



Penrith Town Council

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

Tel: 01768 899 773 Email: office@penrithtowncouncil.gov.uk

DATE: 9 May 2023

NOTICE IS HEREBY GIVEN that an **ANNUAL MEETING** of **PENRITH TOWN COUNCIL** will be held on **Monday 15 May 2023**, 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 **Unit 2, Church House, Friargate, Penrith CA11 7XR**.

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** Monday **15 May 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

FULL COUNCIL MEMBERSHIP

Cllr. Bowen	Pategill Ward	Cllr. Kenyon	North Ward
Cllr. Burgin	South Ward	Cllr. Lawson	Carleton Ward
Cllr. Donald	North Ward	Cllr. Rudhall	East Ward
Cllr. Holden	Carleton Ward	Cllr. C Shepherd	East Ward
Cllr. Jackson	North Ward	Cllr. Smith	South Ward
Cllr. B. Jayson	West Ward	Cllr. Snell	West Ward
Cllr. D. Jayson	North Ward	Cllr. J. Thomson	West Ward

A handwritten signature in black ink, appearing to read 'V. Tunnadine', written in a cursive style.

Mrs V. Tunnadine, Town Clerk, PSLCC

Public Participation

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

Filming

Please note that this meeting may be filmed for live or subsequent broadcast via the internet or social media.

Please be advised that the Town Council does not record or live stream meetings.

Penrith Town Council fully supports the principle of openness and transparency and has no objection to filming and reporting at its Full Council, and Committee meetings that are open to the public. It also welcomes the use of social networking websites, such as Twitter and Facebook, to communicate with people about what is happening, as it happens. Filming will only commence at the beginning of a meeting when the Chair opens the meeting with apologies and will finish when the meeting is closed or when the public may be excluded from an exempt item. The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

General Power of Competence

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

AGENDA FOR THE ANNUAL MEETING OF PENRITH TOWN COUNCIL 15 May 2023

Members are asked to:

1. Election of Chair

Elect the Chair of the Council. The newly elected Chair will make a Declaration of Acceptance of Office in the prescribed form and will assume the Chair and Town Mayor role.

2. Appointment of Vice Chair

Appoint the Vice Chair. The newly elected Vice Chair will make a Declaration of Acceptance of Office in the prescribed form and will assume the Deputy Chair and Deputy Mayor role.

3. Acceptance of Office

Note that the Town Clerk received completed Declaration of Acceptance of office forms from each member.

4. General Power of Competence

Confirm by resolution that the Council may continue to exercise the General Power of Competence as at least two thirds of the members of the Council hold office as a result of being declared elected and at the time the resolution is passed the Town Clerk and Services and Contracts Manager hold the certificate in Local Council Administration.

5. Apologies

Receive apologies from Members.

6. Interests

Note that Members are required to submit their completed Register of Interests within 28 days. of election, by 1 June to the Monitoring Officer. Members are advised to submit their registration to the Deputy Town Clerk by 22 May 2023 for checking, copying and submission on their behalf.

7. Declarations of Interest and Requests for Dispensations

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

ADVICE NOTE:

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

8. Excluded Item: Public Bodies (Admissions to Meetings) Act 1960

Determine whether any items should be considered in detail, 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.

9. Minutes Approval

Approve the minutes of the last meeting of Council and any other meetings which took place during the previous municipal year and have not been formally approved during that municipal year:

- a) Authorise the Chair to sign the Full Council minutes of 27 March 2023 and as a true and accurate record.
- b) Authorise the Chair to sign the year-end minutes of the committees as a true and accurate record:
 - i. Planning Committee: Monday 6 March 2023
 - ii. Finance Committee: Monday 24 April 2023

10. Outside Bodies

- a) Decide the list of outside bodies on which the Council will seek and/or continue representation.
- b) Receive nominations and appoint Members to represent the Council on the outside bodies.

11. Committees

Receive nominations and appoint Members to serve on each standing committee:

- a) Finance – for a term of 4 years
- b) Communities – for 12 months
- c) Planning – for 12 months

12. Appointment of Substitute Members of Committees

As well as allocating seats on standing committees, the Council will allocate seats in the same manner for substitute members.

- a) Finance – for a term of 4 years
- b) Communities – for 12 months
- c) Planning – for 12 months

13. Election of Committee Chair

Elect Chair to serve on the under mentioned Standing Committees:

- a) Finance – for 12 months
- d) Communities – for 12 months
- b) Planning – for 12 months

14. Meetings

Approve a schedule of ordinary meetings of the Council and committees for the year noting that the timings are as set out in the report but may be considered and amended by the committee at its first meeting.

a) Full Council 6:00 - 8:00 UNIT 2

17 July 2023
25 September 2023
20 November 2023
27 January 2024 - Precept
25 March 2024
22 April 2024 – Annual Town Meeting
20 May 2024 - Annual Meeting of the Town Council

b) Finance Committee 4:00 - 6:00 BOARD ROOM

26 June 2023
18 September 2023
13 November 2022
15 January 2024
18 March 2024
22 April 2024 finish at 5:30pm

c) Communities Committee 4:00 - 6:00 BOARD ROOM

12 June 2023
9 October 2023
18 December 2023
26 February 2024
15 April 2024
Caveat – timings may vary to suit attendees from community groups.

d) Planning Committee 1:30 - 3:00 UNIT 2

5 June 2023
3 July 2023
4 September 2023
2 October 2023
6 November 2023
4 December 2023
8 January 2024
5 February 2024
4 March 2024
8 April 2024
13 May 2024

15. Policies & Procedures

Note that the review of policies, procedures and terms of reference have been completed. There are two policies for members consideration:

a) Motion on Notice – Amendment to Standing Orders – Councillor Lawson

Consider the motion on notice from Councillor Lawson to:

Amend Standing Order 3e to include a requirement for the public to submit written questions and statements in advance of Council meetings and a process for handling follow-up questions.

The proposed amendment would allow Council and officers time to consider and provide a measured response that may not be forthcoming if the question is a “surprise” and vocalised live during the meeting.

The process encourages the questioner to think carefully about what they want to ask, and they will receive a diligent response to a question of importance to them.

[Refer to Standing Orders as included in the agenda pack. Proposed amendments are highlighted]

b) Homeworking Policy

Members are asked to consider and approve the Home Working Policy which is new and supports the Council’s Flexible Working Policy. The Homeworking Policy provides a framework for remote working and identifies the Council and employee obligations. These policies are applicable only to an employee who has been formally approved to work flexibly and remotely, at home, on a regular basis.

16. Membership to national organisations

- a) Note the Council’s continuing subscription to the Cumbria Association of Local Councils, the Society of Local Council Clerks, the National Allotment Society, the Living Wage Foundation, and the Information Commissioner's Office.
- b) Note that the Council has received 12 months free membership of the Rural Services Network and the Rural Market Town Group.
- c) Members are asked to accept the recommendation to renew membership for the Rural Market Town Group for the term of the Council at the subscription rate of £121.82 for 23/24, noting that this may change for each membership year.

17. Matters from Finance Committee

a) Joint Panel on Governance and Accountability Practitioners' Guide March 2023

Note The Practitioners' Guide ('the guide') is issued by the Joint Panel on Accountability and Governance (JPAG) to support the preparation by smaller authorities in England of statutory annual accounting and governance statements found in the Annual Governance and Accountability Return.

The 2023 edition of the Guide applies in respect of financial years commencing on or after 1 April 2023. Thus the 'proper practices' laid down in Sections 1 and 2 of the edition of the Guide must be applied in the financial year ending 31 March 2024 and the Annual Governance and Accountability Return ('AGAR') for the year ending 31 March 2024 ('the 2024 AGAR') must be prepared in accordance with Sections 1 and 2 of this edition of the Guide.

The Guide is mandatory:

<https://www.nalc.gov.uk/library/our-work/jpag/3859-practitioners-guide-2023/file>

Ratify the adoption of Joint Panel on Governance and Accountability Practitioners' Guide March 2023.

b) Fixed Asset Register 31 March 2023

- i. Note that for accounting purposes, assets have been valued in accordance with the Council's Asset Valuation Policy and total £181,919.13.
- ii. Note that the value, £181,919.13 recorded in box 9 of the Annual Governance and Accounts Return 2022-2023 is taken from the Council's asset register which is up to-date at 31 March 2023 and includes all acquisition and disposal transactions recorded in the cashbook during the year.
- iii. Note the insurance value of the assets is £689,674.
- iv. Note that an insurance review has been completed and the Council's insurance will renew automatically in May, as the Council is committed to a three-year agreement.
- v. Ratify the Fixed Asset Register for 31 March 2023 and the reconciliation of transactions in 2022-23.

c) Finance Outturn Report – Year ended 31 March 2023

Ratify the final outturn report for the financial year ended 31 March 2023.

d) Internal Audit

Ratify the Internal Audit final report for 2022-23.

17 Matters from Finance Committee continued.

e) Effectiveness of Internal Audit Provision for 2022-23 and reappoint the Internal Auditor

- i. Ratify the review of effectiveness of internal audit provision during 2022/23.
- ii. Ratify the re-appointment of G. Airey as the Internal Auditor for 2023-24.

f) Annual Governance and Accountability Return (AGAR))

Annual Governance Statement 2022-2023 Section 1 of the Annual Governance and Accountability Return (AGAR))

i. Review the Annual Governance Statement for 2022-23

Note that the Town Council must conduct an annual review of the effectiveness of the system of internal control prior to the completion of the Annual Governance Statement and a full review was carried out by the Finance Committee on the 20 March 2023 which was duly ratified by Council on the 27 March 2023.

Note the review confirmed that the Council's system of internal controls were effective and the review of the effectiveness of internal audit provides further support for that assessment.

Approve the Annual Governance Statement for 2022-2023 Section 1 of the Annual Governance and Accountability Return.

Authorise the Chair of the Council and the Town Clerk to sign the Statement at Section 1 of the Annual Governance and Accountability Return.

ii. Accounting Statements Section 2 Annual Governance and Accountability Return 2022-2023

Approve the Accounting Statements 2022-23 and AGAR reconciliation.(Section 2 of the AGAR).

Authorise the Chair of the Council to sign the Statements on behalf of the Council prior to the submission of the AGAR by the RFO to the External Auditor.

iii. Notice of public rights and publication of unaudited Annual Governance & Accountability Return

Note that the notice for the unaudited AGAR will be published on the Council's website and noticeboard from Sunday 4 June 2023 to Friday 14 July 2023.

17 Matters from Finance Committee continued.

g) Payments for Approval

Agree two Members from the new Finance Committee to undertake the Payments for Approval reconciliation for the meeting of Finance Committee on the 26 June 2023.

18. Carleton Village Hall

Consider the report and the recommendations contained within.

19. Asset of Community Value

Note and consider the letter dated 25 April 2023 from the Westmorland and Furness Council's Assistant Director Legal and Democratic Services seeking the Council's opinion for the registration of the Agricultural Hotel as an asset of community value.

Note that Westmorland and Furness Council has been informed that the council cannot respond until 16 May 2023.

20. Planning Applications for Consideration

Consider the following applications for which information can be found on the Westmorland & Furness Authority Website

<https://plansearch.eden.gov.uk/fastweb/> by inserting the appropriate planning reference number.

Planning application number:	23/0218
Site address:	OMEGA PROTEINS PENRITH LTD PROCESSING PLANT PENRITH CA11 0BX
Description:	Formation of roadway.

Planning application number:	23/0250
Site address:	OMEGA PROTEINS PENRITH LTD PROCESSING PLANT PENRITH CA11 0BX
Description:	Anaerobic digestion facility with gas to grid transmission pipeline.

21. Next Meeting

Note the next meeting of the new Council will be the Ordinary Town Council meeting scheduled for Monday 17 July 2023 at 6.00pm, Unit 2, Church House, Friargate, Penrith.

PART II – PRIVATE SECTION

There are no matters that are considered exempt information.

FOR THE ATTENTION OF ALL MEMBERS OF THE TOWN COUNCIL

Access to Information

Copies of the agenda are available for members of the public to inspect prior to the meeting. Agenda and Part I reports are available on the Town Council website: <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 between the hours of 9.00am and 3.00pm, Monday to Wednesday via office@penrithtowncouncil.gov.uk



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Tel: 01768 899 773 Email: office@penrithtowncouncil.gov.uk

DRAFT Minutes of the **Ordinary Meeting** of Penrith Town Council held on Monday 27 March 2023.

PRESENT:

Cllr. Bowen	Pategill Ward	Cllr. Knaggs	West Ward
Cllr. Burgin	South Ward	Cllr. Lawson	Carleton Ward
Cllr. Davies	West Ward	Cllr. Rudhall	East Ward
Cllr. Donald	North Ward	Cllr. M. Shepherd	North Ward
Cllr. Holden	Carleton Ward	Cllr. C. Shepherd	East Ward
Cllr. Kenyon	North Ward	Cllr. Snell	West Ward

Town Clerk

Deputy Town Clerk

Community Services Officer

**DRAFT MINUTES FOR THE
ORDINARY MEETING OF FULL COUNCIL
27 March 2023**

PTC22/114 Apologies

Members received apologies from Councillors M. Clark and Hawkins.

PTC22/115 Confirmation of Full Council Minutes

Members considered the draft minutes of the meeting of the Town Council held on:

- a. Full Council Monday 23 January 2023.
- b. Extraordinary Full Council meeting Monday 13 March 2023.

RESOLVED THAT:

The minutes be approved, and the Chair sign the minutes with the following amendment:

From: As the debate opened Cllr. Davies raised a point of order and suggested that..

To: As the debate opened Cllr. Davies suggested that..

The Chair marked and signed the change and signed the minutes.

**PTC22/116 Declarations of Interest and Requests for
Dispensations**

No declarations were received.

PTC22/117 Public Participation

Members noted that there were no questions or representations from members of the public.

**PTC22/118 Excluded Item: Public Bodies (Admissions to
Meetings) Act 1960**

Members noted that there were no items to be considered without the press and public.

Matters from Committees

PTC22/119 Planning Committee

Members noted that:

- a. The Planning Protocol had been reviewed by the Council's Planning Committee on Monday 6 March 2023 and no changes were required. Committee recommended that the protocol be reviewed in 2024 when the Council would have a clearer understanding of the workings of the new unitary council.
- b. The Developer Engagement Policy had been reviewed by the Council's Planning Committee on Monday 6 March 2023 and no changes were required. Committee recommend that the protocol be reviewed in 2027.
- c. The Council's policy schedule had been updated accordingly.

PTC22/120 Planning Committee Continued

Members considered and were asked to ratify:

d. Community Infrastructure Levy (CIL) Policy

RESOLVED THAT:

The policy for CIL as approved by the Council's Planning Committee on Monday 6 March 2023 be ratified.

PTC22/121 Finance Committee

Members were asked to ratify items a. to f. as approved recommendations from the Council's Finance Committee from their meeting held on Monday 20 March 2023.

a. Budgetary Control Statement 2022/23: 28 February 2023

RESOLVED THAT:

The Budgetary Control Statement for the period 28 February 2023 be ratified.

b. Internal Audit Report

RESOLVED THAT:

The Internal Auditors Report for the period 01 April 2022 to 31 December 2022 be ratified.

c. Annual Review of Fees and Charges 2023/24

RESOLVED THAT:

The proposed Fees and Charges for 2023/24 financial year be ratified.

d. Banking

Members noted that:

- i. The Finance Committee approved the transfer of £100,000 from CCLA to the HSBC bank.
- ii. £50,000 may be transferred from Penrith Building Society to the HSBC account if the CCLA signatories were not available and the precept payment from the new authority was delayed.

RESOLVED THAT:

- iii. The removal of all existing councillor signatories on the Councils accounts who are not re-elected in May be ratified.

RESOLVED THAT:

- iv. The opening of a current account with Lloyds Bank Penrith and the closure of the Council's HSBC account further to resolution FIN21/101 25 April 2022 be ratified.

PL22/210 EXCLUDED ITEM: Public Bodies (Admission to Meetings) Act 1960

Members considered whether any items on the agenda 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, and agreed that there were no applications to be considered without the press or public present.

PL22/211 Community Infrastructure Levy (CIL)

Members considered the report relating to CIL. They were advised that although Barrow Borough Council had a CIL Policy they had not yet adopted CIL which had been adopted by South Lakeland District Council.

RESOLVED THAT:

A recommendation be forwarded from the Planning Committee to full Council that the CIL Policy be adopted.

PL22/212 Review of Planning Policies

Members considered planning policies which were required to be reviewed:

RESOLVED THAT:

The following policies be agreed and recommended to Council for adoption:

- i. Planning Protocol – review in 2024
- ii. Developer Engagement Policy – review in 2027

PL22/213 Castle Park

Members noted the response of the Assistant Director Policy in respect of the letter sent regarding the planning application for Castle Park.

PL22/214 Planning Applications

a) Delegated Responses

Members noted the planning responses submitted by the Deputy Town Clerk under delegated authority on behalf of the committee between the scheduled meetings of the Committee:

Planning application number:	23/0073
Site address:	6 TULIP GARDENS PENRITH CUMBRIA CA11 8BY
Description:	Single storey side extension.
Response	No objection, off road parking is reconfigured but remains the same.

PTC22/122 Finance Committee Continued

e. Review of the System of Internal Control 2022/23

RESOLVED THAT:

The review of the Council's system of Internal Control be ratified.

f. Policy Review

Ratify the following reviewed policies:

- i. Code of Conduct.

RESOLVED THAT:

The Code of Conduct be ratified.

- ii. Dispensations Policy.

RESOLVED THAT:

The Dispensations Policy be ratified.

- iii. Flexible Working Policy.

RESOLVED THAT:

The Flexible Working Policy be ratified.

- iv. Financial Regulations with associated policies.

RESOLVED THAT:

The Financial regulations be ratified.

- v. Grants Scheme.

A recorded vote was requested when there were:

For: 10 - Councillors Bowen, Burgin, Holden, Kenyon, Knaggs, Lawson, Rudhall, M Shepherd, C Shepherd and Snell

Against: 1 - Councillor Davies

Abstentions: 1 - Councillor Donald

RESOLVED THAT:

The Grants Scheme be ratified.

- vi. Partnership Protocol.

RESOLVED THAT:

The Partnership Protocol be ratified.

g. Scheme of Delegation and Communities Committee Draft Terms of Reference

RESOLVED THAT:

The Terms of Reference for the Communities Committee and the amended Scheme of Delegation be ratified.

PTC22/123 Resolutions Tracker

Members noted the report.

PTC22/124 Draft Neighbourhood Plan Update

Members noted the oral report.

PTC22/125 Borderlands Update

Members noted the report.

PTC22/126 Penrith Arts and Culture Update

Members considered the report and recommendations contained within.

RESOLVED THAT:

The hosting and ownership of a community website to promote arts and culture Penrith be approved.

PTC22/127 Penrith Town Working Group – Marketing & Branding

Members considered the report and recommendations contained within.

Councillor Kenyon left the meeting temporarily and returned to resume his participation.

RESOLVED THAT:

The draft design logo be re-worked in collaboration with stakeholders. Council acknowledge the contributions of the stakeholder group.

PTC22/128 Grants

Members considered the grants report and recommendations contained within.

RESOLVED THAT:

A grant award of £4525 be made to Penrith Lions with a supporting service level agreement.

PTC22/129 Next Meeting

The Chair took the opportunity to thank everyone for their contributions for the last four years and thanked the Council Officers who have provided support and guidance to Members throughout the term.

Note the next meeting of the new Council will be the Annual Town Council meeting scheduled for Monday 15 May 2023 at 6.00pm, Unit 2, Church House, Friargate, Penrith.

PART II – PRIVATE SECTION

No matters.

CHAIR:

DATE:



Penrith Town Council

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

Tel: 01768 899 773 Email: office@penrithtowncouncil.gov.uk

DRAFT Minutes of the meeting of

PLANNING COMMITTEE

Held on **Monday 6 March 2023**, at 1.30pm. Board Room, Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR.

PRESENT

Cllr Clark	South Ward
Cllr Knaggs	West Ward
Cllr C Shepherd	East Ward
Cllr M Shepherd	North Ward
Cllr Snell	West Ward

Deputy Town Clerk

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

MINUTES FOR THE MEETING OF PLANNING 6 MARCH 2023

PART I

PL22/206 Apologies for Absence

Apologies for absence with reasons were received from Councillors Kenyon and Lawson.

PL22/207 Minutes

RESOLVED THAT:

The Chair be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 6 February 2023 and agreed they be signed as such.

Members were advised that Planning Application 22/0989 was being considered at Eden District Council's Planning Committee on 16 March.

RESOLVED THAT:

A letter detailing the objections be sent to the planning officer and members of the Planning Committee due to the unavailability of members to attend due to prior engagements and requesting that it be read out at the meeting

PL22/208 Declaration of Interests 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. No declarations were received.

- i. Councillor Knaggs declared a registrable interest in planning application 23/0064 as he had been consulted as a member of the public living close to the site.
- ii. Councillor Snell declared a registrable interest in planning application 23/0064 as she had been consulted as a member of the public living close to the site.

PL22/209 Public Participation

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

PL22/210 EXCLUDED ITEM: Public Bodies (Admission to Meetings) Act 1960

Members considered whether any items on the agenda 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, and agreed that there were no applications to be considered without the press or public present.

PL22/211 Community Infrastructure Levy (CIL)

Members considered the report relating to CIL. They were advised that although Barrow Borough Council had a CIL Policy they had not yet adopted CIL which had been adopted by South Lakeland District Council.

RESOLVED THAT:

A recommendation be forwarded from the Planning Committee to full Council that the CIL Policy be adopted.

PL22/212 Review of Planning Policies

Members considered planning policies which were required to be reviewed:

RESOLVED THAT:

The following policies be agreed and recommended to Council for adoption:

- i. Planning Protocol – review in 2024
- ii. Developer Engagement Policy – review in 2027

PL22/213 Castle Park

Members noted the response of the Assistant Director Policy in respect of the letter sent regarding the planning application for Castle Park.

PL22/214 Planning Applications

a) Delegated Responses

Members noted the planning responses submitted by the Deputy Town Clerk under delegated authority on behalf of the committee between the scheduled meetings of the Committee:

Planning application number:	23/0073
Site address:	6 TULIP GARDENS PENRITH CUMBRIA CA11 8BY
Description:	Single storey side extension.
Response	No objection, off road parking is reconfigured but remains the same.

Planning application number:	23/0104
Site address:	WHITE GABLES WORDSWORTH STREET PENRITH CA11 7QY
Description:	Fell Sycamore.
Response	No Objection

Planning application number:	23/0085
Site address:	14 JUNIPER WAY PENRITH CA11 8UF
Description:	Prior Notification for a single storey rear extension.
Response	No Objection

Planning application number:	23/0026
Site address:	15 ROMAN ROAD PENRITH CA11 8DZ
Description:	Prior Notification for a single storey rear extension.
Response	No Objection

Planning application number:	23/0108
Site address:	9 BEACON CLOSE PENRITH CA11 8QH
Description:	Tree works in Conservation area comprising: remove 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13 and significantly reduce the height and width of others along the boundary fence. Remove 14 and 16 and prune weeping tree (17).
Response	No objection but would like to see some replacement planting of native trees/shrubs for biodiversity and to help mitigate climate change

b) Planning Applications Considered

Members considered the following applications which had been received and which required a committee decision. Further information could be found on the Eden District Council Website <https://plansearch.eden.gov.uk/fastweb/> by inserting the appropriate planning reference number

Planning application number:	23/0064
Site address:	LAND OFF BEACON EDGE PENRITH CA11 8QH
Description:	Outline application for a residential development, with approval sought for access, layout and scale.
Response:	<p>RESOLVED THAT:</p> <p>A response of no objection be returned to Eden District Council with the following concerns and comments:</p> <p>i. the access to the new development will be from a private unadopted road for Kitchen Gardens. Access is on a bend on the road and just off Beacon Edge. There are concerns that this could create a hazard, especially during the build phase. It is essential that a construction management plan is submitted to and approved by the LPA prior to any development taking place.</p> <p>ii. In line with the development of Kitchen Gardens, it is requested that a condition be added to the application to ensure that the ridge lines, position, scale and massing don't compromise the character and amenity value, including views of the Lake District from Beacon Edge, to the detriment of nearby residents and the public at large.</p> <p>iii. The leylandii hedge against Beacon Edge, which is a relatively recent addition, should be removed, leaving the tree, and replanted with an indigenous hedge to assist carbon sequestration.</p> <p>iv. The offsite mitigation for nutrient neutrality should be secured for the recommended length of time (50 years?) and given careful consideration. Is shrub land the best for carbon sequestration? The applicants should be encouraged to talk to Cumbria Wildlife Trust about this or giving consideration to grass pasture and wildflower meadow.</p>

Planning application number:	22/0954
Site address:	CROSSFIELD FARM BOWSCAR PENRITH CA11 9NQ
Description:	Creation of haulage yard with associated workshop, vehicle wash area, parking, package treatment plant, landscaping and access.
Response:	<p>RESOLVED THAT a response objecting to the application be returned to Eden District Council on the following grounds:</p> <p>i. The proposed development is on a greenfield site and not allocated within the Eden Local Plan for any sort of development and it therefore assumed that it was proposed to be retained as agricultural land. It is not in compliance with the Local Plan with no overriding material considerations.</p> <p>ii. The area in question is 1.8 miles from the outskirts of Penrith so not adjacent to the town, open and rural in nature with only a few agricultural or residential developments within the immediate area.</p> <p>iii. Policy EC3 of the Eden Local Plan states that employment development within and adjacent to existing settlements will be permitted when four criteria are met The building itself is a large 24m x 16m by 12m high building between the existing farm buildings and the road. There is a proposal to surround it with 1.8m high security fencing. Penrith Town Council believes that given the location, the development introduces a large and incongruous development which is of a scale that is unsympathetic to this rural greenfield site and would cause harm to the local amenity and to this area of open countryside.</p> <p>iv. This is the relocation of an existing business that says that their current yard is inefficient for business and provides no room for expansion. They state that they have a good relationship with neighbours although there is always potential for this to be problematic in the future. Within the Eden Local Plan, land is allocated in Policy PEN1 for employment purposes as an extension to Gilwilly Business Park and at Skirsgill. Longer term strategic growth is identified at Newtown Rigg College which is no longer an educational facility. This is a departure from the now adopted Eden Local Plan and, if approved, would set a precedent for large scale development in the open countryside.</p>

Planning application number (continued)	22/0954
Site address:	CROSSFIELD FARM BOWSCAR PENRITH CA11 9NQ
Response (Continued)	<p>v. The development would cause harm to local amenity through the loss of open farmland as it sits in a highly visible position on a major route into the town.</p> <p>vi. The site is not adjacent to Penrith with easy walking and cycling links</p>

Planning application number:	23/0097
Site address:	PENRITH RAILWAY STATION ULLSWATER ROAD PENRITH CA11 7JQ
Description:	Listed Building Consent for the installation of a drinking water bottle refill station to the external wall of the station on Platform 1.
Response	RESOLVED THAT a response of No Objection be returned to Eden District Council..

