

MINUTES OF THE MAY ANNUAL COUNCIL MEETING
OF BIRCHWOOD TOWN COUNCIL, HELD AT
PARKERS FARM COMMUNITY CENTRE, DELENTY DRIVE, RISLEY
ON TUESDAY 28TH MAY 2019

- Present:** Councillor Atkin in the Chair
Councillors Allman, Bowden, Breslin, Evans, Fitzsimmons, M. Hearldon,
T. Hearldon and Reeves

Clerk – Mrs. F. McDonald
Deputy Clerk – Mrs C. Caddock
Business and Finance Officer - Mr. G. Crowe
- Apologies:** Councillors D. Ellis, J. Ellis and Nelson
The Police representatives

036/19-20 **APPOINTMENT OF CHAIR 2019/2020**

This being the Annual Council Meeting, Councillor Atkin called for nominations for the office of Chair for the next municipal year.

It was **proposed** by Councillor M. Hearldon and **seconded** by Councillor Evans that Councillor Reeves be nominated for the office of Chair.

RESOLVED: unanimously that Councillor Reeves be appointed Chair for the municipal year 2019/2020.

Councillor Reeves accepted the appointment and signed the Declaration of Acceptance of Office in the presence of the Clerk and Business and Finance Officer.

Councillor Reeves in the Chair

On accepting the office of Chair, Councillor Reeves thanked Members for their support.

Councillor Fitzsimmons congratulated Councillor Reeves on being elected as Chair of the Council for the coming year and proposed a vote of thanks to Councillor Atkin for his hard work throughout the previous year. This was unanimously supported by those present.

037/19-20 **APPOINTMENT OF VICE CHAIR**

Councillor Reeves then called for nominations for the office of Vice Chair for the municipal year 2019/2020.

It was **proposed** by Councillor Evans and **seconded** by Councillor Allman that Councillor Breslin be nominated for the office of Vice Chair.

RESOLVED: unanimously that Councillor Breslin be appointed Vice Chair for the municipal year 2019/2020.

038/19-20 **APPOINTMENT OF LEADER OF THE COUNCIL**

This is a position that Birchwood Town Council chooses to elect a Member to. The role and function of the Leader is set out in the Council's Standing Orders, regarding appointments.

Councillor Reeves called for nominations for the office of Leader of the Council for the municipal year 2019/2020.

It was **proposed** by Councillor Evans and **seconded** by Councillor Fitzsimmons that Councillor Bowden be nominated as Leader of the Council.

RESOLVED: unanimously that Councillor Bowden be appointed Leader of the Council for the municipal year 2019/2020.

039/19-20 CODE OF CONDUCT FOR MEMBERS

All Members have a duty to abide by the official national guidelines regarding the Local Authorities (Model Code of Conduct) Order 2007 (S1 No 1159) which came into effect on the 3rd May 2007.

At its meeting on 26th June 2012, Birchwood Town Council adopted the same Code of Conduct also adopted by Warrington Borough Council (which was updated in June 2016), to promote and maintain high standards of conduct. The Code has been adopted under section 27 of the Localism Act 2011 and is based on the following core principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It sets out general obligations about the standards of conduct expected of members and co-opted members of the Council, together with provisions about registering and declaring interests.

It can be found on the Town Council's website:

<http://www.birchwoodtowncouncil.org.uk/council/code-of-conduct>

Members were requested to formally record their adoption of the Code of Conduct to operate for the period June 2019 – May 2020.

It was **proposed** by Councillor Fitzsimmons, **seconded** by Councillor Evans and unanimously **resolved**: that the Town Council formally record its adoption of the Code of Conduct.

040/19-20 STANDING ORDERS 2019/2020

The BAFO stated that there were no changes to the Standing Orders since May 2017 and requested that Members consider formally adopting the Standing Orders 2019 document.

It was **proposed** by Councillor Fitzsimmons, **seconded** by Councillor Evans and unanimously **resolved** to formally adopt the amended Standing Orders (previously amended in June 2017 and last adopted in May 2018).

041/19-20 FINANCIAL REGULATIONS 2019/2020

The BAFO asked Members to note some minor changes and also some updates included; in order to follow our internal auditor's guidance. These were highlighted in red in the copies circulated to Members in their papers. (See pages 36 to 45 below.)

The BAFO asked Members to consider formally adopting this new Financial Regulations document.

It was **proposed** by Councillor Fitzsimmons, **seconded** by Councillor Atkin and unanimously **resolved** to formally adopt the amended Financial Regulations, which had been copied to Members in their papers (previously amended and adopted in May 2018).

042/19-20 APPOINTMENT OF THE COUNCIL'S SUB-COMMITTEES – 2019/2020

Councillors discussed the appointments to sub-committees and Members were asked if they wished to be considered for any particular committee. Members who could not attend tonight's meeting had been asked for their preferences prior to this evening.

