

Kidderminster Town Council Agenda

To all Town Councillors

You are hereby summoned to attend the meeting of Town Council, to be held on **Wednesday, 29th July 2020** in the **Town Hall, Vicar Street, Kidderminster** at **6.00pm** for the transaction of the business detailed below:



Tony Beirne
Town Clerk
22/07/2020

Public

Agenda item	Subject	Page
1.	Apologies for Absence	
2.	Minutes To approve the minutes of the Council meeting held on 10 th June 2020 (attached)	3
3.	Declarations of Interests	
4.	Mayor's Announcements To receive an update on the Mayor's engagements	
5.	Public participation In accordance with Standing Order 3(c), to allow members of the public to make representations, ask questions, and give evidence. <i>Members of the public will be called in order of receipt of notice of their intention to speak. Please email townclerk@kidderminstertowncouncil.gov.uk or telephone 01562 732680 to give your name and an indication of the topic you intend to raise.</i>	
6.	Report of the Internal Auditor (attached)	7
7.	External Audit – Annual Return (attached) To approve the <ul style="list-style-type: none"> a) Annual Governance Statement 2019/20 b) Accounting Statement 2019/20 	19 25
8.	Governance Processes Reports – Overview (attached) <ul style="list-style-type: none"> a) Financial Regulations (attached) b) Standing Orders (attached) c) Risk Management Strategy <ul style="list-style-type: none"> i. Policy Overview (attached) ii. Risk Management Policy Matrix (attached) iii. Risk Management Policy Framework (attached) d) Borrowing & Investment Strategy (attached) e) Anti-Fraud and Corruption Policy (attached) f) General Data Protection Regulation (GDPR) (attached) g) Member Officer Protocol (attached) 	31 33 49 67 73 77 83 95
9.	Code of Conduct (attached)	99
10.	General Power of Competence (attached)	113
11.	Membership of Outside Bodies (attached)	121

Agenda item	Subject	Page
12.	St George's Paddling Pool (<u>attached</u>)	123
13.	Meetings Schedule (<u>attached</u>)	127
14.	Finance Reports a) Budget spend to date (<u>attached</u>) b) Accounts paid and income received to date (<u>attached</u>)	129 137

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register. In addition, alongside the Register of Interest, the Members Code of Conduct (“the Code”) requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a Disclosable interest in the matter under discussion. Please see the Members’ Code of Conduct for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI’s and ODI’s are interests defined in the Code of Conduct that will be adopted by the Town Council at this meeting.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council’s Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

Register of Interests

As part of managing the risk assessment Councillors are reminded to ensure they keep their register of interests up to date. If you have any questions please contact the Town Clerk

For further information

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Tony Beirne, Town Clerk, Kidderminster Town Council, DY11 7WF. Telephone: 01562 732680 or email townclerk@kiddermistertowncouncil.gov.uk
Documents referred to in this agenda may be viewed on Town Council’s website

Date of next meeting
Wednesday 30th September at 6.00pm
Town Hall

Kidderminster Town Council
MINUTES of the meeting held on Wednesday 10th June 2020 at 6.00pm
in the Music Room, Kidderminster Town Hall, Kidderminster

Present: The Mayor (Councillor S. Rook)
 Councillors J. Aston, J. Baker, R. Bishop, S. Chambers, H. Dyke, K. Gale, N. Gale,
 L. Hyde, M. Kelly, N. Knowles, F. Oborski MBE, M. Rayner, D. Ross, J. Smith,
 M. Stooke and P. Young

C.535 Apology

Councillors M. Cheeseman,

C.536 Minutes of the meeting held on 29th January 2020

RESOLVED: - that the minutes of the meeting held on 29th January 2020 be agreed as a correct record.

C.537 Declarations of Interests by Members

None

C.538 Election of the Town Mayor 2020/21

It was proposed by Councillor Knowles and seconded by Councillor Kelly that Councillor Sarah Rook be appointed the Town Mayor of Kidderminster for 2020/21

On being put to the vote it was unanimously

RESOLVED: - that Councillor Sarah Rook be appointed Town Mayor for Kidderminster for the 2020/21 Civic Year

C.539 Election of the Deputy Town Mayor 2020/21

It was proposed by Councillor N. Gale and seconded by Councillor Bishop that Councillor Juliet Smith be appointed the Deputy Town Mayor of Kidderminster for 2020/21

On being put to the vote it was unanimously

RESOLVED: - that Councillor Juliet Smith be appointed Deputy Town Mayor for Kidderminster for the 2020/21 Civic Year

C.540 Public participation

None.

Motions

The following motions were agreed as late items of urgent business

C.541 i. One-Hour Free Parking Kidderminster

The motion was proposed by Councillor D. Ross, and seconded by Councillor J. Smith. Specifically: -

“The Conservative Group asks that Kidderminster Town Council urgently looks at supporting businesses in the Town Centre as they embark on a difficult road to recovery. A raft of initiatives are needed to refresh the local economy, and with businesses already closing the added burden of customers losing one hour of free car parking could prove to be the last straw for local traders.

The Conservative Group proposes that Kidderminster Town Council asks the Progressive Alliance-led Administration at Wyre Forest District Council to reconsider the

removal of one-hour free car parking as a matter of urgency.

The loss of this much used hour of free parking will have a dramatic impact on businesses in Kidderminster town centre, having gone through 3 months of lost income during the ongoing COVID-19 pandemic, and will have a serious knock-on effect on jobs, the local economy and the residents of Kidderminster.”

During the discussion the following additional points were made

- The one-hour free parking helps smaller businesses compete with the free parking at the local large supermarkets
- The one-hour free parking supports local residents who attend early church services

After further consideration it was

RESOLVED: - that the Town Council asks the Progressive Alliance-led Administration at Wyre Forest District Council to reconsider the removal of one-hour free car parking as a matter of urgency.

C542

ii. Equalities

The Motion was proposed by Councillor F. Oborski, and seconded by Councillor S. Rook.

- a) Council reaffirms its unequivocal condemnation of racism, xenophobia and hate crimes.
- b) Recognises and welcomes the contribution that people from black and minority ethnic groups have made to the community in Kidderminster for over 200 years, including the Bangladeshi and Filipino communities.
- c) Stands fully with the "Black Lives Matter" global campaign against violence and systematic racism towards black and minority ethnic people.
- d) Expresses its deep regret about the historic role that a few locally based individuals and companies played in the slave trade and will work with communities where there is a clear desire to review the appropriateness of monuments, statues and street names on public property that commemorate such individuals and companies
- e) Commits to using its powers to achieve diversity in the public realm.
- f) Celebrates the connection of Ukawsaw Gronniosaw with Kidderminster where he produced “A Narrative of the Most Remarkable Particulars in the Life of James Albert Ukawsaw Gronniosaw, an African Prince, as Related by Himself”, which is recognised as the first slave narrative in the English language.
- g) Resolves to request Wyre Forest DC to honour its connection with him by naming an area of public space in his honour.

During the discussion the following issues were raised

- The need for the town Council to adopt a coordinated approach to address the issues raised
- The need to get external advice to help develop the Town Council’s response
- The need to allocate the actions to the appropriate Committees for a full response

After further discussion it was

RESOLVED: - that

- a) Council reaffirms its unequivocal condemnation of racism, xenophobia and hate crimes.
- b) Recognises and welcomes the contribution that people from black and minority ethnic groups have made to the community in Kidderminster for over 200 years, including the Bangladeshi and Filipino communities.
- c) Stands fully with the "Black Lives Matter" global campaign against violence and

systematic racism towards black and minority ethnic people.

- d) Expresses its deep regret about the historic role that a few locally based individuals and companies played in the slave trade and will work with communities where there is a clear desire to review the appropriateness of monuments, statues and street names on public property that commemorate such individuals and companies
- e) Commits to using its powers to achieve diversity in the public realm.
- f) Celebrates the connection of Ukawsaw Gronniosaw with Kidderminster where he produced "A Narrative of the Most Remarkable Particulars in the Life of James Albert Ukawsaw Gronniosaw, an African Prince, as Related by Himself", which is recognised as the first slave narrative in the English language.
- g) Resolves to request Wyre Forest DC to honour its connection with him by naming an area of public space in his honour.

The issues detailed above be referred to the appropriate Town Council Committees for a more detailed response where needed

C.543 Mayoralty and Succession Planning

The Town Clerk informed Council that it was the intention to reinstate as much of the civic programme as possible including a formal Mayor Making Service.

RESOLVED: - that the

- i. outline plan for the civic programme be noted
- ii. current succession plan be noted

C.544 Committee Membership 2020/21

The Town Clerk informed Council that Councillor Ross was now leader of the Conservative Group, that Councillor Knowles remained leader of the Labour Group and Councillor Dyke remained leader of the Independent Group.

Councillor Ross would also replace Councillor N. Gale on the Finance & Overview Committee

RESOLVED: - that the

- i. membership updates be noted
- ii. current membership of committees continue for the 2020/21 Civic Year

C.545 Meetings Schedule

RESOLVED: - that the meetings schedule be agreed.

C.546 Report of the Civil Emergency Committee

Councillor David Ross who chaired the Civil Emergency Committee informed Council of the actions taken and the expenditure agreed by the Committee

RESOLVED: - that Council

- i. notes the work of the Civil Emergency Committee
- ii. notes the decisions taken
- iii. agrees to disband the Civil Emergency Committee

C.547 Finance Report

- i. **Budget spend to date**
- ii. **Accounts paid and income received to date**

The Town Clerk stated that throughout the pandemic officers had worked to minimise spend and maximise income opportunities including potential grants.

The Town Clerk went through the expenditure list. He stated that balances at 31st May 2020 were £535,655.71

RESOLVED: - that Council

- i. notes the expenditure to date
- ii. approves the accounts paid to date
- iii. notes the income received to date

- iv. notes the current balances

C.548 Town Hall Development

The Town Clerk updated Council on the latest position regarding the project to develop the Town Hall.

He stated the major risks currently affecting the project were significantly impacted by the Covid19 pandemic. These risks were identified as

- i. the current economic environment is uncertain
- ii. the cost of the project is currently estimated at £7.2M
- iii. the need to develop a funding plan to raise up to £3M
- iv. the previous funding streams and timescales are no longer guaranteed.
- v. there are no longer agreed timelines
- vi. complexity – there are a number of work streams that need to be addressed to ensure the Town Council delivers on its aspirations

He informed Council that it would be appropriate to ask the Town Hall Committee to carry out a fundamental review of the whole project and to carry out the major work identified through the reviews so far.

He also stated that the work carried out so far had identified the need to improve systems and to professionalise the service.

After discussion it was

RESOLVED: - that Council

- i. note the work carried out to date in delivering the first outline phase of the Town Hall development
- ii. agree the Town Hall Committee review of the project to ensure it is still robust and appropriate
- iii. subject to (ii) review the preferred option to ensure it is the best option for the Town Council
- iv. subject to (ii) above ask the Town Hall Committee to produce a brief to take the HLF bid work forward
- v. agree the Town Hall Committee produce a 3-year financial plan for the Town Hall (April 2021 to March 2024)
- vi. delegate the Staffing Committee authority to deliver a full staffing review arising from the work carried out to date

The meeting ended at 7.45pm

Mayor

Date

Kidderminster Town Council Wednesday 29th July 2020

Internal Audit Report 2019/20

1. Purpose

The purpose of this report is to give Council an overview of the findings of the Internal Audit Report and to seek agreement to refer it to the Finance & Overview Committee for any detailed scrutiny

2. Overview of Findings

The detailed audit report is attached as the appendix to this report

The conclusion of the report states:

“In respect of the internal audit review for the financial year 2019~20 to include a review of key policies alongside the key financial and accounting systems, it can be reported that the financial records continue to be maintained to a high standard and are supported with detailed documentary evidence. On this basis it can be concluded that Kidderminster Town Council had in place adequate and effective internal control and governance arrangements for the financial year 2019~20.”

3. Detail

There are 10 aspects that are reviewed by the Internal Auditor. They are summarised below:

	Section	Comment
a)	<i>Review of Accounting Arrangements {Records & Bank Reconciliations} {Financial Regulation No5}</i>	No significant matters
b)	<i>Review of Corporate Governance</i>	No significant matters
c)	<i>Review of Expenditure {Payment Controls} {Financial Regulation No 6}</i>	No significant matters
d)	<i>Assessment and Management of Risk {Financial Regulation No 15}</i>	..have in place a risk assessment policy, framework and matrix
e)	<i>Review of Budgetary Controls {Financial Regulation No 4}</i>	No specific matters
f)	<i>Review of Income {Financial Regulation No 9}</i>	No significant matters
g)	<i>Review of Petty Cash Imprest {Financial Regulation 6.13}</i>	No significant matters
h)	<i>Review of Salaries {Payroll Controls} {Financial Regulation No 7}</i>	No significant matters
i)	<i>Review of Asset Register {Financial Regulation No 12}</i>	No significant matters
j)	<i>Review of Investments {Financial Regulation No 8}</i>	No significant matters

4. Risk

There are no strategic risks arising from this report.

5. Financial Implications

There are no strategic financial implications arising from this report.

6. Recommendations

Council is asked to refer the Internal Audit Report to the Finance & Overview Committee for detailed scrutiny

**This
page
intentionally
blank**

Background

Kidderminster Town Council formed on 1st April 2016 and in accordance with the Accounts and Audit Regulations 2015 has a statutory responsibility to provide an adequate and effective system of Internal Audit of the accounting records and control systems including its risk management and governance processes.

Introduction

The role of the Internal Auditor is to provide an independent and objective review designed to improve the Council's operations and help the Council to accomplish its objectives by bringing a systematic approach to evaluate and improve the effectiveness of risk management, control and governance processes. The outcome of the Internal Audit review is reported to the Town Council as part of the Annual Return to the External Auditors.

Internal Audit Approach

In undertaking this review, the detailed testing undertaken to be able to provide an assurance on the internal control environment has included selective sampling of transactions with detailed checks in some key areas in order to gain sufficient assurance that the Town Council's financial and regulatory systems and controls are appropriate and fit for purpose. The review has followed the best practice as referenced in the Governance and Accountability for Smaller Authorities in England {Practitioners Guide} March 2019.

In addition, the audit has reviewed the governance arrangements to ensure that there are policies in place for the Risk Management Process, Treasury Management to include a Borrowing & Investment Strategy with regular review of the Financial Regulations and Standing Orders.

The audit review for 2019~20 financial year has also considered the financial processes and procedures in place in respect of the Kidderminster Town Hall following the transfer from Wyre Forest District Council of the management of the whole Town Hall complex from 1st April 2019 to the Town Council. This review considered in detail the arrangements in place in respect of Accounts Receivable {Corporate Debtors} and Income to Bank; Accounts Payable {Corporate Creditors} supported by procurement arrangements in respect of the Kidderminster Town Hall. During 2019~20 the Town Council commenced the migration of its manual financial records to the Agresso accounting application to amalgamate both the manual financial records with the database held for transactions in respect of the Kidderminster Town Hall once transferred to the Town Council. The audit review has looked at this process.