Planning application number:	23/0037
Site address:	LAND NORTH OF EDEN BUSINES PARK COWPER ROAD PENRITH CA11 9FW
Description:	Outline application for Class B2, Class B8 and Class E(g) development, with approval sought for access.
Response:	<p>RESOLVED THAT a response of No Objection in principle be returned to Eden District Council with the following comment.</p> <p>Although this is an outline application for land allocated within the Eden Local Plan, the access to the site is not clear and seems to show access along the public footpath running alongside the site. Given that this is a very well used footpath it is essential that any access and egress from this site is completely separate to the footpath to maintain the amenity and safety for pedestrians.</p>

PTC22/215 Next Meeting

Members noted that due to parish elections, the next meeting was scheduled for 5 June 2022 at a time to be agreed, Unit 2, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR

CHAIR:

DATE:

FOR THE INFORMATION OF ALL MEMBERS OF THE PLANNING COMMITTEE AND FOR INFORMATION FOR 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

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 Wednesday via office@penrithtowncouncil.co.uk



Penrith Town Council

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

Tel: 01768 899 773 Email: office@penrithtowncouncil.gov.uk

DRAFT Minutes of the meeting of the

FINANCE COMMITTEE

Held on Monday 24 April 2023, at 4.00 p.m.

PRESENT

Cllr. Burgin	South Ward	Cllr. Rudhall	East Ward
Cllr. Kenyon	North Ward	Cllr. C. Shepherd	East Ward
Cllr. Knaggs	West 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 24 APRIL 2023

The Chair proposed a late amendment and addition to Agenda 11 item Internal Audit 2022/23 and 2023/24. This was approved.

FIN22/103 Apologies for Absence

There were no apologies for absence.

Cllr. Lawson was absent without apologies.

FIN22/104 Confirmation of the Minutes

Members authorised the Chair to sign the Minutes of the Meeting of the Finance Committee held on Monday 20 March 2023.

FIN22/105 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.

There were no declarations of interest and requests for dispensations.

FIN22/106 Public Participation

Members noted that there were no questions or representations from members of the public.

FIN22/107 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:

No items should be considered without the presence of the press and public.

FIN22/108 Payments for Approval

- a) Members noted that prior to the meeting, Cllr. Kenyon and Cllr. C. Shepherd verified and confirmed that the banking transaction history for March 2023 reconciled and agreed with the transactions circulated with the meeting documents.

FIN22/108 Payments for Approval, continued

b) Members considered the Monthly Report of Payments for March 2023.

RESOLVED THAT:

The Monthly Report of Payments for March 2023 be approved.

FIN22/109 Bank Reconciliation

Members considered the Bank Reconciliation for the HSBC Bank account for the period ending 31 March 2023.

RESOLVED THAT:

The Bank Reconciliation for the HSBC Bank account for the period ending 31 March 2023 be approved and signed by Cllr Knaggs.

FIN22/110 Governance and Accountability for Smaller Authorities

Members noted the publication of the Practitioners Guide 2023.

RESOLVED THAT:

Members recommended to Full Council that it adopts the Practitioners Guide 2023 which is mandatory for 2023/24 and adopt its provisions for 2022/23.

FIN22/111 Asset Register

Members reviewed the Asset Register as of 31 March 2023 noting that the statement shows the full asset register and a reconciliation of transactions in 2022/23. For accounting purposes, assets have been valued in accordance with the Council's Valuation Policy and total £181,919.13; this figure is summarised in the AGAR Accounting Statements. The insurance value for the same assets is £689,674.

RESOLVED THAT:

The Asset Register be approved and go forward to Full Council for ratification.

FIN22/112 Finance Outturn Report – Year Ended 31 March 2023

Members reviewed the final outturn report for the financial year ended 31 March 2023.

RESOLVED THAT:

The final outturn report for the financial year ended 31 March 2023 be approved and go forward to Full Council where it be recommended to be accepted and ratified.

FIN22/113 Internal Audit 2022/23 and 2023/24

- a) Members reviewed the Internal Audit Final Report for the year ending 31 March 2023.

RESOLVED THAT:

The Internal Audit Final Report for the year ending 31 March 2023 go forward to Full Council where it be recommended to be accepted and approved.

Council officers be thanked for their work and involvement in receiving a positive audit.

- b) Members considered the review of effectiveness of internal audit provision during 2022/23.

RESOLVED THAT:

The review of the effectiveness of internal audit provision during 2022/23 be approved as it was confirmed that the function had operated effectively during 2022/23.

- c) Members considered the reappointment of the Internal Auditor for 2023/24.

RESOLVED THAT:

Mrs G. Airey be reappointed as the Internal Auditor to the Council for 2023/24 and this go forward to Full Council for ratification.

FIN22/114 Review of the System of Internal Control and Annual Governance Statement 2022/23 (Section 1 of the Annual Governance and Accountability Return (AGAR))

- a) Members noted that the Town Council must carry out an annual review of the effectiveness of the system of internal control prior to the completion of the Annual Governance Statement. A full review was carried out by this Committee on the 20 March 2023 and ratified by Full Council on the 27 March 2023. The review confirmed that the Council's system of internal controls was effective; the review of the effectiveness of internal audit provides further support for that assessment.
- b) Members reviewed the Annual Governance Statement for 2023/24 prior to its approval by Full Council

RESOLVED THAT:

The Annual Governance Statement Section 1 of the Annual Governance and Accountability Return go forward to Full Council for approval.

FIN22/115 Annual Governance and Accountability Return (AGA) 2022/23: Accounting Statements

Members reviewed the Accounting Statements 2022/23 (Section 2 of the AGAR) prior to approval by Full Council.

RESOLVED THAT:

The Accounting Statements 2022/23 (Section 2 of the AGAR) be recommended to go forward to Full Council for approval.

FIN22/116 Next Meeting

Members noted that the next meeting of the Finance Committee was scheduled **for Monday 26 June 2023 at Penrith Town Council Office, Board Room, Unit 1, Church House** at a time to be confirmed.

PART II PRIVATE SECTION

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

CHAIR:

DATE:

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

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Penrith Town Council

ITEM 10

Membership of Outside Bodies 2023-2024

Guidance for Town Councillors appointed as representatives to external community and local organisations (Outside Bodies)

Penrith Town Council believes that appointing representatives to community and local organisations is of considerable value to both the organisation and the Council. Representation for Outside Bodies are confirmed annually by Full Council or when required and it is recommended that the Member who is appointed as the representative should have a particular interest in, or possess knowledge of the responsibilities of the outside body. Engagement with Outside Bodies is key to helping the Councils deliver their priorities for the people and in supporting the Bodies themselves to deliver their objectives. Councillors participate in a variety of external organisations and support the development of important community services. Members appointed to outside bodies are able to work with and alongside local community groups, helping to empower them in terms of addressing local issues. Benefits of membership include but are not limited to:

- Provide knowledge, skills and expertise, which may not otherwise be available.
- Ensure that good relationships and effective communication can be maintained with the body.
- Protect the Council's investments or assets i.e. if the Council has provided grant funding or provides funding for service delivery.

In the context of this guidance 'outside bodies' include trusts, companies, charities, school governing bodies, industrial and provident societies and community associations. Councillors may be involved as a director, trustee, governor or member (with or without voting powers).

With the increasing emphasis on partnership working, councillors, as community leaders, have an important role to fulfil in supporting and advising outside bodies. However, this can give rise to conflicts of interest, particularly where the organisation is seeking or receiving funding from the Council. Councillors always need to be clear about their roles and alert to potential conflicts of interest in order to ensure transparency and public confidence in local democracy.

The purpose of this guidance is to assist councillors in the discharge of their responsibilities on outside bodies clearly and effectively. It covers, primarily, the position of councillors appointed by the Council to serve on outside bodies, though much of the advice applies equally to councillors who are involved with

outside bodies in a private capacity. In those situations, however, the Council's insurances will not apply.

Application of the Code of Conduct for Members

Whilst representing the Town Council, Councillors are reminded that they are subject to abide by the Penrith Town Council Standing Orders and Code of Conduct. Members found to have breached the Council's Code of Conduct will be removed from representing the Council on Outside Bodies for the term of the Council.

Councillors who serve on more than one body, in particular, need to be mindful of potential conflicts of interest and always act in an open and transparent manner in carrying out their respective roles. For example, where a councillor is at a council meeting considering an application for a grant or a community asset transfer request from a parish council or other public body of which they are a member, they should declare the existence and nature of their interest. Having done so, they may take part in the discussion of that item and vote, unless there are particular reasons why this would not be appropriate. It is also advisable as a matter of transparency, to include details of the interest in their register of interests.

Predetermination and Bias

Predetermination occurs where someone has a closed mind so that they are unable to apply their judgement fully and properly to the issue requiring a decision. This can lead to legal challenges and decisions being set aside.

The Localism Act 2011 has clarified the rules on predetermination. It makes it clear that a councillor is not deemed to have had a closed mind on an issue just because they have indicated what view they have taken or may take before the issue is decided. A councillor is not, for example, prevented from participating in discussion of an issue, or voting on it, if they have campaigned on the issue or made public statements about their approach to it. The general position remains however, that, whatever their views, councillors must approach their decision-making with an open mind in the sense that they must have regard to all material considerations and must be prepared to change their views if persuaded that they should.

Councillors need to be aware that decisions may be challenged and set aside on the grounds of bias. Under common law, bias involves some element of partiality or personal interest in the outcome of a case, because of a close connection with the parties, or the subject matter of the dispute, or because of a tendency towards a particular shared point of view. The relevant test for bias is whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the decision-maker was biased. The risk of a successful challenge on these grounds may be overcome by proper observance of the requirements of the Code of Conduct and particularly the provisions set out above.

Liability, Insurance and Indemnity

Councillors can incur personal civil and criminal liability from formal participation in outside bodies. However, under section 265 of the Public Health Act 1875 (as applied by Section 39, Local Government (Miscellaneous Provisions) Act 1976), councillors enjoy statutory immunity from civil liability where they act within the powers of the authority, in good faith and without negligence. This immunity does not apply however, where they act beyond the powers of the Council or act in bad faith (i.e. with dishonest or malicious intent) or negligently, and it does not protect them from criminal liability, for example for fraud where they exercise managerial responsibilities.

Penrith Town Council has a wide insurance provision to protect its assets and liabilities. Within these provisions, the Council has extended its cover to protect Councillors when carrying out duties in connection with the business of the Council.

Confidential Matters

Councillors appointed to serve on outside bodies should be mindful of their legal obligations regarding disclosure of confidential information and in case of doubt should seek advice from the Town Clerk or solicitor. Councillors are not at liberty to divulge any Penrith Town Council matters of a confidential nature to any individuals or organisations irrespective of their representative role.

General

As part of the new councillor induction process, Members will be supported to develop an understanding of their role and responsibilities regarding participation on Outside Bodies, and provided with appropriate guidance. Members will receive a briefing from officers about the role of the body, the Council's policy position in relation to this area of work, and any key information and facts that Members need to be aware of prior to attending their first meeting. A Senior Officer is designated as a link for each outside body, and their contact name and details are made available to Members and as part of the general list and information relating to Outside Bodies.

Councillors acting as representatives do not have authority to commit Council to any course of action or any financial obligation without the matter being referred to Council for consideration.

Members are welcome to attend any Outside Bodies as part of their own ward case work or personal interest in a private capacity rather than as a representative of the Council. Members will need to ensure that they are clear in advising these Bodies when they are not serving on them as a representative of the County Council and its views.

Procedures

There are two categories of representation:

1. Representatives to organisations that are legally or constitutionally required to have a Town Council representative: for example Eden Association of Local Councils.
2. Representatives who are requested by organisations but where there is no legal, constitutional or funding obligation.

Representatives appointed under the first category will be expected to attend meetings of that organisation on a regular basis and make oral reports to Council after each meeting.

Representatives appointed under the second category should attend meetings where possible and report to Council after each meeting attended.

Representatives are expected to report in writing if they are unable to attend the next Full Council meeting.

It is imperative that the Town Council's representative report to the Town Council includes any matters which could have a major impact on the town or its residents or which are contrary to Council policy. If necessary, such matters should be reported to Council in a confidential session of the meeting and at the earliest opportunity.

In addition, they may give prior notice to the Town Clerk / Chair of the Council that they wish to raise a matter for consideration by Council and that matter will be itemised on the next appropriate Council agenda.

Councillors attending organisations' AGMs are expected to submit to Council copies of the organisation's Annual Report and Accounts.

All Members who are appointed to Outside Bodies will provide an annual report to feedback any key matters from their attendance on the Outside Body. This would form part of the Annual Town Meeting Agenda and Annual Report.

Review This guidance, the appointments and the register of Outside Bodies is reviewed as and when new appointments are agreed throughout the municipal year and at least once a year at the Annual Town Council Meeting.

Representatives to external bodies and community organisations and informal groups in 23-24			
Organisation	Officers	Members	Substitute
106 Partnership			
A66 Community Liaison Group	Deputy Town Clerk Economic Development Officer		
WFC Assoc. of Local Councils	Town Clerk		
Eden Health and Wellbeing Forum	Economic Development Officer		
WFC Resilience Group	Town Clerk Services & Contracts Manager		
Friends of Coronation Gardens			
Local Cycling and Walking Infrastructure Plan	Deputy Town Clerk Economic Development Officer		
Parking and Movement Study	Deputy Town Clerk, Economic Development Officer		
Borderlands	Deputy Town Clerk, Economic Development Officer		
Penrith Action for Community Transition	Town Clerk		
Penrith and Eden Refugee Network			
Rural Market Town Group - Officers	Town Clerk Economic Development Officer		
Rural Market Town Group - Members			

Representatives to external bodies and community organisations and informal groups in 22-23			
Organisation	Officers	Members	Substitute
Town Working Group	Deputy Town Clerk Economic Development Officer		
Town Working Group- Sub-groups	Officers and Members depending on the purpose of the group		
Zero Carbon Cumbria Partnership	Town Clerk		
Devolution LGR strategic group Including any specific working groups for individual assets	Lead Member Chair and Vice Chair		
	Services and Contracts Manager Solicitor Town Clerk		



STANDING ORDERS

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2. Disorderly conduct at meetings
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6. Extraordinary meetings of the council, committees & sub-committees
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8. Voting on appointments
9. Motions on Notice
10. Motions at a meeting that do not require written notice
11. Management of information
12. Draft minutes
13. Code of Conduct & dispensations
14. Code of Conduct complaints
15. Proper Officer
16. Responsible Financial Officer
17. Accounts and accounting statements
18. Financial controls & procurement
19. Handling staff matters
20. Responsibilities to provide information
21. Responsibilities under Data Protection legislation
22. Relations with the press/media
23. Execution and sealing of legal deeds
24. Communicating with district and county or unitary councillors
25. Restrictions on councillor activities
26. Standing orders generally

1. Rules of Debate at Meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, is expressed in writing to the Chair.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k One or more amendments may be discussed together if the Chair of the meeting considers this expedient, but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.

- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the Chair of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the Chair of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.

- t Excluding motions moved under Standing Order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the Chair of the meeting.

2 Disorderly Conduct at Meetings

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any councillor or the Chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3 Meetings Generally

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**

e Questions

- i. Members of the public may make representations, ask 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.
- ii. A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Town Clerk no later than midday one clear working day (that is not counting the day of the meeting ~~or the day of delivery~~) before the day of the meeting.
- iii. Each question must give the name and address of the questioner.
- iv. At any one meeting no person may submit more than one question and no more than two such questions may be asked on behalf of one organisation.
- v. The Town Clerk may reject a question if it:
 - A. is not about a matter for which the town council has a responsibility or does not affect the parish;
 - B. is defamatory, frivolous or offensive;
 - C. is substantially the same as a question which has been ~~put~~ asked at a meeting of the Council in the past twelve months; or
 - D. requires the disclosure of confidential or exempt information.
- vi. The Town Clerk will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put if applicable.
- vii. Rejected questions will include reasons for rejection.
- viii. Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.
- ix. Questions will be asked in the order in which notice of them was received, except that the Chair may group together similar questions.
- x. At the meeting the Chair will invite the questioner to put the question to the Member named in the notice.
- xi. If a questioner who has submitted a written question is unable to be present, he/she/they may ask the Chair to ask the question on the questioner's behalf or indicate that a written reply will be given.
- xii. Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer provided within 5 working days after the meeting.
- xiii. Any Member may move that a matter raised by a question be referred to the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed fifteen minutes unless directed by the Chair of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than three minutes.
- h In accordance with standing order 3(e), 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.
- i A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The Chair of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the Chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his absence be done by, to or before the Vice-Chair of the Council (if there is one).**

- o **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- p **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- q **The Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his/her/their casting vote whether or not he she/they gave an original vote.**

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

- r **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his/her/their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda
- s The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors who are present and the names of councillors who are absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.

- t **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest, or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- u **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than five for Full Council and three for committees.**

See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.
- v **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- w A meeting shall not exceed a period of two hours without a proposal approved to extend a meeting by those present.

4 Committees & Sub-committees

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;

- iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
- v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer seven days before the meeting that they are unable to attend;
- vi. shall, after it has appointed the members of a standing committee, appoint the Chair of the standing committee;
- vii. shall permit a committee other than a standing committee, to appoint its own Chair at the first meeting of the committee;
- viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

5 Ordinary Council Meetings

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**

- f **The Chair of the Council, unless he/she/they has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chair of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he/she/they shall preside at the annual meeting until a new Chair of the Council has been elected. He/she/they may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:
 - i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 4;

- ix. Review and adoption of appropriate standing orders and Financial Regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and other assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the General Power Of Competence.
- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

6 Extraordinary Meetings of the Council, Committees & Sub-committees

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The Chair of a committee or a sub-committee may convene an extraordinary meeting of the committee or the sub-committee at any time.

- d If the Chair of a committee or a sub-committee does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee or the sub-committee, any two members of the committee or the sub-committee may convene an extraordinary meeting of the committee or a sub-committee.

7 Previous Resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least three councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8 Voting on Appointments

- a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the Chair of the meeting.

9 Motions on Notice

- a "Motion on Notice" is a written request to Council for a decision to be made or action to be taken. A proposed motion on notice should outline the background why the request is being made, what is being asked at Council, the potential implications for the Council of making that decision and the form of the resolution the Council is to be requested to adopt.
- b A Motion on Notice must be about a matter for which the Council has a responsibility, or which affects the administrative area of the council or part of it, or the inhabitants of that area or some of them. The Proper Officer shall, in consultation with the Chair, reject any proposed motion that is deemed outside of the Council's powers (*ultra vires*), illegal, or improper by virtue of being defamatory or offensive.
- c A Motion on Notice will be considered by Council after Public Participation as motions on notice are generally of public interest.
- d No motion may be moved at a meeting unless it is on the agenda

and the mover has given notice of its wording in accordance with this Standing order.

- e Unless there are overriding exceptional circumstances, at least 21 days prior to the Council meeting, any Member expecting to submit a motion must notify the Proper Officer of the intention to do so. The Proper Officer will then engage with other relevant officers or Members as required by the nature of the proposed motion.
- f The Councillors and Officers may liaise with each other about the nature of the motion, including discussion with the proposer, on any relevant action the Council is already taking in respect of the issue and any clarification on the wording of the motion.
- g Overriding exceptional circumstances would be those cases where the Councillor proposing the motion could not have reasonably foreseen the need to notify their intent to submit the motion at least 21 days prior to Council. Such a motion may only be included on the Council agenda with the approval and written permission of the Chair.
- h The Proper Officer may, before including a motion on the agenda correct obvious grammatical or typographical errors in the wording of the motion.
- i If the Proper Officer considers the wording of a motion received is not clear in its meaning, the motion shall be rejected until the mover of the motion resubmits it in writing, so that it can be understood.
- j If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- k The final version of the motion on notice must be delivered in writing or by electronic mail to the Proper Officer no later than midday ten clear days (clear days do not include the day of the notice or the day of the meeting), before the day of the meeting.
- l The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.

- m Each Member may put one motion on notice at each Council meeting. A maximum of three motions may be considered at each Council meeting unless the Chair agrees, by virtue of special urgency, that additional motions may be considered. Any motions that cannot be considered at the meeting will be deferred for consideration at a future meeting of Council.
- n The motion on notice can be moved and seconded at the meeting by any Member. If the motion on notice is not moved, it will be treated as withdrawn and may not be moved without another notice in accordance with these rules. A motion may be withdrawn at any time by the proposer of the motion.
- o Once the motion has been moved and seconded, the Chair will invite Members to debate the motion. Each Member may speak only once, for a maximum of three minutes on the motion. The proposer has the right of reply at the conclusion of the debate for three minutes.
- p The Chair has the discretion to extend the time allowed to allow for the proposer (with the agreement of the seconder) to amend the motion, or to allow for the proposer to respond to questions or points of clarification on the motion.
- q At the conclusion of the debate, the motion shall be put to a vote and determined by a simple majority of those present and voting.
- r Where an agreed motion on notice refers a matter to a committee for consideration, then a report shall be presented in due course to the Council on how the motion on notice was considered by that committee and any consequential outcomes as a result.

10 Motions at a Meeting that do not require Written Notice

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;

- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

11 Management of Information

See also standing order 20.

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

12 Draft Minutes

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13 Code of Conduct & Dispensations

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he/she/they has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she/they has a disclosable pecuniary interest. He/she/they may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he/she/they has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she/they has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer OR by a meeting of the Council, or committee or sub-committee for which the dispensation is required, and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required OR at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.

- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
 - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

14 Code of Conduct Complaints

- a Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- c The Council may:
 - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
- d **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

- e The Council shall have the authority to:
- i. seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter;
 - ii. seek and share information relevant to the complaint;
 - iii. Liaise with the Monitoring Officer throughout the procedure to ensure appropriate governance;
 - iv. Maintain accurate and confidential records.
 - v. Make recommendations to the Council based upon the investigations and agree appropriate resolutions to progress the matter.
 - vi. There are no specific sanctions for breach of the code, so the Council can only exercise its powers under general law. The Council can make recommendations which may include:
 - Publicise the breach
 - Censure or reprimand the member
 - Remove the member from committees (but not from the Council)
 - Restrict the member's access to Council premises{Note: there is no power to suspend or disqualify a member, to require a member to undertake training or to require a member to apologise.}

15 Proper Officer

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- **at least three clear days before a meeting of the council, a committee or a sub-committee:**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;

- subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his/her/their withdrawal of it;
- **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her/their office;**
- **facilitate inspection of the minute book by local government electors;**
- **receive and retain copies of byelaws made by other local authorities;**
- hold acceptance of office forms from councillors;
- hold a copy of every councillor's register of interests;
- assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- liaise, as appropriate, with the Council's Data Protection Officer;
- receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- arrange for legal deeds to be executed;
(see also standing order 23);
- arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its Financial Regulations;
- record every planning application notified to the Council and the Council's response to the Local Planning Authority in a book for such purpose;
- refer simple planning applications received by the Council that require a response between official meetings of the committee to the members of the committee with a recommendation prior to a response being made.

- a request will be made to the local planning authority for an extension to the timescale for response for any complex or contentious applications so that they can be taken to committee. If an extension to the time period isn't approved, a special meeting will be called to consider the application.
- manage access to information about the Council via the publication scheme; and
- retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(see also standing order 23).

16 Responsible Financial Officer

- a The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

17 Accounts & Accounting Statements

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.
- c The 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.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall present:
 - i. The Council with a summary of the income, expenditure and reserves position compared to the annual budget for the year just ended; and
 - ii. the Council with the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval. The return is to be approved by Council before 30 June and submitted to the external auditor to meet its timescale.

18 Financial Controls & Procurement

- a. The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial Regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds referred to in standing order 18(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. Subject to additional requirements in the Financial Regulations and/or the Procurement Policy of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm:
 - the Council's specification.
 - the time, date and address for the submission of tenders.
 - the date of the Council's written response to the tender.
 - the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process.
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate.
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer.

- v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed.
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
 - f. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules.**

19 Handling Staff Matters

- a A matter personal to a member of staff that is being considered by a meeting of Council is subject to standing order 11.
- b The Council Chair shall conduct a review of the performance and annual appraisal of the work of the Town Clerk. The appraisal shall be reported in writing and is subject to approval by resolution by the Finance Committee and any recommendations for salary resolutions referred to Full Council.
- c Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chair of the Council in respect of an informal or formal grievance matter, and this matter shall be progressed by the Finance Committee
- d Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the employees relates to the Chair this shall be communicated to the vice Chair.
- e Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- f In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20 Responsibilities to Provide Information

See also standing order 21.

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b. **The Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

21 Responsibilities under Data Protection Legislation

(Below is not an exclusive list).

See also standing order 11.

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

22 Relations with the Press/Media

- a Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

23 Execution and Sealing of Legal Deeds

See also standing orders 15(b)(xii) and (xvii).

- a The legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b Subject to standing order 23(a), the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.
- c The common seal of the Council will be kept in a safe place in the custody of the Town Clerk. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision.
- d The common seal will be affixed to those documents which in the opinion of the Council's solicitor should be sealed. The affixing of the common seal will be attested by the Town Clerk or solicitor.
- e An entry of every sealing of a document shall be made and consecutively numbered in an electronic register to be provided for the purpose and shall be signed by the person who has attested the seal.

24 Communicating with District and County & Unitary councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council OR Unitary Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the District and County Council OR Unitary Council shall be sent to the ward councillor(s) representing the area of the Council.

