Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR
Tel: 01768 899 773 Email: office@penrithtowncouncil.co.uk

Date: 19 November 2018

Dear Councillor

You are hereby summoned to attend a meeting of the:

FULL COUNCIL

to be held on:

Monday 26 November 2018, 6.00 pm - 8.00 pm, Rm.2 Parish Centre, St Andrews Place

Mrs V. Tunnadine

TOWN CLERK

(Please Note: Under the Openness of Local Government Bodies Regulations 2014 this meeting has been advertised as a public meeting and as such could be filmed or recorded by broadcasters, the media or members of the public)

When it is proposed to consider the following business: -

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Penrith Town Council

PENRITH TOWN COUNCIL

AGENDA FULL COUNCIL

Monday 26 November 2018, 6.00 pm - 8.00 pm, Rm.2 Parish Centre, St Andrews Place

Council are requested to:

1. Apologies for absence

To receive apologies from members.

2. Declaration of interests

Receive any declarations of interest of any disclosable pecuniary or other registrable interests relating to any items on the agenda for this meeting. Members are reminded to make any declarations at any stage during the meeting if it becomes apparent that this may be required when an item or issue is considered.

Note: 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 Clerk in advance of the meeting. Members are reminded to regularly review their Register of Interests to ensure their register is up to date.

3. Requests for Dispensations

Apply for a dispensation, if a councillor has a pecuniary interest in an item on this agenda and who wish to remain, speak and/or vote during consideration of that item, they may apply for a dispensation in writing to the Town Clerk prior to the meeting.

Applications may also be considered at the meeting itself should the nature of the interest become apparent to a Councillor at the time of the meeting.

4. Minutes of the previous meeting

Authorise the Chairman to sign the Minutes of the Meeting of Council held on Monday 25 September 2017 as a true record.

5. Public participation

a) Members of the public, who have requested in writing to speak prior to the meeting, are invited to speak on matters related to the agenda for up to three minutes.

b) Receive representations from:

- Town Councillors
- District Councillors
- County Councillors

c) Receive a report from the Mayor

6. Public Bodies (Admission to Meetings) Act 1960

Consider whether any agenda item should be considered without the presence of the press and public, pursuant to the Public Bodies (Admission to Meetings) Act 1960 Section 2.

7. Members' Briefing

a) Note that the Town Clerk and Cllr. Burgin attended the AGM of the Cumbria Association of Local Councils (CALC) and Cllr. Burgin was elected onto the executive of CALC.
b) Receive oral reports from meetings and briefings attended by Councillors. Members are asked to note that if there is agreement that there are matters arising from the information shared, that these items will be scheduled on to the next most appropriate Council agenda.
c) Volunteer Members are sought to become involved with the development of the Council's Youth Advisory Group.

8. Matters from Finance Committee

Consider the following reports and recommendations from the Council's Finance Committee:

a) **Annual Return**
   I. Note that the external auditors have concluded the audit for the financial year ending 31 March 2018 and are satisfied that the Town Council's accounts and supporting information supplied are in accordance with proper practices, and that relevant legislation and regulatory requirements have been met.
   II. Approve the external auditors report.
b) **Internal Audit Report**
   Consider the Interim Half Year Report by the Internal Auditor 1st April 2018 – 30th September 2018.
c) **Finance Committee New Draft Policies**
   Consider and approve the following policies as recommended by the Finance Committee:
   I. Memorial Seat Policy
   II. Banner and Advertisement Policy
   III. Preferred Contractor Policy
   IV. Officer and Member Protocol

9. Policy and Procedures Review

Consider the report and recommendations contained within.

10. Plastic-Free Penrith

Consider a motion contained within a draft proposal for Plastic Free Penrith from Cllr. Lawson.

11. Neighbourhood Plan Update

Note an oral update from Cllr. Baker

12. Britain in Bloom

Consider the request from the Cumbria in Bloom Committee that they would like to announce that Penrith would be willing to be nominated again to the Britain in Bloom finals.

13. Cumbria County Council Consultation

https://cumbria.citizenspace.com/cumbria-county-council/cumbria-joint-health-and-wellbeing-strategy/supporting_documents/23945%20Joint%20Health%20and%20Well%20Being%20Strategy.pdf

Note that the Council's committees are considering the CCC survey for the Joint Health and Well-being Strategy and the committees' responses will be considered at Full Council in January 2019.

14. Potential Acquisition of Land Holdings

Consider the potential to acquire land within Penrith to support the aims and objectives of the Town Council.

Exclusion of the Press and Public

To consider whether agenda item 16 Potential Acquisition of Land should be considered without the presence of the press and public, pursuant to the Public Bodies (Admission to Meetings) Act 1960 Section 2.

To disclose decisions would be a breach of the Council's obligations under the Data Protection Act 1998 and is considered exempt under Section 100A(4) of the Local Government Act 1972, members of the public (including the press) should be excluded from the meeting during discussion of the of items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 to Schedule 12A of the Act, information relating to the financial or business affairs of any particular person (including the authority holding that information).

15. Close of Meeting

Close the meeting and note that the next meeting of the Full Council will be a special meeting to take place on Monday 10 December 2018 at 6.00 pm - 8.00 pm, Rm.2 Parish Centre, St Andrews Place.

PEASE NOTE: *The meeting on December 10th will solely be to approve the final draft Neighbourhood Plan Development Plan. The Town Council is required to consult under The Neighbourhood Planning (General) Regulations 2012 No. 637 PART 5 Regulation 14:*

Pre-submission consultation and publicity

14. Before submitting a plan proposal to the local planning authority, a qualifying body must—

(a) publicise, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area—

> *(i)details of the proposals for a neighbourhood development plan;*
> *(ii)details of where and when the proposals for a neighbourhood development plan may be inspected;*
> *(iii)details of how to make representations; and*
> *(iv)the date by which those representations must be received, being not less than 6 weeks from the date on which the draft proposal is first publicised;*

(b) consult any consultation body referred to in paragraph 1 of Schedule 1 whose interests the qualifying body considers may be affected by the proposals for a neighbourhood development plan; and

(c) send a copy of the proposals for a neighbourhood development plan to the local planning authority.

Penrith Town Council

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DRAFT Minutes of the meeting of the:

FULL COUNCIL

Held on: Monday 24 September 2018

PRESENT:

Cllr. Baker	Penrith Pategill Ward
Cllr. Bowen	Penrith East Ward
Cllr. Clark	Penrith South Ward
Cllr. Donald	Penrith North Ward
Cllr. Jackson	Penrith North Ward
Cllr. Kenyon	Penrith North Ward
Cllr. Monk	Penrith West Ward
Cllr. Thorley	Penrith West Ward
Cllr. Whipp	Penrith North Ward

Town Clerk
Services & Contracts Manager

ITEM 4

DRAFT MINUTES FOR

FULL COUNCIL MONDAY 24 SEPTEMBER 2018

PTC18/42 Apologies

Apologies were received from the following members:

Cllr. Briggs
Cllr. Burgin
Cllr. Lawson

PTC18/43 Confirmation of Council Minutes

Members confirmed the minutes of the Special Town Council Meeting held on 19 June 2018 and the Town Council Meeting held on 25 June 2018 and authorised the Chairman to sign the minutes of the Meetings as a true record.

PTC18/44 Declaration of Interests

Members were asked to receive any declarations of interest of any disclosable pecuniary or other registrable interests relating to any items on the agenda for this meeting.

Item 7: Cllrs. Clark and Jackson informed the meeting that they were District Councillors and Cllr. Clark informed the meeting that she was a member of Friends of the Beacon.

PTC18/45 Requests for Dispensations

Members were asked to apply for a dispensation – None received.

PTC18/46 Public Participation

Members received representations from the public:

Cumbria County Cllr. Bell informed the meeting that she had been overwhelmed by residents' concerns about the developments published in Eden District Council's Master Plan concerning the proposals for the land around the Beacon. Cllr. Bell explained that a petition had already obtained over one thousand signatures and that the feedback she was receiving was that the Beacon forest is Penrith. Cllr. Bell said that the Town Council's Neighbourhood Plan clearly showed that the Town Council had listened to the residents. Cllr. Bell asked the Council to strive to preserve the forest for future generations to enjoy and if the Council would oppose the proposed land re-designation to mixed use.

