



Penrith Town Council

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

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

DATE: 08 July 2024

NOTICE IS HEREBY GIVEN that an **ORDINARY MEETING** of **PENRITH TOWN COUNCIL** will be held on **15 July 2024**, 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, 19-24 Friargate, Penrith.

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

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

FULL COUNCIL MEMBERSHIP

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

Mr I. Parker, Acting Town Clerk

Public Participation

Members of the public are welcome to attend. Details about 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 15 May 2023, 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 ORDINARY MEETING OF FULL COUNCIL 15 JULY 2024

PART I

1. Apologies for Absence

Receive apologies from Members.

2. Minutes

a) Committee Minutes

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

- i. Planning Committee: 03 June and 01 July 2024
- ii. Communities Committee: 10 June 2024
- iii. Finance Committee: 24 June 2024

b) Confirmation of Full Council Minutes

Authorise the Chair to sign, as a correct record, the minutes of the meetings of Annual Town Council Meeting held on Monday 20 May 2024 and agree they be signed as such by the Chair.

3. Declarations of Interest and Requests for Dispensations

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

ADVICE NOTE:

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

4. Public Participation

- a) Receive any questions or representations that have been received from members of the public. A period of up to 15 minutes for members of the public to ask questions or submit comments.
- b) Receive reports from Westmorland & Furness Councillors

ADVICE NOTE:

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. It is helpful if a member of the public who wishes to speak at a meeting makes a request to speak in writing to the Town Clerk **PRIOR** to the meeting. A member of the public can speak for up to three minutes. A question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given. Where the Council is unable to provide a response to the question at the meeting, they will do so in writing within seven days and the response will be attached to the minutes as an appendix.

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

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

6. Motion on Notice – May Day Event

Consider the motion on notice from Councillor Shepherd.

7. Penrith Place Action Group

Consider the report on the Penrith Place Action Group, Penrith Town Regeneration Project Group and the recommendations contained in the report.

8. Marketing and Branding

Consider the branding proposal for joint Penrith Marketing initiatives.

9. Penrith Business Improvement District

Consider a request from the Penrith BID to appoint a Councillor to the Penrith BID Board.

10. Report from the Council Chair

Note the duties undertaken by or on behalf of the Council Chair.

11. Reports from Members

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

12. Resolutions Report

Receive and note the written report.

13. Grants Report

Note the Grants Report.

14. Devolution

Consider the written request from the Carleton Park Development Group that the Council requests the asset transfer of Carleton Park from Westmorland and Furness Council.

15. Matters from Communities Committee

Ratify the Communications Policy, noting that this matter has been considered and approved by members of the Communities Committee from their meeting held on Monday 10 June 2024 and the Committee Chair has requested that the matter be brought to Full Council for ratification.

16. Matters from Finance Committee

Ratify the following approved matters a) and b) from the Council's Finance Committee from their meeting held on Monday 24 June 2024.

Note that these matters have been considered and approved by the members of the Council's Finance Committee. The Committee Chair has requested that these matters be brought to Full Council for ratification and approval:

a) Budgetary Control Statement

Ratify the budgetary control statement for the period 31 May 2024.

b) Policy review

Ratify the following reviewed policies:

- i. Financial Regulations
- ii. Complaints & Compliments Policy and Procedure

17. Election of Board Director for the CALC Board

Consider a request from the Cumbria Association of Local Council's (CALC) to nominate one Councillor to the CALC Board election process.

18. Next Meeting

Note the next meeting of the Council is the Annual Town Meeting which is scheduled for **Monday 23 September 2024** at 6.00pm, Unit 2, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR.

PART II Private Section

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

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 9.00 am and 3.00 pm, Monday to Friday via office@penrithtowncouncil.gov.uk



Penrith Town Council

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

DRAFT Minutes of the Annual Meeting of Penrith Town Council held on Monday 20 May 2024, at 6.00pm at Unit 2, Church House, Friargate, Penrith CA11 7XR.

FULL COUNCIL MEMBERSHIP

Cllr. Bowen	Pategill Ward	Cllr. D. Jayson	North Ward
Cllr. Burgin	South Ward	Cllr. Knaggs	East Ward
Cllr. Davies	West Ward	Cllr. Lawson	Carleton Ward
Cllr. Donald	North Ward	Cllr. Smith	South Ward
Cllr. Jackson	North Ward	Cllr. Snell	WestWard
Cllr. B. Jayson	West Ward		

Acting Town Clerk
Deputy Town Clerk
Responsible Finance Officer
Economic Development Officer
Communities Officer

**Draft MINUTES FOR THE
ANNUAL MEETING OF FULL COUNCIL
20 MAY 2024**

PTC24/01 Election of Chair

Members considered and voted for the election of the Chair of Council

RESOLVED THAT:

Councillor Lawson be elected Chair for the 2024-25 municipal year. Cllr. Lawson assumed the Chair and Town Mayor roles and made a declaration of acceptance of office in the prescribed form.

PTC24/02 Appointment of Vice Chair

Members considered and voted for the appointment of the Vice Chair of Council

RESOLVED THAT:

Councillor Smith be appointed Vice Chair for 2024-25 municipal year. Cllr. Smith assumed the Vice Chair and Deputy Town Mayor roles and made a declaration of acceptance of office in the prescribed form.

PTC24/03 New Elected Member for Penrith West Ward

Members noted that the Declaration of Acceptance of Office from Councillor S Davies, the new elected Member for Penrith West Ward had been signed and received by the Proper Officer of the Council.

PTC24/04 Apologies for Absence

Apologies with reasons for absence were received from Councillors Holden, Kenyon, Rudhall and Shepherd.

PTC24/05 Declarations of Interest and Requests for Dispensations

Members were invited to provide declarations 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. The following declarations were made:

There were no declarations of interest or requests for dispensations.

PTC24/06 Excluded Item: Public Bodies (Admissions to Meetings) Act 1960

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

PTC24/07 Minutes

Members were asked to approve the minutes of the last meeting of Council and any other committee meetings which had taken place during the previous municipal year that had not been formally approved.

RESOLVED THAT:

- a) The Chair be authorised to sign the year-end minutes of the following committees as a true and accurate record:
- i. Communities Committee 15 April 2024
 - ii. Staffing Sub Committee 17 April 2024
 - iii. Finance Committee 22 April 2024
 - iv. Planning Committee 13 May 2024
- b) The minutes be approved, and the Chair be authorised to sign the minutes of the Full Council meeting held on 25 March 2024.

PTC24/08 Outside Bodies

Members were asked to decide the list of outside bodies on which the Council will seek and/or continue representation.

RESOLVED THAT:

The following Councillors be appointed as representatives to the following external bodies

Organisation	Members
106 Partnership	Cllr. Burgin, Cllr. Kenyon
A66 Community Liaison Group	Cllr. Shepherd, Cllr. Smith
Cumbria Assoc. of Local Councils	Cllr. Holden, Cllr. D. Jayson
Eden Community Health Wellbeing Equity Partnership	Cllr. Snell
Local Cycling and Walking Infrastructure Plan (LCWIP)	Cllr. Bowen, Cllr. D. Jayson
Penrith Parking and Movement Study (PPMS)	Cllr. Holden, Cllr. Jackson, Cllr. Shepherd
Penrith Action for Community Transition (PACT)	Cllr. Knaggs
Penrith and Eden Refugee Network (PERN)	Cllr. Kenyon, Cllr. Snell
Rural Market Town Group - Members	Cllr. Burgin, Cllr. Donald
Borderlands Town Team	Cllr Jackson, Cllr B. Jayson, Cllr Knaggs
Zero Carbon Cumbria Partnership	Cllr D Jayson
Devolution	Cllr. Jackson, Cllr Shepherd (Deputy)
Health Watch Cumbria	Cllr. Snell
Coldsprings Steering Group	Cllr. Knaggs
Recovery College	Cllr. Donald
Friends of Eden Valley Public Transport	Cllr. Bowen, Cllr Jackson (Deputy)

PTC24/09 Committees

Members considered the appointment of Members to serve on the undermentioned committees.

RESOLVED THAT:

The following Councillors be appointed to the Committees for the 24/25 municipal year:

a) Communities Committee

Cllr. Bowen

Cllr. Jackson

Cllr B. Jayson

Cllr Knaggs

Cllr Smith

Cllr Snell

b) Planning Committee

Cllr. Bowen

Cllr. Holden

Cllr. Jackson

Cllr. D. Jayson

Cllr. Knaggs

Cllr. Lawson

Cllr. Shepherd

Cllr. Snell

c) Finance Committee

Members noted that the following members were appointed for a term of 4 years at the Annual Town Council Meeting, 15 May 2023, Minute PTC23/11a.

Cllr. Burgin

Cllr. Jackson

Cllr. D Jayson

Cllr. Kenyon

Cllr. Lawson

Cllr. Rudhall

Cllr. Shepherd

PTC24/10 Appointment of Substitute Members of Committees.

Members considered the appointment of Members to serve as substitute members on the undermentioned committees for the 24/25 municipal year.

a) Communities Committee

RESOLVED THAT:

Cllr. Donald

Cllr. Davies

b) Planning Committee

Note that there are no standing deputies for the Planning Committee.

c) Finance Committee

Members noted that the following members were appointed for the term of Council at the Town Council Meeting, 15 May 2023, Minute PTC23/11a.

Cllr. Bowen

Cllr. Donald

PTC24/11 Election of Committee Chair

Members were asked to elect the Chair serve on the undermentioned committees.

a) Communities Committee

RESOLVED THAT:

Cllr. Snell be elected as Chair for the 24/25 municipal year.

b) Planning Committee

RESOLVED THAT:

Cllr. Jackson be elected as Chair for the 24/25 municipal year.

c) Finance Committee

Cllr. Shepherd be elected as Chair for the 24/25 municipal year.

PTC24/12 Meetings

Members considered the dates and times of ordinary meetings of the Council and Committees for the ensuing year noting that the timings were as set out in the report but may be considered and amended by the committee at its first meeting.

RESOLVED THAT:

The following dates for meetings be approved:

Full Council 6:00 – 8:00 Unit 2

15 July 2024

23 September 2024

18 November 2024

27 January 2025

24 March 2025

28 April 2025

30 April 2025 – Annual Town Meeting

19 May 2025 – Annual Meeting of the Town Council

Communities Committee 5:00 – 7:00 Board Room

10 June 2024

14 October 2024

09 December 2024

10 February 2025

14 April 2025

Finance Committee 6:00 – 8.00 Board Room

24 June 2024

16 September 2024

11 November 2024

13 January 2025

17 March 2025

21 April 2025

Planning Committee 4:00 – 6:00 Unit 2

03 June 2024

01 July 2024

29 July 2024

02 September 2024

07 October 2024

04 November 2024

02 December 2024

06 January 2025

03 February 2025

03 March 2025

07 April 2025

12 May 2025

PTC24/13 Membership to National Organisations

Members noted the Council's continuing subscription to the Cumbria Association of Local Councils, Society of Local Council Clerks, the National Allotment Society, the Living Wage Foundation, Information Commissioners Office and the Rural Market Town Group.

PTC24/14 Matters from Finance Committee

a) Joint Panel on Governance and Accountability Practitioners Guide March 2024

Members were asked to ratify the adoption of the Joint Panel on Governance and Accountability Practitioners Guide March 2024 and its provisions for 2023/24.

RESOLVED THAT:

The adoption of the Joint Panel on Governance and Accountability Practitioners Guide March 2024 and its provisions for 2023/24 be ratified.

b) Fixed Asset Register 31 March 2024

Members noted that:

- i. For accounting purposes, assets have been valued in accordance with the Council's Asset Valuation Policy and total £172,003.60.
- ii. The value, £172,003.60 recorded in box 9 of the Annual Governance and Accountability Return 2023/24 is taken from the Council's asset register which is up to date at 31 March 2024 and includes all acquisition and disposal transactions recorded in the cashbook during the year.
- iii. The insurance value of the assets is £750,328.

Members were asked to ratify the Fixed Asset Register for 31 March 2024 and the reconciliation of transactions in 2023/24.

RESOLVED THAT:

The Fixed Asset Register for 31 March 2024 and the reconciliation of transactions in 2023/24 be ratified.

c) Finance Outturn Report – Year ended 31 March 2024

Members were asked to ratify the final outturn report for the financial year ended 31 March 2024.

RESOLVED THAT:

The final outturn report for the financial year ended 31 March 2024 be ratified.

d) Internal Audit Report

Members were asked to receive and note the internal auditors final Internal Audit Report for the period 01 April 2023 to 31 March 2024.

RESOLVED THAT:

The final Internal Audit Report for the period 01 April 2023 to 31 March 2024 be received and noted.

e) Effectiveness of Internal Audit Provision for 2023/24 and reappoint the Internal Auditor.

- i. Members were asked to ratify the review of effectiveness of internal audit provision during 2023/24.

RESOLVED THAT:

The review of effectiveness of internal audit provision during 2023/24 be ratified.

- ii. Members were asked to ratify the re-appointment of G. Airey as the Internal Auditor for 2024/25.

RESOLVED THAT:

The re-appointment of G. Airey as the Internal Auditor for 2024/25 be ratified.

PTC24/14 Matters from Finance Committee, continued

f) Annual Governance and Accountability Return (AGAR)

i) Annual Governance Statement 2023/24 Section 1 of the Annual Governance and Accountability Return (AGAR)

Members noted 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 18 March 2024 which was duly ratified by Full Council on the 25 March 2024. The review confirmed that the Council's system of internal controls were effective and the review of the effectiveness of internal audit provision provides further support for that assessment.

Members were asked to approve the Annual Governance Statement for 2023/24 Section 1 of the of the Annual Governance and Accountability Return.

RESOLVED THAT:

The Annual Governance Statement for 2023/24 Section 1 of the of the Annual Governance and Accountability Return be approved and signed by the Chair of Council and the Acting Town Clerk.

ii. Accounting Statements Section 2 Annual Governance and Accountability Return 2023/24

Members were asked to approve the Accounting Statements 2023/24 and AGAR reconciliation, Section 2 of the Annual Governance and Accountability Return.

RESOLVED THAT:

The Accounting Statements 2023/24 and AGAR reconciliation, Section 2 of the Annual Governance and Accountability Return be approved, and the Chair of the Council sign the statement on behalf of the Council prior to the submission of the AGAR by the RFO to the External Auditor.

f) Annual Governance and Accountability Return (AGAR), continued

Members were asked to approve the period for the Notice of Public Rights and publication of the unaudited Annual Governance and Accountability Return.

RESOLVED THAT:

The period for the Notice of Public Rights for the unaudited AGAR would be published on the Council's website and noticeboard from Monday 03 June 2024 to Friday 12 June 2024.

PTC24/15 Borderlands Place Programme

Members received an update on the Borderlands Inclusive Growth Deal Penrith Place Programme.

Members noted:

- i. The update on the Arts and Culture project as part of the Borderlands Inclusive Growth Deal Penrith Place Programme.
- ii. That the Council will no longer need to take on the role of accountable body for the Penrith Players project.
- iii. The Responsible Financial Officer and Solicitor will no longer be required to agree terms with Penrith Players.
- iv. The amendments to the draft terms of reference for the Penrith Town Council Borderlands Delivery Group as agreed by Council on 16 January 2024.

PTC23/16 Code of Conduct

Members received and considered a notification of a complaint made under the Members Code and Conduct from the Monitoring Officer at Westmorland and Furness Council.

RESOLVED THAT:

- i. The complaint made under the Members Code of Conduct be considered and noted.
- ii. Members noted that Cllr. Lawson who is the subject of the complaint made no representations either prior to or at the meeting.
- iii. Members noted the decision of the Deputy Monitoring Officer that no further action should be taken on the complaint.

PTC23/17 Code of Conduct

Members received and considered a notification of a complaint made under the Members Code and Conduct from the Monitoring Officer at Westmorland and Furness Council.

RESOLVED THAT:

- i. The complaint made under the Members Code of Conduct be considered and noted.
- ii. Members noted that Cllr. Snell who is the subject of the complaint made no representations either prior to or at the meeting.
- iii. Members noted the decision of the Deputy Monitoring Officer that no further action should be taken on the complaint.

PTC23/18 Code of Conduct

Members received and considered a notification of a complaint made under the Members Code and Conduct from the Monitoring Officer at Westmorland and Furness Council.

RESOLVED THAT:

- i. The complaint made under the Members Code of Conduct be considered and noted.
- ii. Members noted that Cllr. Knaggs who is the subject of the complaint made no representations either prior to or at the meeting.
- iii. Members noted the decision of the Deputy Monitoring Officer that no further action should be taken on the complaint.

PTC24/19 Environmental Task and Finish Group

Members received and considered the Environment Task and Finish Group draft Environment Strategy and Plan.

RESOLVED THAT:

- i. A period of one month's consultation for Councillors and the wider community be approved to invite and submit their comments on the draft plan and;
- ii. A final report be brought to Council in July 2024.

PTC23/20 Next Meeting

Members noted the next meeting of Council was scheduled for Monday 15 July 2024 at 6.00pm, Unit 2, Church House, Friargate, Penrith.

PART II – PRIVATE SECTION

There are no items in this part of the agenda.

CHAIR:

DATE:

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

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Background Papers

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FULL COUNCIL

Date: 15 July 2024

Public Report

Matter: Motion on Notice – May Day Event

Item no: 06

Author: Cllr. Shepherd

Purpose of Report:

To consider the motion from Cllr. Shepherd that the Council take the lead in providing a May Day Event in 2025.

Summary

There has been a May Day event with a Fun Fair in Penrith for 40 years. We are now all aware that the Penrith Lions Club, who have organised the event have confirmed that they are no longer in a position to lead such an event. I believe that the people of Penrith expect that the event continues.

I would envisage Penrith Town Council working with other organisations in Penrith including the Arts and Culture Stakeholder Group to make this a great event.

The May Day event is a key event in the towns calendar. It is a community focused event with a rich history. The event brings together local charities, community groups and performers to deliver a programme of entertainment for local people and tourists alike.

The Town Council supported the Penrith Lions Club with the delivery of the 2024 event and this will have allowed the Council to develop an understanding of the event planning and requirements.

It is anticipated that the May Day event in its current format costs in the region of £15,000 to organise per annum.

Should the Town Council take on the lead role for organising May Day then the event will be continued to be enjoyed by all those who attend it. Any future event does not need to replicate the Lions May Day event as it is now.

In consideration of this motion the recommendations set out below require the Council to give thought to the delivery, resource and financial implications. It is essential that all these aspects are continually monitored to ensure the Council is placed to lead the event going forward.

Penrith Town Council resolves:

- i. To be the lead body for the Penrith May Day Event.
- ii. That the Penrith Arts and Culture Stakeholder Group are involved in bringing together a programme of entertainment.
- iii. That Councillors are given the opportunity to be involved in the planning and delivery of the event.
- iv. To give delegated authority for officers to prepare the Event Plan apply for licences, consents and all statutory permissions to facilitate the event, engage with stakeholders and apply for grant funding.
- v. To approve for any expenditure incurred for the 2025 event during the current financial year to be met from the Arts and Culture budget and if this is exceeded to be met from the Council's Contingency Budget.
- vi. To include in the Proposed Budget process an annual budget of £15,000 from 01 April 2025.
- vii. To bring to Finance Committee and Full Council a staffing and resource implications report to a future meeting.
- viii. To provide regular event update reports to Full Council including an annual post event report.

Appendices

None

Background Papers

None

FULL COUNCIL

Date: 15 July 2024

Public Report

Item no: 07

Matter: Penrith Place Action Group, Penrith Town Regeneration Project Group

Author: Economic Development Officer, Deputy Town Clerk

Supporting Member: Cllr Lawson

Purpose of Report:

To approve draft terms of reference for the Penrith Place Action Group and nominate two councillors to sit on the Penrith Place Action Group.

To approve terms of reference for the Penrith Town Regeneration Project Group

Recommendation:

- i. Approve the draft terms of reference for the Penrith Place Action Group.
- ii. Nominate two councillors to represent the Council on Penrith Place Action Group.
- iii. Approve the Terms of Reference for the Penrith Town Regeneration Project Group.
- iv. Review the effectiveness of the new structures in 12 months time.

Law and Legal Implications

The Town Council resolved from 15 May 2023, 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

To enable closer working with town and parish council, and local stakeholders, WFC's Eden Locality Board will be developing 'place action groups' in partnership with communities in Eden.

The Place Action Group's will be a forum of key partners to discuss, co-ordinate and plan for the delivery of projects that will improve the sustainability and vitality of the W&F Council ward area.

PAG Introduction Appendix 1

PAG Terms of reference Appendix 2

PURPOSE

To utilise information from a range of consultations and evidence-based plans to understand the issues and opportunities for the W&F Council ward area(s).

To identify, create and deliver projects that will strengthen the vitality and viability of the communities in the W&F Council ward area(s)

To ensure that projects are informed by stakeholders and residents.

To provide a means of co-ordination in respect of joint action and joint working.

To create a shared vision and delivery plan, consisting of both shared and complimentary projects.

To work together to identify funding opportunities to support identified projects.

To understand that some levels of projects will require additional agreement from organisations to be involved and contribute to area planning.

The place action group is not a decision-making body, each organisation will need to work within their own agreed priorities and governance.

MEMBERSHIP

The Place Action Group is a partnership forum. All members have equal standing.

- Westmorland and Furness Council Officers (Community Development, Economic Development, and other technical officers where appropriate)
- Westmorland and Furness Councillors for Penrith x2
- Penrith Town Council Officers (Deputy Town Clerk, Economic Development Officer)
- Penrith Town Councillors x2
- Penrith Town BID
- Penrith Industrial BID
- Penrith Chamber of Trade
- Cumbria CVS

The Group has the ability to co-opt additional members for specific projects, including but not restricted to: Highways England, Health Authority, community groups, the third sector or others as may be appropriate.

The Group will act in accordance with the respective policies and procedures of the organisations involved and ensure a regular flow of relevant information to/from parent authorities, agreeing joint communications in advance of dissemination to ensure consistency of approach.

Where projects require executive decision, the project lead Officers will be responsible for obtaining this from their respective member and/or organisation,

PROJECT GROUPS

These will be or already established for Penrith to complete specific project work linked to the priorities in the action plan. Project groups will be led by a nominated member of the PAG who will be responsible for updating the main group at each PAG meeting.

Specifically for Penrith a Penrith Town Regeneration Group will be created, this project group is an officer group which will sit under the direction of the Penrith Borderlands and Regeneration Town Team and serve as a task and finish group.

Terms of reference Appendix 3

The Borderlands Town Team will be leading on Town Centre Regeneration and renamed the Borderlands and Regeneration Town Team they will report to the Penrith

Place Action Group and from where member bodies will report to their respective organisations.

PAG AREA / LOCALITY

A place action group will be established in each council ward area within the Eden footprint of Westmorland and Furness Council.

Penrith PAG will cover the Westmorland and Furness Council ward areas of Penrith North and Penrith South.

Next Steps

To nominate two members of Penrith Town Council to attend the Place Action Group

To Approve Terms of Reference for Penrith Place Action Group

To approve Terms of reference for the Penrith Town Regeneration Project Group.

2. Options Analysis including Risk Assessment

a) Risk

Reputational risk in that Penrith Town Council do not have a representation at Penrith Place Action group.

Penrith Town Council do not have input into any strategic plans or projects that may be developed by the PAG.

b) Consequence

Reputational risk should Penrith Town Council not be represented.

c) Controls Required

Members elected to the Place Action Group will act in accordance with the Councils policies and procedures and ensure a regular flow of relevant information to/from parent authorities, agreeing joint communications in advance of dissemination to ensure consistency of approach. Members will report back to Council.

3. Financial and Resource Implications

There are none arising directly from this report.

Equalities Implications

There are none arising directly from this report.

4. Climate Change and Environmental Implications

There are none arising directly from this report.

Appendices

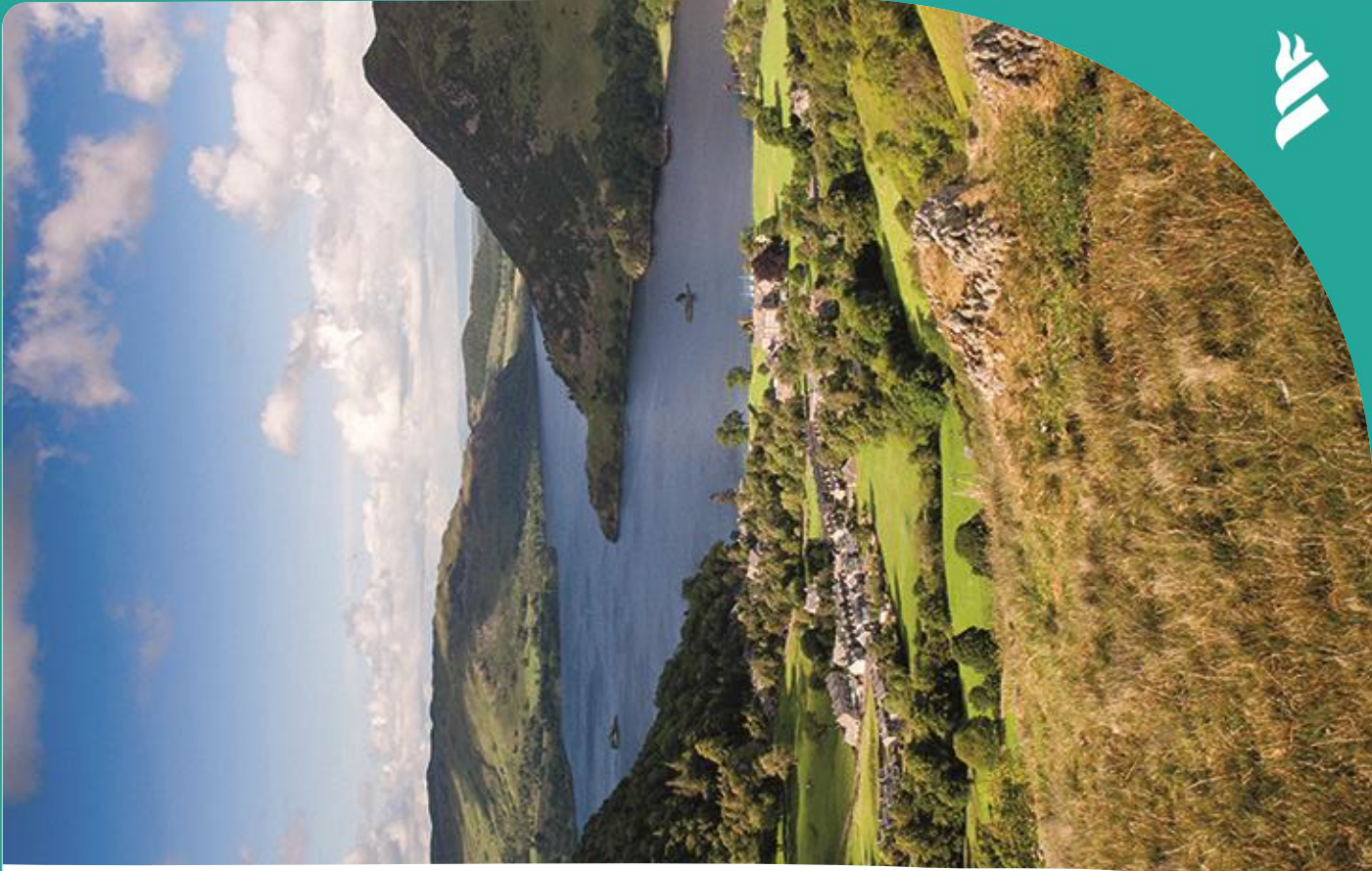
Appendix 1 – Place Action Group Introduction

Appendix 2 – Terms of reference Penrith Place Action Group

Appendix 3 – Terms of Reference Penrith Town Regeneration Project Group

Place Action Group - Penrith

Amy Frith– Community Development Officer
12 June 2024



Content:

1. Westmorland and Furness Council Plan
2. Eden Locality Board
3. Service areas and structure
4. Place Action Groups
5. Purpose and Benefits
6. Terms of Reference
7. Funding Opportunities
8. Area Planning Project Outcomes
9. Next steps
10. Questions / discussion



1. Westmorland and Furness Council; Vision, Values, Priorities



Westmorland & Furness Council

westmorlandandfurness.gov.uk

Council Plan

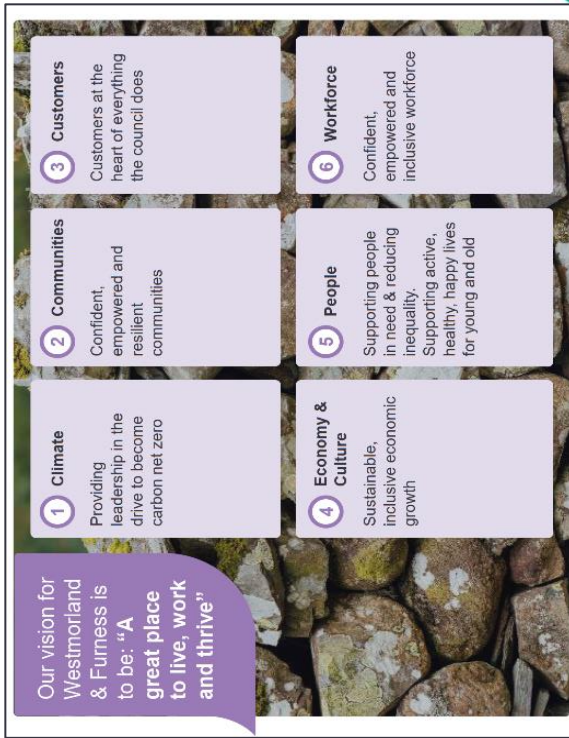
Summary of our vision, priorities and values




The new council for Westmorland and Furness replaced Cumbria County Council, Barrow-in-Furness Council, Eden District Council and South Lakeland District Council on 1 April 2023.

Westmorland and Furness Council Plan launched on day one of the new council creating a fresh vision for the residents and communities of Westmorland and Furness, ‘to be a great place to live, work and thrive’.

