Beck development was budgeted for December, the actual cost to date is £14,865 for the path and £2,454 for benches.
- The various Devolved Services headings show an underspend totalling £12,181, which is assumed to be an additional transfer to the Devolution Reserve.
- There has been no expenditure to date on Local Government Re-organisation, budget £13,750, nor on Officer Support to projects, budget £2,750.

#### **B.5 Total Expenditure & Increase/Decrease in General Reserve**

- The individual variances result in an underspending of £114,858 against the profiled total expenditure budget of £494,043. As there is £9,651 more income, there is a net variation of £124,509 on the profiled amount transferrable to the General Reserve.

#### **B.6 Reserves**

- The Actual to date column includes the General Reserve balance at 1 April 2022 of £428,090 which is now included in the Revised Budget.

The profiled budget assumes that the Reserve should decrease by £68,152 in the period, resulting in a balance of £359,938 at 28 February 2023. The actual balance on the reserve at the month end is £484,447, which is £124,509 higher than expected.

- The Devolution Reserve opened the year with a balance of £149,855, again included in the Revised Budget. The actual amount of £4,736 transferrable into the Devolution Reserve is £15,473 higher than profile.

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

Appendix B shows the Council's balance sheet as at 28 February 2023. The following points may be noted:

- The total invested of £716,626 includes £630,000 placed with CCLA.
- The main debtor balance is £989 VAT reclaimed from HMRC.
- Prepayments of £2,864 include adjustments for insurance, office rental, licences, subscriptions and maintenance agreements.
- The HSBC Bank balance stands at £36,657, to provide cash flow for the next month.
- Accruals of £12,825 represent goods and services received before 28 February 2023, where the payment was not made by that date. Individual items include grounds maintenance, caretaking and audit and accountancy fees.
- The Payroll Control balance of £11,543 relates to deductions calculated in the February payroll; the total is due to HMRC for income tax and national insurance and to the Cumbria Pension Fund for superannuation.

The Receipts in Advance figure represents income for the period 1 April 2022 to March 2023, already received from Eden DC as precept and grants.

## **D. Conclusion**

The budgetary control statement shows that net spending to 28 February 2023 was around £115,000 below the Latest Budget for the period.

Finally, there are no issues arising from the Council's balance sheet at 28 February 2023.

## **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: ELEVEN MONTHS ENDED 28 FEBRUARY 2023

Approved Budget 2022-23	Latest (Revised) Budget 2022-23	Heading	Budget to Date	Actual to Date	Favourable/ (Adverse) Variance
£	£		£	£	£
		<b>INCOME</b>			
		<b>Precept:</b>			
455,209	455,209	Council Tax	417,275	417,275	0
7,390	7,390	<b>CTRS Grant</b>	6,774	6,773	(1)
		<b>Other Income:</b>			
250	2,000	Investment Income	1,833	11,494	9,661
10	10	Miscellaneous Income	9	0	(9)
<b>462,859</b>	<b>464,609</b>	<b>TOTAL INCOME</b>	<b>425,891</b>	<b>435,542</b>	<b>9,651</b>
		<b>EXPENDITURE</b>			
		<b>PLANNING COMMITTEE:</b>			
		<b>Planning:</b>			
}	}	Officer Support	0	1,270	(1,270)
10,000	10,000	Planning Consultancy	9,167	833	8,334
}	}	Consultation	0	0	}
10,000	10,000		9,167	2,103	7,064
		<b>Climate Change:</b>			
5,000	5,000	Community Consultation	4,583	0	4,583
2,000	2,000	Internal Business Plan	1,833	0	1,833
1,000	1,000	Carbon Footprinting: High level baseline	917	0	917
500	500	Carbon Footprinting: Calculator licence	458	0	458
3,000	3,000	BIG STEP	2,750	0	2,750
800	800	Staff Development/Exceptional Expenses	733	0	733
1,000	1,000	Carbon Literacy Training	1,000	2,910	(1,910)
13,300	13,300		12,274	2,910	9,364
<b>23,300</b>	<b>23,300</b>	<b>Planning Committee Total</b>	<b>21,441</b>	<b>5,013</b>	<b>16,428</b>
		<b>CCEG COMMITTEE:</b>			
		<b>Town Projects:</b>			
10,000	10,000	Town Projects	9,167	3,187	5,980
5,000	5,000	Marketing Penrith	4,583	0	4,583
15,000	15,000		13,750	3,187	10,563
		<b>Arts &amp; Entertainment:</b>			
7,500	7,500	Officer Support	6,875	2,261	4,614
10,000	17,000	Arts & Culture Development	17,000	17,937	(937)
17,500	24,500		23,875	20,198	3,677
		<b>Environment:</b>			
5,000	5,000	Greening	5,000	0	5,000
		<b>Grants:</b>			
15,000	15,000	Small Grants	13,750	1,780	11,970
15,500	15,500	Grow Nature Grants	14,208	1,460	12,748
26,500	19,500	Large Grants	17,875	12,518	5,357
57,000	50,000		45,833	15,758	30,075
		<b>Corporate Communications:</b>			
7,500	7,500	Community Engagement	6,875	2,759	4,116
2,500	2,500	Press Support	2,292	1,520	772
10,000	10,000		9,167	4,279	4,888
		<b>Participatory Budgeting</b>			
10,000	10,000		9,167	0	9,167
<b>114,500</b>	<b>114,500</b>	<b>CCEG Committee Total</b>	<b>106,792</b>	<b>43,422</b>	<b>63,370</b>



Approved Budget 2022-23	Latest (Revised) Budget 2022-23	Heading	Budget to Date	Actual to Date	Favourable/ (Adverse) Variance
£	£		£	£	£
		<b>FINANCE COMMITTEE:</b>			
		<b>Staffing:</b>			
196,850	204,850	Salaries	186,019	174,819	11,200
19,960	21,470	National Insurance	19,484	17,355	2,129
39,170	42,200	LG Pension Scheme	38,455	38,264	191
500	1,750	Recruitment Expenses	1,750	3,029	(1,279)
950	950	Staff Training	871	960	(89)
1,000	1,000	Conferences	917	0	917
500	500	Staff Expenses	458	210	248
258,930	272,720		247,954	234,637	13,317
		<b>Accommodation:</b>			
7,500	7,500	Rent	6,875	6,875	0
1,800	1,800	Heat, Light & Water	1,650	2,563	(913)
920	920	Service Charges	843	2,076	(1,233)
1,730	1,730	Room Hire & Meetings	1,586	1,678	(92)
380	380	Insurances	348	358	(10)
(10)	(10)	Letting Income	(9)	0	(9)
12,320	12,320		11,293	13,550	(2,257)
		<b>Civic Functions:</b>			
400	400	Civic Functions	367	76	291
700	700	Mayoral Expenses	642	0	642
300	300	Deputy Mayor's Expenses	275	0	275
100	100	Civic Regalia	92	102	(10)
1,500	1,500		1,376	178	1,198
		<b>Cost of Democracy:</b>			
200	200	Annual Meeting	200	225	(25)
1,000	1,000	Members' Training	917	160	757
200	200	Members' Expenses	183	0	183
200	200	Notice/Honours Board	183	0	183
1,600	1,600		1,483	385	1,098
20,000	20,000	<b>IT</b>	18,333	22,490	(4,157)
2,050	2,050	<b>Website</b>	1,879	340	1,539
		<b>Devolved Services:</b>			
800	800	Allotments	696	(450)	1,146
400	400	War Memorial	367	0	367
1,500	1,500	Benches	1,375	0	1,375
5,780	8,750	Bus Shelters	8,685	3,330	5,355
1,750	1,750	Bandstand	1,604	893	711
800	800	Musgrave Monument	733	653	80
3,300	3,300	Fairhill Park	3,025	6,626	(3,601)
	0	Fairhill United Utilities Planting Maintenance	0	0	0
3,700	28,700	Thacka Beck	28,392	19,351	9,041
300	300	Signage, etc	275	27	248
8,800	8,800	Community Caretaker	8,067	7,316	751
19,214	(8,756)	Contribution to/(from) Devolution Reserve	(10,737)	4,736	(15,473)
46,344	46,344		42,482	42,482	0
15,000	15,000	<b>Local Government Re-organisation</b>	13,750	0	13,750
3,000	3,000	<b>Council Projects: Officer Support</b>	2,750	0	2,750
		<b>Other Overheads:</b>			
1,800	1,800	Printing, Postage & Stationery	1,650	2,873	(1,223)
1,450	1,450	Audit Fees	1,329	1,042	287
3,800	3,800	Insurance	3,483	2,971	512
130	130	Bank Charges & Interest	119	115	4
2,600	2,600	Accountancy Fees	2,383	2,048	335
1,500	1,500	Legal Fees	1,375	2,135	(760)
500	500	Licences	458	786	(328)
4,160	4,160	Subscriptions	3,813	3,060	753
15,940	15,940		14,610	15,030	(420)
3,000	3,000	<b>Repairs &amp; Renewals</b>	2,750	1,658	1,092
<b>379,684</b>	<b>393,474</b>	<b>Finance Committee Total</b>	<b>358,660</b>	<b>330,750</b>	<b>27,910</b>

Approved Budget 2022-23	Latest (Revised) Budget 2022-23	Heading	Budget to Date	Actual to Date	Favourable/ (Adverse) Variance
£ 12,000	£ 7,800	Contingency	£ 7,150	£ 0	£ 7,150
0	(50,000)	Transfer to/(from) Acquisitions Reserve	0	0	0
529,484	489,074	<b>TOTAL EXPENDITURE</b>	494,043	379,185	114,858
(66,625)	(24,465)	<b>INCREASE/(DECR) IN GENERAL RESERVE</b>	(68,152)	56,357	124,509
		<b>RESERVES:</b>			
		<b>General Reserve:</b>			
358,758	428,090	Balance brought forward 1 April 2022	428,090	428,090	0
(66,625)	(24,465)	Increase/(decrease) in year	(68,152)	56,357	124,509
292,133	403,625	<b>Balance carried forward</b>	359,938	484,447	124,509
		<b>Devolution Reserve:</b>			
147,402	149,855	Balance brought forward 1 April 2022	149,855	149,855	0
19,214	(8,756)	Contribution from/(to) 2022-23 Budget	(10,737)	4,736	15,473
166,616	141,099	<b>Balance carried forward</b>	139,118	154,591	15,473
		<b>Acquisitions Reserve:</b>			
50,000	50,000	Balance brought forward 1 April 2022	50,000	50,000	0
0	(50,000)	Contribution from/(to) 2022-23 Budget	0	0	0
50,000	0	<b>Balance carried forward</b>	50,000	50,000	0
508,749	544,724	<b>TOTAL RESERVES</b>	549,056	689,038	139,982



## Penrith Town Council

### BALANCE SHEET AS AT 28 FEBRUARY 2023

	£	£
<b>Investments</b>		
Penrith Building Society	86,626	
CCLA Public Sector Deposit Account	<u>630,000</u>	
		716,626
<b>Current Assets</b>		
Debtors	1,946	
Debtor - VAT	989	
Prepayments	2,864	
HSBC Bank Account	<u>36,657</u>	
	42,456	
<b>Current Liabilities</b>		
Creditors	0	
Accruals	12,825	
Payroll Control	11,543	
Receipts in Advance	<u>45,678</u>	
	70,046	
<b>Net Current Assets</b>		(27,590 )
		<u><b>689,036</b></u>
<b>Represented by:</b>		
<b>Reserves</b>		
General Reserve		484,447
Devolution Reserve		154,589
Acquisitions Reserve		50,000
		<u><b>689,036</b></u>

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**INTERIM REPORT BY THE INTERNAL AUDITOR TO  
PENRITH TOWN COUNCIL  
PERIOD 1<sup>ST</sup> APRIL 2022 – 31<sup>ST</sup> DECEMBER 2022.  
FINANCIAL YEAR ENDING 31 MARCH 2023**

I confirm I have, on the 7<sup>TH</sup> February 2023 undertaken an interim audit for the period 1<sup>st</sup> April 2022 – 31<sup>st</sup> December 2022 in accordance with the Account and Audit Regulations (England) 2015 and incorporating any new requirements as outlined in “Governance and Accountability for Smaller Authorities in England” March 2022

The following areas have been inspected to verify the internal financial procedures and governance documents are appropriate and relevant, to ensure compliance with all statutory and outlined criteria.

**A. Appropriate accounting records have been accurately kept throughout the financial year.**

**Periodic bank account reconciliations were properly carried out during the year.**

The Council operates a commercial accounting package – Sage, which is comprehensive and fulfils the requirements needed to complete all monthly and cumulative Income and Expenditure accounts as required by the Regulations. All expenditure and income are coded to the Council’s budgeted headings, allowing immediate identification of spending in each budget sector and enables monthly management accounts to be prepared. There is the additional security by an internal checking system to monitor the accuracy of the data input into the computerised accounts. Backup procedures are undertaken by means of external hard drive and the system provides a robust procedure to safeguard computer records.

Bank reconciliations are prepared monthly and the signature of a Member on this document and the corresponding bank statement verifies the accuracy of the information.

The council has an Investment Policy, which deals with all cash reserves in excess £100,000. The earmarked sums are clearly designated to specific commitments; e.g. Election/By-election expenses. An initial allocation of £30,000 has been set aside for forthcoming elections in May 2023. Subsequently, a sum of £5000 will be allocated annually.

**B. The authority complied with its Financial Regulations; invoices supported payments, and VAT was appropriately accounted for.**

There is a well-documented process for the awarding of tenders and acquisition of goods and services. All procedures adhere to Financial Regulations.

The record verifies the internal financial controls in the Minutes and signatures on the relevant documents. There is clear segregation from the approval of members of the schedule of payments and the release of funds.

Vat is reconciled in the Sage accounts and the reclaims are made monthly.

Repayments are made to the Council's bank account and agree with the monthly claims.

**C. The authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.**

The Clerk/RFO has a robust process for ensuring that all documents are reviewed at the Annual Council Meeting or scheduled for a set review later in the financial year.

Additionally, reviewed annually are the comprehensive Policies and Procedures

**D. The precept requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored. Reserves are appropriate.**

There is clear documented evidence of the budget process with a comprehensive RFO report with accompanying explanations of all budget figures. Outcomes are clearly specified enabling the Council to make informed decisions on the appropriate precept level to fulfil all documented service delivery plans.

Submission is made to the District Council within the required deadline. The budget is regularly monitored. Earmarked reserves in cash balances are clearly documented.

The General Reserve is appropriate to enable the Council to meet budgeted expenditure.

**E. Expected income was fully received based on correct prices, properly recorded and promptly banked. Vat was appropriately recorded**

Income other than the precept is minimal and closely monitored and documented. Services charged provided by the Council are reviewed annually. An Allotment Association with the fee of £450 being paid annually operates allotments.

Other income arises from the hiring of the Band Stand .

**F. Petty Cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT accounted and reclaimed**

Not relevant. The Council operates Debit Cards held by three officers. A receipt for the acquisition of the goods and/or services verifies all expenditure.

VAT is identified and allocated to the appropriate budget heading.

All expenditure is included in the schedule of payments presented to Council.

**G. Salaries to employees and allowances to members were paid in accordance with the council's approvals. PAYE and NI requirements were properly applied.**

All staff has a formal contract of employment. Members do not claim allowances.

The appointment of the Responsible Financial Officer (RFO) as of 12<sup>th</sup> September 2022 was recorded in the Minutes and approved – Meeting 26<sup>th</sup> September 2022. Minute No. 6 i, ii.

Salaries paid to staff are documented and subsequent payments are as authorised by the Council. All PAYE, NI, Pension calculations are operated externally. of payments. All payments to HMRC and the Pension provider are up to date.

**H. Asset and investment registers were complete and accurate and properly maintained.**

There is a formal asset register with all substantial and material assets included.

The register is monitored and all acquisitions and disposals are amended as required.

There is formal review and adoption prior to the conclusion of the appropriate year Annual Governance and Accountability Return (AGAR). All assets are adequately covered by insurance and all are index linked, renewal being May annually with the provider- Hiscox.

**J. Accounting Statement.**

Correct preparation of the accounts for the AGAR will be confirmed at the final audit for the 2022-2023 financial year.

**K. Exemption Authorities.**

Not applicable

**L. The authority publishes information on a website, up to date at the time of the internal audit in accordance with the relevant transparency code requirements.**

The Clerk/RFO has displayed on the website comprehensive information which is in the interests of best practice and provides for the electorate of Penrith Town Council open and transparent detail of the financial and other activity of the Council.

**M. The authority has, during the previous year, correctly provided for the exercise of public rights as required by the Account and Audit Regulations.**

Regulation 12(3) Accounts and Audit Regulations 2015 requires the Responsible Financial Officer (RFO) to publish a Notice of Public Rights of inspection of accounts for a period of thirty days which must include the first 10 working days in July.

Inspection of document confirms that the RFO has undertaken the obligation. The date the notice was posted being 12<sup>th</sup> June 2022 with inspection period 13<sup>th</sup> June 2022 – 22<sup>nd</sup> July 2022.

**N. The authority complied with the publication requirements of the prior year AGAR**

The Local Audit and Accountability Act 2014 Sct 20(2) & 25 and The Accounts and Audit (England) Regulations 2015 (S1 2015/234) requires a Council to publish, as soon as reasonably practicable, after the conclusion of the audit, a statement on the website advising that the 2021-22 Audit has been completed. The Clerk/RFO has undertaken the requirement and the Notice of Conclusion of Audit was published on the website 31<sup>st</sup> August 2022.

The conclusion of audit was notified to Council – 26<sup>th</sup> September 2022- Minute No. 13 a/b.

The 2021-2022 AGAR received no comments from the External Auditor or matters arising, confirming that Penrith Town Council was fully compliant with all statutory obligations under the Accounts and Audit Regulations.



## **CONCLUSION**

The Council's control systems are efficient and effective and give the appropriate level of confidence, that the financial statements and reports reflect a true and accurate account of the Council's finance and governance records.

I express my appreciation to the Officers of the Council for their assistance in facilitating the audit with help and very comprehensive preparation of all required documentation.

A handwritten signature in black ink, appearing to read 'G D Airey', with a large, stylized 'V' or flourish at the bottom right.

**Georgina D Airey – Internal Auditor 7<sup>TH</sup> FEBRUARY 2023.**

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# **REPORT TO FINANCE COMMITTEE**

**Date: 20 March 2023**

## **Public Report**

**Item no: 10**

**Matter:** Fees and Charges 2023/24

**Author:** Services and Contracts Manager

**Supporting Member:** Cllr. Knaggs, Chair of Finance Committee

### **Purpose of Report:**

To consider the proposed Fees and Charges for the year 2023/24.

### **Recommendation**

The committee is recommended to approve the Fees and Charges for 2023/24 and recommend these go forward for ratification by Full Council.

### **Law and legal implications**

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, which 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.

## **1. Report**

- 1.1 The Council approved its current scale of Fees and Charges for the year 2022/23 at the meeting of the Finance Committee held on the 21 March 2022, Minute Fin21/77, and ratified by Full Council on 28 March 2022, Minute PTC21/128.
- 1.2 The hire of the board Room and Meeting Room are no longer available. The Board Room is required for internal meetings and staff use for extra working space if all staff members are on site. The Meeting Room is now being used as office space.
- 1.3 This report sets out the proposed Fees and Charges for the 2023/24 year which are shown in Appendix A.
- 1.4 It is proposed that the scale of Fees and Charges remain the same as the previous year, particularly given the nil increase in the Town Councils share of the Council Tax approved for 2023/24 and the Council's positive financial position.

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

### **2.1 Risk**

Financial and reputational risk arising from a lack of clarity and consistency.

### **2.2 Consequence**

No established Fees and Charges may lead to a lack of consistency in charging for use of the Council's assets and services resulting in potential reputational damage.

### **2.3 Controls Required**

Approve a scale of Fees and Charges.

## **3. Financial Implications**

This report sets out the proposed Fees and Charges for 2023/24. By approving the Fees and Charges provides a consistent charging arrangement for use of the Councils assets and services and provides the Council with an income.

## **4. Equalities Implications**

None identified.

## **5. Climate Change and Environmental Implications**

None identified.

## **6. Legal Implications**

None identified.

## **Appendices**

- Appendix A – Proposed Fees and Charges 2023/24

## **Background Papers**

- Previous years Fees and Charges reports.

## Appendix A – Proposed Fees and Charges 2023/24

Asset	Group	Cost (£)
Cornmarket Bandstand	Community Organisations, Charities, Constituted Groups	Free of Charge
	Commercial Events	£12.00 per hour; or £30.00 per morning (3 hours) or £42.00 for the afternoon (4 hours) £60.00 Full Day
	Private Business Use for Promotional purposes	£12.00 per hour; or £30.00 per morning (3 hours) or £42.00 for the afternoon (4 hours) £60.00 Full Day
	Market or Street Traders	£15.00 per day
Seats	New bench with plaque including 10 years maintenance.	£1,000
	Plaque fixed to existing new style bench including 10 years maintenance.	£200
	Renewal of seat/plaque including maintenance for further 10 years.	£200
Fairhill Playing Field, and Thacka Beck Field	Registered Charities, schools, and Community Groups delivering community activity, play events, fetes, holiday activity schemes.	No Charge
	Private business organisations, commercial events.	£12.00 per hour; or £30.00 per morning (3 hours) or £42.00 for the afternoon (4 hours) £60.00 Full Day
	Fun Fairs and Circuses	To be determined on a case by case basis by the Finance Committee.

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# **REPORT TO FINANCE COMMITTEE**

**Date: 20 March 2023**

## **Public Report**

**Item no: 12**

**Matter:** Review of the System of Internal Control 2022-23

**Author:** Responsible Finance Officer

**Supporting Member:** Cllr. Knaggs, Chair of Finance Committee

### **Purpose of Report:**

To consider a review of the Town Council's system of internal control for the current financial year.

### **Recommendation**

The committee is recommended to:

- a) approve the review of the Council's internal control framework, which concludes that the adopted controls are adequate, appropriate and effective and that they have operated consistently throughout the financial year; and
- b) forward the report to full Council for ratification.

### **Law and legal implications**

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, which 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.

# **1. Report**

## **Governance Requirements**

a) Under the Accounts and Audit Regulations 2015, the Town Council must ensure that it has a sound system of internal control which:

- Facilitates the effective exercise of its functions and the achievement of its aims and objectives.
- Ensures that the financial and operational management of the authority is effective.
- Includes effective arrangements for the management of risk.