Cllr. Jackson replied: That the Council's Draft Neighbourhood Development Plan was a considered and robustly consulted plan that identified green spaces throughout the parish of Penrith that were considered valuable by the community. Cllr. Jackson said that the Neighbourhood Plan was the Council's starting point as a position for further discussions with the District Council.

A member of the public asked how much involvement the Town Council had in the development of the Masterplan in its role as stakeholder.

Cllr. Jackson replied: That the Town Council was invited to several stakeholder meetings. At each of these meetings there was a presentation of the current incarnation of the Masterplan. Representatives of the Town Council asked questions and gave views. The Town Council cannot claim ownership of any policies or any of the inclusions of the plan and were not in any way instrumental in shaping the plan.

A member of the public representing the Friends of the Beacon had been overwhelmed by support both on Facebook and during their petition gathering. The resident informed the meeting that he had found the Town Council's Neighbourhood Plan to be excellent.

Cllr. Jackson replied: That from the very founding of the Town Council, the Council had always strived to make decisions for Penrith rather than to Penrith and that one of the most important things about EDC consultation exercise is that this is the opportunity for Penrith residents to have their say. He explained to the meeting that he had full confidence that the final Masterplan will bear resemblance to what the people of Penrith want.

A member of the public representing Keep Penrith Special informed the meeting that their petition had over 1,100 signatures which was rising daily. She explained that the group she represented was not against development for housing needs and creating economic progress, but her group felt that the Masterplan was a drastic solution. She explained that the objectives of the plan could be met in better ways such as spreading development organically across all the existing settlements which would then mitigate potential traffic congestion. She suggested that the plan assumed that when houses were built jobs would be created and this is not likely to follow and that the proposed developments were on the wrong side of the Beacon and too high.

A member of the public informed the meeting that he felt that the EDC consultation was based upon an option that had already been decided, with no alternatives. He concurred with the previous speaker that the developments were not suitable for the Beacon site and stressed to the meeting that both the Beacon and the Eden Valley should be protected.

b) Representations were received from:

Town Councillors: None received

District Councillors:

District Cllr. Eyles informed the meeting of the forthcoming Heart of Cumbria Annual General Meeting.

County Councillors:

Cllr. Bell: Informed the meeting that the County Council had a strategic role and are obliged to work with all district councils as they develop their plans.

Cllr. Carrick: From the County Council's point of view regarding the Masterplan, that the county had to work together to address issues and deliver plans. Cllr. Carrick informed the meeting that she was disappointed explaining that whilst the plan was aspirational, the plan should be better considered and be included as part of a wider picture, developed in a phased and considered approach to ensure that the infrastructure can cope and mature with growth which is influenced by developer contribution.

Cllr. Carrick informed the meeting that Town Cllr. Baker had attended the Local Area Committee Penrith ward representatives meeting to provide an update on the Neighbourhood Plan. The County Councillors offered to support and participate in the consultation going forward.

In October, Cumbria County Council commences a parking and movement study and a Health and Social Care local group was working collaboratively with the Integrated Care Community Collaboration to look at alternative ways of delivering service outcomes.

Cllr. Whipp

Informed the meeting that he had responsibilities for highways and transport. Cllr. Whipp explained that whilst the comments about the Masterplan were relevant, there was another wider issue for Eden that being the dualing of the A66 which is due to happen over the next fifteen years. The dualing must not become a Penrith bypass or Eden bypass and urged all Councils to work together to find solutions that would attract travellers to leave the road to visit the area.

c) Mayor's Report

The Mayor informed the meeting that Penrith had won numerous awards at this year's Cumbria In Bloom awards and thanked everyone for all their hard work – volunteers, community groups, business, residents and Council officers who had made this year's project such an overwhelming success.

PTC18/47 Public Bodies (Admission to Meetings) Act 1960

Members were asked to consider if agenda item 9c should be considered without the presence of the press and public, pursuant to the Public Bodies (Admission to Meetings) Act 1960 Section 2 as members would be considering a co-option application form that contained sensitive personal data.

RESOLVED THAT:

The matter be considered in Part Two without the press and public.

PTC18/48 Eden District Council Masterplan Consultation

Members considered the representations from the public made during public participation and the letter to Eden District Council prepared following the special meeting on 19 June 2018, explaining the Town Council's position.

RESOLVED THAT:

A response be developed by the Council's Planning Committee at the next scheduled meeting.

PTC18/49 Update from Meetings

Members were invited to provide oral reports from meetings and briefings attended by Councillors since the last Full Council meeting.

Cllr. Baker informed the meeting that he had attended:

Highways England – Highway safety improvements

EDC & Northern Gas Network – Funding for fuel poverty

Neighbourhood Plan – The consultation ended 31 July 2018 and the next phase of the consultation process would start in the New Year.

Cllr. Bowen informed the meeting that he had attended the Scaws Residents Association Meeting and that he would share attending the meetings with Cllr. Briggs. The Services and Contracts Manager would also attend a future meeting.

Cllr. Whipp informed the meeting that he had attended a further devolution meeting with EDC and that there was no progress to date as resources were diverted for the District Councils Masterplan consultation.

Cllr. Whipp attended the Cumbria in Bloom presentation at Ulverston where the Town's numerous entries had been very successful. Cllr. Whipp reiterated acknowledgement of the hard work and dedication of the community and thanked the Council's officers for their role as facilitators in providing help and support.

Cllr. Jackson informed the meeting that he had attended the Fairhill Community Group meeting and the group was pleased with the new goal posts that had been installed by the Town Council.

Cllr. Jackson had toured Great Dockray with residents and spoken to businesses about their aspirations for a higher profile in Penrith, and their request for bunting and Christmas lights for the area.

Cllr. Jackson informed the meeting that he continued to attend meetings of the Friends of Eden Valley Transport.

Cllr. Clark requested support for improvements to Wetheriggs Playground and the potential to establish a community group to champion improvements.

PTC18/50 Councillor Membership

a. Members noted that Cllr. Connelly resigned from the Council in July 2018 and that the vacancy notice was duly published and was available for co-option.
b. Members considered the letter from Eden District Council (EDC) dated 27 July 2018 in which EDC recommend proposals for 2019 ward allocations in line with the District Council's approval of the reduction of Councillors from 19 to 15 as part of the Community Governance Review [meeting resolution ref:PTC18/06].

RESOLVED THAT

The proposed allocations be supported and approved.

c. Consider co-option to Council – M. Thorley part 2

RESOLVED THAT

M. Thorley be co-opted to Penrith Town Council, representing Penrith West Ward.

PTC18/51 CALC Membership Fee Proposals

Members considered the letter from the CEO of CALC inviting comments from local councils regarding changes to the annual membership fee.

RESOLVED THAT:

The proposed changes be supported and approved.

PTC18/52 MATTERS FROM FINANCE COMMITTEE

a. Finance Committee Policy Review

Members noted that the Finance Committee reviewed the following policies:

- Risk Management Policy
- Financial Risk Management Protocol
- Procurement Policy
- Internal Control Procedures
- Financial Regulations

RESOLVED THAT:

The policies be approved.

b. Finance Committee Risk Assessment Review

Members noted that the Finance Committee reviewed risk assessments for 2018-19 for:

- Business Continuity
- Finance
- Governance
- IT & Website
- Allotments
- War Memorials
- Cornmarket Bandstand
- Fairhill Playing Field
- Fire Risk Assessment
- Lone Working
- Recycling Bring Site
- Office

RESOLVED THAT:

The risk assessments 2018-19 be approved.

c. Finance Committee Review of Internal Audit and Control

Members noted that the Finance Committee reviewed Internal Control, internal audit and the internal audit plan.

RESOLVED THAT:

The review be approved.

PTC18/53 Armistice Centenary and Remembrance

Members noted the report and the recommendations contained within.

RESOLVED THAT:

The Council assume responsibility for the civic arrangements for the Remembrance Day.

PTC18/54 Devolution

Members noted the report.

