

Associated Papers LWPC Meeting on 19th July 2016

Agenda Item 4 Councillor Dispensation

If there is an item on this agenda for which you have a pecuniary interest you will not be able to take part in any of the discussion or vote on a resolution. However, if you wish the council to consider your request for dispensation **you need to write to the Clerk ahead of the meeting** stating your reasons on why you should be given a dispensation.

Agenda Item 6 Routine Correspondence

Apart from correspondence contained in agenda items no further correspondence has been received since the last meeting.

Agenda Item 7 Clerk's Report

Minute	Action	Complete P
16/040	SALC informed of Chairman.	✓
16/044	Minutes circulated to councillors, placed on website and sent to BRN.	✓
16/045	PFC informed of LWPC representative.	✓
16/045	SALC informed of LWPC representative.	✓
16/046	Lttr of engagement sent to Heelis & Lodge.	✓
16/051	Bank Mandate changes to be set-up.	
16/052 e	Annual Return sent to BDO.	✓
16/052 f	Payments made to suppliers.	✓
16/052 g	Donation given to Parish Room.	✓
16/053	Planning responses sent to BDC.	✓
16/054	SCC Highways responded on 30mph repeater signs.	✓
16/059	Cllrs White and A Sheppard attended Babergh meeting.	✓
16/064	Minutes circulated to councillors, placed on website and sent to BRN.	✓
16/066	Planning responses sent to BDC.	✓
16/067	Issues raised on SCC Report It website. (refs 142354 / 5 / 7)	✓
	Request to Little Waldingfield Charities for information on the role that LWPC undertook regarding the appointment of Trustees was responded to as follows: "As Richard Mitchell mentioned at the APM, he felt he needed guidance from the Charity Commission and contacted them the next day as they had stressed in the past that the activities of the Charity must be conducted in a confidential manner. Due to an error on their part it took two months to get a reply hence the delay in dealing with the matter. The Charity Commission have confirmed that the scheme of July 1968 is the current scheme and the wording of this makes no reference to the appointment of Trustees via the Parish Council. It would appear that since that date the Trustees have inadvertently overlooked the change in the constitution having only referred to the document for guidance on distributing the funds. The Charity Commission were asked to supply copies of the 1869 and 1903 schemes which are now superseded by the 1968 scheme but they were unable to find these documents in their records. For the future the Charity Commission has given us guidance on how to appoint new and replacement Trustees as and when required. I trust this information is sufficient for your	
	Speed Watch	
	3 surveys in June reported 51 vehicles.	

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Agenda Item 8a Responsible Finance Officer (RFO) Report

Receipts & Payments

Date	Details	Ref	Power	Receipts	Payments
11/04/16	Bank Interest			0.11	0.00
09/05/16	Bank Interest			0.10	0.00
17/05/16	Parish Room - Donation	458	LA 2011 ss 1 to 8	0.00	25.00
17/05/16	Donations			10.00	0.00
18/05/16	Suffolk Tree Services - Survey	457	LA 2011 ss 1 to 8	0.00	120.00
30/04/16	Garden Arbs Business - Grass cutting in April	460	LA 2011 ss 1 to 8	0.00	240.00
31/05/16	Garden Arbs Business - Grass cutting in May	460	LA 2011 ss 1 to 8	0.00	240.00
01/06/16	Glasdon - 2 dog bins	459	LA 2011 ss 1 to 8	0.00	207.64
30/06/16	Garden Arbs Business - Grass	460	LA 2011 ss 1 to 8	0.00	360.00

Reconciliation

Account	Statement Date	Statement Balance	Actual Balance	Unpresented Cheques	Credits not shown	Difference
Treasurers Account	30/06/16	£11,308.76	£9,666.68	£1,620.21	£0.00	£21.87
Business Instant	20/05/16	£2,518.78	£2,518.78	£0.00	£0.00	£0.00
Cash	31/03/16	£0.00	£0.00			£0.00
		£13,827.54	£12,185.46	£1,620.21	£0.00	

* Community Action Suffolk has confirmed that Cheque Number 446 dated 1st December 2015 for £21.87 has not been received and have asked for a replacement cheque.