The COVID-19 pandemic and consequent Government lockdown announced on the 20th March has an impact on the work of the Kidderminster Town Council going forwards into 2020-21 and is acknowledged and referenced in this Internal Audit Report.

Conclusion

In respect of the internal audit review for the financial year 2019~20 to include a review of key policies alongside the key financial and accounting systems, it can be reported that the financial records continue to be maintained to a high standard and are supported with detailed documentary evidence. On this basis it can be concluded that Kidderminster Town Council had in place adequate and effective internal control and governance arrangements for the financial year 2019~20.

Review of Accounting Arrangements {Records & Bank Reconciliations} {Financial Regulation No5}

Objective	Outcome
<p>To ensure proper accounting records are maintained; year-end accounts are prepared on an income and expenditure basis and agree with the cash book. Ensure that a cash book/nominal ledger is maintained to reflect the formally approved budget. Ensure that there are regular reconciliations to the Bank Statements. Confirm that there is an audit trail for underlying financial records to the accounts, and that where appropriate debtors and creditors had been appropriately recorded.</p>	<p>→ There is evidence that the year-end accounts are prepared on an income and expenditure basis. → The opening balances as detailed in the 2018~19 Statement of Accounts were validated. → Cash Book entries could be reconciled to the trial balance as at 31st March 2020 → Reviewed the March 2020 Closing Bank Reconciliation to ensure completed in a timely manner and that cash in transit/unpresented cheque payments were appropriate and evidenced. → Bank Reconciliations are completed on a monthly basis with evidence held on file. → Reviewed and reconciled close down journals to include accrual and prepayment calculations.</p>

Conclusion:

There were no significant matters arising from this review. The financial records continue to be well managed with the overall financial position detailed within the regular finance reports to the Town Council.

Points for Action: None

Town Clerk Response:

20th July 2020 ~ Report to Responsible Financial Officer

Review of Corporate Governance

Objective	Outcome
<p>To ensure that there is a corporate governance framework in place, ensured that the Council has formally adopted Standing Orders & Financial Regulations; there is a Committee Structure in place; a Responsible Officer is in place with specific duties and that appropriate Corporate policies and procedures are in place.</p> <p>As part of reviewing the Corporate Governance Arrangements, a review of the recommendations from the 2018~19 Internal and External Audit Reports were reviewed.</p>	<p>→The Council’s Governance Arrangements were considered at the Town Council meeting of 10th April 2019 to include the Financial Regulations, {updated April 2019} Standing Orders, Risk Management Strategy and Borrowing & Investment Strategy {C471} with future oversight and review of the governance polices delegated to the Finance & Overview Committee</p> <p>→ There was a material change to the financial regulations to increase the debts write off level to £250 to offset administration costs against recovery costs.</p> <p>Aa Social Media Policy and an Anti-Fraud & Corruption Strategy were added to the suite of corporate governance documents during 2018~19 as previously reported.</p> <p>→The Social Media Policy provides an overview for social media usage, and was adopted by the Town Council at its meeting of 11th April 2018.</p> <p>→The Anti-Fraud & Corruption Policy brought together existing mechanisms for investigations and evidenced the structured approach when dealing with theft, fraud and corruption. The Strategy was adopted by the Town Council at its meeting of 13th March 2019{C456}→The Town Clerk has advised that these polices were scheduled for review by the Town Council in March 2020. However, following the Covid-19 global pandemic and consequent Government lockdown of 23rd March 2020, the March meeting was suspended. The governance polices are scheduled to be formally review by the Town Council in July 2020.</p> <p>→As a consequence of the Government lockdown which commenced before the end of the 2019~20 financial year, formal arrangements were instigated by the Town Clerk and a Civil Emergency Committee established to have oversight of the Town Council services, expenditure and manage the impact of the Covid-19 pandemic.</p> <p>→Following unanimous agreement to establish a Civil Emergency Committee, the Committee met twice in April 2020 and agreed an Covid-19 Action Plan for the Town Council’s response to the pandemic in accordance with legislation and Government guidance.</p> <p>The Internal Audit:</p> <p>→The report was presented to the Town Council at its meeting of 12th June 2019. Councillors noted that there were no items of concern raised by the Internal Auditor for 2018~19. The report was referred back to the Finance & Overview Committee for detailed scrutiny.</p> <p>→The report was noted by the Finance & Overview Committee at its meeting of September 2019 {F116}</p> <p>~~~~~</p> <p>The External Audit:</p> <p>There were no matters arising from the external audit review and annual return {C485}</p>

Conclusion: There were no significant matters arising from this review. There is evidence that the suite of corporate policies are kept under review and enhanced to ensure they remain fit for purpose to suit the needs of the Town Council as it continues to develop and grow.

Points for Action:

Governance arrangements will continue to be reviewed as part of future internal audits. In particular, the

2020~21 review will acknowledge the impact of the Covid-19 pandemic on the Kidderminster Town Council in respect of service delivery and central government support. The review will ensure the Town Council as an independent local government body were able to support Councillors, Officers and the community in line with the action plan approved by the Civil Emergencies Committee.

Town Clerk Response:

20th July 2020 ~ Report to Responsible Financial Officer

Review of Expenditure {Payment Controls} {Financial Regulation No 6}

Objective	Outcome
To ensure that payments are supported by appropriate documentation, evidence of authorisation.	<ul style="list-style-type: none"> → For 2019~20 the system comprised manual and electronic records in that a cash book is maintained by spreadsheet, all payments are supported by an invoice/receipt and this is supported by the Creditor {Accounts Payable} payments in respect of the Kidderminster Town Hall following transfer to the Town Council from 1st April 2019. → The Town Clerk as the Responsible Financial Officer {RFO} confirmed that all payments are authorised/approved by himself prior to passing for payment. → The payment process moved towards electronic banking in 2018~19 with payments wherever possible to be made via electronic banking methods {BACS} subject to expenditure having been agreed by Council or the appropriate Committee. → Authorisation has been given to the Wyre Forest District Council Accountant for on-line banking, and payments via the Banks Automated Clearing System {BACS} and/or the internet.
Expenditure has been recorded against approved budgets and minuted.	<ul style="list-style-type: none"> → Where the only possible method of payment is by cheque, cheques are signed by one of the Councillor signatories. → Payments are minuted, with regular finance reports to the Town Council to ensure that the whole Council has oversight of the financial position. → Expenditure is clearly referenced against the approved budgets and reported back to the respective Committee's on a regular basis.
VAT has been recorded and recovered periodically.	<ul style="list-style-type: none"> → VAT on payments had been identified and recorded correctly in the financial records. → Quarterly claims had been submitted. {01.03.19-31.05.19} {01.06.19-31.08.19} {01.09.19-30.11.19} & {01.12.19-28.02.20}
As appropriate, services have been competitively procured.	<ul style="list-style-type: none"> → The Kidderminster {Reorganisation of Community Governance} Order 2015 provided for the acquisition of various assets and the provision of certain support services by the Town Council. → From April 2016, the Town Council had Service Level Agreements with WFDC for the provision of services to support assets transferred along with a formal agreement for additional services that do not form part of the services transferred at the commencement of the Town Council. → These arrangements continued in 2019~20 with new Service Level Agreements formally signed off at the Town Council Meeting of 11th September 2019. The new arrangement provided for support services to include Finance, Legal, ICT and Facilities Management and for operational services to include St Mary's Churchyard, Market Street Toilets, Floral Displays, Allotments, Street Furniture and Museum Collection. → These transactions form a major part of the expenditure incurred by the Town Council for the financial year 2019~20. → The payments under the Service Level Agreements were reconciled in full for the financial year 2019~20. → The Town Clerk has previously advised that regular meetings are held with WFDC Officers to monitor and manage the Service Level Agreements.

<p>Following the transfer of the Kidderminster Town Hall complex detailed reviews were undertaken to ensure: -</p> <p>→there is a system in place for the raising and authorising of purchase orders for the procurement of goods and services within the Financial Agresso Management System.</p> <p>→that goods and services procured by corporate debit {procurement} card are approved by the Town Clerk, accurately recorded in the financial records and formally reported to the Town Council.</p>	<p>→From a sample of invoices selected purchase orders had been raised however, on occasion it was noted that the purchase order had been raised after the goods and/or services had been received.</p> <p>→The work flow for each invoice was evidenced within the Agresso Financial Management System with all purchase orders having been approved by a nominated approver.</p> <p>→All purchase orders had been goods receipted before payment.</p> <p>→The audit review confirmed that new supplier accounts as created within the Agresso Financial Management System are independently validated to ensure all details are correct prior to the payment of invoices.</p> <p>→Debit cards are held by the Town Clerk, Town Hall Manager and Deputy Town Hall Manager, although goods/services are procured by other employees of the Town Council as/when required.</p> <p>→From the sample of transactions reviewed, a valid receipt was sighted for all, and where a receipt had not been available, copy documentation was provided by the Town Clerk. On occasion, receipts had not contained a valid VAT number and therefore VAT could not be reclaimed by the Town Council at a cost to the council.</p> <p>→Detailed narrative had been provided on the Agresso Financial Management System to support the purchase.</p> <p>To supplement these reviews, validation was sought in respect of some certain large items of expenditure: -</p> <p>→At its meeting of 30th January 2019, the Town Council had agreed to fund the cleaning and renovation of the Rowland Hill Statue at a cost of £5,500 {C443}. Costs were to be met from reserves and Standing Orders were suspended to allow for the appointment of specialist contractors Hirst Conservation. Following commencement of the cleaning works in late March 2019, significant wear and damage had been identified requiring restoration works.</p> <p>It is noted, that the final costs of these works in 2019~20 were £13k. In accordance with Financial Regulations, at its meeting of 10th April 2019, the Town Council agreed that the overall costs for the refurbishment of the statue be increased to £13.5k.</p>
<p>Conclusion: There were no significant matters arising from this review. Major items of expenditure are subject to the formal agreements being in place with evidence of Town Council approval as minuted.</p> <p>→The audit review acknowledges, that the Town Council agreed and entered into negotiations with the District Council to take on the running of the whole Town Hall Complex from 1st April 2019, to include a four year grant from the District Council.</p> <p>→The service level agreements with WFDC which have formed part of previous internal audit reviews have been subject to review and change. These new arrangements from 1st April 2019 have been acknowledged as part of this internal audit review for 2019~20.</p>	
<p>Points for Action:</p> <p>→As opportunities for growth of Kidderminster Town Council arise requiring processes and procedures to be reviewed by the Town Council/Town Clerk, the changes and the effects will be considered as part of future internal audits to ensure the Council can deliver its vision and priorities.</p> <p>→ Following the amalgamation of both the manual financial records with the database held for transactions in respect of the Kidderminster Town Hall once transferred to the Town Council, this has assisted with the raising of purchase orders for the procurement of goods and services. Moving forward for 2020~21, consideration is given to maintaining all financial records on the Agresso Financial Management System for ease of reporting.</p> <p>→As the Town Council moves towards full migration of its financial records, ensure that staff as best practice: -</p> <ul style="list-style-type: none"> ➤ Raise a purchase order for all goods/services procured ensuring detailed narrative that can be referenced within the reports available on the Agresso Financial Management System and support commitment accounting and budget monitoring. ➤ In respect of payments by debit {procurement} card, valid VAT receipts are obtained and 	

forwarded to the WFDC Accountant as the Town Clerks' representative promptly to allow for ease of reconciliation and budget monitoring and ensure funds are maximised for service delivery by the Town Council.

Town Clerk Response:

20th July 2020 ~ Report to Responsible Financial Officer

Assessment and Management of Risk {Financial Regulation No 15}

Objective	Outcome
To ensure that the Town Council has assessed the significant risks to achieving its objectives and that it has in place arrangements to identify potential risks financial and non-financial to include review and minutes of any unusual financial activity.	<p>→The Council's governance arrangements do include the Risk Management Policy, Framework and Matrix. It is noted that the Risk Management Policy Matrix and Framework were reviewed by the Town Council at its meeting of 10th April 2019 as one of a suite of Governance Reports.</p> <p>→It is acknowledged that the Covid-19 pandemic and subsequent lockdown from 23rd March 2020 presents new risks for the Town Council. The Council's priorities will change under lockdown restrictions. An action plan approved by the Civil Emergencies Committee acknowledges the risks associated with any proposals for service delivery for the forth coming financial year 2020~21.</p> <p>→Regular finance reports are presented to the Town Council to update the Council on the budget performance and the plans for future spending ensuring they are fully informed of any financial implications.</p>
To ensure that insurance cover is appropriate and adequate.	<p>→The insurance policy schedule for 2019~20 was sighted as part of the Internal Audit review and this included the revised premium to include from 1st April 2019 the Town Hall complex.</p>

Conclusion: The overall conclusion is that the Council have in place a risk assessment policy, framework and matrix to acknowledge the current and future risks faced by the Town Council and these corporate documents are kept under review. The approval of the Civil Emergency Committee in response to the Covid-19 pandemic at the end of March 2020 is evidence that the Town Council are able to respond and re assess risks promptly.

Points for Action: Risk Management will be reviewed as a standing item as part of future internal audits. In particular, the 2020~21 review will acknowledge the impact of the Covid-19 pandemic on the Kidderminster Town Council in respect of service delivery and central government support. The review will ensure the Town Council as an independent local government body were able to support Councillors, Officers and the community in line with the action plan approved by the Civil Emergencies Committee.