It was **resolved**: that there would be four sub-committees for 2019/2020 as follows:

1. Finance, Audit and Personnel
2. Youth, Leisure and Environment
3. Policy, Strategy and Engagement
4. Climate Change

It was **resolved:** that the appointments to the four sub-committees are:

- | | | |
|-------|--|--|
| (i) | Finance, Audit and Personnel
Sub-committee | Councillor Bowden
Councillor Breslin
Councillor D. Ellis
Councillor Evans
Councillor Fitzsimmons
Councillor Reeves |
| (ii) | Youth, Leisure and Environment
Sub-committee | Councillor Bowden
Councillor Fitzsimmons
Councillor T. Hearldon
Councillor J. Ellis
Councillor Nelson
Councillor Reeves |
| (iii) | Policy, Strategy and Engagement
Sub-committee | All Members |
| (iv) | Climate Change | Councillor Allman
Councillor Bowden
Councillor D. Ellis
Councillor Reeves |

043/19-20 **APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES:**

Councillors discussed the appointment of representatives to outside bodies and **resolved that:** the representatives on outside bodies for 2018/2019 would be as follows:

- (a) **Your Housing Group**
Councillor J. Ellis
- (b) **Birchwood Forum**
Councillor D. Ellis
Councillor Reeves
- (c) **Police Representative**
Councillor D. Ellis
- (d) **Friends of Birchwood Forest Park**
Councillor Allman
Councillor Evans
- (e) **Risley Moss**
Councillor Atkin
Councillor Evans
- (f) **Birchwood Youth and Community Centre Committee**
Councillor Allman
Councillor Breslin
Councillor D. Ellis
Councillor J. Ellis
Councillor Nelson

(g) **Birchwood Partnership & Steering Group**

Councillor D. Ellis
Councillor Bowden

(h) **Oakwood Community Association**

Councillor Allman
Councillor Evans

(j) **Birchwood Carnival Committee**

Councillor Atkin
Councillor Bowden
Councillor Breslin
Councillor D. Ellis
Councillor Nelson
Councillor Reeves

(k) **Warrington Rights of Way Forum**

Councillor Evans

044/19-20 **APRIL TOWN COUNCIL MEETING MINUTES**

Councillor Fitzsimmons proposed, Councillor Atkin seconded and it was resolved that: The Minutes of the Town Council Meeting held on 23rd April 2019 be approved as an accurate record and signed by the Chair.

Code of Conduct – Declaration of Interests

The Chair reminded members of their responsibility to declare any personal interest or prejudicial interest which they have in any item of business on the agenda, no later than when the item is reached.

Councillors Allman, Evans – the Friends of Birchwood Forest Park

Councillors Allman and Evans – Oakwood Community Association

Councillors Allman and Breslin – Birchwood Youth & Community Centre Committee

Councillors Atkin, Bowden, Breslin and Reeves – Birchwood Carnival Committee

Councillor Reeves – Birchwood Community High School

045/19-20 **PUBLIC PARTICIPATION**

(a) **Police Monthly Update**

There was no Police presence at tonight's meeting. However, PCSO Gina Jones had emailed a brief report to the Council earlier in the day, relating to occurrences reported to Cheshire Police during May (to date) 2019, as follows:

Burglary, theft from motor vehicle, theft of motor vehicle

- There haven't been any business burglaries.
- There has been 1 x theft from motor vehicle - theft of vehicle registration plates - Forbes Close.
- There hasn't been any theft of motor vehicles.

Anti-social behaviour

- An incident was reported to whereby 4 youths were cycling in and out of the road at Oakwood Gate. PCSO Jones was on duty and attended the location but there was no sign of any youths in the area. The person reporting possibly has dash cam footage which they may possibly be able to provide.
- Another incident of ASB was reported where youths are using a motorbike riding on a public footpath around the area of Palliser Close. No further details in relation to the bike or description of riders and no CCTV.

Other incidents of note

- Theft of pushbike outside Birchwood High School – CCTV available and will be collected by PCSO Jones.
- 2 x Criminal Damage incidents whereby tyres on vehicles' have been slashed. (Rockingham Close, Redshank Lane) No CCTV and no witnesses.
- Another incident of Criminal Damage where a vehicle window possibly caused by a pellet gun. No CCTV and no witnesses. (Whitethroat Walk)
- Jetwash Machine at BP Oakwood Gate was broken into and £75 cash was stolen. CCTV is available and will be collected by PCSO Jones
- Travellers were parked up at Talk Talk premises, Garret Field.

Traffic management

- PCSO Jones carried out Speed Enforcement on Warrington Road on 24/04/2019 where 3 vehicles were travelling in excess of the limit within a 40-minute period.