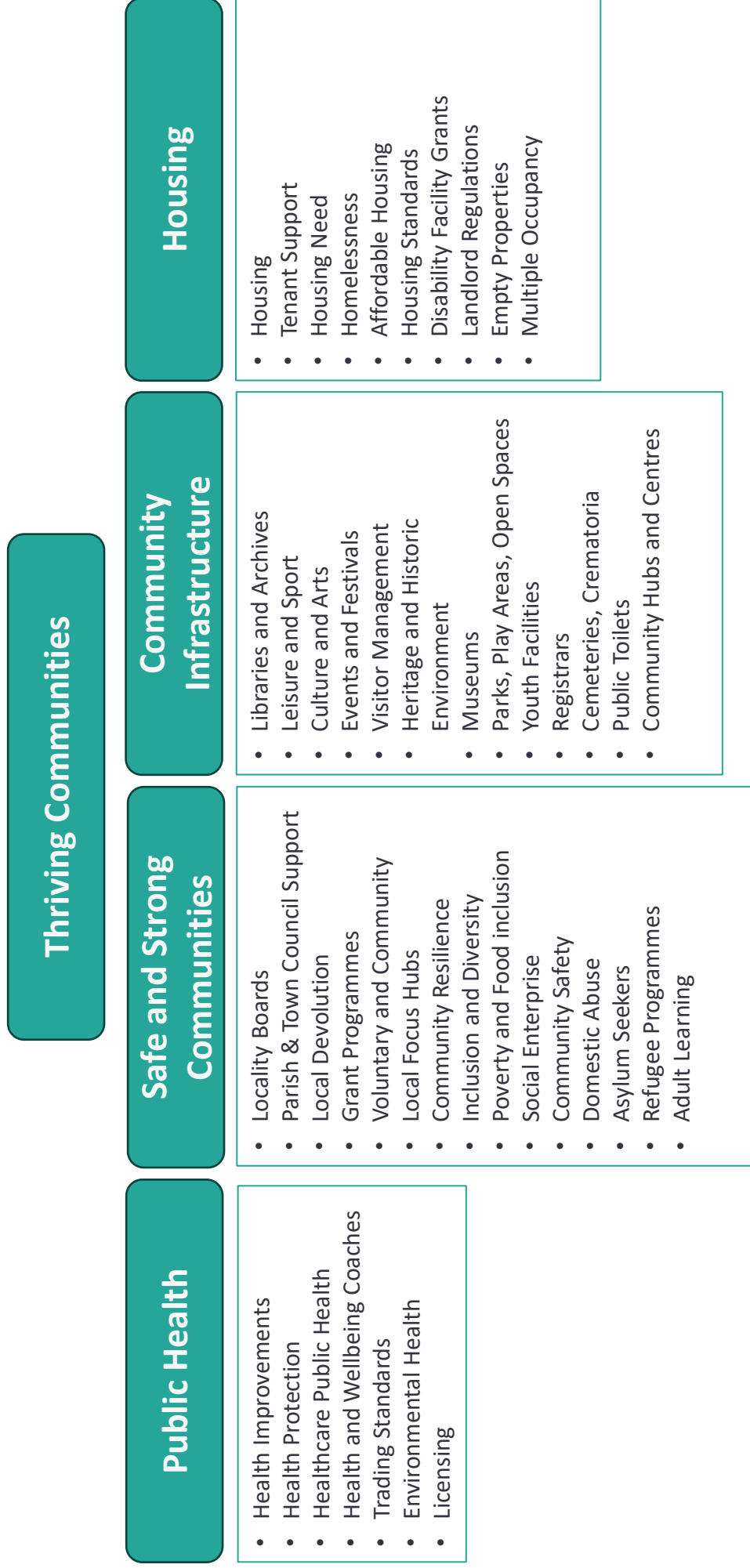
The council plan also set out the priorities and values of the council which underpin how they will work and deliver services to the communities of Westmorland and Furness.



2. Westmorland and Furness Council – Service Areas



3. Thriving Communities – Eden Area Team



Eden Area Team are part of the Thriving Communities Directorate and support the delivery of services and functions across the Eden area of Westmorland and Furness.



4. Eden Area Team

Eden Locality Board	
Nick Wright Area Manager, Eden Safe & Stronger Communities	Doug Huggon Communities & Wellbeing Manager, Eden Thriving Communities
Cathryn Beckett Public Health Manager, Eden Safe & Stronger Communities	Roy Wilson Communities & Wellbeing Officer, Eden Thriving Communities
Amy Frith Community Development Officer, Eden Safe & Stronger Communities	Matty Buck Communities Officer, Eden Thriving Communities
Kellie Bradburn-Sims Community Development Officer, Eden Safe & Stronger Communities	Lianne Parrett Health & Wellbeing Officer, Eden Thriving Communities
Lucy Tonkin Communities Development Assistant, Eden Thriving Communities	Kate Giergiel Arts and Culture Officer, Eden Thriving Communities



5. Eden Locality Board

Council Ward Area	Elected Members
Alston & Fellside	Cllr Michael Hanley Cllr Mary Robinson
Appleby & Brough	Cllr Andy Connell Cllr Graham Simpkins
Eamont & Shap	Cllr Neil Hughes
Eden & Lyvennet Vale	Cllr Lorna Baker Cllr Neil McCall
Greystoke & Ullswater	Cllr Judith Derbyshire
Hesket & Lazonby	Cllr Hilary Carrick Cllr Colin Atkinson
Kirkby Stephen & Tebay	Cllr John Murray Cllr Phil Dew
Penrith North	Cllr Patricia Bell Cllr Mark Rudhall
Penrith South	Cllr Virginia Taylor Cllr Michael Eyles

Locality Board Responsibilities:

- Allocation of funding and grants to support locality working, projects and activities.
- Support the local delivery of the Council Highways Service.
- Undertake a community leadership role, bringing together different interest groups from the public, private and voluntary sectors to work in partnership.
- Understand and influence the delivery of Council services to ensure this reflects local needs.

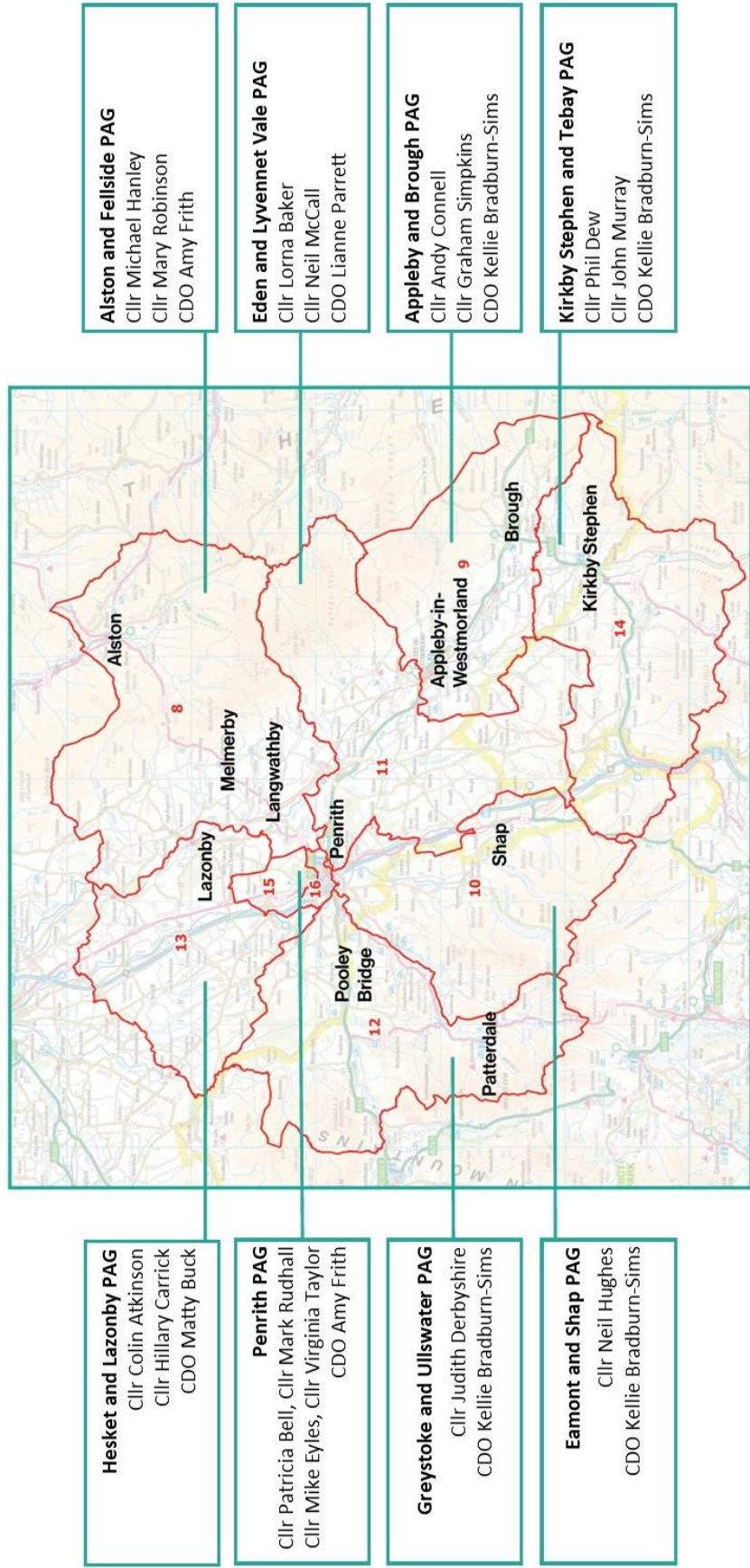
Eden Locality Board Priorities:

1. To ensure that Eden is a great place to grow up where children are happy, healthy and have opportunities to reach their full potential.
2. To better connect our places by maintaining and developing our networks, infrastructure links and modes of travel.
3. To empower our communities to thrive by supporting a strength and asset-based approach to healthy lifestyles and wellbeing.
4. To consider the challenge of climate change and biodiversity in everything the Board does.



6. Place Action Groups

Eden Place Action Group Development Plan



To enable closer working with town and parish council, and local stakeholders, Eden Locality Board will be developing `place action groups` in partnership with communities in Eden.



7. Place Action Groups – Structure and Benefits

Structure

- Work with agreed terms of reference
- One place action group in each council area
- Core membership, officer forum of key partners
- Elected chair from core membership of each group
- Meet quarterly to progress action plan priorities
- Groups are non-decision making
- Focus on achieving agreed local priorities



Benefits

- Closer working with town and parish councils
- Partnership working with key stakeholders
- Co-ordinate joint action and joint working
- Project are informed by local stakeholders
- Use local intelligence to understand place priorities
- Deliver projects that strengthen communities
- Direct access to locality funding through partners



8. Westmorland and Furness Council Funding

Eden Locality Board grant schemes available for projects that contribute to achieving local priorities and support the council's vision for Westmorland and Furness, 'to be a place to live, work and thrive'.

Eden Locality Board 0-19 Youth Fund	Applications up to £5,000	Project and initiatives that support children and young people in Eden.
Eden Locality Board Community Grants	Applications up to £5,000	Project and initiatives that benefit the local community
Strong and Connected Communities Fund	£6,000 Place Action Group allocation	Improving the quality of life for people in Eden

Place Action Group projects and initiatives will have direct access to the locality board grant schemes.



9. Local Action Plan - EXAMPLE

Local Action Plan				
Timeline April 2024 – April 2025				
Theme Area	Local Action	Lead Partner	Progress /Next Steps	Funding
Economy	Producers Market	Parish Council/ Community Action Group	Agree location Recruit Traders Purchase Equipment	WFC Community Fund, ELB Community Grant Parish Council Funds
Infrastructure	New Play Area	Parish Council	Design, Consultation, Fund raise	WFC Community Fund ELB Community Grant 0-19 Grant
Community	Good Neighbours Scheme	Community Rep	Recruit volunteers, Training.	WFC Community Fund, ELB Community Grant
Resilience	Emergency Plan	Parish Councils	Develop procedures, actions and resources	ACT ELB Community Grant



10. Place Action – locality projects

- Alston – development of a Warm Hub, working to develop a Volunteer Network, re branding and expansion of the Food Bank, work to develop a youth offer.
- Appleby – Installation of EV charging points, refurbishment of town play area, town signage improvements, development of an Enterprise Hub, creation of Heritage Trail celebrating local figures and buildings.
- Kirkby Stephen – Adventure Playgroup Project and Park Management, restarted local business community network and town forum, improvements to town signage, schedule of year-round and seasonal community events.
- Penrith – ongoing development of a marketing and branding plan for Penrith, extensive engagement and involvement in development of Borderlands Place Plan projects.
- Shap – ongoing activities to recruit volunteers and contributors for community projects, development of an information leaflet for visitors.



11. Place Action – locality project Kirkby Stephen

Local Priority 2021: Kirkby Stephen Youth Centre

Create a youth centre for children of Kirkby Stephen and Upper Eden communities where children and young people can socialise in a safe environment, access support and services and explore their potential.

Work with local stakeholders collaboratively to identify funding, support and resources that will contribute to the development of a sustainable youth centre. Engage with young people from the community and provide opportunities for young people to contribute to project decision making.

Priority Outcome 2023:

Evergreen Building in Kirkby Stephen acquired by the Evergreen Community Trust Group, established as a Charitable Incorporated Organisation.

Kirkby Stephen Youth Centre set up as a charity to run the centre, trustees, volunteers and youth group recruited for the project.

Refurbishments plans for an environmentally and economically sustainable building approved.

In excess of £120,000 funding secured over 18 months by Evergreen Building Trust, with support from Kirkby Stephen area planning group stakeholders.

Kirkby Stephen Youth Centre launched August 2023.



Lead youth worker Craig Read and volunteer youth worker Abbey O'Connor-Ramsey with some of the members at Kirkby Stephen Youth Centre.

Picture: Jonathan Becker

12. Place Action – locality project Shap

Project objective 2021: Mapping and Improvements of Shap Footpath Network

Audit of footpath network in and around Shap and Rural Shap.

Documenting all footpaths to use for information sharing, tourism and community projects.

Repairs and improvements actioned along walking and other well used routes.

Encourage partnership working to complete repairs and improvements.

Recruit local volunteers and community groups to contribute project activity and sustain improvements.

[Project outputs 2022/2023:](#)

Parish council documented resource of footpath network.

Support and resources provided by local authorities

Repairs and improvement's part completed.

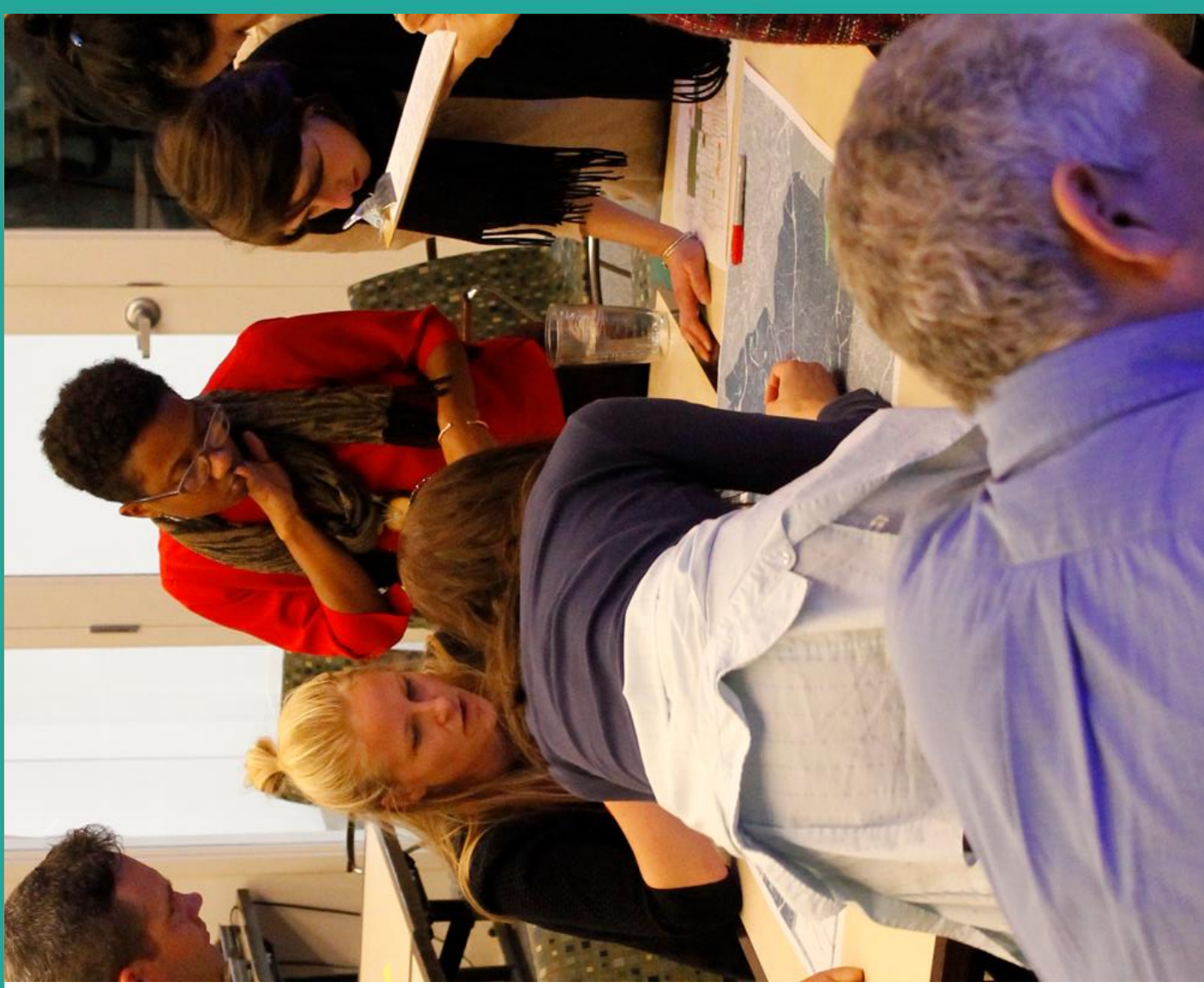
Ongoing stakeholder and local authority engagement to progress further improvements.



13. Next Steps

Place Action Group Development:

- Confirm membership, agree TOR and elect Chair
- Undertaken place assessment
- Agree local action plan
- Develop locality projects
- Shared partner resources
- Access funding
- Review annually



14. Penrith

Stakeholders:

Residents, Businesses, Schools, Town Council, Community Groups, Local Authorities, Health Providers, Strategic Partners & Agencies, Farming Community.

Area Demographics/Services:

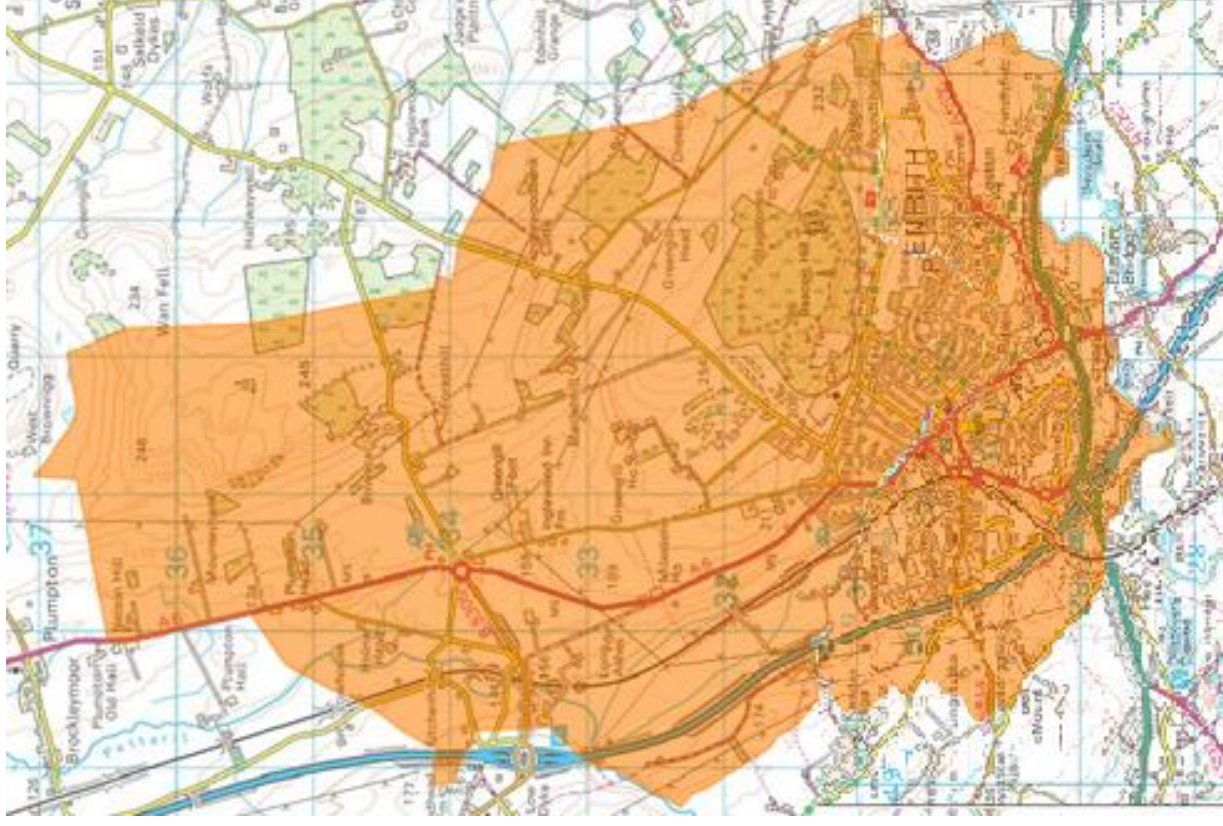
Total Population 16,983. 19.3% over 65+
60.3% of population economically active
11.4% of Households in Fuel Poverty
Network of Primary Schools, 2 Secondary Schools
Child & Family Centre
Health Centre and Hospital
Key Service Centre for surrounding area

Challenges:

Vacancies on Highstreet
Health Inequalities
Pollution
Climate Change
Impact from A66NTP

Opportunities:

Connectivity
Employment & Skills
Development
Borderlands Growth Deal
Highstreet Regeneration
Environmental Initiatives



Discussion



Contact Details

Amy Frith
Community Development Officer, Eden
Safe and Strong Communities
Amy.Frith@westmorlandandfurness.gov.uk
Tel: 07557 544315

Cllr Patricia Bell
Elected Member for Penrith North
Eden Locality Board Member
Patricia.Bell@westmorlandandfurness.gov.uk
Tel: 07795 925909

Cllr Mark Rudhall
Elected Member for Penrith North
Eden Locality Board Member
Mark.Rudhall@westmorlandandfurness.gov.uk
Tel: 07795 924329

Cllr Virginia Taylor
Elected Member for Penrith South
Eden Locality Board Member
Virginia.Taylor@westmorlandandfurness.gov.uk
Tel: 07795 924439

Cllr Mike Eyles
Elected Member for Penrith South
Eden Locality Board Member
Mike.Eyles@westmorlandandfurness.gov.uk
Tel: 07795 925188



PENRITH PLACE ACTION GROUP (PAG) – TERMS OF REFERENCE

Forum of key partners to discuss, co-ordinate and plan for the delivery of projects that will improve the sustainability and vitality of the W&F Council ward area.

PURPOSE

To utilise information from a range of consultations and evidence based plans to understand the issues and opportunities for the W&F Council ward area(s).

To identify, create and deliver projects that will strengthen the vitality and viability of the communities in the W&F Council ward area(s)

To ensure that projects are informed by stakeholders and residents.

To provide a means of co-ordination in respect of joint action and joint working.

To create a shared vision and delivery plan, consisting of both shared and complimentary projects.

To work together to identify funding opportunities to support identified projects.

To understand that some levels of projects will require additional agreement from organisations to be involved and contribute to area planning.

The place action group is not a decision making body, each organisation will need to work within their own agreed priorities and governance.

MEMBERSHIP

The Place Action Group is a partnership forum. All members have equal standing.

Core Membership

- Westmorland and Furness Council Officers (Community Development, Economic Development, and other technical officers where appropriate)
- Westmorland and Furness Councillors for Penrith x2
- Penrith Town Council Officers (Deputy Town Clerk, Economic Development Officer)
- Penrith Town Councillors x2
- Penrith Town BID
- Penrith Industrial BID
- Penrith Chamber of Trade
- Cumbria CVS

The Group has the ability to co-opt additional members for specific projects, including but not restricted to: Highways England, Health Authority, community groups, the third sector or others as may be appropriate.

The Group will act in accordance with the respective policies and procedures of the organisations involved and ensure a regular flow of relevant information to/from parent authorities, agreeing joint communications in advance of dissemination to ensure consistency of approach.

Where projects require executive decision, the project lead Officers will be responsible for obtaining this from their respective member and/or organisation,

PROJECT GROUPS

These will be established to complete specific project work linked to the priorities in the action plan. Project groups will be led by a nominated member of the PAG who will be responsible for updating the main group at each PAG meeting.

PAG AREA / LOCALITY

A place action group will be established in each council ward area within the Eden footprint of Westmorland and Furness Council.

Penrith PAG will cover the Westmorland and Furness Council ward areas of Penrith North and Penrith South.

SUPPORT ARRANGEMENTS

Westmorland and Furness Council will agree to provide support arrangements for the PAG which will include:

- Organising and facilitating meetings in person
- Preparation of agendas
- Taking notes and actions where required
- Updating the PAG action plan

An agenda should be distributed at least three working days prior to a meeting supported by the notes from the previous meeting and a Project Status Report so that participants can be prepared for the meeting.

The notes of meetings shall record work to be undertaken, and actions agreed, including who is responsible for taking any actions and the dates of completions.

MEETINGS

The Place Action Group will meet at least bi-monthly or as required. All dates will be agreed and meetings booked at the start of the year.

The purpose of the meetings is to provide an opportunity for members to identify, plan and work collaboratively on projects that improve the sustainability and vitality of the council area(s)

Meetings of the Place Action Group will be chaired by officers of Westmorland and Furness Council and Penrith Town Council on a 6 monthly rolling basis.

The updated PAG action plan from each meeting will be circulated to the members of the group by Westmorland and Furness Council Officer.

Meetings of the PAG and associated Project Groups will meet as and when required and will not be open to the public, noting at times that confidential /commercial information may be discussed.

PTRG participants will ensure their actions, recommendations and decisions are in the best interests of the whole project and to protect the reputation of all the organisations involved.

Group participants are expected to identify and declare any actual, potential or perceived conflicts of interests in matters being discussed at the board.

Where issues have been identified as confidential or participants have disclosed personal information or views in the course of a meeting, such information should not be used for personal benefit nor disclosed to any third party.

PAG ACTION PLAN

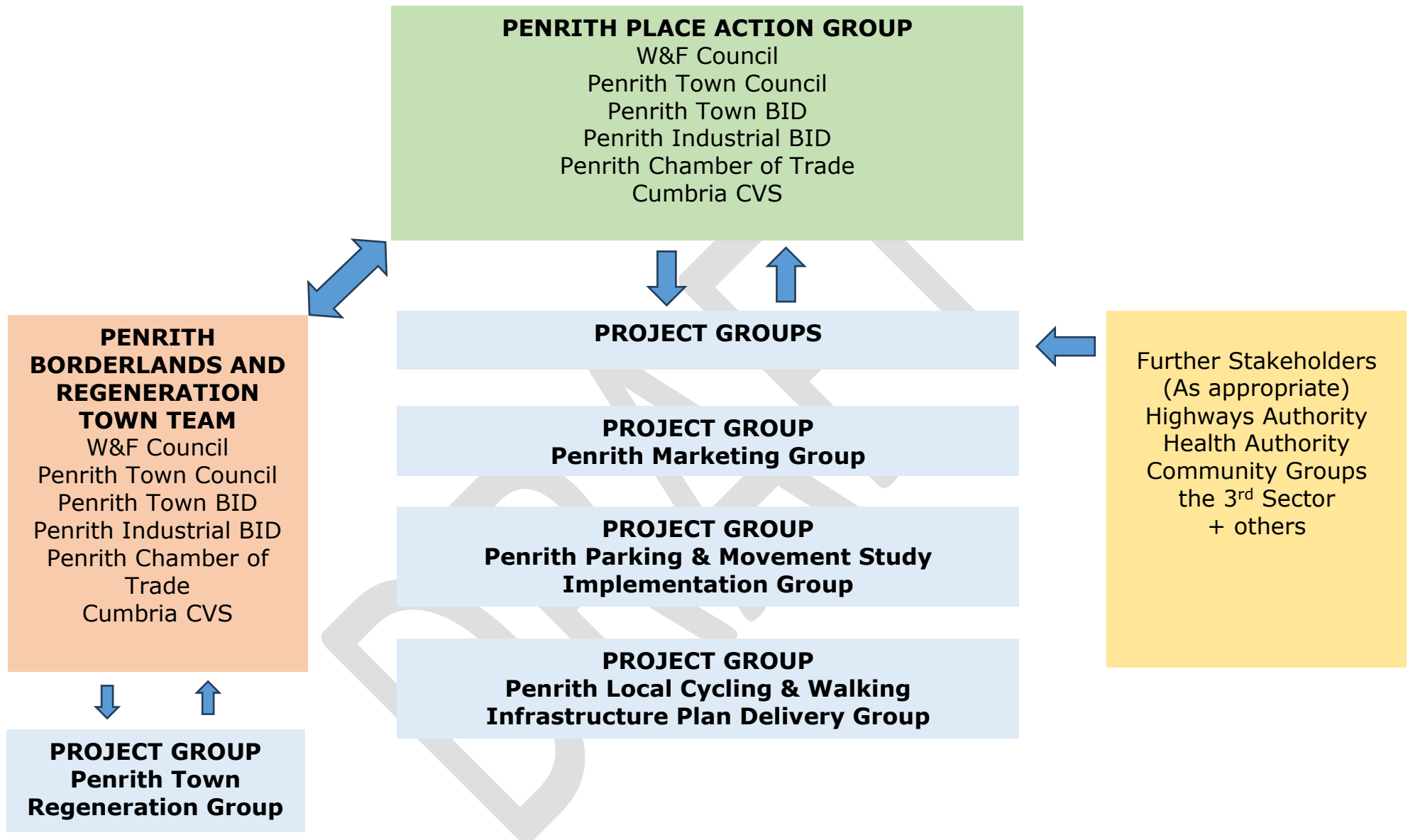
The agreed action plan should include the key priorities for the council area, contributed by all stakeholders in the PAG.