Additionally, each financial year, the Council must conduct a review of the effectiveness of its system of internal control and prepare an annual governance statement, in accordance with proper practices. This report provides that review.

## **Internal Audit**

b) The Regulations also state that the Council must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance. The Council last reviewed its internal audit arrangements in May 2022, when it concluded that those arrangements were effective for the financial year 2021/22. The same arrangements apply to the current year, so it is reasonable to assume that they continue to be effective. This opinion will be reviewed formally in May this year.

## **Internal Control Framework**

c) The attached framework (Appendix A) summarises the key governance controls operating within the Council. The list of items is not exhaustive, while the headings are included for convenience only. The diagram demonstrates that the Council has all the appropriate elements in place to form a sound framework of internal control.

## **Review of Effectiveness**

d) During the year 2022/23, the Council has maintained all its policies and procedures, updating them where appropriate. It has complied fully with all the controls identified within the framework and has responded appropriately to new responsibilities. For example, during the year to date, the Council has:

- Maintained the General Power of Competence.
- Approved a new Signature Events Grant Policy.
- Adopted the Civility and Respect Pledge.
- Progressed its Neighbourhood Plan.
- Reviewed all risk assessments.
- Planned for the development of Thacka Beck.
- Maintained effective internal control and audit arrangements, confirming that internal audit complies with requirements.
- Continued its planning for local government reorganisation.
- Monitored key governance requirements.



- e) The agenda for this meeting includes the separate interim report from the Council's Internal Auditor, which confirms that the Council's arrangements are satisfactory in all areas examined. This independent opinion contributes to Officers' own opinion that the controls identified in the framework are adequate, appropriate and effective and that they have operated consistently throughout the 2022/23 financial year to date.

### **Annual Governance Statement (AGS)**

- f) The AGS cannot be prepared until after the end of the financial year, prior to approval of the annual accounts, and will be based on the assurance gained from this review of the internal control framework and the final internal audit report.

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

### **a) Risk**

Failure to maintain a sound internal control framework.

### **b) Consequence**

Potential vulnerability to loss or irregularity across a range of governance areas. Criticism from internal/external audit; reputational damage.

### **c) Controls Required**

Sound internal controls that are applied consistently and subject to periodic internal and independent reviews of their effectiveness.

## **3. Financial Implications**

This report has no direct financial implications.

## **4. Equalities Implications**

None identified.

## **5. Climate Change and Environmental Implications**

None identified.

## **6. Legal Implications**

None identified.

## **Appendices**

- Appendix A – Internal Control Framework

## **Background Papers**

- Accounts and Audit Regulations 2015.
- Interim Internal Audit Report 2022/23.

**INTERNAL CONTROL FRAMEWORK 2022/23**

<b>Statutory &amp; Constitutional</b>	<b>Financial Management</b>	<b>Audit</b>	<b>Risk Management</b>	<b>Employees</b>
<ul style="list-style-type: none"> <li>• Legislation: <ul style="list-style-type: none"> <li>◦ Local Government</li> <li>◦ Health &amp; Safety</li> <li>◦ Equalities</li> <li>◦ Information Technology</li> <li>◦ Freedom of Information</li> </ul> </li> <li>• Councillors: <ul style="list-style-type: none"> <li>◦ Standing Orders</li> <li>◦ Acceptance of Office</li> <li>◦ Code of Conduct</li> <li>◦ Register of Interests</li> <li>◦ Declaration of Interests</li> <li>◦ Annual Town Meeting</li> </ul> </li> <li>• Code of Corporate Governance</li> <li>• Annual Report</li> <li>• Business Plan</li> <li>• Neighbourhood Plan</li> <li>• Community Engagement</li> <li>• Qualified &amp; experienced Town Clerk</li> <li>• Qualified &amp; experienced In House Solicitor</li> </ul>	<ul style="list-style-type: none"> <li>• Financial Regulations</li> <li>• Financial Procedures</li> <li>• Proper Accounting Practices</li> <li>• Procurement Rules</li> <li>• Approval of Expenditure</li> <li>• Approved Budget</li> <li>• Medium Term Forecast</li> <li>• Budgetary Control</li> <li>• Reserves Policy</li> <li>• Investment Policy</li> <li>• Transparency reports</li> <li>• Asset Register</li> <li>• Qualified &amp; Experienced RFO</li> </ul>	<ul style="list-style-type: none"> <li>• Internal Audit</li> <li>• Government and Accountability for Smaller Authorities</li> <li>• Review of Internal Audit Effectiveness</li> <li>• Code of Audit Practice</li> <li>• External Audit</li> <li>• Public Right of Inspection</li> </ul>	<ul style="list-style-type: none"> <li>• Risk Assessments</li> <li>• Health &amp; Safety advice</li> <li>• Legal advice</li> <li>• IT Security</li> <li>• Business Continuity arrangements</li> <li>• Security of Assets</li> <li>• Insurance cover</li> <li>• Due diligence re asset transfers</li> </ul>	<ul style="list-style-type: none"> <li>• Approved establishment</li> <li>• Contracts of employment</li> <li>• Job Descriptions</li> <li>• Staff Policies &amp; Procedures</li> <li>• Staff Handbook</li> <li>• Performance Appraisals</li> </ul>

PENRITH TOWN COUNCIL

# **ITEM 13**

# **POLICY**

# **REVIEW**

FOR COUNCIL MARCH 2023

## **CONTENTS:**

- POLICY REVIEW TIMETABLE
- 13 A CODE OF CONDUCT - NEW
- 13 B DISPENSATIONS POLICY - NEW
- 13 C FLEXIBLE WORKING POLICY- NEW
- 13 D FINANCIAL REGULATIONS - REVISED
- 13 E GRANT SCHEME AND APPLICATION FORM - NEW
- 13 F PARTNERSHIP PROTOCOL – REVISED

Members are asked to consider and approve each policy which will then go forward to Full Council for ratification.

POLICY REVIEW TIMETABLE & NOTES		
TITLE	ADOPTED	REVIEW
Acquisition Policy	26/11/2018	2028
Anonymous Communications Policy	24/05/2021	2024
Appraisal Policy	16/05/2016	2026
Asset Valuation Policy	20/05/2019	ANNUAL
Bandstand Hire	24/09/2018	ANNUAL
Banner & Advertisement Policy	26/11/2018	2028
Benches Policy	26/11/2018	2028
Biodiversity	15/05/2017	2022
Bullying & Harassment	01/05/2016	2025
Code Of Conduct	18/05/2015	ANNUAL
Communication Policy	18/05/2015	ANNUAL
Communication Protocol	18/05/2015	ANNUAL
Community Engagement	06/07/2015	2032
Complaints Procedure	18/05/2015	ANNUAL
Consultation Policy	21/05/2018	2032
Contractor Policy	26/11/2018	2028
Co-option Policy	18/05/2015	ANNUAL
Crime and Disorder	15/05/2017	2027
Delegation Scheme	18/07/2017	ANNUAL
Developer Engagement Policy	29/03/2021	2023
Disciplinary and Grievance arrangements	16/05/2016	2025
Disclosure & Child Protection/Vulnerable Adults	01/05/2016	2026
Disposal Policy	26/11/2018	2028
Dispensation	27/11/2017	2023
Emergency Plan	2020-21	2023
Equality & Diversity Policy - Employment	24/05/2021	2024
Equality & Diversity Policy – Service Delivery	24/05/2021	2024
Filming Of Meetings	18/05/2015	ANNUAL
Financial Regulations	18/05/2015	ANNUAL
Flexible Working Policy	NEW	2023
Freedom Of Information	18/05/2015	ANNUAL
Grants Scheme	18/05/2015	2023
Grievance	01/05/2016	2026
Health & Safety Policy	16/05/2016	ANNUAL
Internal Control	16/05/2016	ANNUAL
Investments Policy	28/01/2019	ANNUAL
Media Policy	18/05/2015	ANNUAL
Member and Officer Relations	26/11/2018	2028
Partnership Protocol	15/05/2017	2023
Petitions Policy	20/05/2019	2029
Planning Protocol	13/07/2015	2023

No change required

No change required

Defer to 2024 due to legislative changes

NEW - to Finance Committee 20/02/23

No change required

No change required

No change required

No change required

Reviewed by Planning Committee 6/3/23

NEW - to Finance Committee 20/02/23

No change required

No change required

Amended - to Finance Committee 20/02/23

NEW - to Finance Committee 20/02/23

No change required

NEW - to Finance Committee 20/02/23

Finance Committee 20/3/23

Approved and ratified January 2023

No change required

Reviewed by Finance Committee 20/3/23

Reviewed by Planning Committee 6/3/23

Procurement Policy	16/05/2016	ANNUAL	No change required
<b>TITLE</b>	<b>ADOPTED</b>	<b>REVIEW</b>	
Protocol for Hearings by the Staffing Committee	01/05/2016	2026	
Public Participation	18/05/2015	ANNUAL	No change required
Publication Scheme	18/05/2015	ANNUAL	No change required
Recruitment & Retention	01/05/2016	2026	
Reserves Policy	18/01/2019	ANNUAL	Ratified Jan 2023 - updated March 23 - Finance Committee
Risk Management	18/05/2015	ANNUAL	Completed Sept 22
Signature events	10/10/2022	2027	
Standing Orders	18/05/2015	ANNUAL	No change required
Training	15/05/2017	ANNUAL	Amended January 2023
<b>TITLE</b>	<b>ADOPTED</b>	<b>REVIEW</b>	
Untoward Incident Policy	26/11/2018	2028	
Value For Money	15/05/2017	2024	
Whistleblowing	01/05/2016	2026	
<b>GDPR</b>			
Record Management & Retention	21/05/2018	ANNUAL	Reviewed Dec 22
Social Media & Electronic Communication	21/05/2018	ANNUAL	Reviewed Jan 23
Information Protection	21/05/2018	ANNUAL	Reviewed Dec 22
Information Security	21/05/2018	ANNUAL	Reviewed Dec 22
Removable Media	21/05/2018	ANNUAL	Reviewed Dec 22
Data Protection	21/05/2018	ANNUAL	Reviewed Dec 22
Privacy	21/05/2018	ANNUAL	Reviewed Dec 22
Subject Access Requests	21/05/2018	ANNUAL	Reviewed Dec 22
Password	21/05/2018	ANNUAL	Reviewed Dec 22

# **REPORT TO FINANCE COMMITTEE**

**Date: 20 March 2023**

## **Public Report**

**Item no: 13a**

**Matter: Code of Conduct**

**Author: Town Clerk**

**Supporting Member:** Council Chair

### **Purpose of Report:**

- The Council should review its Code of Conduct annually.
- The Code of Conduct is due for review in 2023 and any revision should be in place for the new Council in May, 2023.
- The amended policy aligns with Seven Principles of Public Life, The Localism Act 2011 and in particular the Local Government New Model Code of Conduct and helps to maintain public confidence in the conduct of the Council's business.

### **Recommendations**

- i. That the Code of Conduct be approved and be referred to Full Council for ratification

### **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.

## 1. Overview

- a. Section 27 of the Localism Act 2011 ("the Act") requires that the Council promote and maintain high standards of conduct by members and the code sets out the standards that Penrith Town Council expects Members to observe.
- a. The Local Government Association issued a new Model Code of Conduct for members in December 2020 which was updated in January and May 2021.
- b. In November 2021 the principal authorities in Cumbria adopted the model code.
- c. In April 2022 the shadow authorities adopted the new model code.
- d. The new model code of conduct was developed by the LGA in association with key partners and after extensive consultation within the sector.
- e. The model code incorporated from the Committee on Standards in Public Life's their recommendations on Local Government Ethical Standards.
- f. The aim of the new code was to be concise, written in plain English and understandable to members, officers and the public. The new code seeks to model the behaviours and high standards that were expected from a person holding public office. It also articulated behaviour that fell below the standards that would be expected of council members.
- g. It was designed to help set a framework for public and councillor interaction, emphasising the importance of civility and that councillors should be protected from bullying, intimidation and abuse.
- h. The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a complaint and a sanction being applied by the unitary authority.
- i. Failure to take appropriate action in respect of a disclosable pecuniary interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.
- j. The Code is intended to be consistent with the seven principles of Public Life and applies whenever a person is acting in his/her/their capacity as a member of the Town Council or acting as a representative of the Town Council.
- k. It is considered that the Council should adopt the new model Code of Conduct as attached to this report as it is the one which has been approved by the Westmorland and Furness Council and is intended to apply and provide a consistent approach on ethical standards across the whole of local government. The new and proposed Code is considered to be clearer in its extent and application than the previous version and thus will aid clarity for all concerned.
- l. The Monitoring Officer for the Code in relation to the Council will be the person who is appointed to that role by Westmorland and Furness Council.



## **2. Proposal**

### **DRAFT CODE OF CONDUCT**

#### **Definitions**

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

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

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

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

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

#### **Purpose of the Code of Conduct**

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

The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor and applies to you when you are acting in your capacity as a councillor which may include when:

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

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

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

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

## **General principles of councillor conduct**

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

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

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

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

**In undertaking my role:**

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

**NAME:****WARD:****SIGNATURE:****DATE:**

## **STANDARDS OF COUNCILLOR CONDUCT OBLIGATIONS**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken. Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

- 1.1 I treat other councillors and members of the public with respect.**
- 1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

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

#### **2. Bullying, harassment and discrimination**

##### **As a councillor:**

- 2.1 I do not bully any person.**
- 2.2 I do not harass any person.**
- 2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in virtual meetings, emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviours in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment) or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.

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

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

### **3. Impartiality of officers of the council**

#### **As a councillor:**

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

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

#### **4. Confidentiality and access to information**

##### **As a councillor:**

##### **4.1 I do not disclose information:**

- a. **Given to me in confidence by anyone.**
  - b. **Acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:**
    - i. **I have received the consent of a person authorised to give it.**
    - ii. **I am required by law to do so.**
    - iii. **The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person.**
    - iv. **The disclosure is:**
      - A. **Reasonable and in the public interest; and**
      - B. **Made in good faith and in compliance with the reasonable requirements of the local authority; and**
      - C. **I have consulted the Monitoring Officer prior to its release.**
- 4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**
- 4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances.

You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner.

Examples include personal data relating to individuals or information relating to ongoing negotiations.

#### **5. Disrepute**

##### **As a councillor:**

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

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public.

You should be aware that your actions might have an adverse impact on you, other councillors and/or your Council and may lower the public's confidence in you or your Council's ability to discharge your/its functions.

For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

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

## **6. Use of position**

### **As a councillor:**

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

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

## **7. Use of Council resources and facilities**

### **As a councillor:**

#### **7.1 I do not misuse council resources.**

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

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

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

Examples include:

- Office support
- Stationery
- Equipment such as phones, and computers
- Transport
- Access and use of Council buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain.

They should be used in accordance with the purpose for which they have been provided and the Council's own policies regarding their use.

## **8. Complying with the Code of Conduct**

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

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

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

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

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

## **9. Protecting your reputation and the reputation of the local authority Interests**

### **As a councillor:**

### **9.1 I register and disclose my interests.**

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

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

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

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



## **10. Gifts and hospitality**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 that I have been offered but have refused to accept.**

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

### **The Seven Principles of Public Life**

The principles are:

#### **1. Selflessness**

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

#### **2. Integrity**

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

#### **3. Objectivity**

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

#### **4. Accountability**

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

#### **5. Openness**

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

#### **6. Honesty**

Holders of public office should be truthful.

#### **7. Leadership**

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

## Registering interests

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

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

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

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

### **Non participation in case of disclosable pecuniary interest**

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room/meeting unless you have been granted a dispensation. In addition, you may speak on the matter only if members of the public are also allowed to speak and having spoken you must leave the room/meeting. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

## Disclosure of Other Registrable Interests

5. Where a matter arises at a meeting which ***directly relates*** to one of your Other Registrable Interests (as set out in **Table 2**), you must disclose the interest. If you have such an interest you must consider whether a reasonable member of the public, knowing all the facts, would think the interest such that it may influence the way you vote. If the ordinary person would think that the interest may influence your vote then you should not participate in the matter. In these circumstances you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non- Registrable Interests

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

7. Where a matter arises at a meeting which ***affects*** –

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

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

8. Where a matter ***affects*** your financial interest or well-being so that a reasonable member of the public knowing all the facts would believe that it may affect your view of the wider public interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

9. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

## Table 1: Disclosable Pecuniary Interests

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

<b>Employment, profession or vocation trade:</b> Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b> Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts:</b> Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council: <ul style="list-style-type: none"><li>a. under which goods or services are to be provided or works are to be executed; and</li><li>b. which has not been fully discharged</li></ul>
<b>Land and Property:</b> Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licenses:</b> Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
<b>Corporate tenancies:</b> Any tenancy where (to the councillor's knowledge): <ul style="list-style-type: none"><li>a. the landlord is the council; and</li><li>b. the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities*.</li></ul>

**Securities:**

Any beneficial interest in securities\*\* of a body where—

- a. that body (to the councillor's knowledge) has a place of business or land in the area of the council; and
- b. either:
  - i. the total nominal value of the securities\* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class

**\*director** includes a member of the committee of management of an industrial and provident society.

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

**Table 2: Other Registrable Interests**

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a. any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b. any body
  - i. exercising functions of a public nature
  - ii. any body directed to charitable purposes or
  - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

# REPORT TO FINANCE COMMITTEE

Date: 20 March 2023

## Public Report

**Item no: 13b**

**Matter: Dispensations Policy**

**Author: Town Clerk**

**Supporting Member:** Council Chair

### **Purpose of Report:**

- Every four years the Council's Dispensations Policy is reviewed to align with Council elections.
- This policy is due for review in 2023.
- The amended policy aligns with Seven Principles of Public Life, The Localism Act 2011 and in particular the Local Government New Model Code of Conduct.
- The Dispensation Policy supports the Code of Conduct and helps to maintain public confidence in the conduct of the Council's business.
- The policy explains:
  - What a dispensation is, and when it might be necessary to apply for one in order to participate in an item of business.
  - The process for applying for a dispensation.
  - The statutory grounds for granting a dispensation.
  - Identifies the additional factors that will be taken into account in deciding whether one or more of the statutory grounds have been satisfied.
  - Sets out the policy position on the granting of dispensations.
  - Provides as much guidance as possible to Members about when it might be appropriate to apply for a dispensation and the information that should be provided in any application.

### **Recommendations**

- ii. That the policy be approved.
- iii. That dispensations will be considered by Council, except that the determination of granting a dispensation relating to the setting of the precept and in respect of any uncontroversial, confidential and sensitive matter be delegated to the Town Clerk.
- iv. That requests for dispensations will be determined on their own merits.
- v. That Council will be guided by the principles set out in the Dispensations Policy in making its decision.
- vi. That applications should be submitted in good time where possible.

### **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.



## 1. Overview

- a. Parish and town councils since 2011 have become responsible for determining requests for a dispensation by a parish councillor under Section 33 of Localism Act 2011. This is because they are a “relevant authority” under section 27(6) (d) of the Act.
- b. In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest.
- c. Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law. Section 31(4) of the Localism Act states that dispensations may allow the Councillor:
  - (a) to participate, or participate further, in any discussion of the matter at the meeting(s); and/or
  - (b) to participate in any vote, or further vote, taken on the matter at the meeting(s).
- d. If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held.
- e. Please note: If a councillor participates in a meeting where he/she has a Disclosable Pecuniary Interest and he/she does not have a dispensation, they may be committing a criminal offence under s34 Localism Act 2011.
- f. Any Councillor who wishes to apply for a dispensation must fully complete a Dispensation Request form (Appendix A). Applications may also be made at the council meeting itself when the nature of the interest has only become apparent to a councillor at the meeting itself, as the Council have a standing item on the agenda to deal with dispensation requests
- g. Parish and Town Councils can delegate to the Clerk the authority to grant dispensations as the Council’s Proper Officer who as such is politically neutral, or reserve such decisions for their full council. The recommendation is that Council should consider the requests for dispensations and this will enable there to be transparency.
- h. The power rests with the relevant authority under section 33(1) of the Localism Act 2011 and the basis is set out under section 33(2).

## 2. Proposal

### DRAFT DISPENSATIONS POLICY

#### Statutory obligations

- a. The default statutory position is that a Member who has a disclosable pecuniary interest in any matter being considered at a meeting cannot speak or vote on that matter.
- b. Members may apply for a dispensation from these restrictions on specified statutory grounds and all applications will be decided on their individual merits.
- c. The Council will exercise its authority to grant dispensations subject to its general duty to promote high standards of conduct in a way that is consistent with the Seven Principles of Public Life and helps to maintain public confidence in the conduct of the Council's business.
- d. In considering whether and how to exercise its discretion, the Council will need to receive appropriate and relevant reasons why an application should succeed on one or more of the statutory grounds, with particular reference to the additional factors set out in this policy.
- e. **The onus is on the Member making an application to demonstrate that a dispensation is justified in the circumstances.**

#### Disclosable pecuniary interests under the Localism Act 2011

- f. In order to consider dispensations, it is first necessary to understand the rules around disclosable pecuniary interests – what they are, when they are engaged and their effect on participation. The following is only a summary of the position and Members should also refer to the other guidance available on disclosable pecuniary interests with the new Members' Code of Conduct.
- g. Under the Localism Act 2011 and The Relevant Local Authorities (Disclosable Pecuniary Interests) Regulations 2012 there are a number of disclosable pecuniary interests that prevent a Member from participating in any discussion or vote on a connected item of business under the following headings:
  - i. **Employment**  
Any employment, office, trade, profession or vocation carried on for profit or gain.
  - ii. **Sponsorship**  
Any payment, etc. towards the election expenses of a Member, or the expenses incurred in carrying out their official duties (other than from the Council). This would include any payment from a trade union.
  - iii. **Contracts**  
Any contract with the Council for goods, services or works.
  - iv. **Land**  
Any beneficial interest in land which is within Penrith. This includes any freehold or leasehold interest in land, as well as any tenancy.
  - v. **Licences**  
Any licence to occupy land in the Penrith for a month or longer.

vi. **Corporate tenancies**

Any tenancy where the Council is the landlord and the tenant is a company or other body in which the Member or another relevant person has a beneficial interest.

vii. **Securities.**

Any shares, debentures, debenture stock, loan stock, bonds, unit trusts and similar investments in a body that has a place of business or land in Penrith and the total nominal value exceeds £25,000 or 1/100th of the total issued share capital.