PTC18/55 Gambling Act 2005: EDC Draft Licensing Policy

Members considered a response to the reviewed Licensing Policy.

RESOLVED THAT:

The Council had no comments to submit.

PTC18/56 Membership of External Bodies

a. To note that Cllr Clark had joined Friends of the Beacon as an individual and not as a representative of the Town Council.

b. Members considered the request from Penrith BiD for the Council to be represented by an officer at board meetings.

RESOLVED THAT:

It be noted that Councillor Clark had joined the Friends of the Beacon Group in her individual capacity.

The Council's Economic Development Officer and in her absence, the Service and Contracts Manager would act as the Council's representatives.

PTC18/57 Eden District Council – New Chief Officer

Members noted that a meeting has been arranged with the District Council's new chief officer, Chairman and Vice Chairman of Penrith Town Council for Monday 8 October at 3.30pm.

PTC18/60 Closure & Next Meeting

Closure of proceedings and note that the next meeting was the Ordinary Council Meeting scheduled for 26 November 2018, at 6.00 pm Room 2 Parish Centre, St Andrews Place.

ITEM 8A

Section 3 – External Auditor Report and Certificate 2017/18

In respect of **Penrith Town Council (CU0267)**

1 Respective responsibilities of the body and the auditor

This authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The authority prepares an Annual Governance and Accountability Return in accordance with *Proper Practices* which:

- summarises the accounting records for the year ended 31 March 2018; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

Our responsibility is to review Sections 1 and 2 of the Annual Governance and Accountability Return in accordance with guidance issued by the National Audit Office (NAO) on behalf of the Comptroller and Auditor General (see note below). Our work **does not** constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and **does not** provide the same level of assurance that such an audit would do.

2 External auditor report 2017/18

On the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.

Other matters not affecting our opinion which we draw to the attention of the authority:

None

3 External auditor certificate 2017/18

We certify that we have completed our review of Sections 1 and 2 of the Annual Governance and Accountability Return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2018

External Auditor Name

PKF LITTLEJOHN LLP

External Auditor Signature SIGNATURE REQUIRED Date 24/09/2018

* Note: the NAO issued guidance applicable to external auditors' work on limited assurance reviews for 2017/18 in Auditor Guidance Note AGN/02. The AGN is available from the NAO website (www.nao.org.uk)

ITEM 8B

INTERIM HALF YEAR REPORT BY THE INTERNAL AUDITOR
1ST APRIL 2018– 30TH SEPTEMBER 2018
FINANCIAL YEAR ENDING 31ST MARCH 2019

Internal Auditor's Certification to Penrith Town Council

The Local Audit and Accountability Act 2014 and The Accounts and Audit (England) Regulations 2015 requires a Council to publish, as soon as reasonably practicable, after the conclusion of the audit, a statement on the website that the audit has been completed.

The clerk has undertaken the requirement and the Annual Governance and Accountability Return, (AGAR) with all attendant information was publicly displayed upon receipt from the External Auditor – 28th September 2018, on the Council notice board and website www.penrithtowncouncil.co.uk ensuring compliance with all aspects of the Regulations.

The Council received an unqualified audit report from the External Audit. It is confirmed the Accounts and all governance documents fulfilled the requirements of the Account and Audit Regulations.

I confirm I have, on the 23rd October 2018 undertaken an internal audit for the period 1st April – 2018 -30th September 2018 in accordance with the Account and Audit Regulations (England) 2015 as outlined in the schedule previously circulated and approved by Council and incorporating any new requirements as outlined in "Governance and Accountability for Smaller Authorities in England" March 2018

I report as follows and confirm that the Council is fully compliant with the Account and Audit Regulations and there are no matters to bring to the attention of the Council.

Proper Bookkeeping

The Council operates a commercial accounting package – Sage, which is comprehensive and fulfils the requirements needed to complete all monthly and cumulative Income and Expenditure accounts as required by the Regulations. All payments and receipts are coded to the Council's budgeted headings, allowing immediate identification of spending in each budget sector and enables quarterly management accounts to be prepared. There is the additional security of an internal checking system to monitor the accuracy of the data input into the computerised accounts. Daily backup procedures are undertaken by means of external hard drives, which are stored off the premises in secure conditions. Additionally the hardware provider operates separate security.

Policies and Procedures - Financial Regulations, Standing Orders

The review of required documentation is carried out in a systematic way throughout the year which ensures no policy is omitted and facilitates the accurate completion of the Annual Governance Statement with assurance.
Amended Standing Orders were adopted 21st May 2018 – Minute No. PTC/18/07.
A further review is scheduled for the November meeting to ensure adoption of the new edition published in July 2018.

Transparency Code 2015
Penrith Town Council, in being fully compliant with all Transparency Code requirements. The published information continues to set the benchmark standard for the County.

Payment Controls
The new electronic payment system which is carried out weekly ensures that local suppliers receive prompt payment of their accounts.
All payments are recorded in the Sage accounts under appropriate budget headings by the external accountant. Bank balances are carefully checked prior to the expenditure being incurred.
A comprehensive schedule of payments, which details the appropriate spending power, is prepared for approval of the Finance Committee.

Invoice Procedure – Competitive Tendering Procedures
There is a clear audit trail to invoices and payments and a sound system of internal control.
Robust systems are encompassed in Financial Regulations to ensure compliance with current legislation and the principle of Best Value.
A points system used in the awarding of contracts ensures consistency and transparency in selection.

VAT
The external accountant submits claims quarterly which facilitates the early return of VAT to the Council.
Repayments are made by BACs to the Council's account.
The VAT account was not examined on this visit but will be reconciled at the year end audit.

Sct 137 Grant Payments
Grants under this power can be clearly identified as required in Audit Regulations.
Total expenditure under this power as at 30th September is £8594.00

Minutes
These are correctly numbered and paginated and a master copy kept securely in a secure fireproof cabinet.

Risk Management and Documentation/Various Policies
All received, updated as appropriate.
Risk Management Policy - 10th September 2018 Minute No FIN.COM 18/29
24th September 2018 Minute No PTC18/51b

Internal Financial Controls
There is a clear audit trail from primary financial records. The Council actively monitors public money spends, in response to RFO reports, and subsequently authenticates documents to ensure a transparent audit trail.

Budget Control
The budget is set in time to comply with the District Council's timetable. There is quarterly monitoring of the budget
Comprehensive officer reports highlight any variances to set budgets ensuring openness and transparency in the management of public money.

Cash Reserves
It is a function of the Internal Audit to give an opinion on whether cash reserves are adequate or excessive as recommended by External Audit(i.e. a working balance of six to twelve months expenditure) Penrith Town Council has taken action to ensure healthy reserves are built up steadily.

Income Controls
Income from all sources is promptly banked. No cash income.

Bank Cards
All expenditure is regularly reported and allocated to budget heads with VAT Identified. The expenditure is paid in full on receipt of statements to meet credit term deadlines.

Payroll Control, PAYE, HMRC
All payments reflect salary scales approved by Council. Returns to HMRC are processed by the external accountant.

Asset Controls
The Asset Register is monitored and all acquisitions and disposals are recorded.
The final documentation will be assessed at the conclusion of the 2018-19 financial year, prior to the recording in the AGAR.

Insurance
Statutory and other insurance is in place and all assets, which are index linked, are held on cover. A new 3 year agreement was approved on 21st May PTC 18/10 to commence 18th May 2018.

Bank Reconciliations
The relevant bank statements are signed by members on receipt of bank reconciliations to verify the accuracy of the submitted documents.
It is the intention to implement the production of monthly bank reconciliations to facilitate greater clarity of the financial position on a more regular basis.

I conclude and report that the Clerk and Responsible Financial Officer (RFO) has maintained a high standard of recordkeeping, which has simplified the audit process. The Council's control systems are efficient and effective and give the appropriate level of confidence, that the financial statements and reports reflect a true and accurate account of the Council's finance and governance records.

I would like to thank the team for their assistance in presenting immaculate records, which provides a clear understandable audit trail.