The action plan document will record all key projects identified by the PAG.

The lead organisation for each project will be responsible for providing an update at each meeting. Updates will be recorded on the action plan at each PAG meeting.

REVIEW

The Terms of Reference will be reviewed annually to ensure that the work of the PAG is relevant and of value to the community.



PENRITH TOWN REGENERATION PROJECT GROUP (PTRG)

TERMS OF REFERENCE

1. PURPOSE

- 1.1 The PTRG is a Project Group of the Penrith Borderlands and Regeneration Town Team whose purpose is to identify opportunities for potential funding and devise solutions which lead to an improved and revitalised town centre in Penrith. The PTRG will take direction from and provide advice to the Penrith Borderlands and Regeneration Town Team.
- 1.2 The PTRG will act strategically focussing on but not limited to
 - i. Identifying areas in the town centre that require improvement
 - ii. Identifying how Borderlands High Street Grants can be used to improve town centre premises
 - iii. Developing strategies for improving the physical infrastructure
 - iv. Enhancing the public realm of the town centre; and
 - V. promoting economic development and growthThis will deliver the Towns strategic aims and assist the delivery of projects.
- 1.3 Projects should support sustainability, improved quality of life, economic growth, inward investment, tourism, good health and wellbeing and marketing.
- 1.4 Working in partnership and collaborating as a PTRG, will assist in project identification and delivery in a timely, efficient and cost-effective manner.
- 1.5 Officer Representatives of the two tiers of local government will be awarded or already be provided with the authority to act within their respective authorities' long and medium-term financial strategy, business plans, corporate plans and associated budgets. The officers will therefore have authority to make decisions within a previously agreed tolerance or work stream or be in the position to develop reports for their respective committees where appropriate decision-making responsibilities may lie.
- 1.6 The Group will act in accordance with the respective policies and procedures of the organisations involved and ensure a regular flow of relevant information to/from parent authorities, agreeing joint communications in advance of dissemination to ensure consistency of approach.

2. FUNCTIONS

The PTRG will:

- 2.1 Consult and receive direction, where appropriate, from the Penrith Borderlands and Regeneration Town Team which includes Elected Members, partners and stakeholders and agree a consensus of evidence-based priorities for short, medium- and longer-term projects that will be developed into a joint action plan for Penrith. Consultation will take place via the Penrith Borderlands and Regeneration Town Team as necessary.
- 2.2 Seek appropriate approval on any matter from the parent authorities when required.
- 2.3 Take recommendations to partner authorities to agree joint funding for shared priorities and projects.
- 2.4 The PTRG will report back regularly to the Borderlands and Regeneration Town Team and the respective authorities and its members regarding project activities. (and the prioritisation of any activities). Joint member engagement sessions will take place as appropriate so that members are involved in helping to shape project planning and to keep them informed.
- 2.5 Offer public, private and third sector stakeholders' opportunities to present investment and development proposals as appropriate and co-ordinate these interests to deliver the Penrith based projects.
- 2.6 Offer guidance and comment on the use of stakeholders' land, assets, services, resources and developments as they relate to the delivery of the projects.
- 2.7 Seek the highest possible standards of environmental sustainability for each project.
- 2.8 Protect and improve local amenity and environmental quality.
- 2.9 Have regard to equality considerations in all activities.
- 2.10 Communicate and engage effectively with all stakeholders.

3. OBJECTIVES

3.1 The objectives of the PTRG will be as follows:

- a) To deliver projects and work from the Borderlands and Regeneration Town Team
- b) To have authority to make decisions within the agreed parameters as defined with the approval of the parent authorities'
- c) To establish and manage the key activities on any project.
- d) To identify and mitigate risks.
- e) To ensure any projects and associated activities are delivered to time and budget.
- f) To keep the Borderlands and Regeneration Town Team updated and take instruction from them as necessary.
- g) To agree detailed next steps on any project.
- h) To monitor quality outputs and constraints.
- i) To define and realise benefits.
- j) To define and implement strategy.
- k) To ensure the development and implementation of an effective resident and stakeholder strategy.
- l) To agree joint communications for the project.

3.2 The group will report to the Borderlands and Regeneration Town Team, providing a summary report of any projects.

3.3 Meetings will be scheduled as appropriate and will not be open to the public, noting at times that commercial information may be discussed.

3.4 The PTRG will meet face-to-face, and can make decisions within agreed parameters via email or video conference when an urgent matter arises.

3.5 An agenda should be distributed at least three working days prior to a meeting supported by the notes from the previous meeting and a Project Status Report so that participants can be prepared for the meeting.

3.6 The notes of meetings shall record work to be undertaken, and actions agreed, including who is responsible for taking any actions and the dates of completions.

3.7 The action logs will be submitted with a summary Project Status Report to the Borderlands and Regeneration Town Team as required and at least quarterly.

3.8 PTRG participants will ensure their actions, recommendations and decisions are in the best interests of the whole project and to protect the reputation of all the organisations involved.

3.9 The PTRG shall aim to proceed on the basis of consensus. If necessary, a number of options can be recommended by the group if a consensus can't be reached. Recommendations will be submitted to the Borderlands and Regeneration Town Team and final recommendations will then be reported to each authority's appropriate decision-making forum to enable councillors to consider what is being proposed and decide accordingly.

3.10 Project Group participants are expected to identify and declare any actual, potential or perceived conflicts of interests in matters being discussed at the board.

- 3.11 Where issues have been identified as confidential or participants have disclosed personal information or views in the course of a meeting, such information should not be used for personal benefit nor disclosed to any third party.
- 3.12 Emerging matters, beyond previously agreed tolerances or terms, will be escalated to the Borderlands and Regeneration Town Team. An escalation may occur when the programme deviates beyond agreed tolerances on:
- Budget
 - Resource
 - Quality
 - Project Brief
- 3.13 The following behaviours are expected from all group members:
- a) Provide contributions that are courteous and constructive.
 - b) Listen to each other, respect other peoples' views and allow open discussion.
 - c) Provide any correspondence sent on behalf of the project available to all participants and not to speak, make representations or write on behalf of the project or group without the prior agreement of the group.
 - d) Act in a non-political manner.
 - e) Refrain from confrontational behaviour and verbal and physical abuse at all times.
 - f) Communicate the agreed position of the project group outside of meetings and not individual views or positions, whether one's own or those of other members of the group.
 - g) Consistent minor breaches may result in the member being asked to leave the meeting.
 - h) Serious breaches, including breaching confidentiality, providing false information about the project, not declaring a conflict of interest and verbal or physical abuse, will result in removal from the project group.

4. CONSTITUTION OF PTRG

4.1 MEMBERSHIP

1. The PTRG will comprise of officers from Westmorland & Furness Council Community and Economic Development Teams and Penrith Town Council plus representatives of Penrith BID, Penrith Industrial BID and Penrith Chamber of Trade who will share information and be involved in specific projects.
2. There will be an option to invite further stakeholders, partners and community groups including but not restricted to: Highways England, Health Authority, community groups, the third sector or others as may be appropriate.

4.2 QUORUM

Three with one officer from each authority.

4.3 CHAIR

The Chair of the group will have an economic development background and be nominated at the first meeting.

4.4 **FREQUENCY OF MEETINGS**

The PTRG will meet on a regular basis and at least four times a year a year to discuss progress, address issues and make decisions related to the improvement of the town centre. A work plan will be agreed at the first meeting of the TCSG in each municipal year.

Urgent meetings shall be called with at least 2 working days notice and an agenda shall be circulated with the meeting invitation.

4.5 **DECISIONS**

Decisions of the PTRG, wherever possible, will be made on the basis of the consensus. If necessary a number of options can be recommended by the group if a consensus can't be reached. Recommendations will be submitted to the Borderlands and Regeneration Town Team and final recommendations will then be reported to each authority's appropriate decision-making forum to enable councillors to consider what is being proposed and decide accordingly.

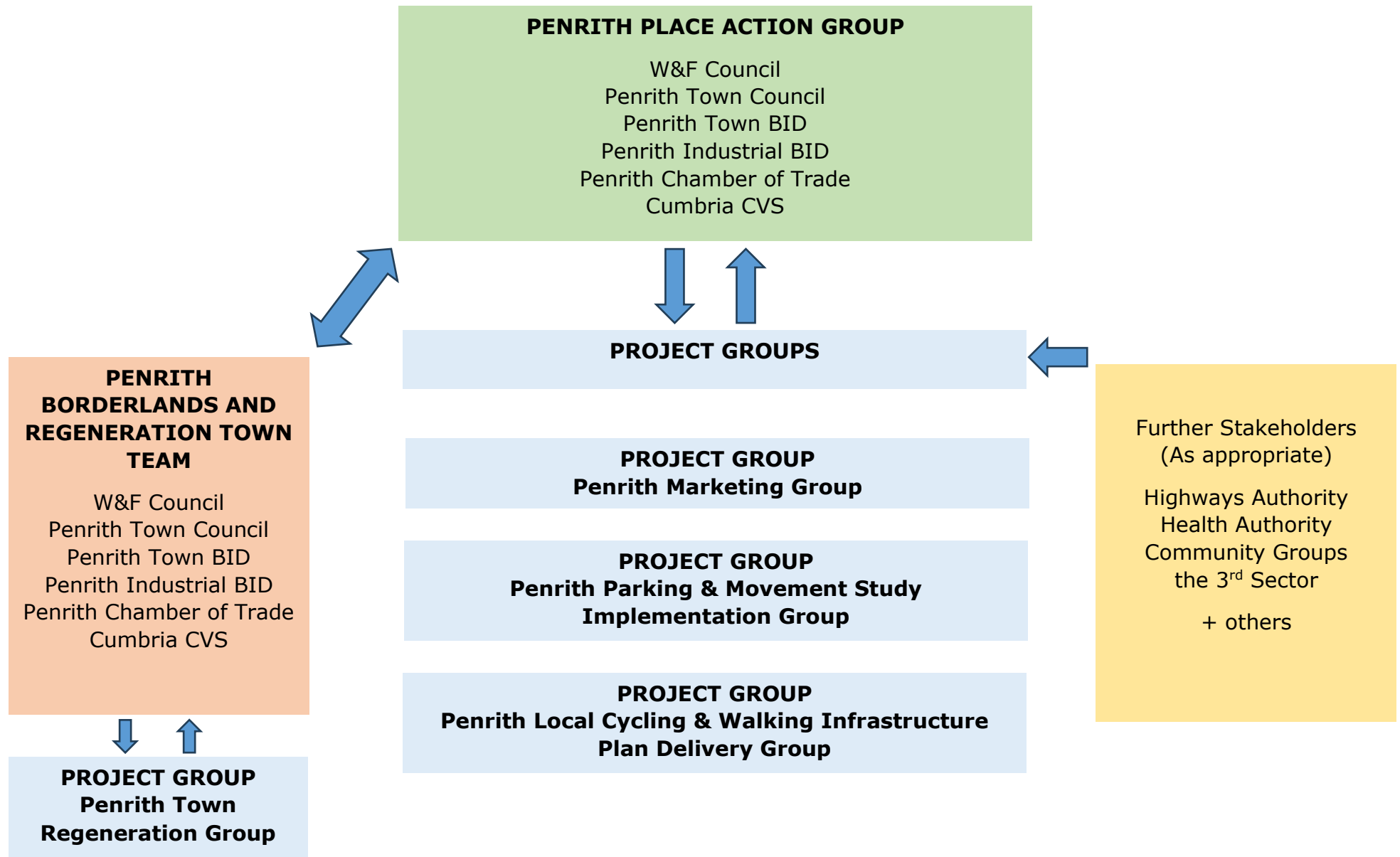
4.6 **REPORTING**

All actions, material decisions and proceedings of the PTRG shall be reported to the Borderlands and Regeneration Town Team and to the next scheduled meeting(s) of the respective parent authorities as appropriate.

4.7 **RESOURCES**

Resources for joint projects should be sourced and shared equally between the three authorities.

4.8 **REVIEW – these terms of reference will be reviewed annually.**



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REPORT TO FULL COUNCIL

Date: 15 July 2024

Public Report

Item no: 08

Matter: Marketing and Branding

Author: Economic Development Officer, Deputy Town Clerk

Supporting Member: Council Chair

Purpose of Report:

To agree the branding proposal for joint Penrith marketing initiatives.

Recommendation

To agree the branding proposal.

Law and legal implications

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

1. Report Details

Over a number of years, it has been identified that there is a need for a Penrith Brand, a logo which is unique to Penrith and easily identified, which would be adopted by partners and used in all joint marketing and promotional activity.

This requirement has also been confirmed through work with stakeholder groups, such as The Borderlands Town Team and consultation/workshops held for the creation of the Place Plan.

This project was passed to the Penrith Marketing group a working group of the Town Working Group who had also recognised the importance of a Penrith Brand and the benefit of joint marketing activity. Penrith Town Council were asked to be the lead and develop the project working closely with stakeholders on the Marketing Group.

The marketing group

Members of the Penrith Marketing Group include:

- Penrith Town Council
- WFC
- Penrith Chamber of Trade
- Penrith Industrial Bid
- Penrith Town Bid

2. The Marketing Group working with Penrith Arts and Culture Group who through their desire to have joint marketing have created a Penrith Arts and Culture Website, have extensively reviewed consultation and workshop data to establish what Penrith's USP (Unique Selling Point) is. Their conclusion is that Penrith is a unique attractive town, a town with potential, strategically placed with close proximity to the Lakes and Pennines. It has entrepreneurial spirit, a fascinating history and heritage, a castle, and niche independent shops. However, it has no defined USP but a collection of attributes.
3. This was confirmed by the extensive consultation undertaken as part of the Neighbourhood Plan where residents echoed these findings.
4. The Marketing group working with stakeholders from the Arts and Culture Group consider that by creating a visual brand that can be used for joint marketing activities that represents Penrith visually will increase the profile of Penrith and will appeal to visitors, shoppers and residents. By creating a simple visual representation which can be used by stakeholders by inclusion of their strapline the profile of Penrith will be strengthened.
5. An Initial design was presented to members in March 2023, PTC22/127 When it was resolved that:

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

6. Funding from CCC was used to contract a local designer whose brief was to;

To develop a brand identity for Penrith that will seek to develop, promote and consolidate the name of Penrith within Cumbria and the North West of England generally as a destination, key location, hub and place for residents, businesses, tourists and visitors and for retail, cultural and heritage facilities and activities and thereby to help create a sense of pride in Penrith and bring all aspects of the community together and sustain and nurture innovation within the local, visitor and business economy.

To take account of the findings from the workshops and consultation exercise and engage with the Stakeholders in developing the brand identity.

To work with officers and the Marketing Group to review and consider the findings of existing research and feedback and create a questionnaire to be circulated to the Stakeholders which addressed critical points and concerns that needed to be addressed in establishing the brand identity.

To create a series of design concepts that will be presented to the Stakeholders. The design concepts will give alternative approaches with directions on usage, adaptations and the reasonings behind the submissions to ensure clarity of thinking. The design concepts will demonstrate the application to a stand-alone website and social media posts with guidance on messaging. Appendix 1

To prepare A document of the brand identity and the usage guidelines which will include key usage stipulations, colour references and typographical requirements together with guides to the application of the chosen design across a range of devices and social media platforms.

7. The work is complete and the final design, which represents the most iconic buildings in Penrith, the Beacon, the Monument and the Castle, has been presented to stakeholders and enthusiastically received with all indicating acceptance and willingness to adopt the image for joint marketing activity. It is agreed that this simple but unique design is something that can be used across all media



Final design and examples of use Appendix 2

a. Proposal

Penrith Town Council will retain the copy right of the brand.

Stakeholders using the brand will need to seek permission from Penrith Town Council. The copy right remains with the council.

That guidelines are developed and permissions given to those wanting to use the logo.

b. Recommendation

That the Council approve the use of the Brand for Penrith in joint marketing activity.

Options Analysis including Risk Assessment

a) Risk

- The schemes of work are not delivered effectively and efficiently within agreed timescales.
- Failure to deliver action from collaborative scheme of work.

b) Consequence

- Impact on the Council's reputation and perceived ability to deliver community/town centre projects.

c) Controls Required

Continue to work with partners, stakeholders in joint marketing activity.

Financial Implications

- Funded by a grant from Cumbria County Council.
- Officer time to attend meetings and to facilitate and participate in development and delivery work.

Equalities Implications

None identified.

Climate Change and Environmental Implications

None identified.

Legal Implications

That guidelines are developed by the Councils solicitor for stakeholders who wish to use the brand.

Background Papers

Appendix 1 Concept Design (03 April 2024)

Appendix 2 Final design (01 July 2024)

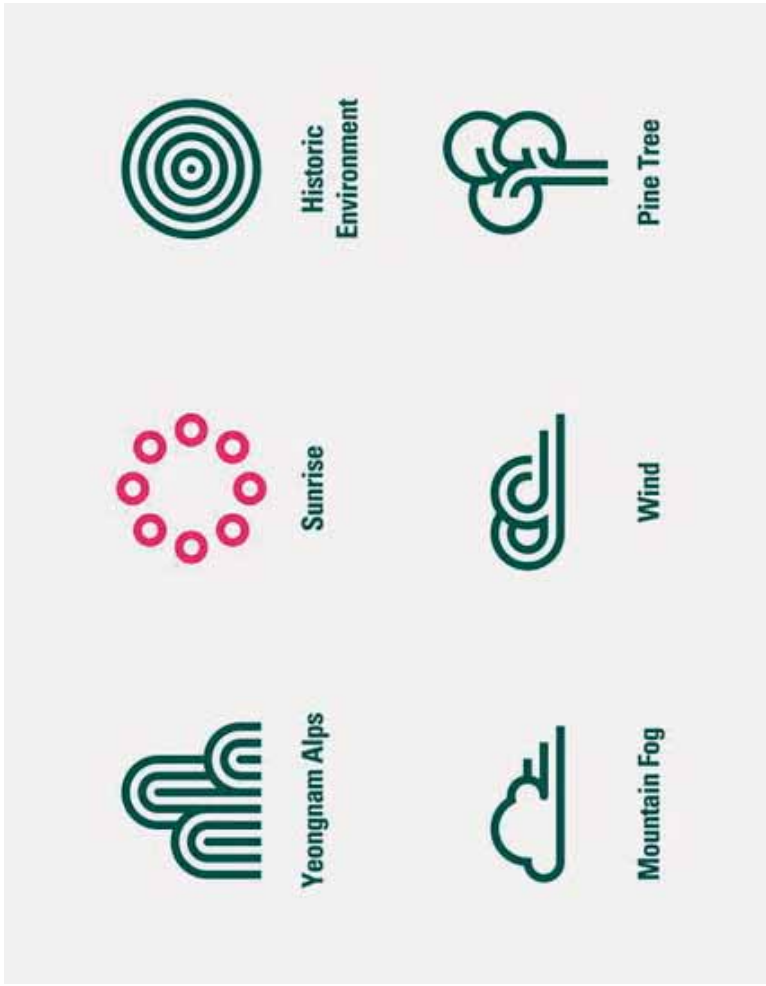
Concept: **Two** - Development A.

Penrith Identity

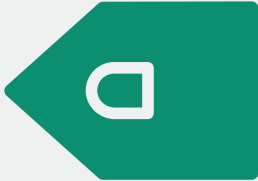
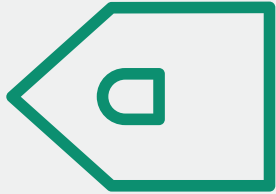
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Scheme 2 - Inspiration Board

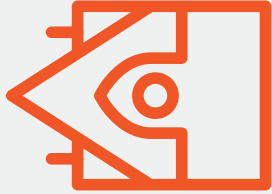
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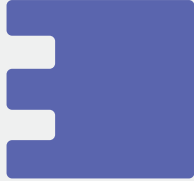
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**BEACON
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**MUSGRAVE
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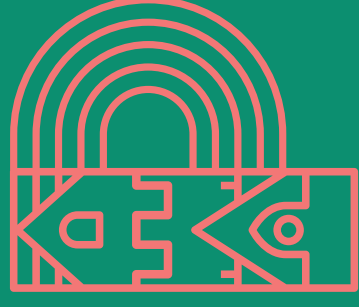
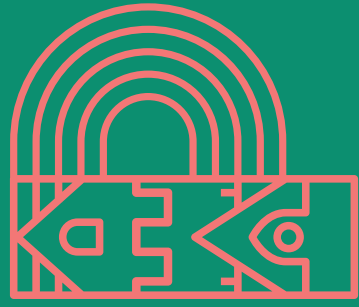
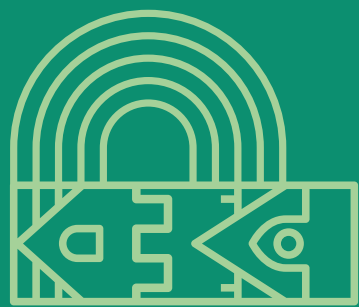
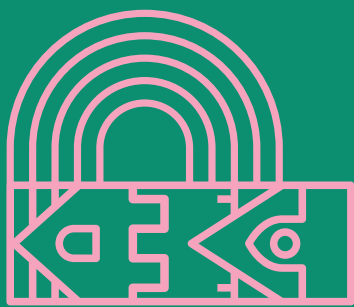


**PENRITH
CASTLE**



**COMMUNITY &
CONNECTIONS**







PENRITH
PROUD

PENRITH



PENRITH
PROUD

Scheme 2 - Development A.

3 April 2024









A PLACE TO GROW

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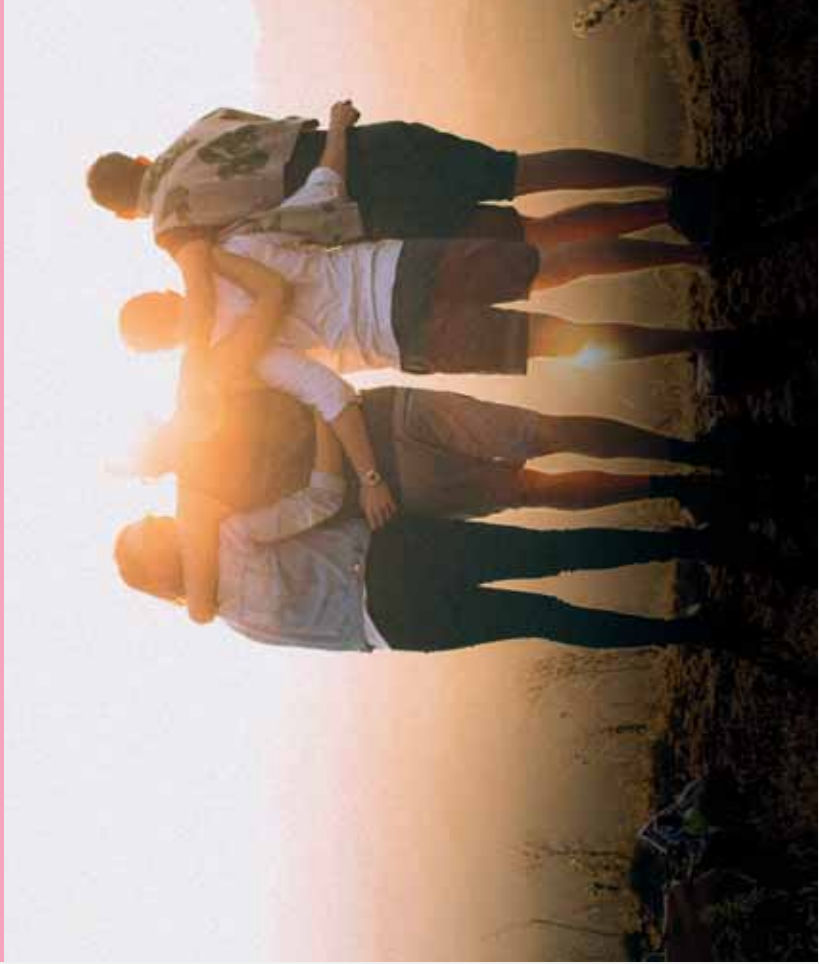




A PLACE TO EXPLORE

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PENRITH

A PLACE TO SHARE

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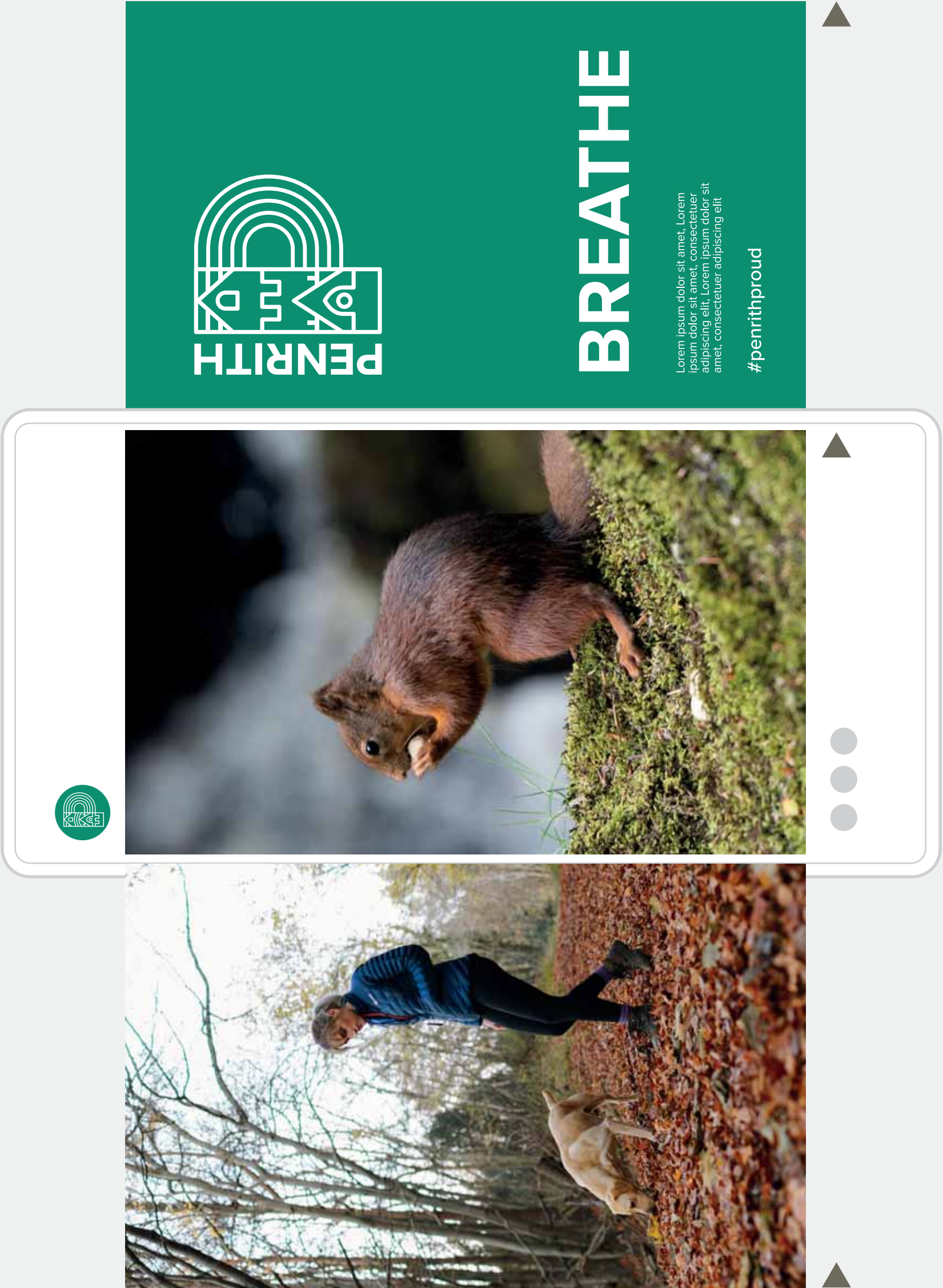
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A PLACE TO CREATE


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SHARE

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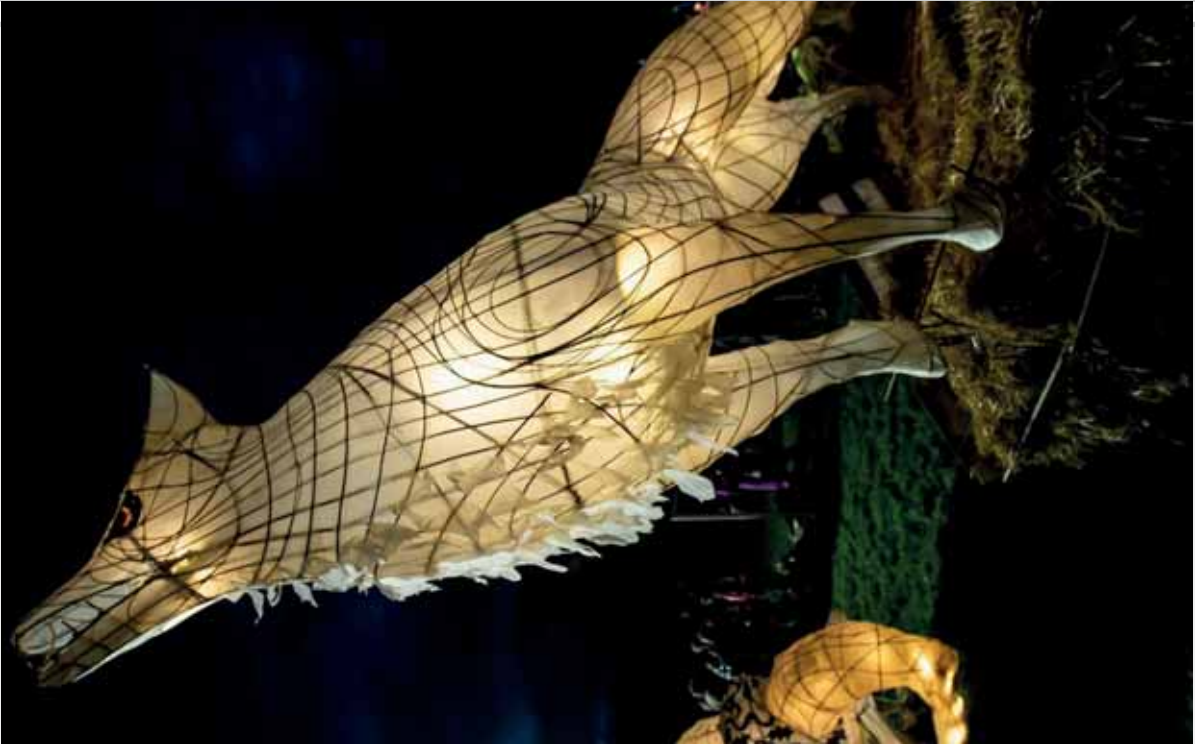


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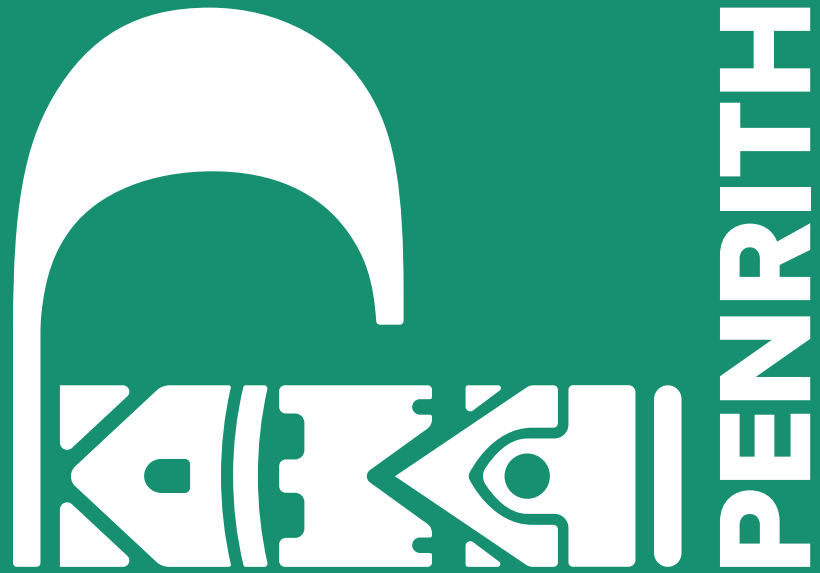
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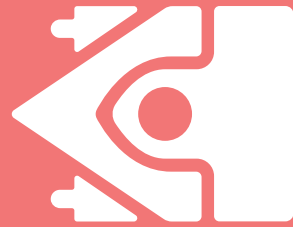
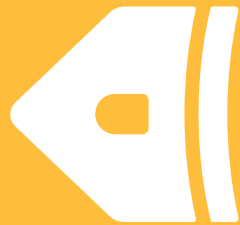
Penrith Identity

1 July 2024









PENRITH

Scheme 2 - Development C.