The disclosable pecuniary interest that is most commonly engaged in relation to planning, and housing matters is iv) Land.

- h. The Localism Act 2011 does not provide any additional guidance on judging whether a disclosable pecuniary interest is engaged or not. It simply states that the prohibition on speaking or voting on a matter is engaged where a Member:
- i. Is present at a meeting.
  - ii. Has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and
  - iii. Is aware that the condition is met.
- i. It is up to individual Members to make a judgement whether they have a disclosable pecuniary interest in relation to any particular item of business. As a starting point, a Member should consider whether the matter before the meeting could reasonably be said to appear to be likely to affect their disclosable pecuniary interest, or whether a member of the public would consider that the Member might be influenced by their disclosable pecuniary interest. If the answer to either of these questions is in the affirmative, then the Member has a disclosable pecuniary interest in the matter being considered. This will be the case, for example, where a decision would materially affect a Member's interest in land, either by affecting the value of that land, the prospects of selling that land, or the use and enjoyment of that land.

Speaking in general terms, a Member is highly likely to have a disclosable pecuniary interest in a planning application for a property adjacent to their home. A Member is less likely to have a disclosable pecuniary interest in a planning application for a property several streets away from their home. However, any decision on whether a Member does have a disclosable pecuniary interest in a particular matter will always depend on the particular circumstances.

- j. A Member who is present at a meeting of the Council, and who has a disclosable pecuniary interest relating to any business being considered, must not participate in any discussion of the business at the meeting, or participate in any vote taken on the matter at the meeting. If a Member becomes aware of their disclosable pecuniary interest during the meeting, they should not participate further from that point. These prohibitions apply to any form of participation, including speaking as a member of the public. In certain circumstances, Members can request a dispensation from these prohibitions.
- k. The Council's Standing Orders do not require a Member with a disclosable pecuniary interest in an item of business to automatically leave the room. The Member should however leave the room if they consider that their continued presence is incompatible with the Members' Code of Conduct or the Seven Principles of Public Life.
- l. A Member commits a criminal offence if, without reasonable excuse, they participate in any discussion or vote on any matter in which they have a disclosable pecuniary interest. For this reason Members are advised to err on the side of caution.
- m. Members are advised to seek advice from the Monitoring Officer or the Town Clerk if they are unsure about whether they have a disclosable pecuniary interest in a particular matter.

### **Granting dispensations under the Localism Act 2011**

- n. The Council may, on a written request made to the Town Clerk by a Member, grant a dispensation relieving the Member from either or both of the restrictions on speaking or voting in cases described in the dispensation. A dispensation must specify the period for which it has effect, which may not exceed four years.
- o. The granting of such dispensations had been a function of the Town Clerk as she was politically neutral. It is proposed that the responsibility is given to Council.
- p. As previously stated, the onus is on individual Members to decide whether they have a disclosable pecuniary interest in any given matter. Therefore the Council will generally assume that any dispensation being sought is required in order to allow the Member concerned to participate in the relevant item of business and will not normally refuse a request simply on the basis that a dispensation is not thought to be necessary. The only exception to this is where the facts as disclosed in the application form could not possibly amount to a disclosable pecuniary interest being engaged. Any dispensation granted is entirely permissive in nature and does not impose any restrictions on speaking or voting where no such restrictions otherwise exist.
- q. The expectation is that the Town Clerk will read out any applicable dispensations at an appropriate point in the meeting, either under the agenda item on Members' declarations or at the start of the consideration of the item of business in question.

## **Timeliness of applications**

- r. The Council requests that Members lodge any applications as soon as possible after becoming aware that a dispensation is required in order to participate in a particular item of business. A Member does not have to wait until they know the precise date of the meeting at which a matter will be considered before applying for a dispensation. If applications are submitted at short notice, it may not be possible to consider them in time for the meeting in question.

### **The statutory grounds for granting a dispensation**

- s. The legislation provides that a relevant authority (which includes the Council) may only grant a dispensation if, after having had regard to all relevant circumstances, the authority:
  - i. Considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
  - ii. Considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.\*
  - iii. Considers that granting the dispensation is in the interests of persons living in the authority's area.
  - iv. If it is an authority operating executive arrangements, considers that without the dispensation each Member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive.\*\*
  - v. Considers that it is otherwise appropriate to grant a dispensation.

\*And \*\*Grounds ii) and iv) are not directly applicable to the Town Council but are included for completeness and context.

- t. The default position is that a Member with a disclosable pecuniary interest in any matter may not speak or vote on that matter. The onus is on the Member making an application to demonstrate that at least one of the statutory grounds for granting a dispensation is satisfied. One obvious example of where it may be appropriate to grant a dispensation under statutory ground is where the decision-making would otherwise be inquorate.
- u. In the Council's view the reference in statutory ground to "persons living in the authority's area" is a reference to residents. A dispensation may also be granted where it is in the interests of other persons accessing Penrith, its facilities and services – such as workers – In both cases, the Council will consider whether not granting a dispensation would be to the disadvantage of that group. The Council will also take into account how many persons would be disadvantaged, and to what extent.

## **Factors to be taken into consideration**

- v. In deciding whether to grant a dispensation under one or more of the specific statutory grounds, the Council will take into account the following (non-exhaustive) list of factors, as well as any other relevant circumstances, as appropriate. However, the Council will look at the merits of each application in the round, and simply addressing one or more of the factors below does not mean that a dispensation will be granted:

### **i. Maintaining public confidence**

Is the nature of the Member's interest such that allowing them to participate would risk damage to public confidence in the conduct of the Town Corporation's business?

### **ii. Applications to vote**

Granting a dispensation to vote has a more direct influence over the decision-making process than a dispensation to speak, goes beyond simply representing the views of constituents and carries more risk of damaging public confidence. Therefore, a dispensation to vote will only be granted in exceptional circumstances.

### **iii. Equivalent public rights**

The default position under the Localism Act 2011 is that a Member with a disclosable pecuniary interest in a matter being considered at a meeting loses any right to speak that they would otherwise have had – even as a member of the public. However, in the Council's view the existence of such public speaking rights are a relevant consideration. Therefore, a dispensation to speak is more likely to be granted for the purpose of making representations, answering questions, or giving evidence relating to the business where the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or some other reasonable expectation. This is most likely to arise in relation to planning matters. The Council recognises the difficulties facing a Member who lives within the ward they represent. A residential Member in the Town seeking to represent their constituents will more frequently find that they have a disclosable pecuniary interest in planning and licensing applications than an elected Member elsewhere. The Council will look favourably on requests from residential Members to speak on such applications within their wards as a member of the public, where they have submitted written representations in the normal way. Any Member granted a dispensation to speak in such circumstances should then be treated as a member of the public when making oral representations on that matter. The onus though is still on the Member concerned to demonstrate that it is appropriate to grant a dispensation.

#### **iv. Expectation of ward representation**

Where there is a reasonable expectation of ward representation, can the Member's ward be adequately represented without the dispensation being granted? For example, is another Member of the ward able to attend the meeting and speak on the matter – either because they do not have a disclosable pecuniary interest, or because they have already been granted a dispensation? Are there other mechanisms through which the views of constituents could be communicated, either through the Member submitting written representations or by briefing another Member of the committee from a different ward to speak on their behalf?

#### **v. Widely held interests**

Is the interest common to the Member and a significant proportion of the general public? If so, a Member may be less likely to be influenced by that interest, and granting a dispensation may carry less risk of damaging public confidence. An obvious example would be the setting of the Precept.

#### **vi. Directly engaged interests**

How directly engaged is the disclosable pecuniary interest? The Council will only grant a dispensation to a Member to participate in business relating to their particular lease or tenancy in very exceptional circumstances.

#### **vii. Personal knowledge, etc.**

Is the participation of the Member in the business that the interest relates to justified by their particular knowledge, role or expertise? The potential contribution would have to be of especial value to the decision making process and provide a perspective that would not otherwise be available. Should the knowledge or expertise in question be provided by a Member or by a disinterested official adviser? Would the Member's participation assist or potentially distort the debate?

#### **viii. Diversity and inclusion**

Does the Member have a particular viewpoint that might not otherwise be represented and might assist the debate in relation to that particular matter – whether this relates to age, race, disability, gender, sexual orientation, religion or belief, or any other protected characteristic?

#### **ix. Manifesto promises**

Was the Member elected on a public platform that they would specifically address the item or items of business for which the dispensation is sought?

#### **x. Scope and duration**

Some requests for dispensations that are received are general in nature and for a lengthy time period e.g., a request to speak on planning matters until the ward elections in 2027. Others are much more specific in relation to a particular matter at a particular meeting e.g., a request to speak on planning application XXX at the Planning Committee on XXX. A focussed application, as in the latter example, is more likely to be successful as this enables the Council to consider a specific set of circumstances. However, to avoid unnecessary bureaucracy arising from delays and adjournments, it is generally acceptable to apply for a dispensation in relation to a specific matter at a specific meeting, and/or such later meetings of that committee during the municipal year at which the matter may be considered.

#### **xi. Previous dispensation decisions**

The Council cannot fetter its own discretion and must consider each application on its own merits. However, it is beneficial for all concerned for there to be a consistent approach to applications made in similar circumstances, and the Council will therefore have due regard to its own previous decisions, always acknowledging that the consensus can change over time.

### **Other related matters**

#### **Multiple applications from a particular ward**

- w. Applications to participate in a particular item of business may be received from more than one Member of the same ward. If one Member of the ward is granted a dispensation, this will have a bearing on whether any other Members of the ward should also be granted a dispensation. For this reason, the Council would prefer to consider the respective merits of all applications from a single ward on a particular item of business at the same time, rather than on a 'first come, first served' basis. To assist with this process, Members are reminded of the request to lodge any applications as soon as possible after becoming aware that a dispensation is required. The Members of each ward are encouraged to work together in deciding whether an application for a dispensation should be made and, if so, in considering which Member or Members would be in the strongest position to apply. This could potentially be organised through the ward deputy.

#### **Precept**

- x. The Department for Communities and Local Government guide for councillors entitled 'Openness and transparency on personal interests' states that, "...being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support." Whilst this guidance will no doubt provide comfort to Members, it is not intended to be a definitive statement of the legal position. Although the prosecution of a Member who participated in such circumstances is highly unlikely, this cannot be absolutely guaranteed.



Members are therefore entitled to apply for a dispensation should they wish to have greater assurance on this point. As the Council considers the granting of a dispensation in these circumstances to be uncontroversial, authority has been delegated to the Town Clerk to determine applications for dispensations relating to Precept.

### **Sensitive matters**

- y. For uncontroversial confidential and sensitive matters related to a Member, which may require a dispensation, authority has been delegated to the Town Clerk to determine applications for dispensations relating to sensitive matters. For example a dispensation is sought for long-term absence due to health grounds which may exceed the six months attendance requirement to qualify as a Member. The health reasons would remain confidential the dispensation would be considered and taken forward as an apology for absence for a specific period of time.
- z. **Any Member applying for a dispensation should thoroughly address the factors set out at in the policy and must satisfy the Council that a dispensation is justified on one or more of the statutory grounds.**

**DISPENSATION REQUEST FORM****APPENDIX A**

Please give full details of the following in support of your application for a dispensation.  
If you need any help completing this form please contact the Town Clerk

Your name:	
The council business/matter for which you require a dispensation (refer to agenda item number if appropriate):	
Details of your interest in that council business/matter:	
Date of meeting or time period ( <b>up to 4 years</b> ) for which dispensation is sought:	
Dispensation requested to participate, or participate further, in any discussion of that council business/matter by that body:	
Dispensation requested to participate in any vote, or further vote, taken on that council business/matter by that body:	
<b>REASON(S) FOR DISPENSATION</b>  33 a) without the dispensation the number of persons unable to participate in the transaction of council business/matter would be so great as to impede the transaction of the council business/matter.	
33b) without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote.	
33c) the dispensation is in the interests of persons living in the authority's area.	
33e) that it is otherwise appropriate to grant a dispensation.  <b>Reason:</b>	

**Signed:****Date:****DECISION:****Dispensation Given:** YES / NO **Length of Dispensation (up to 4 years):****Date:****Minute Number:**

# REPORT TO FINANCE COMMITTEE

Date: 20 March 2023

## Public Report

Item no: 13c

Matter: FLEXIBLE WORKING POLICY

Author: Town Clerk

Supporting Member: Council Chair

### **Purpose of Report:**

To receive an overview of flexible working and to agree a policy. The policy used for the draft to be considered from members has been authored using templates from gov.uk and the National Association of Local Councils.

### **Recommendations**

That the guidance and policy be approved.

### **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.

### **1. Report Details**

- a. Every employee has the statutory right to ask to work flexibly after 26 weeks' employment service. An employee can only make a statutory request once in any 12-month period.
- b. A request from an employee under the Employment Rights Act 1996 and regulations made under it must be in writing and must include the following information:
  - The date of their application, the change to working conditions they are seeking and when they would like the change to come into effect.
  - What effect, if any, they think the requested change would have on you as the employer and how, in their opinion, any such effect might be dealt with.
  - A statement that this is a statutory request and if and when they have made a previous application for flexible working.
- c. Once Council have received a written request, Council must consider it and should arrange to talk with the employee as soon as possible after receiving their written request. If Council intend to approve the request, then a meeting is not needed.
- d. Council should allow an employee to be accompanied by a work colleague for this and any appeal discussion and the employee should be informed about this prior to the discussion.

- e. Council should discuss the request with the employee.
- f. The request should be considered carefully looking at the benefits of the requested changes in working conditions for the employee and Council business and weighing these against any adverse business impact of implementing the changes. In considering the request Council must not discriminate unlawfully against the employee.
- g. The employee must be informed of that decision as soon as possible, in writing.
- h. If Council accepts the employee's request, or accept it with modifications, Council should discuss with the employee how and when the changes might best be implemented.
- i. If Council reject the request it must be for one of the following business reasons as set out in the legislation:
  - i. The burden of additional costs.
  - ii. An inability to reorganise work amongst existing staff.
  - iii. An inability to recruit additional staff.
  - iv. A detrimental impact on quality.
  - v. A detrimental impact on performance.
  - vi. A detrimental effect on ability to meet customer demand.
  - vii. Insufficient work for the periods the employee proposes to work.
  - viii. A planned structural change to your business
- j. If Council reject the request Council should allow the employee to appeal the decision.
- k. The law requires that all requests, including any appeals, must be considered, and decided on within a period of three months from first receipt, unless Council agree to extend this period with the employee.
- l. If Council arrange a meeting to discuss the application including any appeal and the employee fails to attend both this and a rearranged meeting without a good reason, Council can consider the request withdrawn and must inform the employee.
- m. The wording of the policy is based on an employee's statutory right to make a request to change their working arrangements. Adopting and applying this policy as it stands will support the Council to comply with this right.
- n. **Scope**  
The statutory right is limited to employees with 26 weeks' service. Councils can, if they wish, extend the right to all staff. The statutory right is limited to one request per annum. Councils can, if they wish, consider requests made more frequently.
- o. **Considering requests**  
Employers are not compelled to agree to flexible working requests. The policy sets out some reasons that may mean the request cannot be accepted. This list is based on the legislation. Employers must carefully consider the request, but if the proposal is likely to lead to difficulties with the operation of the Council, Council should discuss the problems, see if they can be reasonably mitigated, but if not, Council can decline the request.
- p. With the exception of a request to support an employee with a disability, the reason for the request should not affect whether the Council accepts or declines a request

- q. **Important note:** If a request has been made to support the health and wellbeing of a staff member, then this may be considered to be a 'reasonable adjustment'. Employers have a legal duty to consider making changes to work arrangements to prevent disadvantage to a disabled worker. If an employer does not consider making such 'reasonable adjustments', or doesn't implement such adjustments, this may lead to unlawful discrimination. A disability is a physical or mental impairment which has a substantially adverse and long-term effect on their ability to carry out normal day-to-day activities. A 'reasonable adjustment' may be to allow an employee with long-term anxiety to arrive at work 30 minutes late to avoid rush hour.
- r. **Fairness**  
Council may receive a flexible working request from one team member, agree to the request and confirm the changes to their contract. Council may then receive a similar request from another team member doing the same job. The Council's agreement to the first request does not mean that Council have to agree to the second request. Each request will need to be considered against the contractual arrangements in place.
- s. **Trial period**  
If Council is not sure whether a proposed working pattern will work, Council can agree to a trial period to test it out. It will be important to put this in writing and be clear about the duration of the trial and that the working pattern will automatically revert to the previous arrangements unless the Council agrees to the contrary.
- t. **Written outcome**  
If a request is agreed on a temporary or permanent basis, it will be important to confirm the outcome in writing and ensure this is placed on the HR file. If there is a change to the terms set out in the employment contract (whether temporarily or permanently), it will be important to issue a letter to confirm the changes that have been agreed.

## **2. Proposal**

### **DRAFT FLEXIBLE WORKING POLICY**

#### **What is flexible working?**

Every staff member has a contract of employment that sets out the working hours. A request to work flexibly is a request from the employee to change either the number of working hours, when or where they are worked. Flexible working does not mean a member of staff can work the hours they wish from day-to-day, week-to-week.

Flexible working arrangements take account of employees' preferences, interests and non-work responsibilities whilst also meeting the needs of the Council. Common examples of flexible working include part-time working; zero-hours / casual working; variable hours; flexitime; job-sharing; term-time working; compressed hours; career breaks; and sabbaticals.

Flexible working can result in benefits to Councils, in that such arrangements can help make the most of today's diverse workforce and improve the Council's ability to recruit and retain staff. It is good practice to make flexible working open to all staff.

This policy has been written to explain the process which the Council will use to respond to requests by staff to vary hours, pattern or place of work.

#### **Scope**

You have a statutory right to request a change to your contractual terms and conditions of employment to work flexibly provided you have been continuously employed with us for at least 26 weeks at the date the application is made, regardless of whether you work full or part-time or have a temporary contract of employment. It does not apply to agency staff.

#### **Policy**

Our policy is to comply with both the spirit and the letter of the law on the right to request flexible working. To this end its aim is to inform all staff of their right to request flexible working and to ensure those rights are understood and that staff feel confident any decisions regarding their requests will be handled objectively, fairly, free from discrimination, and that staff will not be treated detrimentally because they have asked for flexible working arrangements.

#### **Making the request**

To apply for flexible working, please provide the following information in writing using the form as appended at Appendix A and submit this to the Clerk. In the case of the Clerk, the request should be submitted to the Chair of the Council. Please provide an explanation of how you think flexible working might affect the Council and how this could be dealt with, e.g. if you're not at work on certain days, and, a statement saying if and when you've made a previous application.

You can only make one statutory request in any 12-month period. You are asked to let us know if you are making the request because you consider the change could be a reasonable adjustment to support a disability. In such a case some of the requirements of this policy would not apply (i.e., the minimum period of service; one request per annum).

## Responding to your request

Once we receive your written request, we will arrange a discussion with you as soon as possible, unless we agree immediately to your request. It may be that we need to ask you to supply further details before the meeting. If there is likely to be a delay in discussing your request, we will inform you. You may be accompanied at the meeting by a work colleague.

Having the right to request a change to your working arrangements does not necessarily mean that your request will be accepted. Your request will be fully discussed at the meeting. We will carefully consider your request looking at the benefits of the requested changes on working conditions for you as an employee and the Council and weighing these against any adverse impact of implementing the changes.

Having considered the changes, you are requesting and weighing up the advantages, possible costs and potential logistical implications of granting the request, we will write to you with the decision. **The decision will be either:**

1. To accept the request and establish a start date, with or without a trial period and review date. Where the request is granted, we will set out what changes will be made to your terms and conditions of employment.
2. To propose an alternative, which may require further discussion.
3. To confirm a compromise agreed at the discussion.
4. To reject the request, setting out the reasons, how these apply to the application and the appeal process.

Requests to work flexibly will be considered objectively, however we may not always be able to grant a request to work flexibly if it cannot be accommodated. If we turn down your request, it will be because of one, or a combination of the following reasons, and we will explain why.

- The burden of additional costs is unacceptable to the Council.
- Detrimental effect on the Council's ability to deliver for the community.
- Inability to re-organise work among existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work.
- Planned structural changes to the Council.

If you are only looking for an informal change for a short period to your working hours or conditions, for instance to pursue a short course of study, we may consider allowing you to revert back to your previous conditions after a specified period, e.g., three months, or after the occurrence of a specific event, such as the end of a course of study.

You must be aware that if your request is approved you do not have a statutory right to make a further request for a period of 12 months, although you may still ask without the statutory right.

## **Timeframe for dealing with requests**

We will do what we can to respond to your request as soon as possible although the law requires the consideration process to be complete within three months of first receiving a request, including any appeal. If the request cannot be dealt with within three months, we may ask to extend the consideration process, provided you agree to the extension.

## **Handling requests in a fair way**

We may receive more than one request to work flexibly closely together from different employees and it may or may not be possible to accept all requests. If we agree to a request for flexible working arrangements this does not mean that we can also agree to a similar change for another employee. Each case will be considered on its merits looking at the business case in the order they have been received. We may need to take others' contractual terms into account, and we may ask you if there is any room for adjustment or compromise before coming to a decision.

## **Appealing the decision**

If we decline your request and you wish to appeal, you must do so, in writing, within 5 days of receiving the letter informing you of the outcome. We will then write to you to arrange a meeting to discuss your appeal. This meeting will be held as soon as reasonably possible and will normally be with a sub-committee of Councillors. You may wish to be accompanied at that meeting by a work colleague.

There may be circumstances when the Council is unable to meet within the required timeframes, in which case a meeting will be held as soon as is practically possible.

## **The effect on your contract of employment**

Any change in your hours or pattern of work will normally be a permanent change to your contractual terms and conditions. This means that you will not automatically be able to revert to the previous working pattern (unless otherwise agreed). So, for example, if your new flexible working pattern involves working reduced hours, you will not automatically be able to revert to working full time hours.

Changes to your working pattern may affect other terms and conditions of employment. For example, reducing your hours of work will mean that your pay and leave will be pro-rated accordingly. Your pension may also be affected.

Any changes to your terms and conditions because of a change to your working pattern will be confirmed in your decision letter, however if you have further queries about how a proposed change to your pattern of work might affect your terms and conditions please speak to the Clerk or Chair of the Council in the first instance.