Town Clerk Response:

20th July 2020 ~ Report to Responsible Financial Officer

Review of Budgetary Controls {Financial Regulation No 4}

Objective	Outcome
To ensure that the Town Council has procedures in place to identify future financial requirements and/or commitments; supported by an approved budget and formal determination of the required precept.	<p>→ Draft budget for the financial year of the Town Council 2019-20 was formally approved at its meeting of 30th January 2019 to include the precept for 2019~20 and the Town Hall Budget from 1st April 2019 and the Grant Proposal from WFDC.</p> <p>C448: Council Minute: -</p> <p>→Resolved increase in the Council Tax Band D equivalent of £5.00 to be levied for 2019~20 to provide for a precept @ £620,676</p> <p>→Estimated Budget for 2019~20 approved</p> <p>→In addition, following with the transfer of the management and maintenance of the Kidderminster Town Hall to the Town Council, Council agreed to a four year grant proposal from WFDC to support the taking on of the running of the whole Town Hall Complex in consideration of the budget estimates provided for the Town Hall following approval from the Town Hall Committee.</p>
To ensure that there is budgetary control and monitoring of performance with explanations for any variances, that Members receive regular financial reports	<p>→Regular finance reports are presented to the Town Council to update the Council on the budget performance and the plans for future spending ensuring they are fully informed of any financial implications.</p> <p>→ There is evidence of detailed budget monitoring. Detailed budget</p>

Review of Budgetary Controls {Financial Regulation No 4}	
Objective	Outcome
and the budget is matched to the year-end out-turn.	<p>overviews by Committee of actual spend against the approved budget to include variances was reported in detail to the Town Council at its meetings of July, September and December 2019, and 1st January 2020.</p> <p>→A detailed financial performance overview of actual spend to date is considered by its respective committee for discussion and noting.</p>
<p>Conclusion: There were no specific matters arising.</p> <p>The overall conclusion is that there is evidence of detailed budget monitoring by the Town Council as a whole at its meetings and this is supported by scrutiny of their respective budgets and actual spend at each sub-committee meeting, with the discussions formally minuted.</p>	
<p>Points for Action:</p> <p>→ During the financial year 2019~20 the spreadsheet based recording and monitoring of the Town Council budget had been migrated to an accounting application. With the knowledge that the whole Kidderminster Town Hall complex is now managed by the Town Council from 1st April 2019, as part of the financial performance overview the Town Council financial records were migrated to the Agresso Financial Management System with both systems run in parallel by the Town Clerks' representative {Accountant for WFDC} for 2019~20.</p> <p>→Following the outbreak of Covid-19 in March 2020, in accordance with Government Guidance to support the Town Clerk, the WFDC Accountant was migrated to homeworking and the continuation of service delivery to the Town Clerk has been seamless, supported in part by the migration of the financial records to the Agresso Financial Management System. Moving forward for 2020~21, consideration is given to maintaining the financial records as a whole on the Agresso Financial Management System for ease of reporting.</p>	
<p>Town Clerk Comments: 20th July 2020 ~ Report to Responsible Financial Officer</p>	

Review of Income {Financial Regulation No 9}	
Objective	Outcome
<p>In considering the Town Council's income streams ensure that systems are in place to enable identification of all income due, that the income is recorded correctly and promptly banked.</p>	<p>→For 2019~20 the Town Council had sources of income other than the precept. Other sources of income were in respect of</p> <p>~ Rent paid by WFDC for space within the Town Hall, occupied by the HUB for part of the 2019~20 financial year prior to relocation of the WFDC HUB to their Green Street Depot site in September 2020,</p> <p>~Grant support from WFDC to support the taking on and running of the whole Town Hall Complex, for which quarterly payments were sighted as part of this review;</p> <p>~National Heritage Grant to support the work of the Town Hall Project Officer in redevelopment of the Town Hall for which grants were received in April and November 2019;</p> <p>~Town Hall events income to include wedding ceremonies, third party hirers and room bookings in line with approved fees and charges.,</p> <p>→Additional income had been received in respect of VAT and bank interest on investments and the working balance held in the Business Premium Bank Account.</p>
<p>Following the transfer of the Kidderminster Town Hall to the Town Council: -</p> <p>→the system in place for the raising of Debtor Accounts {Sales Orders for Accounts Receivable} was reviewed, to ensure that accounts were raised correctly and in a timely manner, payments were banked and recorded accurately within the financial records and that effective procedures were in place to</p>	<p>→From the sample of 20 invoices selected to cover room hire and events at the Town Hall, 15 had been raised in line with approved set fees and charges and 5 had been subject to commercial judgement. Confirmation of each booking had been sighted with evidence of customer agreement to the charges applied.</p> <p>→Where payment had been received the monies had been allocated correctly within the financial records.</p> <p>→Recovery action for any outstanding invoices is undertaken by the Town Hall Support Officer{NB: Reminder notices for any unpaid debtor accounts are system generated from Agresso, collated by the WFDC Debt Recovery Officer prior to forwarding to the Town Hall Support Officer}.</p> <p>→The WFDC Accountant confirmed that any outstanding invoices as</p>

<p>pursue recovery of outstanding monies.</p> <p>→the system in place for the receiving and receipting of income by WFDC via their ICON cash receipting application on behalf of the Town Council via was reviewed to ensure that monies were promptly transferred to the bank account of Kidderminster Town Council, and income detailed correctly within Agresso.</p> <p>Ensure that the precept due to the Town Council agrees to the formal Committee approval.</p>	<p>at 31st March 2020 are evidenced in the Debtors entry on the Balance sheet.</p> <p>→Following the transfer of the Town Hall complex to the Town Council, for ease of recording and reconciling the daily income balances, income {cash/cheques/card transactions} would continue to be processed through the WFDC Cash Receipting {ICON} application directly into the WFDC Bank Account, and the monies reconciled and transferred to the Town Council Bank Account.</p> <p>→Income banked was reviewed for the month of September 2019, to ensure that there was supporting documentation for each transaction.</p> <p>→All income could be reconciled, however, on occasion as advised by the WFDC Accountant, cheques had been made payable directly to the Town Council and were therefore paid directly into their Bank Account rather than that of WFDC.</p> <p>→In respect of card transactions these are processed through the PDQ terminal prior to uploading on to the ICON application by the Town Hall Support Officer for reconciliation to the WFDC bank account prior to being transferred to the Town Council. On occasion, the information would not always be uploaded onto ICON on the date of receipt and/or several days may be uploaded together. It was possible to reconcile all income and ensure all had been recorded correctly in the Agresso Financial Management System for the Town Council financial records.</p> <p>→The precept for 2019~20 had been reported to Kidderminster Town Council Committee 30th January 2019 for the formal budget approval. {C448}</p> <p>→Precept agreed @ £620,676. Paid in 2 instalments, April and September 2019:</p>
---	--

Conclusion: There are no significant matters arising from this review. All income had been correctly recorded within the financial records to include the cash book and final accounts. There is evidence of a system in place for the raising of sales orders {Accounts Receivable} for events at the Kidderminster Town Hall with payments recorded for income promptly banked and any outstanding unpaid invoices actively pursued. The embedding of the new process for reconciling the cash/cheque/card transaction income received has caused a few teething problems in terms of the delay in posting income onto the ICON cash receipting application with the Wyre Forest Accountant having to undertake more work to enable a detailed upload to the Agresso Management System, and full reconciliation to the Town Council’s bank account. This extra work was undertaken with goodwill this year but cannot be sustained without reviewing the recharge so a review is recommended to streamline processes further.

Points for Action:
 The amalgamation of both the manual financial records with the database held for transactions in respect of the Kidderminster Town Hall once transferred to the Town Council has assisted with the raising of Debtor Accounts coupled with the functionality for pursuing any outstanding accounts. Moving forward for 2020~21, consideration is given to maintaining the financial records as a whole on the Agresso Financial Management System for ease of reporting.
 →In respect of the posting of card transactions receipted through the PDQ terminal, the procedure be reviewed to ensure all transactions are posted onto the ICON Cash Receipting application daily for ease of reconciliation and transfer of funds from WFDC to the Town Council.

Town Clerk Response:
 20th July 2020 ~ Report to Responsible Financial Officer

Review of Petty Cash Imprest {Financial Regulation 6.13}	
Objective	Outcome
To ensure that appropriate controls are in place for the recording of petty cash spend; that all expenditure incurred is supported by either a business invoice or till receipt, that	→Examination of the financial records indicate that expenditure in this area is small and used for minor/emergency purchases covering stationery items, refreshments for events, and postage. →The Town Clerk confirmed that the petty cash imprest is managed by the Office Manager.

Review of Petty Cash Imprest {Financial Regulation 6.13}	
Objective	Outcome
<p>the expenditure is appropriate, that VAT has been identified separately for periodic recovery, and that the cheque encashment from the main cash book is recorded correctly. To ensure that petty cash expenditure is reported to each Council meeting.</p>	<p>→Councillors are advised of petty cash spend, via the finance reports to the Finance & Overview Committee.</p> <p>→As previously reported following the introduction of debit cards for the Town Clerk/RFO it was noted that the general use of the petty cash imprest was very much reduced, used mainly to cover several small items of sundry expenditure. This has continued to be the case for 2019~20 with minor expenditure to cover stationery items, postage, refreshments for events and car valeting as appropriate classified as general office expenditure within the cash book, amounts are considered to be not material to affect the detailed spend for the Kidderminster Town Council.</p> <p>→For the financial year 2019~20 it was noted that due to the infrequent use of the imprest account, it was not necessary to seek full reimbursement of the petty imprest account until 31st March 2020, to ensure all expenditure is accounted for in the correct financial year.</p>
<p>Conclusion: There are no significant matters arising from this review. In view of the general use of the petty cash imprest being very much reduced further during 2019~20 to the point of one annual reimbursement of the imprest being required to cover small items of sundry expenditure, the petty cash imprest account should be reduced from the current £500. This will enable more frequent reimbursement during the year and ensure all expenditure is captured in the financial records as it occurs and not left until the year end.</p>	
<p>Points for Action: As previously recommended and now evidenced from the 2019~20 financial year spend, consideration is given to reducing the petty cash imprest from £500 to £300.</p>	
<p>Town Clerk Response: 20th July 2020 ~ Report to Responsible Financial Officer</p>	

Review of Salaries {Payroll Controls} {Financial Regulation No 7}	
Objective	Outcome
<p>To ensure that employees of the Town Council have contracts of employment; and that salaries are paid as approved by the Council. To ensure that deductions for National Insurance, Income Tax and Local Government Pension {LGPS} are correctly recorded, and paid over to HMRC and Worcestershire County Council on a timely basis.</p>	<p>→Payroll Services are provided by WFDC as part of the external arrangements with Redditch BC and Bromsgrove DC. The payments for Kidderminster Town Council fall under the Service Provision to External Bodies as defined by the Service Level Agreement {SLA} between WFDC and RBC/BDC to provide a full payroll service including the calculation of Employers Pension and NI for submission to Worcestershire County Council and the HMRC as part of the Real Time Processing respectively.</p> <p>→Salary payments are transmitted by WFDC via the Banks Automated Clearing Service {BACS} and at month end to Worcestershire County Council for pension contributions from both employee and employer and to the HMRC for NI and Tax to support the Real Time Information provided at the time of salary payments.</p> <p>→The Town Clerk confirmed that all staff have contracts of employment as prepared in association with County Association of Local Councils {CALC}.</p> <p>→Salary payments were validated in detail {gross to net} as part of the Internal Audit Review to cover the May and December 2019 monthly payroll runs for the staff of Kidderminster Town Council.</p> <p>→The staff record forms for those employees who transferred across to the Town Council from WFDC were sighted to ensure May salary payments were in accordance with the TUPE arrangements.</p> <p>→As part of the review of the December salary payments staff termination forms were sighted and final pay calculations validated for employees who had left the employ of the Town Council since April 2019.</p>

Review of Salaries {Payroll Controls} {Financial Regulation No 7}

Conclusion: There are no significant matters arising from the review of payroll controls. All employees have been issued with contracts of employment.

Points for Action: None

Town Clerk Response:

20th July 2020 ~ Report to Responsible Financial Officer

Review of Asset Register {Financial Regulation No 12}

Objective	Outcome
All Councils are required to maintain a register of all material assets owned or in its care, and ensure the register is regularly reviewed and insurance valuations agree with those in the register.	<p>→ Following the formal creation of Kidderminster Town Council on 1st April 2016 certain land, property, rights and liabilities were transferred from WFDC to the Kidderminster Town Council.</p> <p>→ The Town Clerk confirmed that there were no additional assets or acquired or disposals by the Town Council during the financial year 2019~20</p> <p>→ For completeness, the insurance policy schedule to 31st March 2020 was sighted and noted the increase sums insured.</p> <p>→ The management of the whole Kidderminster Town Hall complex transferred to the Town Council from 1st April 2019, coupled with the insurance liability responsibility.</p> <p>→ For completeness, the insurance policy schedule to 31st March 2020 was sighted to include the addition of the Town Hall Building and Contents.</p> <p>→ The installation of the Horsefair Clock coupled with the ongoing management and maintenance as agreed by the Town Council in March 2019 is still at a work in progress stage and did not occur in the financial year 2019~20. It is anticipated that this will occur in the financial year 2020~21.</p>

Conclusion: There are no significant matters arising from this review. It is noted that the current long term agreement with the Councils Insurers ceases on 31st March 2021. Acknowledged the potential additional asset of the Horsefair Clock was not installed during 2019~20, but has rolled over into the 2020~21 financial year.

Points for Action: The Town Clerk ensures that the insurance arrangements for the Town Council are regularly reviewed and any future new long term arrangements provide value for money for the Town Council.

Town Clerk Response:

20th July 2020 ~ Report to Responsible Financial Officer

Review of Investments {Financial Regulation No 8}

Objective	Outcome
To ensure that the Town Council is managing reserves, reviewed the arrangements for investing surplus funds, to ensure that they are in accordance with an approved Treasury Management Policy.	<p>→ There is a Borrowing & Investment Strategy in place adopted by the Town Council at the meeting of the Finance & Overview Committee in December 2017; agreed at its meeting in May 2018 and endorsed 10th April 2019. {C.471}</p> <p>→ A review of the investment agreements was undertaken and investment income reconciled accordingly.</p> <p>→ For the financial year 2019~20 the Town Council had £100,000 invested with WFDC for a term of 12 months from 7th May 2019 to 6th May 2020. This comprised an initial investment of £30,000 transferred from the Kidderminster Charter Trustees, and the £70,000 surplus identified at the year-end for 2016~17.</p>

Conclusion: it is acknowledged that alternative investment options for the Town Council have been considered, but to mitigate any risk and in view of current low interest rates and the emerging Covid~19 pandemic, the Town Council continue to keep the £100,000 invested with WFDC.

Points for Action/Noting:

→ As the Town Council continues to grow and potential future investment opportunities are identified, these will continue to form part of future Internal Audit Reviews.

→ The Borrowing & Investment strategy continue to be reviewed on a regular basis to ensure it remains fit for purpose, with the next scheduled review for April 2020.