25 Restrictions on Councillor Activities

- a. Unless duly authorised no councillor shall:
 - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.

26 Standing Orders Generally

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 3 councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

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ITEM 15 b

DRAFT HOMEWORKING POLICY

This policy describes the working arrangements and expectations that will apply for an employee who has successfully applied for formal and regular flexible working or if an employee is employed on this basis.

Tasks that are suited to regular homeworking typically are those that are primarily task-based.

However, office-based flexible workers may also take the opportunity to work from home time to time to undertake work for which face-to-face interaction with others is not required (such as writing a report) and where concentration is not interrupted. This is informal, ad hoc and is explained in Appendix 4.

1. Introduction

- 1.1 Penrith Town Council recognises that home working is a form of flexible working arrangement which offers benefits to the Council and its employees and that its successful operation requires the commitment of both parties.
- 1.2 Whilst the Council is seeking to support alternative ways of working, operational requirements of the Council and the needs of other employees will be taken into consideration before any decisions are made.
- 1.3 Home working is not a right and will clearly be unsuitable for some employees.
- 1.4 The Council recognises that home working can involve stresses because of lone working and the loss of social interaction with colleagues and that these factors need to be reflected in the communication plans and management arrangements for home working.
- 1.5 Agreement will be made on a case-by-case basis and made on the information provided in the Flexible Working Application Form.
- 1.6 Home based working represents a long-term commitment for both the individual and the Council.
- 1.7 During the application process for flexible working the impact on Council operations and office management will be considered.

- 1.8 Arrangements should normally only be entered into where there is an expectation on the part of the individual and the Council that it will endure for a reasonable period, that the tasks are suitable for home working, that the employee is equipped to remote work and agrees to comply with the requirements of the home working agreement.
- 1.9 There will be no compulsion on existing staff to work from home and ad hoc homeworking is available. Home working cannot be imposed on any existing employee without proper assessment, consultation, and agreement.
- 1.10 Posts advertised as "home based" would be exempt from the need for such negotiation and agreement but would be subject to assessment.
- 1.11 Refusal to agree home working should not disadvantage employees.

2. Definitions

- 2.1 **Formal and regular home worker** –home workers will work from home on a regular basis, for example one or two days a week, as agreed with the Council. When at home regular home workers will access Council systems remotely using IT equipment.
- 2.2 When in the office regular home workers, will not have an allocated desk in the Council office but will have access to hot desks.
- 2.3 Regular home working follows a set pattern and may be requested as part of the Council's Flexible Working Policy, for example to enable an employee to balance work and dependent care more easily and effectively (however, employees cannot expect to be able to undertake such care whilst working).

3. Scope of this policy

- 3.1 Applies to all staff who are regularly home-based whether full time, part time or on fixed term contract.
- 3.2 To request formal and regular home-based working, please refer to the **Flexible Working Policy**.
- 3.3 This policy does not apply to office-based staff who work from home on an ad hoc basis. In this category, adopting a regular pattern of home working – for example assigning a set day each week as 'my working from home day' – does not fit within the principles of flexibility as it is too rigid an arrangement. Where this happens, it should be requested and agreed as 'regular home working'.
- 3.4 Ad hoc home working is where an employee works from home on an occasional basis when it is appropriate or beneficial to do so. This would typically be on occasions when the diary is clear, and work requires concentration and no need to interact face-to-face with others. Another example might be where there is travel disruption due to adverse weather preventing the home to work journey being made. Ad hoc home working is most likely to be undertaken by 'office-based flexible workers' and fits well with the Council's requirement for officers to work flexibly if it is irregular in nature - Refer to Appendix 4.

4. Efficiencies of service provision.

- 4.1 For home working to take place on a permanent or regular basis it must be established that the work to be done at home can be completed without regular/frequent face-to-face contact or direct supervision.
- 4.2 Home working is not an alternative to the provision of paid care and will not be considered where an employee is looking to reduce the cost of care by carrying out caring functions alongside home working.

5. Situations where permanent or regular home working may be considered:

- 5.1 Home based working arrangements will only be considered where:
 - a) If approved the home working agreement will be on a trial basis for a three-month period.
 - b) No new employee will be able to commence home based working until 6 months after joining the Council, having successfully completed their induction and probation and having worked at a permanent Council building for that time.
 - c) The person needs to be fully conversant with the tasks of the job and able to meet their administrative obligations.
 - d) Home based working is undertaken by the individual on a voluntary basis.
 - e) Once facilities have been made available to the individual and the 3-month trial period has been satisfactorily completed, including complete compliance with the home working agreement, the arrangement will be confirmed in writing.
 - f) An employee can complete tasks on a regular basis, either at home or in the office.
 - g) The job does not involve a high degree of personal interaction with colleagues or public.
 - h) The employee is willing and able to attend the Council when required for essential interaction with colleagues, team meetings, management meetings, individual supervision meetings, training, and development.
 - i) When seeking approval to fill a vacancy (management led).
 - j) In response to organisational change and business transformation (management led).
 - k) At the point of recruitment and selection (management or employee led)
 - l) When a current employee requests permanent or regular homeworking (employee led – see Flexible Working Policy).

6. In assessing the suitability of a post for permanent or regular home working, consideration will be given to:

- a) The cost implications.
- b) The suitability of the job to be carried out from home.
- c) The suitability of the work location within the home.
- d) The suitability of the employees' personal circumstances.
- e) The employee's ability to work from home and their capability and performance.
- f) Impact on Council operations, office management and colleagues.

7. Other issues to be considered:

- 7.1 **Contractual Changes-** The Council must ensure that revised contract documentation is issued as necessary to confirm the home working arrangements. A home working agreement must be completed and signed by the employee prior to home working. A copy is given to the employee and copy will be held on their personal file.
- 7.2 **Performance Management** – employees working from home will be subject to the same performance appraisal measures, processes, and objectives that apply to all other employees. Performance reviews will require a face-to-face meeting.
- 7.3 **Work Patterns** - working hours and patterns, contact times and availability should be agreed in advance. Other conditions of employment, as set out in the contract, apply. If any employee has any concerns with their working arrangements, they must bring the matter to the attention of Council immediately.
- 7.4 **Pay and benefits** - are not affected on the basis that the fulltime hours for the post are worked. Part-time employees will be entitled to salary and other benefits on a pro-rata basis.
- 7.5 **Ending the Agreement-** The Council reserves the right to withdraw home working from an employee. However, it would not be withdrawn without discussion and 4 weeks' notice given.
- 7.6 **Employer costs** - The costs to the employer of supporting home working will vary. The baseline costs consist of the equipment that may be required at the employee's home. The costs of setting up a workstation should be considered before Council agrees to home working. The Council will not pay to install a broadband connection or make a contribution to the monthly cost of this.
- 7.7 **Employee costs** - The employee will not incur any direct costs because of working from home. There will be no additional allowances for heating and lighting, broadband or other incidentals paid to the employee when they are working from home. However, under income tax law if an employee incurs any additional household costs for heating and lighting because of working at home, they may be able to claim tax relief on these up to an amount, without supporting evidence of costs that the employee may incur. An employee may submit a claim form to HMRC for this amount for heating and lighting in relation to home based working on a quarterly basis as part of their claims process. For more information, please see the following website: <http://www.hmrc.gov.uk/incometax/relief-household.htm>

8. Expectations

- 8.1 The expectation of both the employee and Council will be set out in a home working agreement (Appendix 5), signed by both parties before home working commences.
- 8.2 Employees working from home on a permanent or regular basis should demonstrate that they have:
- a) Completed a Flexible Working Application.
 - b) Will meet the requirements of the home-based working checklist, including administrative responsibilities, timesheet completion and monitoring data.
 - c) Assessed the impact of home-based working on their work and home life.
 - d) Undertaken a risk assessment which has been submitted and considered by the Services and Contracts Manager and deemed satisfactory.
 - e) Worked independently and on their own initiative to the standard expected (employees who are frequently late for work, have a high level of absenteeism, or who frequently miss work deadlines may not be considered ready to manage their own day and work schedule)
 - f) Worked in accordance with the core hours agreed with their Council.
 - g) Completed projects within set deadlines and managed their workload effectively.
 - h) Considered how they will cope under any new pressure posed by working at home and adjust to new work practices.
 - i) Agreed to maintain contact with all affected maintaining their Outlook calendar and email to show when they are working from home and that they are in/ out of the office.
 - j) Agreed to comply with the information security and data protection policies.
 - k) Agreed arrangements with the Council so that Council is informed of their whereabouts and can monitor performance.
 - l) Agreed to visit the office, for example to attend team meetings and training sessions 'as agreed and/or as may reasonably be required at other times due to operational needs.
 - m) Agreed to ensure that they will be up to date with organisational news and information via update emails and the staff intranet.
 - n) Notify Council of sickness absence following the normal Council sickness reporting rules.
 - o) Agreed to inform the Council immediately if there are any planned changes to their domestic circumstances (e.g., moving home) so that the arrangement can be reviewed.
 - p) Agreed to seek and gain approval from the Council for any proposed annual leave, special leave etc.
 - q) Agreed to allow access to their home to allow safety checks to be made and for furniture/equipment to be delivered or collected (in the event of employment terminating this may be after leaving the Council)
 - r) Agreed to maintain loaned furniture and equipment appropriately, reporting defects immediately and on request provide the equipment for inspection.
 - s) Notify the Council about claims (or potential claims) on the Council's insurance.

If an employee fails to meet the required standards of work, fails to be available when reasonably required or misuses any equipment of the Council, formal action may be taken in line with the Council's capability and disciplinary procedures.

Council will:

- a) Discuss the requirements and implications of the home working agreement with the individual.
- b) Consider with the person whether there needs to be a change to the structure/method of working.
- c) Ensure the person is fully trained on equipment/technology.
- d) Ensure the information security requirements are met.
- e) Ensure a risk assessment is carried out with the Health & Safety Section
- f) Consider work outputs e.g., how it will be monitored, produced, and delivered.
- g) Provide an appraisal/performance review, communications, access to learning and development and career development opportunities and team events as for other Council employees.
- h) Set clear work objectives with measurable outputs which must be established and documented, in advance of the arrangement commencing which will be reviewed through face-to-face meetings.
- i) Establish how the employee will be kept informed of matters that affect them or their work.
- j) Make clear, in writing, how productivity and performance management issues will be assessed.
- k) Inform the employee of meetings; training sessions and other events they would expect them to attend and will also ensure that the employee is kept up to date with information relevant to their work.
- l) Ensure that home working arrangements do not have an adverse effect on any group of employees.
- m) Regularly review the arrangement.
- n) Keep an asset register of Council furniture/equipment held at the employee's home ensuring the person signs for all such equipment.
- o) Perform appropriate business information security checks.
- p) Perform safety checks in accordance with the Health & Safety guidance.
- q) Advise the Council's insurers of any claims/potential claims on the Council's policies.
- r) Ensure people are aware of any changes in the Home-Based Working Policy.
- s) Review the arrangement for the individual home-based working status in the event of individuals moving house (e.g., impact on travel and subsistence, nearness to customer etc).

9. Workspace

- 9.1 Before applying for homeworking, you should ensure that you have a safe space to work.
- 9.2 The location must be adequate both for practical working and to comply with health and safety legislation. Ideally, you should have a separate room or area set aside for home working suitable to complete the work effectively and free from distractions.
- 9.3 Your desk should be large enough to accommodate your equipment and paperwork.
- 9.4 You should have sufficient storage and your workspace should be organised, so equipment is close to hand.
- 9.5 Your work area should be well lit, with natural lighting, if possible.
- 9.6 Meetings with service users and employees of other agencies must not be held at home.
- 9.7 Meetings with other employees at home should be avoided, unless absolutely necessary and appropriate.
- 9.8 Health and safety for home-based staff applies in the same way as office-based staff, insofar as is reasonably practicable, that you work in a safe manner and that you follow all health and safety instructions issued by us.
- 9.9 You must complete and submit a 'Home Based Workers Risk Assessment' (Appendix 1) to the Town Clerk.
- 9.10 There is a checklist for you to identify any possible hazards in your home working area (Appendix 2).
- 9.11 Following completion of the checklist, measures may need to be taken to control any risks identified.
- 9.12 This checklist should be completed annually, or more frequently if there are any changes to your arrangements such as new equipment or changes to your home-office space.
- 9.13 You must complete and submit a workstation risk assessment and ensure that this remains up to date:
<https://www.hse.gov.uk/msd/dse/assessment.htm>
- 9.14 If you have any questions about the risk assessment, or if you identify any potential risks when carrying out the assessment, you should refer these to the Services and Contracts Manager in the first instance.
- 9.15 (Appendix 3) provides homeworkers with an accident form.
- 9.16 **The Council reserves the right to visit you at home at agreed times for work-related purposes, including health and safety matters and to inspect, service or repair equipment (e.g., for PAT testing).**

10. Council Equipment

- 10.1 The Council will provide you with the following equipment for you to work from home and we will maintain and replace these items when necessary.
 - a) Laptop computer
 - b) Headset phone
- 10.2 It is your duty to ensure that proper care is taken of the equipment provided to you and to let the know of any need to maintain or replace the equipment. Should the risk assessment identify any further equipment that is necessary, please discuss this with the Services and Contracts Manager.
- 10.3 On request return any equipment to the office for updating and repair.
- 10.4 All equipment provided by the Council is for you to work safely and effectively at home and cannot be used for personal use by you or your family.
- 10.5 All equipment will belong to the Council, and you will be required to return it to us promptly should you leave our employment. If we are unable to make suitable arrangements, we may collect the equipment and any documents before your last day.
- 10.6 The equipment required will vary from case to case. The Council in conjunction with IT will make final decisions on what is needed. Where equipment is provided the employee must:
 - a) Take reasonable care of it and keep it secure.
 - b) Use it only for official purposes during working time.
 - c) Use it only in accordance with any operating instructions.
 - d) Return it to the council when requested.
 - e) Use it in accordance with any existing council policies.
 - f) Log it on regularly every Tuesday night and leave the equipment on to receive security and AV (anti-virus) updates.

11. Security use of the Council's systems and information

- 11.1 The employee must ensure that information and equipment are kept securely.
- 11.2 Council must be satisfied that all reasonable precautions are taken to maintain confidentiality of material in accordance with the Council's ICT and information security policies.
- 11.3 Hard copies of private and confidential material must be kept to a minimum when working at home and always kept in lockable secure storage. This material must be disposed of securely when it is no longer needed.

12. Hours of work

- 12.1 As a home-based worker, your contract of employment will specify the hours when we expect you to be at work and contactable by telephone or email.
- 12.2 There may be times during the working day when you are not available in which case these should be flagged to the Town Clerk with prior authorisation.
- 12.3 You are required to sign in as being online via email to all your colleagues, sign off in the same manner when you have lunch, return after lunch and finish for the day.
- 12.4 Your timesheet should reflect this pattern of work.
- 12.5 You must be mindful to take adequate rest breaks which should be, as a minimum:
 - a) A break of at least 20 minutes during each working day over 6 hours.
 - b) A daily rest break of at least 11 continuous hours, i.e., the time between stopping work one day and beginning work the next day, and,
 - c) At least one complete day each week when no work is done.

13. Working Time

- 13.1 Where the agreed working pattern allows for flexibility, both the Council and employee should monitor to ensure excessive hours are not being worked.
- 13.2 It is important that working patterns and hours are not detrimental to the employee's health and comply with the Working Time Directive and a suitable exemption to the 48-hour week is signed, where applicable.

14. Potential conflicts of interest

- 14.1 During your hours of work, the Council expects that your work environment enables you to work effectively and that you are not distracted by domestic matters. It is not appropriate to combine homeworking with caring for a dependant.
- 14.2 If there is an emergency and you need to attend to a non-work matter, then you should notify the Town Clerk or Services and Contracts Manager.

15. Data protection

- 15.1 As a home-worker you are responsible for keeping all documents and information associated with the Council, secure always. Specifically, homeworkers are under a duty to:
 - a) Keep filing cabinets and drawers locked when they are not being used,
 - b) Keep all Council documentation in a locked filing cabinet except when in use.
 - c) Set up and use a unique password for the laptop computer, and,
 - d) Ensure that documents are saved to SharePoint rather than the laptop computer's hard drive.
- 15.2 If you have a telephone conversation where you are discussing confidential work matters, you should ensure that such calls take place in privacy to avoid inadvertent breach of confidentiality.

16. Visits to work premises

- 16.1 You will be required to attend the office for a minimum of one day per week and attend any onsite meetings as there is no possibility of Council nor Committee meetings being held as hybrid.
- 16.2 On occasions we may need to attend Council offices for training, performance assessment meetings, team briefings etc. This will normally not be frequent, and the dates and times of such visits will be agreed in advance.

17. Insurance, mortgage, or rental agreements

- 17.1 Whilst our Employer's Liability Insurance extends to home-based staff, and any Council equipment installed in your home, you should ensure that any agreement with your landlord or mortgage lender allows you to work from home, and that your house buildings and contents insurance and covenants will not be invalidated by you working from home. It is the sole responsibility of the employee for such.

18. Dependent Care

- 18.1 Home working is not a substitute for full-time dependent care, especially for young children, or the elderly and alternative leave should be applied for.

19. If a request for flexible working is declined

- 19.1 If a request for home-based working is declined, reasons for the decision will be stated to the employee in writing.
- 19.2 This will be provided within 14 days and include the right of appeal in line with guidance on Flexible Working Policy.

20 Termination of home-based working

- 20.1 The Council may terminate this arrangement at any stage by giving the employee no less than one month's notice in writing.
- 20.2 Should the employee wish to cease formal home working for any reason, they may apply to the Council in writing, giving one month's notice of their wish to be considered for an office-based position.
- 20.3 The Council will consider the application and endeavour to accommodate the request but does not guarantee that it will be able to offer a suitable position in the employee's previous office location.

21 Home Based Working Policy Review

- 21.1 If the Council should at any time issue a revised Home-Based Working Policy, it will supersede this policy, and become the governing document for home-based working in the Council.
- 21.2 The policies and procedures in any such policy document will apply to employees undertaking Home Based Working and form part of their contract of employment.
- 21.3 Home based workers will be asked to enter into a formal home-based working agreement (Appendix 5). The agreement should be completed by employees and the Council in advance of the commencement of the home-based working arrangement.

Policy effective from: 15 May 2023

Date for next review: May 2028

Risk Assessment (RA) Title	Working from Home
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Date of RA	
Previous Review Date	

Version No	1
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APPENDIX 1

Summary of Activity RA Covers
The risk assessment outlines the potential risks to the health, safety and well-being of staff working from home and controls. The assessment considers general working from home risks and may be supplemented by individual risk assessments, as required.

Location(s) RA Covers	Home working location of staff members (general)	Person(s) RA Covers	Staff members who have formally requested to work from home
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NOTE: It is recognised by the HSE (Health and Safety Executive) that staff should not expect an individual workstation assessment when they are working at home temporarily but should do their best to achieve a reasonable posture while working on computers at home. If you are working from home on a nearly full time and permanent basis you will be required to assess your workstation.

Ref No	What are the Hazards & Issues?	Who/ What is at Risk?	Existing Controls	Further Controls	Action By
1.	Homeworking Environment: Inadequate space; cold, badly lit, unventilated workspace; home life distractions; caring responsibilities	All staff who are working from home	a. Staff should establish their homeworking base to consider good practice, good utilisation of space and advice that is available. b. A Flexible Working Policy is in place. c. Leave policies are available for staff to utilise for short-term home working. d. Home Working Policy in place with guidance.	Staff to seek advice and guidance, as necessary.	Staff as applicable

Ref No	What are the Hazards & Issues?	Who/ What is at Risk?	Existing Controls	Further Controls	Action By
2.	Equipment and set-up: Poor setup; inadequate equipment; lack of regular screen breaks; eye strain; muscular fatigue and discomfort	All staff who are working from home	<ul style="list-style-type: none"> a. IT Services provide staff with IT resources software and hardware and remote support. b. Staff encouraged to undertake the Display Screen Equipment (DSE) self-assessment, especially if experiencing DSE related health problems or a significant setup/equipment change occurs. c. All staff are encouraged to have an eyesight test on a regular basis and can claim the cost of the test. d. Staff are required, to take at least a 30-minute break for every 6 hours worked. e. Regular screen breaks advised every hour for 5-10 minutes. f. Staff are reminded to remain hydrated when working with DSE 	<ul style="list-style-type: none"> a. Staff should appraise themselves of the home working guidance. b. Where appropriate, staff may undertake DSE Self-Assessment and seek advice if concerned. 	Staff as applicable

Ref No	What are the Hazards & Issues?	Who/ What is at Risk?	Existing Controls	Further Controls	Action By
3.	Fire and Electrical Safety: Lack of inspection regime of cables and sockets; buildup of papers; lack of or not regularly checked smoke detectors	All staff who are working from home	<ul style="list-style-type: none"> a. Since 1992 Building Regulations require all new homes to be fitted with smoke detectors. Pre 1992 Fire Brigade recommended homes should be fitted with smoke detectors. b. It is the staff member's responsibility to maintain electrical systems and smoke detectors in their own home. c. PTC PAT Test or suitably inspect any 'loaned' equipment used for home working 	<ul style="list-style-type: none"> a. Staff to undertake frequent visual user checks of electrical equipment, extension leads, plugs and sockets used for home working. b. Staff to ensure extension leads are the correct type for the equipment being used. c. Staff to maintain good housekeeping standards around their work area 	Staff as applicable
4.	Mental Well-being/Lone Working: Irregular contact with Council and/or colleagues; working long hours	All staff who are working from home	<ul style="list-style-type: none"> a. Advice and guidance available from HR and OH. b. Council to maintain regular contact with their staff. 	<ul style="list-style-type: none"> a. Staff to contact a relevant person immediately if concerned e.g., Council, HR 	Staff as applicable
5.	Slips, Trips and Falls: Poor housekeeping; trip hazards from leads	All staff who are working from home	<ul style="list-style-type: none"> a. Staff should set up their work area in a suitable area e.g., away from 'known' trip hazards such as loose carpets and storage. b. Staff to manage leads, cables etc. to ensure they do not create a trip hazard. c. Staff aware of need to report all accidents, incidents, and near misses via the accident form at Appendix 3 		Staff as applicable

Ref No	What are the Hazards & Issues?	Who/ What is at Risk?	Existing Controls	Further Controls	Action By
6.	Manual Handling: Poor technique	All staff who are working from home	a. No staff member is required to undertake any work tasks at home that requires significant manual handling		
7.	Insurance: Inadequate cover or insurance provider	All staff who are working from home	a. Staff member has responsibility to assess household insurance implications		Staff as applicable
8.	Homeworking Review: a periodic review of arrangements is required to assure practices are working and staff are not placed at significant risk	All staff who are working from home	a. Review of homeworking and general wellbeing will be undertaken in August/September 2023, through a HR questionnaire		HR or/and individual

Homeworking Self-Assessment Checklist

The aim of this checklist is to assist you in assessing the health and safety of your home working environment by listing the main areas of assessment and the issues within each to be on the lookout for.

It is not intended to cover the areas to be assessed where home working is anything other than office work. If you answer no to any items, it is likely that a risk assessment for that issue will need to be done.

Answer yes or no. Please give further details for any 'no' answers

Name		
Job title		
Working Environment		
1. Is your working area suitable in terms of heating, lighting, and ventilation?		
2. Do you have sufficient space to work?		
3. Do you have sufficient separation from other individuals in the home, particularly children?		
4. Please confirm that there are no trip or slip hazards, such as trailing wires.		
Fire		
1. Do you have a clear escape route in the event of a fire?		
2. Are all combustible materials (including paper) stored safely and away from any possible sources of ignition?		
3. Are all possible ignition sources secure? Is there a working smoke alarm nearby?		
Electrical Equipment		
1. Can you confirm that there is no visible damage (including any signs of overheating) to sockets, plugs and leads?		
2. Are all cables secure in plugs with no inner cores of the cable visible?		
3. Where more power outlets are required, training extension boards (preferably incorporating surge protection) are used <u>not</u> multi-way blocks?		
4. Are there sufficient power outlets?		
5. Are there power outlets in the right place, to avoid trailing leads for example? If your company has a policy of PAT (Portable Appliance Testing), has your electrical equipment been tested?		
General Equipment		
1. Is the equipment supplied suitable for the job being done?		
2. Have you have received all the training you require on the equipment provided?		
3. Is there a safety guard on all equipment that requires it?		
4. Is Personal Protective Equipment available and used where required?		
Security		
1. Can all entrances, exits and windows be secured?		
2. Can any equipment and sensitive data be secured when not in use?		
3. Can you confirm that any 'office' equipment is not causing an additional burglary risk?		

Manual Handling 1. Have you had training in manual handling techniques, if moving heavy or bulky loads? 2. Please confirm that there are no tasks that require you to stretch across work surfaces or shelves or lift heavy or bulky items above shoulder height that do not have a current risk assessment? 3. Please confirm that there is no need for additional lifting and handling aids for any tasks to be undertaken.	
Display screen workstation 1. Have you had your eyes tested if you are having any form of eye strain? Do you have a footrest if you need one? 2. Have you read the HSE booklet "Working with VDUs"? 3. Is the screen free from glare and flicker? (Having light sources, such as windows, at right angles to the screen is usually best.) 4. Is the screen clear and readable, including the fine detail? 5. Can you adjust the brightness and contrast to prevent eyestrain? 6. Can you adjust the screen height, tilt, and swivel? 7. Is the keyboard tiltable and separate from the screen? 8. Can the chair be adjusted to the right seat height and back height and tilt? 9. Is the desk at the correct height for you to work? 10. Is there sufficient space under the desk to allow free movement?	
Please note that you should take time to review your health after one month to ensure there are no problems.	
Remote working alone 1. Please confirm that you do not undertake any tasks that would, for safety, require more than one person present. 2. Please confirm that there are no health reasons against you working alone. 3. If the work is not at your home: <ul style="list-style-type: none"> Has a lone working risk assessment has been done for the location? Have you read the HSE booklet "Working Alone in Safety"? 4. Is there safe entrance to and egress from the workplace?	
Accidents / First Aid 1. Do you have a defined way of reporting work related accidents, injuries, diseases, and dangerous occurrences? 2. Do you have a first aid kit available?	