## **Data protection**

When managing a flexible working request, we will process personal data collected in accordance with the data protection policy. Data collected from the point at which we receive a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

This is a non-contractual procedure which will be reviewed from time to time.

**Policy effective from: March 2023**

**Date for next review: March 2033 or earlier if there any legislative changes**

## **Appendices:**

**Appendix A – Flexible Working Application Request Form**

## **Penrith Town Council Flexible Working Application Form**

### **Applying for flexible working**

Employees can apply for flexible working if they have worked continuously for the same employer for the last 26 weeks. It is known as '**making a statutory application.**'

The basic steps are:

1. The employee writes to the employer.
2. The employer considers the request and makes a decision within 3 months - or longer if agreed with the employee.
3. If the employer agrees to the request, they must change the terms and conditions in the employee's contract.
4. If the employer disagrees, they must write to the employee giving the business reasons for the refusal. The employee may be able to complain to an employment tribunal.

Employees can only make one application for flexible working a year.

This form should be used to make an application to apply for a flexible working option. The details you provide will help Council consider your request. It is important that you complete all the questions as otherwise your application may not be valid.

Before completing this form, read the [guidance on the right to request flexible working](#) on GOV.UK, and check that you are eligible to make a request. If you are not sure whether you meet any of the criteria, [information can be found on GOV.UK](#).

You should note that under the right it may take up to 3 months for Council to consider a request and possibly longer where you have agreed to a longer decision period with your employer. You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect. If the request is granted, you will receive a separate letter outlining the specific arrangements that have been agreed.

It will help Council to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions, as otherwise your application may not be valid. Please think about what effect your change in working pattern will have both on the work that you do and on your colleagues.

If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.

**Personal Details** (please PRINT)

<b>Name:</b>	<b>Employee Number:</b>
<b>Job Title:</b>	
<b>Employment start date:</b>	<b>Date of request:</b>

**I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under section 80F of the Employment Rights Act 1996.**

**I would like this arrangement to start from:**

**End date (career break only):**

**Describe your current working pattern:**

<b>Hours per week:</b>	
<b>Working Pattern:</b>	

**Describe the working pattern you would like to work in future (days/hours/times worked):**

<b>Hours per week:</b>	
<b>Working Pattern:</b>	

**Impact of the new working pattern:**

I think this change will affect my employer and colleagues as follows:

**Accommodating the new working pattern:**

I think the impact on my employer and colleagues can be dealt with as follows:

**Date of any previous request to work flexibly under this right:**

<b>Confirmation of eligibility and other arrangements:</b>	
I confirm that (please tick):	
<input type="checkbox"/>	I have the relevant continuous service with the Council for the option selected.
<input type="checkbox"/>	I have not made a request to work flexibly in the past 12 months .

<b>Signed:</b>	
<b>Date:</b>	

Please send this completed form to:

**Town Clerk, Unit 1, Church House, 19-24 Friargate, Penrith,  
Cumbria, CA11 7XR or  
Email:townclerk@penrithtowncouncil.gov.uk**

**Confirmation of receipt (to be completed and returned to employee)**

Dear:

I confirm that I received your request to change your work pattern on:

**Date:**

I shall notify you of my decision on this application within 3 months of this date, unless we agree a longer deadline for this decision.

From:

- **Copy and send to applicant.**
- **Retain original for personnel file.**

**To be completed by Town Clerk**

<b>Name (please PRINT):</b>	<b>Position:</b>
<b>Signature:</b>	<b>Date:</b>
<b>Date Application Received:</b>	

**DECISION**

**Recommendation** (Council to complete)

<b>Recommendation:</b>	
<b>Date of meeting with employee if required:</b>	
<b>Name:</b>	
<b>Signature:</b>	

**Record of Decision** (Council to complete)

<b>Application Approved:</b>	Yes/No
<b>Date new working pattern will start:</b>	
<b>Date of review (if applicable) :</b>	

<b>Application Rejected:</b>	
<b>Reason for rejection:</b>	
<b>Name:</b>	
<b>Signature:</b>	
<b>Date:</b>	

# **REPORT TO FINANCE COMMITTEE**

**Date: 20 March 2023**

## **Public Report**

**Item no: 13d**

**Matter: Financial Regulations**

**Author: Town Clerk, RFO and Services and Contracts Manager**

**Supporting Member:** Council Chair

### **Purpose of Report:**

Provide an overview of amendments to the Regulations in response to legislative changes, to support business continuity and growth.

### **Recommendations**

That the amended Financial Regulations be approved.

### **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.

### **Safeguarding Public Money – Repeal of Section 150(5) OF LGA 1972**

In accordance with the guidance provided in JPAG Issue 20120725, Local Councils, must have in place safe and efficient arrangements to safeguard public money (clause 15), and review regularly the effectiveness of their arrangements (clause 14). Councils must arrange for:

- a. The proper administration of their financial affairs by ensuring that controls over money are embedded in Standing Orders and Financial Regulations
- b. Establish an officer as holding responsibility for those affairs, such as the RFO.

## 1. Overview

- a. Each year since 2015 when the Council was constituted, the Council has received unqualified external reports and internal reports that record the diligent and robust financial procedures that the Council has in place. This approach to securing and safeguarding public money will continue.
- b. The Council's governance procedures ensures that policies are reviewed regularly to reflect changes in the law and reflect best practice: Safeguarding Public Money – Repeal of Section 150(5) OF LGA 1972 - Following the repeal of Section 150(5) of the Local Government Act 1972, Local Councils in England may safely take advantage of modern payment methods. Members must note that although Councils may delegate the role of protecting money to individuals, for example to the RFO, legal responsibility will always remain with the Council and its Councillors. The requirement under the repealed Section 150(5) of the LGA, as stated under clause 10 of the guidance, that 'every cheque or other order for the payment of money shall be signed by two Councillors of the Council' is no longer law. Councils must have put in place safe and efficient arrangements in accordance with clause 15 of the JPAG guidance. Such arrangements must include:
  - i. Council approving bank mandates.
  - ii. Holding a list of authorised signatures for each account.
  - iii. Determining the limits of authority for each account signature.  
Determining the limits of authority for any amendments to mandates.
- c. The Regulations have been reviewed in anticipation of growth to support officers as they conduct the business of the Council. To this end the authority to spend has been reviewed. Officers will be given authority to spend within the budgets as approved by Full Council in January 2023. What this means is that officers will not be seeking approval for expenditure:

For example:

- i. A repair/replacement to play equipment, benches, bus shelters, the bandstand is required. The funds are available in devolution reserve, the repair replacement if not expedited promptly will impact on the Council's reputation or become a health and safety issue. The officer will have authority to act and spend to resolve the matter rather than seek approval in the first instance. The officer would make a report to Council. The RFO would have the authority to vire the fund from the devolution reserve.

- ii. A budget allocation has been created for community engagement. Officers can spend within this budget for any activity, resource or project that supports the Councils interaction with the community. This could be regular advertising, hiring rooms for community cafes, purchasing software to create data bases of community groups, providing electronic noticeboards in the town centre etc. The decision would lie with the officer.
- d. With authority to spend within the budget allocation, officers would be more responsive and intuitive to emerging matters and to progress schemes of work to completion in a timely manner. The Council's robust budget planning process means that both Councillors and Officers have a clear understanding of the budget allocation purpose and the priorities of the Council. Officers will continue to report to members via their workplan which will enable members to monitor spending. Regular month-end statements to committees produced by the RFO will also continue providing accurate information on expenditure.
- e. The Council has provided debit cards to officers via the HSBC, however, to date there has been no supporting policy or protocol to support the use of such cards. Such a policy has been added to the Regulations.
- f. The format of the Regulations have been changed to align with Accessibility Regulations.
- g. Council are aware of on-going difficulties in removing and adding signatories for bank accounts. Currently all members of the Finance Committee are required to act as signatories. This poses a significant difficulty to business continuity if all signatories fail to get re-elected.
- h. Council have resolved to look for alternative banking having closed its account with the Cumberland Building Society. This resolution is ongoing, and officers have explored a number of options. When an alternative is identified it will be used as the Councils main current account in place of the HSBC. The HSBC has failed to respond to requests to raise the daily expenditure limit from £10,000 to £30,000, failed to respond to queries regarding the debit card and Members have expressed concerns with regard the investments of HSBC.
- i. The new account will require new signatories, a higher daily limit, a debit or a credit card and provide electronic banking operated by Lamont Pridmore.
- j. The Council place reserves with CCLA who have confirmed that officers can act as signatories.



- k. It is proposed that four senior Council officers act as signatories on investments, savings, and current accounts. Four Councillors would also become signatories for the term of the Council. This has been discussed with the Internal Auditor who informed officers that she would expect senior officers to be signatories for treasury management, business continuity and transferring funds between accounts as and when required.
- l. Lamont Pridmore would continue to make payments and act as an internal control via segregation of duties.
- m. Cheques have not been used by the Council for several years and it is not expected that these would return to regular use although a cheque book may be issued with a new account.
- n. Finance Committee members will continue to reconcile invoices, expenditure, and bank statements. In preparation for growth Members will be asked to sample these controls over an agreed level of expenditure of £500.
- o. The purpose of these amendments is to enable the Council to expedite financial business in a professional corporate manner. Officers believe that implementing these amendments and their practical applications before growth will result in them becoming embedded in the culture of the business prior to significant changes in asset management and service delivery and subsequently increases in income and expenditure.
- p. Members are asked to consider and approve the following Financial Regulations. Members are asked to note that wording which will be deleted is highlighted in yellow and crossed through and new wording is in green.

# **DRAFT AMENDED Financial Regulations**

## **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 assisted by the external accountants:
- a. Acts under the policy direction of the Council.
  - b. Administers the Council's financial affairs in accordance with all acts, regulations, and proper practices.
  - c. Determines on behalf of the Council its accounting records and accounting control systems.
  - d. Ensures the accounting control systems are observed.
  - e. Maintains the accounting records of the Council up to date in accordance with proper practices.
  - f. Assists the Council to secure economy, efficiency, and effectiveness in the use of its resources.
  - g. Produces financial management information as required by the Council.
- 1.10 The accounting records determined by the RFO shall be sufficient to show and explain the Council's transactions and to enable RFO 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.
  - 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 Council for approval to be written off with the opinion of the RFO and that the approvals are shown in the accounting records.~~ Procedures ARE IN PLACE to ensure that uncollectable amounts, including any bad debts are not submitted to Council for approval to be written off WITHOUT the OPINION AND approval of the RFO and that the approvals are shown in the accounting records 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. 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 exceeding £5,000.
- f. Declaring eligibility for the General Power of Competence.
- g. Addressing recommendations in any report from the internal or external auditors

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 more than £20,001 £25,000.
- 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.
  - 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.
  - 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 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 via the relevant agenda.

The approved annual budget shall form the basis of financial control for the ensuing year, subject to any amendments authorised by Council.

#### 4. Orders for work, goods, and services Originally 10 moved to reflect expenditure sequence

- 4.1 An official written instruction shall be issued for all work, goods and services over a value of £500 unless a formal contract is to be prepared. Copies of such instructions shall be retained with the appropriate invoice.
- 4.2 Order books shall be controlled by the RFO.
- 4.3 All Councillors and officers are responsible for always obtaining value for money. 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 over a value of £500 and up to £15,000, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11 below.
- 4.4 A Councillor shall not issue an official order or make any contract on behalf of the Council.
- 4.5 ~~The RFO or 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.~~ PTC has GPC

## 5. Budgetary control and authority to incur expenditure.

- 5.1 Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority to spend is recorded within the Scheme of Delegation of Financial Responsibility to Spending Officers (Appendix A) 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.

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

- 5.3 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 their comments considered in making the decision on the proposal.

- 5.4 During the budget year, the RFO and subject to the approval of Council, having considered fully the implications, a supplementary estimate may be allocated from reserves or any unspent and available budgets which may be transferred to other budget headings or to an earmarked reserve as appropriate ('virement'); however, no virement shall be permitted from salaries budgets. All budget virements exceeding £25,000 to or from reserves will be reported to Finance Committee for approval and ratified by Full Council.

- 5.5 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. Unspent budgets for uncompleted capital projects may be carried forward following approval of the Town Clerk.

- 5.6 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, is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with. For the purposes of this paragraph, the circumstances invoked to justify extreme urgency must not in any event be attributable to the Council.



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~~ £25,000. 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.

- 5.7 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.
- 5.8 All capital works shall be administered in accordance with the Council's Standing Orders and Financial Regulations relating to contracts.
- 5.9 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.
- 5.10 Transfers to and from earmarked reserves shall be approved by Council in accordance with its Reserves Policy.

## **6. Banking arrangements and authorisation of payments**

- 6.1 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.
- 6.2 Any transfer of monies between bank accounts shall be made by any combination of two officers of the Council -the RFO, Services and Contracts Manager, the Town Clerk, the Deputy Town Clerk and in the absence of one, by a designated Councillor pre-approved by the Full Council.
- 6.3 Relevant budget holders in accordance with the Scheme of Delegation of Financial Responsibility to Spending Officers, or the RFO, or designated officers as appropriate, shall examine invoices for arithmetical accuracy.
- 6.4 All invoices for payment shall be examined, verified and certified by the relevant budget holder in accordance with the Scheme of Delegation of Financial Responsibility to Spending Officers, or the RFO as appropriate, to confirm that the work, goods or services to which each invoice relates has been received.

6.5 The RFO or Services and Contracts Manager shall post invoices to the appropriate expenditure heading in the general ledger following authorisation by the RFO or Town Clerk.

6.6 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 banking 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. Four officers of the Council and four Members of the Council will be approved account signatories with any combination of 2 people authorised to sign.

## 7. Making and approval of payments

### Payment Method

7.1 The Council will make safe and efficient arrangements for the making of its payments. The RFO and Services and Contracts Manager, Town Clerk and Deputy Town Clerk shall have delegated authority to process payments in respect of all authorised items of expenditure as and when, and on a timely basis, to ensure that all invoices are paid in accordance with terms as far as is practicable.

7.2 Payments by direct debit will be used where the Council is committed to regular payments, principally for utilities and payments under lease arrangements.

7.3 All other payments shall be made through the electronic banking system (EBS), or BACS provided by the Council's current account provider, and processed by the Council's external accountant for separation of duties 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.

All other payments shall be made through the electronic banking system (EBS), or BACS (Appendix C) provided by the Council's current account provider. 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 Town Clerk, RFO, Services and Contracts Manager as Systems Administrators with access to the EBS except that no ability to make a payment or create a new payee.

7.4 The RFO and Services and Contracts Manager and/or Town Clerk shall have delegated authority to process payments via the external accountants in respect of all authorised items of expenditure as and when, and on a timely basis, to ensure that all invoices are paid in accordance with terms as far as is practicable.

7.5 In exceptional circumstances where payment is required by cheque, these shall be signed by the RFO, Services and Contracts Manager and/or Town Clerk and in the absence of one, by the Deputy Town Clerk or a pre-approved designated Councillor.

7.6 The bank mandate approved by the Full Council shall clearly state the officers authorised to approve transactions and act as signatories.

7.7 The bank mandate approved by the Full Council shall clearly state the four Councillors authorised to approve transactions and act as signatories.

7.8 Corporate credit and debit cards, and trade card accounts opened by the Council shall be specifically designated to named officers, as approved by the Town Clerk shall be subject to automatic payment in full each month. Refer to Appendix B.

### **Certification of Payments**

- 7.9 All invoices for payment shall be examined, verified and certified manually by an appropriate combination of the Town Clerk/Services and Contracts Manager/ Deputy Town Clerk/RFO and officers with authority to spend to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously authorised by the RFO or Town Clerk Council. This includes any amounts paid by direct debit.
- 7.10 The Services & Contracts Manager/Town Clerk/RFO shall examine invoices for arithmetical accuracy and appropriateness and allocate the expenditure to the appropriate budget heading.
- 7.11 The Services & Contracts Manager/Town Clerk/RFO shall ensure that there is budget provision for payment. Where there is no budget provision, the Finance Committee RFO and Town Clerk shall determine how funds should be made available to pay the amount due and make a virement.
- 7.12 The Services & Contracts Manager/Town Clerk/RFO shall then arrange for payment and report payments made to the next available Finance Committee

## **Setting up new Payees**

7.13 The RFO will instruct the external accountants to set up any new payees in the EBS and keep a record of any such instructions. The authorisation of an invoice by the RFO or Town Clerk will provide an instruction to set up a new payee.

## **Making Payments**

### **Direct Debits**

7.14 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**

- 7.15 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.
- 7.16 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.
- 7.17 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**

7.18 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**

- 7.19 Following production of a satisfactory bank reconciliation, the RFO shall prepare a report of payments made each month, as part of the agenda for each Finance Committee meeting. The report will be produced from the Council's accounting system. All payments on the report shall be supported by appropriate documentation, i.e. invoices etc., which will be provided separately to all Councillors in advance of the Committee meeting.
- 7.20 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.

7.21 The minutes of the Committee shall note its approval of the **number** ~~and number of~~ payments made and refer to the **report of** payment **period.**

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

### **Personal Payments**

7.23 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**

7.24 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. Refer to Appendix B

7.25 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**

7.26 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.

## 8. Payment of salaries

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council.
- 8.5 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.
- 8.6 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.
- 8.7 An effective system of personal performance management should be maintained for the senior officers.
- 8.8 Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 8.9 Before employing ~~interim~~ staff, the Council must consider a full business case.

## **9. Loans and investments**

- 9.1 All borrowings shall be affected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for Borrowing Approval, and subsequent arrangements for the Loan shall only be approved by Full Council.
- 9.2 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.
- 9.3 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. Investment decisions made for cash flow purposes shall be determined by the Finance Committee following advice from the RFO, and subsequently reported to Full Council. Authorised signatories for the management of investment accounts shall be determined in the same manner as those for the Council's bank accounts.
- 9.4 During the annual budget process, the Council shall approve an Investment Policy which shall be in accordance with relevant regulations, proper practices, and guidance.
- 9.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 9.6 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).

## 10. Income

- 10.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 10.2 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.
- 10.3 The Council will review all fees and charges at least annually, following a report of the RFO. Fees and charges to be made for work done, services rendered, or goods supplied shall be reviewed and agreed annually by Full Council, following a report by the Services and Contracts Manager. Charges shall be notified to the RFO and the RFO shall be responsible for the collection of accounts due to the Council.
- 10.4 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.
- 10.5 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.
- 10.6 The origin of each receipt shall be entered on the paying-in slip.
- 10.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 10.8 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.
- 10.9 The Council shall not accept the receipt of sums of cash more than £1,000 £500, nor smaller amounts which have been disaggregated to avoid this limit.
- 10.10 Where any significant sums of cash are regularly received by the Council, the RFO shall determine the steps and reasonable measures to determine the procedures that are adopted when the cash is counted in the first instance, that there is a reconciliation to some form of control, and that appropriate care is taken in the security and safety of individuals banking such cash



## 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 Government Procurement Agreement (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 two officers of the Council from **the Town Clerk, RFO Services and Contracts Manager and Deputy Town 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.
- 11.10 When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) officers shall strive to obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £15,000 and above £500. Otherwise, Regulation 4.3 above shall apply.
- 11.11** The Council shall not be obliged to accept the lowest or any tender, quote, or estimate. **All evaluations will be completed fairly, and equitably to all bidders, and it should be subject to any conflict of interest policy the Council to ensure impartiality of decision making.**
- 11.12 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.
- 11.13 The Council shall publish details of any awarded contract valued over £5,000 on its website

## **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~~ **Councils internal solicitor** shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The ~~RFO~~ **solicitor and 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~~ **£25,000**.
- 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. 13.2 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.~~

## **15. Stores and Equipment**

- 15.1 The officer in charge of each function shall be responsible for the care and custody of any stores and equipment in that function.
- 15.2 Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 15.3 Stocks shall be kept at the minimum levels consistent with operational requirements.
- 15.4 The Services and Contracts Manager shall be responsible for periodic checks of stocks and stores at least annually.

## **16. Risk management**

- 16.1 The Council is responsible for putting in place arrangements for the management of risk. The 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.

### **APPENDICES: 2023-2024 Policies of financial governance**

- A: Scheme of Delegation – Authority to spend and signatories
- B. Debit and Credit Card Policy
- C. Reserves Policy
- D. Investments Policy

**ADOPTED:2015**

**REVIEWED: ANNUALLY**

**AMENDED:2023**

## APPENDIX A

### **Scheme of Delegation of Financial Responsibility for Spending & Signatories**

This Council delegates spending responsibilities to certain officers, and with certain limits. This list has recently been reviewed and is as follows:

<b>Officer</b>	<b>Limit</b>
Town Clerk Account signatory	Any expenditure that is within the budgets approved by Full Council
Responsible Finance Officer Account signatory	Any expenditure that is within the budgets approved by Full Council
Services & Contracts Manager Account signatory	Any expenditure that is within the budgets approved by Full Council
Solicitor	Any expenditure that is within the budgets approved by Full Council
Deputy Town Clerk Account signatory	Any expenditure that is within the budgets approved by Full Council
Community Services Officer	Any expenditure that is within the budgets approved by Full Council
Economic Development Officer	Any expenditure that is within the budgets approved by Full Council
Sustainability Officer	Any expenditure that is within the budgets approved by Full Council

Where an authorisation would result in an individual budget being overspent then the necessary virement should be approved and actioned before authorisation takes place by the RFO and Town Clerk.

1. It is an expressed requirement of this Protocol that all Officers abide by the following:
  - a) Standing Orders
  - b) Financial Regulations.
  - c) Procurement Strategy particularly in respect of the threshold figures for seeking quotations.
  - d) Any expenditure must be authorised from an approved budget.
  - e) Any leasing of equipment can only be entered into with the specific approval of the Responsible Financial Officer or the Town Clerk.
2. Any breach of any aspect of this Protocol will lead to action under the Disciplinary Procedure.

**DEBIT AND CREDIT CARD POLICY**

Wherever possible an order should be made and paid for with an invoice. However, it is recognised that this may not always be the most efficient option in relation to low value spend and so, the use of debit and cards is permitted but must only be used to acquire goods and services for approved Council business.

This policy is intended to provide detailed guidance and assistance in obtaining and using Penrith Town Council debit and credit cards, and describes the responsibilities and restrictions which cardholders must accept before being provided with any such card.

Any attempt by the cardholder to make changes to the Council's terms and conditions of the card or the associated bank account will be treated as a disciplinary offence.