Town Clerk Response:

20th July 2020 ~ Report to Responsible Financial Officer

Consultees:

Tracey Southall, CPFA, MAAT
Corporate Director: Resources, S151 Officer
Wyre Forest District Council

Diana Evans, CPFA
Accountant,
Wyre Forest District Council

Tony Beirne,
Town Clerk
Kidderminster Town Council

Report Prepared By:

Cheryl Ellerton, MAAT,
Audit Manager,
Wyre Forest District Council

Date:20th July 2020

Annual Governance and Accountability Return 2019/20 Part 3

To be completed by Local Councils, Internal Drainage Boards and other Smaller Authorities*:

- where the higher of gross income or gross expenditure exceeded £25,000 but did not exceed £6.5 million; or
- where the higher of gross income or gross expenditure was £25,000 or less but that:
 - are unable to certify themselves as exempt (fee payable); or
 - have requested a limited assurance review (fee payable)

Guidance notes on completing Part 3 of the Annual Governance and Accountability Return 2019/20

1. Every smaller authority in England that either received gross income or incurred gross expenditure exceeding £25,000 **must** complete Part 3 of the Annual Governance and Accountability Return at the end of each financial year in accordance with *Proper Practices*.
2. **The Annual Governance and Accountability Return is made up of three parts, pages 3 to 6:**
 - The **Annual Internal Audit Report** is completed by the authority's internal auditor.
 - **Sections 1 and 2** are to be completed and approved by the authority.
 - **Section 3** is completed by the external auditor and will be returned to the authority.
3. The authority **must** approve Section 1, Annual Governance Statement, before approving Section 2, Accounting Statements, and both **must** be approved and published **before 1 July 2020**.
4. An authority with either gross income or gross expenditure exceeding £25,000 or an authority with neither income nor expenditure exceeding £25,000, but which is unable to certify itself as exempt, or is requesting a limited assurance review, **must** return to the external auditor by email or post (not both) **no later than 30 June 2020**. Reminder letters will incur a charge of £40 +VAT:
 - the Annual Governance and Accountability Return Sections 1 and 2, together with
 - a bank reconciliation as at 31 March 2020
 - an explanation of any significant year on year variances in the accounting statements
 - notification of the commencement date of the period for the exercise of public rights
 - Annual Internal Audit Report 2019/20

Unless requested, do not send any additional documents to your external auditor. Your external auditor will ask for any additional documents needed.

Once the external auditor has completed the limited assurance review and is able to give an opinion, the Annual Governance and Accountability **Section 1, Section 2 and Section 3 – External Auditor Report and Certificate** will be returned to the authority by email or post.

Publication Requirements

Under the Accounts and Audit Regulations 2015, authorities must publish the following information on a publicly accessible website:

Before 1 July 2020 authorities **must** publish:

- Notice of the period for the exercise of public rights and a declaration that the accounting statements are as yet unaudited;
- **Section 1 - Annual Governance Statement 2019/20**, approved and signed, page 4
- **Section 2 - Accounting Statements 2019/20**, approved and signed, page 5

Not later than 30 September 2020 authorities **must** publish:

- Notice of conclusion of audit
- **Section 3 - External Auditor Report and Certificate**
- **Sections 1 and 2 of AGAR** including any amendments as a result of the limited assurance review.

It is recommended as best practice, to avoid any potential confusion by local electors and interested parties, that you also publish the Annual Internal Audit Report, page 3.

The Annual Governance and Accountability Return constitutes the annual return referred to in the Accounts and Audit Regulations 2015. Throughout, the words 'external auditor' have the same meaning as the words 'local auditor' in the Accounts and Audit Regulations 2015.

*for a complete list of bodies that may be smaller authorities refer to schedule 2 to the Local Audit and Accountability Act 2014.

Guidance notes on completing Part 3 of the Annual Governance and Accountability Return 2019/20

- The authority **must** comply with *Proper Practices* in completing Sections 1 and 2 of this Annual Governance and Accountability Return. *Proper Practices* are found in the *Practitioners' Guide** which is updated from time to time and contains everything needed to prepare successfully for the financial year-end and the subsequent work by the external auditor.
- Make sure that the Annual Governance and Accountability Return is complete (no highlighted boxes left empty), and is properly signed and dated. Where amendments are made by the authority to the AGAR after it has been approved by the authority and before it has been reviewed by the external auditor, the Chairman and RFO should initial the amendments and if necessary republish the amended AGAR and recommence the period for the exercise of public rights. If the AGAR contains unapproved or unexplained amendments, it may be returned and additional costs will be incurred.
- The authority **should** receive and note the annual internal audit report if possible before approving the annual governance statement and the accounts.
- Use the checklist provided below to review the Annual Governance and Accountability Return for completeness before returning it to the external auditor by email or post (not both) no later than 30 June 2020.
- Do not send the external auditor any information not specifically requested. However, **you must inform your external auditor about any change of Clerk, Responsible Financial Officer or Chairman, and provide relevant email addresses and telephone numbers.**
- Make sure that the copy of the bank reconciliation to be sent to your external auditor with the Annual Governance and Accountability Return covers all the bank accounts. If the authority holds any short-term investments, note their value on the bank reconciliation. The external auditor must be able to agree the bank reconciliation to Box 8 on the accounting statements (**Section 2, page 5**). An explanation **must** be provided of any difference between Box 7 and Box 8. More help on bank reconciliation is available in the *Practitioners' Guide**.
- Explain fully significant variances in the accounting statements on **page 5**. Do not just send a copy of the detailed accounting records instead of this explanation. The external auditor wants to know that you understand the reasons for all variances. Include complete numerical and narrative analysis to support the full variance.
- If the external auditor has to review unsolicited information, or receives an incomplete bank reconciliation, or variances are not fully explained, additional costs may be incurred.
- Make sure that the accounting statements add up and that the balance carried forward from the previous year (Box 7 of 2019) equals the balance brought forward in the current year (Box 1 of 2020).
- The Responsible Financial Officer (RFO), on behalf of the authority, **must** set the period for the exercise of public rights. From the commencement date for a single period of 30 consecutive working days, the approved accounts and accounting records can be inspected. Whatever period the RFO sets it **must** include a common inspection period – during which the accounts and accounting records of all smaller authorities must be available for public inspection – of the first ten working days of July.
- The authority **must** publish the information required by Regulation 15 (2), Accounts and Audit Regulations 2015, including the period for the exercise of public rights and the name and address of the external auditor **before 1 July 2020**.

Completion checklist – 'No' answers mean you may not have met requirements		Yes	No
All sections	Have all highlighted boxes have been completed?		
	Has all additional information requested, including the dates set for the period for the exercise of public rights , been provided for the external auditor?		
Internal Audit Report	Have all highlighted boxes been completed by the internal auditor and explanations provided?		
Section 1	For any statement to which the response is 'no', has an explanation been published?		
Section 2	Has the authority's approval of the accounting statements been confirmed by the signature of the Chairman of the approval meeting?		
	Has an explanation of significant variations from last year to this year been published?		
	Has the bank reconciliation as at 31 March 2020 been reconciled to Box 8?		
	Has an explanation of any difference between Box 7 and Box 8 been provided?		
Sections 1 and 2	Trust funds – have all disclosures been made if the authority as a body corporate is a sole managing trustee? NB: do not send trust accounting statements unless requested.		

***Governance and Accountability for Smaller Authorities in England – a Practitioners' Guide to Proper Practices**, can be downloaded from www.nalc.gov.uk or from www.ada.org.uk

Annual Internal Audit Report 2019/20

ENTER NAME OF AUTHORITY

This authority's internal auditor, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls to be in operation **during** the financial year ended 31 March 2020.

The internal audit for 2019/20 has been carried out in accordance with this authority's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of this authority.

Internal control objective	Agreed? Please choose one of the following		
	Yes	No*	Not covered**
A. Appropriate accounting records have been properly kept throughout the financial year.			
B. This authority complied with its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.			
C. This authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.			
D. The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.			
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.			
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.			
G. Salaries to employees and allowances to members were paid in accordance with this authority's approvals, and PAYE and NI requirements were properly applied.			
H. Asset and investments registers were complete and accurate and properly maintained.			
I. Periodic and year-end bank account reconciliations were properly carried out.			
J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.			
K. IF the authority certified itself as exempt from a limited assurance review in 2018/19, it met the exemption criteria and correctly declared itself exempt. <i>(If the authority had a limited assurance review of its 2018/19 AGAR tick "not covered")</i>			
L. The authority has demonstrated that during summer 2019 it correctly provided for the exercise of public rights as required by the Accounts and Audit Regulations.			
M. (For local councils only) Trust funds (including charitable) – The council met its responsibilities as a trustee.	Yes	No	Not applicable

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

Date(s) internal audit undertaken

Name of person who carried out the internal audit

DD/MM/YY

DD/MM/YY

DD/MM/YY

ENTER NAME OF INTERNAL AUDITOR

Signature of person who carried out the internal audit

CSEI/John REQUIRED

Date

DD/MM/YY

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

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

Section 1 – Annual Governance Statement 2019/20

We acknowledge as the members of:

ENTER NAME OF AUTHORITY

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2020, that:

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

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

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

DD/MM/YY

and recorded as minute reference:

MINUTE REFERENCE

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

Chairman

SIGNATURE REQUIRED

Clerk

SIGNATURE REQUIRED

Other information required by the Transparency Codes (not part of Annual Governance Statement)
Authority web address

AUTHORITY WEBSITE ADDRESS

Section 2 – Accounting Statements 2019/20 for

ENTER NAME OF AUTHORITY

	Year ending		Notes and guidance
	31 March 2019 £	31 March 2020 £	
			<i>Please round all figures to nearest £1. Do not leave any boxes blank and report £0 or Nil balances. All figures must agree to underlying financial records.</i>
1. Balances brought forward			<i>Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.</i>
2. (+) Precept or Rates and Levies			<i>Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.</i>
3. (+) Total other receipts			<i>Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.</i>
4. (-) Staff costs			<i>Total expenditure or payments made to and on behalf of all employees. Include gross salaries and wages, employers NI contributions, employers pension contributions, gratuities and severance payments.</i>
5. (-) Loan interest/capital repayments			<i>Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).</i>
6. (-) All other payments			<i>Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).</i>
7. (=) Balances carried forward			<i>Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).</i>
8. Total value of cash and short term investments			<i>The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – To agree with bank reconciliation.</i>
9. Total fixed assets plus long term investments and assets			<i>The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.</i>
10. Total borrowings			<i>The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).</i>
11. (For Local Councils Only) Disclosure note re Trust funds (including charitable)	Yes	No	<i>The Council, as a body corporate, acts as sole trustee for and is responsible for managing Trust funds or assets.</i>
			<i>N.B. The figures in the accounting statements above do not include any Trust transactions.</i>

I certify that for the year ended 31 March 2020 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

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

SIGNATURE REQUIRED

Date

DD/MM/YY

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

DD/MM/YY

as recorded in minute reference:

MINUTE REFERENCE

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

SIGNATURE REQUIRED

Section 3 – External Auditor Report and Certificate 2019/20

In respect of

ENTER NAME OF AUTHORITY

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 2020; 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 2019/20

(Except for the matters reported below)* on the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return, in our opinion the information in Sections 1 and 2 of the Annual Governance and Accountability Return 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. (*delete as appropriate).

(continue on a separate sheet if required)

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

(continue on a separate sheet if required)

3 External auditor certificate 2019/20

We certify/do not 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 2020.

*We do not certify completion because:

External Auditor Name

ENTER NAME OF EXTERNAL AUDITOR

External Auditor Signature

SIGNATURE REQUIRED

Date

DD/MM/YY

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



KIDDERMINSTER TOWN COUNCIL

PRE-AUDIT

FINAL ACCOUNTS

FOR THE PERIOD ENDED

31ST MARCH 2020

KIDDERMINSTER TOWN COUNCIL

Income and Expenditure Account for the Period Ended 31st March 2020

1st Apr 18 to 31st Mar 19 £	INCOME	1st Apr 19 to 31st Mar 20 £
	INCOME	
528,488.00	Precept	620,676.00
3,617.97	Precept Support Grant	0.00
927.82	Interest	1,354.45
58,000.00	Rent and Registrars Income	25,000.00
1,429.59	Miscellaneous	5,506.50
0.00	National Heritage Grant	43,310.00
0.00	WFDC Grant	125,340.00
0.00	Town Hall Income	121,680.33
592,463.38		942,867.28
	EXPENDITURE	
	<u>General Administration</u>	
132,042.48	Staff Costs	330,933.39
12,882.36	Mayoral Allowances	14,105.38
10,292.86	General Office	12,770.96
45,364.78	Miscellaneous	17,925.46
1,173.38	Parishing / Town Council Costs	6,099.56
4,894.00	Robes and Regalia	0.00
206,649.86		381,834.75
	<u>Running Costs</u>	
6,725.60	Insurance	22,568.37
4,483.56	Mayor's Car	5,332.33
18,690.29	Civic Events	18,035.71
0.00	Elections	0.00
61,355.86	WFDC Services / Grants	155,832.90
76,010.00	Contribution towards Town Hall Maintenance	0.00
111,140.00	Dual Use Agreement	0.00
23,150.00	Christmas Lights	21,050.00
4,642.83	Public Conveniences Market Street	5,115.81
1,202.93	Clock Tower, Oxford Street	603.13
5,850.00	Grants	9,850.00
2,607.20	War Memorials / Statues	13,080.60
4,099.85	Town Hall Redevelopment	59,225.68
0.00	Kidderminster Town Hall Expenditure	207,141.10
319,958.12		517,835.63
526,607.98		899,670.38
65,855.40	Surplus / (Deficit) on Period	43,196.90
		43,196.90
249,426.79	FUND BALANCE	315,282.19
		b/f
65,855.40	SURPLUS FOR YEAR	43,196.90
315,282.19	BALANCE	358,479.09
		c/f

KIDDERMINSTER TOWN COUNCIL

BALANCE SHEET AS AT 31ST MARCH 2020

1st Apr 18 to 31st March 19 £			1st Apr 19 to 31st March 20 £
	<u>Current Assets</u>		
20,572.11	Debtors	Note 1	51,604.40
33,971.00	Prepayments	Note 2	27,843.00
100,000.00	Investments	Note 3	100,000.00
174,460.80	Cash - Current Account		216,979.02
500.00	Cash - Petty Cash		500.00
329,503.91			396,926.42
	Less		
	<u>Current Liabilities</u>		
(14,221.72)	Creditors	Note 4	(38,447.33)
315,282.19	Net Assets		358,479.09
	<u>Represented by:</u>		
315,282.19	Fund Balance	Note 5	358,479.09
315,282.19			358,479.09

KIDDERMINSTER TOWN COUNCIL

Notes to the Accounts

	1st April 18 to 31st March 19 £	1st April 19 to 31st March 20 £
Note 1 <u>Debtors</u>		
VAT to be reclaimed	12,323.05	28,112.59
WFDC Services / Grants	1,222.76	0.00
Income for Lengthsman Scheme	161.00	5,167.50
Income for Horsefair Clock	6,392.00	0.00
Electricity - Clock Tower, Oxford Street	0.00	0.00
Water - Market Street, Public Conveniences	0.00	0.00
Parishing / Town Council Costs	473.30	0.00
Town Hall Income	0.00	18,324.31
	20,572.11	51,604.40
 Note 2 <u>Prepayments</u>		
SLCC Membership	313.00	0.00
General Office Expenses	58.00	0.00
ICT Strategy Contribution	33,600.00	25,200.00
Town Hall Expenditure	0.00	2,643.00
	33,971.00	27,843.00
 Note 3 <u>Investments</u>		
Investments with Wyre Forest District Council	100,000.00	100,000.00
 Note 4 <u>Creditors</u>		
Mayoral Allowances - Tax / NI	(4,122.36)	(4,122.36)
Electricity & Water - Public Conveniences and Clock Tower	(810.54)	(552.80)
Parishing / Town Council Cost - Painters Solicitors	(188.98)	0
General Office Expenses	(565.50)	(605.08)
WFDC Services	(5,318.76)	0
Civic Events	(890.78)	(114.48)
Town Hall Redevelopment	(2,282.60)	(6,680.00)
War Memorials / Statues	(42.20)	0
Lengthsman Scheme	0	(348.75)
Kidderminster Town Hall Expenditure	0	(18,514.70)
Grants	0	(500.00)
Mayors Car	0	(81.00)
Town Hall Income	0	(5,508.16)
National Heritage Grant	0	(1,420.00)
	(14,221.72)	(38,447.33)

KIDDERMINSTER TOWN COUNCIL

		1st April 18 to 31st March 19 £	1st April 19 to 31st March 20 £
Note 5	<u>Fund Balance</u>		
	Balance 1st April	249,426.79	315,282.19
	Surplus for Year	65,855.40	43,196.90
	Balance 31st March	315,282.19	358,479.09

Note 6 **Mayoral Allowances**

Mayoral Allowances is made up as follows:

Town Mayor	6,590.00	9,372.14
Deputy Town Mayor	2,170.00	3,421.24
Tax / NI	4,122.36	1,312.00
	12,882.36	14,105.38

Note 7 **Trust Funds**

Kidderminster Town Council acts as Corporate Trustee for Kidderminster Educational Foundation. Responsibility for the role of Trustee transferred to Kidderminster Town Council on 1st April 2016 from Wyre Forest District Council. Kidderminster Educational Foundation is a registered charity, whose main activity is as grant-maker to individuals, and also to assist other organisations in activities which comply with the governing objectives of the Foundation. The fund is invested in the money market with Wyre Forest District Council but not included within Kidderminster Town Councils balance sheet. The capital balance invested during the year was £271,209 whilst the revenue balance was £4,843 as 31st March 2019.