Birchwood PCSO planned Surgery Dates

Monday 17th June 10:00 – 11:00
Wednesday 26th June 10:00 – 11:00
Saturday 6th July 11:00 – 12:00
Friday 12th July 16:00 – 17:00
Wednesday 17th July – 10:00 – 11:00
Saturday 27th July 11:00 – 12:00

Friday 2nd August 16:00 – 17:00
Wednesday 7th August 10:00 – 11:00
Saturday 17th August 11:00 – 12:00
Friday 23rd August 16:00 – 17:00
Wednesday 28th August 10:00 – 11:00

(b) Community Issues

As the residents present had already raised the issues they wished to at the Annual Town Meeting that took place prior to the Annual Council Meeting and had no additional matters to raise, the Chair declared Public Participation over.

046/19-20 PLANNING APPLICATION UPDATE

(a) *Application No. 2019/34410 New Hall Farm, School Lane, Birchwood, WA3 6LH.*

The Clerk reminded Members that we had received a letter of thanks to the Council, and to Members who had spoken against the application when it was presented for discussion at the Development Management Committee on 17th April 2019; even though it was subsequently approved.

The resident had also sent a copy of a reply he received from the Planning Inspectorate (copied to Members in their papers) in reply to concerns that he had raised with them regarding the appeal process relating to this application.

- (b) *Application No. 2019/34700 3 Delenty Drive, Birchwood, WA3 6AN. Proposed residential development of 11 dwellings.*

The Clerk reminded Members that at the April meeting they did not have any comments or objections to make regarding the above application at that time. However, she noticed that there was a discrepancy with what the Council understood, regarding some trees that have TPO on them on the site, as a box ticked on the planning application relating to existing trees on the site states 'no' which we think is incorrect.

In addition, the Ecological Survey was undertaken on behalf of a previous developer back in 2014 and the Clerk wondered if this was acceptable, given the time lapse and that the developer is utilising a previous survey, undertaken for a different application.

The Clerk stated that she has written to the Planning Department to bring these queries to their attention.

047/19-20 **UPDATE RE: ACTION ITEMS FROM MEETINGS WITH WBC OFFICERS**

The Clerk stated that with the exception of item (c) below – all the others remain ongoing:

- (a) **Ownership and responsibility for footpaths running from Birchwood Park Avenue onto the business park; to Chadwick House and Hinton House, etc.**

Update: The Clerk stated that this remains ongoing.

- (b) **A list was provided by BTC to WBC in October 2018 re: areas of overhanging shrubbery which need to be cut back to prevent injury to our team when they are mowing. The shrubbery on the list is owned by WBC.**

Update: Councillor Bowden has not received any update from WBC.

- (c) **Copperfield Close Planter**

Update: The Clerk reported that the planter for the entrance to Copperfield Close has now been installed

- (d) **Barrier planters**

At the March meeting it was resolved that there are too many obstacles in the way to pursue this further.

Update: The Clerk's office will continue to liaise with WBC regarding the possibility of installing additional ground level planters.

- (e) **Clayton Road – litter**

Update: WBC has ordered two new litter bins for Clayton Road; we don't yet have an installation date.

- (f) **Electricity North West (ENW) Works**

Update: This remains ongoing. There are a few areas where some of the repairs are still temporary and are not yet up to standard.

- (g) **Damaged Wall – Gorse Covert Shop**

Update: WBC is still considering whether additional work could be done to this raised bed which would make it less liable to damage and ongoing repair costs.

Action The Clerk's office to continue to liaise with WBC regarding this ongoing issue.

(h) **Street Lighting**

Update: The Clerk had requested formal feedback from the evening walkabout that took place on Thursday 7th March, covering quite a lot of ground in Oakwood. She has chased this up but has still not received a reply.

048/19-20 **YOUR HOUSING GROUP (YHG) - UPDATE**

(a) **Walkabout**

The Clerk reported that she and the Senior Maintenance Operative invited the YHG Director of Property Operations and the Senior Property Team Leader on a walkabout on 16th May 2019, to see, first hand, some of the ongoing concerns that are continually being raised by residents with the Town Council, relating to YHG areas. The included areas where there are significant amounts of flytipping, and where green waste is being dumped.

In addition, they were able to show the YHG representatives areas where the footpaths are narrowed, due to lack of maintenance – where scraping them back would widen them considerably and where overgrown nettles, brambles, overhanging tree branches etc. need trimming back.

Another issue raised on the walkabout was that on some of the main roads in Birchwood, such as Ordnance Avenue, there are stretches that are owned by YHG, but do not appear to be on their maintenance schedule.

This walkabout enabled the YHG representatives to be more appreciative of the concerns raised by their tenants and other residents within YHG areas.