**1. Obtaining Cards**

- a) All cards are issued for the sole purpose of facilitating the conducting of Council business that cannot be paid for by invoice.
- b) Debit and credit cards must only be used by the authorised signatory named on the card and must not be used by any other person.

**2. Use of Cards**

- a) Cards can be used for on-line and point of sale transactions in accordance with this policy document, within the pre-defined limits of the accounts.
- b) A receipt must be obtained and provided, together with an expense sheet, to the Town Clerk.
- c) The cardholder must ensure that the correct amount is received at the point of receipt and register any discrepancies with the bank/store immediately, or the following working day if out of normal business hours.
- d) If any purchase contains any charges for VAT, a proper VAT receipt or invoice should be obtained.
- e) Transactions and supporting documents (such as receipts) must be kept for a period of six years plus the current financial year by the relevant department for audit and HMRC purposes.
- f) Payments made via debit card are limited to the cleared funds available in the pre-paid account.

### **3. Reconciliation and Inspection**

- a) All debit card transactions will appear on the bank account's bank statement, the receipts/invoices obtained must be reconciled to the statement, monthly as a minimum.
- b) All credit card transactions will appear on the credit card account statement, the receipts/invoices obtained must be reconciled to the statement, on a monthly basis as a minimum.
- c) All receipts and the reconciliation schedule must be checked and authorised by the RFO, Services and Contracts Manager, and Town Clerk. A segregation of duties by a minimum of two persons must be maintained at all times.

### **4. Restrictions**

- a) Debit and credit cards must not be used for any non-Council business or personal expenses.
- b) Only secure sites should be used to make purchases via the internet with a web address beginning HTTPS.
- c) The only person authorised to use the card is the cardholder. Card details are NOT to be retained by an online website.
- d) The cardholder shall not make any attempt to change the terms and conditions on which the card is held.
- e) The cardholder must not share any account details or passwords in respect of transactions with anyone else.

### **5. Security**

- a) The card will only ever be used by the person named on the card.
- b) It is the personal responsibility of the card holder to ensure the card is kept secure at all times and cannot be accessed by any other persons. Reasonable steps should be taken to ensure the card details cannot be viewed or overheard by any other persons.
- c) Passwords or other details relating to the debit card or cardholder must not be written down.
- d) Debit cards details must not be stored where others may have access to them.
- e) It is recommended for security reasons that wherever possible transactions are processed by the cardholder being physically present at the point of sale.
- f) The card's Security PIN number must be kept secure and not disclosed to anyone else, under any circumstances.
- g) The bank must be notified immediately if the card is lost or stolen, or fraudulent use is suspected.
- h) The cardholder will surrender their card to the Town Clerk when the cardholder leaves the employment of the Council, or if circumstances change so that a card is no longer required. The card should then be destroyed by the Town Clerk and the provider notified.



- i) Staff will be held personally liable for any transactions processed through the card until the time when the card is physically surrendered.
- j) If the cardholder misuses the card or fraudulently uses the card or knowingly permits any other person to use the card, this will result in disciplinary action being taken against the cardholder.

## **Reserves Policy**

### **Purpose**

The Town Council maintains two types of reserves, for differing reasons:

- a General Reserve (the General Fund working balance), which provides working capital and a buffer against financial risks; and
- earmarked reserves to meet known, planned, or predicted spending requirements which have been identified specifically.

The Council acknowledges that there is a balance to be struck between holding excessive reserves raised from public monies and retaining a prudent level of funds. It will therefore take advice from its Responsible Finance Officer on the adequacy and appropriateness of its reserves, primarily when setting its revenue budget.

### **1. General Reserve**

This reserve represents the balance on the Council's revenue account, i.e. the account which records all its financial transactions. Unless allocated for a specific purpose, revenue budget underspending and windfalls are added to the working balance, while overspendings are taken from the balance.

The balance provides working capital to assist the Council's cash flow, acts as a buffer against unexpected events or expenditure and provides funds for opportunities to be pursued. The optimum level for the working balance is determined by an assessment of the Council's potential exposure to financial risks, together with a judgement of the extent to which earmarked reserves can support its cash flow on a temporary basis.

The medium-term target for the reserve is to accumulate a balance equivalent to 35% of net revenue expenditure by 31 March 2025 reducing to 30% of expenditure from 01 April 2026 onwards. This is to be achieved by regular annual contributions from the revenue account, where necessary. The level of contributions will be determined annually, taking account of the impact on council taxpayers and the availability of earmarked reserves.

## 2. Earmarked Reserves

Other than any funds governed by legal conditions, the earmarking of reserves is at the discretion of the Council and monies can be moved from one to another if required. Reserves do not generally accrue interest on the investment of their funds.

In order to avoid future over-commitment, the day to day operational costs of running the Council are to be met from the revenue budget and reserves shall not be used to fund recurring expenditure.

- **Devolution Reserve:** This reserve is credited with the difference (while positive) between the council tax income equivalent to the special expenses previously levied in Penrith and the net cost of the assets transferred from Eden DC. The reserve will provide a cushion against the full cost of those assets being higher than expected, renovation and/or improvements.
- **Elections Reserve (proposed):** This reserve supports the costs in the future of Parish Council Elections and any one off by election costs and recharges. An allocation of £30,000 met from underspends in the 2022-23 financial year, and thereafter a contribution of £5,000 per annum over the full term of the MTFP.

## 3. Establishment and use of Reserves

The Annex to this policy provides further details of the Council's current reserves with a target range for each one.

The establishment or closing of an earmarked reserve requires a formal decision of Council. Similarly, the approval of Council is required for all contributions and transfers to reserves, and all use of reserves to fund expenditure. All budget virements exceeding £25,000 to or from reserves will be reported to Finance Committee for approval and ratified by Full Council.

**Review: Annual**

## CURRENT RESERVES

Reserve	Purpose	Target level
<b>General Reserves</b>		
General Reserve (General Fund Working Balance)	<ul style="list-style-type: none"> <li>• Provision of working capital.</li> <li>• Buffer against uneven cash flows, inflationary pressures, sharp budgetary changes, unexpected events, or emergencies.</li> <li>• Ability to pursue opportunities when identified.</li> </ul>	<ul style="list-style-type: none"> <li>• Assessed primarily on the basis of financial risks to the Council.</li> <li>• Medium-term target to be 35% of net revenue expenditure at 31 March 2025 and thereafter 30%.</li> <li>• Minimum level: £150,000</li> <li>• Range: £150,000 to £300,000</li> </ul>
<b>Earmarked Reserves</b>		
Devolution Reserve	<ul style="list-style-type: none"> <li>• Accumulation of funds in the early years of devolved asset transfers from Eden DC when grant income from that council is available.</li> <li>• Cushion against the longer-term full costs of devolved assets being higher than expected renovation and/or improvements.</li> </ul>	<ul style="list-style-type: none"> <li>• Based on the allocation of the difference (while positive) between the income equivalent to the special expenses previously levied in Penrith via council tax and the net cost of devolved assets transferred from Eden DC</li> <li>• Typical Range: £50,000 to £260,000</li> </ul>
Elections Reserve (proposed)	<ul style="list-style-type: none"> <li>• To meet the costs of Parish Council Elections in 2027 and any one off by elections and general election recharges.</li> </ul>	<ul style="list-style-type: none"> <li>• £30,000 met from underspends in 2022-23 financial year.</li> <li>• A contribution of £5,000 per annum over the full term of the Medium Term Financial Plan, 31 March 2028.</li> <li>• Range: £30,000 to £60,000</li> </ul>

Reserve	Purpose	Target level
Acquisitions Reserve	<ul style="list-style-type: none"> <li>To support activities associated with buying, surveying, legal fees, investing and managing land and property.</li> </ul>	<p>Range £zero to £50,000</p> <p>The reserve has been reallocated in full (£50k)to meet the costs of new posts on the staff establishment. Approved Full Council 23 May 2022.</p> <p>The Acquisition Reserve be deleted at 31 March 2023.</p>

**DATE OF APPROVAL: 23 January 2023**

**REVIEWED – 20 March 2023** To reflect the changes to Financial Regulations.

## **Investment Strategy 2023-24**

### **Purpose**

The Town Council invests reserves and surplus funds which are not immediately required to meet expenditure.

This strategy provides a framework for the secure and prudent investment of those monies and adopts the relevant principles of statutory guidance issued under the Local Government Act 2003 and of CIPFA codes of practice.

### **Investment Objectives**

The Council invests monies for treasury management purposes.

Its priorities in investing surplus funds are:

- **Security** (protecting the investment from loss).
- **Liquidity** (ensuring the money is available for expenditure when needed).
- and, providing the above objectives have been met,
- Obtaining the best **Yield**.

Investment opportunities are assessed in terms of these objectives; the Council aims to obtain the best possible return commensurate with proper levels of security and liquidity.

### **Types of Investment**

The Council will not invest in non-financial assets such as commercial property.

The Council will only place funds in specified investments, as defined by the Secretary of State, which offer high security and high liquidity. These investments are made in the Council's name and are:

- a. Made in sterling.
- b. Have a maturity of no more than one year.
- c. With a counterparty which is the UK Government, a local authority or a body of high credit quality.

For the 2023-24 financial year, the Council does not intend to use non-specified investments (i.e. those which do not meet these criteria) as these are generally considered to be of higher risk and would require specialist advice.

## **Risk Assessment**

The Council's investments no longer qualify for the Financial Services Compensation Scheme up to £85,000; however, this is considered to be an acceptable limit for investments in organisations of good credit quality. Larger amounts can be invested with organisations of high credit quality.

The Council does not employ external treasury advisors or subscribe to a credit rating agency. It bases its assessment of the risk attaching to potential investments with counterparties on their publicly available information, organisational structure and asset size.

The Council will also have regard to the amount of funds placed with a single institution.

## **Approved Counterparties**

The following counterparties are approved for the investment of surplus funds by the Council, with a duration of no longer than twelve months:

- HM Government and its agencies
- Local Authorities
- UK Clearing Banks
- Building Societies with an asset base more than £1,000 million or smaller societies where there are strategic or local considerations, limited to a principal investment of £85,000 with a single society.
- UK FCA regulated qualifying money market funds with an AAA rating (Fitch credit rating).

## **Treasury Management Responsibilities**

All investments are made in the name of the Town Council and will be approved by Full Council, having taken advice from the Responsible Financial Officer, who has knowledge and experience of the CIPFA codes of practice.

The Finance Committee oversees investment activities and the drafting of changes to this strategy.

Members of the Committee are suitably experienced and understand the nature of investment risks. Where necessary, their knowledge will be supplemented by formal or informal training.

## **Activities For 2023-24**

The Town Council plans to maintain its investments in the Penrith Building Society. As it receives its full annual precept income early in the financial year, it will have surplus funds for most of the year and these will be invested in the CCLA Public Sector Deposit Fund until needed. As the Council does not have a long history of managing its cash flow actively, it will adopt a cautious approach to investing surplus monies to ensure that its bank account balance is always sufficient to meet short-term requirements.

## **REVIEW**

This strategy will be subject to annual review in advance of each financial year.

**APPROVED: January 2023**

**REVIEW: ANNUAL**



# **REPORT TO FINANCE COMMITTEE**

**Date: 20 March 2023**

## **Public Report**

**Item no: 13e**

**Matter: Grant Scheme Review**

**Authors: Town Clerk**

**Supporting Member:** Council Chair

### **Purpose of Report:**

To provide an overview of the purpose of the review and the amendments to the current grants scheme.

To agree a grants scheme that will increase the number of successful applications.

### **Recommendations**

That the grant guidance and policy be approved.

### **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.

### **3. Report Details**

- a. This report sets out the revised procedure for grant applications to Penrith Town Council. The Council is committed to support a range of causes, projects, and events each year within a limited budget.
- b. The Council makes an annual budget provision for grants to help meet its aims. Grants come from the Council's council tax income (Precept) and a key principle of this Scheme is to ensure that grant expenditure is open and transparent. In 2021 the Council reviewed its grants policy to attract more applications. The grants budget was split into three – Large grants, small grants and grow nature grants. A review was scheduled for 2022 but due to the low number of applications the review period was extended to 2023.
- c. Full Council in 2022 identified a need for consistent funding for signature events in Penrith and a signature events fund was created that would enable an organisation to apply once for up to £20,000 pa over four years.
- d. Consistently, there have been several applications that have either been submitted incomplete, suggesting that applicants have misunderstood or misread the guidance and/or application form. These issues have protracted the application process and has resulted in applicants, officers and Members becoming frustrated with the process.
- e. An experienced external freelance bid writer has reviewed the grants scheme with Council officers.
- f. The proposals and recommendations within this report are from the collaboration between the bid writers and officers of the Council.
- g. The aim of the review was to determine if amendments could be made to the grant scheme documents and processes to increase traffic to the scheme and improve application success.
- h. The review identified the "clunky" parts of the guidance and application form and looked at best practice from other grant awarding bodies to see how financial governance and equalities might be addressed and simplified in alignment with best practice.
- i. The clunky parts of all the application forms centred around the requirement of linking the narrative of the application to the Council's priorities from various documents: the Council's Business plan, Climate Strategy, Equality and Diversity policies, Biodiversity policy, equal opportunities policy etc. These requirements were considered officious and complicated to navigate. It was recommended that these be removed as officers have a full understating of the Council's priorities and will appreciate and recognise an application that "fits best" with the Councils priorities.
- j. The review looked at how we could drive footfall to apply for grants successfully as this is a regular budget area of underspend. Successful grants applicants have always been encouraged to attend the Annual Meeting of the town but there has been limited promotion across general media, social media and at funding fairs.

## **Proposal**

- a. The scheme guidance be simplified using plain language. (Appendix A)
- b. Clearer plain language prompts be provided with word count guidance within the application form (Appendix B).
- c. The subsequent focus of the new application form and guidance to be organisation set up, community benefit, financial governance, project costs and equality and diversity.
- d. Merge all other grants into one application form, other than signature events.
- e. Applicants apply for up to £5,000.
- f. A grant over £1,000 would still require a service level agreement.
- g. Officers would be responsible for receiving, reviewing, and awarding all grants; officers of the Council have authority for expenditure and should decide on applications without approval of a committee or Full Council assuming that there is no conflict of interest.
- h. Grants would be awarded in full on application.
- i. A report would go to Council on a quarterly basis summarising grants awarded.
- j. Signature events with a value of £20k over a four year term of the Council would be decided by officers and ratified by Council.
- k. Officers use a grant progress tracker to expedite grants within 6 weeks.
- l. Two officers would act as leads to oversee the grant process to provide cover in the absence of their colleague, track the application to completion, providing progress updates to the applicant, raising the payment via a remittance and sending the decision letter. Four officers in total will review the applications and the lead officer either the RFO or the Economic Development Officer will make the final decision.
- m. Officers would strive to promote grants to ensure that the budget is spent. Publish regular articles in the press and social media about the successful applicants and the impact their projects have had locally and published on the website.
- n. The process be in place for the financial year 23-24 after which there will be a review.



# 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)

## GRANT SCHEME GUIDANCE

We fund projects based or delivered in Penrith which aim to:

- 1. Improve resources, opportunities, places, and spaces.**
- 2. Start, rejuvenate or enhance projects that matter to local communities.**
- 3. Support people, communities and organisations that are facing increased demands and challenges.**

### **Suitable for:**

- ✓ Voluntary and community organisation
- ✓ Constituted group or club.
- ✓ Registered charity
- ✓ Charitable incorporated organisation (CIO)
- ✓ Not-for-profit company
- ✓ Community interest company (CIC)
- ✓ School (if your project benefits and involves the communities around the school)
- ✓ Community benefit society

### **Who we cannot accept applications from:**

- ✗ Anyone under 18 years.
- ✗ Individuals.
- ✗ Sole traders.
- ✗ Organisations based outside Penrith unless the project is delivered in Penrith.
- ✗ One organisation applying on behalf of another.
- ✗ Companies that can pay profits to directors, shareholders or members (including Companies Limited by Shares).
- ✗ Organisations applying more than once in a financial year.
- ✗ Religious or political groups.

If your project works with children, young people or vulnerable adults you need to have a policy in place that explains how they will be safe. And we might ask to see this policy, if we decide to give you funding. If you do not have a governing body but think you need this type of policy **we can help you** develop one.

Your project may need insurance, qualifications or affiliations to a governing body. Depending on what you want to do, your project might need:

- Public liability insurance
- Leaders or instructors with special qualifications
- An affiliation to a governing body.

**We will assume that you are required to have these in place. If you do not have these in place you must not apply and should seek advice from your governing body.**

**If you are unsure, we can help you.**

#### **IMPORTANT FACTS:**

- ✓ You can apply for funding to deliver a new or existing activity or to support your organisation to change and adapt to new and future challenges.
- ✓ You can apply for funding for up to £5,000 for up to one year.
- ✓ Applications are ongoing and there is no deadline.
- ✓ We recommend that you apply at least 12 weeks before you want to start the activities or spend any of the money. Before then you cannot spend any of the money or run the activities you need funding for.
- ✓ However, if your grant request is in response to a local emergency, we will endeavour to deal with these grants quickly.
- ✓ We assess applications in the order that they are submitted.
- ✓ We have a limited budget and when the budget has been allocated it will not be topped up until the next financial year.
- ✓ Do not leave any response boxes empty. If a response is not relevant mark, it not applicable.
- ✓ Your application will be viewed more favourably if you have applied to other grant providers to help develop your project.
- ✓ Please send a bank statement/building society or e-statement in the name of your organisation/group no older than 3 months.
- ✓ Do not send any unrequested additional documents.
- ✓ We acknowledge all the applications we receive within two weeks of receipt.
- ✓ If you submit an application and have not heard from us by email after two weeks, please contact us to check whether your application has arrived

- ✓ Successful applicants will be advised in writing or by email.
- ✓ The grant must be used in the year for which it was awarded and for the project you applied for.
- ✓ For grants over £1000 any conditions placed on the funding will have to be met before funds are released and a report to demonstrate how the grant was spent. will need to be submitted to the Council within 12 months of the award date.
- ✓ Applicants who are unsuccessful are required to wait a minimum of 12 months from the date of notification before re-applying.

**Your application will be rejected as incomplete if:**

- ✗ You have not filled in **all** the response boxes.
- ✗ Your organisation/group does not have a bank/building society or electronic account in the name of your organisation or group.
- ✗ If you are unable to provide a bank/ building society statement or e-statement.
- ✗ Does not fit in with the key priorities of the Council 1-3.
- ✗ The project is considered too high risk for public funds to be contributed to it.
- ✗ The Council does not hold any more funding for grants.
- ✗ Any other relevant reason(s), which are considered important enough to warrant refusal to safeguard the Council and the local public funds.

**We cannot fund:**

- ✗ Alcohol
- ✗ Contingency costs, loans, endowments, or interest.
- ✗ Profit-making or fundraising activities.
- ✗ VAT you can reclaim.
- ✗ Religious activities (we can fund religious organisations if their project benefits the wider community and does not include religious content).
- ✗ Statutory activities.
- ✗ Activities that improve educational attainment (PHSE, STEM, English, Maths).
- ✗ Overseas travel or projects that take place outside of the UK.
- ✗ Activities that make profits for private gain.
- ✗ Cash that will be given directly to individuals.

**School or an organisation working with a school.**

Whilst we can support applications that involve schools, it will be by exception and only if there is wider community benefit. This means it should benefit, and involve, more than just teachers, pupils, and parents of pupils. Projects without significant involvement or benefit to the wider community as the primary focus are unlikely to be prioritised for funding.

The kinds of school projects we do not fund:

- ☒ Projects to improve school facilities or equipment.
- ☒ Projects to help with staff training.
- ☒ Projects that are part of the school curriculum.
- ☒ Projects that involve activities the school should already be providing (like a Project teaching literacy.)
- ☒ Projects that take place during teaching times.

We **would** support projects that would be seen as extras to the schools normal curriculum activities and involves and benefits the wider community.

### **What information you need to provide?**

1. All information that you provide should be accurate, up-to-date, and consistent with other information you have given us or information which is in the public domain (e.g., regulatory bodies, your own website, your social media pages or other internet searches).
2. The address of your organisation in your application form and in any other documentation must be your organisation's current registered address. We will accept the home address of a trustee or main contact if your organisation does not have a registered office.
3. It is important that your organisation or group have at least three people on their board, group or committee who are not related. These two people cannot be:
  - ☒ Related by blood.
  - ☒ Married to each other.
  - ☒ In a civil partnership with each other.
  - ☒ In a long-term relationship with each other.
  - ☒ Living together at the same address.
4. Your governing documents (such as constitutions and memorandum and articles of association) must be up to date. **If you are not constituted we can help you.**
5. We will review how your organisation has managed any previous grants from us and also any previous applications that we have received.
6. We will check the information in your bank/building society/e-statement to ensure that it is consistent with other details you have given us. We may also look at your accounts that are accessible through regulatory bodies such as the Charities Commission.
7. The people named as contacts and signatories on the application form should be aware of the application and the project. Their full legal names as shown on identification documentation should be included (such as passports, immigration documents, driving licences) not alternate names that they may be known by.

8. We ask for the contact details, and home addresses of your signatories. Both contacts need to have different email addresses
9. One person should be someone we can talk to if we have any questions about your project. The other should be a senior member of your organisation, who will be legally responsible for the funding. Both need to live in the UK.

**We ask for the legal name of your organisation, address. & what type of organisation it is**

Make sure these are up to date and match up with any information you provide. For example, your bank or building account name must match your organisation or groups name unless you have another recognised accountable body providing this for you.

**We ask for information about your organisation's accounts.**

We need evidence that your organisation/group have:

- A bank/building society/online bank account that requires two signatures.
- A bank building society/online bank statement that meets our needs.

We ask for one bank /building society/online banking account statement dated within the last three months so we can check the account you want us to pay the grant into.

We will not be able to assess your application if you do not have a bank account and bank statement/e-statement that meet the requirements below:

- The bank logo
- Your organisation's legal name
- The address the statements are sent to.
- Your bank's name.
- The account number and sort code
- If all these details are on one page, just send us that page.

**What else we would accept**

If you have a new account opened within the last three months, we can accept a bank welcome letter or email instead of a statement. The letter must confirm the date the account was opened and all the account details.

If you are unable to provide a bank/building society/online bank statement, we can accept transaction listings, if they include everything, we'd expect to see on a bank statement:

- The bank logo
- Your organisation's legal name
- The address your bank uses for correspondence.