	Income £'000	Expenditure £'000	Assets £'000	Liabilities £'000
Kidderminster Educational Foundation	2	1	276	0

Note 8 **Capital Accounting**

The Council is not required to comply with capital accounting requirements. However assets have been identified and valued; listed below. This includes a number of assets including Kidderminster Town Hall that have been transferred with effect from 1st April 2016 to the Council from Wyre Forest District Council as part of the October 2015 Reorganisation Order. In accordance with Governance and Accountability for Smaller Authorities in England, March 2018, these have been included with a nominal one pound (£1) value. All other assets are shown at their insurance valuation.

KIDDERMINSTER TOWN COUNCIL

SCHEDULE OF ASSETS

	1st April 18 to 31st March 19	1st April 19 to 31st March 20
	£	£
Regalia and Plates	175,935	175,935
King Charles Room, Council Chamber and Stairs - Paintings, Mayoral Boards, Photographs etc	100,700	100,700
Mayor's Parlour - Furniture, Pictures, Clock etc	24,090	24,090
Store Room - Robes, Uniforms, Deeds & Documents etc	43,640	43,640
Office - Furniture & Office Equipment etc	4,500	4,500
Kidderminster Town Hall	1	1
Public Conveniences, Market Street	1	1
Land Adjacent to St Mary's Church (excluding Car Park)	1	1
Angel of Peace Statue	1	1
War Memorial, St Mary's	1	1
Baxter Statue	1	1
Clock at Worcester Street*	1	1
Horse Statue, Horsefair*	1	1
Rowland Hill Statue*	1	1
Allotments	8	8
Bus Shelters	6	6
Miscellaneous Assets (including baskets for floral displays, benches, finger posts and boundary signs)	1	1
	348,889	348,889

* excluding land

Kidderminster Town Council

Wednesday 29th July 202

Governance Processes Reports - Overview

1. Purpose

The purpose of this report is to agree any updates and reviews to the Council's governance reports

2. Background

The Town Council annually reviews its regulations to ensure they are up to date

Attached to this report are the following appendices:-

- a) Financial Regulations
- b) Standing Orders
- c) Risk Management Strategy
 - i. Policy Overview
 - ii. Risk Management Policy Matrix
 - iii. Risk Management Policy Framework
- d) Borrowing & Investment Strategy
- e) Anti-Fraud and Corruption Policy
- f) General Power of Competence
- g) Member Officer Protocol

The 'Code of Conduct' is identified as a separate item on the agenda as it is currently being reviewed at a national level.

3. Changes

There are no significant changes proposed to the governance reports from the 2019 review. For good practice, the 'Member Officer Protocol' has been added to the list for 2020/21.

4. Risks

There are no strategic risks arising from this report. The Council is mandated to have these documents in place as part of its governance.

5. Financial Implications

There are no strategic financial implications arising from this report

6. Recommendations

Council is asked to agree the reviewed governance reports

**This
page
intentionally
blank**

KIDDERMINSTER TOWN COUNCIL

FINANCIAL REGULATIONS

INDEX

1. GENERAL	2
2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)	4
3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING	6
4. BUDGETARY CONTROL AND AUTHORITY TO SPEND	6
5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS	7
6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS	8
7. PAYMENT OF SALARIES	9
8. LOANS AND INVESTMENTS	10
9. INCOME	11
10. ORDERS FOR WORK, GOODS AND SERVICES	11
11. CONTRACTS.....	12
12. ASSETS, PROPERTIES AND ESTATES	14
13. INSURANCE.....	14
14. CHARITIES.....	15
15. RISK MANAGEMENT	15
16. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS.....	15

1. GENERAL

- 1.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders and any individual financial regulations relating to contracts.
- 1.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.
- 1.3. The council's accounting control systems must include measures:
 - for the timely production of accounts;
 - that provide for the safe and efficient safeguarding of public money;
 - to prevent and detect inaccuracy and fraud; and
 - identifying the duties of officers
- 1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6. A breach of these Regulations by an employee may be gross misconduct.
- 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute and therefore may be a breach of the Code of Conduct.
- 1.8. The Responsible Financial Officer holds a statutory office to be appointed by the council. The Clerk has been appointed as Responsible Financial Officer for this council and these regulations will apply accordingly.
- 1.9. The Clerk:
 - acts under the policy direction of the council;
 - administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
 - determines on behalf of the council its accounting records and accounting control systems;
 - ensures the accounting control systems are observed;

- maintains the accounting records of the council up to date in accordance with proper practices;
 - assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
 - produces financial management information as required by the council.
- 1.10. The accounting records determined by the Clerk shall be sufficient to show and explain the council's transactions and to enable the Clerk to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations 2015 No. 234.
- 1.11. The accounting records determined by the Clerk shall in particular contain:
- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
 - a record of the assets and liabilities of the council; and
 - wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12. The accounting control systems determined by the Clerk shall include:
- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
 - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
 - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
 - procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the approval of the Clerk and that the approvals are shown in the accounting records; and
 - measures to ensure that risk is properly managed.
- 1.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:
- setting the final budget or the precept (council tax requirement);
 - approving accounting statements;

- approving an annual governance statement;
- borrowing;
- writing off **bad debts** at or above **£250** (the Clerk shall have delegated authority to write off debts below **£250**);
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors,

shall be a matter for the full council only.

1.14. In addition the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve any grant or a single commitment in excess of £500; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils - a Practitioners' Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

- 2.1. All accounting procedures and financial records of the council shall be determined by the Clerk in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.
- 2.2. On a regular basis, at least once in each quarter, and at each financial year end, bank reconciliations (for all accounts) produced by the Clerk will be reported to Council for monitoring and sign off.
- 2.3. The Clerk shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.

- 2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as are necessary for the purpose of the audit and shall supply the Clerk, internal auditor, or external auditor with such information and explanation as is considered necessary for that purpose.
- 2.5. The internal auditor shall be appointed by the council and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.
- 2.6. The internal auditor shall:
- be competent and independent of the financial operations of the council;
 - report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
 - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - have no involvement in the financial decision making, management or control of the council.
- 2.7. Internal or external auditors may not under any circumstances:
- perform any operational duties for the council;
 - initiate or approve accounting transactions; or
 - direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 2.9. The Clerk shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.
- 2.10. The Clerk shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

- 3.1. The Clerk must each year, by no later than January, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the council.
- 3.2. The council shall consider annual budget proposals in relation to the council's three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.3. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than the end of February each year. The Clerk shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.4. The approved annual budget shall form the basis of financial control for the ensuing year.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

- 4.1. Where an allocation for a class of expenditure is set out in the approved budget for a financial year, the Clerk has delegated authority to incur expenditure up to the limit of that allocation subject to other provisions in these Regulations (such as regulation 11 on contracts).
- 4.2. No expenditure may be incurred:
 - (a) on a class of expenditure for which no provision has been made in the approved budget; or
 - (b) that will exceed the amount provided in the budget for that class of expenditure other than by resolution of the council, or duly delegated committee. During the budget year and with the approval of council, having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. **In cases of extreme risk to the delivery of council services, the Clerk may authorise revenue expenditure on behalf of the council which in the Clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £5,000. The Clerk shall report such action to the Finance & Overview Committee as soon as possible and to the council as soon as practicable thereafter.**

- 4.5. No expenditure shall be authorised in relation to any capital project, and no contract entered into or tender accepted involving capital expenditure, unless the council has approved allocation of funds in advance and they are available for use and, if relevant, the council has approved in advance that borrowing should be undertaken.
- 4.6. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.
- 4.7. The Clerk shall regularly provide the council with a statement of receipts and payments to date. These statements are to be prepared for each meeting of the council.
- 4.8. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 5.1. The council's banking arrangements, including the bank mandate, shall be made by the Clerk and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2. Wherever possible, transactions shall be conducted on line or via other electronic or automated means such as BACS, CHAPS, standing order or internet transfers. Cheques shall be used for payments only as a last resort.
- 5.3. All invoices for payment shall be examined, verified and certified by the Clerk to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.
- 5.4. The Clerk shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The Clerk shall take all steps to pay all invoices submitted, and which are in order, within 28 days of receipt.
- 5.5. The Clerk shall prepare and make arrangements for the custody of schedules of payments which shall be authorised by Council.
- 5.6. Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 5.7. The council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.
- 5.8. The Clerk shall maintain a record of details of suppliers, such as bank account records. Any changes in the recorded details shall be approved in writing by a Member.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 6.1. The council will make safe and efficient arrangements for the making of its payments.
- 6.2. Payments shall be made by one of the following methods wherever possible:
 - (a) by variable direct debit (for example for utility supplies (energy, telephone and water) and National Non-Domestic Rates);
 - (b) by banker's standing order, for any other regular payment, the amount of which is known in advance;
 - (c) by BACS or CHAPS methods;
 - (d) by internet banking transfer.
- 6.3. Instructions to set up payments under the methods in regulation 6.2 shall be made in accordance with the bank mandate, which may require authorisation of payment methods or individual payments by one or more Members in addition to or instead of the Clerk. If a Member who is involved in authorising a payment or signing a cheque has declared a disclosable pecuniary interest, or has any other interest, in the matter in respect of which the payment is being made, that councillor shall be required to consider Standing Orders, and thereby determine whether it is appropriate and / or permissible to be a signatory to the transaction in question.
- 6.4. In respect of the internet banking arrangements, the Clerk shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with approval by one or more Members.
- 6.5. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Mayor in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council.
- 6.6. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.

- 6.7. Regular back-up copies shall be made of the records relating to the council's finances on any computer and shall be stored securely away from the computer in question, and preferably off site.
- 6.8. The council, and any members using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.
- 6.9. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 6.10. Account details for suppliers, which are used for internet banking, may be changed only on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Clerk and a Member. A programme of regular checks of standing data with suppliers will be undertaken by the Clerk.
- 6.11. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances if a corporate credit card or trade card is available.
- 6.12. Where cheques are used for payments, they shall be signed by the Clerk and reported to Council.
- 6.13. The Clerk may provide petty cash to officers for the purpose of defraying operational and other expenses, subject to the following rules:
 - a) The Clerk shall maintain a petty cash float of £500 for the purpose of defraying operational and other expenses.
 - b) Vouchers for payments made shall be forwarded to the Clerk with a claim for reimbursement, together with receipts for expenditure incurred where available. The vouchers for payments made from petty cash shall be kept to substantiate the payment.
 - c) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - d) Payments to maintain the petty cash float shall be shown on the schedule of payments prepared under regulation 5.5 above.

7. PAYMENT OF SALARIES

- 7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the

rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.

- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions, must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is shown in the schedules prepared under regulation 5.5 above.
- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the council or the appropriate delegated committee.
- 7.4. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall be authorised by council or the appropriate delegated committee.

8. LOANS AND INVESTMENTS

- 8.1. All borrowings shall be effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan, shall be approved only by full council.
- 8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 8.3. The council will arrange with the council's banks and investment providers for the sending of a copy of each statement of account and for it to be reported to council.
- 8.4. All loans and investments shall be negotiated in the name of the council and shall be for a set period in accordance with council policy.
- 8.5. The council shall adopt a Treasury Management and Investment Strategy which shall be in accordance with relevant regulations, proper practices and guidance. The Strategy is reviewed at least annually.
- 8.6. All investments of money under the control of the council shall be in the name of the council.
- 8.7. The Clerk shall make appropriate arrangements for the custody of all investment certificates and other documents relating thereto.
- 8.8. Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in

accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. INCOME

- 9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the Clerk. Wherever possible, income shall be collected by means of electronic or automated payment to the council's bank accounts, and this shall include the ability to issue invoices electronically.
- 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council.
- 9.3. The council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4. Any sums found to be irrecoverable and any bad debts of £250 or more shall be reported to the council and shall be written off in the year. The Clerk has delegated authority to write off bad debts below £250.
- 9.5. All sums received on behalf of the council in the guise of cheques or cash shall be banked intact as directed by the Clerk. In all such cases, all receipts shall be deposited with the council's bankers with such frequency as the Clerk considers necessary. The origin of each receipt shall be entered on the paying-in slip.
- 9.6. Personal cheques shall not be cashed out of money held on behalf of the council.
- 9.7. The Clerk shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.8. Where any significant sums of cash are regularly received by the council, the Clerk shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.9. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting(see also Regulation 14 below).

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2. Order books shall be controlled by the Clerk.
- 10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.
- 10.4. A member may not issue an official order or make any contract on behalf of the council.
- 10.5. The Clerk shall verify the lawful nature of any proposed purchase before the issue of any order. In the case of new or infrequent purchases or payments, the Clerk shall ensure that the statutory authority for the activity shall be included in the schedule to be prepared under regulation 5.5 above, so that it acts as a record of the power being used.