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ACCIDENT / INCIDENT (EVENT) REPORTING FORM

APPENDIX 3

Complete this Form for **ALL** accidents and incidents (*whether someone was injured or not*). **The completed Form MUST then be sent to the Services and Contracts Council – scCouncil@penrithtowncouncil.gov.uk within 7 days of the event.** A copy **MUST** also be kept by the homeworker.

The information on this form will be dealt with in accordance with our Data and Privacy Statement.

PART A

1. Name of Injured Person (in full) *

2. Age of Injured Person*

3. Home Address

4. Person's Contact Number or Email*

5. Name and Contact Details of Witnesses

PART B – ABOUT THE EVENT

1. Date of Event
Click here to enter a date.

2. Time of Event (incl. AM / PM)

3. Location of Event (incl. building, room, area)

4. If injured was the person allowed to be here?

YES ☐

NO ☐

5. Name and Contact Details of Witnesses

6. Job Title *

PART C – ABOUT THE INJURY (if any)

1. Was the person injured

YES ☐

NO ☐

2. If **YES** what part of the body was injured

3. If **YES** what did the injury involve

☐ Minor e.g., bruise, cut, sprain

☐ Major e.g., fracture, break, amputation

☐ Other

Please describe if 'Other'

4. If **YES** did the injury result in (tick box)

☐ A Staff member being off work

☐ Being taken to hospital or GP

☐ None of the above

5. If a Staff member has been off work due to the injury, please provide dates they have been off work:

From:

Click to enter date

To:

Click to enter date

☐ Tick if still off at time of submitting Form

PART D – ABOUT THE ACCIDENT / INCIDENT

☐ An Incident

☐ A Near Miss

☐ An animal

☐ Contact with electricity / static electricity

☐ Exposure to an explosion

☐ Slip, trip or fall on stairs or steps

☐ Fall from height. **How high:**

☐ Exposure to fire

☐ Handling, lifting, carrying activity

☐ Injury when handling glass or sharps

☐ Injured when using hand tools / equipment

☐ Contact with hot / cold surfaces

☐ Exposure to harmful substance / material

☐ Participation in a sports activity

☐ Traffic accident or vehicle

☐ Hit by a moving or flying / falling object

☐ Physical assault by a person

☐ Threat or verbal abuse by a person

☐ Another kind of assault (describe in E)

6. Did the injured person (tick ALL applicable boxes)

- ☐ Become unconscious
- ☐ Need resuscitation
- ☐ Remain in hospital for more than 24 hrs
- ☐ None of the above

PART E – DESCRIBE WHAT HAPPENED

Give as much detail as possible e.g., what the person was doing, substance / equipment involved, the events that led to the accident / incident. If a slip, trip or fall, please consider surface conditions, the weather at the time (if outside), the footwear the person was wearing and if they were carrying any items.

PART F – DETAILS OF THE PERSON COMPLETING THE ACCIDENT / INCIDENT FORM

Name:

Job Title:

Signature:

Name & Signature of Injured Person:

Ad-Hoc Home Working

- a) Ad hoc homeworking fits well with the flexible working principle of being able to choose the workspace that best suits the activity you are doing at any particular time and is based on the premise that employees can take responsibility for deciding how and where to do their jobs most effectively to deliver on their performance objectives.
- b) Ad/hoc occasional working from home is intended to cover short periods of up to 12 days per month.
- c) Council has the discretion to agree longer periods where they judge this necessary to meet business requirements.
- d) The Council supports employees to carry out adhoc homeworking as necessary, on condition that a risk assessment on their home workspace is carried out.
- e) Staff making use of this option are asked to sign to say they would be prepared for the Council to make a health and safety home visit if required.
- f) Care must be taken, when agreeing longer term arrangements to ensure that a regular pattern of working at home is not established, which has no business benefit.
- g) There is no absolute right to work from home and Council has discretion to limit or prevent home working in specific individual cases where trust or performance has been compromised.
- h) It is important that employees make it clear to their Council and colleagues when they are working from home and maintain good and regular communications via Outlook, and/or by telephone. It requires trust, openness, and transparency on the part of the employee and Council.
- i) Ad-hoc homeworking does not require additional equipment costs, although several people who make use of this option are provided with laptops and are able to connect into the Council's SharePoint from home.

HOME BASED WORKING AGREEMENT

DATE:	
NAME:	
POST	

THE EMPLOYEE WILL GENERALLY WORK AND THEREFORE BE CONTACTABLE DURING THE FOLLOWING TIMES:			
DAY	MORNING	LUNCH	AFTERNOON
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
If other, please specify			

MAXIMUM AND MINIMUM HOURS FOR HOME BASED WORKING:			
The home-based worker will work at home for a minimum of:	Hours per week	The home-based worker will work at home for a maximum of:	Hours per week

REPORTING TO COUNCIL:				
The employee will report to Council	DAILY	WEEKLY	AS REQUIRED	OTHER
If other, please specify				

ATTENDING MEETINGS WITH THE TOWN CLERK:			
The employee will attend meetings with Council and colleagues. (Note that this should be at least monthly, and any travel or associated expense will be paid for by the home-based worker)	WEEKLY	FORTNIGHTLY	MONTHLY

ALLOCATION AND RETURN OF WORK:	
Allocation of work will be made by the Town Clerk and the critical deadlines will be included within the scope.	
The instructions will be issued by email and during 1-1 meetings and confirmed by email.	
Failure to provide work and to provide work to the standard expected may result in capability and disciplinary procedures evoked.	

NATURE OF WORK TO BE UNDERTAKEN AND SOURCE DOCUMENTS TO MEASURE PERFORMANCE:

1. Work as described within the job description	
2. Work as required within the Committee and individual officer work plan and targets from performance meetings	
3. Committee and Council resolutions	
4. Resolutions Tracker	
5. Governance and Financial schedule	
6. Audit reports	
7. Regular supervision meetings	
8. IPR /Appraisal	

CONTACT DETAILS FOR COLLEAGUES, MEMBERS AND PARTNERS:

Address:

Email:

Personal Mobile:

PTC Landline via headset:

Home landline:

POST:

If the home-based worker is required to post items, the following arrangements have been agreed.

The employee will email correspondence to the office to be signed and sent out in the post.

IDENTIFICATION OF EQUIPMENT REQUIRED TO WORK AT HOME:

Please specify:

SIGNED ON BEHALF OF THE COUNCIL:**POSITION:****DATE:****EMPLOYEE:****POSITION:****DATE:****COPIES:** To employee and file

REPORT TO FULL COUNCIL

Date: 15 May 2023

Public Report

Matter: Memberships to national organisations

Item no: 16

Author: Town Clerk

Purpose of Report:

Provide a brief overview of membership and subscriptions.

Recommendations:

- i. Note the membership of Cumbria Association of Local Councils (CALC) and the Society of Local Council Clerks (SLCC) has continued.
- ii. Note the continued membership of the National Allotment Society, the Living Wage Foundation, and the Information Commissioner's Office.
- iii. Approve the membership of the Rurals Services Network for the term of the Council at the subscription rate of £121.82 for 23/24, noting that this may change for each membership year.

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) Membership of the Society of Local Council clerks and Cumbria Association of Local Councils

Membership of the Society of Local Council clerks and Cumbria Association of Local Councils ensures that the Council is aware of current legislative requirements and is up to date with best practise guidance.

It is essential that the Council has membership of both the SLCC and CALC which provide professional advice, guidance, and training opportunity for local councils.

Both organisations have provided support and information to the Town Council since 2015.

The organisations provide:

- Regular email news bulletins, magazine and newsletters provide information of what's going on within the sector.
- A unitary based branch network providing local support and resources.
- A team of national and regional advisors providing an online and telephone based advisory service giving answers to technical, professional and employment queries.
- Conferences, training sessions and seminars - Comprehensive training and conference programmes offering a range of training courses, conferences, and workshops.
- The opportunity to network and meet other professionals at all levels.
- Savings on a range of Council products and services.
- Comprehensive range of sector publications available (discounted for members).
- Negotiation of Terms and Conditions and annual awards and advice on implementation.
- Support and assistance in the event of grievance and disciplinary issues.
- Research undertaken on behalf of the profession, the sector and government.

b) National Allotment Society

The Town Council provides all the allotments in Penrith and the society works with government at national and local levels, other organisations, and landlords to provide, promote and preserve allotments for all. The society provides support, guidance, and advice to our members.

c) The Living Wage Foundation

The Town Council is accredited to the foundation to demonstrate their commitment as a responsible employer to ensure their employees can earn a wage which is enough to live on.

Accredited employers display the Living Wage Employer Mark to recognise their commitment to the Living Wage.

d) Information Commissioner's Office

The ICO is the UK's independent body set up to uphold information rights and the Council is legally required to register with the ICO as a data controller.

e) Rural Market Town Group (RMTG) membership for 23/24

The Town Council chose not to renew their Rural Market Town Group (RMTG) membership for 22/23. In subsequent discussion with the Rural Services Network (RSN), the Council was offered a free period of membership during which time the RSN have looked to widen and reinforce the services their membership provides.

The Town Clerk, Economic Development Officer and a councillor has represented the Council on the RMTG and its subgroups during this period.

Member services in 23/24 [RMTG Service Agreement](#).

In addition to their financial work detailed below, the RSN aim to give very full return value for subscription support.

Below are some of the services dovetailed for rural towns delivered through the membership:

- Weekly Bulletin highlighting key rural news and issues direct to your inbox. [Here's a recent example bulletin](#)
- Monthly Funding Digest sharing key funds and grants available. [Here's a recent example of the Digest](#)
- A dedicated Market Town newsletter shared 6 times a year. [Here's a recent example of the Market Town newsletter](#)
- Free access to the seminar programme of 8 events a year, online focusing on key topics for rural areas including affordable housing, rural connectivity, rural health and care and rural transport. [Book your place at one of our seminars at this link.](#)
- Dedicated meetings (on zoom) for Councillors and Clerk.

The Rural Services Network and its groupings, like the Rural Market Town Group, are the sole bodies arguing the rural services case in England. Rural services continue to be cut back, or put under increasing pressure, and that this process continues year in and year out wherever people live in rural countryside or in rural towns is the same. People living in rural areas and in rural towns each year now **lose out** on average by some **£135 each per head of population (through Government Funded Spending Power)** in comparison to those people living in defined urban areas.

The inequity occurs whatever political party is in government. This inequality then compounds and multiplies across the principal council's area. The result of this imbalance means that rural services are continually, year on year, coming under significantly greater threat of cuts in comparison to urban services. That in turn impacts on the town, so both the town and its citizens suffer because of this imbalance. The loss mounts up and across the Penrith given its population of 16,000 it will be something in the region of over two million pound a year of lost service opportunities a year.

RSN set out in the link how this spins out in relation to services.

(All comparisons are deliberately calculated in £ per head terms because they provide an accurate comparator that automatically considers population variations and reflect the extra costs of more services having to be given for the more densely populated areas – because more people are served).

This situation is not only confined to the core funding of Local Authorities.

In terms of local funds like the 'Towns Fund' the government formulae disadvantages rural towns compared to urban just because of their population size even though rural towns serve similar economic and social functions.

RSN work with the Rural Police Commissioners Group (The National Rural Crime Network) and have a grouping involving Rural Fire and Rescue Authorities. Again, in terms of £'s per head situations urban areas receives markedly better support for the same service than rural areas in terms of the police and fire services per head funding formulae.

Similarly in terms of Health and Care services there is again urban advantage in the formulae employed.

RSN work with a grouping of Rural Housing Associations and once again funding for the delivery of rural housing does not fully reflect the extra costs of development involved.

In all areas similar patterns of limited rural funding in comparison to urban funding emerge. People living in rural areas and rurally based towns need presentation of the case for a review of these service formulae which are so disadvantaging them.

It is key, to seek in representation of the unfairness and consequences that Principal and Local Councils are seen to be working together, to demonstrate very clearly that these positions require changing. Service cutbacks will always impact most on those who are most vulnerable. The RSN is not political.

2. Proposal Details

- 2.1 The subscriptions for CALC and SLCC continue annually for the term of the Council.
- 2.2 The subscription to the RSN be made.

3. Options Analysis including risk assessment for RSN.

a) Risk

Market towns in Cumbria sit on the group such as Keswick, Kendal, and Ulverston and the Town Council will be disadvantaged by not being a member.

b) Consequence

Penrith will not have a voice at the table.

c) Controls Required

Membership is maintained.

4. Financial and Resource Implications

Annual membership fee.

5. Equalities Implications

None Identified

6. Climate Change and Environmental Implications

None identified.

REPORT TO FULL COUNCIL

Date: 15 May 2023

Public Report

Item no: 17 a

Matter: Joint Panel on Governance and Accountability Practitioners' Guide March 2023

Author: Responsible Finance Officer

Purpose of Report:

Ratify the adoption of Joint Panel on Governance and Accountability Practitioners' Guide March 2023.

Recommendation

Note The Practitioners' Guide ('the guide') is issued by the Joint Panel on Accountability and Governance (JPAG) to support the preparation by smaller authorities in England of statutory annual accounting and governance statements found in the Annual Governance and Accountability Return. The Guide is mandatory.

Note the 2023 edition of the Guide applies in respect of financial years commencing on or after 1 April 2023. Thus the 'proper practices' laid down in Sections 1 and 2 of the edition of the Guide must be applied in the financial year ending 31 March 2024 and the Annual

Note Governance and Accountability Return ('AGAR') for the year ending 31 March 2024 ('the 2024 AGAR') must be prepared in accordance with Sections 1 and 2 of this edition of the Guide.

That the Council adopt the Joint Panel on Governance and Accountability Practitioners' Guide March 2023.

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.

The Council is required to follow the governance and accounting regime set out in the Accounts and Audit Regulations 2015. Statutory proper practice issued under these Regulations has been issued in the Joint Panel on Accountability and Governance (JPAG) Practitioners Guide published by NALC. This document is the mandatory guide to both completion of the statutory Annual Governance and Accountability Return (AGAR), describing how accounting transactions are to be treated and reported, and appropriate governance arrangements for local councils.

Report

- 1.1 The Practitioner's Guide is issued by the relevant local government associations, usually in the form of annual updates. The latest version is dated March 2023 and can be opened using the underlined link below:

[Practitioners-guide-2023 \(nalc.gov.uk\)](https://www.nalc.gov.uk/practitioners-guide-2023)

- 1.2 The guidance represents statutory proper practice and is mandatory for all 'smaller authorities,' i.e., where the higher of the authority's gross income for the year and its gross expenditure for the year does not exceed £6.5million.
- 1.3 The 2023 edition of the Guide applies for the financial year commencing on or after the 01 April 2023. There are only limited changes to the 2023 statutory guidance, concerning management of email addresses, accruing income, an amendment to Box 11 on the AGAR form, onus on the Council to publish information in line with legislation rather than referring to specific transparency codes, highlighting the importance of considering risk when setting reserve levels, accounting for credit notes and refunds and a section on the need for documentary permission for the siting of assets on third party land. Council is invited to adopt its provisions for the 2023/24 financial year, as the changes are already in place or do not affect this Council. Members are recommended to approve its adoption.

2. Options Analysis including Risk Assessment

There are no alternative options to consider for 2023/24 as this is a statutory obligation; as there are only minor changes to existing guidance, it can be readily adopted for 2022/23.

2.1 Risk

Noncompliance with legal requirements or statutory guidance.

2.2 Consequence

Transactions are recorded incorrectly or inconsistently in statutory returns, leading to adverse criticism.

2.3 Controls Required

Maintenance of strong internal controls and adherence to the correct principles for the recording and reporting of the Council's transactions.

3. Financial Implications

There are no direct financial implications arising from this report.

4. Equalities Implications

None identified.

5. Climate Change and Environmental Implications

None identified.

6. Legal Implications

Compliance with the Practitioners Guide meets legislative requirements.

Appendices

None.

Background Papers

JPAG Practitioners Guide 2023, published by NALC in March 2023

Joint Practitioners Advisory Group JPAG Guide 2023 Changes.

REPORT TO FULL COUNCIL

Date: 15 May 2023

Public Report

Matter: Fixed Asset Register

Item no: 17b

Author: Town Clerk

Purpose of Report:

Ratify the Fixed Asset Register for 31 March 2023 and the reconciliation of transactions in 2022-23

Recommendations:

- i. Note that for accounting purposes, assets have been valued in accordance with the Council's Asset Valuation Policy and total £181,919.13.
- ii. Note that the value, £181,919.13 recorded in box 9 of the Annual Governance and Accounts Return (AGAR) 2022-2023 is taken from the Council's asset register which is up to-date on 31 March 2023 and includes all acquisition and disposal transactions recorded in the cashbook during the year.
- iii. Note the insurance value of the assets is £689,674.
- iv. Note that an insurance review has been completed and the Council's insurance will renew automatically in May, as the Council is committed to a three-year agreement.
- v. Ratify the Fixed Asset Register for 31 March 2023 and the reconciliation of transactions in 2022-23.

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.

Council's need to maintain a register of the fixed assets, long-term investments, and other non-current assets that they hold to ensure fixed assets are appropriately safeguarded and to meet the requirements of statutory proper practice as issued under the Accounts and Audit Regulations 2015.

1. Report Details

- 1.1 The Fixed assets are also known as non-current assets: property, plant, and equipment with a useful life of more than one year used by the authority to deliver its services.
- 1.2 The Council's Fixed Asset Register:
 - a) Forms the basis for completion of the AGAR Box 9 (except for assets held on trust)
 - b) Forms a basis for decisions on risk and insurance issues.
 - c) Provides information on the age and potential lifespan of certain items.
 - d) Provides assurance of the continued existence of Council property.
- 1.3 Once recorded on the Asset Register, the value of assets must not change from year to year until disposal. Concepts of depreciation and impairment adjustments are not appropriate for local councils.
- 1.4 The Register is adopted by the Council at the end of each Municipal Year but is a working document over the following Municipal Year, during which Council Officers will update and amend details, as necessary.
- 1.5 Once recorded on the Asset Register, the value of assets must not change from year to year until disposal. Concepts of depreciation and impairment adjustments are not appropriate for local councils.
- 1.6 The following items are included in the Council's asset register, whether purchased, gifted, or otherwise acquired, together with their holding location:
Land and buildings held freehold or on long term lease in the name of the Council.
Community assets.
Vehicles, plant, and machinery.
Assets considered to be portable, attractive or of community significance.
Long term investments, shares and loans made by the Council.
IT leased assets are included in the register for management purposes only, with no value attached.
- 1.7 Small value assets up to a value of £100 are considered de minimis and not included in the register.
- 1.8 The values indicated in the Asset Register will inform the 'total fixed assets' section of the Annual Return except for assets held on trust.
- 1.9 A newly acquired asset is added to the register at the date of acquisition for management purposes. It is assigned to a particular category which both groups similar assets and determines the basis of their valuation.
- 1.10 The following categories of asset have a nominal proxy value of £1:
 - a) Community Assets, i.e., assets that do not have a functional purpose or any intrinsic resale value.
 - b) Gifted assets.
 - c) Assets transferred from other authorities, e.g., under a devolution scheme.
- 1.11 For accounting purposes, acquisitions and disposals of fixed assets should be treated as any other purchase or sale and recorded as part of annual payments or receipts, expenditure, or income.
- 1.12 All other categories of asset are valued at their actual purchase cost, unless this is not known, in which case a proxy cost is applied. This proxy value is taken to be the insurance value of the asset at the date of acquisition.

- 1.13 Assets sited on third party property remain assets of the authority. It is essential that authorities are in possession of documentary evidence of permission to site such assets on third party land. This evidence may consist of a formal lease or simply permission to occupy.
- 1.14 There is no guidance where land or buildings have been subject to substantial renovation and improvement to such an extent that the new market value bears no relation to the original purchase cost. In order to avoid renovation and improvement work being separately recorded on the Asset Register and in these exceptional circumstances only, a market value supplied by a qualified surveyor may be entered.
- 1.15 The following items fall outside the definition for inclusion:
- a) Land and buildings held on short term lease or rented.
 - b) Land and buildings maintained or serviced, but not owned by the Council.
 - c) Assets rented by or loaned to the Council.
 - d) Stationery and other consumable items
 - e) Floor or land surfaces and drainage
 - f) Plants and trees
 - g) IT software is an intangible asset and is not treated as a fixed asset.
 - h) Assets with a purchase or resale value of less than £100 (other than items listed
 - i) As for inclusion in the asset register)
 - j) Repairs
 - k) Cash, short term investments and other current assets
 - l) Intangible assets (e.g., Trademarks, internet domain names, contingent assets, broadcast rights)
 - m) 'Negative' assets (e.g., provisions, borrowings, creditors, and contingent liabilities)
- 1.16 A separate section of the Asset Register will contain a Schedule of Disposals. On the disposal of an asset, its register value is reduced to zero at the date of the disposal.
- 1.17 New assets will be assessed at the time of purchase to determine their expected life span.
- 1.18 The Asset Register will be used to inform the insurers of Council assets. For the purposes of insurance, the value to be used is the replacement value of items (index linked) and not the purchase price as per the Asset Register.
- 1.19 The Council should ensure land, assets and building are valued accurately for insurance purposes. Buildings should be valued every five years to ensure the appropriate insurance is held.
- 1.20 The advice of the internal auditor will sought for 2023-24 regarding items listed as fixed assets that fall outside the definition of a fixed asset – trees, paths, plants, drainage and repairs.

2. Options Analysis including risk assessment.

There are no alternative options to consider for 2023/24 as this is a statutory obligation.

2.1 Risk

- Noncompliance with legal requirements or statutory guidance.
- Inadequate insurance.
- Assets lost.

2.2 Consequence

- External audit failure.
- Impact on insurance claims.
- Transactions are recorded incorrectly or inconsistently.

2.3 Controls Required

Adherence to the correct principles for the recording and reporting of the Council's transactions.

3. Financial and Resource Implications

None Identified.

4. Equalities Implications

None identified.

5. Climate Change and Environmental Implications

None identified.

Appendices: Asset Register and reconciliation

Background Documents:

- Asset Valuation Policy:

<https://www.penrithtowncouncil.gov.uk/wp-content/uploads/2021/03/210301-Asset-Valuation-Policy.pdf>

- JPAG Practitioners Guide 2023, published by NALC in March 2023:

[Practitioners-guide-2023 \(nalc.gov.uk\)](https://www.nalc.gov.uk/practitioners-guide-2023)