- Your bank's name.
- The account number and sort code
- Dated transactions listing the most recent three months of expenditure.

## **Our grant conditions**

We ask that your organisation:

- ✓ Holds the grant in a UK-based bank/building society account.
- ✓ Have an account is in the legal name of your organisation.
- ✓ That the account is managed by at least two unrelated and authorised individuals in your organisation.
- ✓ No single individual, nor two or more related people, have sole responsibility for any single transaction from authorisation to review and completion.
- ✓ Provide, if we ask for them, evidence of expenditure of the grant, such as original paper or electronic receipts, invoices and bank statements.
- ✓ That the bank/building society or e-account in which you hold our grant funds is regulated either by the Prudential Regulation Authority (PRA) or by the Financial Conduct Authority (FCA) and that it is safeguarded by the Financial Services Compensation Scheme (FSCS).
- ✓ Where you use an e-money account, you need to ensure that the account is safeguarded by The Electronic Money Regulations 2011.

## **What happens if we identify concerns?**

If we have any concerns, we may contact you to try and resolve them but if we reject your application based on these checks, our decision letter will set out our concerns.

### **Please be aware that:**

- We will give you as much information as we can with our decision.
- We will not change our decision if it is based on information you gave us or is in the public domain.
- If you feel that our feedback is incorrect, you may ask us to reconsider our position.
- You may not appeal simply because you disagree with our decision.
- We will tell you our concerns and advise you how to address them.

**Please contact the named person in the decision letter.**

## **Can you reapply?**

You can, though you should consider our reasons for not accepting your application on this occasion.

## **What happens after you apply:**

1. You send us your application and we will review your application and may seek further information within 2 weeks of receipt.
2. We will get back to you with a decision in less than 6 weeks.
3. We might give you a call or email you within those 6 weeks, to talk a little more about your idea or ask for more information.
4. If your application is successful and your grant award is less than £1,000, we will send you an email with the good news. We will put the funding in your bank account within 14 days (or sooner, if possible).
5. All grants over £1000 are subject to terms and conditions which we call a service level agreement. This document records how you will use the grant, the time frame, how you will promote the Council's contribution and how you should evidence how you have spent the money. The Council may provide all the grant upfront or in part payments.
6. You can start spending the funding on your project and spend the funding the way you said you would in your application (unless we've agreed to something different first).
7. We might check in from time to time to see how things are going.
8. Organisations will be required to acknowledge Penrith Town Council's support in their publicity material, documentation, webpages, or project signage and are expected to positively promote the Council.
9. For our own publicity material, the Council may require photos with agreement from participants and may use the name of the organisation and project.
10. Share your story and let people know about your grant and the amazing work you're doing in your community.



The Grant Scheme is managed by the Town Clerk and Council Officers.

If you need assistance completing the application form, please contact us:

01768 899 773

[office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)



# Grant Application Form

This application form is designed in Microsoft Word. The document is unprotected, allowing you to add rows to tables if necessary. Please do not alter the format or the content as this may void your application. This form is for an application for a grant of **up to £5,000**. Please read the guidance that supports the application form before you start filling it in. If you have any queries or require assistance with this form, please contact us before you submit the form. We want your application to be successful and we are happy to help you: [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk) or call: 01768 899 773

## Section 1 – Your organisation

This helps us understand the type of organisation you are.

### Contact Information

Please provide details for two senior contacts. This person will be legally responsible for the funding. They cannot be married to, in a civil partnership with, in a long-term relationship with, living with, or related to the main contact. Please enter below the details of the best person to contact to discuss this application.

		PTC only	
<b>Full Name of Main Contact:</b>		1.	
<b>Position in the Organisation:</b>		2.	
<b>Email:</b> We will use this email address to contact you throughout the assessment process, so please ensure that you provide a suitable address. <b>Telephone:</b> This is the telephone number we will use if we have any questions regarding your application.		3.	
<b>Address:</b> We will use this address for all correspondence.		4.	
<b>Full Name of second contact:</b>		5.	
<b>Position in the Organisation:</b>		6.	
<b>Email:</b>		7.	
<b>Address:</b>		8.	

## Your Organisation

		PTC only	
<b>Legal name of your organisation:</b> This must be as shown on your governing document. Your governing document could be called one of several things, depending on the type of organisation you are applying on behalf of. It might be called a constitution, trust deed, memorandum and articles of association, or something else entirely.		9.	
<b>Organisation E-mail Address:</b> Please enter the general email address for your organisation. Unless necessary, this will not be the email address we will use to contact you about your application.		10.	
<b>Website Address if applicable:</b>		11.	
<b>Does your organisation use a different name in its day-to-day work?</b> <b>Yes, or no?</b> This is how you might be known if you are not just known by your legal name (the legal name is on your governing document):  <b>What is the name your organisation uses in its day-to-day work?</b>		12.	
<b>When was your organisation set up?</b> This is the date your organisation took on its current legal status. It should be on your governing document. If you do not know the exact date, it can be an approximate date.		13.	
<b>Base of operations if different from postal address:</b>		14.	

PTC only

Please indicate with a tick if you are a



Penrith Community Group - Unregistered voluntary or community organisation		15.	
Not-for-profit company		16.	
Registered charity (unincorporated)		17.	
Charitable Incorporated Organisation (CIO or SCIO)		18.	
Community Interest Company (CIC)		19.	
School		20.	
<b>Companies House number:</b>		21.	
<b>Charity registration number:</b>		22.	

**If you are neither a Charity nor a constituted local group, please provide details of your structure. (30 words).**

Your organisation must have charitable aims and objectives to be able to apply to us.

	PTC only
	23.

**What is the postcode of where your project will take place?**

If your project will take place across various locations, please use the postcode of the building or address where most of the project will take place.

You must provide the full postcode. If you do not know the postcode, you can use the [Royal Mail Postcode Finder](#) to try and find it.

	PTC only
	24.

**Organisation Governance**

**Do you have a constitution or similar governing document?**



YES	
NO	

PTC only
25.

**Give a brief description of your organisation.**

Briefly describe the range of services your organisation provides and what you do on a daily basis - **300 words**.

	PTC only
	26.

**How is your organisation managed and what governance have you in place?**

Describe the frequency of your meetings, how you record your meetings, who attends meetings, who decides your activities, how you promote your group, share its achievements and monitor finances - **300 words**

	PTC only
	27.

**What is the purpose or charitable objectives of your organisation?**

**Who is your work designed to support and what are their needs? (500 words)**

Describe the circumstances or protected characteristics of the people you are supporting and the issues and challenges they face. -**200 words**

	PTC only
	28.

**Please describe the membership of your organisation.**

This must include the number of either/and officers, trustees, directors, staff, volunteers, and the geographical area your membership is drawn from. - **200 words**

	PTC only
	29.

## Section 2 Your Project

### When will you spend the money?

You have up to 12 months after award to spend the money.

#### Record your date below

PTC only	
30.	

### What would you like to do?

Please describe your project. This should explain the objectives of the project and benefits to the Penrith community. Here are some ideas of what to tell us about your project:

- What difference your project will make?
- Who will benefit from it?
- How long you expect to run it for. This can be an estimate.
- How you will make sure people know about it
- How you plan to learn from it and use this learning to shape future projects
- Is it something new, or are you continuing something that has worked well previously? We fund both types of projects.

You can write between **50 and 300 words** for this section.

PTC only	
31.	

### How did you hear about our grants scheme?

Please tick any that apply:

	<input checked="" type="checkbox"/>
Facebook	
Instagram	
Town Council website	
Town Council Newsletter	
Poster	
Press article	
Friend or family/word of mouth	
Other	

## How does your project meet our funding priorities?

**We fund projects and organisations based on delivered in Penrith which aim to:**

- Improve resources, opportunities, places, and spaces.
- Start, rejuvenate, or enhance projects that matter to local communities.
- Support people, communities and organisations that are facing increased demands and challenges.

**A good application should do at least one of these three funding priorities and benefit Penrith. It is a condition of any grant application that the group or project must bring direct benefit to the residents of Penrith. All applications must clearly demonstrate how this will be achieved.**

You can write between **50 and 350 words** for this section.

PTC only		
	32.	

## How does your project involve your community?

What do we mean by community?

- People living in the same area.
- People who have similar interests or life experiences but might not live in the same area.
- Even though schools can be at the heart of a community, we will only fund schools that also benefit the wider communities.

Tell us how your community came up with the idea for your project. We want to know how many people you've spoken to, and how they'll be involved in the development and delivery of the project. Here are some examples of how you could be involving your community:

- Having regular chats with community members, in person or on social media
- Local community membership of your organisation
- Regular surveys
- Running events

You can write between **50 and 200 words** for this section.

PTC only		
	33.	

## Section 3 Equity, Diversity, and Inclusion

We want to hear more about the people who will benefit from your project.

**Is your project aimed at a specific group of people or is it open to everyone?** If at least 75% of the people you support share characteristics, then your project is for a specific group.

Your specific group may share one or more characteristics. For example, if 80% of the people you work with are female refugees, this means you support a specific group of people. In this example, they share two characteristics — women and refugees.

We know this can only be an estimate. We understand that this may be difficult to work out exactly, especially if this is a new project.

**Please tick or cross the statement below which applies to your project:**

	PTC only	
My project is aimed at a specific group of people.	34.	
My project is open to everyone.	35.	

## Who is your project for?

If 75% or more of the people supported or benefitting from your project come from one specific group, tell us who they are. If you select an option, we will ask you to tell us more about that group.

**Please tick the statement below which applies to your project:**

	<input checked="" type="checkbox"/>	PTC only	
Communities experiencing ethnic or racial inequity, discrimination, or inequality.		36.	
Faith communities.		37.	
People who emigrate		38.	
People with disabilities or challenges		39.	
Older people (65 and over)		40.	
Younger people (under 25)		41.	
Women and girls		42.	
LGBTQ+ people		43.	
People who are educationally or economically disadvantaged		44.	
Specific groups that are not included already		45.	



**Which specific group (that you have not included already) is your project for?** Examples include care experienced young people, carers, people recovering from alcohol addiction, sex workers, people whose first language is not English people who have problems reading, men and boys. What additional information would you like to include about the people your project supports? Tell us more about who they are. **300 words**

	PTC only	
	46.	

#### Section 4 Community Benefit

**What changes do you expect to see because of this funding?**

What changes or benefits will there be to the lives of people you help as a result of your services? Why do you believe your work makes a difference? **-300 words**

	PTC only	
	47.	

**If the Council were unable to fund your project, what would the impact be?** **-300 words** for example, would your service not be able to reach all your beneficiaries?

	PTC only	
	48.	

## Section 5 Grant Request

List the costs you would like us to fund:

		PTC only	
<b>Total project cost: This is the cost of everything related to your project, even things you are not asking us to fund.</b>	£	49.	
<b>Confirmed contributions from other sources:</b>	£	50.	
<b>Unconfirmed contributions from other sources:</b>	£	51.	
<b>Grant amount requested from Penrith Town Council:</b>	£	52.	
<b>What is your accounting year end date?</b> For example, 31/03		53.	
<b>What is your total income for the year?</b> Use whole numbers only		54.	

### Provide information or evidence of match funding:

For grants of more than £1,000 you need to demonstrate that you have sought match funding which means that you have applied to other organisations for grants. You need to tell us that this is in the process of being sought or is already committed. Where these requirements are not met, a clear reason should be given in writing with the application.

<b>Have you applied to other grant providers to assist with your project?</b> List the organisations you have applied to and for how much and if you have been successful or waiting to hear		PTC only	
<b>Name of grant awarding body:</b>		55.	
<b>Amount:</b>	£	56.	
<b>Successful and now much was awarded:</b>		57.	
<b>Yet to hear back:</b>		58.	
<b>Name:</b>		59.	
<b>Amount:</b>	£	60.	
<b>Successful and now much was awarded:</b>		61.	
<b>Yet to hear back:</b>		62.	
<b>Where these requirements are not met, a clear reason should be given in writing with the application: 250 words</b>		63.	

List the costs you would like us to fund.

You should use budget headings, rather than a detailed list of items. For example, if you are applying for pens, pencils, paper, and envelopes, using 'office supplies' is fine. Please enter whole numbers only without VAT and with VAT Please be as detailed as possible. The sum of the items should match the amount requested from the Town Council. Please note you can only have a **maximum of 10 rows**.

				PTC only	
				64.	
ITEM	SUPPLIER	BEFORE VAT	VAT	TOTAL WITH VAT	

## Section 5 Bank details

**Please provide your bank details. Before you submit your application, you will need to attach a copy of a bank statement that is less than three months old.**

**Is your bank account in the name of your organisation?**

**Please tick the statement below which applies to your project:**



PTC only	
65.	
66.	

YES	
NO	

**Does it require at least two signatories?**

Please tick the statement below which applies:



PTC only	
67.	
68.	
69.	
70.	
71.	
72.	
73.	

YES	
NO	
<b>Account Name:</b>	
<b>Sort Code:</b>	
<b>Account Number:</b>	
<b>Bank/Building Society Name:</b>	
<b>Confirm you have provided a copy of your account statement that meets our criteria</b>	

YES

NO

Please note that grants are paid electronically into your organisations account, and it is essential that this information is accurate and that you provide a copy of a recent bank statement or e-statement with this application.

## Section 6 Terms and Conditions

**In order to submit your application, you will need to agree to our terms and conditions.**

- ❖ You have been authorised by the governing body of your organisation (the board or committee that runs your organisation) to submit this application and accept the Terms and Conditions on their behalf.
- ❖ All the information you have provided in your application is accurate and complete; and you will notify us of any changes.
- ❖ You understand that we will use any personal information you have provided for the purposes described under our Data Protection and Privacy notice.
- ❖ You accept that if information about this application is requested under the Freedom of Information Act, we **will release it in line with our Freedom of Information policy.**

**Full name of person completing this form:**

**Position in organisation:**

### Declaration

When the application form has been completed, the authorised Trustee or Official of the applicant organisation must sign the declaration below.

I **(BLOCK CAPITALS)** \_\_\_\_\_

am an authorised representative of and to the best of my knowledge the information provided by my organisation and within this application is correct. If Penrith Town Council agrees to make a grant, this will be used exclusively for the purposes described in this application.

		PTC only	
<b>Signature:</b>		74.	
<b>Date:</b>		75.	

All applications must be marked "**GRANT APPLICATION**" and sent to:  
Penrith Town Council, Unit One, Church House, 19-24 Friargate, Penrith Cumbria, CA11 7XR

**Or by Email:** [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

### Data Protection and GDPR

The information you have provided in the application will be used only for the purposes of considering, determining and processing the application and in connection with any grant that is approved. The information will be retained for 6 years with the Town Council's financial records. All personal data will be held securely and will not be shared with a third party. The lawful bases which the Town Council will rely on to process any personal information are your consent and that the Council has a legitimate interest in processing it and requires to do so to perform a public task.

## **Checklist**

Check all the questions have been answered comprehensively.

### **Provide:**

- Copy of a recent bank statements/building society or e-statement – no older than the last three month
- Full contact details for the applicant as well as any registered address for the organisation should be supplied.
- If you are not a registered charity, a copy of the constitution for the organisation if available.

# **REPORT TO FINANCE COMMITTEE**

**Date: 20 March 2023**

## **Public Report**

**Item no: 13f**

**Matter: PARTNERSHIP PROTOCOL**

**Author: Solicitor**

**Supporting Member:** Council Chair

### **Purpose of Report:**

- Provide a brief overview and review the protocol.
- Members attention is brought to the proposed amendments are highlighted green.

### **Recommendations**

That the amended protocol be approved.

### **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.

## **1. Report Details**

- a. The Partnership Protocol was developed in 2017 when the Council was considering becoming an accountable body for a community project that would mean the Council would have had considerable funds to hold for a community project delivered by constituted Penrith based organisation.
- b. The Protocol has been reviewed and the amended, and the updated version is included at section 3 'Proposal' for members' consideration and approval.
- c. The protocol is for use in connection with proposed partnership working. The protocol sets out the issues which are required to be addressed and considered by members and officers in relation to the and each specific partnership proposal.
- d. The protocol relates to where a formal or informal partnership body may be created or where a partnering contract is intended to be made, which is different to the more usual contract specifying whatever is required of a contractor. It may be that a separate legal entity is wished to be established as the vehicle for the partnership in some cases.
- e. It can be that where there is a funding body for an arrangement that an accountable body has to be established. It is likely that where a Local Authority is involved that the Authority will be expected to be the Accountable body and be specifically answerable to the Funder for the delivery of the project on behalf of all of those involved.
- f. The protocol aims to set out the issues which will be required to be addressed and considered by members and officers and the process which should be adopted.
- g. A formal report will be required for Council in each case and through which approval will sought for the project and its implications.
- h. To date the protocol has not been required. However, potentially this protocol may be used for delivery work associated with the Borderlands projects or LCWIP or similar.
- i. Whilst it is sensible to review the protocol regularly certainly when it is being used frequently, it is recommended that the protocol is reviewed every 4 years.

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

### ***a) Risks***

An inadequate understanding and consideration of relevant issues. A failure to obtain appropriate approvals.

### ***b) Consequence***

A failure to assess and consider all relevant issues may lead to errors and mistakes being made which could give rise to adverse legal consequences for the Council and a failure to protect the Council's interests adequately. A failure to obtain approvals would lead to unauthorised action being taken.

### ***c) Mitigation***

The partnership protocol aims to identify the actions which members and officers should consider and take to minimise risks.



### 3. Proposal

## DRAFT PARTNERSHIP PROTOCOL

### Introduction

In practice, partnership arrangements usually fall into two principal categories:

- (i) **Partnership Bodies** – This is where a number of organisations (for example, a Local Authority, a private sector company, or a voluntary sector body) come together to form a separate body to carry out a specific service or function or to consider a particular project. The great majority of the partnerships that the Council enters into fall under this category. The separate body may be a legal entity in its own right. In other cases, a distinct and separate legal entity may not be created, and the partners may have responsibilities for undertaking aspects of the service, function, or project.

The nature of partnerships may vary and will be dependent on the format which is considered to be most suitable in any specific case. At one extreme, a partnership may be directly providing a service, for example, a shared service arrangement: at the other, the partnership may be more strategic and seek to enable other or members of the partnership to perform the direct roles.

- (ii) **Partnering Contracts** – This is where the Council engages a contractor (often from the private sector) to carry out a service(s) or function(s) and where the terms of the contract are such that both parties share something tangible in respect of the service(s) or function(s). For example, cost savings could be shared, as could profits. In all cases, both parties will share some common objective(s) usually associated with service improvement and/or cost reduction and may bear commensurate and identified responsibilities.

Neither of these arrangements should be confused with a **good working contractual relationship**. This is where the Council engages a contractor (usually from the private sector) to carry out defined work and where the Council and contractor liaise fully and properly throughout the work to ensure that the work is carried out correctly and in accordance with the contract.

### Purpose

The purpose of this protocol is to provide a guide for officers and members of Penrith Town Council who are considering seeking to involve the Council in either a Partnership Body or a Partnering Contract. Every Partnership Body and Partnering Contract will have its own characteristics and no checklist can cover every eventuality.

### Project Management

The instigator of any partnership arrangements should consider who will project manage the proposals through to completion. The need for project management to provide effective co-ordination must not be under-estimated.

## Legal and Financial Implications

Partnership Bodies and Partnering Contracts **may** involve complex legal and financial relationships. **There will be issues and implications for the Council which will be required to be addressed and understood.** It is essential that any officer or Member who is considering the involvement of the Council in either of these types of relationships, **must contact** the Town Clerk **and inform her of the proposal so that the actions which the Council may need to take are identified at the earliest opportunity.** It is likely that a report will be required to be submitted to Council and appropriate authorities and approvals obtained should the proposal proceed. **The report will need to identify the relevant legal and financial implications for the Council in connection with the proposal.** Depending upon the particular partnership arrangements being entered into, it will be advisable to involve other relevant professionals/specialists. The officer instigating the partnership arrangements should (at the earliest opportunity and in discussion with appropriate colleagues **in** the Council) identify what other professional/specialist advice needs to be taken and make appropriate arrangements.

## The Council's Interests

In developing any Partnership Body or Partnering Contract, it is necessary to fulfil the following two basic requirements:

- i. Ensure that the essential elements of good governance, accountability and transparency are maintained within the proposed partnership; and
- ii. Any risks associated with the proposed partnership have been assessed and procedures put in place to best manage those risks.

Separate checklists are provided for a Partnership Body (Appendix **A**) and a Partnering Contract (Appendix **B**). The relevant officer should complete the checklist **as part of the assessment of the implications for the Council of entering into the partnership arrangement.** The checklist should be discussed with the Town Clerk and any other relevant officer or advisor. **The checklist and the identification of issues will be material to the report which will be required to be prepared for Council for approval and authorisation. The checklist must be completed and all appropriate approvals obtained before the partnership can be entered into.**

## The Council as Accountable Body

The Council **may**, on occasions, be the Accountable Body for a Partnership Body. An Accountable Body is required where a major funder, gives a grant, but requires one particular **organisation, which is likely to be the local authority,** to be responsible for accounting, project reporting, and **the delivery of the project.** In particular, the Accountable Body will usually be responsible if there is any grant clawback. **It is likely that the accountable body will have to enter into a formal agreement with the funder. The governance arrangements between the partners and within the partnership will need to be clear, agreed and appropriately documented. Council** approval must be obtained before Accountable Body status is accepted. There will almost certainly be a requirement for a formal claim which may, or may not, have to be audited. If the Council becomes an Accountable Body for a new project, the responsible officer should contact the Town Clerk to ensure the requirements of the claim and/or audit are understood. **The report to Council on the project must make clear the implications of the accountable body role and obtain all approvals which are required to enable the project to proceed.**

**Partnership Checklist**

A Partnership Body will involve a relationship between parties which is designed to serve fulfil shared objectives based on:

- a clear and shared understanding of those objectives, and the aspirations of all of the parties.
- a non-confrontational relationship based on trust, transparency and openness, but, nevertheless, with the need for formal arrangements to be established.
- a recognition of the diverse skills and expertise of the parties facilitating development and innovation.
- a recognition of the need to share the benefits resulting from joint working.
- a sharing of information; and
- the need to work closely towards the resolution of disputes that may arise, to avoid, wherever possible, recourse to more formal procedures.