Statement of Accounts vs Budget

	Budget	Actual	Reserves	Budget	Actual
Assets Brought Forward		£10,014.00			
<u>Income</u>			<u>Expenditure</u>		
Precept	£8,000.00	£4,000.00	Clerks Salary	£2,330.00	£533.57
Bank Interest	£2.00	£0.21	Admin	£1,200.00	£39.00
Grants	£412.00	£0.00	Insurance	£250.00	£0.00
Donation	£0.00	£10.00	Audit Inspections	£75.00	£66.00
Other	£0.00	£76.08	Annual Subscriptions	£215.00	£169.36
VAT Repayment	£0.00	£85.74	Donations	£50.00	£25.00
			Dog & Litter Bins	£375.00	£0.00
			Grass Cutting	£1,150.00	£700.00
			Maintenance	£100.00	£0.00
			Closed Churchyard	£950.00	£100.00
			Clive Memorial	£2,800.00	£0.00
			Speed Watch	£100.00	£0.00
			Legal Fees	£0.00	£0.00
			Street Lighting	£290.00	£0.00
			Other	£300.00	£173.04
			VAT Paid	£0.00	£194.60
Total	£8,414.00	£4,172.03	Total	£2,800.00	£7,385.00
			Assets Carried Forward		£12,185.46
Total		£14,186.03	Total		£14,186.03

Agenda Item 9b Status of planning applications

Application Reference	Address	Planning Details	LWPC Minute	Parish Council Comments	Babergh DC Comments
B/15/01556	Bell House, Humble Green	Erection of 3 No holiday lodges.	15/111b	No comments	Approved 24/06/2016
B/16/00332	1 Priory Cottages, Church Road	Erection of single-storey rear extension	16/053a	Insufficient detail.	Approved 09/06/2016
B/16/00439	St Lawrence House, Church Road	Installation of rooflight and works to roof	16/053b	Supported	Approved 10/06/2016
B/16/00724	St Lawrences Church, Church Road	To reduce the crown by 25% on T1 & T3 Lime trees.To fell to ground level on T2 & T4 Lime trees.Tree Preservation Order WS 230/G8	16/066a	As LWPC application no formal response.	Approved 24/06/2016
B/15/01556	Bell House, Humble Green	Erection of 3 No holiday lodges. Revised site layout plan received 2nd June 2016	16/066b	No Comments.	Approved 24/06/2016

Agenda Item 10a Closed Churchyard Responsibilities

I circulated a folder containing various references to the responsibilities relating to a Closed Churchyard which I felt would enable you to establish a policy for LWPC's Closed Churchyard responsibilities which coupled with any necessary risk assessments can be agreed with St Lawrence's PCC. I also recommend that LWPC formulise a policy on how it will maintain earmarked reserves for costs associated with the closed churchyard.

Agenda Item 10b Trees in Closed Churchyard

Whilst the application for the work on the trees in the Closed Churchyard have been accepted by BDC, the Revd Sweetman has written to LWPC on behalf of the PCC as follows:

The PCC considered carefully the planning application regarding the trees, taking into account views expressed at the Parish Council meeting which I and some PCC members attended, and here is a copy of our resolution.

“The PCC is unanimous in its approach to Planning Application No. B/16/00724 from the Parish Council. The PCC supports the proposals to reduce the crowns of trees T1 and T3 by 25%. With respect to T2, on grounds of safety the PCC supports Suffolk Tree Service's observation that this tree should be at least pollarded and will support and pay for the pollarding of this tree on this occasion as a gesture of goodwill. T4: the PCC does not support the application to fell T4 since there is no safety issue with this tree. The PCC is also willing to seek the necessary permissions from the Diocese for the work. We await the Parish Council's agreement in order to proceed.”

I have confirmed with Babergh that whilst it would be allowed to omit an item approved under the TPO Planning Application, ie not to fell T4, a new application would need to be submitted if T2 was to have a reduced crown rather than be felled and replaced.

Agenda Item 12 Defibrillator

Please find attached report on a defibrillator for the village.

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Agenda Item 17 LWPC Document Retention Periods