1 July 2024











REPORT TO FULL COUNCIL

Date: 15 July 2024

Public Report

Item no: 09

Matter: Penrith BID Request for a Board Representative

Author: Acting Town Clerk

Supporting Member: Council Chair

Purpose of Report:

To consider a request from the Penrith BID to appoint a Councillor to the BID Board.

Recommendations:

- i. To consider whether the Council are minded to accept the request of the Penrith BID to have a Councillor as a BID Board Director, and if so to;
- ii. Receive nominations and appoint one Councillor to represent the Council on the Penrith BID board as a Director.

Law and Legal Implications

The Town Council resolved from 15 May 2023, 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

- 1.1 The Council has received a written request from the Penrith BID requesting whether the Council would consider appointing one elected Councillor to represent the Council on the Penrith BID Board and in doing so become a Penrith BID Director.
- 1.2 The Penrith BID is a company limited by guarantee. It is a partnership between businesses and organisations based in the centre of Penrith, working together with local partner associations with the aim of improving trading conditions in the town. It brings businesses together with a common aim and a shared passion to make a difference and improve the economic potential of Penrith. The BID is elected for a five-year term. The BID currently has four key areas of focus, as detailed in the Penrith Business Plan 2023-28 which can be viewed by the following link - <https://penrithbid.co.uk/penrith-bid-new-term-business-plan/>
- 1.3 The BID organises events and activities to meet its areas of focus. The Council works in partnership with the Penrith BID on several town centre initiatives including greening, Christmas Lights. The Council has provided grant support to the Penrith BID for a range of projects and initiatives.
- 1.4 The Council is a BID member and levy payer. As a levy payer it means that the Council are automatically eligible to nominate a representative to be a BID Board Member. The attached document, 'Penrith BID Board of Directors' sets out the Purpose and Composition of the Board. (Appendix A).
- 1.5 Appendix B, Incorporation of Penrith BID Company Ltd document outlines the Directors Responsibilities.

- 1.6 Members are asked to:
- i. consider whether they are minded to accept the request of the Penrith BID to have a Councillor as a BID Board Director, and if so to;
 - ii. Receive nominations and appoint one Councillor to represent the Council on the Penrith BID board as a Director.
- 1.7 Presently, the Council's Economic Development Officer attends Board meetings in an advisory, non-voting capacity and would be able to support and liaise with any Councillor who is appointed, should this be required.
- 1.8 It would be important for any Councillor appointed to the BID Board to liaise with the Economic Development Officer both prior and after any board meetings.
- 1.9 Any Councillor appointed to the Board should also provide a verbal report to Full Council as appropriate, whilst respecting any confidential matters.

Options Analysis including risk assessment

a) Risks

A Council appointed director becomes liable for any act or failure to act. A councillor seeks protection from the Council against any such liability. The Council's own interests are compromised.

b) Consequences

Legal proceedings are threatened or pursued, and an individual incurs or is at risk of personal loss. The Council becomes involved in the proceedings, potentially and either directly or indirectly. Inappropriate action is taken contrary to the Council's own interests.

c) Controls Required

Insurance cover is taken out by the company for any liability suffered by an individual director. Consideration is given to obtaining any additional cover which may be required to any obtained by the company, if necessary. Any director appointed understands and seeks confirmation on the duties and responsibilities which come with the position. Appropriate advice is sought and account is taken of any given. Interests are required to be and are declared whenever relevant to any business to be undertaken. Matters are formally reported when required with all relevant information.

Financial and Resource Implications

There are no financial implications associated with this report.

Equalities Implications

There are no equalities implications associated with this report.

Climate Change and Environmental Implications

There are no climate and environmental implications associated with this report.

Legal Implications

Any Councillor who is appointed as a Director must act in the best interests of Penrith BID. A Director has specific duties and responsibilities under the Companies Act to:

- Exercise reasonable skill, diligence and care;
- Promote the success of the company;
- Exercise independent judgement;
- Act within the powers of the company;
- Avoid conflicts of interests;
- Not accept benefits from third parties;
- Declare any interest in any proposed transaction;
- Apply confidentiality about the company's affairs.

It follows therefore that the Council could not mandate its nominee to act or vote in any particular way with the company. Potentially, there could be conflicts of interest between the Council and the BID which would have to be considered and managed. Any conflicts of interest would have to be declared, as appropriate, to both the Council and the BID and the Councillor would have to act in accordance with any applicable rules or codes of conduct.

The BID should have insurance cover for Directors and any person who is appointed to the board of directors should obtain the appropriate assurance and confirmation from the company on that cover.

It is possible for the Council to provide an indemnity to a member or an officer under the Local Authorities (Indemnities for members and officers) Order, 2004. An indemnity can include the obtaining of insurance. An indemnity could cover an act or failure to act which arises from any function exercised at the request of or with the approval of the Council. An indemnity cannot be provided for anything which constitutes a criminal offence, fraud, a deliberate wrongdoing of recklessness. It may be that the company's insurance cover will be sufficient to meet any legitimate requirement for any director so that a separate indemnity is not necessary.

There is a requirement for the directors' details to be included on the companies' house website which will be the name and the month and year of birth. The address can be given as that of the registered office. There is guidance on a directors' duties and responsibilities on the website too.

Appendices

Appendix A – Penrith BID Board of Directors, Election to the BID Board.

Appendix B – Incorporation of Penrith BID Company Ltd, Directors Responsibilities

Background Papers

- None

Penrith BID Board of Directors

Election to the BID Board of Directors

Who can become a Director?

All Penrith BID levy payers are automatically eligible to be nominated to become a BID Board member. To ensure a range of relevant sectors and skills are represented on the board, candidates will need to set out their experience and their commitment to ensuring the success of Penrith BID.

The Purpose of the Board

The Penrith BID board is composed of up to 12 directors. It is accountable for:

- Upholding and promoting the BID vision and objectives
- Delivering the four priorities of the BID proposal efficiently and effectively
- Promoting the mutual and active support of businesses and partners

This is a voluntary role; none of the Directors will receive any remuneration. The board is committed to meeting at least 4 times per year, with meetings lasting approximately 2 hours. Meetings take place on the third Tuesday of the month, commencing at 10am or 5.30pm.

Sub groups meet more frequently to work on specific projects.

Composition of the Board

The Penrith BID board is composed of a broad cross-section of the levy-paying businesses, organisations and individuals. Ideally, the Directors should represent the following:

Sector	Number of Director posts
Small Retail	3
Large Retail	2
Professional and financial services	2
Hospitality, food and drink	2
Health and personal care	1
Charitable	1
Other sectors	1
Local Authority (subject to invitation)	1

In addition, the Board of Directors may agree to invite the following non-voting attendees:

- Persons with knowledge or information appropriate to the aims of the BID
- Persons with professional or technical expertise to advise on specific matters.



Your details

This form must be completed in full by the applicant as these details are submitted to Companies House.

Your full name	
Name and address of Company or Organisation you are representing (must be eligible levy payer)	
Business Sector (circle relevant sector)	Small Retail Large Retail Professional Hospitality Health and Personal Care Charity Local Authority Other (please state)
Home Address	
Home Postcode	
Date of Birth	
Correspondence Address (if different to home address)	
Telephone (if applicable)	
Mobile	
Email	
	<input type="checkbox"/> I wish to become a Director of Penrith BID Company Ltd and hereby authorise Penrith BID to hold the above details securely and only use them to register me with Companies House.
Signature	

Why do you wish to stand?

(Please briefly state why you are committed to the success of BID)

Termination of Director's appointment

A Person ceases to be a Director as soon as -

- a. that person ceases to be a Director by virtue of any provision of the Companies Act 2006 or is prohibited from being a Director by law;
- b. a bankruptcy order is made against that person;
- c. a composition is made with that person's creditors generally in satisfaction of that person's debts;
- d. a registered medical practitioner who is treating that person gives a written opinion to the Company stating that that person has become physically or mentally incapable of acting as a Director and may remain so for more than three months;
- e. notification is received by the Company from the Director that the Director is resigning from office, and such resignation has taken effect in accordance with its terms.
- f. if a director fails to attend 3 consecutive meetings of the Company in person or by proxy without an explanation being received then the Directors may resolve to take such action as they see appropriate including a resolution to terminate the appointment of that Director.
- g. where a Member ceases to be a member of the Company then the Director representing that Member shall cease to be a Director of the Company.

I have read and understand the above terms and all the above information I have given is true and correct.

Signed:

Name (printed):

Date:

Please return your completed form to admin@penrithbid.co.uk

[Faint, illegible text spanning the middle section of the page, appearing as two columns of very light print.]

Incorporation of Penrith BID Company Ltd.

Directors' Responsibilities

As a director of a company limited by guarantee, you must:

- Follow the company's rules as shown in the articles of association
- Keep company records and report changes
- File your accounts and your Company Tax Returns
- Tell other members of the company if you might personally benefit from a transaction the company makes

You don't need to register for Self-Assessment or send a tax return if your company is a non-profit organisation (for example a charity) and you didn't get any pay or benefits, like a company car.

You can hire other people to manage some of these things day-to-day (for example, an accountant) but you are still legally responsible for your company's records, accounts and performance.

N.B. You may be fined, prosecuted or disqualified if you do not meet your responsibilities as a director.

Companies Limited by Guarantee

There is plenty of helpful guidance available to explain what a company limited by guarantee is. By way of an introduction, please find below the description provided by ACCA:

A company limited by guarantee is just a limited company, but with the obvious difference to the usual company entity of there being no share capital. The company's members are guarantors rather than shareholders.

This form of company entity is often used by charities, but not all companies limited by guarantee are charitable in nature. Other common uses for this type of company are membership organisations and clubs, including sports associations.

It is less likely to be used by a normal trading business, as profits cannot be distributed to members by way of a dividend.

The same rules and regulations apply to companies limited by guarantee as to companies with a share capital. This means that the company will have to file accounts at Companies House within the usual deadline, file annual returns, keep proper accounting records, appoint directors and file returns with HMRC.

But this is not a blanket exemption, and the status of being limited by guarantee does not, of itself, allow a company to escape the liability to corporation tax. The company is required to have at least one director.

The main difference between a company limited by guarantee and one limited by shares is that the liability of shareholders is limited to the amount unpaid on shares, whereas the liability of guarantors (the members of a company limited by guarantee) is limited to the amount that they guaranteed.

In most cases, the amount guaranteed will be £1 per member (similar to the ordinary £1 share in a company limited by shares).

Members cannot receive dividends, and will usually be involved due to their commitment to the company's objectives, rather than to benefit financially.

The memorandum and articles will usually differ from those of the standard share capital company and will generally include a defined list of specific objectives, and also a clause that prohibits the distribution of surplus profits.

The balance sheet of a company limited by guarantee will be the same as that of a company limited by shares, apart from the fact that it will have no share capital.

The bottom section of the balance sheet should be headed 'Reserves' rather than the usual 'Shareholders' funds'.

There is no requirement, but it is common practice, to also include a note disclosing the guarantees; something simple such as: 'The company is limited by guarantee of members and does not have a share capital. The liability of members is limited to £1.'

The usual rules about related parties will apply, and the director(s) will be related parties in the usual way. Whether or not a member falls into the definition of related party will depend on the circumstances.

Payments to members can only be by way of remuneration, as no dividends are possible.

If the company is a charity, the members may also be trustees, and there are of course rules about payments to trustees.

If the company limited by guarantee is a charity, the disclosure requirements, rules and requirements laid down by the Charity Commission, the Charity SORP and the Charities Acts will also need to be adhered to.

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STATUS KEY:

On hold - Not commenced

Completed

In progress - Started and ongoing

Note the progress on resolutions from previous Full Council meetings.

Reference	Activity	Status
Items carried over from the previous year		
PTC23/42	St Andrews War Memorial, Plinth Project	
PTC23/57e	Account Signatories updated at PBS, HSBC, CCLA	
PTC23/60	Quotations for Design of Interpretation and Wayfinding scheme	
PTC23/62	Liaison with Highways England re: A66 Thacka	
PTC23/86	Biodiversity Statement, Policy and Action Plan (referred to Climate Strategy)	

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REPORT TO FULL COUNCIL

Date: 15 July 2024

Public Report

Item no: 13

Matter: Grants

Author: Acting Town Clerk

Supporting Member: Council Chair

Purpose of Report:

Note the grants awarded since the commencement of the 2024/25 financial year and to consider a virement request to the Grant Scheme budget.

Recommendations:

- i. Note the grants awarded from the Grants Budget and the Signature Events Fund.
- ii. Approve a virement of £5,000 from the Signature Events Fund budget to the Grants Budget.

Law and Legal Implications

The Town Council resolved from 15 May 2023, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

1. Report Details

- a. The Council makes an annual budget provision for grants to help meet its aims. Grants come from the Council's council tax income and a key principle of this Scheme is to ensure that grant expenditure is open and transparent.
- b. The Council has an approved budget to support the provision of grants during the 2024-25 financial year which includes a Grants budget of £20,000 and a Signature Events Grant Budget of £20,000.
- c. The Council resolved at Full Council, 27 March 2023, Minute PTC22/122v a new grant scheme which was simplified from the previous policy. The aim being to make the application process more user friendly and to aim to invite an increase in applications.
- d. The Grant Scheme Policy was reviewed at Full Council, 25 March 2024, where some minor amendments were made to the scheme guidance and application form which provide greater clarity to applicants in some areas. The amendments and the policy were approved, Minute PTC23/123ei.

Grants Budget (Grant Scheme)

- e. Grant applications will be considered providing sufficient funds remain in the budget i.e., the budget will be allocated on a "first come, first served" basis.
- f. Officers are responsible for receiving, reviewing, and awarding all grants.

- g. Officers of the Council have authority for expenditure and decide on applications without approval of a committee or Full Council assuming that there is no conflict of interest.
- h. On receipt of an application, it is scrutinised by Officers and the Responsible Finance Officer using the criteria within this Scheme and records are maintained.
- i. All the Council work is within the GDPR 2018 framework and respects the confidentiality of individuals, personal data, and sensitive personal data.
- j. Since the start of the 2024-25 financial year the Council has approved seven grant awards, these being to:

Organisation	Grant (£)	Project
Meals on Wheels	£2,500	Start a new service into Penrith
Penrith Rugby Club	£3,000*	Installation of Solar Panels
Penrith BID	£3,099	Town Centre Greening Project
Eden Dodgeball Club	£575	New Under 15 years Dodgeball Group
Bluejam Arts	£3,480	Family painting sessions, 1yr Project
Wetheriggs Utd FC	£2,000	Clubhouse Furniture
Carleton Park Group	£5,000	Multi Use Games Area at Carleton Park
	£19,654	

* Up to £3,000 subject to position on VAT

Signature Event Grants

- k. Council identified a need for consistent funding for events and the Signature Events Grant fund was created. The fund allows applicants to apply once for up to £20,000 over four years or the term of a Council. The grants are limited to £5,000 per annum.
- l. The Signature Events Grant fund supports annual events that drive the primary criteria of economic impact and visitor experience. The fund is intended to support large scale events that take place in Penrith. Such events require coordination with multiple agencies, service providers, vendors and entails large numbers of people where more than 500 people are anticipated to attend.
- m. Signature Event Grant applications are received, reviewed and decided by officers following receipt of an application and supporting information and ratified by Council. Once ratified, the Council will enter into a Service Level Agreement with the event provider which will be reviewed annually.
- n. During the previous financial year, the Council resolved to support three Signature Event Grants over the remaining term of this Council. These included:
Eden Arts, Winter Droving £5,000
Penrith BID Christmas Sparkle £5,000
Penrith Lions Club May Day Carnival £5,000.
- o. The annual award of grant being subject to receipt of the previous year's post event monitoring report, confirmation that the event will be delivered annually and upon receipt of an Event Plan, Event Budget Risk Assessment, Public Liability Insurance and associated policy documents.
- p. The Penrith Lions Club have confirmed that they will no longer be leading the organisation of the May Day Carnival and as such the grant will be withdrawn from the current years budget.

2. Risk Assessment

The Council must guard against the risk that there is insufficient monitoring of grants once awarded which may lead to grants not being used for their intended purpose.

To mitigate this risk the Council where required enters into a Service Level Agreement with successful grant applicants to ensure that grants are managed in accordance with the terms and conditions of the grant scheme.

3. Financial Implications

The Council has an approved Grants budget of £20,000 and a Signature Events Grant budget of £20,000 for the 2024-25 financial year.

Grants Budget - £20,000

During the current 2024-25 financial year the Council have supported seven funding applications from the Grants budget, totalling £19,654. There remains an uncommitted balance of £346 in the Grants Budget.

Signature Events Grant Budget - £20,000

During the previous financial year, the Council resolved to support three Signature Event Grants over the remaining term of this Council. This included Eden Arts, Winter Droving £5,000, Penrith BID Christmas Sparkle £5,000 and Penrith Lions Club May Day Carnival £5,000. The Penrith Lions Club have confirmed that they will no longer be leading the organisation of the May Day Carnival and as such the grant will be withdrawn from the Penrith Lions Club. Taking this into consideration there is a commitment of £10,000 against the budget and an uncommitted balance of £10,000 in the Signature Event Grants budget.

This report recommends that Members consider and approve a virement of £5,000 from the Signature Events Grant budget to the Grant Scheme budget due to the grant scheme budget being almost fully committed early in the financial year and on the expectation of further applications.

4. Legal Implications

Grants awarded by the Council are discretionary. Any award of grant will be subject to conditions relating to the proper and effective use of the grant for the approved purpose, with conditions set out in a Service Level Agreement for grants in excess of £1,000.

Appendices

None

Background Papers

- Grants scheme
- Grant Applications

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FULL COUNCIL

Date: 15 July 2024

Public Report

Matter: Devolution Carleton Park

Item no: 14

Author: Acting Town Clerk

Supporting Member: Cllr. Jackson, Devolution Lead

Purpose of Report:

To consider a request from the Carleton Park Recreation Group for the Council to request the devolution of Carleton Park from Westmorland and Furness Council.

Recommendations:

- i. If Council is minded supporting the request from the Carleton Park Recreation Group it agrees to write to Westmorland and Furness Council asking that they consider the asset transfer to the Town Council.
- ii. Council be updated on Westmorland and Furness Council's initial response; and should they support the principle of the asset transfer the Terms of any transfer including a full business case and financial implications be prepared and brought to Council prior to any further decisions being made.
- iii. Delegated authority be given to the Council's Acting Town Clerk, Solicitor, Responsible Finance Officer and Cllr Jackson lead Member for Devolution to engage in any discussions with Westmorland and Furness Council on this matter and the wider subject of devolution asset transfer.

Law and Legal Implications

The Town Council resolved from 15 May 2023, 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

- 1.1 The Council has received a letter by email from the Chair of the Carleton Park Recreation Group requesting that the Council requests the devolution of Carleton Park from Westmorland and Furness Council. The letter is set out in Appendix A.
- 1.2 This Council has an approved policy for devolution asset transfer and has previously received assets from the district and county council prior to local government reorganisation.
- 1.3 The Council in the lead up to the forming of the new unitary authority did also express an interest in further asset transfer and resolved in October 2021 to resubmit an Expression of Interest Letter setting out the assets and services the Council would in principle be interested in considering for transfer. Copies were sent to the then district and county councils. A copy of the letter has since been sent to Westmorland and Furness Council during its vesting period. The letter

included the Council's interest in the devolution of assets including public open space and play areas.

- 1.4 The Council are aware that Westmorland and Furness Council approved a Community Asset Transfer Policy, Cabinet, 12 September 2023 and as such it appears that there is a mechanism in place to consider the request should the Council approve the approach received from Carleton Park Recreation Group.
- 1.5 Members are minded to note that the Westmorland and Furness Council Delivery Framework 2024/25 outlines that they are working to produce a parks and open spaces strategy which is intended to ensure parks, green spaces and playgrounds are spaces people can enjoy, including investment in key parks, playground and open spaces assets, establishing robust management plans and supporting friends' groups.

Carleton Park

- 1.6 Carleton Park is an area of public open space. It is located off Oak Road and Chestnut Close in Penrith (location plan Appendix B). The site is owned and maintained by Westmorland and Furness Council.
- 1.7 Carleton Park has seen several enhancements undertaken since 2010 which have been led by the Carleton Park Recreation Group which are a constituted group that bring together local residents with councillors and officers. Developments have in the main been undertaken in close cooperation with the previous district council and Westmorland and Furness Council.
- 1.8 Members are further minded to note that the Group are currently working with Westmorland and Furness Council on the potential to install a new multi-use games area, which would provide further enhancement to the site.

2. Options Analysis including risk assessment

a) Risk

Reputational risk to the Council should it seek not to support the request from a community group which is in line with one of the Councils approved policies.

b) Consequence

Reputational risk to the Council.

c) Controls Required

Consider the request from Carleton Park Recreation Group and the recommendations set out in this report.

3. Financial and Resource Implications

There are no financial implications associated with this report.

The Council has a devolution reserve and the ability to raise income from the precept should it seek to progress with the transfer of assets. Any financial implications would be brought to Council as part of a full business case prior to any further decisions being taken.

4. Equalities Implications

There are no equalities implications associated with this report.

5. Climate Change and Environmental Implications

There are no climate and environmental implications associated with this report.

Appendices

Appendix A – Letter received from Carleton Park Recreation Group

Appendix B – Site Location Plan

Background Papers

Previous Devolution Reports.

Appendix A – Letter received from Carleton Park Recreation Group

13 June 2024

Dear Mr Parker,

I am writing on behalf of the Carleton Park Recreation Group to formally request that Penrith Town Council (PTC) request the devolution of Carleton Park from Westmorland & Furness Council (W&F). Our community is deeply invested in the well-being and maintenance of this cherished local asset, and we believe that Penrith Town Council, with its proven track record and local focus, is best positioned to manage it.

Over the past year, we have observed a noticeable decline in the upkeep of Carleton Park and its surrounding areas. The grass in the field, essential for children's football activities, has not been regularly cut, leaving it unsuitable for play during the height of the football season. Additionally, the paths, bushes, and planted areas around the park have become overgrown and untidy.

In contrast, PTC has demonstrated exemplary management of Fairhill Playground, ensuring high standards of maintenance and community engagement. Given that W&F, as the unitary authority, has broader responsibilities, we believe that devolving the playground to PTC would alleviate some of W&F's workload while ensuring the playground receives the focused care it requires.

This request aligns with our collective goal of fostering a vibrant and well-maintained community space. We seek a collaborative approach to ensure the best outcomes for our residents.

We look forward to your positive response and are eager to work together to make this transition smooth and beneficial for all parties involved.

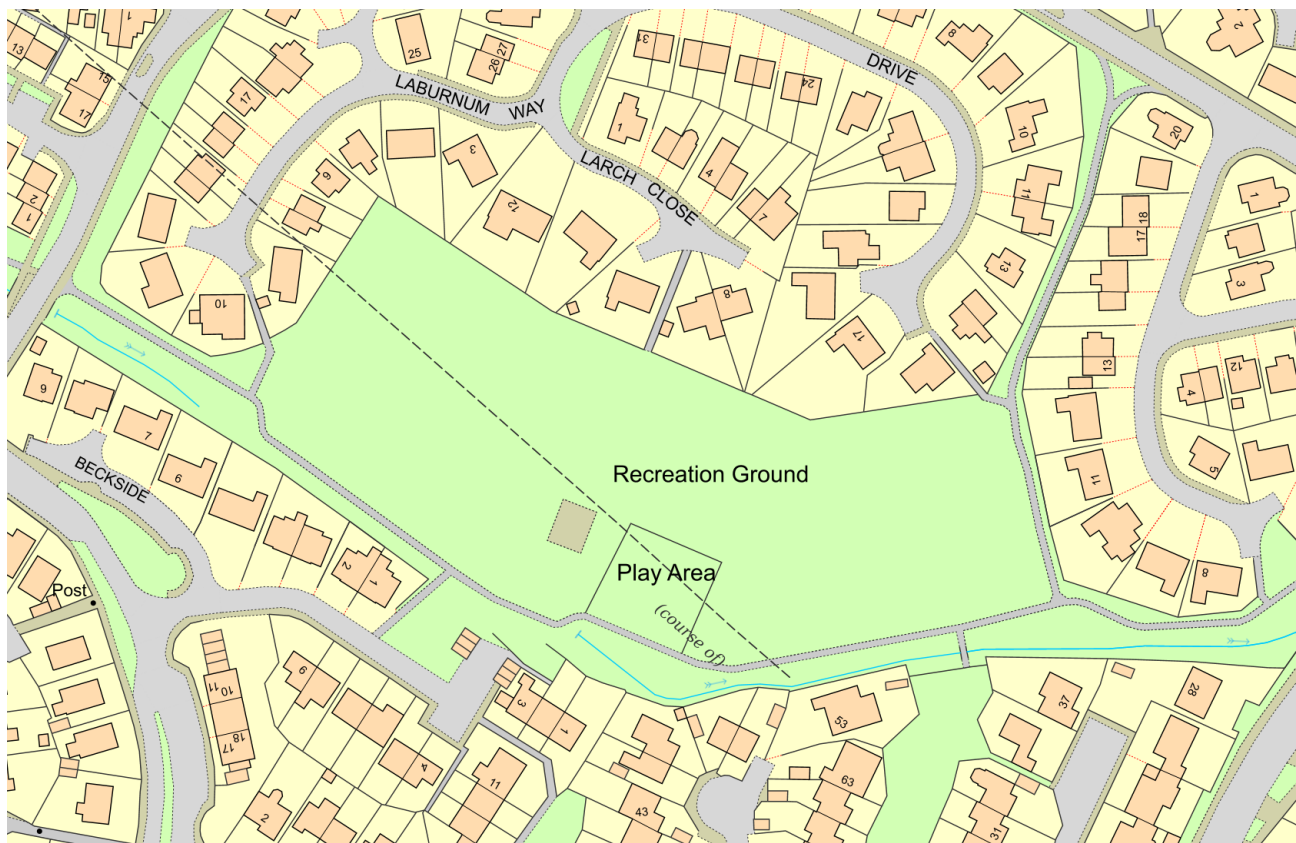
Yours sincerely,

Robert Walker

Chair Carleton Park Recreation group

Received by email.

Appendix B – Site Location Plan



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FULL COUNCIL

Date: 15 July 2024

Public Report

Matter: Communications Policy

Item no: 15

Author: Community Services Officer

Supporting Member: Cllr. Snell, Chair of Communities Committee

Purpose of Report:

To ratify the Communications Policy noting that this matter has been considered and approved by members of the Communities Committee from their meeting held on Monday 10 June 2024.