Internal Auditor
23rd October. 2018

EXISTING POLICIES, PROCEDURES & PROTOCOLS			RECOMMENDATION	
TITLE	**ADOPTED**	**REVIEW**	**AMEND**	**NOTE**
BANNER & ADVERTISEMENT POLICY	26/11/18	2028	NO	NOTE 1
BIODIVERSITY	15/05/2017	2022	NO	
CIVIC PROCEDURES	06/07/15	07/19	NO	
CODE OF CONDUCT	18/05/15	ANNUAL	NO	
NON-COMPLIANCE CODE OF CONDUCT	18/05/15	ANNUAL	NO	
COMMUNICATION POLICY	18/05/15	ANNUAL	NO	
COMMUNICATION PROTOCOL	18/05/15	ANNUAL	NO	
COMMUNITY ENGAGEMENT	06/07/17	2019	NO	
COMPLAINTS PROCEDURE	18/05/15	ANNUAL	NO	
CONSULTATION POLICY	21/05/2018	2022	NO	
CO-OPTION POLICY	18/05/15	ANNUAL	NO	
DELEGATION SCHEME	18/07/17	ANNUAL	NO	
DISPENSATION	27/11/17	2019	NO	
EQUALITY & DIVERSITY	15/05/17	2022	NO	
EQUAL OPPORTUNITIES	18/05/15	2020	NO	
FILMING OF MEETINGS	18/05/15	ANNUAL	NO	
FINANCIAL REGULATIONS	18/05/15	ANNUAL	NO	
FREEDOM OF INFORMATION	18/05/15	ANNUAL	NO	
GIFTS & HOSPITALITY	18/05/15	ANNUAL	NO	
HEALTH & SAFETY POLICY	16/05/16	2019	NO	
INTERNAL CONTROL	16/05/16	ANNUAL	NO	
MEDIA POLICY	18/05/15	ANNUAL	NO	
MEMORIAL SEAT POLICY	26/22/18	2028	NO	NOTE 1
OFFICER AND MEMBER PROTOCOL	26/11/18	2022	YES	NOTE 3
PARTNERSHIP PROTOCOL	15/0517	2022	NO	
PLANNING PROTOCOL	13/07/15	2021	NO	
PREFERRED CONTRACTOR POLICY	26/11/18	2022	NO	NOTE 2
PROCUREMENT POLICY	16/05/16	2018	NO	
PUBLIC PARTICIPATION	18/05/15	ANNUAL	NO	
PUBLICATION SCHEME	18/05/15	ANNUAL	NO	
RISK MANAGEMENT	18/05/15	ANNUAL	NO	
STANDING ORDERS	18/05/15	ANNUAL	YES	NOTE 4
TRAINING	15/05/17	ANNUAL	NO	
UNTOWARD INCIDENT POLICY	26/11/18	2022	YES	NOTE 5
VALUE FOR MONEY	15/05/17	2021	NO	
DATA POLICIES, PROCEDURES & PROTOCOLS				
RECORD MANAGEMENT & RETENTION	21/05/2018	ANNUAL		
SOCIAL MEDIA & ELECTRONIC COMMUNICATION	21/05/2018	ANNUAL		
INFORMATION PROTECTION	21/05/2018	ANNUAL		
INFORMATION SECURITY	21/05/2018	ANNUAL		
REMOVABLE MEDIA	21/05/2018	ANNUAL		
DATA PROTECTION	21/05/2018	ANNUAL		
PRIVACY	21/05/2018	ANNUAL		
SUBJECT ACCESS REQUESTS	21/05/2018	ANNUAL		
PASSWORD	21/05/2018	ANNUAL		

NOTE 1

The Banner and Advertisement Policy and the Memorial Seat Policy have been developed by the Finance Committee as part of the asset management process and are as follows overleaf:

RECOMMENDATION: TO APPROVE

Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR
Tel: 01768 899 773 Email: scmanager@penrithtowncouncil.co.uk

MEMORIAL SEATS POLICY

1. INTRODUCTION

1.1 Penrith Town Council has adopted this policy to facilitate members of the public if they wish to donate towards:

a. A new replacement bench seat with accompanying plaque in memory of a deceased person
b. A plaque on its own to be fixed to an existing seat of a new style

1.2 This policy relates to the administrative area covered by Penrith Town Council only.

2. OBJECTIVES

2.1 To respond to requests by relatives and friends of a deceased person to provide some lasting memory of that person;

2.2 To contribute to the overall amenity of the town by providing bench seats and securing their maintenance for the future.

3. BACKGROUND

3.1 Penrith Town Council received 45 seats and benches from Eden District Council via an asset transfer on the 19 October 2018. The seats vary in style, age and condition.

3.2 The Council in addition to approving a Memorial Seat Policy, has been asked to take in to consideration a phased replacement of many of the 45 benches to provide the town with consistency of design and appearance.

3.3 With the Town Council only recently being responsible for seats and benches, tit is considered appropriate at this stage to not increase the number of sites and locations for benches, but instead to seek to replace seats in the existing locations.

3.4 The Town Council are working with Eden District Council and Cumbria County Council to receive further areas of Public Open Space which will offer the potential for new sites for benches to become available in the future.

3.5 Once these additional sites are devolved to the Town Council, the policy will be reviewed, and a list of new locations and the number of available seat sites will be made available.

3.6 For this policy any application for a memorial seat will be received to provide a replacement seat in an existing location, thus enabling the phased replacement of the old seats, and to add a plaque where there is no current memorial dedication.

4. CONDITIONS

4.1 All requests for either new bench seats with plaques or for plaques to be fixed to existing bench seats of the new style must be made on the relevant form, signed and submitted to the Services and Contracts Manager.

4.2 New bench seats will be of a type, design and colour approved by the Council to ensure some consistency with existing ones in place throughout the Penrith Parish.

4.3 The purchase of each bench seat and/or plaque and their installation will be carried out by the Council.

4.4 Once installed the bench seat and plaque will become the property of the Council. It will be maintained for an initial period of 10 years.

4.5 After the period of 10 years the Council will endeavour to contact the donor and seek a further agreement for continued maintenance of the plaque and bench seat. This agreement will likely be subject to a further fee being charged. If the donor cannot be contacted for any reason, the Council may at its discretion, remove the plaque and allow the bench to be available to new donors.

4.6 Where an existing memorial plaque is in place, and should that bench be replaced, the memorial plaque will be replaced with the same inscription detail for a period of 10 years from the date of replacement.

4.7 The Council will maintain a database of applicants, including the expiry date of 10 years, and any waiting lists that may develop.

4.8 The Council will not permit the provision of bench seats and plaques other than as supplied by or through the Council.

5. LOCATION

For this policy at this stage:

5.1 The provision of new seats where there is an existing memorial plaque displayed will require that the existing memorial plaque be replaced with like for like wording for a period of 10 years from the date of installation.

5.2 The provision of new seats will be in existing locations and will replace one of the old-style seats that does not currently display a memorial plaque.

5.3 Where the Council has provided a new style seat as part of its phased replacement and does not display a memorial plaque, then donors can choose to have a plaque installed at this location.

5.4 As and when the Council have further public open space devolved to it, only at that point will the Council approve new sites and locations.

5.5 The Council cannot install bench seats on private land or other areas of public land that it has no control over.

6. SEAT DESIGN

6.1 New bench seats will be of a type, design and colour approved by the Council to ensure some consistency. The chosen seat is:

Lowther Seat, with brown slats, supplied by Glasdon UK.

6.2 Where space prevents the chosen seat from being installed, then the Council will select an alternative seat design of its choice.

7. PLAQUES / INSCRIPTIONS

7.1 Only one memorial plaque measuring 150mm x 40mm is permitted per bench and this will be ordered at the same time as the bench.

7.2 Where only a plaque is being ordered the same dimensions apply.

7.3 There is no maximum number of characters permitted, however it should be noted that the more wording required, the smaller the font will be to accommodate the plaque size.

7.4 All wording to be printed on to the plaques must be approved by the Council prior to the order being placed. The Council may determine a consistent font to be used on all plaques.

8. MAINTENANCE

8.1 Penrith Town Council will inspect the benches and plaques on a regular basis. Where there are defects with the benches the Council will instruct its Community Caretaker to undertake repairs.