11. CONTRACTS

- 11.1. Procedures as to contracts are laid down as follows:
 - a. Every contract shall comply with these financial regulations, and 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. The extension may only be in accordance with the terms of the contract and, in any case, an extension shall not exceed £10,000 in value without the prior approval of 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 shall act after consultation with the Mayor and the Deputy Mayor); and
 - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

- b. The European Union Procurement Directive shall apply where relevant and, in such circumstances, the terms and thresholds of the Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2006 (or any successor legislation) shall be followed.
- c. Where it is intended to enter into a contract exceeding £50,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms to be taken from the appropriate approved list.
- d. 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.
- e. 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.
- f. If less than three tenders are received for contracts above £50,000 or if all the tenders are identical the council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- g. Any invitation to tender issued under this regulation shall be subject to Council Standing Orders.
- h. When it is intended to enter into a contract of less than £50,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the Clerk 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. 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.
- k. If it occurs 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.

12. ASSETS, PROPERTIES AND ESTATES

- 12.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The Clerk shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 12.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the full council, together with any other consents required by law, except where the estimated value of any one item of tangible movable property does not exceed £1,000.
- 12.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the full council, together with any other consents required by law, In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a business case.
- 12.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a business case.
- 12.5. Subject only to the limit set in Regulation 12.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a business case.
- 12.6. The Clerk shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

13. INSURANCE

- 13.1. Following the annual risk assessment (in accordance with Financial Regulation 15), the Clerk shall effect all insurances and negotiate all claims on the council's insurers.
- 13.2. The Clerk shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 13.3. The Clerk shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.

- 13.4. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the council, or duly delegated committee.

14. CHARITIES

- 14.1. Where the council is sole managing trustee of a charitable body the Clerk shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.

15. RISK MANAGEMENT

- 15.1. The council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually, and this shall include an assessment of risks.
- 15.2. When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration by the council as part of the report dealing with the proposal.

16. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 16.1. It shall be the duty of the council to review the Financial Regulations of the council from time to time or at least annually. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these financial regulations.
- 16.2. The council may, by resolution of the council duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of council.

**This
page
intentionally
blank**

Kidderminster Town Council

STANDING ORDERS

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

Kidderminster Town Council Standing Orders (December 2015)
Reviewed July 2020

- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
- i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he/she last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he/she considers has been breached or specify the other irregularity in the proceedings of the meeting he/she is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his/her decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public in accordance with standing order 3(b);
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his/her right of reply.
- t Excluding motions moved under standing order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion. Speeches shall not exceed five minutes (or ten minutes in the case of the proposer of a motion under standing order 1(b) or standing order 1(r)(i)), without the consent of the chairman of the meeting.
2. Disorderly conduct at meetings
- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
 - b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
 - c If a resolution made under standing order 2(b) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily

Kidderminster Town Council Standing Orders (December 2015)
Reviewed July 2020

suspending or closing the meeting.

3. Meetings generally

Full Council meetings – standing orders marked + apply only to full council meetings

- a) The minimum five clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Saturday, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- b) Meetings (other than meetings of advisory committees) shall be open to the public unless confidential information or exempt information is to be disclosed. “Confidential information” and “exempt information” are defined in the appendix to these standing orders. The public’s exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public’s exclusion by reference to the relevant categories in the appendix.
- c) Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- d) The period of time designated for public participation at a meeting in accordance with standing order 3(c) above shall not exceed 20 minutes unless directed by the chairman of the meeting.
- e) Subject to standing order 3(d) above, a member of the public shall not speak for more than 3 minutes.
- f) In accordance with standing order 3(c) above, a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- g) A person shall raise his/her hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- h) A person who speaks at a meeting shall direct his/her comments to the chairman of the meeting.
- i) Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- j) Whenever the chairman of the meeting rises a councillor or other person then speaking or standing shall resume his/her seat and the meeting shall be silent.

Kidderminster Town Council Standing Orders (December 2015)
Reviewed July2020

- k)** The use of social media, or visual or audio recording by the press and public is permitted, provided they have notified the chairman before the start of the meeting if it is intended to record (audio or visually) the meeting or any part of the meeting. Recording, filming or transmission is not permitted for the part of any meeting where confidential information or exempt information, as defined in the appendix to these standing orders, is to be discussed.
- + l)** Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor of the Council may in his/her absence be done by, to or before the Deputy Mayor. If both the Mayor and the Deputy Mayor are absent from a meeting, the reference to the Deputy Mayor in the preceding sentence shall be read as including the councillor chosen to preside at the meeting in accordance with standing order 3(m).
- + m)** The Mayor, if present, shall preside at a meeting. If the Mayor is absent from a meeting, the Deputy Mayor, if present, shall preside. If both the Mayor and the Deputy Mayor are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- n)** Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.
- o)** The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his/her casting vote whether or not he/she gave an original vote.
See standing orders 5(h) and (i) below for the different rules that apply in the election of the Mayor at the annual meeting of the council.
- p)** Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his/her vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
- q)** The minutes of a meeting shall include an accurate record of the following:
- i. the time and place of the meeting;
 - ii. the names of councillors present and absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - v. if there was a public participation session; and
 - vi. the resolutions made.

Kidderminster Town Council Standing Orders (December 2015)
Reviewed July 2020

- r) A councillor or a non-councillor with voting rights who has a 'disclosable pecuniary interest' or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his/her right to participate and vote on that matter.
- + s) No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present.
See standing order 4(a)(vii) below for the quorum of a committee or sub-committee meeting.
- t) If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- u) A meeting shall not exceed a period of four hours.
- v) If the business of the meeting is not completed by 10.00 pm the meeting will be adjourned to a date and time agreed before the close of the meeting.

4. Committees and sub-committees

- a The council may appoint standing committees, advisory committees (which shall not have decision-making powers) or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until at least the date of the next annual meeting of full council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(c) and (d) below, appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(c) and (d) above, appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer two days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a committee, appoint the chairman of the committee;
 - vii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three (other than for an advisory committee for which the quorum shall be no less than two); and
 - viii. may dissolve a committee.
- b Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee. The terms of reference for a sub-committee shall not include matters that lie outside the terms of reference of the committee by which it is appointed.

Kidderminster Town Council Standing Orders (December 2015)
Reviewed July2020

- c The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.
 - d Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
5. Ordinary council meetings
- a In an election year, the annual meeting of the council shall be held on or within 21 days following the day on which the new councillors elected take office.
 - b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.
 - c If no other time is fixed, the annual meeting of the council shall take place at 6pm.
 - d In addition to the annual meeting of the council, ordinary meetings shall be held monthly (except for the month of August) on the second Wednesday of the month at 6pm unless the council directs that the date and time of a meeting should be changed
 - e The first business conducted at the annual meeting of the council shall be the election of the Mayor and Deputy Mayor (if any) of the Council, and shall proceed in accordance with standing order 8 below
 - f The Mayor, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the council.
 - g The Deputy Mayor, if any, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Mayor at the next annual meeting of the council.
 - h In an election year, if the Mayor of the Council has not been re-elected as a member of the council, he/she shall preside at the meeting until a successor Mayor has been elected. In this case, the Mayor for the preceding year shall not have an original vote in respect of the election of the successor Mayor but must give a casting vote in the case of an equality of votes.
 - i In an election year, if the Mayor of the Council has been re-elected as a member of the council, he/she shall preside at the meeting until a new Mayor has been elected. He/she may exercise an original vote in respect of the election of the new Mayor and must give a casting vote in the case of an equality of votes.
 - j Following the election of the Mayor and Deputy Mayor (if any) at the annual meeting of the council, the business of the annual meeting shall include:
 - i. delivery by the Mayor and Deputy Mayor (if any) of their acceptance of office forms;
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local

Kidderminster Town Council Standing Orders (December 2015)
Reviewed July 2020

authorities;

- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4 above;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. in an election year, to make a resolution if appropriate in accordance with the Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012; and
- xiii. Determining the time and place of ordinary meetings of the full council and committees up to and including July following the next annual meeting of full council.

6. Extraordinary meetings of the council and committees and sub-committees

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

7. Previous resolutions

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

8. Voting on appointments

- a Where more than two persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Except as provided for in standing order 5(h) and (i) above, a tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

Kidderminster Town Council Standing Orders (December 2015)
Reviewed July2020

9. Motions for a meeting that require written notice to be given to the Proper Officer
- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to either the performance of the council's statutory functions, powers and obligations or an issue which affects the council's area or its residents.
 - b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer by 12 noon on the seventh working day before the meeting. In this standing order, "working day" does not include Saturdays, Sundays or bank holidays.
 - c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
 - d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood by 5pm on the seventh working day before the meeting.
 - e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
 - f Subject to standing order 9(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
 - g Motions received shall be recorded and numbered in the order that they are received.
 - h Motions rejected shall be recorded with an explanation by the Proper Officer of the reasons for their rejection. These records shall be available for inspection by members of the council and by the public.
10. Motions at a meeting that do not require written notice
- a The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in accordance with standing order 3(b);
 - xii. not to hear further from a councillor or a member of the public;
 - xiii. to exclude a councillor or member of the public for disorderly conduct;

Kidderminster Town Council Standing Orders (December 2015)
Reviewed July2020

- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

11. Handling confidential or sensitive information

- a Councillors and staff shall not disclose confidential or exempt information as defined in the appendix to the Standing Orders including, where relevant, any reports or minutes that contain such information.

12. Draft minutes

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

“The chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his/her view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

13. Code of conduct and dispensations

See also standing order 3(r) above.

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he/she has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she has a disclosable pecuniary interest. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- c Unless he/she has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she has another interest if so required by the council's code of conduct. He/she may return to the meeting after it has considered the matter in which he/she had the interest.
- d Dispensation requests shall be in writing and submitted to the Proper Officer at any time. Where the

Kidderminster Town Council Standing Orders (December 2015)
Reviewed July 2020

request relates to a specific item on the agenda for a forthcoming meeting, the request shall be submitted forthwith by the councillor so that a decision may be made on it before the meeting. Requests may not be submitted at a meeting.

- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final. The dispensation shall be reported to the next full council meeting.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:
 - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business; or
 - ii. granting the dispensation is in the interests of persons living in the council's area; or
 - iii. it is otherwise appropriate to grant a dispensation.

14. Code of conduct complaints

- a Upon notification by the District Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him/her. Such action excludes disqualification or suspension from office.

15. Proper Officer

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent. From 1 December 2015 until the date on which the clerk recruited by the council takes up office, the reference to "the clerk" in the first sentence of this Standing Order shall be read as a reference to the Chief Executive of Wyre Forest District Council.
- b The Proper Officer shall:
 - i. at least five clear days before a meeting of the council, a committee and a sub-committee serve on councillors a summons, by email, confirming the time, place and the agenda provided any such email contains the electronic signature and title of the Proper Officer.

See standing order 3(a) above for the meaning of clear days.

Kidderminster Town Council Standing Orders (December 2015)
Reviewed July 2020

- ii. give public notice of the time, place and agenda at least five clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);
See standing order 3(a) above for the meaning of clear days.
- iii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least seven days before the meeting confirming his/her withdrawal of it;
- iv. convene a meeting of full council for the election of a new Mayor, occasioned by a casual vacancy in his/her office;
- v. facilitate inspection of the minute book by local government electors;
- vi. receive and retain copies of relevant byelaws made by other local authorities;
- vii. witness and retain acceptance of office forms from councillors;
- viii. retain a copy of every councillor's register of interests;
- ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
- x. receive and send general correspondence and notices on behalf of the council;
- xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
- xii. arrange for legal deeds to be executed;
See also standing order 21 below.
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xiv. manage access to information about the council via the publication scheme and in accordance with the transparency code under the Local Government, Planning and Land Act 1980; and
- xv. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.
See also standing order 21 below.

16. Responsible Financial Officer

- a The council shall appoint a member of staff who is the responsible financial officer and who may be the clerk. The council shall nominate other staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

17. Accounts and accounting statements

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper

Kidderminster Town Council Standing Orders (December 2015)
Reviewed July 2020

practices and the council's financial regulations.

- c The Responsible Financial Officer shall provide a written report to each meeting of the full council to summarise:
- i. the council's receipts and payments to the end of the most recent month before the meeting;
 - ii. the balances held at that date

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide a written report to the full council on the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

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 £50,000.
- b Financial regulations shall be reviewed regularly and at least annually by the Responsible Financial Officer 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 £50,000 shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.
- d Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the

Kidderminster Town Council Standing Orders (December 2015)
Reviewed July 2020

- tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in any manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility.
- e Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f Where the value of a contract is likely to exceed £172,514 (or such other threshold specified by the Office of Government Commerce from time to time) the council must consider whether the Public Contracts Regulations 2015 (SI 2015 No. 102, and any amendment to or re-enactment of those regulations) apply to the contract. If those Regulations apply, the council must comply with EU procurement rules.
19. Handling staff matters
- a A matter personal to a member of staff that is being considered by a meeting of council or a committee is subject to standing order 11 above.
 - b Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
 - c The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
 - d Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(b) and (c) above if so justified. In respect of the clerk and the responsible financial officer, the Mayor is to be treated as a person with line management responsibility.

20. Relations with the press/media

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

21. Execution and sealing of legal deeds

See also standing orders 15(b)(xii) and (xv) above.

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b Subject to standing order 21(a) above, the council's common seal shall alone be used for sealing a deed

Kidderminster Town Council Standing Orders (December 2015)
Reviewed July2020

required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.

22. Restrictions on councillor activities

- a. Unless authorised by a resolution, no councillor shall issue orders, instructions or directions.

23. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least three councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he/she has delivered his/her acceptance of office form.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

Kidderminster Town Council Standing Orders (December 2015)
Reviewed July 2020

Appendix – reasons for exclusion of press and public (see Standing Order 3(b))

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

“Confidential information” means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

“Exempt information” means information falling within the following categories (subject to any condition)

Category	Qualifications/Interpretation
1. Information relating to any individual.	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
2. Information which is likely to reveal the identity of an individual.	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>“Financial or business affairs” includes contemplated, as well as past or current, activities.</p> <p>Information falling within paragraph 3 is not exempt by virtue of that paragraph if it is required to be registered under:</p> <p>a) the Companies Act 1985 b) the Friendly Societies Act 1974</p>

Kidderminster Town Council Standing Orders (December 2015)
Reviewed July 2020

- c) the Friendly Societies Act 1992
- d) the Industrial and Provident Societies Acts 1965 to 1978
- e) the Building Societies Act 1986
- f) the Charities Act 1993

“Registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

“Employee” means a person employed under a contract of service.

“Labour relations matter” means:-

a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act);
or

b) any dispute about a matter of falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority.

“Office Holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.