YHG plan to look at doing some more ‘tidy up’ days, possibly with the next being concentrated around the Redshank Lane area.

(b) **Benches**

The Clerk said that we have been informed that YHG has funding available to replace the benches initially removed to another area, from The Birches. It is proposed that they will be installed in the Forest Park, following liaison with the Ranger and WBC; and possibly linking in with the aspirations of The Friends of Birchwood Forest Park group.

049/19-20 **PROPOSED EXTENSION OF PARKING RESTRICTIONS ON CHATFIELD DRIVE**

The Clerk said that it has been confirmed that both the extension of the double yellow lines and the extension of the speed limit to 20mph from 30mph past the high school will be going ahead in the near future.

050/19-20 **BMX/PUMP TRACK**

Councillor Allman said that the new BMX/pump track has been completed. He informed Members that the Ranger has said that there will be an official opening taking place, soon, by WBC, although the exact date isn't known.

Councillor Allman added that he understands that some skateboard experts will be invited to give a skateboarding demonstration at the opening event. He suggested that we might enquire whether the Chair or a representative of the Town Council would be invited to attend.

The BAFO said that this was the final phase of the Forest Park project and although the Town Council has not had to fund any part of the pump track project, they had been heavily involved with, and had put significant funding into the other phases of the work.

The Clerk said that she would make some enquiries about the opening of the new pump track.

Action Clerk's office to make enquiries re: the opening event for the pump track.

NEW ITEMS RAISED UNDER THE CLERK'S REPORT TO THE COUNCIL

051/19-20 WARRINGTON BOROUGH COUNCIL

- (a) Sent/received – Emails re: trees on Havisham Close following the receipt of an email from a resident concerned about their height, lack of maintenance and worried that children climb them. WBC has stated that, “. . . *As these are private trees there is not much WBC can do . . . As long as the tree is safe and not affecting a highway there is nothing that can be done.*

If there is a height clearance issue with the road/footpath, this can be forwarded to the highways department. They can invoke a notice to the owner to have the trees crown lifted. This would only raise the lower canopy not reduce the height of the tree.”

- (b) Sent - emails re: blocked drains in several locations including Old Warrington Road, Kinsale Drive, Woodhouse Close and Violet Close.
- (c) Sent/received – emails re: redundant green cabinet on old Warrington Road, following a report that the front ‘door’ of the cabinet was unattached and had fallen onto a child’s leg. Our team taped it up temporarily; we asked WBC if the owner of the cabinet could be contacted with a view to removing it. WBC attended the same day and put a metal band around the cabinet to hold the door in place securely.
- (d) Sent – email asking whether WBC has any cautionary roadside signage regarding wildlife – particularly ducks; as several groups of ducks have taken to visiting and sleeping in a number of locations around Birchwood recently and one was unfortunately killed last week.
- WBC asked for a list of areas where the ducks are crossing. We have sent a list of areas they have been spotted and WBC will do a site visit to see if they can assist with some signage.
- (e) Sent – email re: overgrown shrubbery Woolmer Close. We are awaiting a reply. (Case ref: CRM 886966).
- (f) Sent – email re: overgrown shrubbery Woodhouse Close, allegedly preventing a resident from replacing their fencing. We are awaiting a reply. (Case ref: CRM 886967.)
- (g) Sent – email regarding some red footsteps painted on a path near Birchwood Fire Station. (Case ref: CRM 886973). We are awaiting a reply.

052/19-20 YOUR HOUSING GROUP (YHG)

- (a) Sent/received various emails re: flytipping.
- (b) Received – Information re: the necessary removal of cherry trees that are decaying, on Linnet Grove. Some additional trees will probably be removed during the next survey cycle (in two years’ time). Replacement trees, more suitable for the roadside, will be planted during the winter planting season.
- (c) Received/sent – emails re: some alleged diseased silver birch trees in an area of Kingfisher Close. YHG will be surveying this area as part of their ongoing tree survey very shortly.

053/19-20 BIRCHWOOD FORUM

- (a) Received – various updates and invitations to some events hosted by Birchwood Forum.
- (b) Received – Warrington & Co. – Steve Park’s Update – 1st May 2019.

054/19-20 **MISCELLANEOUS CORRESPONDENCE**

- (a) Received – Various update/information emails from Warrington Voluntary Action.
- (b) Received – Correspondence from our website consultant updating us on progress relating to accessibility regulations for websites and mobile applications and what is being done to ensure our website complies.