PENRITH TOWN COUNCIL
ASSET REGISTER 31 MARCH 2023

ITEM 17 B

Total of assets held as at 31 March 2022

Category	ASSET	Custodian	Location	Date acquired	Transfer from	Value £	Asset Transfer Value £	Insurance Value £p	Insurance Value 2022-23 £
Allotments	Folly Lane allotment: 1.50 hectare	Clerk	Folly Lane	23/08/2016	EDC	-	1.00	0.00	0
Allotments	Eden Treescapes - Tree planting & Fencing	Services & Contracts Manager	Folly Lane	01/06/2018		732.35	-	0.00	0
Allotments	James Street allotment: 0.27 hectare	Clerk	James Street	23/08/2016	EDC	-	1.00	0.00	0
Allotments	Castletown allotment: 2.80 hectare	Clerk	Musgrave Street	23/08/2016	EDC	-	1.00	0.00	0
Allotments	Salkeld Road allotment: 0.78 hectare	Clerk	Salkeld Road	23/08/2016	EDC	-	1.00	0.00	0
Allotments	Brackenber Allotments - Drainage Improvements	Services & Contracts Manager	Brackenber	30/11/2021		9,600.00	-	9,600.00	9,600
Allotments Total						10,332.35	4.00	9,600.00	9,600
Bus Shelters	Bus Shelter	Services & Contracts Manager	Bridge Lane East	19/10/2018	EDC	-	1.00	15,000.00	15,000
Bus Shelters	Bus Shelter	Services & Contracts Manager	Bridge Lane West	19/10/2018	EDC	-	1.00	13,000.00	13,000
Bus Shelters	Replacement panes, Bridge Lane shelter	Services & Contracts Manager	Bridge Lane	12/01/2022		279.17	-	279.17	279
Bus Shelters	Bus Shelter	Services & Contracts Manager	Clifford Road	19/10/2018	EDC	-	1.00	2,400.00	2,400
Bus Shelters	Bus Shelter	Services & Contracts Manager	Newton Road	19/10/2018	EDC	-	1.00	2,400.00	2,400
Bus Shelters	Bus Shelter	Services & Contracts Manager	Opposite Penny Hill Park, Scotland Road	19/10/2018	EDC	-	1.00	2,400.00	2,400
Bus Shelters	Bus Shelter	Services & Contracts Manager	Pategill/Sim Court	19/10/2018	EDC	-	1.00	2,400.00	2,400
Bus Shelters	B & C Shelter Bus Shelter, Tara Hill	Services & Contracts Manager	Scotland Road, Tara Hill	29/06/2018		2,744.00	-	2,744.00	2,744
Bus Shelters	AST Signs - Signage, bus shelters	Services & Contracts Manager	Various	01/03/2019		862.72	-	862.72	863
Bus Shelters	Ace Shelters - Bus Shelter (replacement)	Services & Contract Manager	Scotland Road, East	04/05/2022		2,967.50	-	2,967.50	2,968
Bus Shelters Total						6,853.39	6.00	44,453.39	44,454
Civic Functions	Barnard & Westwood - Condolence Book	Clerk	Council Office	31/03/2020		299.87	-	299.87	300
Civic Functions Total						299.87	0.00	299.87	300
Civic Regalia	Regalia	Deputy Mayors Consort	Deputy Mayor	16/12/2016		80.42	-	80.42	84
Civic Regalia	Regalia	Deputy Mayor	Deputy Mayor	16/12/2016		362.27	-	362.27	380
Civic Regalia	Mayoral Chain	Mayor	Mayor	18/05/2015		-	1.00	5,000.00	5,250
Civic Regalia	Regalia	Mayors consort	Mayor	16/12/2016		47.23	-	47.23	49
Civic Regalia	Vaughtons - Penrith TC press with embossed seal	Clerk	Council Office	26/05/2021		485.10	-	485.10	509
Civic Regalia Total						975.02	1.00	5,975.02	6,272
Community Asset	Bandstand	Services & Contracts Manager	Cornmarket	29/03/2018	EDC	-	1.00	68,100.00	71,505
Community Asset	Musgrave Monument	Services & Contracts Manager	Middlegate	01/02/2019	EDC	-	1.00	340,700.00	357,735
Community Asset	WWW1 Plaque	Services & Contracts Manager	St Andrew's Church	28/09/2017	EDC	-	1.00	0.00	0
Community Asset	WWW2 Plaque	Services & Contracts Manager	St Andrew's Church	28/09/2017	EDC	-	1.00	0.00	0
Community Asset	War Memorial - Obelisk	Services & Contracts Manager	St Andrew's Churchyard	28/09/2017	EDC	-	1.00	11,000.00	11,000
Community Asset Total						0.00	5.00	419,800	440,240
Equipment	Parish Noticeboard Co - Noticeboard	Clerk	Adjacent to Bakewells electronics	22/04/2020		1,000.00	-	1,000.00	1,000
Equipment	Therebutnothtere - 2 Steel Tommies	Services & Contracts Manager	Council Office	22/10/2018		1,552.61	-	1,552.61	1,553
Equipment	Hampshire Flag Company - Bunting	Deputy Clerk	Council Office	31/03/2020		725.55	-	725.55	726
Equipment Total						3,278.16	0.00	3,278.16	3,279
IT Equipment	Ipad mini 32gb	Council Office	Council Office	17/02/2017		239.00	-	239.00	239
IT Equipment	STARTECH 1M PATCH LEAD RED	Council Office	Council Office	25/09/2017		6.72	-	6.72	7
IT Equipment	1U LETTERBOX BRUSH STRIP	Council Office	Council Office	25/09/2017		25.00	-	25.00	25
IT Equipment	FIXED SHELF 600MM - 50KG LOAD	Council Office	Council Office	25/09/2017		29.00	-	29.00	29
IT Equipment	VARIOUS	Council Office	Council Office	25/09/2017		32.26	-	32.26	32
IT Equipment	FIXED CAB SHELF 100KG 600MM	Council Office	Council Office	25/09/2017		53.00	-	53.00	53
IT Equipment	CABINET CASTOR SET (X4)	Council Office	Council Office	25/09/2017		59.00	-	59.00	59
IT Equipment	VIGOR 2760N ROUTER/FIREWALL	Council Office	Council Office	25/09/2017		79.00	-	79.00	79
IT Equipment	NSN PANASONIC VVX310 HOSTED PHONE	Council Office	Council Office	25/09/2017		85.00	-	85.00	85
IT Equipment	NSN PANASONIC VVX310 HOSTED PHONE	Council Office	Council Office	25/09/2017		85.00	-	85.00	85
IT Equipment	NSN PANASONIC VVX310 HOSTED PHONE	Council Office	Council Office	25/09/2017		85.00	-	85.00	85
IT Equipment	NSN PANASONIC VVX310 HOSTED PHONE	Council Office	Council Office	25/09/2017		85.00	-	85.00	85
IT Equipment	ZYXEL PRES 660R-D1 ADSL2+ ROUT	Council Office	Council Office	25/09/2017		99.00	-	99.00	99
IT Equipment	ZYXEL AMG1302 MODEM/ROUTER	Council Office	Council Office	25/09/2017		99.00	-	99.00	99
IT Equipment	CAT 6 UTP MODULE	Council Office	Council Office	25/09/2017		116.00	-	116.00	116
IT Equipment	ASSINIA 24 PORT PATCH PANEL CAT6	Council Office	Council Office	25/09/2017		136.00	-	136.00	136
IT Equipment	UBIQUITI UNIFI AC LR AP	Council Office	Council Office	25/09/2017		179.00	-	179.00	179
IT Equipment	UBIQUITI UNIFI AC LR AP	Council Office	Council Office	25/09/2017		179.00	-	179.00	179
IT Equipment	NSN PANASONIC VVX310 HOSTED PHONE	Council Office	Council Office	25/09/2017		179.00	-	179.00	179
IT Equipment	TP-LINK 24 PORT GIG POE SWITCH	Council Office	Council Office	25/09/2017		299.00	-	299.00	299
IT Equipment	PATCH 29 PORTS TO PATCH PANEL	Council Office	Council Office	25/09/2017		495.00	-	495.00	495
IT Equipment	INTEL I5 3330 3.00/4G/1TB/DVD1	Council Office	Council Office	25/09/2017		549.00	-	549.00	549
IT Equipment	CABINET 27U 600X1000X1322	Council Office	Council Office	25/09/2017		689.00	-	689.00	689
IT Equipment	BROTHER MFC-J6930DW MULTIFUNCTION -COPIER	Council Office	Council Office	01/02/2018		299.00	-	299.00	299
IT Equipment	KTD - Lenovo Laptop & Hanns-G Monitor	Clerk	Council Office	11/06/2018		619.00	-	619.00	619
IT Equipment	KTD - Portable Hard Drives	Clerk	Council Office	30/06/2018		475.00	-	475.00	475
IT Equipment	KTD - Ubiquito G3 Dome CCTV Camera	Clerk	Council Office	24/06/2019		159.00	-	159.00	159

**PENRITH TOWN COUNCIL
ASSET REGISTER 2022-23: RECONCILIATION**

Category	Asset	Custodian	Location	Date acquired	Cost £	Transfer Value £	Invoice Ref
Asset Value: 31 March 2022					156,248.76	50.00	
Purchased in 2022-23:							
Bus Shelters	Ace Shelters - Bus Shelter (replacement)	Services & Contract Manager	Scotland Road	04/05/2022	2,967.50	-	22-24
Office Equipment	Fire Resistant Key safe	Council Office	Council Office	23/05/2022	101.43		22-44
Recreational Land	Glasdon - Keyless lockable litter bin	Services & Contract Manager	Thacka Beck	08/06/2022	195.47	-	22-59
IT Equipment	HP 250 G8 15-1035G1 8GB 256GB SSD Laptop	Clerk	Council Office	12/09/2022	565.00		22-166
IT Equipment	HP 250 G8 15-1035G1 8GB 256GB SSD Laptop	Clerk	Council Office	12/09/2022	565.00		22-166
IT Equipment	Hanns-G HP247HJV 23.6 HD LED LCD Monitor	Clerk	Council Office	12/09/2022	169.00		22-166
Playing Fields	Steel Gate & Timber Bollards	Services & Contracts Manager	Fairhill Park	26/10/2022	2,500.00		22-157
IT Equipment	Hanns-G HP247HJV 23.6 HD LED LCD Monitor	Clerk	Council Office	12/09/2022	169.00		22-176
IT Equipment	Hannspree 24 LCD HC240PFB Monitor	Clerk	Council Office	12/09/2022	149.00		22-176
Recreational Land	Self Binding Gravel Path	Services & Contracts Manager	Thacka Beck	23/11/2022	14,375.00		22-177
Seats & Benches	Glasdon Ltd - Bench	Services & Contract Manager	Thacka Beck	05/12/2022	846.77		22-189
IT Equipment	Jabra Evolve 65 Mono Headset x 7	Clerk	Council Office	21/12/2022	1,113.00		22-203
IT Equipment	Jabra Evolve 65 Mono Headset x 1	Clerk	Council Office	27/01/2023	159.00		22-255
Seats & Benches	2 x Lowther Vandelex Benches	Services & Contracts Manager	Thacka Beck	17/01/2023	1,607.20		22-216
IT Equipment	Hanns Monitor	Clerk	Council Office	22/02/2023	139.00		22-241
Disposed of in 2022-23:							
Bus Shelters	Bus Shelter, Scotland Road - storm damaged	Services & Contracts Manager	Scotland Road East	19/10/2018	-	(1.00)	
Total of assets held as at 31 March 2023:					181,870.13	49.00	
					Total Value	181,919.13	

Category	ASSET	Custodian	Location	Date acquired	Transfer from	Value £	Asset Transfer Value £	Insurance Value £p	Insurance Value 2022-23 £
IT Equipment	KTD - Ubiquito Unifi CCTV Video Recorder	Clerk	Council Office	24/06/2019		395.00	-	395.00	395
IT Equipment	IT Equipment ex Grenke Leasing: Virtual Server	Clerk	Council Office	17/10/2019		1,293.54	-	1,293.54	1,294
IT Equipment	KTD - HP 250 G7 Laptop for Solicitor	Clerk	Council Office	31/10/2019		599.00	-	599.00	599
IT Equipment	KTD - Conference Room Phone Polycom Sound Station 2 IP7000	Clerk	Council Office	09/01/2020		399.00	-	399.00	399
IT Equipment	KTD - HP 250 G7 Laptop	Clerk	Council Office	08/04/2020		729.00	-	729.00	729
IT Equipment	KTD - Polycom mains power supply units for telephones	Clerk	Council Office	22/04/2020		280.00	-	280.00	280
IT Equipment	IT equipment, hardware, software, etc	Clerk	Council Office/Clerk's residence	27/05/2015		3,084.20	-	3,084.20	3,084
IT Equipment	Website	KTD	KTD Server	22/05/2015		2,800.00	-	2,800.00	2,800
IT Equipment	KTD - Kyocera Taskalfa 3253ci multi-function printer/photocopier	Clerk	Council Office	23/03/2021		3,759.00	-	3,759.00	3,759
IT Equipment	KTD - HP 250 G7-15 Laptop	Clerk	Council Office	23/03/2021		689.00	-	689.00	689
IT Equipment	HP 250 G8 15-1035G1 8GB 256GB SSD Laptop	Clerk	Council Office	12/09/2022		565.00	-	565.00	565
IT Equipment	HP 250 G8 15-1035G1 8GB 256GB SSD Laptop	Clerk	Council Office	12/09/2022		565.00	-	565.00	565
IT Equipment	Hanns-G HP247HJV 23.6 HD LED LCD Monitor	Clerk	Council Office	12/09/2022		169.00	-	169.00	169
IT Equipment	Hanns-G HP247HJV 23.6 HD LED LCD Monitor	Clerk	Council Office	12/09/2022		169.00	-	169.00	169
IT Equipment	Hannspree 24 LCD HC240PFB Monitor	Clerk	Council Office	12/09/2022		149.00	-	149.00	149
IT Equipment	Jabra Evolve 65 Mono Headset x 7	Clerk	Council Office	21/12/2022		1,113.00	-	1,113.00	1,113
IT Equipment	Jabra Evolve 65 Mono Headset x 1	Clerk	Council Office	27/01/2023		159.00	-	159.00	159
IT Equipment	Hanns Monitor	Clerk	Council Office	22/02/2023		139.00	-	139.00	139
IT Equipment Total						22,489.72	0.00	22,489.72	22,490.00
Office Equipment	Legal reference books	Clerk	Council Office	28/04/2015		243.28	-	243.28	243
Office Equipment	Staff welfare - Fridge & microwave	Clerk	Council Office	29/04/2015		141.67	-	141.67	142
Office Equipment	Puridea mini projector	Council Office	Council Office	25/01/2017		148.43	-	148.23	148
Office Equipment	XL display boards x 8	Council Office	Council Office	06/02/2017		574.00	-	574.00	574
Office Equipment	Gazebo	Council Office	Council Office	06/02/2017		1,176.84	-	1,176.84	1,177
Office Equipment	Office Blinds	Council Office	Council Office	09/09/2017		506.21	-	506.21	506
Office Equipment	2 - ALBA CHROME COAT STAND CHROME/BLACK PMCLASS	Council Office	Council Office	11/09/2017		215.70	-	215.70	216
Office Equipment	3 - ACRYLIC PLAQUES, 1 - ACRYLIC DOOR SIGN & DOOR VINYLs	Council Office	Council Office	20/09/2017		1,034.00	-	1,034.00	1,034
Office Equipment	1 - 4 DRAWER FILING CABINET	Council Office	Council Office	16/10/2017		115.00	-	115.00	115
Office Equipment	1 - RANGER FIRE RESISTANT HIGH STEEL STORAGE WITH KEY LOCK W930 X D	Council Office	Council Office	31/10/2017		1,075.00	-	1,075.00	1,075
Office Equipment	1- NOBO DARK BLUE BARRACUDA MOBILE FLIPCHART/DRYWIPE EASEL 19023	Council Office	Council Office	13/11/2017		186.84	-	186.84	187
Office Equipment	Argos - Vacuum Cleaner	Clerk	Council Office	08/06/2018		141.64	-	141.64	142
Office Equipment	SLCC Enterprises Ltd - Local Council Administration Law Book	Clerk	Council Office	08/10/2018		103.99	-	103.99	104
Office Equipment	Heatons Office Solutions - Steel cupboard	Clerk	Council Office	29/03/2019		136.67	-	136.67	137
Office Equipment	Heatons Office Solutions - Fire Ranger Fireproof Safe	Clerk	Council Office	30/11/2021		855.56	-	855.56	856
Office Equipment	Heatons Group - Two Fellowes AeraMax DX55 Air Purifiers 9393001	Clerk	Council Office	23/03/2022		370.00	-	370.00	370
Office Equipment	Fire Resistant Key safe	Clerk	Council Office	23/05/2002		101.43	-	101.43	101
Office Equipment Total						7,126.26	0.00	7,126.06	7,026
Office Furniture	1- Tubby 2 Seater Sofa, Navy Product code: SOFTUBY51BLU-UK	Council Office	Council Office	11/07/2017		179.00	-	179.00	179
Office Furniture	1 - RADIAL END EXTENSION BOARDROOM TABLE WITH SILVER TRUMPET BASE	Council Office	Council Office	29/09/2017		183.60	-	183.60	184
Office Furniture	3 - MAESTRO 25 C LEG STRAIGHT DESK SILVER LEG 1600 OAK	Council Office	Council Office	29/09/2017		327.00	-	327.00	327
Office Furniture	12 - ORION CHROME FRAME STACKABLE CHAIR - BLUE FABRIC	Council Office	Council Office	29/09/2017		332.28	-	332.28	332
Office Furniture	1 - RECTANGULAR 2000MM WIDE BOARDROOM TABLE WITH SILVER TRUMPET	Council Office	Council Office	29/09/2017		345.00	-	345.00	345
Office Furniture	4 - TALL, DEEP MOBILE PEDESTAL WITH TWO SHALLOW DRAWERS AND ONE O	Council Office	Council Office	29/09/2017		416.00	-	416.00	416
Office Furniture	2 - QUATTRO EXTRA HIGH BACK POSTURE CHAIR IN COBALT AD004	Council Office	Council Office	29/09/2017		550.00	-	550.00	550
Office Furniture	1 - PISA RECTANGULAR MEETING/LEISURE TABLE	Council Office	Council Office	09/10/2017		270.20	-	270.20	270
Office Furniture	Office Furniture - various	Council Office	Council Office	April - Dec 15		2,574.46	-	2,503.24	2,503
Office Furniture	Heatons - Two Quattro Extra high back office chairs	Council Office	Council Office	05/01/2022		562.24	-	562.24	562
Office Furniture Total						5,739.78	0.00	5,668.56	5,668
Play Equipment	Fairhill Play Equipment	Services & Contracts Manage	Fairhill Park	03/04/2018	EDC	-	1.00	39,000.00	40,950
Play Equipment	Kompan - EA Playground Sign	Services & Contracts Manage	Fairhill Park	19/08/2020		388.00	-	388.00	407
Play Equipment	Kompan - FAHR Panel Games	Services & Contracts Manage	Fairhill Park	19/08/2020		1,122.00	-	1,122.00	1,178
Play Equipment	Kompan - Swing Frame	Services & Contracts Manage	Fairhill Park	19/08/2020		2,710.00	-	3,520.00	3,696
Play Equipment	Kompan - Home Multi Seesaw	Services & Contracts Manage	Fairhill Park	19/08/2020		2,816.00	-	3,755.00	3,943
Play Equipment	Kompan - Supernova	Services & Contracts Manage	Fairhill Park	19/08/2020		3,236.00	-	4,370.00	4,589
Play Equipment	Kompan - Saturn Carousel	Services & Contracts Manage	Fairhill Park	19/08/2020		3,533.00	-	4,763.00	5,001
Play Equipment	Kompan - PCM112401 Custom Tower	Services & Contracts Manage	Fairhill Park	19/08/2020		5,696.00	-	7,583.00	7,962
Play Equipment	Kompan - EPDM Wetpour Safer Surfacing	Services & Contracts Manage	Fairhill Park	19/08/2020		13,137.00	-	13,137.00	13,794
Play Equipment Total						32,638.00	1.00	77,638.00	81,520
Playing Fields	Fairhill Playing Fields	Services & Contracts Manage	Fairhill Park	03/04/2018	EDC	-	1.00	0.00	0
Playing Fields	Mark Harrod 9V9 Goals - Fairhill Playing Fields	Services & Contracts Manage	Fairhill Park	30/06/2018		570.00	-	570.00	599
Playing Fields	HH Reeds - Supply & Install Signs At Fairhill	Services & Contracts Manage	Fairhill Park	06/08/2018		824.00	-	824.00	865
Playing Fields	Glasdon UK - 2 Clifton picnic tables	Services & Contracts Manage	Fairhill Park	01/07/2020		1,448.52	-	1,448.52	1,521
Playing Fields	Kompan - Excavation, disposal of old equipment, fit turf, MOT Type 1, prelimina	Services & Contracts Manage	Fairhill Park	19/08/2020		9,354.08	-	0.00	0
Playing Fields	Kompan - IAE Single Leaf Prosafe Gate	Services & Contracts Manage	Fairhill Park	19/08/2020		981.18	-	981.18	1,030
Playing Fields	Kompan - IAE Playspec Bow Top Fence	Services & Contracts Manage	Fairhill Park	19/08/2020		5,009.16	-	5,009.16	5,259
Playing Fields	Glasdon UK - Keyless lockable bin	Services & Contracts Manage	Fairhill Park	09/09/2020		176.52	-	176.52	186
Playing Fields	Ian Cannon - Paths, etc	Services & Contracts Manage	Fairhill Park	16/09/2020		17,380.00	-	0.00	0
Playing Fields	Ian Cannon - Gates, fencing	Services & Contracts Manage	Fairhill Park	16/09/2020		2,000.00	-	2,000.00	2,100
Playing Fields	Ian Cannon - Steel Gates and Timber Bollards	Services & Contracts Manage	Fairhill Park	26/10/2022		2,500.00	-	2,500.00	2,500

Category	ASSET	Custodian	Location	Date acquired	Transfer from	Value £	Asset Transfer Value £	Insurance Value £p	Insurance Value 2022-23 £
Playing Fields Total						40,243.46	1.00	13,509.38	11,560
Recreational Land	Cumbria CC - Land Transfer	Services & Contracts Manage	Thacka Beck	01/11/2020	CCC	-	1.00	0.00	0
Recreational Land	Ian Cannon - Fencing & Gates, Thacka Beck	Services & Contracts Manage	Thacka Beck	30/03/2022		4,985.00	-	4,985.00	4,985
Recreational Land	H H Reeds - Signage, Thacka Beck	Services & Contracts Manage	Thacka Beck	31/03/2022		1,389.00	-	1,389.00	1,389
Recreational Land	Glasdon - Keyless lockable litter bin	Services & Contract Manage	Thacka Beck	08/06/2022		195.47	-	195.00	195
Recreational Land	Ian Cannon - Self Binding Gravel Path	Services & Contracts Manage	Thacka Beck	23/11/2022		14,375.00	-	0.00	0
Recreational Land Total						20,944.47	1.00	6,569.00	6,569
Seats & Benches	Seats and Benches (30 No)	Services & Contracts Manage	Various	19/10/2018	EDC	-	30.00	15,660.00	16,443
Seats & Benches	Glasdon - 1 No Lowther Seat Penrith Remembers	Services & Contracts Manage	Various	22/03/2019		470.31	-	470.31	494
Seats & Benches	Glasdon - 1 No Lowther Seat Memorial	Services & Contracts Manage	Various	22/03/2019		546.13	-	546.13	573
Seats & Benches	Glasdon - 6 No Lowther Seat Penrith Remembers	Services & Contracts Manage	Various	22/03/2019		3,276.78	-	3,276.78	3,441
Seats & Benches	Glasdon - 5 Lowther seats & plaques	Services & Contracts Manage	Various	01/07/2019		2,958.14	-	2,958.14	3,106
Seats & Benches	Glasdon - 2 Lowther seats & plaques	Services & Contracts Manage	Various	12/09/2019		1,168.09	-	1,168.09	1,226
Seats & Benches	Glasdon - 2 Lowther seats & plaques	Services & Contracts Manage	Various	29/02/2020		940.60	-	940.60	988
Seats & Benches	Glasdon UK - 1 Lowther seat & plaque	Services & Contracts Manage	Various	19/08/2020		575.75	-	575.75	605
Seats & Benches	Glasdon - Lowther seat	Services & Contracts Manage	Various	04/11/2020		519.69	-	519.69	546
Seats & Benches	Glasdon - Fusion bench	Services & Contracts Manage	Various	04/11/2020		326.03	-	326.03	342
Seats & Benches	Glasdon - Lowther seat	Services & Contracts Manage	Various	13/01/2021		575.75	-	575.75	605
Seats & Benches	Glasdon & Ian Cannon - Lowther seat and plinth	Services & Contracts Manage	Fairhill Park	23/03/2021		850.75	-	850.75	894
Seats & Benches	Ian Cannon - Two concrete plinths for benches, Fairhill Park	Services & Contracts Manage	Fairhill Park	05/10/2021		550.00	-	550.00	578
Seats & Benches	Glasdon - Lowther seat	Services & Contracts Manage	Fairhill Park	20/10/2021		629.28	-	629.28	660
Seats & Benches	Glasdon - Fusion Seat (from Fairhill Community Group)	Services & Contracts Manage	Fairhill Park	16/03/2022		609.79	-	609.79	641
Seats & Benches	Glasdon - Lowther Seat, Beacon Edge	Services & Contracts Manage	Beacon Edge	23/03/2022		629.28	-	629.28	629
Seats & Benches	Glasdon - Lowther Seat, Rimington Way	Services & Contracts Manage	Rimington Way	23/03/2022		638.65	-	638.65	639
Seats & Benches	Glasdon Ltd - Bench	Services & Contracts Manage	Thacka Beck	05/12/2022		846.77	-	846.77	847
Seats & Benches	Glasdon Ltd - 2 Lowther Bench	Services & Contracts Manage	Thacka Beck	17/01/2023		1,607.20	-	1,607.20	1,607
Seats & Benches Total						17,718.99	30.00	30,925.02	32,410
Street Furniture	Street Furniture Direct - 2 Cycle stands	Services & Contracts Manage	Storage	25/06/2020		110.00	-	110.00	110
Street Furniture	21CC Group Ltd - 3 Platinum Jubilee Beacons	Economic Development Offic	Various	23/02/2022		1,470.00	-	1,470.00	1,470
Street Furniture Total						1,580.00	0.00	1,580.00	1,580
Speed Indicator Devices	TWM Traffic Control Systems - Three Dual Colour Digit Large DSDs	Deputy Town Clerk	Various	30/03/2022		11,650.66	-	11,650.66	11,651
Speed Indicator Devices Total						11,650.66	0.00	11,650.66	11,651
Grand Total						181,870.13	49.00	663,016.81	689,674
						Total Value	181,919.13		

0.00

REPORT TO FULL COUNCIL

Date: 15 May 2023

Public Report

Item no: 17c

Matter: Finance Outturn Report: Year ended 31 March 2023

Author: Responsible Finance Officer

Purpose of Report:

Ratify the final outturn report for the financial year 31 March 2023.

Recommendation

Ratify the outturn report for the financial year ended 31 March 2023.

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.

The Local Government Act 1972 requires the Council to have sound financial management. The Accounts and Audit Regulations 2015, supplemented by statutory guidance on proper practice, prescribe an accounting regime for local councils.

Report

A. 2022-23 Outturn Statement: Income and Expenditure Account (Appendix A)

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

- The actual outturn figures for the preceding financial year 2021-22, for reference only.
- The full year's Latest Budget for 2022-23, which was revised in July 2022.
- Actual outturn income and expenditure for 2022-23, based on the matching principle, which means taking account of all income and expenditure which relates to the year, irrespective of when it is received/paid.

- The variance between the actual outturn income and expenditure and the Latest Budget for the year. Variances are expressed as favourable (positive) where there was an underspending or increased income, and as adverse (negative and bracketed) where there was an overspending or reduced income.
- The position and transactions on the Council's reserves: its General, Devolution, Election and Acquisitions Reserves.

B. Commentary

There was a significant overall underspend of the Latest Budget, with almost all major headings recording underspendings. Individual variances are detailed below.

B.1 Total Income £11,565

Total income of £476,174 was above the £464,609 Budget, a variance of £11,565.

- The annual precept of £455,209 was received from Eden DC in line with budget.
- The Budget assumed investment interest of only £2,000. This actual figure of £13,577 was much higher due to higher rates of interest.

B.2 Planning Committee +£18,272

Expenditure of £5,028 is shown against the Latest Budget of £23,300, an underspending of £18,272.

- The Planning budget of £10,000 was set as a block allocation to cover all its expenditure on this service; at outturn, this was underspent by £7,882.
- In January 2022 the Council approved its budget and programme to deliver its Climate Change Strategy, allocating £13,300 for this year's activities. Unfortunately, staff resources has prevented progress being made on the initiative.

B.3 CCEG Committee +£63,216

Net spend of £51,284 is shown against the budget of £114,500, an underspending of £63,216.

All areas were underspent except Arts and Culture Development which was overspent due to the costs of an event earlier in the year, but this was more than covered by an underspend on officer support.

Expenditure on grants increased from £9,500 in 2021/22 to £20,283 in 2022/23 but is still £29,717 below the budget of £50,000.

There was no expenditure on greening (budget £5,000) or participatory budgeting (budget £10,000)

B.4 Finance Committee +£24,407

Net outturn expenditure of £369,067 is shown against the Latest Budget of £393,474, an underspending of £24,407.

The variances on staff salaries £10,103, National Insurance £2,202 and Pensions (£30) total to an underspend of £12,275. The main reasons for this were the sickness absence of the Sustainability Officer and the late starts of new RFO and Community Services Officer.

Recruitment expenses were over budget by £1,279 which reflects the challenges in recruiting staff.

Heat, Light and water were £3,104 (£1,233 actual 2021/22), which is £1,304 over budget. This reflects the increases in gas and electric prices which have been inflicted on us all, and a return to office working post pandemic.