Information is exempt information if and so

Kidderminster Town Council Standing Orders (December 2015)
Reviewed July2020

long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

6. Information which reveals that the authority proposes: -

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

b) to make an order or direction under any enactment

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**This
page
intentionally
blank**

Kidderminster Town Council
Wednesday 29th July 2020

Risk Management Policy Overview

1. Purpose

The purpose of this report is to seek the Council's agreement to endorsing the risk management system for the Town Council which was first adopted in June 2016

2. Background

Risk assessment is a systematic general examination of working conditions, workplace activities and environmental factors that will enable the Town Council to identify any and all potential inherent risks. The Town Council, based on a recorded assessment, will take all practical and necessary steps to reduce or eliminate the risks, insofar as is practically possible

This document has been produced to enable Kidderminster Town Council to assess the risks that it faces and satisfy itself that it has taken adequate steps to minimise them.

3. The Policy

Attached to this schedule are: -

- i. the policy overview which helps categorise risks and
- ii. the framework which gives details of actions and reporting procedures

The management of risk is also included in each report presented to Council/Committees to assist Councillors in their decision making

4. Current Risk Schedule

Detailed below are the current identified risks for the Town Council. Its purpose is designed to give Councillors confidence the risk management process is being actively managed. For this year an additional section has been added for Covid19.

RISK					
	Subject	Risk(s) identified	H/M/L (score)	Management/control of Risk	Review/Assess/Revise
1.	Precept	Adequacy of precept in order for the Council to carry out its Statutory duties	L (3)	To determine the precept amount required, the Council regularly receives budget update information at every meeting. At the precept meeting Council receives a budget report, including actual position and projected position to the end of year and indicative figures or costings obtained by the Clerk. With this information the Council maps out the required monies for standing costs and projects for the following year and applies specific figures to budget headings, the total of which is resolved to be the precept amount to be requested from WFDC. The figure is submitted by the Clerk in writing. The Clerk informs the Council when the monies are received.	Existing procedure adequate.
2.	Financial	Inadequate records	L (2)	The Council has Financial Regulations in place which sets out	Review the Financial

	Records	Financial irregularities		the requirements.	regulations annually.
3.	Bank and banking	Inadequate checks Banks mistakes	L (2) L (2)	The Council has Financial Regulations which set out banking requirements Monthly reconciliation	Existing procedure adequate Existing procedure adequate
4.	Reporting and auditing	Information communication	L (2)	Financial information is reported to every Town Council meeting	Existing procedure adequate
5.	Data Protection	(Mis)management of data	L(2)	Specific officers manage data GDPR policy in place Privacy statements issued Information audit carried out	
6.	Direct Costs	Goods not supplied but billed Incorrect invoicing Cheque Incorrect	L (2) L (2) L (2) L (2)	The Council has Financial Regulations which set out the requirements. At each Council meeting the Council overviews list of payments All bacs payments scrutinised by Council Member signature required for all cheques	Existing procedures adequate. Monitored by Council
7.	Best value accountability	Work awarded Incorrectly. Overspend on services.	L (2) L (2)	Financial Regulations set out contract levels and tendering process. If problems encountered with a contract the Clerk would investigate the situation and report to the Council.	Monitored by Town Clerk Procurement support from WFDC
8.	Salaries and assoc. costs	Salary paid incorrectly. Unpaid Tax to Inland Revenue.	L (2) L (2)	Payroll contracted out through WFDC Payroll contracted out through WFDC	Monitored by F&O Committee/Town Clerk
9.	Town Clerk	Improper Conduct	L (2)	Clerk's performance and review overseen by Finance & Overview Committee. Audit procedures in place	Monitored by F&O Committee
10	Employees	Fraud by staff Health and safety	L (2) L (3)	Requirements of Fidelity Guarantee insurance adhered to with regards to fraud. All employees to be provided adequate direction and safety equipment needed to undertake their roles	Monitored by F&O Committee
11	Town Hall	Taking on the running of the whole complex	M (8)	Standing item on Council agenda. Town Hall Committee delegated to oversee management. Monthly meetings set up	Monitored by Town Hall Committee & Council

5. Recommendation - To endorse the current Risk Management Policy

Kidderminster Town Council Wednesday 29th July 2020

Risk Management PCovid19 Overview

1. Purpose

The purpose of this schedule is to give an oversight of the management of the Covid19 risks impacting the Town Council

RISK					
	Subject	Risk(s) indentified	H/M/L (score)	Management/control of Risk	Review/Assess/Revise
1.	Covid19	People <ul style="list-style-type: none"> • Public • Councillors • Staff 	M (8)	Public – access to buildings and staff is by appointment only. Social distancing in place and risk assessments carried out Councillors – all meetings carried out with risk assessment in place to comply with social distancing guidelines Staff – Limited access to building to comply with social distancing; homeworking in place; some staff furloughed Wellbeing monitored through conversations and contact with managers	Ongoing monitoring through appropriate Committees and Town Clerk oversight.
2.	Covid19	Assets <ul style="list-style-type: none"> • Town Hall • Street Furniture etc. • Toilets • Allotments 	M (8)	Town Hall – building closed to general public; no events to be allowed until guidance changes; minimum access to building for visitors; maintenance programme reviewed – only essential maintenance Street Furniture etc. – cleaning schedule in place Toilets – reopened with updated risk assessment and increased cleaning regime in place Allotments – managed through allotment societies	Ongoing monitoring through appropriate Committees and Town Clerk oversight.
3.	Covid19	Financial <ul style="list-style-type: none"> • Income • Expenditure 	M (8)	Income - grant funding sought to support Town Hall; all customers contacted and future provisional dates agreed to protect income Expenditure - all budgets reviewed to minimise spend and impact of pandemic; full staffing review carried out	Ongoing monitoring through appropriate Committees and Town Clerk oversight.

5. Recommendation - To note current actions

**This
page
intentionally
blank**

Kidderminster Town Council

Risk Management Policy Matrix

Likelihood Impact			
	Red/High	Medium/Amber	Low/Green
Probability	Highly likely to happen	Likely to happen	Possible to happen
Consider	Has incident occurred in the past year or is it highly likely to happen in the next year	Has the incident occurred in the last 1 to 2 years or is it likely to occur in the next 1 to 2 years	Has the incident occurred in the past 2 to 3 years or is it possible in the next 2 to 3 years
Impact Measures			
	Red/High	Medium/Amber	Low/Green
Safeguarding/Safety	Avoidable death, abuse, life-threatening or permanent disability	Avoidable serious injury	Avoidable minor injury
Cost	More than £100k	£10K to £50K	Less than £10K
Legal impact	Criminal offence, imprisonment, judicial review	Legal action likely, substantial costs	Legal action/ fines unlikely
Intervention required	Statutory body, partner or enforcement agency intervention	Member intervention	Town Clerk intervention
Service Impact	Serious service failure directly affecting vulnerable groups	Serious service failure directly affecting customer/council operations	Significant service disruption
Project Delivery	Project failure impacting on Council's performance	Project failure impacting on service performance	Significant impact on unit performance
Reputation Impact	National Media Attention (print/broadcast/social) highly damaging or potential Public Interest Report	Sustained local media interest	Short term media interest

I M P A C T	High	Amber 7	Amber 8	Red 9
	Medium	Green 4	Amber 5	Amber 6
	Low	Green 1	Green 2	Green 3
		Low	Medium	High
	LIKELIHOOD			

**Kidderminster Town Council
Finance & Overview Committee
Wednesday 6th December 2017**

Risk Management Reviewing Framework

Net Risk Level	Options	Management Action Required	Review/Reporting Required
Red 9	<ul style="list-style-type: none"> i. Reduce ii. Avoid 	<p>This level of risk is not acceptable and immediate management action must be taken to assess how this risk can be reduced to an acceptable level</p> <p>Where the impact might be avoidable death, abuse, life threatening or permanent disability, wherever possible the activity should cease until the risk is effectively managed</p>	<p>Finance & Overview (F&O) Committee must be made aware immediately (And, if needed, the appropriate Committee)</p> <p>Progress to manage the risk must be reviewed by Committee at each meeting and by the Chairman weekly</p>
Amber 8 Amber 6 Amber 5	<ul style="list-style-type: none"> i. Transfer ii. Accept iii. Reduce 	<p>While this level of risk can be accepted, management must first consider all reasonable steps that could be taken to reduce this risk in terms of both likelihood and potential impact</p>	<p>The Town Clerk must be (made) aware Report to F&O Committee (And, if needed, the appropriate Committee)</p> <p>Update report to each Committee meeting</p>
Amber 7	<ul style="list-style-type: none"> i. Transfer ii. Accept iii. Reduce 	<p>In view of the low likelihood of this risk occurring, this level of risk can be accepted. However, management must first consider all reasonable steps that could be taken to reduce this risk in terms of the potential impact</p>	<p>The Town Clerk must be (made) aware Report to F&O Committee (And, if needed, the appropriate Committee)</p> <p>Update report to each Committee meeting</p>
Green 4 Green 3 Green 2 Green 1	<ul style="list-style-type: none"> i. Transfer ii. Accept iii. Reduce 	<p>Whilst this level of risk is generally acceptable, management should consider whether this risk could be reduced in terms of either likelihood or impact. If the likelihood of this risk occurring reduces further, management may consider closing the risk</p>	<p>The Town Clerk to oversee the risks</p> <p>Reviewed each committee cycle and changes reported to committee</p>

Town Council

Wednesday 29th July 2020

Borrowing & Investment Strategy

1. Purpose

The purpose of this report is to ask Council to endorse the borrowing and investment policy for the Town Council which was first agreed in May 2018.

2. Background

Initially, on set up, the Town Council was under the umbrella of WFDC's strategy. This relationship ended in May 2018 and the Town Council adopted its own strategy.

The strategy is based on the parish model and reflects the policy adopted by other parish councils.

3. Policy Overview

This document gives guidance on borrowing and investments by Kidderminster Town Council in accordance with 'the Local Government Act 2003' and 'Localism Act 2011'. It highlights that the Council is committed to professional Treasury Management practices to ensure that:

- Capital expenditure plans are affordable
- All external borrowing and other long-term liabilities are within prudent and sustainable levels, and
- Treasury Management decisions are taken in accordance with good professional practice.

The CIPFA Treasury Management Code of Practice defines Treasury Management as: *'The management of the Council's cashflows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.'*

4. The Strategy

KIDDERMINSTER TOWN COUNCIL BORROWING & INVESTMENT STRATEGY

1. INVESTMENT STRATEGY

a. Introduction

The Council acknowledges the importance of prudently investing the temporarily surplus funds held on behalf of the community.

This Strategy complies with the requirements set out in the Department for Communities and Local Government's *Guidance on Local Government Investments* and Chartered Institute of Public Finance and Accountancy's *Treasury Management in Public Services: Code of Practice and Cross Sectoral Guidance Notes* and takes account of Section 15(1)(a) of the Local Government Act 2003.

b. Investment Objectives

In accordance with Section 15(1) of the 2003 Act, the Council will *have regard to (a) such guidance as the Secretary of State may issue, and (b) to such other guidance as the Secretary of State may by regulations specify.*

The Council's investment priorities are the security of reserves and liquidity of its investments.

The Council will aim to achieve the optimum return on its investments commensurate with proper levels of security and liquidity.

All investments will be made in sterling.

The Department for Communities and Local Government maintains that borrowing of monies purely to invest, or to lend and make a return, is unlawful and this Council will not engage in such activity.

Where external investment managers are used, they will be contractually required to comply with the Strategy.

c. Specified Investments

Specified Investments are those offering high security and high liquidity, made in sterling and which mature in no more than a year. Such short-term investments made with the UK Government or a local authority or town or parish council will automatically be Specified Investments.

For the prudent management of its treasury balances, maintaining sufficient levels of security and liquidity, Kidderminster Town Council will use:

- Deposits with UK High Street banks and building societies, local authorities or other public authorities
- The Debt Management Office
- CCLA Public Sector Deposit Fund

d. Non-Specified Investments

These investments are for longer than 12 months and have greater potential risk – examples include investment in the money market, stocks and shares.

Given the unpredictability and uncertainties surrounding such investments, Kidderminster Town Council will not use this type of investment.

e. Liquidity of Investments

The Town Clerk, as Responsible Finance Officer, will determine the maximum periods up to 12 months for which funds may prudently be committed so as not to compromise liquidity.

Investments will be regarded as commencing on the date the commitment to invest is entered into, rather than the date on which the funds are paid over to the counterparty.

f. Long Term Investments

Long term investments are defined in the Guidance as greater than 36 months.

The Council does not currently hold any long-term investments.

No long-term investments are currently envisaged.

g. Investment Reports

Investment forecasts for the coming financial year were accounted for in the annual strategy statement when the budget was prepared. An end of year review will report on investment activity to the Finance and Overview Committee.

h. Risk

All investments will be made following the SLY methodology – Security, Liquidity and Yield. Each investment will be signed off by the Town Council at a meeting of the Finance and Overview Committee.

2. EXTERNAL BORROWING STRATEGY

a. Introduction

The Council acknowledges the importance of borrowing funds and the financial impact on the Council and the local community. The Council will agree borrowing for specific capital projects (as defined in section 16 of the 2003 Act), and gain approval for borrowing by sending an application to the National Association of Local Councils (NALC). All borrowings must be approved by the full Council.

b. Principles

Before a council can borrow a sum of money, it must first receive an approval to borrow (loan sanction) from the Secretary of State by way of the Department for Communities and Local Government (DCLG), unless it is for a temporary loan or overdraft from a bank or otherwise of sums which the council may temporarily require to meet revenue expenditure.

The process to be followed and the criteria applied in deciding whether or not approval should be forthcoming, are detailed in the Guide to Parish and Town Council Borrowing in England, jointly published by NALC.

The Council is only authorised to borrow a maximum of £500,000 in any single financial year for any single purpose.

The Council will ensure the following criteria when considering requesting a borrowing approval:

- The borrowing should be only be used for the purpose of Capital expenditure as defined by Section 16 of the Local Government Act 2003.
- The borrowing amount should not be less than £5 multiplied by the number of local government electors in the area of the Council on the first day of the current financial year (1 April)
- Any unallocated balances including, where appropriate capital receipts beyond those required for the prudent financial management of the council, should be used in the project for which the borrowing is required.
- The Council should have a realistic budget for the servicing and repayment of the debt, taking into account the future effect on the council's precept and cashflow.
- The Council must not mortgage or charge any of its property as security for money borrowed.

c. Interest Rates

The Council will look around for the best possible terms when borrowing but will usually use the Public Works Loan Board (PWLB).

The Council feels that the fixed term rates offered by the PWLB are relatively cheap and that PWLB loans are most likely to offer stability for the financial planning of the council.

d. Period of Loan

The Council will determine the period of each loan which should not exceed the period for which the expenditure is forecast to provide benefit to the Council i.e. useful life of the asset.