The Clerk reported that this is an ongoing process and we are continuing to liaise with our website consultant with regards to making the necessary adjustments.
- (c) Received/sent – emails following the receipt of concerns from a resident regarding the effect of the roadworks on Birchwood Way on the pond wildlife, on the approach to junction 11 of the M62.
- (d) Received – M62 Junctions 10 – 12 Smart Motorway Project update – 13th May 2019.
- (e) Received – invitation to the Induction Service for Revd. Stuart Nixon on 2nd June 2019, Thomas Risley Church. The Church is aware the is on the same day as the carnival, but it could not be avoided.
- (f) Received – Request from a member of the Stakeholder Engagement Team for HS2, asking if he could introduce himself and present an update (taking around 20 minutes) to the Council on 23rd July 2019.

Members said that they would like to invite the representative of the Stakeholder Engagement Team for HS2 to give a presentation to the Council.

Action Clerk's office to contact the representative of the Stakeholder Engagement Team for HS2 regarding the above.

- (g) Received – Newsletter from the Information Commissioner's Office – 2nd May 2019.
- (h) Received/sent – various emails following a query from a resident regarding responsibility for mowing outside his property. Following some investigation, it appears the previous resident preferred to cut this section of grass themselves and had made this agreement with WBC. We have informed the resident that the mowing can be put back on the WBC grass cutting schedule, if they wish. The resident also enquired about acquiring the piece of land; we referred him to WBC, as they own it.
- (i) Sent – email to Betfred re: a lot of betting slips that came off the back of a refuse wagon collecting from their premises, as the load was unsecured. Our team had just litter picked the area and had to return to pick up the scattered slips. The Clerk asked them to ensure their waste carrier secures the loads in future.
- (j) Received – Details of a 'Wonder Match' event – funded by the Science and Technology Facilities Council (STFC) – helping community groups in disadvantaged communities work with scientists to develop new ideas for activities to engage groups and communities in science and technology. Published on our Facebook page.
- (k) Received - a letter re: some tidying up of a footpath that a resident would like to be done. Our team went out and tidied up what they could. Some of the work could not be done as it related to a private hedge. As there were no contact details for the resident other than a name and address, the Clerk wrote to the resident to inform them the work had been undertaken, apart from the hedge and explained why.

The resident telephoned to say that he was very happy the work had been done, but it wasn't him that wrote the letter! It appears that someone used the resident's name and address without their knowledge.

The Clerk contacted our Data Protection Officer (DPO) to ask if this would be classed as a data breach.

The DPO advised that, *"This is not a data breach as no information has actually been breached to a third party or put at risk. However, this is actually a manual spoofing incident in that someone has impersonated another in order to achieve their aim."*

The Clerk said that the DPO had suggested that if such letters are received in future, then perhaps the office should write to the apparent addressee to confirm that they are the actual person making the request. There is a concern that this could be a bit onerous and delay issues that require dealing with.

The Clerk said that she will speak to the DPO again regarding this matter when he attends the office on 17th June to undertake the end of year audit (in his role as our internal auditor).

- (l) Received – details of the Cheshire Fire Fighter Challenge and Family Fun Day – 1st June 2019 at University of Chester, Warrington Campus, 9am – 5pm.
- (m) To note that there is a Dementia Friends (free) information session being held at Parkers Farm on 18th June 2019.
- (n) Received – Warrington East Phases 2 and 3 Project News – Issue 14 (updates).

055/19-20 **CESHIRE POLICE**

- (a) Received – copies of various Police Alerts.
- (b) Received – (copied into) an email sent to the Police re: speeding on Glover Road.

056/19-20 **CESHIRE ASSOCIATION OF LOCAL COUNCILS (CHALC), NATIONAL ASSOCIATION OF LOCAL COUNCILS (NALC), SOCIETY OF LOCAL COUNCIL CLERKS (SLCC)**

- (a) Received – ChALC weekly e-bulletins with various attachments, details of training sessions, etc.
- (b) Received - NALC Chief Executive Bulletins, Blogs and Newsletters.
- (c) Received – SLCC – various News bulletins and details of Branch meetings, conferences, etc.

057/19-20 **PUBLICATIONS RECEIVED**

Various LGC magazines & e-mail Briefings, Clerks & Councils Direct – May 2019
LCR – Spring 2019, The Clerk – May 2019

058/19-20 **PRESS RELEASES**

Noted - items published in the local press that might be of interest to Councillors.

059/19-20 **MEMBERS' REFERRALS MADE VIA THE CLERK PRIOR TO THE MEETING FOR CONSIDERATION AT THIS COUNCIL MEETING**

There were no Members' Referrals made prior to the publication of the Clerk's Report.

060/19-20 **CURRENT PLANNING APPLICATIONS FOR COMMENT AND OBSERVATION AND OTHER RELATED PLANNING ISSUES**

(a) **Warrington Borough Council**

Received – link to the Development Management Committee meeting document pack for 15th May 2019. There were no items specific to Birchwood on the main agenda for discussion at the meeting.

(b) **Enforcement Cases**

Lists of enforcement cases recently opened/closed have been received.