8.2 Seats may be removed by the Council if they become unsafe or are beyond reasonable repair. The Council cannot replace stolen seats.

9. END OF 10 YEAR TERM

9.1 At the end of 10 years where no renewal fee is paid, the plaque will be returned to the donor.

9.2 Where the Council is unable to contact the donor, the Council will keep the plaque for 12 months.

9.3 When vacated plaque space becomes available the seat will be available to a new applicant or the next person on the waiting list.

10. CHARGES

Description	(£)
New bench seat with plaque, including 10 years maintenance fee	£1000
Plaque fixed to existing new style bench seat, including 10 years maintenance fee. See Note 1	£200
Renewal of seat/plaque, including maintenance fee after initial 10 years expires. Price is for a further 10 years. See Note 2	£200

Note 1 - No new plaques can be fixed to any of the old-style benches

Note 2 - Cost for additional 10 years or when seat/plaque reaches the end of its meaningful life, or whichever is soonest.

10.1 The charges will be reviewed by the Council annually to be effective from the 01 April each year.

10.2 Once the location of the seat and wording for the plaque has been agreed and any necessary consents are approved, the Council will raise an invoice to the donor.

10.3 Once payment has been received in full the Council will arrange for the order and installation to proceed. The Council will install the benches.

11. EXCLUSIONS

11.1 Penrith Town Council cannot be held responsible or liable for any decisions or amendments made to any of the benches prior to the 19 October 2018, which was the date that the benches were devolved to Penrith Town Council.

Penrith Town Council

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

Tel: 01768 899 773 Email: scmanager@penrithtowncouncil.co.uk

MEMORIAL SEATS ENQUIRY FORM

Please complete and return this form to Penrith Town Council.

Section A – Your Contact Details

Name ……

Address …….

Telephone ……

Email ……..

Section B – Memorial Bench / Plaque

Please tick whether you are interested in purchasing a:

Bench with Plaque ☐ Plaque only ☐

Please specify your preferred location: ……..

Section C – Memorial Plaque

All plaques will be provided by the Council and attached to your new bench, or to a bench in situ which is of the new style. We cannot fix new plaques to any of the old-style benches.

Plaque to be in the name of …….

Please print your memorial message for the plaque below (for Council approval). We suggest a maximum of 70 characters.

……

……

Penrith Town Council

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

Tel: 01768 899 773 Email: scmanager@penrithtowncouncil.co.uk

MEMORIAL SEATS FORM OF AGREEMENT

Memorial Agreement between Penrith Town Council and

(name and address) ……..

……

This letter sets out the agreement regarding the purchase of (delete either 1 or 2):

1. A new style bench with memorial plaque to be
2. A memorial plaque to be placed on an existing new style bench

Situated at …….. (location)

The bench will carry a memorial plaque in the name of: ……

Your memorial message will read:

……..

……..

A new style bench with memorial plaque will cost	£1000
A memorial plaque to be placed on an existing new style bench will cost	£ 200
Renewal of a seat/plaque after the initial 10 years has expired will cost	£ 200

The Council will send an invoice to the applicant named above. Upon receipt of full payment, the Council will purchase the bench/plaque and arrange installation as soon as practicable. The Council will be responsible for the maintenance of the bench for a period of 10 years. The Council cannot guarantee against theft or vandalism and may not be able to replace either the bench or plaque in this event.

I understand and agree to the conditions above.

Signed ……. (applicant)

Date …….. Telephone ……

Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR
Tel: 01768 899 773 Email: scmanager@penrithtowncouncil.co.uk

BANNER AND ADVERTISEMENT POLICY

1. INTRODUCTION

1.1 Penrith Town Council has adopted this policy to facilitate members of the public if they wish to advertise on Council land and assets.

1.2 This policy relates to the administrative area covered by Penrith Town Council only.

2. OBJECTIVES

2.1 To respond to requests by members of the public, community groups and charities wishing to advertise and promote events, fairs and community associated outcomes.

2.2 To contribute to the overall amenity of the town by providing a policy which prevents adhoc marketing and promotion on Council assets.

3. LOCATIONS

3.1 The only locations permitted for banners and posters relating to the policy are on land under the ownership and management responsibility of the Town Council.

3.2 For the purpose of this policy this includes:

a. Fairhill Playing Field
b. Cornmarket Bandstand
c. Musgrave Monument

4. TYPE OF ADVERTISING

4.1 We will permit banners and posters on any of the aforementioned sites on the condition that they cause no obstruction or safety concern for members of the public, staff or contractors.

4.2 We will permit banners and posters which are advertising events and activities in the parish of Penrith only.

4.3 We will permit banners and posters to be displayed by community groups, charities and public sector organisations.

5. EXCLUSIONS

5.1 We will not permit banners and posters to be displayed by private sector or commercial businesses other than for funfairs and circuses.

5.2 We will not permit political, religious or inflammatory material to be displayed on our assets, nor will we permit posters advertising the activities of local pressure groups.

5.3 We will not permit advertising which is sexual in nature, promotes or is associated with illegal activity or what may be considered inappropriate or offensive.

6. APPLICATION

6.1 All persons and organisations wishing to display posters and advertisement must apply to the Council a minimum of 4 weeks in advance.

6.2 Applicants or the Council may be required to check whether any planning consents are required.

7. PROOFING

7.1 All persons and organisations must submit a draft of the posters, advertisement they are proposing to display a minimum of 3 weeks in advance.

7.2 The Council reserves the right to reject or request that the proofs be amended should this be required.

8. INSTALLATION

8.1 Applicants must agree in advance with the Council the location for all advertising.

8.2 Applicants are responsible for organising the installation of all publicity, ensuring that the information is placed safely and securely with no sharp edges, or protruding nails, staples and any other item which may cause harm.

8.3 Applicants must not restrict pedestrian movement, and or vehicle sight lines or persons who may have mobility or disability issues.

8.4 The Council may require the applicant to display their advertisement in a designated place which will be instructed by the Council. The Council may at its discretion outline the permitted sizes of advertising and require that specific fixings and screws are used.

8.5 Applicants who require access to higher areas, must undertake a risk assessment and submit this to the Council a minimum of 3 weeks prior to installation. Applicants must comply with their risk assessment and working at height regulations. Applicants must refer to the Health and Safety Executive for guidance.

9. DISPLAY PERIOD

9.1 The Town Council will only permit posters and banners to be in place for a maximum of 21 days. This is to ensure that the town remains neat, tidy and not cluttered.

10. MONITORING

10.1 It is the applicant's responsibility to monitor the posters and banners to ensure that they remain in situ. The Council will not replace posters and banners.

10.2 The Council may remove and dispose of advertisements should they present a danger to the public, and or become unsightly, damaged or become unstable and loose.

11. REMOVAL

11.1 The applicant must remove posters and banners after the 21 days have elapsed or within 7 days after the event.

11.2 Failure to remove information may affect future requests for advertisement.

12. ADVERTISING RATES

12.1 All advertising will be free of charge.

13. DAMAGE

13.1 Any damage caused to the Council's assets through the implementation of this policy by an applicant will in most cases result in the applicant being liable for such damage and the costs of repair. It is therefore recommended that all applicants have suitable insurance cover in place.

14. COMPLETED APPLICATION FORMS MUST BE RETURNED TO:

Penrith Town Council

Unit 1 Church House

19-24 Friargate

Penrith

Cumbria

CA11 7XR

Email: scmanager@penrithtowncouncil.co.uk

Telephone: 01768 899773

Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR
Tel: 01768 899 773 Email: scmanager@penrithtowncouncil.co.uk

BANNER AND ADVERTISEMENT ENQUIRY FORM

Please complete and return this form to Penrith Town Council.

Section A – Your Contact Details

Name …….

Address …….

Telephone …… Email ……..

Section B – Location

Please tick the locations you are wishing to advertise at:

Cornmarket ☐ Fairhill ☐ Musgrave Monument ☐

Section C – Advertisement Detail

Date of Installation: …….

Date of Removal: …….

Event Name: …….