IT spend was £26,800 which was £6,800 over budget, this reflects the costs of equipment for new members of staff and the costs of keeping our systems up to date including the purchase of new telephone equipment and the transfer to 'Sharepoint'.

Costs of devolved services were £15,695 less than budget. The main reasons were the improvements at Thacka Beck were less than anticipated and there was less spent on the bus shelters. The underspends mean that £6,939 is being transferred to the devolution reserve instead of a budgeted £8,756 contribution from the reserve.

Printing, postage and stationery was £1,815 higher than budget contributed to by the printing of the Neighbourhood Plan consultation and the return of face-to-face meetings and office working.

There was no spend on local government re-organisation (budget £15,000) and no spend on council projects (budget £3,000)

B.5 Contingency Provision

- The contingency provision of £7,800 is shown as fully underspent as costs have been allocated to the correct budget heading.

B.6 Transfer to/(from) Acquisitions Reserve and Election Reserve

- As previously decided £50,000 was transferred from the acquisition reserve. This reserve now has a zero balance, and the reserve is being removed.
- An election reserve has now been created with a transfer of £30,000.

B.7 Total Expenditure & Increase/(Decrease) in General Reserve

- The Latest Budget expected that £24,465 would be used from the General Reserve in 2022-23. Because of outturn underspendings, income exceeded expenditure by £70,795 so this amount has been transferred to the General Reserve rather than the reserve being needed to meet expenditure. As described within this report, the resulting variance of £95,260 arose from the following variations from budget:

	£
Income	11,565
Planning Committee	18,272
CCEG Committee	63,216
Finance Committee	24,407
Contingency	7,800
Transfer to Election Reserve	-30,000
Total Underspending	<u>95,260</u>

- During the 2023-24 Budget process, a Forecast Outturn was produced for 2022-23, which anticipated that the Latest Budget would be underspent by some £55,000; the actual outturn underspending of £71,000 means that an extra £16,000 has been transferred to the General Reserve, compared to the budget assumptions made in January this year.

B.8 Reserves

Overall, reserves at 31 March 2023 are at a much higher level than anticipated in the Latest Budget. In addition to the 2022-23 underspending of £95,000, the General Reserve balance at the start of the year was £69,000 higher than budgeted. Also, the Devolution Reserve opened the year with an additional £9,000 and an extra £15,000 was added during the year.

As noted above, a more up to date comparison can be made with the 2022-23 Forecast Outturn which was used in compiling the 2023-24 Approved Budget. The two comparisons show the following:

Balance at 31 March 2023	Latest Budget	Forecast Outturn	Actual Outturn
Reserve:	£	£	£
General	403,625	482,605	498,885
Devolution	141,099	164,819	156,794

Acquisitions	0	0	0
Elections	0	30,000	30,000
Total Reserves	544,724	677,424	685,679

- The Council's Reserves Policy sets a target 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. The 2023-24 Budget provides for £30,000 over the next five years to fund new initiatives. The outturn underspendings will not only help to secure this programme of expenditure but provide additional funds should the Council wish to invest further in services.

C. Balance Sheet (Appendix B)

Appendix B shows the Council's balance sheet as at 31 March 2023. The following points may be noted:

- Investments with two organisations total £616,626, with the majority being held in the CCLA Public Sector Deposit Fund.
- The VAT Debtor of £1,340 represents March's transactions and has been reclaimed from HMRC.
- Prepayments of £3,795 include adjustments for office rent £1,875, IT support agreements £767, and licences and subscriptions £647.
- The Cash at Bank balance of £80,598 is held at HSBC.
- Accruals of £11,719 comprise of goods and services received by 31 March, but unpaid at that date.
- The Receipts in Advance figure of £2,129 is the remaining income received from United Utilities for planting maintenance at Fairhill Park.

The outturn statement highlights a £84,000 underspending of the approved 2022-23 Budget, when taking in to account additional income received from investments the statements highlights and underspending of £95,000. The underspendings have resulted in the General Reserve balance being £16,000 higher than anticipated when setting the 2022-23 Budget. This will provide an opportunity to consider aspirations beyond those already identified in the medium-term financial plan. Members are reminded that, although 2022-23 budgets were significantly underspent, Financial Regulations prevent such unspent budgets being carried forward to a subsequent year.

Finally, the Council's balance sheet at 31 March 2023 shows it to be in a healthy financial position, with minimal debtors and creditors, its reserves invested in a range of organisations and a bank balance adequate to fund cash flow requirements.

2. Options Analysis including Risk Assessment

2.1 Risk

- Inadequate financial monitoring.
- Inaccurate or non-compliant accounts.

2.2 Consequence

- Unexpected overspending, potentially leading to the curtailment of planned expenditure.
- Reputational damage.
- Adverse criticism of over or underspending.
- Adverse criticism of inaccurate accounts, from Auditors or the general public.

2.3 Controls Required

- A sound budgetary control system with regular reporting and identification of issues.
- An understanding of, and compliance with statutory guidance, standard and sector specific accounting principles.

3. Financial Implications

This report is concerned solely with financial accounting and management.

4. Equalities Implications

None identified.

5. Climate Change and Environmental Implications

None identified.

6. Legal Implications

There are no legal implications arising from this report.

Appendices

- Appendix A - 2021-22 Outturn Statement: Income and Expenditure Account.
- Appendix B – Balance Sheet

Background Papers

- Transaction and trial balance reports from the Sage accountancy system
- Budget, Budgetary Control and Outturn working papers.



Penrith Town Council

2022/23 OUTTURN STATEMENT INCOME AND EXPENDITURE ACCOUNT

ACTUAL OUTTURN 2021/22		LATEST BUDGET 2022/23	HEADING	ACTUAL OUTTURN 2022/23	Favourable/ (Adverse) Variance
£		£		£	£
			INCOME		
			Precept:		
450,069		455,209	Council Tax	455,209	0
7,551		7,390	EDC - CTRS Grant	7,388	(2)
			Other Income:		
641		2,000	Investment Interest	13,577	11,577
0		10	Miscellaneous Income	0	(10)
458,261		464,609	TOTAL INCOME	476,174	11,565
			EXPENDITURE		
			PLANNING COMMITTEE:		
			Planning Services:		
1,692	{		Officer Support	1,270	}
5,788	10,000		Planning Consultancy	848	7,882
0	{		Consultation	0	}
7,480	10,000			2,118	7,882
			Climate Change:		
0	5,000		Community Consultation	0	5,000
0	2,000		Internal Business Plan	0	2,000
0	1,000		Carbon Footprinting: High level baseline	0	1,000
0	500		Carbon Footprinting: Calculator licence	0	500
0	3,000		BIG STEP	0	3,000
0	800		Staff Development/Exceptional Expenses	0	800
0	1,000		Carbon Literacy Training	2,910	(1,910)
0	13,300			2,910	10,390
7,480	23,300		Planning Committee Total	5,028	18,272
			CCEG COMMITTEE:		
			Town Projects:		
4,458	10,000		Town Projects	3,336	6,664
1,081	5,000		Covid-19 Response	0	5,000
			Marketing Penrith	1,352	(1,352)
5,539	15,000			4,688	10,312
			Arts & Entertainment:		
1,807	7,500		Officer Support	3,147	4,353
1,986	0		Arts & Cultural Strategy	0	0
215	17,000		Arts & Culture Development	18,327	(1,327)
0	0		Events Grants	0	0
4,008	24,500			21,474	3,026
			Environment:		
7,844	5,000		Greening	0	5,000
			Grants:		
2,000	15,000		Small Grants	1,780	13,220
0	15,500		Grow Nature Grants	1,460	14,040
7,500	19,500		Large Grants	17,043	2,457
9,500	50,000			20,283	29,717
			Corporate Communications:		
5,264	7,500		Community Engagement	3,319	4,181

ACTUAL OUTTURN 2021/22		LATEST BUDGET 2022/23	HEADING	ACTUAL OUTTURN 2022/23	Favourable/ (Adverse) Variance
£		£		£	£
3,760		2,500	Press Support	1,520	980
9,024		10,000		4,839	5,161
0		10,000	Participatory Budgeting	0	10,000
35,915		114,500	CCEG Committee Total	51,284	63,216
			FINANCE COMMITTEE:		
			Staffing:		
175,242		204,850	Salaries	194,747	10,103
15,982		21,470	National Insurance	19,268	2,202
35,824		42,200	Superannuation	42,230	(30)
58		1,750	Recruitment Expenses	3,029	(1,279)
348		950	Staff Training	1,282	(332)
420		1,000	Conferences	0	1,000
139		500	Staff Expenses	238	262
228,013		272,720		260,794	11,926
			Accommodation:		
7,500		7,500	Rent	7,500	0
1,233		1,800	Heat, Light & Water	3,104	(1,304)
1,181		920	Service Charges	2,331	(1,411)
923		1,730	Room Hire & Meetings	1,782	(52)
390		380	Insurances	390	(10)
0		(10)	Letting Income	0	(10)
11,227		12,320		15,107	(2,787)
			Civic Functions:		
68		400	Civic Functions	76	324
700		700	Mayoral Expenses	700	0
300		300	Deputy Mayor's Expenses	300	0
784		100	Civic Regalia	102	(2)
1,852		1,500		1,178	322
			Cost of Democracy:		
302		200	Annual Meeting	225	(25)
84		1,000	Members' Training	160	840
0		200	Members' Expenses	0	200
197		200	Notice/Honours Board	0	200
583		1,600		385	1,215
14,526		20,000	IT	26,800	(6,800)
533		2,050	Website	340	1,710
			Devolved Services:		
(1,400)		0	Bring Site	0	0
9,142		800	Allotments	(450)	1,250
838		400	War Memorial	0	400
395		1,500	Benches	0	1,500
1,227		8,750	Bus Shelters	3,330	5,420
287		1,750	Bandstand	1,021	729
278		800	Musgrave Monument	653	147
3,628		3,300	Fairhill Park	7,426	(4,126)
0		0	Play Areas	0	0
0		300	Signage, etc	27	273
8,319		28,700	Thacka Beck	19,407	9,293
9,723		8,800	Community Caretaker	7,991	809
13,907		(8,756)	Contribution to Devolution Reserve	6,939	(15,695)
46,344		46,344		46,344	0
0		15,000	Local Government Re-organisation	0	15,000
			Council Projects:		
0		3,000	Officer Support	0	3,000
8,000		0	Project Budget	0	0
8,000		3,000		0	3,000
			Other Overheads:		
1,827		1,800	Printing, Postage & Stationery	3,615	(1,815)
1,990		1,450	Audit Fees 112	1,166	284

ACTUAL OUTTURN 2021/22	LATEST BUDGET 2022/23	HEADING	ACTUAL OUTTURN 2022/23	Favourable/ (Adverse) Variance
£	£		£	£
3,366	3,800	Insurance	3,241	559
139	130	Bank Charges & Interest	123	7
1,685	2,600	Accountancy Fees	2,205	395
77	1,500	Legal Fees	1,898	(398)
430	500	Licences	827	(327)
3,978	4,160	Subscriptions	3,354	806
13,492	15,940		16,429	(489)
2,638	3,000	Repairs & Renewals	1,690	1,310
327,208	393,474	Finance Committee Total	369,067	24,407
0	7,800	Contingency	0	7,800
0	(50,000)	Transfer to/(from) Acquisitions Reserve	(50,000)	0
0	0	Transfer to Election Reserve	30,000	(30,000)
370,603	489,074	TOTAL EXPENDITURE	405,379	83,695
87,658	(24,465)	INCREASE/(DECR) IN GENERAL RESERVE	70,795	95,260
		RESERVES:		
		General Reserve:		
340,432	428,090	Balance brought forward 1 April	428,090	0
87,658	(24,465)	Increase/(decrease) in year	70,795	95,260
428,090	403,625	Balance carried forward 31 March	498,885	95,260
		Devolution Reserve:		
135,948	149,855	Balance brought forward 1 April	149,855	0
13,907	(8,756)	Contribution from Budget	6,939	15,695
149,855	141,099	Balance carried forward 31 March	156,794	15,695
		Acquisitions Reserve:		
50,000	50,000	Balance brought forward 1 April	50,000	0
0	(50,000)	Contribution from Budget	(50,000)	0
50,000	0	Balance carried forward 31 March	0	0
		Election Reserve:		
0	0	Balance brought forward 1 April	0	0
0	0	Contribution from Budget	30,000	30,000
0	0	Balance carried forward 31 March	30,000	30,000
627,945	544,724	TOTAL RESERVES 31 MARCH	685,679	110,955



Penrith Town Council

2022/23 OUTTURN STATEMENT BALANCE SHEET AS AT 31 MARCH 2023

31 MARCH 2022
£
£
Investments

84,935.50
378,860.00
86,112.96

549,908.46

Current Assets

4,084.21
6,298.61
8,786.92
76,617.30
95,787.04

Debtors 2,169.14
Debtor - VAT 1,339.51
Prepayments 3,795.50
Cash at bank: HSBC 80,597.74

2,169.14
1,339.51
3,795.50
80,597.74
87,901.89

Current Liabilities

9,000.00
6,621.36
0.00
2,129.25
17,750.61

Creditors 5,000.00
Accruals 11,718.88
Payroll Control 0.00
Receipts in Advance 2,129.25

5,000.00
11,718.88
0.00
2,129.25
18,848.13

78,036.43

Net Current Assets

69,053.76

627,944.89

685,679.39

Represented by:
Reserves

428,090.15
149,854.74
50,000.00
0.00

General Reserve
Devolution Reserve
Acquisitions Reserve
Election Cost Reserve

498,885.70
156,793.69
0.00
30,000.00

627,944.89

685,679.39

REPORT TO FULL COUNCIL

Date: 15 May 2023

Public Report

Item no: 17d

Matter: Internal Audit 2022/23

Author: Responsible Finance Officer

Purpose of Report:

The Council's Internal Auditors final report for 2022/23.

Recommendation

Ratify the Internal Auditors final report for 2022/23.

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.

The Council is required to follow the governance and accounting regime set out in the Accounts and Audit Regulations 2015. This requires the Council to undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, considering public sector internal auditing standards or guidance.

Internal Auditors are required to follow the provisions of the JPAG Guide to Governance and Accountability, which represents statutory best practice.

Report

- 1.1 The internal audit for 2022/23 has been carried out by Mrs Jean Airey.
- 1.2 Her interim report was reported to the last meeting of Council on 27 March 2023.
- 1.3 She has now presented her final report for 2022/23 which contains the auditors formal opinion. Her final report and statutory audit opinion forms part of the AGAR.

2. Options Analysis including Risk Assessment

2.1 Risk

Lack of a robust audit regime resulting in irregularities not being detected.

2.2 Consequence

Loss or waste of resources, criticism from external audit and reputational damage.

2.3 Controls Required

Appointment of an independent and competent internal auditor, working to an appropriate internal audit plan.

3. Financial Implications

There are no direct financial implications arising from this report.

4. Equalities Implications

None identified.

5. Climate Change and Environmental Implications

None identified.

6. Legal Implications

An effective internal audit function meets the requirements of the relevant legislation.

Appendices

- Appendix A – Internal Auditors Report

Background Papers

- 27 March 2023 Review of Effectiveness of Internal Audit 2022-23.
Full Council agenda pack
- Account and Audit Regulations 2015.
- JPAG Guide to Governance & Accountability 2022 & 2023 Editions.

FINAL REPORT BY THE INTERNAL AUDITOR TO PENRITH TOWN COUNCIL
1ST APRIL 2022- 31ST MARCH 2023
FINANCIAL YEAR ENDING 31ST MARCH 2023

Introduction

This final report for the financial year 1st April 2022 to 31st March 2023 covers elements required by the Account and Audit Regulations (England) 2015 which were not covered in the interim report for the period 1st April 2022 – 30th December 2022.

I confirm I have, on the 18th April 2023 undertaken a final audit which covers the period 1st January 2023 to 31st March 2023 in accordance with the Account and Audit Regulations (England) 2015 as outlined in the schedule previously circulated and approved by Council and incorporating any new requirements as outlined in “Governance and Accountability for Smaller Authorities in England” March 2023

Appropriate accounting records have been kept throughout the year.

The completed 2023 Annual Governance and Accountability Return (AGAR) confirms that the closing balance at 31st March 2022 has been correctly carried forward to 1st April 2023 to commence the financial year.

The bank reconciliation at 31st March 2023 correctly reflects the balances on all bank accounts.

The Council having reserve cash funds in excess of £100,000 has identified the need for an investment strategy with clear aims and objectives, namely to consider security, liquidity, yield, here listed in order of priority.

The Council has a comprehensive investment policy, and strategy for reserves, which were adopted 19th January 2023.

A full report was available for inspection which had been prepared for presentation to the Finance Committee to be held on 24th April 2023 and to be further ratified at the full Council meeting in May. The investment strategy is to be subject to review annually.

The authority complied with its financial regulations, invoices supported payments, all expenditure was approved and VAT was accounted for.

The rigorous tendering process for goods and services was evidenced by the documentation made available. All tenders and quotes adhere to the up to date Financial Regulations.

A selection of financial transactions was reviewed in excess of £2000.00 all were supported by a clear audit trail.

Vat reclaims are prepared on a monthly basis. Evidence was available to confirm the reclaims for January, February and March. – Sage Reconciliation, Sage Transactions and HMRC verification.

The claim for the final month of the financial year 31st March 2023 had been reconciled and submitted to HMRC - £1339.51.

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

All aspects of this section were covered in the interim report. Further financial risks were identified and controls documented in the report to the Finance Committee when recommended to review the outturn report for the financial year 31st March 2023 and recommend its acceptance to Full Council

The Precept requirement resulted from an adequate budgetary process, progress against the budget was regularly monitored and reserves are appropriate.

The Responsible Financial Officer (RFO) with full explanations of the recommendations prepares a budget report and it is presented to the Finance Committee for approval and development prior to recommendations being made to Council. The Council subsequently approves the budget and notes in the Minutes the precept to be requested for the 2023-2023 financial year. -

The budget is set in time to comply with the District Council's timetable.

Expected income was fully received based on correct prices, properly recorded and promptly banked and VAT appropriately accounted for.

The Council has minimal income from sources other than the Precept. Where received, it is properly recorded and promptly banked. No cash income.

The Council has 200 allotment plots allocated over 4 sites. Penrith Allotment Association operates the sites on the Council behalf.

Petty Cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.

The Council does not operate a Petty Cash account. Sums incurred on Debit Cards are fully supported by invoices/receipts. VAT is identified and purchases are allocated to the appropriate budget headings.

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

All payments reflect salary scales approved by Council. Returns to HMRC are processed by the external accountant. The record with all deductions for staff was properly prepared and available for inspection.

Assets and investments register were completed and accurate and properly maintained.

The Asset Register for the current financial year has been completed and will be reviewed and adopted, as it is annually, to a scheduled timetable ensuring accuracy for completion of the 2022-2023 AGAR.

All investments adhere to the Investment Strategy.

Accounting statements prepared during the year were prepared on the correct accounting basis – income and expenditure , all schedules, etc agreed and were supported by an adequate audit trail from the core Sage accounts. Debtors and Creditors were properly recorded. The Council has published on the website all documentation required under relevant legislation.

The Council accounts are prepared on an Income and Expenditure basis as required by the Accounts and Audit regulations being an authority with income/ expenditure in excess of £200,000. The Sage Accounts clearly identifies Debtors, Creditors, Receipts in Advance, and Accruals.

It is confirmed that the Council is fully compliant with requirements to publish information in line with relevant legislation.

The audit reports confirm that Penrith Town Council has fulfilled its statutory obligations and all finance and procedures comply with legislation. The comprehensive website ensures the electorate is fully aware of the use of all public funds.

I wish to express my appreciation to the Responsible Financial Officer for the of preparation all relevant financial documents and reports and for the assistance of the Town Clerk and all Officers for comprehensive governance documents and the completeness of information on the website which facilitated the audit.

A handwritten signature in black ink, appearing to read 'G. Airey', with a stylized flourish at the end.

Georgina D Airey - Internal Auditor – 20th April 2023.

Annual Internal Audit Report 2022/23

PENRITH TOWN COUNCIL

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

During the financial year ended 31 March 2023, this authority's internal auditor acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with the relevant procedures and controls in operation and obtained appropriate evidence from the authority.

The internal audit for 2022/23 has been carried out in accordance with this authority's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of this authority.

Internal control objective	Yes	No*	Not covered**
A. Appropriate accounting records have been properly kept throughout the financial year.	✓		
B. This authority complied with its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	✓		
C. This authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	✓		
D. The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	✓		
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.			✓
G. Salaries to employees and allowances to members were paid in accordance with this authority's approvals, and PAYE and NI requirements were properly applied.	✓		
H. Asset and investments registers were complete and accurate and properly maintained.	✓		
I. Periodic bank account reconciliations were properly carried out during the year.	✓		
J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.	✓		
K. If the authority certified itself as exempt from a limited assurance review in 2021/22, it met the exemption criteria and correctly declared itself exempt. <i>(If the authority had a limited assurance review of its 2021/22 AGAR tick "not covered")</i>			✓
L. The authority published the required information on a website/webpage up to date at the time of the internal audit in accordance with the relevant legislation.	✓		
M. In the year covered by this AGAR, the authority correctly provided for a period for the exercise of public rights as required by the Accounts and Audit Regulations <i>(during the 2022-23 AGAR period, were public rights in relation to the 2021-22 AGAR evidenced by a notice on the website and/or authority approved minutes confirming the dates set)</i> .	✓		
N. The authority has complied with the publication requirements for 2021/22 AGAR <i>(see AGAR Page 1 Guidance Notes)</i> .	✓		
O. (For local councils only)	Yes	No	Not applicable
Trust funds (including charitable) – The council met its responsibilities as a trustee.			✓

For any other risk areas identified by this authority adequate controls existed (list any other risk areas on separate sheets if needed).

Date(s) internal audit undertaken

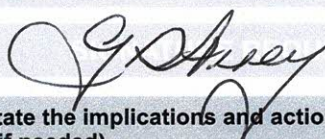
07/02/2023

18/04/2023

Name of person who carried out the internal audit

G. D. Airey

Signature of person who carried out the internal audit



Date

18/04/2023

***If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).**

****Note:** If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned; or, if coverage is not required, the annual internal audit report must explain why not (add separate sheets if needed).

REPORT TO FULL COUNCIL

Date: 15 May 2023

Public Report

Item no: 17e

Matter: Review the effectiveness of the Council's Internal Audit provision during 2022/23 and re-appoint the Internal Auditor for the current financial year 2023/24

Author: Responsible Finance Officer

Purpose of Report:

Ratify the review of the effectiveness of the Council's Internal Audit provision during 2022/23 and confirm the provision for 2023-24.

Recommendation

- i. Ratify the review of internal audit provision and confirm that the function has operated effectively during 2022/23.
- ii. Ratify the re-appointment of G. Airey as the Internal Auditor for 2023-24.

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.

The Council is required to follow the governance and accounting regime set out in the Accounts and Audit Regulations 2015. This requires the Council to undertake an effective internal audit to evaluate the effectiveness of its risk management, control, and governance processes, considering public sector internal auditing standards or guidance.

Internal Auditors are required to follow the provisions of the JPAG Guide to Governance and Accountability, which represents statutory best practice.

Report

- 1.1 The internal audit for 2022/23 has been conducted by Mrs Jean Airey.
- 1.2 The appendix to this report presents a review of the effectiveness of Internal Audit. There are two aspects to the review: meeting standards and characteristics of effectiveness.
- 1.3 The RFO's assessment of the performance of Mrs Airey against relevant criteria is set out below, where it can be seen that her performance is satisfactory in all respects.
- 1.4 The Council meeting on the 27 March also reviewed the Council's system of internal control for 2022/23, part of which acknowledged that its internal audit arrangements were effective.
- 1.5 This more detailed review confirms that opinion and provides the evidence and justification for the re-appointment of the current Internal Auditor. The Committee is recommended to appoint Mrs Airey as its Internal Auditor for 2023/24.

2. Options Analysis including Risk Assessment

2.1 Risk

Lack of a robust audit regime resulting in irregularities not being detected.

2.2 Consequence

Loss or waste of resources, criticism from external audit and reputational damage.

2.3 Controls Required

Appointment of an independent and competent internal auditor, working to an appropriate internal audit plan.

3. Financial Implications

There are no direct financial implications arising from this report.

4. Equalities Implications

None identified.

5. Climate Change and Environmental Implications

None identified.

6. Legal Implications

An effective internal audit function meets the requirements of the relevant legislation.

Appendices

- Appendix A – Review of Effectiveness of Internal Audit 2022-23.

Background Papers

- Account and Audit Regulations 2015.
- JPAG Guide to Governance & Accountability 2022 & 2023 Editions.

Area 1: Meeting Standards**Appendix A**

Standard	Evidence of achievement
1. Scope of internal audit	<p>The appointment of Mrs Jean Airey as Internal Auditor for the financial year 2022-23 was confirmed by Council in May 2022.</p> <p>The terms of her engagement are formally agreed and documented.</p> <p>The Internal Auditor follows proper practice and meets national auditing standards.</p> <p>Internal audit work considers both the council's risk assessment and wider internal control arrangements.</p> <p>Internal audit work considers the Council's anti-fraud and corruption arrangements.</p> <p>The Internal Auditor has unfettered access to all areas of the Council's activities.</p>
2. Independence	<p>The Internal Auditor is independent from the Council and is not involved in its financial controls, procedures or decision making.</p> <p>Internal audit has direct access to those charged with governance and can seek information or explanations from any officer or Member of the Council.</p> <p>Reports are made in the Auditor's own name to management.</p>
3. Competence	<p>Mrs Airey has substantial experience in auditing and knowledge of auditing standards, having been an internal auditor to local councils in Cumbria for many years. She was Town Clerk to Keswick Town Council for 25 years and has delivered training on behalf of CALC.</p> <p>There is no evidence of a failure to carry out internal audit work ethically, with integrity and objectivity.</p>
4. Relationships	<p>The Clerk and RFO are consulted on the internal audit plan and coverage.</p> <p>Respective responsibilities for officers and internal audit are defined in relation to internal control, risk management and fraud and corruption matters.</p> <p>The responsibilities of Council members are understood, in particular the Finance Committee; training of Members is available as required.</p>
5. Audit Planning and Reporting	<p>The annual internal audit plan properly takes account of all the risks facing the Council.</p> <p>Mrs Airey provided her interim report promptly after completion of her fieldwork and plans to submit her final report and opinion promptly.</p>

Area 2: Characteristics of Effectiveness

Characteristic	Evidence of achievement
1. Internal audit work is planned	Planned internal audit work is based on the assessment of risk and is designed to meet the Council's needs and national auditing standards. Mrs Airey amends her audit plan as required to take account of new requirements and changes to the JPAG guidance.
2. Understanding the whole organisation, its needs and objectives	The annual audit demonstrates how audit work provides assurance for the council's Annual Governance Statement.
3. Be seen as a catalyst for change	Internal audit supports the Council's work in delivering improved services to the community.
4. Add value and assist the organisation in achieving its objectives	The Council makes positive responses to internal audit's recommendations and follows up with action where this is called for.
5. Be forward looking	In formulating the annual audit coverage, national agenda changes are considered. Internal audit maintains awareness of new developments in the services, risk management and corporate governance.
6. Be challenging	Internal audit focuses on the risks facing the Council. Internal Audit encourages managers/Members to develop their own responses to risk, rather than relying solely on audit recommendations.
7. Ensure the right resources are available	Adequate resource is made available for internal audit to complete its work; the auditor has the freedom to request additional fee work if she considers it necessary. Internal Audit understands the Council and the legal and corporate framework in which it operates. Mrs Airey has undertaken this role (and similar roles) for several years; this continuity results in a good understanding of the Council, its internal control environment and the issues facing it.