Recommendations:

Ratify the Communications Policy.

Law and Legal Implications

The Town Council resolved from 15 May 2023, 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

- 1.1 The Council's Communities Committee is responsible for reviewing a number of the Council's policies over the course of the Council term. The Communities Committee has overall responsibility for community engagement and plays a strategic role in Council communications.
- 1.2 The Council has four policies that were due for review relating to communications including the Communications Policy, Communication Protocol, Community Engagement Policy and Media Policy. It was identified that having a number of different communication policies resulted in duplication of content. A further issue arising from having a number of policies is that each policy works in silo and so lacks a wider strategic direction for Council communications.
- 1.3 A new Communications Policy has been developed, combining the aforementioned policies into one policy giving greater strategic direction for Council communications.
- 1.4 The draft policy has been considered and approved by members of the Communities Committee from their meeting held on Monday 10 June 2024 and the Committee Chair has requested that the matter be brought to Full Council for ratification.

2. Options Analysis including risk assessment

a) Risk

Policies are not up to date, correct and relevant.

b) Consequence

Council implementation of policy may not be in keeping with legislation and best practice.

Reputational risk if policy is not implemented in accordance with approved policy.

In this instance having more than one communication related policy has resulted in duplication of content and lack a sense of strategic coordination.

c) Controls Required

Approve the revised Communications Policy.

3. Financial and Resource Implications

There are no financial implications associated with this report.

4. Equalities Implications

There are no equalities implications associated with this report.

5. Climate Change and Environmental Implications

There are no climate and environmental implications associated with this report.

Appendices

Appendix A – Communications Policy

Background Papers

None



Penrith Town Council

Communications Policy

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Introduction

1.1. The aim of Penrith Town Council (“the Council”) is to communicate clearly and effectively within the Council, to the media and to the public. As the tier of local government closest to the community, communication between the Council and the public is essential for information sharing, access to services and for local democracy.

1.2. The Council is committed to improving its reputation and to promoting a positive image of its services, employees and councillors.

1.3. This document aims to establish a comprehensive policy for effective communication of the Council’s activities and pertinent information within the organisation, to the media, to partners and to members of the public.

2. Monitoring

2.1. Key Performance Indicators (KPIs) of the Council’s communications have been identified to evaluate the effectiveness of this policy:

- Engagement across all platforms
- Number of posts (including number of articles produced for printed mediums)
- Website traffic
- Media mentions

2.2. This policy will be reviewed at the beginning of each new council term at the Communities Committee according to these KPI’s.

3. Responsibility

3.1. Responsibility for Council communications starts at the highest level of the organisation and filters through to all other levels. The Councillors and Council Officers recognise communication as a priority for the Council. They play a role in communicating important information and decisions throughout the organisation, and represent the Council to the public, partners and the media.

3.2. The Town Clerk has overall responsibility for Council communications and provides guidance to the Council to undertake planned communications activities, to ensure a consistent approach within Council guidelines.

3.3. The Communities Committee has overall responsibility for community engagement and plays a strategic role in Council communications and approves new areas of work.

4. Core Principles

4.1. The underlying principle of all council communication, internal and external, is a focus to engage residents and stakeholders on Council matters.

4.2. To achieve this, there must be a consistent and strategic approach to communications across the council, using best practice. The following core principles underpin the Council's communications strategy:

- Clear – jargon free communication using Plain English which is easy to understand
- Transparent - ensuring information is as widely available as possible
- Accessible - communications should be accessible for all
- Adaptive – tailored content for specific audiences
- Collaborative – utilise both formal and informal partnerships to maximise engagement

5. External Communications

5.1. External communications are those processes responsible for communicating with people and organisations outside of the Council.

5.2. Effective external communication with the community is essential for access to information, services and for local democracy.

5.3. The Council recognises that:

- All people within Penrith should be involved in the decisions that affect them
- All people within Penrith deserve high quality public services, shaped around their needs
- The Council's policies and strategies should reflect local priorities, requirements and the aspirations and vision of the community of Penrith.
- The community is diverse
- There is a need to provide appropriate opportunities for local people and the community to participate at whatever level they wish to influence service delivery, decision making and policy development

5.4. Defining those processes for communication is therefore essential to ensuring the effectiveness of the Council's external communications.

6. Who the Council Communicates with

6.1. Key groups (not exhaustive) the Council will communicate with on various matters include the following:

- Residents
- Councillors
- Businesses and Business Networks (Penrith BID, Penrith Industrial BID and Penrith Chamber of Trade)
- Voluntary sector organisations
- Community groups (formal and informal) including resident groups (by Ward)
- MPs, local government (Westmorland & Furness Council) and national government as appropriate
- Local, regional, trade and national media

7. How the Council Communicates

Type	Mechanism	Frequency	Medium
Council News, information and decisions	Newsletters	Monthly	Website / Email / Social media / Printed / Recordings / Noticeboard
	Press Releases	Ad hoc	Website / Email / Council office / Social media / Press
	Posts	Ad hoc	Social Media
	Councillors	Daily	Face-to-face / Social media
	Annual Report	Annually	Website / Email / Council office / Social media / Press
Meetings	Public participation	As per meeting Schedule	Council Meetings

	Agendas	As per meeting schedule	Website / Email / Library / Council Office / Website
	Draft and approved minutes	As per Meeting Schedule	Website / Email / Library / Council Office / Website
Council policies and financial information	Policies / procedures	Policies reviewed according to schedule	Website / Council Office
	Annual External Audit	Annually	Website
	Adopted Annual Accounts	Annually	Website
	Financial statements and other financial information	Ad hoc	Website
Partner organisations	Newsletter	Ad hoc	Website / Email / Council office / Social media / Recordings
	Posts	Ad hoc	Social Media
	Links	Ad hoc	Website

8. What the Council communicates

8.1. The Council will use its mechanisms for Communication to engage with the public and our various stakeholder groups about the Council's services, facilities and other information including:

- How the Council works
- The Council's values
- What services the Council provides and where and how to access these services
- Changes to these services
- Resolving problems or complaints about these services

- How to contact Council officers and Councillors
- How to provide feedback and opinions on different Council policies, decisions, and activities
- Who our partners are and how we work with them
- The Council's role in the wider community
- Councillor and staff vacancies
- Our successes
- Who local Councillors are and what their role is
- Where and how the Council can help and support stakeholders
- How stakeholders can influence the Council's policies, plans and activities
- How stakeholders are or can become involved with the Council's services
- What the Council's policies are
- Events and activities in and around Penrith (including Council events)
- Information of benefit to the people of Penrith

9. Community Engagement

9.1. The Council is accountable to members of the public and has a duty to engage the community on its decisions and actions. The Council recognises that this is a two-way process which the Council must take every effort to facilitate.

10. Social Media

10.1. Social media are interactive technologies that facilitate the creation, sharing and aggregation of content, ideas, interests, and other forms of expression through virtual communities and networks.

10.2. Social media is an effective means of communicating council business and other pertinent information with the Penrith public and facilitates a two-way process for community engagement.

10.3. The Council currently has a presence on a number of social media platforms including:

- Facebook
- Instagram
- X (formerly Twitter)
- govDelivery (email distribution)
- YouTube

10.4. The Council's Officers manage the Council's presence on these social media platforms and communicates relevant information. The performance of these social media accounts are routinely monitored through a

"Communications Update" brought to each meeting of the Communities Committee.

10.5. The Council Officers reply to direct messages and (where relevant) comments generated by its use of social media.

10.6. Where relevant, and with the agreement of the Council Chair, the Council may also respond directly to some posts about the Council which are not factually correct.

11. Website

11.1. The Council website is an important part of the Council's engagement with the Penrith community. The Council's website:

www.penrithtowncouncil.gov.uk will be up-to-date and provide a hub of information for the Penrith community.

12. Council Meetings

12.1. All members of the public are welcomed and encouraged to attend any Council meeting. Council meetings include:

- Full Council
- Finance Committee
- Planning Committee
- Communities Committee

12.2. The dates of all meetings are publicised through the noticeboard, the Council website, email and social media.

12.3. Public Participation is available at all public meetings and **appears is held** at the beginning of the meeting:

- It is helpful if a member of the public who wishes to speak at a meeting makes a request to speak in writing to the Town Clerk PRIOR to the meeting.
- **Your Their** name will not be recorded in the minutes of the meeting
- The Chair will invite **you them** to stand/sit in location where **you they** can be clearly heard
- **You They** can speak for a maximum of 3 minutes per meeting
- Supplementary questions will be allowed for a maximum of 2 minutes
- The Council may **respond to you reply** at the meeting or may write to **you them**.
- **You They** must not interrupt speakers or speak during the Councillor's debate.

- ~~You~~ They must not hold conversations with other members of the public during meetings.
- Members of the public who become disruptive during the meeting will ~~be asked by the Chair to~~ have to leave.
- Electors in the parish area are able to take part fully in the Annual Town Meeting which may be called by the Chair or by residents following legal guidelines.

13. Councillors

13.1. Councillors represent views and opinions of the community, support local organisations, campaign on local issues, and develop links with all parts of the community. Councillors act as a voice for local people, help individual residents and represent their local area.

13.2. ~~Every Councillor is~~ Councillors are involved in a range of ~~representational~~ roles within the community and are available to their electors to engage in a range of local issues, raising these with the Town Council or other body as appropriate.

13.3. To effectively engage the community, Councillors should have regular contact with the community through any of the following:

- Council meetings
- Email
- Letters
- Telephone calls
- Social media
- Residents meetings (resident associations, walks around their ward, etc)

14. Contacting the office

14.1. Residents and visitors are welcome to put forward their thoughts, ideas, concerns, criticisms or worries by telephone, email, social media or in writing and the Town Council will consider and respond to all such communications.

- Address: Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria. CA11 7XR
- Telephone: 01768 899773
- Email: office@penrithtowncouncil.gov.uk
- Facebook & Instagram: Penrith Town Council Cumbria
- X: Penrith Town Council

15. Consultation

15.1. Whilst Councillors are elected to represent the views of the people through their daily contact with constituents, Councillors cannot be aware of the views of all the people they represent on every issue. It is therefore essential for the Council to undertake additional forms of consultation as and when necessary.

15.2. The Council has an approved Consultation Policy which gives guidance on consultation. The policy can be found on the Council website.

16. Petitions

16.1. The Town Council encourages community feedback and recognises that petitions are one way in which people can let the council know their concerns.

16.2. The Council has an approved Petitions Policy which gives guidance on petitions. The policy can be found on the Council website.

17. Media Engagement

17.1. The Council is committed to the provision of accurate information about its governance, decisions and activities.

17.2. The Council shall, where possible, co-operate with those whose work involves gathering material for publication in any form including use of the internet ("the media").

17.3. The Council's communications with the media seek to represent the corporate position and views of the Council. If the views of councillors are different to the Council's corporate position and views, they will make this clear.

18. Press Releases

18.1. Press releases are the primary means of official communication with the media.

18.2. Guidelines for the Council's press releases have been detailed below:

- Press releases from the Council, its committees or working parties should be from the Town Clerk or an officer
- The Town Clerk will clear all press releases with the oversight of the Chair (or Deputy Chair) of the Council or the Chair of the relevant committee

- Press releases should include a quote from Chair of the Council or the Chair of the relevant committee
- The press release will always include an officer contact that should be available to speak to the media to give more information if required
- If a photo / video is circulated with the media release, this needs to be a good quality image / video

19. Statements

19.1. Statements to the media are issued to communicate the council's position on a specific issue. They should therefore be short and to the point. The approval process for statements to the media is the same as press releases.

20. Officer interaction

20.1. Officers may contact the media directly if the Council wants to provide information or any other material about the Council. In this capacity, Officers can act as formal spokesperson(s) for the organisation. The Town Clerk will clear any information shared with the media with the oversight of the Chair (or Deputy Chair) of the Council.

21. Councillor interaction

21.1. Councillors develop their own direct relationships with journalists and the Council recognises that any councillor may talk to a journalist at any time. However, it is important to distinguish between a councillor voicing their own opinions and one who is formally representing the Council on an issue.

21.2. Unless a Councillor has been authorised by the Council to speak to the media on a particular issue, if asked for comment by the press they should make it clear that it is a personal view and ask that it be clearly reported as their personal view.

21.3. A copy of all outgoing correspondence relating to the Council or a Councillor's role within it, should be sent to the Clerk, and the writer should note on the correspondence, e.g. "copy to the Clerk" so that the recipient is aware that the Clerk has been advised.

22. Elections

22.1. During elections, the council's media interaction will be superseded by election protocols, where the law restricts the type of publicity that councils

can undertake and who can be quoted in statements and publicity issued by the council, as well as who can be involved in publicity during this period.

22.2. During this period:

- Councillors will not be quoted in any publicity nor feature or take part in any material promoting the work of the council
- Where quotations are needed these will be attributed to the Town Clerk or to a Council spokesperson
- Councillors and officers will be informed in advance of the restrictions imposed by election protocols

23. Monitoring

23.1. Council Officers will produce a summary of all external communications along with any (relevant) media coverage concerning "Penrith Town Council" which at relevant meetings of the Communities Committee.

24. Internal Communications

24.1. Internal communications are those processes responsible for communicating within the Council.

24.2. Internal communication is essential for the Council to keep councillors informed about ongoing projects, good news stories, external / partner organisations and other key issues.

24.3. When councillors are well-informed and aligned with the council's goals and priorities, they can effectively communicate council decisions, initiatives, and policies to the community.

24.4. Internal communication is therefore a priority for effective communication with the Penrith community.

25. Mechanisms for Communication

Activity	Medium
----------	--------

Members briefing	In-person / online
Members update	Email
General information	Email
Council Meetings	In-person

26. What the Council communicates

26.1. The Council will use its mechanisms for Communication to engage with councillors about:

- Council services
- Council assets
- Officer workplans
- Dates of Council meetings and committees
- Issues / opportunities
- Policies
- Latest news

27. Equality Communications

27.1. Some people may need information in languages and formats other than written or spoken English. Accessible communication is fair, inclusive, and makes good business sense. We will ensure that the views, comments and opinions of all our diverse local communities are considered. We will make it easy for people to access information, collaborate with us to shape decision making.

28. Interpreting, translation and transcription (ITT) service

28.1. We want to make sure that everyone can fully understand our messages. We aim to provide you with information in your preferred language or format. Translation services are provided on the Council website. Translation services will be available upon request for surveys and consultations. The Council's website will comply with Accessibility Regulations.

29. Alternative Text

29.1. Alternative (Alt) Text describes an image which then enables screen readers to read the information for the benefit of a person with visual impairments, low vision, different learning abilities, and for people who cannot otherwise view an image online.

29.2. Guidance for good practice in relation to alt text can be viewed below:

- Alt text should be specific and not overly descriptive
- Good descriptions are concise but describe what's in your images accurately enough to understand their context
- Stay clear of repetition
- Never start your alt text with 'image of' as this will be obvious to the user
- Include any essential text or data that's part of the visual
- Images that already have a caption describing the image, may not need additional alt text
- Screen readers will pause and stop when you tell them to but, depending on user settings, might not announce exclamation or question marks
- Alt text is used by search engines too, so using alt text can help grow a brand's visibility online

30. Brand Guidelines

30.1. Having a strong brand is essential in purporting an excellent reputation for the Council and is key to helping the Council improve its identity and overall visibility. The Council's identity, which is key to our brand, is made up of seven key elements:

- Logo
- Colour
- Typeface
- Strapline
- The words 'Penrith Town Council'
- penrithtowncouncil.gov.uk
- Style

30.2. These seven key elements form the basis of our brand guidelines. The guidelines can be used by officers and councillors alike to ensure they are always promoting the professional council brand when communicating on behalf of the council.







31. Logo

31.1. The logo is our primary means of identification. Its consistent use helps the public understand the services that we provide on their behalf as well as maintaining a positive and professional image.

31.2. There are two versions of the council logo which can be used: the full and the shortened version. These different versions can also be reproduced without the text "Penrith Town Council". The logo should always be produced

in our corporate colour, where this is not possible it should be reproduced in greyscale or white (against a colour background).

31.3. Examples are shown in the table below.

Full Version	Shortened version
	
	
	
	

32. Colour

32.1. The Council's primary corporate brand colour is dark red which is shown below in point 33.

32.2. The overwhelming appearance of the brand should be dark red against white.

32.3. Secondary colours can be introduced to add accents of colour to help bring a layout to life. Any additional colours should (where possible) be chosen from the secondary palette detailed below.

32.4. It is important that the primary colour is dominant, and use of the secondary colours remains secondary.

33. Penrith Town Council Colour Palette:

Name	Hex	RGB	CMYK
Corporate Dark Red	#9A3321	R 154 G 51 B 33	C 0 M 40 Y 47 K 40
Black	#000000	R 0 G 0 B 0	C0 M 0 Y 0 K 100
Blue - Pantone P 114-5 C	#3A87AD	R 58 G 135 B 173	C 45 M 15 Y 0 K 32
Orange – Pantone 1665 C	#E9490B	R 233 G 73 B 11	C 0 M 34 Y 67 K 7
Purple - Pantone 7442 C	#8935B7	R 137 G 53 B 183	C 18 M 51 Y 0 K 28
Pink - Pantone 7424 C	#DA337A	R 218 G 51 B 122	C 0 M 65 Y 38 K 15
Red - Pantone 193 C	#C31F41	R 195 G 31 B 65	C 0 M 64 Y 51 K 24
Burnt Purple - Pantone 249 C	#802064	R 128 G 32 B 100	C 0 M 38 Y 11 K 50
Green – Pantone P 152-16 C	#2D8133	R 45 G 129 B 51	C 33 M 0 Y 31 K 49
Dark Blue – Pantone 7462 C	#00588D	R 0 G 88 B 141	C 55 M 21 Y 0 K 45

34. Typeface

34.1. The agreed typeface/font for all Council communication is Verdana. This typeface/font has been chosen as it is designed to be easily read at different sizes and distances making it Dyslexia friendly.

34.2. Ideally 12pt should be used, it is the preferred size to meet accessibility guidelines.

35. Style

35.1. Language

The Council recognises the importance of using accessible language when communicating with the community.

Communication will endeavour to:

Use Plain English:

- Keep sentences short and paragraphs to 3 or 4 sentences
- Use active not passive verbs and sentences
- Use everyday words, avoiding jargon
- Where acronyms are used, the full meaning should be used initially with the acronym in brackets

Reflect our Values:

- Equality Recognition - Everyone is of equal value and should be respected according to individual needs and abilities.
- Reasonableness - To be fair, reasonable and just in all council activities
- Accessibility - Providing equal access for all in employment and service delivery.
- Empowerment - Helping individuals take on responsibility so that they can influence and participate in the decision-making process.
- Quality - Obtaining the highest standards in service delivery

36. Strapline

36.1. "Working with you to make a difference". This is part of our brand and must always appear in Verdana.

Adopted:

Reviewed each new term of Penrith Town Council.

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REPORT TO FULL COUNCIL

Date: 15 July 2024

Public Report

Item no: 16a

Matter: Budgetary Control Statement 2024-25, Expenditure to 31 May 2024

Author: Responsible Finance Officer

Supporting Member: Cllr. Shepherd, Chair of Finance Committee

Purpose of Report:

Ratify the budgetary control statement for the two-month period to 31 May 2024.

Recommendations:

Ratify the budgetary control statement for the two-month period to 31 May 2024.

Law and Legal Implications

The Town Council resolved from 15 May 2023, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

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

1. Report Details

A. 2023-24 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 2023-24, for reference only.
- The full year's Approved Budget for 2024-25, which was ratified by Council on 29 January 2024.
- Actual outturn income and expenditure to 31 May 2024, based on the matching principle, which means taking account of all income and expenditure which relates to the period, irrespective of when it is received/paid.
- The variance between the actual outturn income and expenditure and the profiled latest budget for the period. 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 and Election Reserves.

B. Commentary

The statement shows underspendings on a number of budget headings, which is to be expected at this early stage in the year. The following comments concentrate on unusual or unexpected variances.

B.1 Income

Overall income of £88,548 exceeds the profiled budget of £86,396 by £2,152.

- The investment income returns are higher than expected due to the higher than budgeted rates of interest.

B.2 Planning Committee

There has been very little expenditure this early in the year.

B.3 Communities Committee

Net spend of £12,046 is shown against the budget of £18,333, an underspending of £6,287.

This underspend should reduce later in the year due to anticipated increases in expenditure for items such as branding and marketing and planning.

B.4 Finance Committee

Net expenditure of £67,175 is shown against the budget of £74,905, an underspending of £7,730.

This underspend is expected to be reduced as the year progresses.

B.5 Total Expenditure & Increase/(Decrease) in General Reserve

- The individual variances result in an underspending of £16,934 against the profiled total expenditure budget of £96,238. As there is £2,125 more income, there is a net variation of £19,086 on the profiled amount transferrable to the General Reserve.

B.6 Reserves

- The General Reserve is profiled to decrease by £9,842 in the period, it has actually increased by £9,244 to £19,086.
- The Devolution Reserve opened the year with a balance of £174,405, the amount of £3,796 transferrable into the Devolution Reserve is £589 higher than profile.
- The Election Reserve opened the year with a balance of £35,000, an amount of £5,000 is budgeted to be added at the end of the financial year.

C. Balance Sheet (Appendix B)

Appendix B shows the Council's balance sheet as at 31 May 2024. The following points may be noted:

- Investments with two organisations total £968,353, with the majority being held in the CCLA Public Sector Deposit Fund. An amount of £300,000 was transferred from the HSBC account to the CCLA account after the receipt of the annual precept in April.
- The VAT Debtor of £3,231 represents May's transactions and has been reclaimed from HMRC.
- Prepayments of £15,605 include adjustments for insurance, office rent, IT support agreements, and licences and subscriptions.
- The Cash at Bank balance of £180,313 is held at HSBC.
- Accruals of £13,366 comprise of goods and services received by 31 May, but unpaid at that date.
- The Receipts in Advance figure represents income for the period 1 June 2024 to 31 March 2025 already received from Westmorland and Furness Council as precept and grants, together with monies from United Utilities for planting maintenance.

D. Conclusion

The budgetary control statement shows that net spending to 31 May 2024 was around £17,000 below the Latest Budget for the period. It is often the case to see an underspend at this early stage in the year and it is too soon to predict any trends for future months.

Finally, there are no issues arising from the Council's balance sheet at 31 May 2024.

2. Options Analysis including risk assessment

Risk & Consequences

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

Adverse criticism of over or underspending.

Controls Required

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

3. Financial and Resource Implications

This report is concerned solely with financial management.

4. Equalities Implications

There are no equalities implications associated with this report.

5. Climate Change and Environmental Implications

There are no climate and environmental implications associated with this report.

6. Legal Implications

There are no legal implications arising from this report.

Appendices

Appendix A – Budgetary Control Statement Two Months Ended 31 May 2024.

Appendix B – Balance Sheet as at 31 May 2024.

Background Papers

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



Penrith Town Council

BUDGETARY CONTROL STATEMENT:TWO MONTHS ENDED 31 MAY 2024

Actual 2023-24	Approved Budget 2024-25	Heading	Budget to Date	Actual to Date	Favourable/ (Adverse) Variance
£	£		£	£	£
		INCOME			
		Precept:			
468,295	487,735	Council Tax	81,289	81,289	0
7,642	7,642	CTRS Grant	1,274	1,274	0
		Other Income:			
36,126	23,000	Investment Income	3,833	5,985	2,152
512,063	518,377	TOTAL INCOME	86,396	88,548	2,152
		EXPENDITURE			
		PLANNING COMMITTEE:			
324	15,000	Planning Consultancy	2,500	83	2,417
324	15,000	Planning Committee Total	2,500	83	2,417
		COMMUNITIES COMMITTEE:			
3,000	15,000	Climate Change	2,500	34	2,466
20,259	30,000	Town Projects	5,000	3,156	1,844
4,327	10,000	Arts & Culture Development	1,667	2,880	(1,213)
		Grants:			
12,853	20,000	Grants	3,333	2,500	833
14,965	20,000	Signature Grants	3,333	0	3,333
27,818	40,000		6,666	2,500	4,166
8,551	15,000	Corporate Communications	2,500	3,476	(976)
63,955	110,000	Communities Committee Total	18,333	12,046	6,287

Actual 2023-24	Approved Budget 2024-25	Heading	Budget to Date	Actual to Date	Favourable/ (Adverse) Variance
£	£		£	£	£
		FINANCE COMMITTEE:			
		Staffing:			
250,733	252,873	Salaries	42,146	37,621	4,525
24,583	24,760	National Insurance	4,127	3,693	434
52,474	54,365	LG Pension Scheme	9,061	9,113	(52)
567	500	Recruitment Expenses	83	0	83
735	600	Staff Training	100	0	100
0	200	Conferences	33	0	33
64	500	Staff Expenses	83	0	83
329,156	333,798		55,633	50,427	5,206
		Accommodation:			
7,500	7,500	Rent	1,250	1,250	0
3,009	4,500	Heat, Light & Water	750	250	500
2,232	2,520	Service Charges	420	303	117
1,415	1,730	Room Hire & Meetings	288	664	(376)
390	380	Insurances	63	65	(2)
14,546	16,630		2,771	2,532	239
		Civic Functions:			
20	400	Civic Functions	67	0	67
700	700	Mayoral Expenses	117	0	117
300	300	Deputy Mayor's Expenses	50	0	50
486	200	Civic Regalia	33	0	33
1,506	1,600		267	0	267
		Cost of Democracy:			
30	100	Annual Meeting	100	65	35
0	0	Elections	0	0	0
536	1,000	Members' Training	167	146	21
0	100	Members' Expenses	17	0	17
102	200	Notice/Honours Board	33	0	33
668	1,400		317	211	106
22,375	22,000	IT	3,667	2,926	741
		Devolved Services:			
2,577	1,200	Allotments	(175)	(474)	299
1,290	100	War Memorial	17	0	17
2,968	2,000	Benches	333	0	333
1,161	3,500	Bus Shelters	583	53	530
884	1,750	Bandstand	292	1,301	(1,009)
434	800	Musgrave Monument	133	70	63
8,425	6,000	Fairhill Park	1,000	1,053	(53)
1,914	3,700	Thacka Beck Field	617	499	118
178	300	Signage, etc	50	0	50
8,902	10,000	Community Caretaker	1,667	1,426	241
17,611	16,994	Contribution to/(from) Devolution Reserve	3,207	3,796	(589)
46,344	46,344		7,724	7,724	0
		Other Overheads:			
3,169	3,700	Printing, Postage & Stationery	617	234	383
1,781	1,450	Audit Fees	242	289	(47)
3,418	4,680	Insurance	780	626	154
285	180	Bank Charges & Interest	30	16	14
4,310	4,100	Accountancy Fees	683	1,165	(482)
2,116	6,150	Legal & Professional Fees	1,025	181	844
1,488	1,400	Licences	233	289	(56)
3,171	3,500	Subscriptions	583	555	28
106	2,000	Repairs & Renewals	333	0	333
19,844	27,160		4,526	3,355	1,171
434,439	448,932	Finance Committee Total	74,905	67,175	7,730

Actual 2023-24	Approved Budget 2024-25	Heading	Budget to Date	Actual to Date	Favourable/ (Adverse) Variance
£ 0	£ 3,000	Contingency	£ 500	£ 0	£ 500
5,000	5,000	Transfer to/(from) Election Reserve	0	0	0
503,718	581,932	TOTAL EXPENDITURE	96,238	79,304	16,934
8,345	(63,555)	INCREASE/(DECR) IN GENERAL RESERVE	(9,842)	9,244	19,086
		RESERVES:			
		General Reserve:			
498,886	479,530	Balance brought forward 1 April 2024	479,530	507,231	27,701
8,345	(63,555)	Increase/(decrease) in year	(9,842)	9,244	19,086
507,231	415,975	Balance carried forward	469,688	516,475	46,787
		Devolution Reserve:			
156,794	175,288	Balance brought forward 1 April 2024	175,288	174,405	(883)
17,611	16,994	Contribution from/(to) 2024-25 Budget	3,207	3,796	589
174,405	192,282	Balance carried forward	178,495	178,201	(294)
		Election Reserve:			
30,000	30,000	Balance brought forward 1 April 2024	35,000	35,000	0
5,000	5,000	Contribution from/(to) 2024-25 Budget	0	0	0
35,000	35,000	Balance carried forward	35,000	35,000	0
716,636	643,257	TOTAL RESERVES	683,183	729,676	46,493



Penrith Town Council

BALANCE SHEET AS AT 31 MAY 2024

	£	£
Investments		
Penrith Building Society	88,353	
CCLA Public Sector Deposit Account	<u>880,000</u>	
		968,353
Current Assets		
Debtors	3,930	
Debtor - VAT	3,231	
Prepayments	15,605	
HSBC Bank Account	<u>180,313</u>	
	203,079	
Current Liabilities		
Creditors	0	
Accruals	13,366	
Payroll Control	10,734	
Receipts in Advance	<u>417,656</u>	
	441,756	
Net Current Assets		(238,677)
		<u>729,676</u>
Represented by:		
Reserves		
General Reserve		516,475
Devolution Reserve		178,201
Election Reserve		35,000
		<u>729,676</u>

FULL COUNCIL

Date: 15 July 2024

Public Report

Matter: Policy Review

Item no: 16b

Author: Acting Town Clerk

Supporting Member: Cllr. Shepherd, Chair of Finance Committee

Purpose of Report:

To ratify the reviewed policies and recommended amendments.

Recommendations:

Ratify the following reviewed policies and recommended amendments:

- i. Financial Regulations
- ii. Complaints and Compliments Policy and Procedure

Law and Legal Implications

The Town Council resolved from 15 May 2023, 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

- 1.1 The Council has a timetable for the review of its policies. This report includes the review of the Council's Financial Regulations and the Complaints Policy and Procedure.