Number of Items: …… I have included a proof: Y ☐ N ☐

Section D – About You

I am applying on behalf of a:

Charity ☐ Fair / Circus ☐ Community Group ☐

Business ☐ Other (please state) ……

Return this form to Penrith Town Council a minimum of 28 days prior to event

NOTE 2 Approved Contractor Policy
To consider and resolve the Approved Contractor Policy to enable the Council to tender as required by the amended Standing Orders (AS FOLLOWS)

RECOMMENDATION: TO APPROVE

Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR
Tel: 01768 899 773 Email: scmanager@penrithtowncouncil.co.uk

APPROVED CONTRACTOR POLICY

1. INTRODUCTION

1.1 Penrith Town Council is seeking to agree an approved list of local contractors who can be asked as the need arises to quote for works as required by the Council.

2. OBJECTIVES

2.1 To have an approved list of contractors who have been deemed suitable to undertake works on behalf of the Council.

2.2 To have an approved list of contractors who can provide quotes and tendered prices for works up to a per item value of £181,302.

2.3 To allow the Services and Contracts Manager as set out in the Council's Scheme of Delegation to be able procure services up to the value of £5,000 per item from those contractors on the approved list.

2.4 To meet the requirements of the Council's Procurement Policy, with a focus on Local Rule (1), which sets out that the Council will purchase locally wherever possible and where best value can be satisfied. The Council will primarily make purchases within the parish of Penrith and district of Eden.

3. BACKGROUND

3.1 The Council's approved Procurement Policy sets out how the Council will procure goods and services. This policy also includes the financial thresholds that determine how a contract shall be procured.

3.2 For this policy the thresholds as set by the European Union will rarely, if ever be made by the Town Council due to their high values.

3.3 National rules which the Town Council must adhere to, state a public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) of the Public Contracts Regulations 2015; which include a requirement on the Council to advertise a Contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers. The value of the threshold in standing order 18(f) is currently £181,302.

3.4 In the delivery of this Policy the Council will also adhere to the 'Local Rules' as set out in the Council's Procurement Policy.

3.5 The likelihood is that through the implementation of this policy the approved contractors will be providing services for small works and general maintenance.

4. EXISTING CONTRACTS

4.1 The Council has so far existing contractors in place for the following services:

External Accountancy Services
Information Technology Services
Planning Services
Community Caretaker Services
Grounds Maintenance Services (Fairhill)

4.2 Those contractors currently undertaking works for the Council will automatically be included on to the Approved Contractors List.

5. APPROVED CONTRACTORS LIST

5.1 The Council is inviting contractors who are based within the Parish of Penrith and district of Eden to provide the following services:

Clock Maintenance
General Building Services
Plumbing Services
Electrical Services
Joinery Services
Painting and Decorating Services
Grounds Maintenance including Grass Cutting, Hedge Trimming
Tree Work Services
Bus Shelter Repairs
Fencing and Gates
Fabrication and repair to metal gates
Commercial Waste Collection
Groundworks including paths and drainage
Natural Stone walling

6. PROCESS

6.1 Prospective contractors will be invited to apply to the Council to be included on the Approved Contractors List.

6.2 Invitations will be via the Council's website and an advert will be placed in the local media. (Appendix 1)

6.3 Companies will be required to complete an Application Form and provide a minimum of two references and outline two examples of their work. They will also be required to provide an in-date copy of their company's public liability insurance. The Council will require a minimum of £5,000,000 of public liability cover.

6.4 The Council will undertake a desk exercise to determine whether the applicant is to be included on the Approved Contractors List. The contractor will be written to at this stage confirming their appointment and will be advised that they will be contacted to provide quotations for work as the opportunity arises.

6.5 The Council will not consider late applications. The Council will only consider further applications where a shortage in service provision is identified.

6.6 All works will be treated as individual projects. In this instance the Council will require project specific risk assessments and method statements as required.

7. PERIOD

7.1 The Approved Contractors List will cover a period of four years. After four years has passed the Council will undertake this process again, or it may at its own discretion extend the period of appointment.

7.2 The Council cannot guarantee any work to the Contractor during the period they are named on the Approved Contractors List.

8. ASSESSMENT

8.1 The Council will determine the suitability of each applicant based on the information contained within the application form, the findings from the independent references, the confirmed level of insurance cover in place and that the contractor meets one or more of the identified services as set out in paragraph 5.1 and the requirements as set out in paragraph 6.3.

8.2 All applicants will be written to by the Council following the closing date and assessment of applicants has taken place confirming whether the company has been included on the Approved Contractors list or not.

Penrith Town Council
Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR
Tel: 01768 899 773 Email: scmanager@penrithtowncouncil.co.uk

APPROVED CONTRACTOR POLICY APPLICATION FORM

Section A – Company Details

Company Name .....

Contact Name.....

Address .....

Telephone ..... Mobile .....

Email .....

www .....

Are you VAT Registered? Yes ☐ No ☐ VAT Number:.....

Section B – References

Please provide details of two references who can vouch for the quality of you work.

Reference 1	Reference 2
Name and Address	Name and Address
Telephone Number:	Telephone Number:
Type of Work Undertaken:	Type of Work Undertaken:
Name an example of your work:	Name an example of your work:

Section D – Types of Work

Please identify the types of work you would be interested in undertaking? (Tick all that apply)

Types of Work	**Please Tick (✓)**
Clock Maintenance	
General Building Services	
Plumbing Services	
Electrical Services	
Joinery Services	
Painting and Decorating Services	
Grounds Maintenance (grass cutting hedge trimming)	
Tree Work Services	
Bus Shelter Repairs	
Fencing and Gates	
Fabrication and Repair to Metal Gates	
Commercial Waste Collection	
Groundworks including paths and drainage	
Natural Stone walling	

Other (please specify) .....

Section E – Insurance

I can confirm that our company named in Section A has full public liability cover with a minimum of £5,000,000 cover in place?

Yes ☐ No ☐

I enclose a copy of the Policy Statement? Yes ☐ No ☐

Section F – Declaration

I confirm that the above details are correct to my knowledge

Signed: ..... **Print Name:** .....

Position in Organisation: .....

Return this form no later than +++++++

Appendix 1 – Sample Press Advert

Penrith Town Council

Approved Contractors List

The Town Council is currently preparing an Approved List of Contractors for undertaking works for a range of services.

The Council is inviting suitably qualified and experienced contractors to apply to go on the Council's Approved List.

Applicants should visit the Town Council Website for further information and the application form.

The closing date for the receipt of applications is +++++++.

Applicants who are successfully placed on the Approved List will be notified in writing no later than +++++. The approved list will be effective for a period of 4 years from ++++

NOTE 3 Member and Officer Protocol

The Member and Officer Protocol was initially drafted by the Finance Committee's Staff Sub-Committee in response to national advice from the Society of Local Council Clerks. The report from SLCC is as follows:

1. BACKGROUND

1.1 IMPLICATIONS OF THE LEDBURY CASE: Information, advice & guidance from SLCC – September 2018

The case arose after the clerk & deputy clerk raised grievances about the conduct of two Members. It was alleged that the Members were bullying and harassing staff and preventing them from carrying out their duties. The grievances were investigated by the CALC officer on behalf of the council and the grievances upheld. The Members appealed the outcome of the grievance. Cllr H believed that the matter was purely a Code of Conduct matter and self-referred to the Monitoring Officer.

In May 2016, the town council put in place measures that restricted Cllr H's access to the clerk and deputy clerk, removed her from committees and outside bodies, prevented her from acting a substitute for another councillor and informed other bodies of its decision.

On 11th May 2017, the council resolved to maintain and extend the prohibitions. shortly after that, the monitoring officer confirmed that the investigation of Cllr H's self-referral had concluded there was no breach of the code.

1.2 JUDICIAL REVIEW

Cllr H challenged the 11th May 2017 decision on the grounds that the decision was ultra vires as it should have been dealt with as a Code of Conduct complaint by the Principal Authority and not an internal grievance.

Cllr. H also claimed the decision was substantively unfair as it breached her article 10 rights to freedom of expression or substantively unfair at common law. She further claimed procedural unfairness through the absence of investigation, detail of complaints about her, failure to disclose the full evidence to the council and its failure to allow Cllr H to defend herself. The council's view was that it was acting to protect its staff and that it had the powers to do so.