(c) **Planning Decisions**

- (i) Application No. 2019/34371 (21 Pennant Close, WA3 6RR) Proposed single storey side/rear extension with (19 Pennant Close, WA3 6RR) two storey rear and single storey rear/side extension. **Approved with conditions**
- (ii) Application No. 2019/34553 740 Birchwood Boulevard, Birchwood, WA3 7PS. Proposed extension to ground floor and external alterations to building. **Approved with conditions**

(d) **Planning Applications**

All plans can be viewed via:

http://www.warrington.gov.uk/home/transport_planning_and_environment/Planning/Se arch_planning_applications/

Certain applications are not Planning Applications; therefore there is no statutory opportunity to allow 21 days for comments, e.g: Non material amendment applications, Lawful development certificates (S192) and 28 day prior approval/determination applications. These types of applications are received for information only.

- (i) Application No. 2019/34852 Parkers Farm, Delenty Drive, Birchwood, WA3 6AN. Lawful Development Certificate. Proposed raking and repointing of Portland Cement mortar with a lime-based mortar. Replacement of any broken/slipped tiles to match existing and general decoration of weathered timber windows.
- (ii) Application No. 2019/34958 22 Carden Close, Birchwood, WA3 6LT. Proposed single storey front extension.
- (iii) Application No. 2019/34909 Wilson House, Kelburn Court, Daten Park, WA3 6UT. Proposed illuminated company name sign (fascia).
- (iv) Application No. 2019/34800 10 Keyes Close, Birchwood, WA3 6RU. Proposed demolition of existing conservatory and construction of single storey rear extension.

061/19-20 **CURRENT STRATEGY & ACTION PLAN UPDATE**

There were no updates to report at tonight's meeting.

This part of the meeting concluded at 7.10 pm.

**BIRCHWOOD TOWN COUNCIL
FINANCIAL REGULATIONS
MAY 2019**

These revised Financial Regulations are to be considered for adoption by the Council at its Meeting to be held on 28th May 2019.

1. GENERAL

- 1.1 These financial regulations govern the conduct of the financial transactions of the Council and may only be amended or varied by resolution of the Council.
- 1.2 The Responsible Financial Officer (RFO), under the policy direction of the Council, shall be responsible for the proper administration of the Council's financial affairs.
- 1.3 The RFO shall be responsible for the production of financial management information.

2. ANNUAL ESTIMATES

- 2.1 The Council will approve budget/expenditure proposals by December each year.
- 2.2 Detailed estimates of all receipts and payments for the year shall be prepared each year by the RFO.
- 2.3 The Council shall review the estimates not later than the end of January each year and shall fix the Precept to be levied for the ensuing financial year. The RFO shall supply each member with a copy of the approved estimates.
- 2.4 The annual budgets shall form the basis of financial control for the ensuing year.
- 2.5 The Council shall prepare and have regard to a three year forecast of Revenue and Capital Receipts and Payments which shall be prepared at the same time as the annual Budget or Estimates.

3. BUDGETARY CONTROL

- 3.1 Expenditure on revenue items may be incurred up to the amounts included in the approved budget.
- 3.2 No expenditure may be incurred which will exceed the amount provided in the revenue budget, other than for some exceptional circumstance reported to the Council and for which interim or alternative funding provision could be made. No such expenditure should be incurred without the subsequent resolution of the Council.
- 3.3 The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure against that planned.
- 3.4 The Clerk/RFO may incur reasonable expenditure on behalf of the Council – in liaison with the Chair of the Council which is necessary to carry out any repair, replacement or other emergency work which is of such urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure. The Clerk/RFO shall report the action to the Council as soon as practicable thereafter.

- 3.5 Unspent provisions (other than earmarked reserves) in the revenue budget will fall into balances and shall not be carried forward to a subsequent year.
- 3.6 No expenditure shall be incurred 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, or the requisite borrowing approval has been obtained.
- 3.7 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

4. ACCOUNTING AND AUDIT

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit Regulations 1996 as amended.
- 4.2 The RFO shall be responsible for completing the annual financial statements of the Council as soon as practicable after the end of the financial year and shall submit them and report thereon to the Council.
- 4.3 The RFO shall be responsible for completing the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and for submitting the Annual Return for approval and authorisation by the Council within the timescales set by the Accounts and Audit Regulations 1996 as amended, or set by the Auditor.
- 4.4 The RFO shall be responsible for ensuring that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with Regulation 5 of the Accounts and Audit Regulations 1996 as amended. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.
- 4.5 The Internal Auditor shall carry out the work required by the RFO, or by the Council, with a view to satisfactory completion of the Internal Auditor's Report section of the Annual Return as compiled annually by the Audit Commission. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing on a regular basis with a minimum of one annual report in respect of each financial year.
- 4.6 The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers required by Audit Commission Act 1998 section 15 and the Accounts and Audit Regulations 1996 as amended.
- 4.7 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

5. BANKING ARRANGEMENTS, CHEQUES, BACS PAYMENTS AND STANDING ORDERS

- 5.1 The Council's banking arrangements shall be made by the RFO and approved by the Council. They shall be regularly reviewed for efficiency, effectiveness, liquidity and financial market news on their operations. The Council has, from April 2013 made regular invoice payments via the BACS system where appropriate. This will be reported on the Monthly Expenditure Bank Account Schedule and Reconciliation.