Section 1 – Annual Governance Statement 2022/23

We acknowledge as the members of:

PENRITH TOWN COUNCIL

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2023, that:

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

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

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

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

and recorded as minute reference:

Chairman

Clerk

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

REPORT TO FULL COUNCIL

Date: 15 May 2023

Public Report

Items no: 17 f ii and iii

Matter: Accounting Statements 2022-23 (AGAR Section 2) iii. Notice of public rights and publication of unaudited Annual Governance & Accountability Return

Author: Responsible Finance Officer

Purpose of Report:

Approve the Accounting Statements 2022-23 (Section 2 of the AGAR)

Note the period for the exercise of public rights.

Recommendation

- i. Approve the Accounting Statements 2022-23 (Section 2 of the AGAR)
- ii. Agree that the Chair be authorised to sign the AGAR on behalf of the Council prior to the submission of the AGAR by the RFO to the External Auditor.
- iii. Agree that the period for the exercise of public rights be from Sunday 4 June 2023 to Friday 14 July 2023.

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.

The Council is required by law to follow the governance and accounting regime set out in the Accounts and Audit Regulations 2015. Statutory proper practice issued under these Regulations has been published in the JPAG publication 'Governance and Accountability for Smaller Authorities in England'. This document is the mandatory guide to completion of the statutory Annual Governance and Accountability Return (AGAR) and it describes how accounting transactions are to be treated and reported.

Contribution to Council Business Plan

The Council is required to have sound financial administration and report its accounts in accordance with proper practice.

Report

1.1 The Accounting Statements

The Accounting Statements prepared in accordance with the Practitioners Guide represent a highly summarised version of the Council's transactions for the year. They are also, in a sense, incomplete, as they do not record the Council's full balance sheet, only the cash and reserves figure at year end.

The Practitioners Guide recommends that Members have access to a reconciliation between the financial ledger (cash book) and the Accounting Statements. Appendix A provides that reconciliation, showing not only how Sage ledger balances are analysed in AGAR format but also how those balances correspond to the formal outturn statement. The Guide does not require Councils to account separately for fixed assets but to keep a memorandum summary in their asset register. The asset value shown in the Accounting Statement is therefore derived directly from the Council's register, as reported elsewhere on this agenda.

Section 2 of the AGAR (Appendix B) has been signed by the RFO as required by the guidance. Members are requested to review the AGAR and the supporting reconciliation and recommend that the Chair of the Council meeting signs the Statements on its behalf.

1.2 Exercise of Public Rights and Audit of the AGAR

The process for the approval and audit of the AGAR is as follows:

- Approval of the Accounting Statements must take place after approval of the Annual Governance Statement (AGS).
- Legislation provides for the accounting records of the Council to be open for inspection for a fixed period prior to review by the External Auditor. This is known as the exercise of public rights and must be a period of 30 working days which includes the first 10 working days of July. To comply with this requirement, the RFO plans to specify the period from 12 June to 21 July 2023; during this time, members of the public can examine the accounts and supporting documentation. To meet this timescale, the unaudited Accounts and AGS must be published on the Council's website by Sunday 4 June 2023 to Friday 14 July 2023.
- The AGAR comprises the AGS, the Accounting Statements and the Internal Auditor's report. The full AGAR must be submitted, with supporting information, to the External Auditors, Moore UK, by Friday 30 June 2023.
- After their sign-off, the full audited Return must be published on the Council's website by 30 September 2023.

2. Options Analysis including Risk Assessment

2.1 Risk

Transactions are recorded incorrectly or inconsistently in statutory returns.

2.2 Consequence

Criticism from Auditors.

Reputational damage.

2.3 Controls Required

Adherence to the correct principles for the recording and reporting of the Council's transactions.

3. Financial Implications

This report is concerned solely with financial transparency and accountability.

4. Equalities Implications

None identified.

5. Climate Change and Environmental Implications

None identified.

6. Legal Implications

The Council must comply with statutory guidance, which is quite prescriptive in its requirements.

Appendices

- Appendix A - Reconciliation between Sage financial ledger and AGAR Section 2
- Appendix B - AGAR Section 2

Background Papers

- Transaction and trial balance reports from the Sage accountancy system
- 2022-23 outturn working papers.
- JPAG Practitioners' Guide 2023 Edition

AGAR Reconciliation to Accounting System 2022/23				Sage Nominal Code	Sage Trial Balance 31 March 23	Line 1	Line 2	Line 3	Line 4	Line 6	Line 7	Line 8	Balance Sheet Items not returned on AGAR	
N/C	Summary Heading	Total	Detailed Account			Balances b/fwd	Annual Precept	Other Income	Staff Costs excls mileage	Other Expenditure	Balances c/fwd	Cash & Short term Balances		
		£			£	£	£	£	£	£	£	£	£	
1100	Debtors	2,169.14	Debtors Control Account	1100	0.00								0.00	
1101			Sundry Debtors	1101	0.00								0.00	
1105			Other Debtors	1102	2,169.14								2,169.14	
1110			Deposits Paid	1110	0.00								0.00	
1115	Prepayments	3,795.50	Prepayments	1115	3,795.50								3,795.50	
1200	Cash at Bank	80,597.74	Unity Trust	1200	0.00							0.00		
1205			HSBC	1205	80,597.74							80,597.74		
1216	Investments	0.00	Cumberland Building Society	1216	0.00							0.00		
1217		530,000.00	CCLA Public Sector Deposit Fund	1217	530,000.00							530,000.00		
1218		86,625.63	Penrith Building Society	1218	86,625.63							86,625.63		
2100	Creditors	(5,000.00)	Creditors Control Account	2100	0.00								0.00	
2101			Sundry Creditors	2105	(5,000.00)								(5,000.00)	
2110	Accruals	(11,718.88)	Accruals	2110	(11,718.88)								(11,718.88)	
2115	Receipts in Advance	(2,129.25)	Receipts in Advance	2115	(2,129.25)								(2,129.25)	
2200	Debtor - VAT	1,339.51	V.A.T. Sales Control Account	2200	0.00								0.00	
2201			V.A.T. Purchase Control Account	2201	0.00								0.00	
2202			VAT Liability	2202	1,339.51								1,339.51	
2210	Creditor - Payroll Control	0.00	Payroll Control	2210	0.00								0.00	
3000	Reserves	(428,090.15)	General Reserve	3000	(428,090.15)	(428,090.15)					(428,090.15)			
3010		(156,793.69)	Devolution Reserve	3010	(156,793.69)	(156,793.69)					(156,793.69)			
3015		0.00	Acquisitions Reserve	3015	0.00	0.00					0.00			
3020		(30,000.00)	Election Reserve	3020	(30,000.00)	(30,000.00)					(30,000.00)			
3200		0.00	Profit and Loss Account	3200	0.00	0.00					(57,734.50)			
4000	Precept	(455,209.00)	Precept	4000	(455,209.00)		(455,209.00)			0.00				
4010	CTRS Grant	(7,388.00)	CTRS Grant	4010	(7,388.00)			(7,388.00)		0.00				
4100	Investment Income	(13,577.20)	Investment Income	4100	(13,577.20)			(13,577.20)		0.00				
4200	Miscellaneous Income	0.00	Miscellaneous Income	4200	0.00			0.00		0.00				
5000	Officer Support - Planning	1,269.98	Officer Support	5000	1,269.98				1,269.98	0.00				
5100	Planning Consultancy	848.33	Planning Consultancy	5100	848.33			0.00		848.33				
5200	Consultation Events	0.00	Consultation	5200	0.00					0.00				
5300	Block Allocation	0.00	Block Allocation	5300	0.00					0.00				
6500	Climate Change - Website &	0.00	Climate Change - Website & Initial Costs	6500	0.00					0.00				
5500	Community Consultation	0.00	Community Consultation	5500	0.00					0.00				
5505	Internal Business Plan	0.00	Internal Business Plan	5505	0.00					0.00				
5510	Carbon Footprinting: High le	0.00	Carbon Footprinting: High level baseline	5510	0.00					0.00				
5515	Carbon Footprinting: Calcula	0.00	Carbon Footprinting: Calculator licence	5515	0.00					0.00				
5520	BIG STEP	0.00	BIG STEP	5520	0.00					0.00				
5525	Staff Development/Exceptio	0.00	Staff Development/Exceptional Expenses	5525	0.00					0.00				
5530	Carbon Literacy Training	2,910.00	Carbon Literacy Training	5530	2,910.00					2,910.00				
6000	Town Projects	4,688.70	Town Projects	6000	3,336.70			0.00	5.69	3,331.01				
6001			Covid-19 Response	6001	0.00					0.00				
6002			Marketing Penrith	6002	1,352.00						1,352.00			
6100			Officer Support	6100	3,147.09					2,646.89	500.20			
6101			Arts & Cultural Strategy	6101	0.00						0.00			
6105	Arts and Entertainment	21,473.96	Arts & Culture Development	6105	18,326.87				227.69	18,099.18				
6110			Events Grants	6110	0.00					0.00				
6200	Environment	0.00	Greening	6200	0.00					0.00				
6400	Community Grants	0.00	Local Govt Act 1972 Section 137 Grants	6400	0.00					0.00				
6401			Local Govt Act 1972 Section 144 Grants	6401	0.00					0.00				
6402			Local Govt Act 1972 Section 145 Grants	6402	0.00					0.00				
6403			Transport Act 1985 Section 106A Grants	6403	0.00					0.00				
6404			Open Spaces Act 1906 Grants	6404	0.00					0.00				
6405			Local Govt & Rating Act 1997, Section 26-29	6405	0.00					0.00				
6406			Public Health Act 1936 Section 234	6406	0.00					0.00				
6407			Local Govt (Misc Provisions) Act 1976 Section 19	6407	0.00					0.00				
6600	Grants	20,283.00	Small Grants	6600	1,780.00					1,780.00				
6610			Grow Nature Grants	6610	1,460.00					1,460.00				
6620			Large Grants	6620	17,043.00					17,043.00				
7520	Corporate Communications	4,839.00	Community Engagement	7520	3,319.00					3,319.00				
7530			Press Support	7530	1,520.00					1,520.00				
7000	Staffing	260,793.14	Salaries	7000	194,746.71				194,746.71	0.00				
7010			National Insurance	7010	19,268.22					19,268.22	0.00			
7020			Superannuation	7020	42,229.79				42,229.79	0.00				
7025			Recruitment Expenses	7025	3,028.60						3,028.60			
7030			Staff Training	7030	1,281.59						1,281.59			
7040			Conferences	7040	0.00						0.00			
7050			Staff Expenses	7050	238.23						238.23			
7100	Accommodation	15,106.58	Rent	7100	7,500.00					7,500.00				
7110			Heat, Light & Water	7110	3,103.52					3,103.52				
7120			Service Charges	7120	2,330.88					2,330.88				
7130			Room Hire	7130	1,782.18					1,782.18				
7140			Insurances	7140	390.00					390.00				
7190			Letting Income	7190	0.00					0.00				
7200	Civic Functions	1,177.97	Civic Functions	7200	76.00					76.00				
7210			Mayoral Expenses	7210	700.00					700.00				
7211			Deputy Mayor's Expenses	7211	300.00					300.00				
7220			Civic Regalia	7220	101.97					101.97				
7300	Cost of Democracy	385.00	Annual Meeting	7300	225.00					225.00				
7340			Members' Training	7340	160.00					160.00				
7320			Members' Expenses	7320	0.00					0.00				
7330			Notice/Honours Board	7330	0.00					0.00				
7400	IT	26,799.94	IT	7400	26,799.94					26,799.94				
7510	Website	339.75	Website	7510	339.75					339.75				
7600	Devolved services	46,344.00	Bring Site	7600	0.00					0.00				
7605			Allotments	7605	(450.00)			(450.00)		0.00				
7610			War Memorial	7610	0.00					0.00				
7615			Benches	7615	0.00					0.00				
7620			Bus Shelters	7620	3,330.02					3,330.02				
7625			Bandstand	7625	1,021.22			(750.00)		1,771.22				
7630			Musgrave Monument	7630	652.66					652.66				
7635			Fairhill Park	7635	7,426.29					7,426.29				
7645			Play Areas	7645	0.00					0.00				
7660			Fairhill United Utilities Planting Maintenance	7660	0.00					0.00				
7661			Fairhill Site Improvements (UU)	7661	0.00					0.00				
7540			Signage, Etc	7540	27.00					27.00				
7665			Thacka Beck	7665	19,406.58						19,406.58			
7680			Community Caretaker	7680	7,991.28						7,991.28			
7685			Local Government Re-organisation:Action Plan	7685	0.00					0.00				
7690			Contribution To Devolution Reserve	7690	6,938.95	6,938.95					6,938.95			
7750	Council Projects	0.00	Officer Support	7750	0.00					0.00				
7755			Project Budget	7755	0.00					0.00				
7800	Other Overheads	16,428.84	Printing, Postage & Stationery	7800	3,615.17					3,615.17				
7820			Audit Fees	7820	1,166.20					1,166.20				
7830			Insurance	7830	3,240.97					3,240.97				
7840			Bank Charges & Interest	7840	123.00					123.00				
7850			Accountancy Fees	7850	2,205.00					2,205.00				
7855			Legal Fees	7855	1,897.50					1,897.50				
7860			Licences	7860	826.78					826.78				
7870			Subscriptions	7870	3,354.22		</							

Section 2 – Accounting Statements 2022/23 for

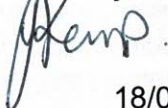
PENRITH TOWN COUNCIL

	Year ending		Notes and guidance
	31 March 2022 £	31 March 2023 £	
1. Balances brought forward	526,380	627,945	Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.
2. (+) Precept or Rates and Levies	450,069	455,209	Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.
3. (+) Total other receipts	29,407	22,165	Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.
4. (-) Staff costs	234,712	260,395	Total expenditure or payments made to and on behalf of all employees. Include gross salaries and wages, employers NI contributions, employers pension contributions, gratuities and severance payments.
5. (-) Loan interest/capital repayments	0	0	Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).
6. (-) All other payments	143,199	159,245	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7. (=) Balances carried forward	627,945	685,679	Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).
8. Total value of cash and short term investments	626,526	697,223	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – To agree with bank reconciliation.
9. Total fixed assets plus long term investments and assets	156,299	181,919	The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.
10. Total borrowings	0	0	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).

For Local Councils Only	Yes	No	N/A	
11a. Disclosure note re Trust funds (including charitable)		✓		The Council, as a body corporate, acts as sole trustee and is responsible for managing Trust funds or assets.
11b. Disclosure note re Trust funds (including charitable)			✓	The figures in the accounting statements above do not include any Trust transactions.

I certify that for the year ended 31 March 2023 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

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



Date

18/04/2023

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

as recorded in minute reference:

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

REPORT TO FULL COUNCIL

Date: 15 May 2023

Public Report

Matter: Carleton Heights Village Hall

Item no: 18

Authors: Town Clerk, Deputy Town Clerk Solicitor and Services and Contracts Manager, Community Services Officer

Purpose of Report:

Consider an invitation from Persimmon Homes Lancashire to express an interest in owning the village hall at Carleton Heights (off Carleton Road) which is being built by as part of the Section 106 agreement for the development.

Recommendations:

- i. The Council formally expresses their interest subject to contract and the agreement of terms without prejudice, in accepting the ownership of the hall.
- ii. That the Services and Contracts Manager, Town Clerk and Solicitor have delegated authority to negotiate with Permission on the proposed terms of any purchase and Westmorland and Furness Council on its position in relation to the acquisition of the village hall and planning matters.
- iii. The Council agree the terms and approve the business case when completed.
- iv. That once the essential terms, on costs and principles agreed provide authority to the Town Clerk to complete the transfer if the terms, costs, and business case are favourable.
- v. That expenditure to support the acquisition be funded by reserves to the value of £25,000 and that Council approve the establishment of a budget for Carleton Village Hall that will sit with the Finance Committee.
- vi. That officers have authority to negotiate changes and enhancements to the design for climate change mitigation.
- vii. That a task and finish group be established to assist the successful transfer of the hall and engage with the residents and develop the business case: the membership will include the Council Chair, Vice Council Chair, Carleton Ward Cllrs Holden and Lawson and officers.
- viii. That the Services and Contracts Manager and Community Services Officer develop a business case. with an options analysis to go forward to the next scheduled meeting of the Council.

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.

Section 106

Section 106 of the Town and Country Planning Act 1990 allows a local planning authority, to enter into a legally binding agreement or planning obligation with a landowner as part of the granting of planning permission.

The obligation is termed a section 106 agreement, and these are linked to planning permissions and are also known as planning obligations.

These agreements are a way of delivering or addressing matters that are necessary to make a development acceptable in planning terms.

They can be used to support the provision of services and infrastructure, such as highways, recreational facilities, education, health, and affordable housing.

1. Report Details

- 1.1 A Special Planning Committee of Eden District council was convened in March 2016 to consider a reserved matters planning application (16/0811) for an urban extension to provide market and affordable housing, school, community facilities and associated infrastructure including roads, drainage, open space and landscaping, Carleton Heights, Penrith.
- 1.2 The outline application was approved in 2008 with an amended application submitted and approved in 2011.
- 1.3 In November 2016 Persimmon informally approached Penrith Town Council to ask if the Council would be interested in owning the hall. The Town Clerk responded informally that the Council would potentially be interested in accepting the transfer of the hall.
- 1.4 Eden District Council considered the planning application for the site on 17 November 2016.
- 1.5 The Council has been formally approached by Persimmon Homes Lancaster to acquire the ownership of the new village hall to be built in Carleton Heights. (Appendix A). The Town Clerk sought an extension to the 30-days' notice and have agreed that Council will respond on 16 May 2023. This has been accepted by the developer.
- 1.6 Persimmon Homes have informed Council that the principal authority now Westmorland and Furness Council have not responded on any offer of the hall.

- 1.7 The Town Clerk has asked if the terms of transfer will be the same as if the building were to be transferred to the principal authority Persimmon have advised that they would envisage it being on the same terms but would consider any requests or suggestions from the Council.
- 1.8 The Town Clerk has been advised by the developer that if the Town Council is not interested, the building will be marketed/or transferred to the management company for the site or a constituted community organisation.
- 1.9 The Town Council is not necessarily aware of all the terms of the section 106 agreement relating to the site and the village hall. It is understood that under the agreement the hall was to be offered to the then Eden District Council (EDC) which had thirty days to respond. If the offer was accepted the contract for the purchase had to be concluded on a set timescale.
- 1.10 The agreed price was £1. EDC would have to maintain and manage the hall in accordance with an agreed scheme.
- 1.11 The hall would have to be used for community, sporting, social or public uses and ancillary uses.
- 1.12 If the offer of the hall was not accepted a marketing strategy for the disposal of the hall had to be agreed with EDC as the Planning Authority and thereafter the hall was to be disposed of in accordance with that strategy. It will need to be clarified with Westmorland and Furness and Persimmon how any disposal to the Town Council meets the terms of the agreement or how it can be accommodated. In addition, it will have to be clarified which terms of the potential disposal to EDC would apply to the Town Council.
- 1.13 Under the 106 agreement the hall is understood to comprise of an area the size of a badminton court, an office, a kitchen, a store area, changing facilities and 11 car parking spaces with 1 for use by a disabled person.
- 1.14 The preliminary drawings were provided as at (Appendix B). Persimmon are looking at the detailed designs at present. This provides Council with an opportunity to suggest that the hall be exemplar in climate change mitigation and either through the design and build process or retrospectively, install air source heat pump, solar panels, EV charging ports, heat recovery system and rainwater harvesting system.
- 1.15 The village hall will be ready before the end of 2024 but could be brought forward. Persimmon have advised the Town Clerk that if the Council would like to proceed the transfer documents would be drafted promptly.

2. Proposal Details

- 2.1 It is proposed that the Council formally express their interest in accepting the ownership of the hall and enter into negotiations with Persimmon and Westmorland and Furness Council on matters relevant to any purchase of the hall.
- 2.2 That Westmorland and Furness Council are advised of the approach and the Council's expression of interest.
- 2.3 That a site visit be arranged to:
 - a) Speak to the designers.
 - b) View the position of the hall.
 - c) Identify allocated parking spaces including the parking for disabled driver as ideally there should be a dedicated car park for insurance purposes.
 - d) Identify open space to the front, "The Point" and to the left of the building, for accessibility issues for wheelchairs and prams/pushchairs, providing space for bike racks, deliveries access and parking for minibuses.
 - e) Check out the possibility of including the parking spaces and surrounding green space within the transfer.
- 2.4 That discussions commence around the design of the building, parking for the facility and overall site.
- 2.5 That the Services and Contracts Manager, Town Clerk and Solicitor have delegated authority to enter into the proposed negotiations on the terms and implications of any acquisition. A transfer can be completed once the terms, costs and business case are favourable and agreed by Council.
- 2.6 That if the design specification as it stands cannot include climate change mitigation the officers of the Council have authority to negotiate changes to the drawings and consider enhancements after completion and how these be funded via grants or reserves.
- 2.7 That the Council Chair, Vice Chair, and Cllrs Holden and Lawson collaborate with officers as a task and finish group to assist the successful transfer of the hall and engage with the residents.
- 2.8 That the Services and Contracts Manager and Community Services Officer develop a business case with an options analysis to include:
 - a) The Council owning and managing the building and the services it provides long-term.
 - b) The Council owning the building and supporting a group of residents to manage the service several years on from the asset transfer so that residents manage an existing established asset rather than a fledgling asset.
 - c) Review of local village halls in and around Penrith, the services provided, and hire and running costs.
 - d) Consultation with residents.

- e) Identification of resources, equipment, alarm systems, security, hire agreements etc.
- f) Feasibility report and service proposals.
- 2.9 Bring the business case to the next meeting of Full Council and information on the progress in the negotiations.
- 2.10 For the Community Services Officer to develop a communication and community engagement plan for the project.

3. Options Analysis including risk assessment

All risks identified from the development of a business case and all risks associated with running a village hall will be identified when the business case comes before Council.

a) Risk

That the hall is not delivered for the Carleton parish ward.

b) Consequence

Having been approached directly by the developer, if the Council does not express an interest, consider options nor consult with residents this would negatively impact on the Council's reputation.

c) Controls Required

Approve the recommendations and collaborate with the community, the developer, and the unitary authority to progress the matter.

4. Financial and Resource Implications

Specific costs are not identified but it is proposed that £25,000 from reserves be allocated to a budget.

5. Equalities Implications

None identified other than gaining an understanding of accessibility issues which will be brought to Council in due course.

6. Climate Change and Environmental Implications

The drawings of the hall do not indicate materials or any climate change mitigation. Council should seek to build the hall with the environment and sustainability as a priority, installing equipment that will reduce the overall running costs of the building and reflect the Council's approach to climate change mitigation.

Appendices

- A. Letter from Persimmon dated 28 March 2023
- B. Drawing of hall
- C. Site location and parking

Background Documents:

- 1. Report No CD18/16 Eden District Council Special Planning Committee 3 March 2016: Urban extension to provide market and affordable housing, School, community facilities and associated infrastructure including roads, drainage, open space and landscaping, Carleton Heights, Penrith
- 2. Report 17/11/2016 Reserved matters application for appearance, landscaping, layout, and scale relating to outline planning approval 08/0291- 505 dwellinghouses.
- 3. Section 106 Agreement dated 24 August 2016.
- 4. Deed of Modification 12 April 2018 – supplemental section 106a
- 5. Village and community halls: Legal responsibilities:
<https://www.hse.gov.uk/voluntary/work-types/village-and-community-halls.htm>
- 6. Vibrant village halls:
<https://acre.org.uk/vibrant-village-halls/>
- 7. Making the most of your village hall:
<https://www.cumbriaaction.org.uk/resources/guidance-sheets/dt050-act-gs-making-the-most-of-your-village-hall-are-you-charging-enough.pdf>
- 8. Managing your community building:
<https://www.village-hall.org/files/managing-your-community-building.pdf>
- 9. PTC Acquisition Policy
<https://www.penrithtowncouncil.gov.uk/wp-content/uploads/2021/03/210301-Acquistion-Policy.pdf>



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Mrs Viv Tunnadine,
Town Council Clerk,
Penrith Town Council,
Church House,
19-24 Friargate,
Penrith
Cumbria
CA11 7XR

28th March 2023

Dear Viv,

Re: Delivery of Village Hall, Carleton Heights, Penrith

I write to you in accordance with the requirements of our Section 106 agreement for the Persimmon site known as Carleton Heights (off Carleton Hill Road). The purpose of this correspondence is to ascertain if the Town Council has any interest in acquiring the Village Hall that is to be built on the site. A plan of the building is enclosed.

Persimmon Homes have already offered the Village Hall to Eden District Council and consider it the sensible follow up step to approach the Town Council.