A partnership agreement is advisable for most partnerships, unless neither financial nor legal issues arise. Shared services are particularly challenging and may require a range of legal agreements covering administration arrangements, service levels and staff transfers. Whilst the length of any agreement will need to recognise the complexity of the individual partnership, any agreement should include, or clarify, the matters set out overleaf.

Legal	Comment
Does the Council have the legal power to enter into this partnership?	
Have the implications for the Council been considered and have they been identified and documented?	
Has the appropriate authority been obtained from Council for the partnership arrangements?	
Shared services are particularly challenging and may require a range of agreements covering administration, service levels and specifications, staff transfers and any other relevant matters.	
<b>Title of Partnership</b>	
What is the intended Partnership name?	
Parties	Comment
What processes have been undertaken to identify and select potential partners?	
Who are the intended partners?	
Do you have full names and addresses together with details of representatives?	
What approvals have been obtained to date to establish the Partnership?	
What further approvals are required? (Members' approval, checking legality of proposals, and so on)	
Partnership Aims and Objectives	Comment
Are the objectives of the Partnership clearly set out?	
Do the objectives complement the Council's priorities and strategic actions?	

Resource Implications		Comment
Have the resource implications for the Council, in terms of manpower and finance, been identified as and are they available?		
If there are any financial implications, has budgetary provision been made or obtained?		
Comment		Comment
Whilst assessing VFM is necessarily subjective, it is important that, before entering into a partnership, the costs are balanced against the benefits. Can you demonstrate that this partnership is VFM?		
Risks		Comment
What are the financial and legal risks for the Council?		
How will the Partnership manage risks?		
Does the Partnership have a business continuity plan?		
Does the Partnership manage the risks to its objectives?		
Are appropriate exit strategies are in place.		
What is the exit strategy for the Council, and can this be applied effectively?		
Duration		Comment
	When is the partnership due to commence and what is the intended duration of the Partnership?	

Partnership Constitution	Comment
Is it intended that the Partnership would have its own legal status, i.e., become a separate legal entity and body corporate in its own right? If so, has the most appropriate vehicle been identified, for example, a company limited by guarantee or, a trust, CIC, and so on?	
Who is to draft any necessary documentation and form the body corporate?	
<p>Is it intended that the Partnership will not have a separate and distinct legal status to that of its partners? If so, it will be necessary for the Partnership to have a written constitution and formal documented arrangements which will regulate the relationship between the partners.</p> <p>Whatever mechanism is chosen, have the following constitutional and management arrangements been addressed?:</p>	
Structure	Comment
<p>How are the proposed partners to be involved at membership/management body and operational levels?</p> <p>Who is to be the Chair and Vice-Chair?</p>	
Conduct of Meetings	Comment
<p>How are the Partnership/Board meetings to be conducted, for example, where will the meetings take place, frequency, notice and quorum for meetings?</p> <p>Will all parties need to be present at meetings?</p>	

Decision Making	Comment
<p>What will be the voting entitlement of representatives at Partnership/Board meetings?</p> <p>How will conflicts of interest (that is, where a Partnership representative has an interest in any matter to be considered by the Partnership/Board) be addressed and identified?</p>	
Confidentiality	Comment
<p>During the course of the Partnership business, will partners and their representatives receive confidential information?</p> <p>If so, are will the partners and their representatives be required formally not to divulge that information to third parties nor use it themselves for non-Partnership purposes?</p>	
Officer Support	Comment
<p>The Partnership will require officer support. This may include ensuring compliance with applicable legislation, preparing, and issuing agenda for Partnership Board meetings and the recording and keeping of minutes of those meetings.</p> <p>Who is to undertake or provide these roles?</p>	

Corporate Governance	Comment
<p>The Partnership will require an effective corporate governance framework. This may vary depending on the reason for establishing the Partnership, how it is to be formed and managed and the degree of independence that it is to have from its participating members. Clearly, the corporate governance arrangements should be proportionate to the partnership.</p> <p>The arrangements should include clear, written, and agreed answers to all the questions in this checklist.</p> <p>In addition, they may need to address some, or all, of the following areas:</p>	
a. Budget requirements	
b. Receipts and payments, including petty cash	
c. Salaries and wages	
d. Travel and subsistence	
e. Accounting procedures	
f. Contracts/purchasing including:	
i. Tendering	
ii. Assets	
iii. Inventories/stocks	
g. Insurance	
h. Personnel procedures	



Management of Information	Comments
Where will information be stored to facilitate close working and how will access be controlled? How will data be shared? This is likely to be an important point in service sharing.	
Equalities	Comments
How does the Partnership and the partners ensure that it and they promote equality in relation to the project and generally?	
How will information be provided and reported to Partnership members?	
Are there means of monitoring service delivery established and are they appropriate?	
Documentation	Comments
Who is to draft any necessary documentation?	
Contributions of Partners	Comments
What have the partners agreed to contribute and provide to the Partnership?	
What form will any contribution take, for example, contribution of assets, provision of accommodation and facilities, secondment of employees?	
On what terms will any contributions be made?	
Is a contribution to be made in return for cash, or is it to be treated as a contribution in kind?	
Are there any written agreements in place which deal with the above issues satisfactorily?	

Funding of the Partnership	Comments
In addition to, and/or in place of the matters raised in paragraph 6, will the Partnership require finance, capital, and/or revenue, to deliver its aims and objectives?	
If so, on what terms is any funding to be made available, for example, how will the contribution be shared amongst the partners and how will it be adjusted for inflation?	
Is any third-party funding required? If so, who is the funder, what is the amount required and when and on what terms and conditions will it be made available?	
Have all the partners agreed that, should the Partnership receive grant income, they will comply with all requirements specified by the funder and will provide all information required?	
Is an "Accountable Body" required?	
Financial Responsibilities	Comments
Will separate financial records for the Partnership be maintained?	
<p>Who will be responsible for ensuring that financial records are maintained and kept?  <b>What access will members of the partnership have to the financial records?</b></p> <p>If this is to be provided by the Partnership, then the Partnership will be required to provide details as to how this will be achieved.</p> <p>Alternatively, it may be the case that this is to be provided on behalf of the Partnership by one of the partners, or an external organisation. Again, detailed information will be required.</p>	
Where an external organisation is to provide this role, will there be a written agreement with that organisation?	
Have insurance requirements been considered and advice sought?	

Financial Responsibilities Continued		Comments
Has advice been sought on the VAT rules applying to the Partnership and any other tax issues which are relevant?		
Who will provide the role of treasurer and external auditor?		
If the Partnership is large, there may be a need for it to put internal audit arrangements in place.		
Accounting practices may vary according to size. Whilst a smaller partnership may keep basic records and accounts on a simple receipts and payments basis, larger partnerships will need to follow accepted accounting principles, for example, preparing accounts on an accrual's basis. The practices which are adopted must be sufficient to comply with the requirements of any external funder and of any Accountable body.		
Budgetary and Accounting Arrangements		Comments
The arrangements will need to be proportionate to the size of the Partnership. As a guide, the requirements may be:		
Small partnership	> An annual projection of likely receipts and payments	
	> An annual statement of the previous year's accounts	
Large partnership	> Business plan	
	> Management accounts	
	> Cash flow monitoring	
	> Regular reporting of the financial position to the Partnership executive	

Legal Responsibilities	Comments
Has appropriate provision been made for compliance with the law, for example various local government acts, procurement, health and safety, data protection, freedom of information, employment, and any service-specific legislation?	
Is it necessary for the Partnership to have a formal computer security policy?	
Who will be providing legal support to the Partnership?	
Council Representatives on Partnership Body	Comments
Are Members and/or staff clear about their roles and obligations, for example, an awareness of their potential legal liability and obligations and the governance framework?	
How will the potential for conflicts of interest arising be addressed?	
A Director and Trustees will have responsibilities in law to the company and the Trust, respectively, which will need to be understood. Will indemnities be required?	
Will the individuals have insurance cover?	
Audit Access	Comments
What audit access will each individual partner have in relation to documentation in the possession, custody, or control, of the Partnership?	
What audit access will each individual partner have in relation to documentation in the possession, custody, or control, of the Partnership?	
Will it include the right to interview staff, take copies of documentation and have access to, and take copies of, any computer data held for the purposes of the specific Partnership objectives?	

Monitoring	Comments
Where the Council has a major financial interest in a Partnership, it should ensure that it monitors its financial performance regularly. An external funder may require monitoring information on the partnership's activities. How will this monitoring function be serviced?	
Partnership Records	Comments
Who will be responsible for maintaining, on behalf of the Partnership, a full record of all matters relating to the specific Partnership objectives? For what length of time is it intended that records will be retained?	
Liabilities	Comments
What will be the liabilities (actual or contingent) of the Partnership?	
What are the arrangements for determining the responsibility for each partner for any such liabilities?	
Are any indemnities to be given? If so, by whom, and on what basis? Have any indemnities been approved formally?	
Termination	Comments
How may and will the Partnership be brought to an end?	
Will any partner have the right to withdraw from the Partnership? If so, when, on what terms, and what will the effect be upon the Partnership? How is any withdrawal to be affected?	
What mechanisms will be used to value and realise assets and determine liabilities? If a surplus arises how will the surplus be shared between the partners? If a shortfall arises how will the shortfall be met by the partners?	
Who owns the assets of the Partnership and how are any assets distributed on dissolution?	

General	Comments
What arrangements are there for dealing with:	
assignment of rights and duties?	
resolution of conflict between partners?	
public announcements?	
changes?	

### **Appendix B overleaf**

## Partnering Contract Checklist

Generally, all usual considerations when entering into a contract should be applicable (Procurement Rules, usual contract clauses, and so on). However, some of the points below may be of particular relevance in a partnering environment.

General	Comments
Is the contract clear and understandable, especially in relation to those aspects that go beyond normal contractual arrangements?	
Are the responsibilities of both parties set out clearly (for example, who does what, when, and where, and who pays what, and when)?	
Are service delivery standards and targets clear?	
How can things be changed (for example, change to work carried out)?	
Are innovations encouraged (for example, innovative ways of delivering a service) and what happens to any resulting cost saving?	
What happens if things go wrong (for example, withholding payments, damages, termination)? Does this also cover the issue of problems with innovative service delivery?	
Have all potential risk liabilities been fully considered?	
Financial arrangements – is the payment procedure clear?	
Is the duration of the contract clear? Can it be extended, and, if so, under what terms?	

General	Comments
How are the Council's strategic actions communicated to the Contractor?	
What are the liaison arrangements between the Council and the Contractor?	
Are there any requirements about consulting customers/public?	
What arrangements are in place to monitor and report service delivery?	
Does the contract state that this is not a 'partnership'? (The creation of a partnership gives rise to some complex liabilities/responsibilities between the partners).	
The Council's Legal Services should be consulted on relevant issues at the appropriate points to identify and clarify those issues and before they have been determined.	



<b>DOCUMENT ENDS</b>	
<b>OFFICE ONLY - CHECKLIST</b>	
<b>Tracking Information</b>	
All sections completed	✓
All required documents received reviewed by officers	✓
Full document check	✓
<b>Reviewed and verified</b>	
Town Clerk	✓
Solicitor	✓
Services & Contracts Manager	✓
Responsible Finance Officer	✓

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# **REPORT TO FINANCE COMMITTEE**

**Date: 20 March 2023**

## **Public Report**

**Item no: 14**

**Matter: Scheme of Delegation**

**Author: Town Clerk**

**Supporting Member:** Council Chair

### **Purpose of Report:**

- Every year the Council's Scheme of Delegation is reviewed.
- The CCEG committee was temporarily dissolved in 2022.
- The Council is resourced sufficiently to enable the committee to be reactivated and potentially be renamed with a new terms of reference.
- The revised scheme contains amendments which align with the revised Financial Regulations set before the Finance Committee ahead of this matter.
- There are minor highlighted changes in the document for members attention.

### **Recommendations**

- i. That the name change from Communities, Culture and Economic Growth Committee (CCEG) to Communities Committee be approved.
- ii. The terms of reference for the Communities Committee be approved.
- iii. That all other amendments are approved.
- iv. That the scheme as approved by the Council's Finance Committee go forward to Full Council for ratification.

### **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.

## **1. Report**

- a. The Council officer team is sufficiently resourced to enable the CCEG Committee to be reactivated. Officer have discussed with members informally if a name change and a review of the committee's term of reference would be appropriate.
- b. A change of name has been proposed to Communities Committee for simplicity:
  - i. Economic growth terms are aligned to Full Council who consider matters related to Borderlands, LCWIP, Penrith Town Working Group, Marketing Group, Parking and Movements, Arts and Culture Penrith, national strategies for town centre revitalisation and joint projects with the business improvement districts and the chamber of trade.
  - ii. Grants are reported to Full Council.
  - iii. Town dressing projects are considered by Finance Committee.
- c. Members are asked to approve the change of the committee's name.
- d. The previous terms of reference for the committee were:
  - i. Delegated financial powers within the approved budget for expenditure related to all activities of the committee.
  - ii. Ensure links and communication networks are made with voluntary and other community organisations within the local area.
  - iii. Make proposals in relation to the local visitor economy.
  - iv. Undertake periodic reviews of the Council's Community Engagement Policy and make any recommendations for amendment to the Council.
  - v. Delegated financial powers within the approved budget for expenditure related to the approval of grants relating to the awarding of financial support to organisations and events operating within the Council's area in accordance with the Council's Strategic Priorities and approved budgets.
  - vi. Monitor the compliance and performance of beneficiaries of the grants and reporting to full council annually on the impact of the grants programme.
  - vii. To encourage and sponsor arts, cultural and heritage events within the town within the budgetary provision previously agreed by the Council.
  - viii. To maintain liaison with local bodies established for the promotion and/or management of arts and heritage.
  - ix. To develop a Cultural Strategy for Penrith.
  - x. Provide support to initiatives that improve the health and wellbeing of the community, including sport and exercise.

- xi. Support local groups improving accessibility to Penrith by foot, cycle and for individuals with physical or sensory difficulties.
- xii. Work in partnership with organisations in the provision of activities that enhance the appearance, business opportunities and the quality of life in Penrith.
- xiii. To delegate areas of responsibility to either a sub-committee or to an officer.

e. The proposed new terms are:

- i. Responsible for the development and implementation of strategies, policies, and projects aimed at improving life at a local level in the context of the priorities identified by the community, the Council Plan, and other corporate strategies.
- ii. Support and empower the community in Penrith to bring about social change, improve the quality of life in the local area and shape their own futures.
- iii. The Committee has advisory responsibility for co-ordinating the Council's approach to equalities, democratic engagement, arts, culture, heritage, sustainability, health and well-being.
- iv. The Committee meets up to six times a year.
- v. The Committee consists of 6 Members, but it may invite representatives from community groups and others to attend with speaking rights.
- vi. Members of the Council with an interest or experience in a priority may join the committee on a short-term basis.
- vii. Delegated financial powers within the approved budget for expenditure related to all activities of the committee.
- viii. Officers of the Council will report to the committee regarding progress on work plans and expenditure.
- ix. The committee and officers have authority to respond to urgent emerging matters that impact upon service delivery or the community of Penrith.
- f. Members are asked to consider and approve the new terms.
- g. All the changes within the scheme have been highlighted. An amendment to remove is highlighted yellow with wording crossed through. Wording highlighted green is a proposed addition or change.

## **Appendices:**

Amended Scheme of Delegation

# **AMENDED SCHEME OF DELEGATION**

## **1. Purpose**

This Scheme of Delegation authorises the Proper Officer and Council Officers, committees, subcommittees and task and finish groups of the Council to act with delegated authority in the specific circumstances detailed within this scheme.

Where consultation with others is a requirement of the ability to act, it is clearly set out with whom that consultation should take place.

Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

Section 101 of the Local Government Act 1972 provides:

- a That a council may delegate its powers (except those incapable of delegation) to a committee, or an officer.
- b A committee may delegate its powers to an officer.
- c The delegating body may exercise powers that have been delegated.

## **2. Overview**

- a) Members deal with all matters through their collective Council membership and there are no circumstances where an individual Member can issue an instruction to the Clerk or a Contractor. A Member must never act "on behalf of the Council" in the organisation of any function or service, without written delegated authority to do so.
- b) Mutual respect between the officers and Members is essential for the Council to function effectively. Personal/professional/verbal/written attacks on the officers must be avoided (and would be contrary to the Code of Conduct), as, under the convention of Local Government, Officers are unable to defend themselves from such comments in public. Both Members and the officers must work within the law.
- c) The day-to-day management of Council services, assets and Council services is the responsibility of the Town Clerk.
- d) Council officers are responsible for advising Members on the making of Council policy and for ensuring that such policy is carried out. Many matters are delegated to the officers, who can make decisions on them working within established Council policies.
- e) The Council's terms of reference for Committees determines which Committee deals with matters, and at which level decisions are taken.
- f) To validate membership of a committee each member should participate in appropriate training within twelve weeks of their appointment to that committee.

- g) The Town Clerk may nominate another named Officer or professional to carry out any powers and duties, which have been delegated to that Officer. Where officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Town Clerk, and must ensure that they obtain appropriate advice from the Council's legal, financial, and other specialist personnel before action is taken.
- h) A record of the decision taken pursuant to delegated powers must be published in accordance with the Openness of Local Government Bodies Regulations 2014, Appendix a, if the scope of the decision extends beyond an agreed budget or if there is no budget and the matter is urgent in nature.
- i) Budgetary delegations are as approved and recorded in Appendix b.

### **3. Safeguards**

The Council may, at any time without prejudice to action taken already, revoke any power delegated to a committee or Officer.

### **4. Delegation to Officers**

- a) The Town Clerk is designated and authorised to act as Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.
- b) Any delegation to the Proper Officer and Officers of the Council shall be exercised in compliance with the Council's Standing Orders, policies or any conditions imposed by the Council and within law.
- c) Subject to those matters that are reserved for Committee all members of staff shall be responsible and shall have delegated authority for the day-to-day operation and management of his/her/their department and of the services and land for which he/she/they are responsible.
- d) Any matter not reserved for Committee shall be regarded as falling within the day-to-day operation and management of the relevant department and shall be delegated to the appropriate member of staff and shall be exercised in accordance with the principles of delegation.
- e) The Town Clerk shall have authority to issue instructions to individual officers in the performance of their statutory or other duties.
- f) The Town Clerk shall have delegated management authority for the following Services: services, assets, resources, personnel, property, and finance.
- g) The Town Clerk shall be responsible for signing all the Council's Official Notices and for sealing Council documents and is authorised to sign on behalf of the Council any document necessary to give effect to any decision of the Council.
- h) The Town Clerk shall be the Proper Officer for any function of the Council in the absence of any other appointment as specified within this Delegation Scheme.

- i) The Responsible Finance Officer has authorisation to take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
- j) The Town Clerk is given delegated powers to recruit, appoint and manage the Council staff in accordance with the Council's policies, procedures, and budget.

**The Town Clerk has authority to:**

- k) Manage staff performance and discipline and performance, including the power of suspension and dismissal, in accordance with the policies set and as approved by Council.
- l) Pay staff expenses and allowances.
- m) Provide guidance to the Finance Committee on recommendations for employees' salary reviews, in accordance with the Council's staff appraisal system.

**The Town Clerk has authority to manage the land and property of the Council including:**

- n) Agreeing the terms of any lease, licence, conveyance, or transfer approved by the Council's solicitors and Finance Committee.
- o) Granting or refusal of the Council's consent under the terms of any lease.
- p) Varying restrictive covenants of a routine nature.
- q) Recommending to Council on the granting of easements, wayleaves, and licenses over Council land.
- r) Initiating legal action or proceedings against unauthorised encampments on Council land.

**Officers have authority to:**

- s) Incur expenditure up to an approved maximum on any item for which provision is made in an appropriate budget provided that any action taken complies with any legislative provisions.
- t) Use the repairs budget for the maintenance, replacement or repair of existing property or equipment.
- u) Recommend to the relevant Council/committee quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations and Procurement Policy), subject to:
  - i. The cost not exceeding the amount of the approved budget.
  - ii. The quote/tender being the lowest or the one showing best added value to the Council according to the criteria set out in the tender documentation.
  - iii. All the requirements of the Council's Financial Regulations and Procurement Policy being complied with.



- v) Compile, approve, vary, and employ approved contractors subject to the requirements of the Council's Financial Regulations and Procurement Policy.
- w) Recommend to the relevant Council/committee on investing monies held by the Council with a view to obtaining the optimum financial return.

## 5. Urgent Items

- a) Matters of urgency, as determined by the Town Clerk (or in his/her/their absence the Services and Contracts Manager) shall be delegated to the relevant officer in consultation with the Chair and Vice-Chair of the appropriate Committee subject to a report being made to the next meeting of the appropriate Committee. (Appendix a)
- b) Consultation may be by virtual meeting, email or by telephone.

## 6. Emergency Matters

- a) In an emergency, the Town Clerk is empowered to carry out any function of the Council.
- b) Matters of emergency, as determined by the Town Clerk or Council Chair, shall be delegated to the Town Clerk (or in his/her/their absence the Services and Contracts Manager). The Town Clerk who will consult (consultation may be by virtual meeting, email or by telephone), with the Council Chair, **Vice Council Chair** and Chair of each Committees (a minimum of three Members) who may convene without public notice as an Emergency Management Committee. The Chair is required to report to Council at the earliest opportunity.
- c) In an emergency the Town Clerk is empowered to carry out any function of the Council other matters limited to Council and has delegated authority to spend up to **£10,000** **£25,000** per transaction where the Council has an approved budget.
- d) An emergency is defined as:
  - i. A matter with significant financial implications greater than **£10,000** **£25,000**.
  - ii. A matter with significant legal implications
  - iii. A matter related to the conduct of a Councillor or an employee that would potentially amounts to gross misconduct or bringing the Council into disrepute.
- e) An emergency as defined in the Council's Emergency Plan:
  - i. Flooding
  - ii. Loss of electricity
  - iii. Pandemic
  - iv. Emerging infectious disease
  - v. Multiple emergencies – e.g., Flooding resulting in a loss of power

## **7. Matters to be Resolved only by Council**

- a) Approve and adopt the budget.
- b) Appoint the Council Chair and Mayor/ess.
- c) Appoint the Council Vice Chair and Deputy Mayor/ess.
- d) Appoint Committee Chair.
- e) Agree and/or amend the terms of reference for committees, deciding on their composition and making appointments to them.
- f) Adopt the schedule of meetings for the ensuing year.
- g) Consider the recommendations of the Finance Committee and adopt the level of expenses that can be claimed by Members of the Council in respect of authorised or approved duties.
- h) Make any decisions which would be contrary to the policy framework.
- i) Determine matters involving expenditure for which budget provision is not made or is exceeded.
- j) Determine matters which do not fall within the remit of any Committee.
- k) Determine matters affecting or likely to affect, another Committee or where consultation with or approval of that other Committee is required.
- l) Set the Precept.
- m) Borrow money.
- n) Receive statutory reports from the Town Clerk.
- o) Consider any matter required by law to be considered by Council.