- 5.2 A schedule of the payments required, forming part of the Agenda for the Meeting, shall be prepared by the RFO and Deputy Clerk, together with the relevant invoices, be presented to Council. If the schedule is in order it shall be authorised by a resolution of the Council and shall be initialled by the Chairman of the Meeting. If more appropriate the detail may be shown in the Minutes of the Meeting.
- 5.3 Cheques drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 or in accordance with paragraph 6.4, shall be signed by two members of the Council.
- 5.4 The Clerk/RFO will ensure and be responsible to ensure that the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation are correct and relevant for the signatories.
- 5.5 With effect from the 2014/2015 financial year and onwards, the Town Council authorised and introduced the move to electronic banking with the Co-operative Bank. The system will be used for account management, invoice and payroll payments. The system has various authorisation controls for the Clerk, the Finance Officer and Deputy Clerk, whereby no one person can create accounts or be involved in actual payments processing. (See Appendix A)

A maximum payment for any single transaction has been set at **£20,000 (with effect from September 2018)**. All payments made are set out on the Monthly Payments and Bank Reconciliation documents, presented monthly to Members.

A second bank account (replacing a Barclays account) held with the Nationwide, has been opened in 2017/2018. Details of the account are set out in Appendix B.

6. PAYMENT OF ACCOUNTS

- 6.1 All payments shall be effected by cheque, **BACS**, or other order drawn on the Council's bankers. The Clerk/RFO is delegated with the Chair's approval in the interest of accounting efficiency to move regular standard payment items to the Direct Debit/Standing Order banking mechanism.
- 6.2 All invoices for payment shall be examined, verified and certified by the Clerk/RFO. The Clerk/RFO shall satisfy him/herself that the work, goods or services to which the invoice relates have been received, carried out, examined and approved.

Once a month the Chair and/or a member of the Finance Sub-committee shall randomly select and check several payments in order to satisfy him/herself that the work, goods or services to which the invoice relates have been received, carried out, examined and approved. They will countersign these invoice payments.

In the event of the Council receiving any request from a supplier e.g. to amend or change the payment details of their business name, banking account and payment detail from information currently held on our authorised payment beneficiary listing; the following actions must take place to prevent any act of fraud occurring:

- (i) Changes to account details for suppliers, which are used for internet banking, may only be changed on written hard copy notification by the supplier, signed, on headed paper.
- (ii) Notification by the supplier of a change to banking details to be confirmed with a known/main contact at the supplier.
- (iii) The hard copy authority for change to be signed by (two of) the Clerk, Deputy Clerk, RFO and/or a Member of the Council.

- 6.3 The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The Clerk/RFO shall take all steps to settle all invoices submitted, and which are in order, at the next available Council Meeting or earlier to meet invoice payment deadlines.
- 6.4 If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, the Clerk may (notwithstanding para 6.3) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of Council.
- 6.5 The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement:
- a) The RFO shall maintain a petty cash float, by cash advances of a maximum of £400 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
 - b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - c) Payments to maintain the cash float shall be shown separate on the schedule of payments presented to Council under 5.2 above.

7. PAYMENT OF SALARIES

- 7.1 The calculation and payment lists of all salaries are processed via a payroll bureau and shall be made in accordance with payroll records and the rules of PAYE, National Insurance and Superannuation Scheme currently operating, and salaries shall be as agreed by Council.
- 7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates, provided that each payment is reported to and ratified by the next available Council Meeting. **The Chair will sign for all changes to pay rates for employees proposed at the beginning of each financial year and verify quarterly (at minimum) on the accuracy of all employee wages, as approved by Council.**

8. LOANS AND INVESTMENTS

- 8.1 All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.2 The Council's Investment Policy, shall be in accordance with the Trustee Act 2000, and shall be reviewed on a regular basis (at least annually).
- 8.3 All investments of money under the control of the Council shall be in the name of the Council.
- 8.4 All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

9. INCOME

- 9.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 9.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 9.3 The Council will review all fees and charges annually, following a report of the Clerk/RFO.
- 9.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- 9.5 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 9.6 The origin of each receipt shall be entered on the paying-in slip.
- 9.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8 The RFO shall, quarterly at a minimum, complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1 An official order, letter or RFO verbal instruction shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2 Order books shall be controlled by the RFO.
- 10.3 All members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining two or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11 (1) below.
- 10.4 The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