Financial Regulations

(Appendix A)

- 1.2 The Council approved its latest version of the Financial Regulations at Full Council, 20 March 2023, Minute PTC22/122. The Financial Regulations are one of the Council's key policy documents and are subject to an annual review.
- 1.3 The Council's Financial Regulations are prepared in accordance with the NALC Model Financial Regulations for Local Council's. This annual review includes minor amendments as highlighted in yellow following receipt and review of the national model.

Complaints & Compliments Policy and Procedure

(Appendix B)

- 1.4 The Council's Solicitor has reviewed the Complaints and Compliments Policy and Procedure. In undertaking the review, the Solicitor has considered other local authority policies and the Information Commissioners Office guidance. Included is a version showing the proposed amendments with wording deleted in yellow

and new additions in red. A full 'clean' version is also included which is the new proposed version.

2. Options Analysis including risk assessment

a) Risk

Policies are not up to date, correct and relevant.

b) Consequence

Council implementation of policy may not be in keeping with legislation and best practice.

Reputational risk if policy is not implemented in accordance with approved policy.

c) Controls Required

Approve revised policies.

3. Financial and Resource Implications

There are no financial implications associated with this report.

4. Equalities Implications

There are no equalities implications associated with this report.

5. Climate Change and Environmental Implications

There are no climate and environmental implications associated with this report.

Appendices

Appendix A – Financial Regulations

Appendix Bi – Complaints and Compliments Policy and Procedure with changes

Appendix Bii - Complaints and Complaints Policy and Procedure 'clean' version

Background Papers

None



Penrith Town Council

Financial Regulations

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1. General

- 1.1 These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the Council's three governing policy documents providing procedural guidance for Councillors and officers. Financial regulations must be observed in conjunction with the Council's standing orders and any individual financial regulations relating to contracts.
- 1.2 The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
- 1.3 The Council's accounting control systems must include measures:
 - a. Ensure that risk is appropriately managed
 - b. Ensure the prompt, accurate recording of financial transactions
 - c. Prevent and detect inaccuracy or fraud
 - d. Allow the reconstitution of any lost records
 - e. Identifying the duties of officers dealing with transactions.
 - f. Ensure division of responsibilities.
- 1.4 These financial regulations demonstrate how the Council meets these responsibilities and requirements.
- 1.5 At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6 Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7 Councillors are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute.
- 1.8 The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. The Council employs external accountants who are responsible for processing payroll and making all payments for the Council, together with hosting the Council's accounting software. These Regulations shall apply equally to the accountants.
- 1.9 The RFO assisted by the external accountants:
 - a. Acts under the policy direction of the Council.
 - b. Administers the Council's financial affairs in accordance with all acts, regulations, and proper practices.
 - c. Determines on behalf of the Council its accounting records and accounting control systems.
 - d. Ensures the accounting control systems are observed.
 - e. Maintains the accounting records of the Council up to date in accordance with proper practices.

- f. Assists the Council to secure economy, efficiency, and effectiveness in the use of its resources.
- g. Produces financial management information as required by the Council.
- 1.10 The accounting records determined by the RFO shall be sufficient to show and explain the Council's transactions and to enable RFO to prepare all required financial information in accordance with the Accounts and Audit Regulations and proper practice.
- 1.11 The accounting records shall, in particular, contain:
 - a. Entries from day to day of all sums of money received and expended by the Council and the details relating to those transactions.
 - b. A record of the assets and liabilities of the Council.
 - c. Wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12 The accounting control systems determined by the RFO shall include:
 - a. Procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible.
 - b. Procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records.
 - c. Identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions (separation of duties).
 - d. Procedures are in place to ensure that uncollectable amounts, including any bad debts are not submitted to Council for approval to be written off without the opinion and approval of the RFO and that the approvals are shown in the accounting records measures to ensure that risk is properly managed.
- 1.13 The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. Any decision regarding:
 - a. Setting the final budget or the precept (Council tax requirement).
 - b. Approving accounting statements.
 - c. Approving an annual governance statement.
 - d. Borrowing.
 - e. Writing off bad debts exceeding £5,000.
 - f. Declaring eligibility for the General Power of Competence.
 - g. Addressing recommendations in any report from the internal or external auditors.
- 1.14 In addition, the Council ~~must~~ shall:
 - a. Determine and keep under regular review the bank mandate for all Council bank accounts.
 - b. Approve any grant or a single commitment more than £25,000.

- c. In respect of the annual salary for any employee, have regard to recommendations about annual salaries of employees made by the relevant Committee in accordance with its terms of reference.
- 1.15 In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force unless otherwise specified. In these Financial Regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in Governance and Accountability for Local Councils– a Practitioners' Guide (England) issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).

2. Accounting and audit (internal and external)

- 2.1 All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate Guidance, and proper practices.
- 2.2 Satisfactory monthly bank reconciliations shall be produced promptly by the RFO. At each meeting of the Finance Committee, the most recent monthly bank reconciliation(s), supported by the appropriate bank statement, shall be reviewed by the Committee and both documents signed by the Committee Chair. The approval of the reconciliations shall be recorded in the minutes of the meeting.
- 2.3 The RFO shall complete the annual income and expenditure account, Annual Governance and Accountability Return, and any related documents required with the Return (as specified in proper practices) as soon as practicable after the end of the financial year and, having certified the accounts, shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit Regulations.
- 2.4 The Council shall ensure that there **is a sound system of internal control, which delivers effective financial, operational and risk management.**
- 2.5 The Council shall ensure that there is an adequate and effective system of internal audit. of its accounting records and of its system of internal control, in accordance with proper practices.
- 2.6 Any officer or Councillor shall make available such documents and records as appear to the Council to be necessary for the purpose of the audit and shall, as directed by the Council, supply the RFO, external accountants, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.
- 2.7 The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices.
- 2.8 The internal auditor shall:

- a. Be competent and independent of the financial operations of the Council.
 - b. Report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year.
 - c. Demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family or professional relationships.
 - d. Have no involvement in the financial decision making, management or control of the Council.
- 2.9 Internal or external auditors may not under any circumstances:
- a. Perform any operational duties for the Council.
 - b. Initiate or approve accounting transactions.
 - c. Direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the auditor.
- 2.10 Where the internal auditor identifies any issue or irregularity which cannot be explained satisfactorily, he/she shall have direct access to the Chair of the Council to raise and discuss the matter.
- 2.11 For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 2.12 The RFO shall arrange for the exercise of electors' rights in relation to the annual accounts, including the opportunity to inspect the accounts, books and vouchers, and display or publish any notices and statements of account required by the Local Audit and Accountability Act 2014, the Accounts and Audit Regulations or any superseding legislation.
- 2.13 The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from the internal or external auditors.

3. Annual budget and forward financial planning

- 3.1 Before setting a precept, the council shall calculate its council tax requirement for each financial year by preparing and approving a budget, in accordance with The Local Government Finance Act 1992 or succeeding legislation.
- 3.2 Each Committee shall review its medium-term financial forecast of income and expenditure. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the Council not later than the end of November each year, including any proposals for revising the forecast.
- 3.3 The RFO shall, each year, by no later than the end of January, prepare detailed estimates of all expenditure and income, including the use of reserves, and all sources of funding for the following financial year in

the form of a budget to be considered by the Finance Committee and Council.

- 3.4 The salary budgets are to be reviewed during the annual budget process and such review shall be evidenced by a resolution of the Finance Committee. The RFO will inform Committees of any changes impacting on their budget requirement for the coming year in good time.
- 3.5 The Council shall consider annual budget proposals in the context of the Council's medium-term financial forecast, including recommendations for the use of reserves and sources of funding, and update the forecast accordingly.
- 3.6 As part of the budget process, the Council shall approve a Reserves Policy which sets out the purpose and financial limits for each of its financial reserves.
- 3.7 The Council shall set its annual budget and fix the precept (Council tax requirement) and the resulting relevant basic amount of Council tax to be levied for the ensuing financial year not later than by the end of February each year. In setting the budget, the Council shall have regard to the opinion of the RFO concerning the robustness of estimates and the adequacy of reserves. The RFO shall issue the precept to the billing authority and shall supply each Councillor with a copy of the approved annual budget via the relevant agenda. The approved annual budget shall form the basis of financial control for the ensuing year, subject to any amendments authorised by Council.
- 3.8 Any member with council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government Finance Act 1992 and must disclose at the start of the meeting that Section 106 applies to them.

4. Orders for work, goods, and services

- 4.1 An official written instruction shall be issued for all work, goods and services over a value of £500 unless a formal contract is to be prepared. Copies of such instructions shall be retained with the appropriate invoice.
- 4.2 Order books shall be controlled by the RFO.
- 4.3 All Councillors and officers are responsible for always obtaining value for money **at all times**. An officer issuing an official instruction shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction over a value of £500 and up to £15,000, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11 below.
- 4.4 A Councillor shall not issue an official order or make any contract on behalf of the Council.

5. Budgetary control and authority to incur expenditure.

- 5.1 Authority to spend is recorded within the Scheme of Delegation of Financial Responsibility to Spending Officers (Appendix A). Such authority is to be evidenced by the schedule of payments for approval at the next available meeting.
- 5.2 Contracts may not be disaggregated to avoid controls imposed by these regulations.
- 5.3 No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council. Any report or proposal to a Committee or Council that would result in expenditure exceeding the appropriate budget shall not be considered until it has been reviewed by the RFO and their comments considered in making the decision on the proposal.
- 5.4 During the budget year, the RFO, having considered fully the implications, a supplementary estimate may be allocated from any unspent and available budgets which may be transferred to other budget headings ('virement'); however, no virement shall be permitted from salaries budgets. All proposed budget virements exceeding £25,000 to or from reserves will be reported to Finance Committee for approval and ratified by Full Council.
- 5.5 Unspent budget provisions at the end of a financial year shall be retained in general reserves and shall not be carried forward to a subsequent year. Unspent budgets for uncompleted capital projects may be carried forward following approval of the Town Clerk.
- 5.6 In cases of extreme risk to the delivery of Council services, the Town Clerk may authorise revenue expenditure on behalf of the Council which, in the Clerk's judgement, is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with. For the purposes of this paragraph, the circumstances invoked to justify extreme urgency must not in any event be attributable to the Council. Such expenditure includes repair, replacement, or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £25,000.
- 5.7 The Town Clerk shall record such expenditure within the payments schedule and, where there is no budgetary provision for the expenditure, report the expenditure and its purpose in writing to the Council as soon as practicable thereafter.
- 5.8 No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available and any necessary borrowing approval has been obtained.
- 5.9 All capital works shall be administered in accordance with the Council's Standing Orders and Financial Regulations relating to contracts.

- 5.10 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.
- 5.11 Statements are to be prepared at least quarterly and shall show explanations of material variances from budget.
- 5.12 Transfers to and from earmarked reserves shall be approved by Council in accordance with its Reserves Policy.

6. Banking arrangements and authorisation of payments

- 6.1 The Council's banking arrangements, including the bank mandate, shall be made by the RFO, and approved by the Council. Banking arrangements may not be delegated to a committee. The arrangements shall be regularly reviewed for security and efficiency.
- 6.2 Any transfer of monies between bank accounts shall be made by any combination of two officers of the Council -the RFO, Services and Contracts Manager, the Town Clerk, the Deputy Town Clerk and in the absence of one, by a designated Councillor pre-approved by the Full Council.
- 6.3 Relevant budget holders in accordance with the Scheme of Delegation of Financial Responsibility to Spending Officers, or the RFO, or designated officers as appropriate, shall examine invoices for arithmetical accuracy.
- 6.4 All invoices for payment shall be examined, verified and certified by the relevant budget holder in accordance with the Scheme of Delegation of Financial Responsibility to Spending Officers, or the RFO as appropriate, to confirm that the work, goods or services to which each invoice relates has been received.
- 6.5 The RFO or Services and Contracts Manager shall post invoices to the appropriate expenditure heading in the general ledger following authorisation by the RFO or Town Clerk.
- 6.6 **Up to** four officers of the Council and four Members of the Council will be approved account signatories with any combination of 2 people authorised to sign.

7. Making and approval of payments

Payment Method

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

- 7.2 Payments by direct debit will be used where the Council is committed to regular payments, principally for utilities and payments under lease arrangements.
- 7.3 All other payments shall be made through the electronic banking system (EBS), or BACS provided by the Council's current account provider. Only the Council's appointed external accountants shall have the ability to make electronic payments on the Council's behalf. In setting up access to the current account provider's EBS, the Council's bank signatories will direct that the Council's external accountants shall:
- a. Be the System Administrator for the Council's use of the EBS.
 - b. Be the only holder of the current account provider's device, which is required to make an electronic payment.
 - c. Be the only user capable of setting up a new payee.
 - d. Set the Town Clerk, RFO, Services and Contracts Manager as Systems Administrators with access to the EBS except that no ability to make a payment or create a new payee.
- 7.4 The RFO and Services and Contracts Manager and/or Town Clerk shall have delegated authority to process payments via the external accountants in respect of all authorised items of expenditure as and when, and on a timely basis, to ensure that all invoices are paid in accordance with terms as far as is practicable.
- 7.5 In exceptional circumstances where payment is required by cheque, these shall be signed by the RFO, Services and Contracts Manager and/or Town Clerk and in the absence of one, by the Deputy Town Clerk or a pre-approved designated Councillor.
- 7.6 The bank mandate approved by the Full Council shall clearly state the officers authorised to approve transactions and act as signatories.
- 7.7 The bank mandate approved by the Full Council shall clearly state the four Councillors authorised to approve transactions and act as signatories.
- 7.8 Corporate credit and debit cards, and trade card accounts opened by the Council shall be specifically designated to named officers, as approved by the Town Clerk shall be subject to automatic payment in full each month. Refer to Appendix B.

Certification of Payments

- 7.9 All invoices for payment shall be examined, verified and certified manually by an appropriate combination of the Town Clerk/Services and Contracts Manager/ Deputy Town Clerk/RFO and officers with authority to spend to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and

represents expenditure previously authorised by the RFO or Town Clerk. This includes any amounts paid by direct debit.

- 7.10 The Services & Contracts Manager/Town Clerk/RFO shall examine invoices for arithmetical accuracy and appropriateness and allocate the expenditure to the appropriate budget heading.
- 7.11 The Services & Contracts Manager/Town Clerk/RFO shall ensure that there is budget provision for payment. Where there is no budget provision, the RFO and Town Clerk shall determine how funds should be made available to pay the amount due and make a virement.
- 7.12 The Services & Contracts Manager/Town Clerk/RFO shall then arrange for payment and report payments made to the next available Finance Committee.

Setting up new Payees

- 7.13 The authorisation of an invoice by the RFO or Town Clerk will provide an instruction to set up a new payee.

Making Payments

Direct Debits

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

Electronic payments

- 7.15 When the Services & Contracts Manager/Town Clerk/Deputy Town Clerk/ has properly certified payment of an invoice, the external accountants will be instructed to make a payment to the payee. This will be by providing the accountants with a weekly payments schedule and copies of the associated invoices.
- 7.16 The external accountants shall have the authority to challenge any proposed payment which they consider could be fraudulent, unlawful, unauthorised, or inappropriate and raise the issue with the appropriate officer, Chair of the Council, or the Police as they think fit.
- 7.17 Ad hoc payments can be requested where the RFO determines that a payment is urgent. The Services & Contracts Manager/RFO will keep a record of all weekly payment schedules and any ad hoc payments.

Cheque payments

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

Reporting and Approving Payments

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

Personal Payments

- 7.23 Personal payments (including salaries, wages, expenses, and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

Corporate Credit/ Debit Cards

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

Cash

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

8. Payment of salaries

- 8.1 As an employer, the Council shall arrange to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. All salaries shall be calculated in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council.

- 8.2 The Council's external accountants shall, on instructions from the Town Clerk, calculate, record, and pay all salaries and related costs for Council officers. The accountants shall deal with all relevant correspondence and complete all required forms relating to the Council's payroll and pensions.
- 8.3 Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions shall be made in accordance with the payroll records and on the appropriate dates, stipulated in employment contracts, provided that each payment is reported to the next available Council meeting, as set out in these regulations above.
- 8.4 No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council.
- 8.5 Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record. This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
 - a. By any Councillor who can demonstrate a need to know.
 - b. By the internal auditor.
 - c. By the external auditor or
 - d. By any person authorised under the Local Audit and Accountability Act 2014 or any superseding legislation.
- 8.6 The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have been paid.
- 8.7 An effective system of personal performance management should be maintained for the senior officers.
- 8.8 Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 8.9 Before employing staff, the Council must consider a full business case.

9. Loans and investments

- 9.1 All borrowings shall be affected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for Borrowing Approval, and subsequent arrangements for the Loan shall only be approved by Full Council.
- 9.2 Any financial arrangement which does not require formal Borrowing Approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.

- 9.3 All loans and investments shall be negotiated and recorded in the name of the Council and shall be for a set period in accordance with Council policy. Investment decisions made for cash flow purposes shall be determined by the Finance Committee following advice from the RFO, and subsequently reported to Full Council. Authorised signatories for the management of investment accounts shall be determined in the same manner as those for the Council's bank accounts.
- 9.4 During the annual budget process, the Council shall approve an Investment Policy which shall be in accordance with relevant regulations, proper practices, and guidance.
- 9.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 9.6 Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 6 (Authorisation and making of payments).

10. Income

- 10.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 10.2 Particulars of all charges to be made for work done, services rendered, or goods supplied shall be agreed annually by the Council, notified to the RFO, who shall be responsible for the collection of all accounts due to the Council.
- 10.3 The Council will review all fees and charges at least annually. Fees and charges to be made for work done, services rendered, or goods supplied shall be reviewed and agreed annually by Full Council, following a report by the Services and Contracts Manager. Charges shall be notified to the RFO and the RFO shall be responsible for the collection of accounts due to the Council.
- 10.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Council, accompanied by an opinion from the RFO, and shall be written off in the year.
- 10.5 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 10.6 The origin of each receipt shall be entered on the paying-in slip.
- 10.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 10.8 The RFO shall promptly complete any claim for the refund of VAT that is required. Such repayment claims, due in accordance with VAT Act 1994 section 33, shall be made at least quarterly, including the financial year end.

- 10.9 The Council shall not accept the receipt of sums of cash more than £500, nor smaller amounts which have been disaggregated to avoid this limit.
- 10.10 Where any significant sums of cash are regularly received by the Council, the RFO shall determine the steps and reasonable measures to determine the procedures that are adopted when the cash is counted in the first instance, that there is a reconciliation to some form of control, and that appropriate care is taken in the security and safety of individuals banking such cash.

11. Contracts

Procedures for contracts are laid down as follows:

- 11.1 Every contract shall comply with these financial regulations and the detailed procedures in the Procurement Policy; no exceptions shall be made otherwise than in an emergency provided that these regulations need not apply to contracts which relate to items i to vi below:
- i. For the supply of gas, electricity, water, sewerage, and telephone services.
 - ii. For specialist services such as are provided by solicitors, accountants, surveyors and planning consultants.
 - iii. For work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. For work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - v. For additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the RFO shall act after consultation with the chair and vice chair of Council); and
 - vi. For goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
- 11.2 Where the Council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £30,000 including VAT or more, the Council shall comply with the relevant requirements of those Regulations. The Regulations require Councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts.
- 11.3 The full requirements of the 2015 Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Government Procurement Agreement (which may change from time to time).

11.4 Contracts shall not be split into smaller lots to avoid compliance with these rules.

- 11.5 When applications are made to waive Financial Regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a resolution of the Council.
- 11.6 Such invitation to tender shall state the nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
- 11.7 The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post.
- 11.8 Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- 11.9 Where appropriate, tenderers shall be required to obtain a performance bond to protect the Council against a failure to deliver the contract.
- 11.10 All sealed tenders shall be opened at the same time on the prescribed date by the two officers of the Council from the Town Clerk, RFO Services and Contracts Manager and Deputy Town Clerk in the presence of at least one Councillor.
- 11.11 If less than three tenders are received for contracts above £15,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- 11.12 Any invitation to tender issued under this regulation shall be subject to Standing Order 18 and shall refer to the terms of the Bribery Act 2010.
- 11.13 When it is proposed to enter into a contract of £30,000 or less in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in regulation 11.1.
- 11.14 When it is to enter into a contract of less than £30,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) officers shall strive to obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £15,000 and above £500. Otherwise, Regulation 4.3 above shall apply.
- 11.15 The Council shall not be obliged to accept the lowest or any tender, quote, or estimate.
- 11.16 All evaluations will be completed fairly, and equitably to all bidders, and it should be subject to any conflict of interest policy the Council to ensure impartiality of decision making.
- 11.17 Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later

tender, estimate or quote who was present when the original decision making process was being undertaken.

- 11.18 The Council shall publish details of any awarded contract valued over £5,000 on its website.

12. Payments under contracts for building or other construction works.

- 12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to the retention of any percentage withheld as may be agreed in the particular contract).
- 12.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 12.3 Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

13. Assets, properties, and estates

- 13.1 The Council's internal solicitor shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The solicitor and RFO shall ensure a record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 13.2 No tangible moveable property shall be purchased or otherwise acquired, sold, leased, or otherwise disposed of, without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £25,000.
- 13.3 No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, in each case a Report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 13.4 No real property (interests in land) shall be purchased or acquired without the authority of the full Council. In each case a Report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning

- permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 13.5 Subject only to the limit set in Reg. 13.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full Council. In each case a Report in writing shall be provided to Council with a full business case.
- 13.6 The Town Clerk/Services & Contracts Manager/RFO shall ensure that all assets for which they are responsible are protected against loss or damaged, maintained appropriately and subject to periodic safety inspections.
- 13.7 The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. Assets shall be valued in accordance with proper practice and any policy adopted by the Council. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

14. Insurance

- 14.1 Following the annual risk assessment required by Financial Regulation 16, the RFO shall be responsible for effecting all appropriate insurances and shall negotiate all claims on the Council's insurers.
- 14.2 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it. He shall also be informed promptly of any new risk, activity or asset for which insurance cover is required.
- 14.3 The RFO shall be notified of any loss, liability or damage, or of any event likely to lead to a claim and shall report these to Council at the next available meeting.
- 14.4 All appropriate Councillors and employees of the Council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the Council, following advice from the RFO.

15. Stores and Equipment

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

16. Risk management

- 16.1 The Council is responsible for putting in place arrangements for the management of risk. The Services & Contracts Manager/RFO shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council at least annually.
- 16.2 When considering any new activity, the Clerk/Services & Contracts Manager/RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

17. Revision & Suspension of Financial Regulations

- 17.1 It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The RFO shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these Financial Regulations.
- 17.2 The Council may, by formal proposal of a resolution, duly notified prior to the relevant meeting of Council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all Councillors.

APPENDICES: 2023-2024 Policies of financial governance

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

ADOPTED:2015

REVIEWED: ANNUALLY

AMENDED:2024

APPENDIX A

Scheme of Delegation of Financial Responsibility for Spending & Signatories

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

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

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

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

ADOPTED:2015

REVIEWED: ANNUALLY

AMENDED:2024

Debit And Credit Card Policy

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

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

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

1. Obtaining Cards

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

2. Use of Cards

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

3. Reconciliation and Inspection

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

4. Restrictions

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

5. Security

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

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

ADOPTED:2023

REVIEWED: ANNUALLY

AMENDED: 2024

Reserves Policy

PURPOSE

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

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

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

1. GENERAL RESERVE

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

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

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

2. EARMARKED RESERVES

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

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

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

3. ESTABLISHMENT AND USE OF RESERVES

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

The establishment or closing of an earmarked reserve requires a formal decision of Council. Similarly, the approval of Council is required for all contributions and transfers to reserves, and all use of reserves to fund expenditure.

ADOPTED:2015

REVIEWED: ANNUALLY

AMENDED:2024

CURRENT RESERVES

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

DATE OF APPROVAL: 24 January 2024

INVESTMENT STRATEGY

PURPOSE

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

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

INVESTMENT OBJECTIVES

The Council invests monies for treasury management purposes.

Its priorities in investing surplus funds are:

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

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

TYPES OF INVESTMENT

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

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

- made in sterling.
- have a maturity of no more than one year; and
- with a counterparty which is the UK Government, a local authority or a body of high credit quality.

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

RISK ASSESSMENT

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

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

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

APPROVED COUNTERPARTIES

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

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

TREASURY MANAGEMENT RESPONSIBILITIES

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

Any transfer of monies between bank accounts shall be made by any combination of two officers of the Council -the RFO, Services and Contracts Manager, the Town Clerk, the Deputy Town Clerk and in the absence of one, by one of the designated Councillors pre-approved by Full Council. Investment activities are reported to the Finance Committee to be noted.

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

ACTIVITIES FOR NEXT 12 MONTHS

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

REVIEW

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

ADOPTED:2015

REVIEWED: ANNUALLY

AMENDED: January 2024

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Penrith Town Council

COMPLAINTS AND COMPLIMENTS POLICY & PROCEDURE 2024

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1. Overview

Penrith Town Council is committed to providing a high quality service for the benefit of the people who live or work in the town ~~its area~~ or are visitors to the town ~~locality~~.

If you are dissatisfied with the standard of service you have received from the Council or are unhappy about an action or lack of action by the Council this complaints procedure sets out how you may complain and how the Council will try to resolve your complaint.

We want to provide a high quality service at all times. If you feel that any aspect of our service has been at fault we want to know about it. We believe that complaints and compliments provide useful information and feedback on the quality of our services, procedures and practices. They help us to improve our service to residents, visitors and those working in the town. This policy is for members of the public who are considering making any complaint to the Council whether minor, serious, formal or informal and applies to any service provided by the Council.

~~If you are dissatisfied with the standard of service you have received from this Council or are unhappy about an action or lack of action by this Council. This Complaints Procedure sets out how you may complain to the Council and how we shall try to resolve your complaint.~~

This Complaints Procedure applies to complaints about Council administration and procedures and may include complaints about how Council employees have dealt with your concerns.

a. This Complaints Procedure does not apply to:

- i. Complaints by one Council employee against another Council employee. ~~These matters are dealt with under the Council's employment policies.~~
- ii. Complaints between a Council employee and the Council as employer. These matters are dealt with under the Council's disciplinary and grievance procedures.
- iii. Complaints against Councillors. Complaints against Councillors are covered by the Code of Conduct for Members. ~~and, if A complaint against a Councillor should be made to the Monitoring Officer at Westmorland and Furness Council. is received by the Council, it will be referred to the Standards Committee of Eden District Council.~~

~~b. The appropriate time for influencing Council decision making is by raising your concerns representations or comments before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed.~~

There may also be the opportunity to raise your concerns in the public participation section of Council meetings.

- c. If you are unhappy with a Council decision, you may raise your concerns with the Council. but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed. ???
- d. You may make your complaint about the Council's procedures or administration to the Town Clerk. You may do this in person, by phone, or by writing to or emailing the Town Clerk. The Contact details are set out below.
- e. Wherever possible, the Town Clerk will try to resolve your complaint immediately promptly and informally. If this is not possible The Town Clerk will normally try to acknowledge your any formal complaint which is made within five working days.
- f. If you do not wish to report your complaint to the Town Clerk or if it relates to the Town Clerk, you may make your complaint directly to the Chair of the Council who will report your complaint to the Complaints Staff sub Committee of the Council if unless he/she is unable to deal with your complaint informally and promptly.
- g. Each formal complaint will be investigated. Any obtaining further information which is required as necessary from you and/or from staff or members of the Council will be sought by the investigator.
- h. You will receive notification within 20 working days of the outcome of the investigation the outcome of your complaint and of what action (if any) the Council proposes to take as a result of and in response to your complaint.
- i. In some cases the twenty working days timescale may have to be extended. If it is, you will be kept informed an extension is necessary you will be notified and of the period of the extension.
- j. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Full Council the Staff sub committee and (usually within eight four weeks) you will be notified in writing of the outcome of the review of your original complaint.

2. Contact details of who to complain to:

If you have a complaint against a Town Councillor, you should write to:



The Monitoring Officer

~~Legal and Democratic Services~~

Westmorland and Furness Council, South Lakeland House, Lowther Street, Kendal, LA9 4DQ.

monitoringofficer@westmorlandandfurnesscouncil.gov.uk

0300 373 3300 Town Hall, Penrith, CA11 7QF



If you have a complaint against ~~an employee~~ the Town Clerk of the Town Council, you should write to the Chair of the Council,
Councillor D Lawson, Penrith Town Council, Church House, 19-24 Friargate, Penrith, CA11 7XR.
cllr.lawson@penrithtowncouncil.gov.uk



If you have any other complaint, you should write to the Town Clerk, Penrith Town Council, Church House, 19-24 Friargate, Penrith, CA11 7XR.
office@penrithtowncouncil.gov.uk
01768 899773

~~In order for your complaint to be dealt with, the following procedures are in place so you can be assured your complaint will be properly and fully considered.~~

The procedure for making and dealing with complaints is set out below.

3. The importance of ~~Procedure for~~ complaints

Complaints are valuable and useful because they provide an opportunity to put things right if there has been an error and to ensure that a mistake is not repeated.

It is essential that complaints are dealt with positively. The Town Council is keen to hear people's comments and is committed to making full use of complaints information to contribute to service improvement.

~~We want to provide high quality service at all times. If you feel any aspect of our service has been at fault we want to know about it and investigate. We believe that complaints and compliments provide useful information and feedback on the quality of our services, procedures and practice. They help us improve our service to residents, visitors, and those working within the town.~~

~~This policy and procedure note is for members of the public considering making any complaint to the Council, whether minor, serious, informal or formal and applies to all services provided by the Council.~~

4. What is a complaint?

~~People's perceptions differ widely. It is therefore very difficult to give a precise definition of a complaint. However, for our purposes~~ A complaint

is an expression of dissatisfaction about the Council's action or lack of action or about the standard of a service undertaken which affects someone. ~~by the Council or any of its employees.~~

For example, a complaint could be where you are not happy about:

- The service you have received from us – including our staff, volunteers, or contractors who work on our behalf.
- Things you think we should have done or have not done – either by law or by established practice.
- Where you think we have not followed adopted procedures or policies.