## **8. Delegation to Committees**

- a) In liaison with the Town Clerk, the Committee Chair have the authority to cancel or postpone a meeting owing to lack of business or in an emergency.
- b) Committee Chair have no other authority other than to chair a meeting of their committee.
- c) Each Committee has delegated authority to decide matters within their terms of reference.
- d) Subject to urgent items, the following matters shall be referred to the relevant Committee or Full Council, where appropriate. Any matter which:
  - Requires a new policy.
  - Requires an alteration to an existing policy (other than a minor amendment).
  - Would be contrary to the policy framework.
  - Involves expenditure, or a reduction in income, for which there is no sufficient budgetary provision.
  - In the opinion of the Town Clerk, cannot in law or in accordance with the Standing Orders be decided by an Officer.
  - Upon which a Committee has requested a report.
  - A Member has requested an item to be put on an agenda.
  - In the opinion of the officer concerned, should be determined by a committee.

## **9. Sub-Committees**

- a) Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the parent committee.
- b) The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.
- c) Members of committees and sub-committees who are not members of Council shall not have a vote.
- d) The Council may appoint standing sub-committees or other committees as may be necessary, and:
  - Shall determine their terms of reference.
  - Shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full Council.
  - Shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings.
  - Shall, subject to standing orders, appoint and determine the terms of office of members of such a committee.
  - Shall determine the place, notice requirements and quorum for a meeting of the sub-committee which shall be no less than three.
  - Shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee.
  - Shall determine if the public may participate at a meeting of a subcommittee that they are permitted to attend.
  - Shall permit delegated areas of responsibility to sub committees including delegated financial powers within the approved budget.
  - May dissolve a committee.

## **10. Task & Finish Groups**

- a) A Task and Finish Group must follow the direction set for it by the Committee or Sub-Committee of the Council or Full Council and for which it was convened. There is to be no transfer of delegated powers from the Committee which has authorized its establishment, otherwise the Council will be acting unlawfully. (LGA 1972s.101)
- b) If urgent expenditure is necessary to enable a Task and Finish Group to achieve its objectives, then this can only be sanctioned through the emergency powers of the Town Clerk.
- c) The Task and Finish Group shall not issue instructions to any officer if, in the opinion of the officer, it is likely to incur expenses or use excessive time without prior authority of the Committee.

- d) Membership of the Task and Finish Group is to be decided at the creation of the group, when the need is identified by a committee or by the Full Council for such an action.
- e) Membership of a Task and Finish Group need not be confined to Members of the Council and can be drawn from the wider community, where specialist skills or knowledge would be helpful to the Task and Finish Group in its work.
- f) The quorum for a meeting of a Task and Finish Group is to be not less than two Councillors.
- g) A Task and Finish Group will be convened solely to meet objectives defined by the appropriate Committee, or Full Council, for the specific task of undertaking a project or detailed study.
- h) The Task and Finish Group shall advise and make recommendations to full Council or to the Committee from which it was formed.
- i) The Chair of a Task and Finish Group will be appointed by the Committee from which it was formed.
- j) The Task and Finish Group shall be convened by its Chair.
- k) Meeting Notes and Reports from Task and Finish Groups shall be sent to the Town Clerk and Chair within two weeks of a meeting taking place.
- l) The Task and Finish Group shall report to the Council or Committee on a regular basis, depending on the length of time set for the Group to conclude its work.
- m) A Task and Finish Group may meet without the need to give public notice and so be able to exclude the public and press without the formality of giving adequate reasons.
- n) A Task & Finish Group may not necessarily have officer support but may seek advice from officers as and when required.

## **11. Review**

This scheme of delegation forms part of the Council's constitution and will be reviewed at least annually or earlier if required.

Those with delegated responsibility are referred to by job title or name, therefore any changes in job titles will trigger a review of this scheme.

## **12. Appendices**

- A. Record of Decision
- B. Summary of responsibilities
- C. Terms of Reference for the Planning Committee
- D. Terms of Reference for Communities Committee
- E. Terms of Reference for the Finance Committee
- F. Terms of Reference for the Staff Sub-Committee
- G. Terms of Reference Emergency Management Committee
- H. Informal Members Briefing Forum

## APPENDIX A

# Penrith Town Council

## Record of Decision

Taken pursuant to delegated powers and published in accordance with the  
Openness of Local Government Bodies Regulations 2014

1.	Date of decision	
2.	Name of officer making decision	
3.	Details of decision	
4.	Scheme of Delegation reference <sup>1</sup>	
5.	Legal powers <sup>2</sup>	
6.	Consultation undertaken (state dates) <sup>3</sup>	
7.	Matters considered <sup>4</sup>	
8.	Alternative options considered and rejected.	
9.	Reason for decision <sup>5</sup>	
10.	Financial/budgetary implications	

I confirm that the power to make this decision has been delegated to me pursuant to the Council's Scheme of Delegation made under it, and that I have taken all relevant matters into account in making this decision.

Signed:

---

<sup>1</sup> Paragraph of the Council's Scheme of Delegation delegating decision to Clerk or another officer

<sup>2</sup> Specify what statutory power enables the Council to make this decision.

<sup>3</sup> Specify what consultation has been undertaken, for example, with service users, the public, representative groups and with councillors.

<sup>4</sup> Where relevant you should include reference to matters the law requires the decision maker to have regard to.

<sup>5</sup> Delegated decisions may be challenged by judicial review, and reasons should therefore be given as to why the decision was taken.

NOTE: copy to meeting, finance, and publish

## APPENDIX B

### Summary of Responsibilities for Council & Committees

Not exhaustive

FULL COUNCIL	
<ul style="list-style-type: none"><li>• GPC and statutory obligations</li><li>• Local Government Reorganisation and Devolution – negotiations, planning, infrastructure, and resources development, TUPE etc.</li><li>• GDPR compliancy</li><li>• Transparency compliancy</li><li>• Corporate Governance Framework</li><li>• Legal services</li><li>• Elections, co-options, and Member's support</li><li>• Member training and development</li><li>• Freedom of information</li><li>• Complaints</li><li>• 4 Members to act as signatories to the Council's accounts and investments.</li></ul>	<ul style="list-style-type: none"><li>• Policy and performance</li><li>• Code of Conduct</li><li>• Register of attendance</li><li>• Declarations of Interest</li><li>• Emergency Planning</li><li>• Parking &amp; Movement</li><li>• LCWIP</li><li>• Borderlands</li><li>• Civic pride/activities/ Mayoralty</li><li>• Grants</li><li>• Regeneration &amp; development projects</li><li>• Marketing, tourism, and visitor economy</li><li>• Town centre</li></ul>

  

PLANNING COMMITTEE	
<ul style="list-style-type: none"><li>• Housing and Planning</li><li>• Conservation and heritage</li><li>• Street naming</li><li>• Footpaths and rights of way</li><li>• Highway and traffic regulations</li><li>• Traffic calming</li><li>• Tree preservation</li><li>• Planning policy</li><li>• Town Centre</li><li>• Parking &amp; Movement</li><li>• Regeneration &amp; development projects</li><li>• Borderlands</li></ul>	<ul style="list-style-type: none"><li>• Highways</li><li>• Transport</li><li>• Connectivity</li><li>• Climate Change mitigation for planning applications</li><li>• Recycling</li><li>• Community Partnerships</li><li>• Green spaces</li><li>• Parking &amp; Movement</li><li>• Regeneration &amp; development projects</li><li>• LCWIP</li></ul>

<b>COMMUNITIES COMMITTEE</b>	
<ul style="list-style-type: none"> <li>• Mental health</li> <li>• Promotion and support of the voluntary sector</li> <li>• Young people</li> <li>• Older people</li> <li>• Refugees</li> <li>• Climate change and sustainability</li> </ul>	<ul style="list-style-type: none"> <li>• Arts &amp; culture</li> <li>• Business</li> <li>• Sport, leisure, and play</li> <li>• Health and well-being</li> <li>• Physical health</li> <li>• Community Engagement and liaison with community groups</li> </ul>

<b>FINANCE COMMITTEE</b>	
<ul style="list-style-type: none"> <li>• Risk management</li> <li>• Payroll</li> <li>• Internal and external audit</li> <li>• Procurement</li> <li>• Property, estates, and management of assets</li> <li>• Allotments</li> <li>• IT and Data security</li> <li>• Policy</li> <li>• HR and recruitment, retention, training, and performance monitoring</li> <li>• Staff sub-committee</li> <li>• Health and Safety</li> </ul>	<ul style="list-style-type: none"> <li>• Budget and payments management</li> <li>• Investments</li> <li>• Precept recommendation</li> <li>• Contract management</li> <li>• Public domain maintenance, street cleaning and litter</li> <li>• Lease, license, and fees management</li> <li>• Debt monitoring</li> <li>• Policy development and monitoring</li> <li>• Town Dressing – greening, in Bloom, bunting, Christmas lights</li> </ul>
<b>STAFF SUB COMMITTEE</b>	Disciplinary and Grievance arrangements



## **APPENDIX C**

### **Planning Committee Terms of Reference**

**MEMBERSHIP:** Up to **SIX** Members of Penrith Town Council.

**QUORUM:** **THREE** Members of the Committee.

#### **Terms:**

- a) The Council's Standing Orders apply to all meetings of the Committee.
- b) The Committee shall be appointed on an annual basis at the Annual Meeting of the Town Council when the Committee Chair will be appointed.
- c) The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Vice-Chair.
- d) Unless the Council directs otherwise, the Committee may arrange to devolve any of its functions to a Sub-Committee or to Officers of the Council.
- e) The Committee will meet monthly.
- f) Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items.
- g) Members of the Committee will receive an agenda and supporting papers in accordance with the Councils Standing Orders.
- h) All Members of the Council will receive an agenda only, sent via email.
- i) Notice of meetings will be published in accordance with the Councils Standing Orders.

#### **Limitations**

- a) Only Members of the Committee may vote on agenda items.
- b) Non-Members of the Committee may attend in their capacity as a Councillor and will be allowed to speak on an agenda item with the agreement of the Chair.
- c) Non-Members of the Committee are subject to the same rules as Committee Members regarding confidentiality and the requirements of the Code of Conduct.
- d) Non-Members of the Committee have no more rights at Committee meetings than members of the public.

#### **Responsibilities**

- a) Consider and provide responses to planning applications made to Eden District Council for planning permission.
- b) Consider and provide responses to any proposals by the Local Planning Authority to make Tree Preservation Orders.
- c) Consider consultation responses to the Government's Planning Inspectorate and other appropriate bodies.
- d) Consider and provide responses with respect to the stopping up, diversion, maintenance, or creation of public rights of way.

- e) Consider and provide responses with respect to footpath/bridleway creation orders, highway adoption orders and other highway notices.
- f) Consider and recommend responses to any proposals with respect to street naming.
- g) Consider and provide responses to proposals with respect to highway and traffic regulation issues and orders.
- h) Develop and implement a Neighbourhood Plan for Penrith.
- i) Delegate areas of responsibility to either a sub-committee or to an office.
- j) Formulate budget recommendation.
- k) Develop policy.

### **Delegated Powers**

The committee has delegated authority:

- a) Respond to all planning matters referring contentious and significant applications to full Council for consideration.
- b) Design, develop and approve policy relevant to the Neighbourhood Plan and Climate Change Strategy.
- c) Financial powers within the approved budget for expenditure related to the Neighbourhood Plan budget.

## **APPENDIX D**

### **Communities Committee Terms of Reference**

**MEMBERSHIP:** Up to **SIX** Members of Penrith Town Council.

**QUORUM:** **THREE** Members of the Committee.

#### **Terms:**

- j) The Council's Standing Orders apply to all meetings of the Committee.
- k) The Committee shall be appointed on an annual basis at the Annual Meeting of the Town Council when the Committee Chair will be appointed.
- l) The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Vice-Chair.
- m) Unless the Council directs otherwise, the Committee may arrange to devolve any of its functions to a Sub-Committee or to Officers of the Council.
- n) The Committee will meet monthly.
- o) Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items.
- p) Members of the Committee will receive an agenda and supporting papers in accordance with the Councils Standing Orders.
- q) All Members of the Council will receive an agenda only, sent via email.
- r) Notice of meetings will be published in accordance with the Councils Standing Orders.

#### **Limitations**

- e) Only Members of the Committee may vote on agenda items.
- f) Non-Members of the Committee may attend in their capacity as a Councillor and will be allowed to speak on an agenda item with the agreement of the Chair.
- g) Non-Members of the Committee are subject to the same rules as Committee Members regarding confidentiality and the requirements of the Code of Conduct.
- h) Non-Members of the Committee have no more rights at Committee meetings than members of the public.

#### **Responsibilities**

- l) Responsible for the development and implementation of strategies, policies, and projects aimed at improving life at a local level in the context of the priorities identified by the community, the Council Plan, and other corporate strategies.
- m) Support and empower the community in Penrith to bring about social change, improve the quality of life in the local area and shape their own futures.

- n) The Committee has advisory responsibility for co-ordinating the Council's approach to equalities, democratic engagement, arts, culture, heritage, sustainability, health and well-being.
- o) The Committee meets up to six times a year.
- p) The Committee consists of 6 members, but it may invite representatives from community groups and others to attend with speaking rights.
- q) Members of the Council with an interest or experience in a priority may join the committee on a short-term basis.
- r) Delegated financial powers within the approved budget for expenditure related to all activities of the committee.
- s) Officers of the Council will report to the committee regarding progress on work plans and expenditure.
- t) The committee and officers have authority to respond to urgent emerging matters that impact upon service delivery or the community of Penrith.

## **APPENDIX E**

### **Finance Committee Terms of Reference**

**MEMBERSHIP:** No less than **SIX** Members of Penrith Town Council.

**QUORUM:** **THREE** Members of the Committee.

#### **Terms:**

- a The Council's Standing Orders apply to all meetings of the Committee.
- b The Committee shall be appointed on a Council term basis.
- c The Committee Chair will be appointed on an annual basis at the Annual Meeting of the Town Council.
- d The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Vice-Chair.
- e Unless the Council directs otherwise, the Committee may arrange to devolve any of its functions to a Sub-Committee or to Officers of the Council.
- f The Committee will meet bi-monthly.
- g Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items.
- h Members of the Committee will receive an agenda and supporting papers in accordance with the Councils Standing Orders.
- i All Members of the Council will receive an agenda only, sent via email.
- j Notice of meetings will be published in accordance with the Councils Standing Orders.

#### **Limitations**

- a) Only Members of the Committee may vote on agenda items.
- b) Non-Members of the Committee may attend in their capacity as a Councillor and will be allowed to speak on an agenda item with the agreement of the Chair.
- c) Non-Members of the Committee are subject to the same rules as Committee Members regarding confidentiality and the requirements of the Code of Conduct.
- d) Non-Members of the Committee have no more rights at Committee meetings than members of the public.

#### **Responsibilities**

- ~~a) Act as signatories to the Council's accounts and investments.~~
- b) Ensure the preservation of probity and good financial practices within the Council and annually review the financial practises of the Council.
- c) Provide guidance to Committees and Council on overall levels of income and expenditure.

- d) Consider the annual draft budget and recommend the draft precept to Full Council.
- e) Authorise all income and expenditure.
- f) Receive financial reports and monitor and report to Full Council.
- g) Review the Council's Investment Strategy and monitor compliance.
- h) Manage the Council's reserves and the arrangements for investments making recommendations to Council where appropriate.
- i) Consider and award contracts for work.
- j) Ensure that lawful procurement procedures followed including the publication and results of tenders.
- k) Implement the procurement/tender procedures for contracts more than £25,000.
- l) Review all policies and procedures ensuring that all policies and procedures are compliant with statutory requirements.
- m) Review the Council's Asset Register.
- n) Monitor financial risk and ensure that adequate financial risk management is in place.
- o) Review the Council's insurance on an annual basis and ensure that the Council's property is adequately insured.
- p) Consider use, upkeep, leases, licences rents and fees for any facilities / buildings.
- q) Responsible for the efficient and effective management of the Council's assets.
- r) Debt monitoring and recovery to be the responsibility of the Committee (above a de minimis level of £7,000).
- s) Consider the Internal Audit and External Audit reports, and report findings and recommendations to Full Council and implement any required audit actions.
- t) Ensure that PAYE, NI, and pension payments are appropriately deducted from employees' salaries and paid as required by law.
- u) Make recommendations to Full Council on matters related to pay and pensions for the Town Clerk.
- v) Resolve pay, pensions & conditions for all other Council staff as required.
- w) Recruitment of all staff except the appointment of the Town Clerk, which, by recommendation of this Committee, must be approved by Full Council.
- x) Delegate areas of responsibility to either a sub-committee, or an officer.
- y) Consider the recommendations of the Staffing Sub-Committee a standing subcommittee of the Finance and Resources Committee.

## **Delegated Powers**

The committee has delegated authority:

- a) Review and monitor the income and expenditure of the Council as a whole.
- b) Delegated financial powers within the approved budget.
- c) Authority to oversee insurance of the Council's property.
- d) Recover debts on behalf of the Council.
- e) Award contracts.
- f) Recruit staff.

## **APPENDIX F**

### **Staff Sub-Committee Terms of Reference**

**MEMBERSHIP:** **SIX** Members of Penrith Town Council.

**QUORUM:** **THREE** Members of the Committee.

#### **Terms:**

- a) The Council's Standing Orders apply to all meetings of the Committee.
- b) The Committee shall be appointed on an annual basis at the Annual Meeting of the Town Council when the Committee Chair will be appointed.
- c) The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Vice-Chair.
- d) Unless the Council directs otherwise, the Committee may arrange to devolve any of its functions to a Sub-Committee or to Officers of the Council.
- e) The Committee will meet bi-monthly.
- f) Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items.
- g) Members of the Committee will receive an agenda and supporting papers in accordance with the Councils Standing Orders.
- h) All Members of the Council will receive an agenda only, sent via email.
- i) Notice of meetings will be published in accordance with the Councils Standing Orders.

#### **Limitations**

- a) Only Members of the Committee may vote on agenda items.
- b) Non-Members of the Committee may attend in their capacity as a Councillor and will be allowed to speak on an agenda item with the agreement of the Chair.
- c) Non-Members of the Committee are subject to the same rules as Committee Members regarding confidentiality and the requirements of the Code of Conduct.
- d) Non-Members of the Committee have no more rights at Committee meetings than members of the public.

#### **The committee may not consider:**

- a) Complaints by one Council employee against another Council employee or between a Council employee and the Council as employer. These matters are dealt with under the Councils disciplinary and grievance procedures.
- b) Complaints against Councillors. Complaints against Councillors are covered by the Code of Conduct for members adopted by the Council. Complaints will be referred to the District Councils Standards Committee.
- c) Termination of employment of staff which is to be reserved for a Council decision.



## **Responsibilities**

- a) Investigate complaints about Council administration and procedures.
- b) Investigate complaints about Council employees.
- c) Delegate responsibilities and receive recommendations.
- d) Convene a panel for Grievance and Disciplinary arrangements and appeal.

## **Delegated Powers**

The committee has delegated authority:

- a) Resolve the outcome of a formal complaint.
- b) Refer a complaint to Full Council if necessary.
- c) Resolve the outcome of a complaint via Grievance and Disciplinary Panel.
- d) Approve and make recommendations to the Full Council via the Finance Committee.

## **Grievance and Disciplinary Panel Arrangements**

- a) The Panel shall entirely consist of Councillors.
- b) Members are appointed to the Grievance and Disciplinary Panel from the Staffing Sub-Committee when required with a pool of deputies also appointed in event of conflict of interests from members of the Finance Committee and remaining members of the Staff Sub-Committee.
- c) Meetings will be called on an ad-hoc basis as required, called by the Town Clerk and with notice given to the relevant employee.
- d) A minute taker will be present throughout the proceedings.
- e) The Panel will follow the procedure set out in the ACAS Grievance and Disciplinary Procedures.
- f) The Panel has no delegated financial powers.

## **Appeals Panel Arrangements**

- a) Any Member who has been involved in the original Grievance or Disciplinary Panel shall not form part of the Appeals Panel.
- b) The Appeals Panel will be appointed when any appeals against dismissal, grading, disciplinary proceedings, and grievances by employees of the Council are made.
- c) The Town Clerk will call the meeting and notice will be given to the employee.
- d) A minute taker will be present throughout the proceedings.
- e) The Panel will follow the procedures set out in the Disciplinary Procedure.
- f) The Panel has no delegated financial powers.

## **APPENDIX G**

### **Emergency Management Committee Terms of Reference**

- a) The Committee will be summonsed to consider matters of emergency, as determined by the Town Clerk (or in his/her absence another Officer).
- b) The Membership shall be the Council Chair and Vice Chair and Chair of all Committees.
- c) Quorum is THREE.
- d) The Committee may have to convene without public notice as an Emergency Management Committee, depending on the timing and nature of the emergency.
- e) The meeting will be minuted.
- f) The Council Chair is required to report to Council at the earliest opportunity.
- g) An emergency is defined as:
  - i. A matter with significant financial implications greater than £10,000.
  - ii. A matter with significant legal implications.
  - iii. A matter related to the conduct of a Councillor or an employee that would potentially amounts to gross misconduct or bringing the Council into disrepute.

## **APPENDIX H**

### **Informal Members Briefing Forum**

- a) The Council's Members will meet informally.
- b) There will be no public notice of the meeting and no agenda.
- c) These meetings are not open to the public.
- d) The Forum has no powers to make conclusions or decisions on the events/items themselves nor can any preconceived policy line be determined.

#### **Purpose:**

- a) To brief Members on forthcoming events.
- b) To improve communication.
- c) To provide an opportunity to voice ideas, concerns, suggestions.
- d) To provide an opportunity to develop skills & knowledge.
- e) To enhance a greater understanding of how Town Council operates.

### **Records of Group Meetings**

The briefing is an informal meeting which does not require a public notice nor agenda and the proceedings are not minuted formally in the style of the