1.3 THE DECISION

The court agreed that the correct process for dealing with councillor behaviour is through the Principal Authority and the Code of Conduct under the Localism Act 2011. This follows the reasoning in previous cases and to a certain extent could have been expected as an outcome. The court, while not having to consider the second and third complaints found some of Cllr H's argument persuasive. The discussion in the judgement providing useful guidance.

The estimated legal costs for the town council were around £200,000.

1.4 IMPLICATIONS OF THE JUDICIAL REVIEW

In terms of the outcome of the case, SLCC is in broad agreement with NALC:

- Where a complaint relates to the conduct of a councillor and falls into the provisions of the council's code of conduct, the council can and should attempt to resolve it informally. Early resolution is useful as it provides a route forward without a dispute.
- If this informal approach fails then it must be passed to the Principal Authority as a local council has no powers to deal with the matter. Any sanctions can only be imposed after the finding of a breach and must not go beyond those proposed by the Principal Authority.
- Any complaint about a councillor's conduct should be regarded as a Code of Conduct complaint even if the complainant is an employee and it is raised in a grievance.
- A complaint may fall outside the Code of Conduct in which case the council must carry out or arrange for a proper investigation.
- The procedure followed must identify the issues in full and must also ensure that the subject of the allegations is provided with details of the allegations and evidence so that they can provide a response.
- Any subsequent measures taken as the employer must be proportionate and limited to the minimum required to stop the issue recurring. The measures should be kept under regular review and their effectiveness evaluated.

In the wider context of regulating employment relations between a council and its staff, the Ledbury decision does not obviate a council's duty of care towards its employees. Nor does it invalidate the principle of employers' vicarious liability. This principle is clear, that a council as a corporate body may be legally liable for the actions of individual members.

NALC are correct in their view that the decision will lead to more Principal Authority involvement in local council matters and it places further burdens on monitoring Officers. This will inevitably protract any disputes and create further distress for all those involved. The SLCC is pressing for a national code of conduct that is clear what behaviours fall into it and the consequences of breach. This needs legislative change from government. Clear guidance is needed for monitoring Officers. SLCC are developing a new version of the Parish toolkit with the Association of Democratic Services Officers (ADSO) which will be available in early 2019.

1.5 SLCC/NALC RECOMMENDATIONS

Governance arrangements should be robust and in place along with the necessary policies and procedures to manage conflict.
Councils have both preventative and reactive protective measures that they can apply. These were felt to be:

Preventative Protective Measures

Measure	**PTC Position**
Dignity at work policy	In Place
Member officer protocol (with limitations on officer contact time)	In draft
Good induction of new members and ongoing training for existing members	Training Policy
A protocol between the monitoring officer (MO) and the and the parish council that covers investigation of employee cases	Responsibility of the Local Association

Reactive Protective Measures

a) Must be temporary (for example pending the decision of the MO)
b) Regularly reviewed
c) Relevant and proportionate
d) Not punitive
e) Still enables a councillor to carry out their role
f) Make a corporate code of conduct complaint – supported by/supporting the employee

IN CONCLUSION

By having no protocol, the Council will have no guidance to deal with Code of Conduct issues and therefore there is a risk that the Council could incur similar costs to Ledbury Town Council. The protocol provides the Council with guidance without which there is a risk of not following local and national procedures.

RECOMMENDATION: TO APPROVE

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

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

MEMBER AND OFFICER RELATIONS

CORE VALUES STATEMENT

Relations between Members and Officers should always be on the grounds of "mutual respect" with normal standards of courtesy maintained at all times, and without any close personal familiarity which could prove embarrassing and damaging to both parties.

It is important that any dealings between Members and Officers should observe proper standard of courtesy and respect and that neither party should seek to take unfair advantage of their position. These principles were set out in the previous National Code of Local Government Conduct (1990) and remain relevant. Following Lord Nolan's report on Standards in Public Life (1997) the Government approved a set of General Principles of Conduct.

The long-standing requirements on Members, as employers, were re-affirmed in law by an Employment Appeals Tribunal, Moores v Bude & Stratton Town Council. This confirmed that the Council collectively was the employer and that the unofficial actions of an individual Member could destroy the entire basis of the employer/employee relationship and that employees were entitled to a "reasonably congenial working relationship".

The Council acknowledges that the role of the Council Member is voluntary, without payment and appreciate the commitment of Members who contribute to the effectiveness of the Council.

Effective working relationships between Town Members and employees of the Council are key if the Council is to work effectively.

It is reasonable for both Members and employees to expect:

a. To be able to carry out their roles effectively and efficiently;
b. To behave in a manner which does not bring the Council in to disrepute;
c. To be helpful, respectful and courteous;
d. To work together equally and fairly, based upon mutual trust;
e. To maintain confidentiality where it is proper to do so;
f. Not to breach Council policy or procedure or to act unlawfully;
g. Not exert, influence or pressure or to request special treatment.
h. Not to raise concerns about an individual in a public setting and to raise such concerns in an appropriate manner in accordance with Council policy;
i. To respect that we all have a right to a private life and be sensible about making contact at potentially inconvenient times unless in an emergency or otherwise agree.

Wherever possible the Council will strive for an effective working partnership between Members and Employees however when there are potential problems it is hoped that they resolved by early discussions between a Councillor and the Council Chair or Mayor or the Town Clerk.

Specific matters that breach the Code of Conduct for Members will be reported to the Monitoring Officer of Eden District Council if they have not been successfully resolved informally.

Specific matters involving the Council's employees will be considered under the Council's grievance or disciplinary procedures.

Supporting documents: Copies of this and the following documents will be issued to all Members on election or co-option, and to all Employees on appointment and will compliment any statutory procedures and existing policies:

1. Member and Officer Roles and Responsibilities
2. Member and Officer Governance Responsibilities

NOTE 4 Councils Standing Orders

To consider amending the Councils Standing Orders which were reviewed in May 2018.

BACKGROUND:

The National Association of Local Councils has published new model standing orders July 2018. This note explains the changes NALC have made to the documents and why they made them. The Town Council is legally obliged to ensure that its Standing Orders are up to date and accurate.

1. Model standing order 17

A minor mistake was made in respect of model standing order 17(d) (ii) which stated:

"to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval"

The correct wording for standing order 17(d)(ii) is now:
"to the Council the accounting statements for the year in the form of Section 2 of the Annual Governance and Accountability Return, as required by proper practices, for consideration and approval."

RECOMMENDATION: TO APPROVE THE REWORDING

2. Model standing order 18

This change has been made further to requests that NALC clarify the wording of the standing order. Model standing order 18 (c) has been changed to include the words "unless it proposes to use an existing list of approved suppliers (framework agreement)" and now reads:

"A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of €25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement)".

RECOMMENDATION: TO APPROVE THE REWORDING

NOTE 4 CONTINUED

Model standing order 18
This change has been made further to requests that NALC clarify the wording of the standing order.

Model standing order 18 (c) has been changed to include the words "unless it proposes to use an existing list of approved suppliers (framework agreement)" and now reads:

"A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of €25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement)".

RECOMMENDATION: TO APPROVE THE REWORDING

NOTE 5 Untoward Incident Policy

In acknowledgment of the Council's recent growth and increase in public operations an Untoward Incident Policy has been drafted for approval.

Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR
Tel: 01768 899 773 Email: office@penrithtowncouncil.co.uk

UNTOWARD INCIDENT POLICY

1. PURPOSE

This policy is intended to formalise roles for dealing with serious or untoward incidents to ensure that such events are managed effectively.

2. DEFINITION

It is not possible to place a specific definition on the meaning of an untoward incident in the context of Town Council duties and responsibilities, however an untoward incident may be:

'an incident which is likely to produce a significant legal, media or other interest, or give rise to public concern and which, if not managed effectively may result in loss of the Town Council's trust and or assets.'