We aim:

- ✓ To deal with complaints impartially, objectively, and swiftly;
- ✓ To find a solution locally, whenever possible, to the satisfaction of all parties

5. How to complain

We want to put things right as quickly as possible and this may usually be done if you speak directly and informally to the member of staff providing the service first before or instead of making moving to a more formal complaint. The Council will receive queries, problems and comments as part of its day to day business, and every effort should be made to deal with these problems and issues immediately by providing information, taking the appropriate action or explaining a matter.

However, if someone is or remains dissatisfied or wishes to make a formal complaint he or she may do so by following the procedure set out below:

Informal complaint - stage 1

- a. If you feel that the member of staff has not resolved your complaint informally or if you wish to make a formal complaint ~~response has not dealt properly or fully with your complaint~~, you should contact the Town Clerk.
- b. If your complaint involves the Town Clerk, please go straight to Stage 2.
- c. ~~Contacting~~ The Town Clerk can be ~~done~~ contacted by telephone, email, in person or in writing. You should give your name, address, relevant dates and as much information as possible to help us deal with the complaint. You should explain what you think has gone wrong or not

happened and what should be done to put matters right or improve a service.

- d. Once we receive your complaint, we will acknowledge receipt **within 5 days**. ~~We will make a written record, noting your name and contact details, and the nature of the complaint.~~
- e. We will **appoint someone to investigate the complaint who has not been involved in the matter**, obtaining further information as necessary from you, staff, or Councillors.
- f. Within twenty working days we will send you a full written reply **and response to your complaint**. ~~We will~~ **or** let you know if our reply will take longer, explaining the reason for ~~the~~ **any** delay **and informing you of the period of any extension**.
- g. If we do not hear from you within ~~ten~~ **fifteen** working days of our reply, **we will assume that you are satisfied with the response or that you do not wish to take the matter further and** will close the complaint.
- h. A record of the complaint and investigation will be kept for six years.
- i. **If you are dissatisfied with the response to or the outcome of your complaint you may proceed to stage 2 and have your complaint heard by a panel of Councillors.**

Formal - stage 2

- a. ~~We hope that by now we will have resolved your complaint. However, if we haven't, and providing you have been through Stage 1, you will be asked to give a reason why you remain dissatisfied. If you wish to proceed to stage 2 you should write to the Town Clerk in hard copy or by email and set out why you are dissatisfied with the response or the outcome of your complaint and what you wish the Council to do.~~
- b. If your initial complaint involves the Town Clerk, you should write to the Chair of the Council who **will consider your complaint and deal with it informally, if possible, or investigate or appoint another Councillor or person to investigate it.** ~~A report to the Staffing sub-committee of the Council.~~
- c. ~~Your complaint will be investigated following the procedure outlined in the box below.~~
- d. ~~If the complaint is against a procedure administered by the Town Clerk a member of The~~ **Chair, Councillor or other person** will investigate the complaint and **report to the Staff sub-committee.** ~~The staff sub-committee which will hear and consider your complaint and the investigation report in accordance with the following procedure. make a representation in a hearing.~~

6. Complaint Hearing Procedure at a Staffing Sub-Committee Meeting

The complainant will be invited to attend the meeting with his or her representative. The complainant will be asked to provide the Council with copies

of any documents which he or she wishes to refer to at the meeting. The Council will provide the complainant with a copy of any documentation it is intended to be provided to the meeting.

- a. ~~We~~ At the meeting the sub-committee will consider whether the circumstances warrant exclusion of the press and public. The sub-committee and those present will receive a report on the complaint including a copy of the complaint itself and the investigation report and any further information the complainant wishes to refer to at the meeting.
- b. The Chair will introduce all present and explain the procedure.
- c. The Complainant or the representative will state outlines the grounds of the nature of the complaint and may call any witness.
- d. The investigator and Members can ask any question of the complainant or the representative and any witness.
- e. The investigator will present the report on the investigation of the complaint. The investigator may call any witness including If relevant, the Town Clerk or other member of staff or Councillor. explains the Council's position.
- f. The complainant, the representative and Members can ask any question of the investigator or witness. Town Clerk or other member of staff or Councillor
- g. Town Clerk, staff or Councillor, The investigator and then the complainant are offered the opportunity of making any final comments a last word.
- h. The Town Clerk, staff, or Councillor investigator, any witness and the complainant will be asked to leave the room while members decide on the complaint and what action, if any, to take. whether the grounds for the complaint have been made.
- i. If a point of clarification is necessary, all parties will be invited back.
- j. The parties will return to hear the decision or are to be advised when the decision will be made (The Committee / Council can defer making a decision if it needs to wait for seek legal advice or further information).
- k. The decision is will be confirmed in writing within twenty five working days of the meeting with the details of any action to be taken.
- l. A decision on a complaint may be reported to and announced in public at a future Council meeting.
- m. A record of the complaint and investigation and the sub-committee's decision will be kept for six years.
- n. We will try The Council will seek to complete the whole Stage 2 procedure within eight weeks.

COMPLIMENTS

A compliment is an expression of praise or congratulations for the Council, any Councillor or member of staff.

The Council welcomes comments on the delivery of its services. The Council appreciates people taking the time to inform us of when things have gone well, when someone has provided a service which is particularly prompt, well received or delivered.

Compliments, which will be anonymised, may be included in reports to Council or in official publications.

Complaints Officer

The Complaints Officer for the Council is the Town Clerk.

The Town Clerk will:

undertake the day to day operation and management of this policy and procedure:

oversee and, if appropriate undertake the investigation of formal complaints;

maintain a record of all complaints received including the nature of the complaint, the action taken, the outcome and the time taken to deal with the complaint; and

identify any improvements to be made arising from a complaint.

Unacceptable, unreasonable and unduly persistent behaviour policy

7. Dealing with unreasonable and persistent complainants

- a. This policy contains a protocol that sets out the actions that the Council can take when dealing either unreasonably persistent contact, unacceptable behaviour from people, and vexatious or/and unfocussed complaints. This protocol is expected to apply to very few people.
- b. No action under the policy will ever allow a potentially serious issue affecting public or councillor safety to go uninvestigated.
- c. The Council, its Councillors', employee and personnel work closely with members of the public. In doing this, we are often approached by a range of people for a variety of reasons. We aim to provide an excellent level of service to everyone who contacts us.

Penrith Town Council is committed to providing excellent customer service to everyone who contacts us.

- d. Everyone is entitled to be treated respectfully, courteously and in a polite manner. Anyone who raises an issue with the Council us has a right to can expect to be and will be treated fairly and properly us to deal with it fully and fairly.
- e. When dealing with people we do not normally limit the contact they have with us. However, our staff should not be expected to tolerate abusive, threatening, demeaning or offensive behaviour either verbally or in writing. Similarly, we should not be expected to deal with someone who, because of the frequency of their contact, hinders the work that we do or places an undue strain on staff or their time and resources.
- f. The purpose of this policy is to explain and identify the action that the Council may take against anyone who displays unacceptable, unreasonable or unduly persistent behaviour in their dealings or conduct with the Council and its staff.
- g. The Town Council's policy for dealing with unreasonable and persistent complainants will be enforced if the complainant is deemed to be unreasonable and persistent by the Councils' solicitor

8-Definitions

Unreasonably persistent

- a. Persistent complaining over the same issue.
- b. Persistence will be defined as the same or similar complaint made, irrespective of to whom in the Council, on a number of occasions.
- c. Persistently seeking an outcome that the Council has already explained is unrealistic for policy, legal or other valid reasons.
- d. Unreasonably persistent people are those who, because of the frequency or nature of their contacts with us, and is inappropriate, disproportionate or excessive.
- e. Complainants who are unreasonably persistent may have justified complaints or grievances, but are pursuing them in inappropriate ways, or they may be intent on pursuing complaints/issues which appear to have no substance or which have already been investigated and determined.
- f. In dealing with people, we recognise that our resources including staff time have to be used where they can provide the most value. This might mean that we cannot respond to every complaint/issue in the way a person would like. Examples of the types of actions / behaviour which may cause this policy to be used are noted below.

Unfocused

Where the complainant's issues are either too vague, imprecise as to time, place, personnel, or constantly shifting as to what is sought to be resolved.

Vexatious

The regulatory bodies, the Local Government Ombudsman and the Information Commissioner's Office, have itemised what they consider vexatious. While not exhaustive, the examples below illustrate the variety of behaviours to which the Council will respond to protect its staff and resources:

- Complaining about or challenging an issue based on a historic and/or irreversible decision or incident.
- Making persistent and unreasonable demands on Council staff after the unreasonableness has been explained. An example would be a complainant who insists on immediate responses or sets the Council unreasonable deadlines.
- Taking a 'scatter gun' approach to their complaints, for example within the Council or using MPs, elected members, or regulatory bodies.
- Refusing to specify the grounds of their complaint despite offers of assistance.
- Refusing to cooperate with the Council's investigation of the complaint, insisting on their demands being met without such an investigation.
- Refusing to accept that issues are not within the power of the Council to investigate, change or influence. An example would be a problem caused by the private sector rather than the Council.
- Insisting that the complaint be dealt with in ways other than the Council's complaints policy or equivalent. For example insisting there are no written records made of the complaint.
- Refusing to accept the outcome of the complaint or data access process after the Council's considered final response, repeatedly arguing the point, or denying that this was an adequate response.

- Insisting a minor variation in the original complaint means that it is a 'new' complaint requiring a new Council response.
- Where the complainant can be evidenced to be verbally or physical abusive, threatening or violent in their contact with the Council over the issue.
- Where the complainant keeps shifting the focus of the topic or relevant staff involved with the complaint.
- Where the complainant has been significantly partially or wholly untruthful in their complaint or data access request.

What is unacceptable behaviour?

Principles

- a. We expect our staff to be treated with courtesy and respect.
- b. We recognise that people often feel under pressure, distressed or feel that they have to be determined to pursue their concerns. They can also feel angry about their situation. Staff must be able to **and will seek to** distinguish between distress, frustration, forcefulness and determination and behaviour which **are is** unacceptable, unreasonable or unduly persistent.
- c. Unacceptable behaviour **broadly is defined as:**
 - behaviour or language (whether oral or written) that may cause **a member of** staff to feel afraid, intimidated, threatened or abused. This could include threats of physical violence, derogatory remarks, **offensive, foul, demeaning, racist, sexist or homophobic language**, rudeness, harassment, inflammatory statements and unsubstantiated allegations.

This type of behaviour can be exhibited in different ways including in person, on the telephone or in written or email correspondence. When dealing with this type of behaviour account will be taken of the frequency of the contact, the content of the contact, any actions taken to seek to resolve any issue and the level of any disruption caused.

- d. Unreasonable behaviour would include:

Making unnecessarily excessive demands on the time and resources of any member of staff which may be excessive or frequent contact, sending numerous emails to staff, and expecting immediate and substantial responses to matters raised.

Submitting repeated issues or complaints particularly after a complaints process may have been exhausted.

Insisting that an issue should be dealt with in ways that are not compatible with standard procedure or good practice.

Refusing to accept documented evidence as factual.

Making frequent and unreasonable demands on Council staff particularly after any unreasonableness has been explained.

- e. Undue persistence relates to those who by the frequency and nature of their contact with the Council place an unreasonable strain on staff time and resources, pursuing complaints or issues in inappropriate ways, pursuing issues which have

no substance or are outside of the Council's remit or have already been investigated and decided.

9. How do we deal with this behaviour?

The Council will operate a zero tolerance approach to unreasonable and unacceptable behaviour and undue persistence and will seek to protect its staff from such behaviour and conduct.

If any person behaves in an unreasonable, unacceptable and undue manner to which this policy relates a manager will seek to manage the behaviour and control or limit the contact that the person may have with a member of staff. In some circumstances the Council may consider placing restrictions on how and whether a person may contact the Council.

If unreasonable behaviour occurs during a telephone conversation the member of staff should explain why the behaviour is unacceptable. The caller should be given the opportunity to stop the unacceptable behaviour. If the unacceptable behaviour continues the member of staff will inform the caller that the telephone call is being terminated and will make a record the call and the reason for the termination.

If unreasonable behaviour is displayed in written correspondence the Council may respond in writing addressing the query or complaint whilst stating that the correspondence is unacceptable and requesting the person to refrain from such behaviour in the future. A record will be made of the unreasonable behaviour and request.

Following any instance of unreasonable behaviour a manager may contact the person concerned by telephone, in writing or by email to explain why the behaviour is causing concern and requesting that the behaviour should change. The warning will contain.

The details of the incident and when it occurred.

The reasons why the behaviour is considered to be unreasonable, unduly persistent or unacceptable.

An explanation of the effect the behaviour is having on the Council and its staff.

What could happen should the behaviour continue.

A copy of this policy may be sent to the person concerned.

If the disruptive or unacceptable behaviour continues a manager may issue a reminder. A reminder should inform the person that if the unreasonable or inappropriate behaviour continues future contact with the council will be restricted.

In cases where the behaviour is particularly serious the Council through the Town Clerk may decide that this policy and any sanction will be applied without prior

warning. In that event a manager will write directly to the person concerned explaining the reason for the action.

There are a number of ways the Council may restrict access and the action taken will depend on the nature and extent of the behaviour.

The actions to restrict access include but are not limited to:

Restricting contact to one method (letters only, for example) or to one member of staff or a particular time of day.

Accepting contact only through a third party.

Only responding to correspondence where new or pertinent information is provided which has not been considered previously.

Refusing to accept further telephone calls.

Restricting the issues the Council will correspond on

Requesting the individual to enter into an agreement about his or her future conduct.

Any action the Council may take will be reasonable and proportionate. The action will balance the interests of an individual with the Council's duty to protect the health, safety and wellbeing of its staff.

When the Council applies this policy to any person we will write to him or her setting out:

The reasons why we believe the behaviour to be unreasonable unduly persistent or unacceptable.

What action the Council has decided to take in response to this behaviour.

How and when the Council will review any decision to restrict access and to what this will apply.

Review

A review will be of any decision to restrict access or apply this policy by a manager 12 months after that decision is made. A recommendation will be made to or by the Town Clerk on whether the restriction should be extended, amended or removed.

Where a person has changed his or her behaviour the contact restrictions will be amended or removed.

Once the review has been completed a manager will write to the person concerned to advise him or her of the decision which has been made and its basis.

Where the behaviour is extreme or severe or if the immediate safety or welfare of staff is threatened the Town Clerk may report the matter to the Police or take legal action.

- a. If unacceptable behaviour occurs, the staff member, or Councillor should explain to the individual why their behaviour is unacceptable. The member of staff should then give the individual the opportunity to stop the unacceptable behaviour and explain that if they carry on it will result in the conversation being ended. If the behaviour continues, the member of staff should tell the individual politely that they are ending the conversation.
- b. Once the conversation has ended note should be made of the conversation with a clear description of the unacceptable behaviour that was demonstrated by the member of the public.
- c. This note should be saved to the complaints folder and a copy shared with the Town Clerk. Please be aware when writing the note, that this information would be disclosable under the Data Protection Act 1988.
- d. The member of staff should inform the Town Clerk of such contact, be given the opportunity to talk about it and offered any other support necessary to ensure their well-being.
- e. Even at any point you have concerns for your personal safety, you should summon support from another staff member and/or police.

10. Dealing with unreasonable and persistent complainants

The procedure for dealing with will be implemented as follows:

- a. In exceptional cases, the behaviour of a person may pose an immediate threat to the health, safety or well-being of our staff. In such circumstances, the Town Clerk, may, without warning to the person, refer the case to the Police or instigate civil proceedings.
- b. A complainant will be notified that the Council's Protocol for dealing with Unreasonable, Persistent, Vexatious or Unfocussed Complaints and Data Requests Protocol complaints is to be enforced, together with the reason why. The complainant will then be asked to:
 - i. Restrict contact to one method.
 - ii. Request contact with the Town Council in a particular form (for example, letters only).
 - iii. Request contact to take place with a named officer or Councillor.
 - iv. Restrict telephone calls to specified days and times.
 - v. Accept contact through a third party.
 - vi. and/or be asked to enter into an agreement about future contact with the Town Council
- c. The Council may decide to only acknowledge or file correspondence unless new information is presented, refuse to accept further telephone calls and/or restrict the issues we will correspond on.
- d. Any action taken will be reasonable, proportionate and balance the interests of the member of the person with the duty to protect the health, safety and well-being of our staff.
- e. The Council will decide how long it will spend on any one complaint and whether it feels the complaint has been sufficiently dealt with.
- f. In all cases where a complainant is deemed to be unreasonable and persistent, the Council will write to the complainant to justify its course of action and explain for how long it will be operative.
- g. The complainant may challenge the Council's decision, although proof that the complaint has not been sufficiently dealt with will be required.
- h. If deemed to be a fair challenge, the Council will conduct a review of the complaint and will re-consider whether the complaint should still be treated as unreasonable and/or vexatious.
- i. If a complainant persists in communicating with the Council once their case has been closed, the Council reserves the right to terminate all further communication.
- j. The case will only be re-visited if the complainant can provide fresh evidence that may affect the Council's previous decision concerning the original complaint.
- k. If the Council feels that re-opening the complaint cannot be justified the complainant will be notified in writing that the case has been closed and there will be no further communication.
- l. New complaints received from complainants previously deemed to be unreasonable and or vexatious will be treated on their merits.
- m. Complaints will be kept on file for no more than six years.



Penrith Town Council

COMPLAINTS AND COMPLIMENTS POLICY & PROCEDURE 2024

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1. Overview

Penrith Town Council is committed to providing a high-quality service for the benefit of the people who live or work in the town or are visitors to the Parish.

If you are dissatisfied with the standard of service, you have received from the Council or are unhappy about an action or lack of action by the Council this complaints procedure sets out how you may complain and how the Council will try to resolve your complaint.

We want to provide a high-quality service at all times. If you feel that any aspect of our service has been at fault we want to know about it. We believe that complaints and compliments provide useful information and feedback on the quality of our services, procedures and practices. They help us to improve our service to residents, visitors and those working in the town. This policy is for members of the public who are considering making any complaint to the Council whether minor, serious, formal or informal and applies to any service provided by the Council.

This Complaints Procedure applies to complaints about Council administration and procedures and may include complaints about how Council employees have dealt with your concerns.

a. This Complaints Procedure does not apply to:

- i. Complaints by one Council employee against another Council employee. These matters are dealt with under the Council's employment policies.
 - ii. Complaints between a Council employee and the Council as employer. These matters are dealt with under the Council's disciplinary and grievance procedures.
 - iii. Complaints against Councillors. Complaints against Councillors are covered by the Code of Conduct for Members. A complaint against a Councillor should be made to the Monitoring Officer at Westmorland and Furness Council.
- b. You may make your complaint about the Council's procedures or administration to the Town Clerk. You may do this in person, by phone, or by writing to or emailing the Town Clerk. The Contact details are set out below.
- c. Wherever possible, the Town Clerk will try to resolve your complaint promptly and informally. The Town Clerk will acknowledge any formal complaint which is made within five working days.
- d. If you do not wish to report your complaint to the Town Clerk or if it relates to the Town Clerk, you may make your complaint directly to the Chair of the Council who will report your complaint to the Staff sub-Committee of the Council unless he/she is able to deal with your complaint informally and promptly.
- e. Each formal complaint will be investigated. Any further information which is required as necessary from you and/or from staff or members of the Council will be sought by the investigator.
- f. You will receive notification within 20 working days of the outcome of the investigation of your complaint and of what action (if any) the Council proposes to take as a result of and in response to your complaint.
- g. In some cases, the twenty working days timescale may have to be extended. If an extension is necessary, you will be notified and of the period of the extension.
- h. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Staff subcommittee and (usually within four weeks)

you will be notified in writing of the outcome of the review of your original complaint.

2. Contact details of who to complain to:

If you have a complaint against a Town Councillor, you should write to:



The Monitoring Officer

Westmorland and Furness Council, South Lakeland House, Lowther Street, Kendal, LA9 4DQ.
monitoringofficer@westmorlandandfurnesscouncil.gov.uk
[0300 373 3300](tel:03003733300)



If you have a complaint against the Town Clerk of the Town Council, you should write to the Chair of the Council, Chair of Council, Penrith Town Council, Church House, 19-24 Friargate, Penrith, CA11 7XR.
cllr.lawson@penrithtowncouncil.gov.uk



If you have any other complaint, you should write to the Town Clerk, Penrith Town Council, Church House, 19-24 Friargate, Penrith, CA11 7XR.
office@penrithtowncouncil.gov.uk
01768 899773

The procedure for making and dealing with complaints is set out below.

3. The importance of complaints

Complaints are valuable and useful because they provide an opportunity to put things right if there has been an error and to ensure that a mistake is not repeated.

It is essential that complaints are dealt with positively. The Town Council is keen to hear people's comments and is committed to making full use of complaints information to contribute to service improvement.

4. What is a complaint?

A complaint is an expression of dissatisfaction about the Council's action or lack of action or about the standard of a service undertaken which affects someone.

For example, a complaint could be where you are not happy about:

- The service you have received from us – including our staff, volunteers, or contractors who work on our behalf.
- Things you think we should have done or have not done – either by law or by established practice.

- Where you think we have not followed adopted procedures or policies.

We aim:

- ✓ To deal with complaints impartially, objectively, and swiftly;
- ✓ To find a solution, whenever possible, to the satisfaction of all parties

5. How to complain

We want to put things right as quickly as possible, and this may usually be done if you speak directly and informally to the member of staff providing the service first before or instead of making a formal complaint. The Council will receive queries, problems and comments as part of its day-to-day business, and every effort should be made to deal with these problems and issues immediately by providing information, taking the appropriate action or explaining a matter.

However, if someone is or remains dissatisfied or wishes to make a formal complaint, he or she may do so by following the procedure set out below:

Formal Complaint - Stage 1

- If you feel that the member of staff has not resolved your complaint informally or if you wish to make a formal complaint, you should contact the Town Clerk.
- If your complaint involves the Town Clerk, please go straight to Stage 2.
- The Town Clerk can be contacted by telephone, email, in person or in writing. You should give your name, address, relevant dates and as much information as possible to help us deal with the complaint. You should explain what you think has gone wrong or not happened and what should be done to put matters right or improve a service.
- Once we receive your complaint, we will acknowledge receipt within 5 days.
- We will appoint someone to investigate the complaint who has not been involved in the matter, obtaining further information as necessary from you, staff, or Councillors.
- Within twenty working days we will send you a full written reply and response to your complaint. We will let you know if our reply will take longer, explaining the reason for any delay and informing you of the period of any extension.
- If we do not hear from you within fifteen working days of our reply, we will assume that you are satisfied with the response or that you do not wish to take the matter further and will close the complaint.
- A record of the complaint and investigation will be kept for six years.
- If you are dissatisfied with the response to or the outcome of your complaint you may proceed to stage 2 and have your complaint heard by a panel of Councillors.

Formal - stage 2

- If you wish to proceed to stage 2 you should write to the Town Clerk in hard copy or by email and set out why you are dissatisfied with the response or the outcome of your complaint and what you wish the Council to do.

- b. If your initial complaint involves the Town Clerk, you should write to the Chair of the Council who will consider your complaint and deal with it informally, if possible, or investigate or appoint another Councillor or person to investigate it.
- c. The Chair, Councillor or other person will investigate the complaint and report to the Staff sub-committee. The staff subcommittee which will hear and consider your complaint and the investigation report in accordance with the following procedure.

6. Complaint Hearing Procedure at a Staff-Sub-Committee Meeting

The complainant will be invited to attend the meeting with his or her representative. The complainant will be asked to provide the Council with copies of any documents which he or she wishes to refer to at the meeting. The Council will provide the complainant with a copy of any documentation it is intended to be provided to the meeting.

- a. At the meeting the sub-committee will consider whether the circumstances warrant exclusion of the press and public. The sub- committee and those present will receive a report on the complaint including a copy of the complaint itself and the investigation report and any further information the complainant wishes to refer to at the meeting.
- b. The Chair will introduce all present and explain the procedure.
- c. The Complainant or the representative will state the nature of the complaint and may call any witness.
- d. The investigator and Members can ask any question of the complainant or the representative and any witness.
- e. The investigator will present the report on the investigation of the complaint. The investigator may call any witness including the Town Clerk or other member of staff or Councillor.
- f. The complainant, the representative and Members can ask any question of the investigator or witness.
- g. The investigator and then the complainant are offered the opportunity of making any final comments.
- h. The investigator, any witness and the complainant will be asked to leave the room while members decide on the complaint and what action, if any, to take.
- i. If a point of clarification is necessary, all parties will be invited back.
- j. The parties will return to hear the decision or to be advised when the decision will be made (The Committee / Council can defer making a decision if it needs to seek legal advice or further information).
- k. The decision will be confirmed in writing within five working days of the meeting with the details of any action to be taken.
- l. A decision on a complaint may be reported to and announced in public at a future Council meeting.
- m. A record of the complaint and investigation and the sub-committee's decision will be kept for six years.
- n. The Council will seek to complete the whole Stage 2 procedure within eight weeks.

7. COMPLIMENTS

A compliment is an expression of praise or congratulations for the Council, any Councillor or member of staff.

The Council welcomes comments on the delivery of its services. The Council appreciates people taking the time to inform us of when things have gone well, when someone has provided a service which is particularly prompt, well received or delivered.

Compliments, which will be anonymised, may be included in reports to Council or in official publications.

Complaints Officer

The Complaints Officer for the Council is the Town Clerk.

The Town Clerk will:

undertake the day to day operation and management of this policy and procedure:

oversee and, if appropriate undertake the investigation of formal complaints;

maintain a record of all complaints received including the nature of the complaint, the action taken, the outcome and the time taken to deal with the complaint; and identify any improvements to be made arising from a complaint.

8. Unacceptable, unreasonable and unduly persistent behaviour policy

Penrith Town Council is committed to providing excellent customer service to everyone who contacts us.

- a. Everyone is entitled to be treated respectfully, courteously and in a polite manner. Anyone who raises an issue with the Council can expect to be and will be treated fairly and properly.
- b. When dealing with people we do not normally limit the contact they have with us. However, our staff should not be expected to tolerate abusive, threatening, demeaning or offensive behaviour either verbally or in writing. Similarly, we should not be expected to deal with someone who, because of the frequency of their contact, hinders the work that we do or places an undue strain on staff or their time and resources.
- c. The purpose of this policy is to explain and identify the action that the Council may take against anyone who displays unacceptable, unreasonable or unduly persistent behaviour in their dealings or conduct with the Council and its staff.

Principles

- a. We expect our staff to be treated with courtesy and respect.
- b. We recognise that people often feel under pressure, distressed or feel that they have to be determined to pursue their concerns. They can also feel angry about their situation. Staff must be able to and will seek to distinguish between distress, frustration, forcefulness and determination and behaviour which is unacceptable, unreasonable or unduly persistent.
- c. Unacceptable behaviour broadly is:
 - behaviour or language (whether oral or written) that may cause a member of staff to feel afraid, intimidated, threatened or abused. This could include threats of physical violence, derogatory remarks, offensive, foul, demeaning, racist, sexist or homophobic language, rudeness, harassment, inflammatory statements and unsubstantiated allegations.

This type of behaviour can be exhibited in different ways including in person, on the telephone or in written or email correspondence. When dealing with this type of behaviour account will be taken of the frequency of the contact, the content of the contact, any actions taken to seek to resolve any issue and the level of any disruption caused.

- d. Unreasonable behaviour would include:

Making unnecessarily excessive demands on the time and resources of any member of staff which may be excessive or frequent contact, sending numerous emails to staff, and expecting immediate and substantial responses to matters raised.

Submitting repeated issues or complaints particularly after a complaints process may have been exhausted.

Insisting that an issue should be dealt with in ways that are not compatible with standard procedure or good practice.

Refusing to accept documented evidence as factual.

Making frequent and unreasonable demands on Council staff particularly after any unreasonableness has been explained.

- e. Undue persistence relates to those who by the frequency and nature of their contact with the Council place an unreasonable strain on staff time and resources, pursuing complaints or issues in inappropriate ways, pursuing issues which have no substance or are outside of the Council's remit or have already been investigated and decided.

9. How do we deal with this behaviour?

The Council will operate a zero tolerance approach to unreasonable and unacceptable behaviour and undue persistence and will seek to protect its staff from such behaviour and conduct.

If any person behaves in an unreasonable, unacceptable and undue manner to which this policy relates a manager will seek to manage the behaviour and control or limit the contact that the person may have with a member of staff. In some circumstances the Council may consider placing restrictions on how and whether a person may contact the Council.

If unreasonable behaviour occurs during a telephone conversation the member of staff should explain why the behaviour is unacceptable. The caller should be given the opportunity to stop the unacceptable behaviour. If the unacceptable behaviour continues the member of staff will inform the caller that the telephone call is being terminated and will make a record the call and the reason for the termination.

If unreasonable behaviour is displayed in written correspondence the Council may respond in writing addressing the query or complaint whilst stating that the correspondence is unacceptable and requesting the person to refrain from such behaviour in the future. A record will be made of the unreasonable behaviour and request.

Following any instance of unreasonable behaviour a manager may contact the person concerned by telephone, in writing or by email to explain why the behaviour is causing concern and requesting that the behaviour should change. The warning will contain.

The details of the incident and when it occurred.

The reasons why the behaviour is considered to be unreasonable, unduly persistent or unacceptable.

An explanation of the effect the behaviour is having on the Council and its staff.

What could happen should the behaviour continue?

A copy of this policy may be sent to the person concerned.

If the disruptive or unacceptable behaviour continues a manager may issue a reminder. A reminder should inform the person that if the unreasonable or inappropriate behaviour continues future contact with the council will be restricted.

In cases where the behaviour is particularly serious the Council through the Town Clerk may decide that this policy and any sanction will be applied without prior warning. In that event a manager will write directly to the person concerned explaining the reason for the action.

There are a number of ways the Council may restrict access and the action taken will depend on the nature and extent of the behaviour.

The actions to restrict access include but are not limited to:

Restricting contact to one method (letters only, for example) or to one member of staff or a particular time of day.