11. CONTRACTS

11.1 Procedures as to contracts are laid down as follows:

- (a) Every contract shall comply with these financial regulations and prevailing statutory regulations for tendering – currently “The Public Contracts Regulations 2015” (where applicable) and no exceptions shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts which relate to items (i) to (vi) below:
 - (i) for the supply of gas, electricity, water, sewerage and telephone services; (see also note below vii);
 - (ii) for specialist services such as are provided by e.g. solicitors, insurance providers, accountants, surveyors, planning consultants, electrical work and specialist building and repair contractors;
 - (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 £250 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of Council);
 - (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

Note:

- (vii) Where a favourable price is quoted by a supplier/provider for work or services (e.g. gas, electricity, water and telephone services) and a short time limit of acceptance prevails; the Clerk/RFO are given authority to proceed with placing an order. They will be expected to inform the Chair/Vice Chair of the Council of the action taken and the circumstances prevailing and report the action to the next appropriate Finance and/or Council Meeting.
- (b) Where it is intended to enter into a contract exceeding £50,000 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) the Clerk/RFO shall invite tenders from at least three firms to be taken from the appropriate approved list.
- (c) 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 recommendation to the Council.
- (d) Such invitation to tender shall state the general nature of the intended contract and the Clerk/RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk/RFO in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

- (e) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk/RFO in the presence of at least one member of Council.
- (f) If less than three tenders are received for contracts above £50,000 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.
- (g) Any invitation to tender issued under this regulation shall contain a statement to the effect of Standing Orders.
- (h) When it is to enter into a contract less than £50,000 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) the Clerk or RFO shall adopt the following procedural steps:
 - 1) A specification of equipment or product requirement will be produced.
 - 2) The Clerk/RFO will establish in the first instance, the scope for a local or regional supplier to meet the needs of our specification. (This may be done, for example, via local trade directories, internet searches, or through preferred tenderer lists available via the Borough Council).
 - 3) An advertisement highlighting the work and invitations to express interest may be made for relevant high value works in the local press and/or local community magazine.
 - 4) A schedule of potential suppliers interested or invited to quote for the work will be agreed by the Finance and Audit Sub-committee and recommended to the Council.
 - 5) All returned quotations for works will be analysed by the Finance and Audit Sub-committee and a recommendation for the award of work will be made to the Council.
 - 6) All awards of work will be subject to statutory or regulatory compliant information and reasonable timescales being received from a supplier and, if required, a reference on the quality and after sales support of a supplier will be sought.

Where the value is below £10,000 and above £2,000 the Clerk or RFO shall obtain competitive quotations for the consideration of the Council, following the above general principles.

- (i) The Council shall not be obliged to accept the lowest or any tender, quote or estimate. Reasons for not accepting the lowest tender, quote or estimate will be recorded in the Council Minutes.

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 any percentage withholding 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/RFO to the Contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

13. STORES AND EQUIPMENT

13.1 The nominated officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.

13.2 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.

13.3 Stocks shall be kept at the minimum levels consistent with operational requirements.

13.4 The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14. PROPERTIES AND ESTATES

14.1 The Clerk/RFO shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned 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 Regulation 4(3)(b) of the Accounts and Audit Regulations 1996 as amended.

14.2 No property shall be sold 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 £50.

15. INSURANCE

15.1 Following an annual risk assessment, the RFO shall effect all insurances and negotiate all claims on the Council's insurers (in consultation with the Clerk).

15.2 The Clerk shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

15.3 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.

15.4 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.

15.5 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

16. CHARITIES

- 16.1 Where the Council is sole trustee of a Charitable body the Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

17. RISK MANAGEMENT

- 17.1 The Clerk with the RFO shall prepare and promote risk management policy statements in respect of all activities of the Council.
- 17.2 When considering any new activity the Clerk and RFO shall prepare a draft Risk Management policy for the activity and shall bring a draft addressing the legal and financial liabilities and Risk Management issues that arise to Council for consideration and, if thought appropriate, adoption.
- 17.3 The Council's annual Risk Assessment exercise for financial and operational processes is attached.

18. REVISION OF FINANCIAL REGULATIONS

- 18.1 It shall be the duty of the Council to review the Financial Regulations of the Council from time to time.

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Notes to the Model

1. The value inserted in any of the paragraphs may be varied by the Council and should be reviewed regularly and confirmed annually by the Council.
2. The appropriate approved list referred to in paragraph 11.1 (b) shall be a list drawn up by the Clerk and approved by Council but shall be based on the list maintained by the Borough Council for such works.