3. TYPES OF INCIDENTS

Untoward incidents are difficult to predict but may in the case of the Town Council include:

- Fire, flood
- Incident involving members of the public
- Fraud
- Damage to an asset creating public danger
- Staff exodus

4. RESPONSIBILITY FOR THE IMPLEMENTATION OF THE PLAN

The Council's Management Team has delegated authority to respond to an emergency under the Council's Scheme of Delegation. In the event of an untoward incident occurring the team will consist of:

- The Town Clerk
- The Services and Contracts Manager
- The Deputy Town Clerk
- The Mayor and or Deputy Mayor

The Town Clerk would effectively take the lead on the management of the incident. In her absence the Services and Contracts Manager will act as lead officer.

5. PROCEDURE / ACTIONS

5.1 The following procedure will be enacted to manage an untoward incident. It must be noted that the procedure may amend in real time, dependent upon the circumstances, thus a dynamic approach will be implemented.

5.2 Officers made aware of the incident to report to a senior colleague, make all steps to prevent the incident reoccurring or take measures to ensure safety of colleagues and one's self. If there is a danger to people or property contact the emergency services by calling 999.

5.3 Officers to make a written record of the incident where time allows and is safe to do so.

5.4 Senior Officers to call a meeting of the Council's Management Team to discuss and manage the incident. The **Business Continuity Risk Plan** may be a source of reference and guidance.

5.5 Dependent upon the nature of the incident the Management Team may need to call in external contract providers to assist with the management of the incident.

5.6 The lead officer shall liaise regularly with the Council's Management Team, wider elected Members and staff to ensure that all relevant persons are reported as safe and aware of their roles, responsibilities and required actions.

6. RECORD KEEPING

During the management of an untoward incident it is important to maintain records as accurately and as timely as possible. This may include:

- Record of incident, time, date, type, who reported
- Management team notes, actions and delegated tasks
- Orders, budget and instructions to third parties

7. COMMUNICATION

At the meeting of Management Team, a communication/media strategy will be agreed. This will include:

I. Lead responsibility and spokesperson
II. Process for agreeing information
III. Who shall be notified
IV. The range of media to use, web, press, social media
V. External partners and stakeholders to involve.

8. INFORMATION MANAGEMENT

8.1 **Staff** The Town Clerk will lead on keeping staff informed or in their absence the Deputy Town Clerk.

8.2 **External** All external communication will be dealt with by the Town Clerk, the Deputy Town Clerk and/or the Mayor or Deputy Mayor.

8.3 **Members** The Town Clerk will lead on keeping elected members informed or in their absence the Deputy Town Clerk.

8.4 **Contractors** The Services and Contracts Manager will liaise with all service contractors including Information Technology and Insurance.

8.5 The Town Clerk will publish essential public information advising the public of any business interruptions. This may be in the form of poster, letter, social media, website and media.

9. REVIEW

Following the incident, the Council's Management Team, with Elected Members and any other relevant stakeholders will undertake a review of the incident, the systems for managing the incident and identify any areas for learning, improvement for the future

10. SUPPORTING DOCUMENTS AND POLICIES

The following policies and documents may need to be referred to in the management of the untoward event:

- Corporate Governance Policies
- Health and Safety Policy
- Risk Assessment
- Business Continuity Plan

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ITEM 10 MOTION FROM CLLR. LAWSON

PLASTIC-FREE PENRITH

DRAFT PROPOSAL

SUMMARY

The UK produces more than 2 million tonnes of package waste annually [WRAP]. Much of this is single-use plastic waste disposed of by households. Coffee cups, straws, carrier bags, take-away containers, many of which will not get recycled, instead end up in landfill, are burned or end up as litter on our roadsides and in our water courses. Plastics that have been used for only a few seconds can last centuries in the natural environment, damaging wildlife, ecosystems and our beautiful countryside. Scottish coastal seabirds choke on the waste we produce, and programmes like the BBC's Blue Planet highlight the global scale of the problem.

International beach clean-up data from the Ocean Conservancy shows that plastic drinks bottles, food wrappers, plastic bottle caps, straws and stirrers, plastic bags and plastic lids are amongst the top ten most common items collected. This is mirrored in the litter-picking of Penrith becks and streams as well as the shores of Ullswater and other local areas.

Nationally the government is working on a variety of schemes to reduce our reliance on plastic, but the wheels of Westminster move slowly and we have an opportunity as a Town Council to lead by example and make Penrith an exemplar for the UK. This would demonstrate a real environmental consciousness in Penrith, help to give the town a standout identity, and generate some very positive publicity.

This proposal is for a voluntary scheme within Penrith businesses to remove the use of single use plastics. Organisations will be invited to sign up to the scheme and agree to replace straws, cups, packaging and so forth, with non-plastic, environmentally-conscious alternatives.

With Town Council sponsorship and multi-organisational collaboration with BID, PACT, CaFS and other interested parties, it should be possible for this scheme to grow through pooled ideas and resources.

GOALS/OBJECTIVES

To have every consumer business in Penrith sign up to a voluntary plastic-free scheme. The scheme would include :

- Plastic bags – This could involve biodegradable alternatives or a perhaps a small discount or card-stamp scheme for people using their own bags – like the free coffee schemes run by some cafes; use your own bag 5 times and get a small discount on your 6th purchase, for example. Another alternative may be Penrith Town Council-branded jute bags for sale, with profits to local charities.

- Plastic cups/straws/stirrers – To be replaced with biodegradable alternatives – paper or pasta straws, discounts for using your own cup, bamboo stirrers. With enough people signing up to the scheme, it may be possible to take advantage of economies of scale when buying alternative packaging.

- Plastic/Polystyrene packaging – To be replaced with biodegradable alternatives.

- Use of own containers – see examples below. Encouraging other businesses to operate the same model would reduce wasteful packaging.

- Town events such as May Day, Penrith Goes Orange, Penrith on a Plate, and Winter Droving, will be asked to include plastic-free guidelines for traders and attractions.

Each business that signs up would receive a "Plastic-Free Penrith" accreditation and future releases of business directories, apps and town guides could include this information. Events can be highlighted as being environmentally aware.

CONSIDERATIONS/EXAMPLES

Every business is unique and accreditation will need to take this into account – it is hoped that collaboration with the Chamber of Trade, BID and so forth will make for a smooth transition. There may, for example, be scope to use a bulk buy scheme for compostable containers. We might also borrow ideas from www.sas.org.uk who have an existing 'plastic free' accreditation scheme.

Thought will need to be given, longer term, to the provision of adequate recycling and disposal facilities within the town – for example if take-away businesses opt for a biodegradable packaging option, there will need to be bins to handle compostable materials.

Education and advertising will be key to making this successful, even non-plastic litter is harmful, so collaboration with PACT's Keep Penrith Tidy campaign will be useful too.

Penrith Town Council will need to lead by example and remove single-use plastic from its offices. Other civic and community sites will also be encouraged to take this approach.

There are already more than 25 premises in the Town that are Refill points, offering free mains tap water refills to the public. Given that these organisations have already shown a real concern about the plastics issue and a willingness to be part of local solutions, they will be a very good starting point for accreditation.

J&J Graham supply ground coffee in customers' own containers or paper bags if requested and are looking into plastic-free wrap for delicatessen items.

Town Head Chip Shop already has compostable containers and plans to phase out plastic bags and forks.

Natures Health Store has a facility to refill containers with washing liquid, detergents and soaps.

Morrisons HQ recently made an announcement encouraging shoppers to bring their own containers – this has been tested locally and is acceptable. Cranstons are also happy to operate this way.

Several town cafes including the Narrow Bar and Lemon Tree, have started providing paper straws instead of plastic.

Item 14 – PINK PAPER CONFIDENTIAL REPORT

For the attention of:

Cllr. Baker	Penrith Pategill Ward
Cllr. Bowen	Penrith East Ward
Cllr. Briggs	Penrith East Ward
Cllr. Burgin	Penrith South Ward
Cllr. Clark	Penrith South Ward
Cllr. Donald	Penrith North Ward
Cllr. Jackson	Penrith North Ward
Cllr. Kenyon	Penrith North Ward
Cllr. Lawson	Penrith Carleton Ward
Cllr. Monk	Penrith West Ward
Cllr. Thorley	Penrith West Ward
Cllr. Whipp	Penrith North Ward