Accepting contact only through a third party.

Only responding to correspondence where new or pertinent information is provided which has not been considered previously.

Refusing to accept further telephone calls.

Restricting the issues the Council will correspond on

Requesting the individual to enter into an agreement about his or her future conduct.

Any action the Council may take will be reasonable and proportionate. The action will balance the interests of an individual with the Council's duty to protect the health, safety and wellbeing of its staff.

When the Council applies this policy to any person, we will write to him or her setting out:

The reasons why we believe the behaviour to be unreasonable, unduly persistent or unacceptable.

What action the Council has decided to take in response to this behaviour.

How and when the Council will review any decision to restrict access and to what this will apply.

10. Review

A review will be of any decision to restrict access or apply this policy by a manager 12 months after that decision is made. A recommendation will be made to or by the Town Clerk on whether the restriction should be extended, amended or removed.

Where a person has changed his or her behaviour the contact restrictions will be amended or removed.

Once the review has been completed a manager will write to the person concerned to advise him or her of the decision which has been made and its basis.

Where the behaviour is extreme or severe or if the immediate safety or welfare of staff is threatened the Town Clerk may report the matter to the Police or take legal action.

APPENDIX A - Unreasonable, Persistent, Vexatious or Unfocussed Complaints and Data Requests Protocol

This protocol describes how Penrith Town Council applies the Local Government Ombudsman and Information Commissioner's guidance on individuals who the Council perceive as unreasonable, persistent vexatious or unfocused complainants in relation to specific issues.

Where the complaints relate to data, sharing this document has been prepared in terms of the Council's obligations as a "data controller" under the GDPR 2018 and the Freedom of Information Act 2000.

The protocol sets out a set of principles and procedures for both staff in an attempt to either resolve the difficulties encountered or gain sufficient evidence to cease responding to the complaints or data access request by means of defining them as unreasonable, persistent vexatious or unfocused. It aids in assessment, monitoring and processing of the difficulties and attempts to resolve them.

Organising Principles

- a) The Council recognises that a small minority of complainants and data access seekers cannot work within the Councils usual procedures. Therefore, there needs to be an equitable 'due process' offering equivalent rights to either facilitate resolution of the issues raised or where this is not possible conclude ongoing contact with the complainant over the specific concerns.
- b) There is a consistent need to obtain clarity and focus on complaints and enquiries. This is applicable to both complainant and Council.
- c) The Council has an obligation to protect its staff and resources from the complainant's unjustifiable actions.
- d) The formalised assessment process is an opportunity to verify the Council has listened to the complainant and evaluated its options and rationale when responding. It should evidence a review by senior Officers of the circumstance, context, and sufficiency of communication with the complainant.
- e) The complainant should not be under or over serviced by the Council about the complaint or data access sought.

Anticipated Outcomes

- a) A formalised assessment of the issues will be undertaken. The findings will be recorded and shared with the complainant. This will be led by senior officers, solicitor, Council Chair and Vice Chair (the Senior Management Team (SMT)). Note senior officers includes the Town Clerk.
- b) Potentially sufficient agreement and focus have been created to enable a Council response to the applicant's request.
- c) Potentially the Council may eventually decide to protect its resources and staff by refusing to deal with the set of issues raised by the complainant as they can evidence, they are vexatious in nature.

An overview of the process is outlined in **Appendix 1**.

The Council's response to unfocussed or vexatious behaviours

- a) Once sufficient evidence around seeming unfocused or vexatious behaviour is collected, the first step is take the issue, with relevant evidence, to the Senior Management Team. They will decide if the conditions are met to put one or other of the following two methods in place. Which method depends on the severity and longevity of the complainant's actions:
 - Focussing and expectation agreement with complainant. Details provided below with a covering letter and template in **Appendix 2**.
 - Where sufficient evidence already exists, the Council's Legal Officer will be requested to draft a letter of vexatious status to the complainant. Template provided in **Appendix 3**.
- b) A failure by the complainant to meet the focusing agreement requirements will lead to the vexatious status statement and be used as evidence of good will and intent by the Council to any subsequent regulator's investigation.

Focussing and expectation agreement with complainant

- a) An agreement would be drawn up between the complainant and the Council. This will need to be visible to all parties and would ideally be signed. The agreement should recognise that while the complainant has the same complainant rights as any other, there is a need for extra support to gain focus, clarity and structure.
- b) If these cannot be obtained the Council cannot resolve the complaint/s and will therefore not progress the complaint.

c) A central principle is the complainant should not be under or over serviced by the Council or its workforce. The component elements of the agreement should be:

- Boundaries of relevant Council staff involvement
- Respective responsibilities of complainant and Council
- Forming realisable expectations with complainant
- Contact and authority structure for complainant
- Time frames, deadlines, key information required, communication methods, and closure steps
- List of options for action
- Mutual goals
- Signatures

Boundaries of Council staff involvement

- a) There will be a single point of contact (SPOC) person for the complainant. The SPOC will have a support supervisor for this specific case who overviews, reviews and supports the staff member.
- b) **ALL** communications relating to the complaint or data request must take place via the SPOC.
- c) The SPOC may at times ask any Council staff to get involved if required but the principle is that this is the SPOC's decision. If the SPOC becomes unavailable, the complainant will be informed of a replacement.
- d) If the complainant complains about the SPOC, they will need to outline and evidence their complaint in writing and send it to the Council Chair.
- e) The Council Chair will then communicate with the complainant as to whether they consider the complaint justified to the extent they replace the SPOC.

Respective responsibilities of complainant and Council

The complainant should:

- State their complaint in an organised manner without excessive or extraneous material. They should be signposted to advocacy services to support them to do this if necessary.
- Provide all required information in a timely and complete manner – not in dribs and drabs over time.
- Provide only factual and truthful material.
- Use the SPOC and not bring other organisational staff into responding to their complaint/s
- Refrain from personal remarks, offensive or threatening behaviour.

Council staff should:

- Respond via the SPOC in an accurate, timely, and truthful manner.
- Unless agreed with the SPOC redirect all communications relating to the complaint back to the SPOC.
- Offer the complainant the same level of service as any other complainant.

Forming achievable expectations with complainant

- a) A key function of the SPOC - with support - is to clarify WHAT the grounds for complaint are. Without this, the complaint response cannot progress.
- b) If the complainant subsequently compounds, confuses, or keeps adding complaints, they will explain this is not acceptable as it presents the Council with a shifting and unclear complaint.
- c) If the complainant has further complaints these may await the outcome of the original complaint as this may answer all subsequent complaints.
- d) It will be explained:
 - All further complaints around the same issue will not be considered until the initial one is completed
 - The Council will not respond to a further complaint as this was outlined at the outset of the original complaint.
 - It may be appropriate to bring complaints together at a later stage of the process.

Contact structure for complainant

- a) Communications will be via:
 - Letter or email
 - Phone calls
 - In person interviews
- b) The SPOC will be where the complainant is directed to go for ALL complaints – except a complaint about the SPOC.
- c) It will be explained while they may attempt to contact others in the organisation, including senior managers, they will only redirect them back to the SPOC.

Time frames, deadlines, key information required, communication methods and closure steps

The SPOC will outline in written form what these expectations are. They are clearly interdependent. For instance, until key information is acquired from the complainant, time frames and deadlines cannot be established. Given the SPOC may be contacting busy scales. If they complain further about non-response, they will be directed to the agreed time scales.

List of options for action by the Council

- a) The Council may highlight a number of options for action including;
- Refuse to process complaints which are persistent, confused, and / or contain excessive or extraneous material after the Council's attempt to clarify them with complainant.
 - Refusing to register and process further complaints about what it perceives as the same matter.
 - Placing of limits on the number and duration of contacts per week or month.
 - Offer restricted time slot for necessary calls.
 - Limiting the complainant to one contact medium – letter, email, and phone.
 - Requiring the complainant only contact one member of staff.
 - Any personal contact takes place with a staff witness.
- b) In brief, the implementation sequence for any of the above options starts with SPOC liaising with relevant officer who will write to complainant outlining why their behaviour is of concern and what actions will follow if it does not cease.
- c) Restrictions will be proportionate and appropriate and recognise individual circumstances and inform the complainant of their right to refer to the Information Commissioner.
- d) If progress is impeded by the complainant's actions, the matter will be returned to the Senior Management Team for decision whether to escalate to Vexatious status.

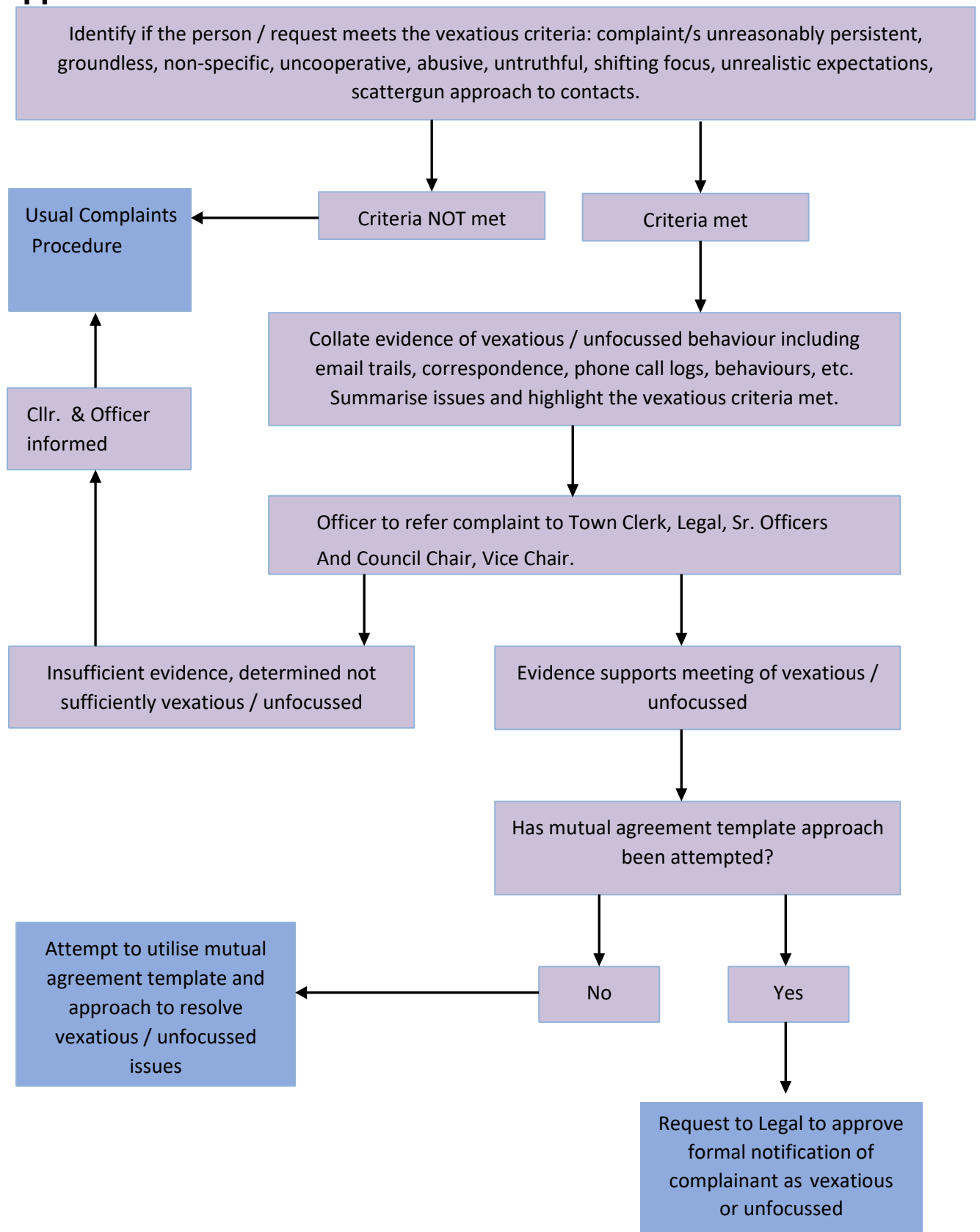
Mutual goals (mutual where possible with the complainant)

- a) Where possible the Council is keen that the above are mutual goals and principles shared between the complainant and the Council. It is the obligation of the complainant to briefly and clearly state what they cannot agree with and why. The Council will decide if they can modify it accordingly.
- b) The agreement and any complainant response to it will potentially be shared with any regulator such as the Information Commissioner's Office and professional body to whom the complainant may turn. It should provide evidence of Council goodwill and openness while requesting structure and clarity from the complainant.

Signatures to agreement

- a) These will be sought where possible. If the complainant refuses to sign, it will be recorded for evidence to any regulatory body that they were offered the opportunity.
- b) It is acceptable for them to verbally agree to the agreement and the Council record such agreement.

Appendix B Flowchart



Appendix C – Mutual Agreement Template

If it is decided that it might be possible for the complainant and Council to come to mutual agreement over a set of agreed components relating to their complaints/enquiries the following covering letter and agreement template should be used. The sections are described in more detail above. The following recognises while the complainant has the same complainant rights as any other, there is a need for extra support to gain focus, clarity and structure.

Covering letter to accompany Mutual Agreement Template

Re: Your Contact with Penrith Town Council

I write with reference to your complaints to the Council/requests for information under the DPA /FOIA as detailed below:

XXXX

Your contact with the Council has been considered in line with the Council's policy on 'Vexatious or Unfocused Complaints and Data Requests' and to assist in resolving your complaints / requests, the Council consider it appropriate to enter into an agreement with you on how your contact with the Council will be managed in the future.

Please find enclosed a draft agreement for your consideration and if you are happy with the contents, I shall be very grateful if you could sign a copy and return it to me at your earliest convenience.

Alternatively, you could confirm your agreement via email to: townclerk@penrithtowncouncil.gov.uk.

I trust you will view this as a positive development in your relationship with the Council, which is advanced as a way in which your complaint / request can be appropriately resolved.

Yours sincerely

Mutual Agreement Template

Boundaries of Council staff involvement

The Council and complainant agree to work through a single point of contact in order to ensure consistency and appropriateness of contact.

Single Point of Contact Details:

Add in contact details ...

Job title
Contact details
E-mail
Phone No
Address

Person to contact if you wish to complain about the single point of contact:

Add in contact details ...

Job title
Contact details
E-mail
Phone No
Address

Respective responsibilities of complainant and Council

Adjust the following to include complainant name and add / remove any criteria as necessary.

Complainant agrees to:

1. State my complaint in an organised manner without excessive or extraneous material
2. Provide all required information in a timely and complete manner – not in dribs and drabs over time.
3. Provide only factual and truthful material.
4. Use the single point of contact and not contact other organisational staff regarding my complaint/s.
5. Refrain from personal remarks, offensive or threatening behaviour.

The Council agrees to:

1. Respond via the single point of contact in an accurate, timely, and truthful manner
2. Unless agreed with the single point of contact, redirect all communications from the complainant back to the single point of contact.
3. Offer the complainant the same level of service as any other complainant.

Forming achievable expectations

Use this section to clarify what the complainant's key issues are and identify the grounds for the complaint.

The primary complaint is:

Contact structure for complainant

Outline the expected way that contact with the single point of contact will be made (letter, email, phone, in person, etc.)

Contact structure:

Time frames, deadlines, key information required, communication methods and closure steps

Complete specific details relating to these areas that are realistic and specific. Particular effort should be made to closure steps and definition of when the complaint will be considered to be closed and no further action will be taken. These elements should be clear and unambiguous.

List of options for action

Where appropriate agree limitations to the actions to be taken by both parties when dealing with the complaint. These could include but are not limited to:

- Refuse to process complaints, which are persistent, confused and contain excessive or extraneous material after the agencies initial attempt to clarify them with complainant.
- Refusing to register and process further complaints about what it perceives as the same matter.

- Placing of limits on the number and duration of contacts per week or month.
- Offer restricted time slot for necessary calls.
- Limiting the complainant to one contact medium – letter, email, and phone.
- Any personal contact takes place with a staff witness.

Mutual goals

Where possible the Council are keen that the above are mutual goals and principles shared between the complainant and the Council. It is the obligation of the complainant to briefly and clearly state what they cannot agree with and why and the Council will decide if they can modify it accordingly.

The agreement and any complainant response to it will potentially be shared with any Council regulator such as the Information Commissioner's Office and professional body to whom the complainant may turn. It should provide evidence of Council goodwill and openness while requesting structure and clarity from the complainant.

Signatures to agreement

	Signature	Date
<i>Complainant/s</i>	_____	_____
<i>Senior Management Team Representative</i>	_____	_____

Once completed the agreement should be copied to: Complainant/s, Senior Management Team and single point of contact.

Appendix D – Vexatious Status Letter

Template for letter of vexatious status to complainant – to be completed by Legal and approved by SMT.

Re: Your Contact with Penrith Town Council

I write in connection with your recent communications with Penrith Town Council, which I consider to be vexatious. I will detail the action that we will take as a consequence of that decision. I have reviewed the considerable amount/nature of communications and have summarised events in the attached document.

It is my decision that you should now be considered a vexatious complainant for the following reasons:

- You have made groundless complaints and claims against the Council and its officers
- You have made an unreasonable amount of contacts with the Council in relation to matters which have their origin in events of XXXXX
- You make the same complaints repeatedly
- You continually raise subsidiary issues / complaints
- Your complaints are often vague, not backed by evidence and / or difficult to comprehend
- You contact many officers or Councillors within the Council
- You refuse to accept the outcome of the complaints process
- You refuse to accept documentary evidence
- Your repeated contacts with Council officers is placing unreasonable demands on staff time and resources
- You have threatened legal proceedings against the Council on a number of occasions but we have not been served with any court papers
- Your communication has included use of threats, intimidation or violence
- Your communication has included use of abusive, offensive or discriminatory language

Please note that in future Penrith Town Council will not reply to or acknowledge any further contact from you on any matter directly or indirectly related to the matters described above.

I will review this decision in 6 months' time, and you will be informed of the outcome of that review.

When making this decision I have considered the Local Government Ombudsman's Guidance on managing unreasonable complainant behaviour and I consider this to be a just and proportionate response.

However, if you submit any further complaints not related directly or indirectly to matters referred to above those complaints will be considered on their merits according to the appropriate process.

Signed:

Date:

Appendix E More Information

Background information from the Information Commissioner's Office and Local Government Ombudsman relating to vexatious requests.

Information Commissioner's Office

<https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

Local Government Ombudsman

<https://www.lgo.org.uk/information-centre/reports/guidance-notes/guidance-on-managing-unreasonable-complainant-behaviour>

Approved: May 2015

Reviewed: Annually

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REPORT TO FULL COUNCIL

Date: 15 July 2024

Public Report

Item no: 17

Matter: CALC Election of Board Directors

Author: Acting Town Clerk

Supporting Member: Council Chair

Purpose of Report:

To consider a request from the Cumbria Association of Local Council's (CALC) to nominate one Councillor to the CALC Board election process.

Recommendations:

- i. To consider whether the Council are minded to nominate one Councillor to the CALC Board election process, and if so to;
- ii. Receive nominations and approve one Councillor to be nominated for the subsequent election process.

Law and Legal Implications

The Town Council resolved from 15 May 2023, 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

- 1.1 The Council has received a written request from the Cumbria Association of Local Councils (CALC) (Appendix A) advising that in line with its Articles of Association all CALC Board Directors except the Treasurer will step down at the AGM in October 2024. CALC have agreed to appoint from its Membership of which this Council is, two Board Directors per geographical area, based on the old districts. The Board appointments will be made through nominations from member councils and a subsequent election process would follow.
- 1.2 It is a requirement that any nomination must be agreed at a properly convened meeting. Should a councillor be interested and nominated by the Town Council they must read and understand the role profile (Appendix B) and complete Section 1 of the Nomination Form (Appendix C) setting out their reasons for applying. Section 2 of the Nomination Form must be completed by the Town Council when approving the nomination.

Financial and Resource Implications

There are no financial implications associated with this report.

Equalities Implications

There are no equalities implications associated with this report.

Climate Change and Environmental Implications

There are no climate and environmental implications associated with this report.

Legal and Risk Implications

Appendix B outlines the role profile for a CALC Board Director. Included within the same document is the Directors core duties which any Director must comply with.

Appendices

Appendix A – Letter Election of Board Directors for the CALC Board

Appendix B – CALC Board Generic Director Role Profile

Appendix C – CALC Board Nomination Form

Background Papers

- None



Fire and Rescue Service Headquarters
Carleton Avenue
Penrith
Cumbria, CA10 2FA

office@calc.org.uk

To: Clerks / members of Town Councils/Parish Councils/Parish Meetings who are members of CALC in the Eden area

6th June 2024

Dear Colleague

ELECTION OF BOARD DIRECTORS FOR THE CALC BOARD

In line with the CALC Articles of Association all CALC Board Directors except the Treasurer will step down at the CALC AGM in October 2024. At the last meeting of the CALC Board of Directors it was agreed to appoint from the membership two Board Directors per geographical area (based on the old districts). These appointments will be made through nominations from members councils and a subsequent election process.

Below is the timetable for the election of Directors to the CALC Board (role profile attached).

Also enclosed is a Nomination Form should your Council/Meeting wish to nominate a candidate, no Council/Meeting can make more than one nomination.

Any nomination by your Council/Meeting for the Eden area must be agreed at a properly convened meeting. The candidate must read the Role Profile attached for a Director for the CALC Board and complete Section 1 **and** the section called 'Reasons for Applying' at the bottom of the Nomination Form which will subsequently be circulated with the ballot papers.

Section 2 should be completed on behalf of your Council/Meeting. The completed Nomination Form must be received at this office no later than **noon on Thursday 1st August 2024**. Any received after that time and date will be rejected. We will accept emailed nomination forms but request that a hard copy is sent to the CALC office for our records. However, as long as an email is received before noon, that will stand as your parish's nomination.

If more than two candidates are nominated from Eden for the role of Director for the CALC Board an election will be held in the Eden area and the Ballot Paper for your Council/Meeting (on which the vote of each councillor or Parish Meeting Chairman can be recorded) will be dispatched to you on **Friday 9th August 2024** by email.

The deadline for the receipt of the completed ballot paper is **noon on Friday 30th August 2024**. We will accept emailed ballot papers but request that a hard copy is sent to the CALC office for our records. However, as long as an email is received before noon on the **30th August 2024**, that will stand as your parish's ballot paper.

Chairman: Mary Bradley

Chief Officer: Sonia Hutchinson

www.calc.org.uk

CALC Board

Generic Director – Role profile

Introduction

From 1st October 2023 CALC became a Company with a Board of Directors who will play a vital role in making sure that CALC continues to achieve its core purpose whilst the revised governance arrangements are embedded. Under the Companies Act 2006 (sections 171-177), a company director has 7 core duties, which are based on certain common law rules and equitable principles. These are attached as appx1.

The following role profile is an interpretation of these as they relate to Board members of CALC which has a main aim of supporting a membership of Town and Parish Councils and Parish Meetings.

Board members have a collective responsibility. This means that Directors always act as a group and not as individuals.

Appointment of Board members.

This is outlined in the governance documents. Initially the elected executive as at 30/9/23 will become the initial Directors they will step down at the first annual meeting. Newly elected Directors will serve for 3 years with a rolling recruitment process each year. Directors must be at least 16/18 years old; not be an undischarged bankrupt and not be a disqualified director.

CALC Directors Main Roles

Ensuring compliance with the Company's Governing documents

- Ensure CALC is carrying out its main purpose for the benefit of CALC membership.
- Support and provide advice on CALC's purpose, vision, goals, and activities.
- Actively participate in strategic development and goal setting
- Understand the needs of the membership, funders, and external stakeholders.
- Approve operational strategies and policies and monitor and evaluate their implementation.
- Keep abreast of changes in local authority governing and operating environment.
- Contribute to regular reviews of CALC's own governance, particularly in the transitional phase.
- Attend AGM, Board meetings and CALC Cumberland / Westmorland Association meetings, adequately prepared to contribute to discussions.

Ensure the company is accountable.

- Provide support and challenge to CO in the exercise of their delegated authority and affairs.
- Ensure that appropriate external advice is sought on areas of expertise e.g. law, finance, governance
- Participate in sub- groups, as required, to progress identified areas of focus.
- Ensure that key risks are being identified, monitored and controlled effectively.
- Receive and discuss updates from CO and 'field officers'

- Receive and discuss updates from geographically placed Directors from their Town and Parish councils.
- Receive and discuss updates from CALC representatives on various organisations working groups.
- Ensure there are clear lines of personnel management for CO, officers and volunteers (including Directors)

Manage the company's resources responsibly.

- Ensure the effective and efficient administration of the organisation.
- Contribute to CALCs financial plans and the budget setting process.
- Monitor and evaluate progress regarding income, expenditure considering how to address issues of variance.
- Review and approve CALC financial statements.
- Ensure risk registers are reviewed annually.
- Ensure returns to company house are accurate and timely.
- Ensure policies and procedures are in place and reviewed annually.

Act with responsible care, skill and diligence.

- Contribute to the broader promotion of CALC's objects, aims and reputation by applying your skills, expertise, knowledge, and contacts.
- Use independent judgment, acting legally and in good faith to promote and protect CALC's interests, to the exclusion of their own personal and/or any third -party interests.
- Seek clarity and advice to enable and ensure sound decision making.
- Be prepared to be actively involved outside of board meetings which may include : scrutinising board and other papers/documents, leading discussions, focusing on key issues, providing advice and guidance on new initiatives, presenting externally, or other issues in which the trustee has special expertise.
- Ensure that all actions avoid conflicts of interest, personal gain, or undue influence from third parties.

Personal skills and qualities

- Experience of town and /or parish council operations
- Willingness and ability to understand and accept their responsibilities and liabilities as Directors and to act in the best interests of the organisation.
- Ability to think creatively and strategically, exercise good, independent judgement and work effectively as a board member.
- Effective communication skills and willingness to participate actively in discussion.
- Able to contribute effectively as a representative, reflecting accurately views and concerns.
- A strong personal commitment to equity, diversity, and inclusion.
- Enthusiasm for our vision and mission.
- Be prepared to be actively involved outside of board meetings e.g., subgroups, locality meetings, supporting the CO with particular areas of personal experience or expertise.
- Willingness to lead according to our values.
- Commitment to Nolan's seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

MHB 1/10/23 amended 27/11/23

1. To act within powers

A director must act in accordance with the decision-making powers defined in the company's articles of association ('constitution'), which is a governing document that outlines the rules and regulations for running the company.

2. To promote the success of the company

A director must act in good faith and in a manner that he/she considers most likely to promote the company's success for the benefit of its members as a whole.

In doing so, a director must have regard for the consequences of his/her decisions on other stakeholders, including employees, creditors, suppliers, customers, and communities, as well as considering the impact on the environment, the reputation of the company, and the long-term success of the business.

3. To exercise independent judgment

A director must exercise independent judgment by developing an informed view on the activities of the business, rather than simply enacting the demands of majority board members or other beneficial parties.

4. To exercise reasonable care, skill, and diligence

Directors must exercise reasonable care, skill, and diligence whilst carrying out all functions of the role and ensure decisions are recorded appropriately. A director is expected to possess the general knowledge, skill, and experience that could be reasonably expected of a person appointed to carry out the functions of a director in relation to CALC rather than being appointed purely on the merit of name or reputation.

5. To avoid conflicts of interest

Directors must avoid or manage all situations in which they have, or may have, conflicts of interest that could affect their objectivity and loyalty to the company. Specific interests must be declared each year and for e.g. individual agenda items.

6. Not to accept benefits from third parties

A director must not accept any benefits from third parties that are given because he/she is a director, or as a result of doing (or refraining from doing) anything as director. In this context, the Companies Act 2006 defines 'third parties' as: *"a person other than the company, an associated body corporate, or a person acting on behalf of the company or an associated body corporate."*

7. To declare interest in proposed transaction or arrangement

If a director is directly or indirectly interested in any proposed transactions or arrangements with the company, he/she must declare the nature and extent of such interest to the other company directors.

8. An additional duty is to ensure all legislative requirements and guidance are adhered to. Examples are Filing of financial returns, Health and Safety, Employment Law

MHB 1/10/23 amended 23/11/23

CALC BOARD
APPOINTMENT OF TWO DIRECTORS FOR THE CALC BOARD – EDEN AREA

NOMINATION FORM

Please complete this form in **BLOCK CAPITALS OR TYPESCRIPT** and email to office@calc.org.uk by no later than 1st August 2024

SECTION 1: CANDIDATE'S DETAILS (to be completed by the candidate)

Surname _____ Title (eg Mr, Mrs, Ms, Dr) _____

Forenames (in full) _____

Address _____

_____ Postcode _____

Contact telephone number _____ and email address _____

I am a member of _____ Parish Council **OR**

I am the Chairman of _____ Parish Meeting

I confirm that I wish to serve as a Director for the CALC Board under the terms of the role profile which I have read.

I have completed the sections overleaf and confirm that I am eligible for appointment.

Signature _____

Date _____

SECTION 2: NOMINATING PARISH DETAILS (to be completed on behalf of the nominating Parish Council or Parish Meeting)

I confirm that the candidate whose details are given above was nominated for appointment as Director for the CALC Board.

_____ Parish Council/Meeting

at a meeting held on _____ 2024.

Signature on behalf of the Parish Council/Meeting _____

Name (please print) _____

Position held (eg Clerk, Chairman) _____

Contact telephone number _____ and email _____

Date _____

NAME OF CANDIDATE (in full)

Please complete in BLOCK CAPITALS OR TYPESCRIPT keeping to a single page.
This page will be copied and circulated with the Ballot Papers.

1. Reasons for Applying

Please say why you are interested in becoming a Board Director for Cumbria Association of Local Councils limited by guarantee.

2. Relevant Skills, Knowledge and Experience

Please say what skills, knowledge, experience and qualities you would bring to the CALC Board if appointed and how you meet the criteria for the role.

NB: Do not continue on a second page. Only this first page will be circulated with the Ballot Papers.