I would be grateful for your confirmation (or otherwise) of your interest in the matter above, and further discussion / details can be provided. We will assume if we have not heard from you within 30 working days that the Town Council is not interested in acquiring the Village Hall. If this is the case, but you are aware of other community organisations that you are aware of who might be interested in acquiring such a facility, we would be grateful for any contact details.

Please do not hesitate to contact me if you require any further information or clarification. For ease in the current time, my email address is rachael.graham@persimmonhomes.com, or I can be reached on the number above.

Yours sincerely,

Rachael Graham,
Land & Planning Manager,
Persimmon Homes Lancashire

CC., Town Council by email: office@penrithtowncouncil.gov.uk

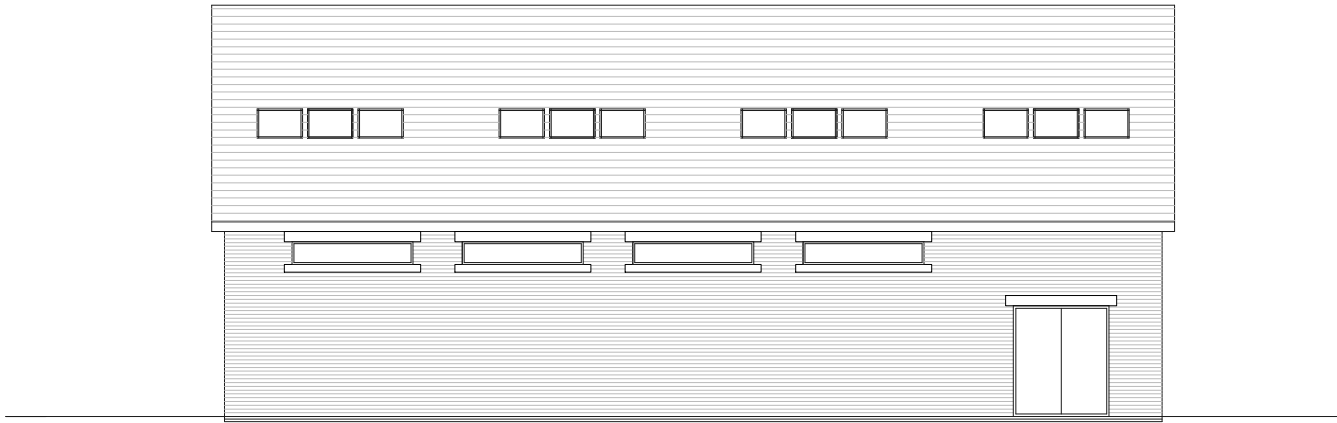
Carleton Fields, PENRITH, Cumbria



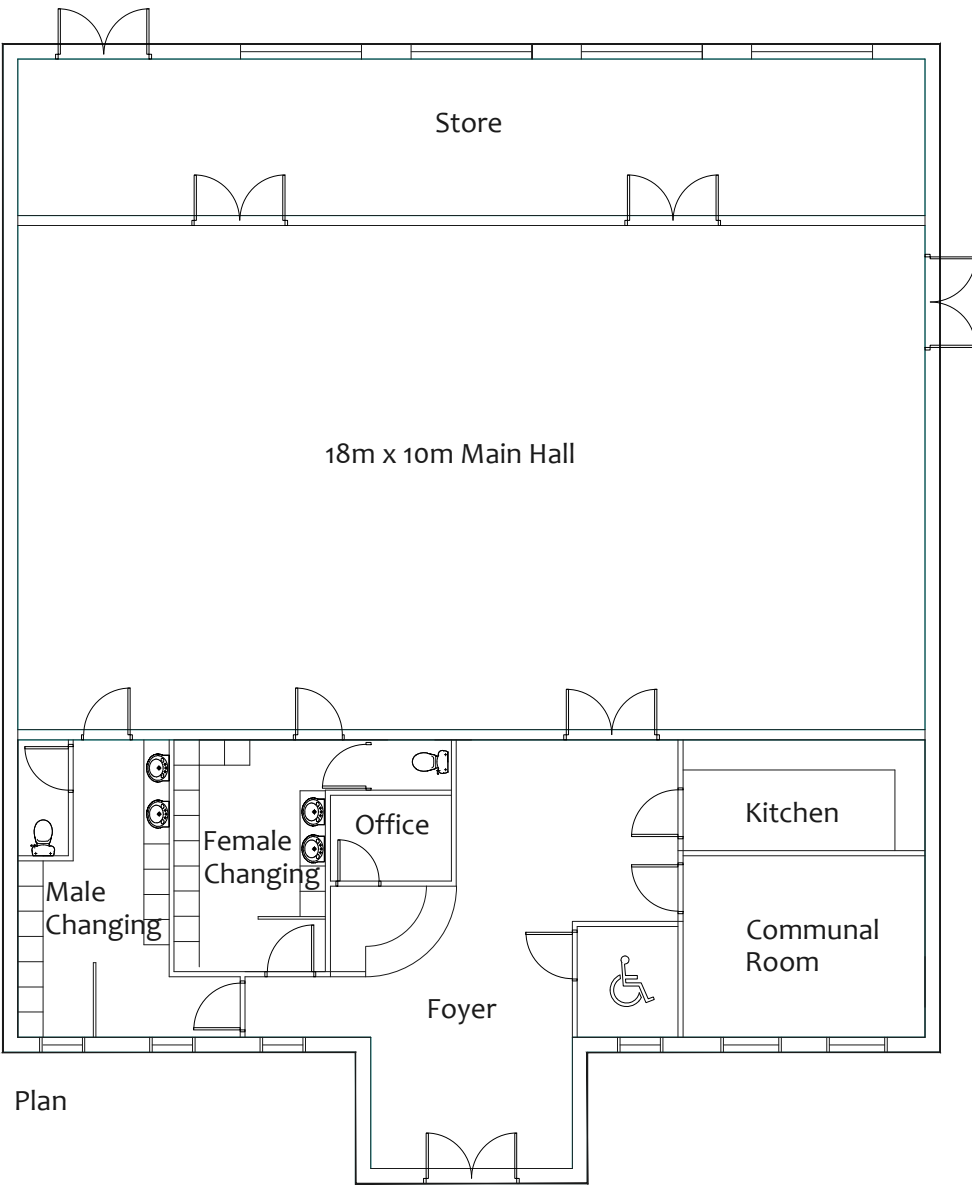
Front Elevation

Render finish to Entrance with Aluminium door frame finished colour: RAL 7016.

Windows to main building to be white PVCu in keeping with development with art stone surrounds.



Rear Elevation



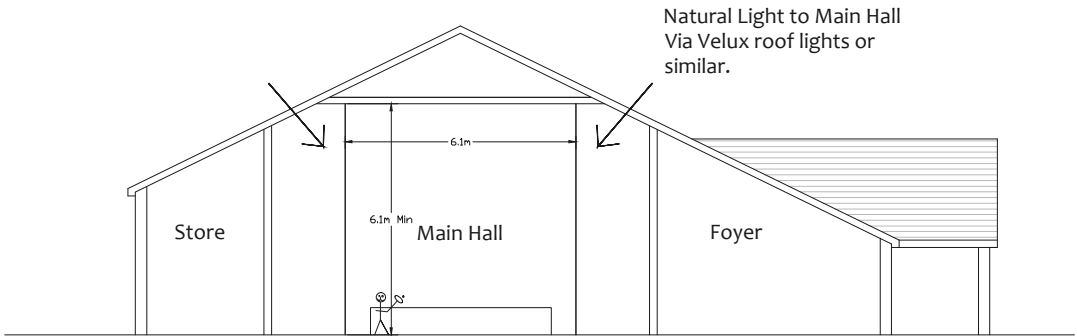
Plan



Side Elevation



Side Elevation



Section

Rev: A Amends to external appearance in line with LPA comments.

19-10-16

 PERSIMMON	Development: Carleton Fields	Drawing Title: Village Hall	Scale @ A3: 1:150 / 1:200	Drawn By: TGDP
	Location: PENRITH, Cumbria	Drawing Number: TGDP/CFPC/VH1 139	Revision: A	Date Started: 07/07/16



Penrith Town Council
Church House
19-24 Friargate
Penrith
Cumbria CA11 7XR

25 April 2023
Our Ref: L28/50

Dear Sirs

Nomination to Register the Agricultural Hotel, Penrith as an Asset of Community Value

I enclose a copy of a nomination which I have received relating to the listing of the Agricultural Hotel as an Asset of Community Value. If there are any comments or representations which you wish to make in relation to the application I should be obliged to receive them by 5pm on Friday, 12 May 2023.

I enclose a statement relating to Assets of Community Value which refers to the Localism Act. The Government, through the Department of Communities and Local Government, has issued guidance through a Policy Statement which is accessible on the website www.communities.gov.uk

I have sent a copy of this nomination to the applicant, the owner and the occupier of the premises.

Yours faithfully

pp 

Lisa Tremble
Assistant Director Legal and Democratic Services
formerly on behalf of Eden District Council
T. 01768 212249
E. lisa.tremble@westmorlandandfurness.gov.uk
Encs

Town Hall, Penrith, Cumbria, CA11 7QF
T. 01768 817817

westmorlandandfurness.gov.uk

Eden District Council Community Right to Bid - Nomination Form

Assistance in completing this form can be found by downloading the guidance from the website

Section 1 - About the property to be nominated

Name of property	Agricultural Hotel
Address of property	Castlegate
	Penrith
Postcode	CA11 7JE
Property owner's name	
Address	
Postcode	
Tel	
Current occupier's name	

Section 2 - About your community organisation and its contact point

Name of organisation	CAMRA Solway Branch		
Your Title	Mr	First Name	
Surname			
Position in organisation			
Email address			
Address			
Postcode		Tel	Mobile

Organisation type - tick all that apply

<input type="checkbox"/> Unincorporated Community/Voluntary Group	<input type="checkbox"/> Parish Council
<input type="checkbox"/> Neighbourhood Forum	<input type="checkbox"/> Community Interest Company
<input type="checkbox"/> Industrial and Provident Society	<input type="checkbox"/> Charity
<input checked="" type="checkbox"/> Company Limited by Guarantee	<input type="checkbox"/> Other

How many members do you have (this is particularly important for unincorporated community groups)?

Section 3 - Supporting information for nomination

Any information entered in this section only may be copied and passed onto the owner of the property you are nominating. Definition of an asset of community value can be found in the guidance document.

Why do you feel the property is an asset of community value? Please give as much information as possible and attach any supporting evidence.

Events

- The pub hosts advertising for local events which encourages the community to come together to support local businesses.
- There are televisions screening sporting events enjoyed by patrons. This allows people in the community to come together to enjoy specific sporting events – providing a safe place to

enjoy a drink and a specific sporting event for vulnerable members of society.

- Annual Brass Band Concert on Christmas Eve.

Facilities available

- There is a beer garden attached to the pub which is used and enjoyed by local people including families. This is particularly enjoyed in the summer months and brings different groups of people together.
- The pub has a great food menu enjoyed by the local community.
- Free wifi is available for customers which allows people to access the internet that otherwise would not be able to. The pub therefore provides a vital facility for people wanting to use the pub for more than just a social event.
- There is free parking available which is accessed by the wider community. This allows people to get to/from the pub safely when transport systems may be down. It also means that families can access the pub easily.
- There is good access for disabled people at the pub. This provides an easily accessible and inclusive space to meet with other members of the local community and provides a safe and enjoyable environment to be in furthering the persons individual wellbeing.
- The pub offers games such as a dart board
- The pub enables local people to enjoy a range of drinks (and food) in a pleasant, convivial atmosphere, which furthers their individual well-being
- There are good transport links available to/from the pub. This means that elderly members of the community can easily and safely get to/from the pub. It also means that people from surrounding areas can easily access and enjoy the pubs facilities.

Awards

- The pub has won a local awards from CAMRA.
- The pub has been included in a tourist and local pub guide, which attracts more people to the pub from surrounding areas and communities which helps boost the local economy. It also puts the pub on the map as a pub worthy of recognition from the Council.
- The pub has been included in CAMRA's Good Beer Guide. CAMRA's good beer guide is a renowned book for promoting only the best local pubs.
- This pub is a member of CAMRA's LocAle, committed to serving locally produced real ales and meeting consumer demands for local produce

Other ways the pub adds value to the community

- The pub sponsors a team which represents it in sports leagues furthering the sporting interests of the community.
- The pub has special value to local heritage and culture which should be protected. The pubs heritage forms an important part of the community's historic and cultural identity. This furthers the cultural interest of the community, as traditional pubs of architectural value are becoming rarer.
- The pub provides training and development for employees which is increases individual wellbeing and supports people's professional development
- There are no other facilities in the area that provide the array of activities that this specific pub does
- The pub enables local people to enjoy a range of drinks (and food) in a pleasant, convivial atmosphere, which furthers their individual well-being
- The pub enables local people to meet and socialise in a welcoming environment which, individually, they find rewarding and enjoyable. Such social interaction is also in the interests of the locality as a whole as it encourages community cohesion and a collective sense of well-being.
- This hotel built of local sandstone in 1870 is well worth a visit to see one of the finest surviving Victorian shuttered and panelled serveries. It still has working sash screens which reach right up to the ceiling. It is two-sided, of three bays length, two bays on the return, and a curved bay at the corner. The five main bays have lower sliding screens with the corner bay and upper ones having fixed glazed panels. The bar-back fitting is mainly old with some wood and modern colourful stained glass. Sadly in the late 1990s there was a major refurbishment that opened up the pub.

Pubs and Wellbeing report

New research from Oxford University shows that moderate alcohol consumption may be linked to improved wellbeing, thanks to the improved social interaction associated with having drink with friends at a local pub.

What do you consider to be the boundary of the property? Please give as much detail/be descriptive as possible. Please include a plan and if this is not possible, please provide a sketch stating the dimensions of the property to be listed, as precise information is required for registration purposes.

Section 5 - Attachment checklist

☐

Copy of group Constitution

☒

Name and home addresses of 30 members registered to vote in nomination area (if group is not incorporated), plus confirmation they belong to the group and support the nomination

☒

Site boundary plan and description

Section 6 - Declaration

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Signed: Dated:



21/3/23

Please send your completed form to:

Assistant Director Legal and Democratic Services
Eden District Council
Town Hall
Penrith
CA11 7QF

Or email to: legal@eden.gov.uk

Eden District Council

Assets of Community Value

A Summary of the Statutory Provisions Procedure to Nominate Land

1. Introduction

- 1.1 Under the Localism Act, the Council has to maintain a list of land in its area that is of community value. The obligation arises under Section 87 of the Localism Act. It is for the Council to decide the form and content of its list of assets of community value, subject to whatever regulations the Secretary of State may make.

2. Land of Community Value

- 2.1 A building or other land in the Council's area is land of community value if in the authority's opinion:
- a) an actual or current use of the building or other land furthers the social wellbeing or social interests of the local community; and
 - b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

3. The Procedure for including Land in a List

- 3.1 Land in the Council's area which is of community value may be included in the list only:
- a) in response to a community nomination; or
 - b) were permitted by regulations made by the Secretary of State.
- 3.2 A community nomination means one which nominates the land in the area for inclusion in the list of assets and is made by a Parish Council or by a person that is a voluntary or community body with a local connection.
- 3.3 Regulations may enable a nomination to be made by someone in circumstances other than where it is a community nomination.
- 3.4 Upon the community nomination being made it must be considered. The Council must accept the nomination if the land is in the Council's area and of community value. If the Council is required to accept the nomination, the authority must cause the land to be included in the list of assets. If the nomination is unsuccessful the Council must give to the person who made the nomination the authority's written reasons for its decision that the land could be included in the list.

4. Notice of Inclusion

- 4.1 The Council must give a written notice of the inclusion or removal of land in its list of assets of community value to:
- a) the owner of the land;
 - b) the occupier of the land if he is not the owner;
 - c) if the land was included in the list in response to a community nomination, the person who made the nomination; and
 - d) any person who is so specified in the regulations.
- 4.2 If appropriate where it is not reasonably practicable to give a notice, the Council may instead take reasonable alternative steps to bring the notice to the person's attention.

5. Review of a Decision

- 5.1 The owner of the land included within the authority's list of assets of community value may ask the authority to review the decision. The Council must notify the person concerned of the decision and the reasons for the decision on any review. The Council may remove the land and if it does so, must give notice to the body which made any community nomination.

6. List of Unsuccessful Community Nominations

- 6.1 The Council must maintain a list of land in its area that has been nominated by unsuccessful community nominations. This list is to be known as the list of land nominated by unsuccessful community nominations.

7. Publication

- 7.1 The Council must publish its list of assets of community value and the list of any land nominated by unsuccessful community nominations. The list must be available for inspection. The Council must provide a free copy of its list of assets to any person who asks for it.

8. Moratorium

- 8.1 The person who is the owner of land which is included within the authority's list of assets of community value must not enter into a relevant disposal of the land unless certain conditions are met. The conditions are:
- a) The particular person has notified the Council in writing of that person's wish to enter into relevant disposal of the land;
 - b) Either the interim moratorium period has ended without the Council having received from any Community Interest Group a written request for the Group to be treated as a potential bidder for the land or the full moratorium period has ended; or
 - c) That the protected period has not ended.

- 8.2 There are exclusions from the moratorium where a disposal is by way of gift or in relation to a disposal by will or intestacy, amongst others.
- 8.3 The full moratorium period means six months beginning with the date upon which the Council receives notification under Condition 8.1 a.
- 8.4 The interim moratorium period means six weeks beginning with the date upon which the Council receives notification under Condition 8.1 a.
- 8.5 The protected period means the period of eighteen months beginning with the date upon which the Council receives notification in relation to the disposal under Condition 8.1 a.
- 8.6 The meaning of the term “relevant disposal” is defined in the Act: Section 96 and includes the disposal of the freehold estate or the grant of a qualifying leasehold estate. The effect of the moratorium is that the community has to make an initial expression of interest in six months and the owner cannot sell to anyone else for six months if it does.
- 8.7 The effect of listing is to prevent a sale until there has been an adequate period to submit a bid should the owner wish to sell.
- 8.8 The Council’s list of assets must reveal that the notice has been received and indicate the date upon which the notice was received and the moratorium periods which are applicable.
- 8.9 If the Council receives from a Community Interest Group a written request to be treated as a potential bidder, the Council must pass that notification onto the owner or inform the owner of the details of the request. This obligation arises if the notice is received before the end of the interim moratorium period.
- 8.10 The Localism Act enables the Secretary of State to make regulations providing for the payment of compensation.

9. Local Land Charge

- 9.1 If land is included within the list of assets of community value, it should be included in the local land charges register. The Secretary of State may make regulations providing for enforcement and do anything to give advice and assistance in relation to land of community value. The Council has a duty to co-operate with other local authorities if different parts of any land are in different local authority areas. The District Council is the appropriate local authority for the purposes of the application of these provisions. A Parish Council is not a local authority for this purpose. A County Council is only a local authority for this purpose where there is no District Council in the area concerned.

10. The Regulations

- 10.1 The Secretary of State has made the Assets of Community Value (England) Regulations 2012. The Regulations came into force on 21 September 2012, the day after they were made. The Regulations identify land which is not of community value. The following are not land which is of community value and therefore may not be listed:

- A residence together with any land connected with that residence, however, land which is a residence falls within the exclusion may be listed if the residences of a building that is partly used as a residence and but for that residential use of the building the land would be eligible for listing.
- Land on which a site license is required under the Caravan Sites and Control of Development Act cannot be listed.
- Operational land as defined in Section 263 of the Town & Country Planning Act 1990 cannot be listed. Operational land is that which belongs to a statutory undertaker.

10.2 The Regulations define what is meant by “a local connection”. The activities that the body concerned must be wholly or partly connected with the Council's area and there may be a requirement for it to have at least twenty-one local members if it is a Neighbourhood Forum. A voluntary or community body means:

- a Neighbourhood Forum
- Parish Council
- a non incorporated body with at least twenty-one individuals who are members and which does not distribute any surplus to its members
- a charity
- a company limited by guarantee which does not distribute any surplus to its members
- an industrial and providence society which similarly does not distribute any surplus; and
- a community interest company.

11. Content of a Community Nomination

11.1 A community nomination must include:

- A description of the nominated land including its proposed boundaries;
- A statement of all the information which the nominator has with regard to the current occupants and the owner;
- The nominator's reasons for thinking that the Council should conclude the land is of community value and the evidence that the nominator is able to make the community nomination.

11.2 The Council has a period of eight weeks to respond to the nomination. The Council must notify a Parish Council, the owner of the land and any occupant that a nomination is under consideration.

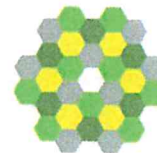
12. Compensation

12.1 An owner is entitled to compensation from the Council of such amount as the Council may determine in the following circumstances:

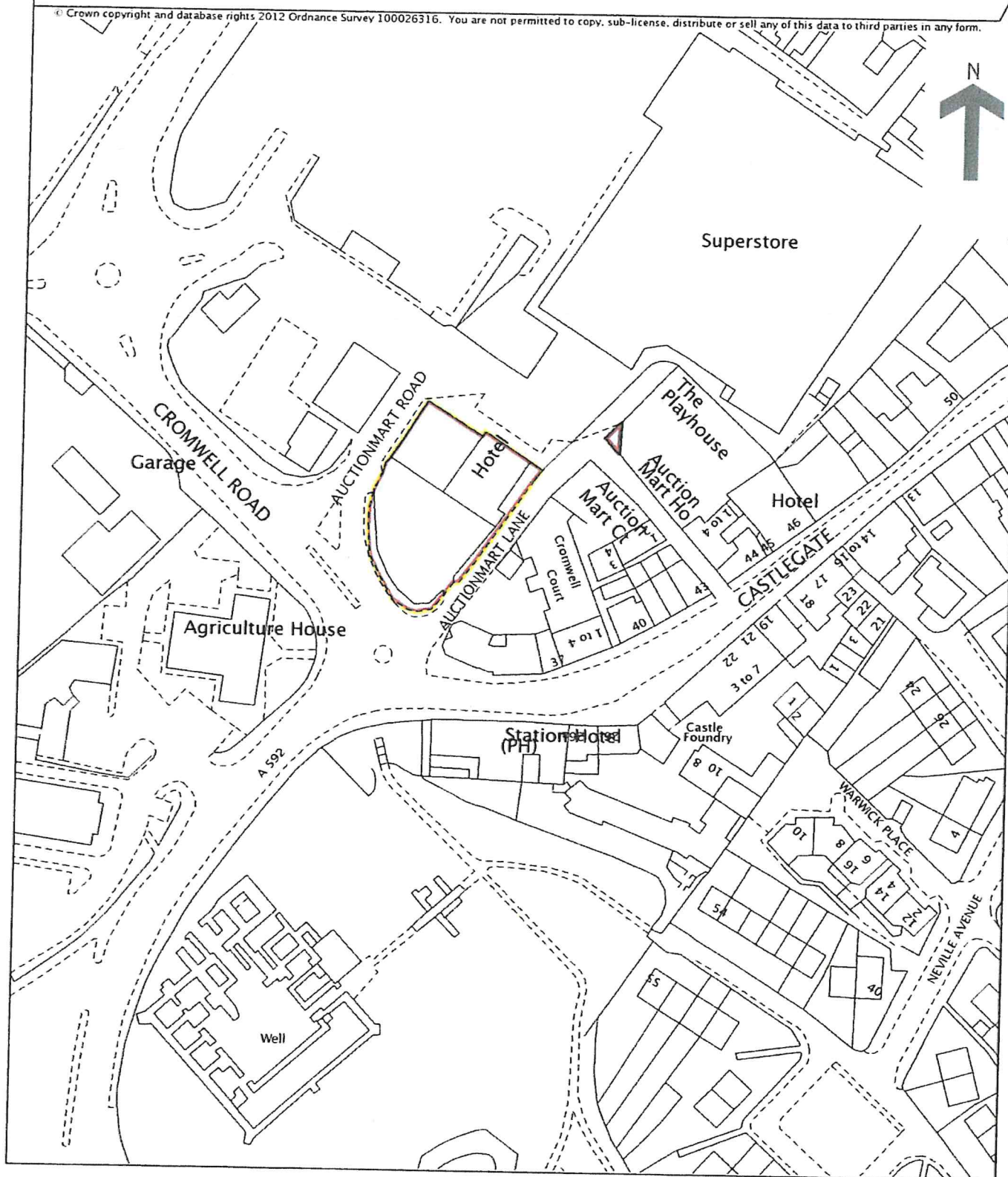
- 12.2 That the person making the claim has at the time when the person was the owner of the land the land was listed incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.
- 12.3 The regulations identify that a claim arising from any period of delay in entering into a binding agreement to sell the land which is wholly caused by the prohibition upon the disposal and a claim for reasonable legal expenses incurred in any successful appeal against the Council's decision are claims which may be made.
- 12.4 A claim for compensation must be made in writing to the Council and before the end of the period of thirteen weeks after the loss or expense was incurred. The claim must state the amount of compensation which is being sought and be supported by evidence. The Council must give the claimant written reasons for its decision in relation to any request for compensation.
- 12.5 The regulations identify that a body which has its accounts audited under Section 2 of the Audit Commission Act 1998, a department or body to which Section 6 of the National Audit Act 1983 applies and a body which has its resources examinable under Section 7 of the 1983 Act may not claim compensation.
- 12.6 A person who makes a claim for compensation may ask the Council to review its decisions in relation to compensation, a written for a decision must be given. An appeal may be made to a first tier tribunal against any decision of the Council on any review.
- 12.7 The Council must notify the owners and mortgagees of any listed land as soon as practicable after the land is entered on the register.
- 12.8 The regulations set out a procedure for a listing and a compensation review and identified relevant disposals to which the Act does not apply. There are fifteen such examples.

Land Registry
Official copy of
title plan

Title number **CU264514**
Ordnance Survey map reference **NY5130SW**
Scale **1:1250 enlarged from 1:2500**
Administrative area **Cumbria : Eden**



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This official copy is incomplete without the preceding notes page.

H.M. LAND REGISTRY		TITLE NUMBER	
		CU 95826	
ORDNANCE SURVEY PLAN REFERENCE	NY 5130	SECTION O	Scale 1/1250 Enlarged from 1/2500
COUNTY CUMBRIA	DISTRICT EDEN	© Crown copyright 1989	