DOCUMENT	PAPER / ELECTRONIC	LOCATION	STANDARD MINIMUM RETENTION PERIOD	PROPOSED MINIMUM RETENTION PERIOD
Administration				
Agendas	E	Computer	3 years	3 years
Clerk's Personnel records	P	Chairman	9 months after ceasing employment	15 months after ceasing employment*
Contracts	P	File	Indefinitely	Indefinitely
Declaration of Office Chairman	P	Admin File	Term of Office plus 1 year	Term of Office plus 1 year
Declaration of Office Councillor	P	Admin File	Term of Office plus 1 year	Term of Office plus 1 year
Election documents	P	Admin File	6 months after Election	6 months after Election
Inspection Reports	P	Admin File	Indefinitely	Indefinitely
Leases	P	File	Indefinitely	Indefinitely
Newsletter	E	Computer	Indefinitely	Indefinitely
Planning Applications & Responses	E	BDC website		
Register of Interests	E	BDC website		
Routine Correspondence	P	Correspondence File	Retain as long as useful	Retain as long as useful
Routine emails	E	email account	Retain as long as useful	Retain as long as useful
Signed Minutes of Annual Parish Meeting	P	Minutes File	Indefinitely	Indefinitely
Signed Minutes of Council Meetings	P	Minutes File	Indefinitely	Indefinitely
Finance				
Annual Return	P	Accounts File by Year	Indefinitely	Indefinitely
Bank paying-in books & Cheque book stubs	P	Finance File	Last completed audit year	2 years
Bank Statements	P	Accounts File by Year	Last completed audit year	12 years
Clerk expenses	P	Accounts File by Year	6 years	12 years
Insurance policies	P	Accounts File by Year	Indefinitely	Indefinitely
Paid Invoices	P	Accounts File by Year	6 years	12 years
PAYE returns including hours paid	P	Accounts File by Year	6 years	12 years
Quotation and tenders	P	Accounts File by Year	12 years	12 years
Receipt & Payment Accounts	P	Accounts File by Year	Indefinitely	Indefinitely
Receipt Books	P	Accounts File by Year	6 years	12 years
VAT records	P	Accounts File by Year	6 years	12 years

* To ensure that an old clerk's personnel file (including Contract of Employment) is available for a year-end audit no matter when he / she left. However, from an employer viewpoint a "personnel record" cannot be deleted lock, stock and barrel and it would be worthwhile following the Information Commissioners Office "An employer should review the personal data it holds about an individual when that individual leaves the organisation's employment. It will need to retain enough data to enable the organisation to deal with, say, providing references or information about the individual's pension arrangements. However, personal data that is unlikely to be needed again should be removed from the organisation's records – such as the individual's emergency contact details, previous addresses, or death-in-service beneficiary details."

Agenda Item 18 Financial Regulations and Standing Orders

NALC has made the following changes to their Model Financial Regulations on which LWPC has based its Financial Regulations:

- MFR 1.6 has been amended to provide for the possibility of disciplinary action in the event of breach of the Regulations, rather than a definitive statement as to gross misconduct
- MFR 6.4 has been re-written to apply more generally than merely in respect of disclosable interests.
- Incorporation of the specific requirements of The Public Contracts Regulations 2015 in MFR 11 (as explained in detail in LTN 87 and Legal Briefing L05-15 of January 2016).

The following changes to LWPC's Financial Regulations (copy of which is in your councillor folder) are therefore recommended for adoption:

- 1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.

- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by two members of council in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.

1. CONTRACTS

- 1.10. Procedures as to contracts are laid down as follows:
 - a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
 - i. for the supply of gas, electricity, water, sewerage and telephone services;
 - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;
 - v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of council); and
 - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
 - b. Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015

("the Regulations") which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations¹.

- c. The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)².
- d. 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.
- e. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- f. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- g. Any invitation to tender issued under this regulation shall be subject to Standing Orders 18³ and shall refer to the terms of the Bribery Act 2010.
- h. When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £2,000 and above £250 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.
- i. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j. Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.

¹ The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

² Thresholds currently applicable are:

- a. For public supply and public service contracts 209,000 Euros (£164,176)
- b. For public works contracts 5,225,000 Euros (£4,104,394)

³ Based on NALC's model standing order 18d in Local Councils Explained © 2013 National Association of Local Councils

Because of the above change to LWPC's Financial Regulations (copy of which is in your councillor folder), the following changes to Section 18 of LWPC's Standings Orders are recommended for adoption:

18. Financial controls and procurement

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
 - v. procurement policies (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than **£25,000**.

- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

- c **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of **£25,000** shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.**

Agenda Item 19 Grievance and Disciplinary policies

I have circulated the draft policies for your review.

In formulating the Disciplinary and Grievance rules and procedures I used the draft documents produced by Pretty Solicitors for the Suffolk Association of Local Councils. If these are adopted by LWPC then the council will need to amend the Clerk's Contract of Employment in order to refer to these policies and rules rather than the existing sections in the CoE.

The council will also need to consider the appointment of a HR Committee should an issue be raised by the Clerk, Councillors etc.