SATC Treasury Management Strategy v.6 – February 2017

The maximum period will begin on the date on which the money is borrowed, and will be;

- 50 years for acquisition of, or work on or to, land, buildings, roads or structures or
- 10 years in all other cases

e. Current External Borrowing

The Town Council currently has no external borrowing.

f. Further Anticipated External Borrowing

The Council has no plans currently to incur capital expenditure which will require a loan sanction or external borrowing

g. Review and Amendment of Regulations

This Strategy will be reviewed annually. The Annual Strategy for the coming financial year will be prepared by the Town Clerk and presented for approval to the Finance and Overview Committee.

The Council reserves the right to make variations to the Strategy at any time, subject to the approval of the full Council. Any variations will be made available to the public.

h. Disability Discrimination Act 1995

Copies of this document are available in other formats on request from the Council Office or by telephoning 01562 732680 or e-mailing townclerk@kidderminstertowncouncil.gov.uk

i. Freedom of Information

In accordance with the Freedom of Information Act 2000, this Document will be posted on the Council's Website.

5. Recommendation

The Council are asked to endorse the strategy

**This
page
intentionally
blank**

ANTI FRAUD & CORRUPTION POLICY STATEMENT

KIDDERMINSTER TOWN COUNCIL

JULY2020

KIDDERMINSTER TOWN COUNCIL

ANTI FRAUD & CORRUPTION POLICY STATEMENT

1. The Town Council is committed to the proper accountability of public funds and to maintaining an honest, open and well-intentioned atmosphere within the organisation. We are against any kind of fraud, theft and corruption. The following practices are illegal:
 - Using public funds improperly;
 - Disadvantaging other people for your own personal gain.All councillors and employees, together with people and organisations working closely with us must set high personal and professional standards.
2. All councillors and employees must help the Council apply this policy. They must do this by making sure they follow the Nolan principles and working to discourage, prevent and punish fraud and corruption by others. The Nolan principles are selflessness; integrity; objectivity; accountability; openness; honesty & leadership.
3. The authority condemns fraud and corruption in public life, and expects holders of public office and its employees to:
 - Take decisions solely in pursuance of the Council's statutory functions and in the public interest to the exclusion of private and personal interest
 - Not place themselves under any financial or other obligation to outside individuals or organisations that might influence or be perceived to influence them in the performance of their duties
 - In carrying out public duties, including making public appointments, awarding contracts, or recommending individuals for awards and benefits, to make choices on merit in accordance with defined guidelines
 - To be accountable for their decisions and actions to the public and submit themselves to whatever scrutiny is appropriate to their office
 - To be as open as possible to the public about all their decisions and actions and submit themselves to whatever scrutiny is appropriate to their office
 - To be as open as possible about all the decisions and actions that they take; to give reasons for their decisions and restrict information only when the wider public interest clearly demands
 - To declare any private interest which is relevant to their public duties
 - To take positive steps to resolve any conflicts of interest in a way that first protects the public interest and maintains public confidence; and to ask for advice from senior management in any case of doubt
 - To promote and support these principles by leadership and example.

Our Strategy against theft, fraud and corruption sets out the ways in which we will achieve this.

**STRATEGY FOR DEALING
WITH THEFT, FRAUD AND
CORRUPTION**



KIDDERMINSTER TOWN TOWN COUNCIL

STRATEGY FOR DEALING WITH THEFT, FRAUD AND CORRUPTION

1. Introduction

- 1.1 The Town Council has established a policy on theft, fraud and corruption which embodies the General Principles in Public Life and the Nolan Principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. This policy will be publicised on our website.
- 1.2 Where there is a suspicion or complaint that the policy has been violated, the Town Council will use the existing mechanisms to investigate and deal with the problem. This strategy brings the mechanisms together, and makes the relationships between them explicit. It describes how the Town Council implements its Policy for dealing with theft, fraud and corruption.
- 1.3 The Town Council's objective is to make rational decisions which will allow it to operate in ways that make theft, fraud and corruption difficult to commit, likely to be detected, and then certain to be punished.
- 1.4 The procedures referred to in this Strategy are subject to continuous review to ensure that change in the organisation does not make the guidance irrelevant or unhelpful over time.
- Theft** a person is guilty of theft if they dishonestly appropriate property belonging to another with the intention of permanently depriving them of it.
- Fraud** is the intentional distortion of financial statements and accounting records and/or misappropriate of assets.
- Corruption** is the offering, giving, soliciting or acceptance of an inducement or reward which may influence a person to act against the interest of the organisation.

2. Responsibilities

- 2.1 Each individual member of the Town Council and every Town Council employee is responsible for his/her own conduct, and for playing a part in the safeguarding of corporate standards. This policy applies to all Town Council employees which include self-employed contractors of the Town Council, agency workers, individuals on work experience or vocational training schemes. This means that:
- (i) their own behaviour should be above reproach;
 - (ii) where they are aware of, or suspect, that others may be behaving improperly, or have reason to believe that the Town Council's systems (including those systems involving money or financial systems) may be unsound, they have a duty to report this to an appropriate officer being one of the following officers: Audit Manager, Monitoring Officer or the Town Clerk.

KIDDERMINSTER TOWN TOWN COUNCIL

2.2 The Town Council recognises that real-life problems don't always fit neatly into pigeonholes. The roles and responsibilities form a continuum, and can overlap. This means that something being investigated as a financial matter may turn out to be purely a personnel issue, and vice versa – the Town Council relies on the professionalism of its employees to discuss and resolve such issues as they arise.

3. Prevention & Detection

3.1 The Town Council will take all reasonable steps to ensure that theft, fraud and corruption are difficult to perpetrate. This will be achieved through:

→**Sound systems:** the Town Council's overall control culture is defined in its Standing Orders and Financial Regulations and procedures. For individual financial systems these are supplemented by detailed guidance provided by the Internal Audit Section. The guidance has the intention to make it relatively difficult for systems to be bypassed, and promote the inclusion of internal controls and satisfactory separation of duties in order to prevent and detect errors and frauds. In case of difficulty the Internal Audit Section has an advisory role.

→**Good employee selection:** the Town Council takes care to employ individuals who are both honest and competent, by taking up references in all cases, and using a methodical and thorough approach to shortlisting and interviewing. A policy on Equal Opportunities has been adopted by the Town Council.

→**Members' and Employee Codes of Conduct:** the Town Council expects both its Members and employees to lead by example. The Codes of Conduct set out the standards which elected members and employees are expected to meet in conducting Town Council business, and working relationships. Employees who fail to live up to the standards are liable to disciplinary action. There are different mechanisms that apply to members.

Registers of members' pecuniary interests and non-pecuniary interests are maintained by the Solicitor to the Town Council as Monitoring Officer.

Registers of any employee's pecuniary interests and non-pecuniary interests are maintained by the Town Clerk.

KIDDERMINSTER TOWN TOWN COUNCIL

- 3.2 At **Kidderminster Town Council**: there is an expectation that employees will do things right, even where formal controls are absent as they understand their responsibility to the community at large.
- 3.3 **Employee training**: the Town Council views appropriate training as necessary to get the job done professionally and effectively. As well as receiving appropriate training in post, employees are encouraged to seek guidance when there is any doubt about what to do. This is supported by the advisory role of the Internal Audit Section.
- 3.4 **Monitoring of financial systems**: to ensure that they are operating properly is carried out by budget holders and the Accountancy Section. Combined with periodic system review by the Internal Audit Section, this ensures that system operation problems are likely to be detected and corrected swiftly.
- 3.5 **System shortcomings**: it will be very helpful to the prevention of theft, fraud and corruption if members, employees and other citizens report potential for something to go wrong because of evident weaknesses in systems, as well as actual occurrences. They should report weaknesses or failures in systems to the Internal Audit Section.

4. Investigation

- 4.1 The Town Council will act promptly on any information about theft, fraud or corruption, in order to protect its assets and good name. All allegations, particularly anonymous ones, will be treated with care and discretion, because of the risk of misunderstanding of circumstances for which there is a reasonable explanation, and the risk of malicious allegations. All allegations and evidence will be properly investigated and reported upon and that where appropriate, losses are recovered for the Town Council. All investigations must have regard to the Human Rights Act, Regulation of Investigatory Powers Act, Data Protection Act and other specific legislation advised by Legal Services.
- 4.2 It is important that only properly trained officers carry out investigation work. Employees should report their suspicions or concerns to the Town Clerk and should not attempt any form of investigation of their own.

Kidderminster Town Council
Wednesday 29th July 2020

General Data Protection Regulation (GDPR)

1. Purpose

The purpose of this report is to update Town Council's on the management of our GDPR requirements

2. Purpose of the policy and background to the General Data Protection Regulation

Under GDPR personal data must be

- processed lawfully, fairly and transparently;
- collected for specified, explicit and legitimate purposes;
- be adequate, relevant and limited to what is necessary for processing;
- be accurate and kept up to date;
- be kept only for as long as is necessary for processing and be processed in a manner that ensures its security

This policy updates previous data protection policy and procedures to include the additional requirements of GDPR which apply in the UK from May 2018. The Government has confirmed that despite the UK leaving the EU, GDPR will still be a legal requirement. This policy explains the duties and responsibilities of the council and it identifies the means by which the council will meet its obligations.

3. Identifying the roles and minimising risk

GDPR requires that everyone within the council must understand the implications of GDPR and that roles and duties must be assigned. The Council is the data controller.

Parish councils are now exempt from appointing a DPO but it would make administrative sense for the Town Clerk to manage the role as the Data Protection Officer (DPO).

It is the DPO's roll to undertake an information audit and to manage the information collected by the council, the issuing of privacy statements, dealing with requests and complaints raised and also the safe disposal of information.

This responsibility should be included in the job description of the Town Clerk.

Appointing the Clerk as the DPO must avoid a conflict of interests, in that the DPO should not determine the purposes or manner of processing personal data.

GDPR requires continued care by everyone within the council, councillors and staff, in the sharing of information about individuals, whether as a hard copy or electronically. A breach of the regulations could result in the council facing a fine from the Information Commissioner's Office (ICO) for the breach itself and also to compensate the individual(s) who could be adversely affected.

Therefore, the handling of information is seen as a risk to the council (both financially and reputationally) and one which must be included in the Risk Management Policy of the council. Such risk can be minimised by undertaking an information audit, issuing privacy statements, maintaining privacy impact assessments (an audit of potential data protection risks with new projects), minimising who holds data protected information and the council undertaking training in data protection awareness.

4. Data breaches

One of the duties assigned to the DPO is the investigation of any breaches. Personal data breaches should be reported to the DPO for investigation. The DPO will conduct this with the support of the Town Council. Investigations must be undertaken within one month of the report of a breach. Procedures are in place to detect, report and investigate a personal data breach. The ICO will be advised of a breach (within 3 days) where it is likely to result in a risk to the rights and freedoms of individuals – if, for example, it could result in discrimination, damage to reputation, financial loss, loss of confidentiality, or any other significant economic or social disadvantage. Where a breach is likely to result in a high risk to the rights and freedoms of individuals, the DPO will also have to notify those concerned directly.

It is unacceptable for non-authorised users to access IT using employees' log-in passwords or to use equipment while logged on. It is unacceptable for employees, volunteers and members to use IT in any way that may cause problems for the Council, for example the discussion of internal council matters on social media sites could result in reputational damage for the Council and to individuals.

5. Privacy Notices

Being transparent and providing accessible information to individuals about how the Council uses personal data is a key element of the Data Protection Act 1998 (DPA) and the EU General Data Protection Regulation (GDPR). The most common way to provide this information is in a privacy notice. This is a notice to inform individuals about what a council does with their personal information. A privacy notice will contain the name and contact details of the data controller and Data Protection Officer, the purpose for which the information is to be used and the length of time for its use. It should be written clearly and should advise the individual that they can, at any time, withdraw their agreement for the use of this information. Issuing of a privacy notice must be detailed on the Information Audit kept by the council. A privacy notice has been produced for use, although some changes could be needed depending on the situation, for example if children are involved. All privacy notices must be verifiable. The privacy notices for staff and councillors is attached as the appendix to this report.

6. Information Audit

The DPO must undertake an information audit which details the personal data held, where it came from, the purpose for holding that information and with whom the council will share that information. This will include information held electronically or as a hard copy. Information held could change from year to year with different activities, and so the information audit will be reviewed at least annually or when the council undertakes a new activity. The information audit review should be conducted ahead of the review of this policy and the reviews should be minuted. The Audit is attached as the APPENDIX to this report

7. Individuals' Rights

GDPR gives individuals rights with some enhancements to those rights already in place:

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure
- the right to restrict processing
- right to data portability
- the right to object
- the right not to be subject to automated decision-making including profiling

The two enhancements of GDPR are that individuals now have a right to have their personal data erased (sometime known as the 'right to be forgotten') where their personal data is no longer necessary in relation to the purpose for which it was originally collected and data portability must be done free of charge. Data portability refers to the ability to move, copy or transfer data easily between different computers.

If a request is received to delete information, then the DPO must respond to this request within a month. The DPO has the delegated authority from the Council to delete information.

If a request is considered to be manifestly unfounded then the request could be refused or a charge may apply. The charge will be as detailed in the Council's Freedom of Information Publication Scheme. The Town Council will be informed of such requests.

8. Children

There is special protection for the personal data of a child. The age when a child can give their own consent is 13. If the council requires consent from young people under 13, the council must obtain a parent or guardian's consent in order to process the personal data lawfully. Consent forms for children age 13 plus, must be written in language that they will understand. Kidderminster Town Council currently has no data relating to children.

9. Summary

The main actions arising from this policy are:

- i. The Council must be registered with the ICO. (The Town Council is currently registered.)
- ii. A copy of this policy will be available on the Council's website. The policy will be considered as a core policy for the Council.
- iii. The Clerk's Contract and Job Description has been amended to include additional responsibilities relating to data protection.
- iv. An information audit will be conducted and reviewed at least annually or when projects and services change. (Audit has been carried out)
- v. Privacy notices must be issued. (on the website and issued to staff & councillors)
- vi. Data Protection is included in the Council's Risk Register.
- vii. The Town Council will manage the process.

10. Summary Kidderminster Town Council's position

Since the original policy was adopted in 2018 the Town Council has taken on the management of the Town Hall. This has meant the Town Council is responsible for the customer systems run by the Town Hall. However, policies were in place on the transfer and have been subsumed into the Town Council's policy

As a result of the legislation officers reviewed current mailing lists and deleted old information/circulation lists.

What the Council -

- i. Does not have
 - The Town Council does not hold any confidential data on members of the community
 - The Town Council does not hold any data on children
 - The Town Council does not have any public CCTV data
 - The Town Council does not use profiling of data
 - The Town Council does not have any linked databases
 - The Town Council does not hold mailing lists for commercial or information use
- ii. Does have
 - The Town Council does have social media accounts
 - The mailing list(s) the Town Council holds are for civic use and relate to civic titles
 - The social media accounts do not use personal data

Recommendation

Council is asked to note the update of policies and procedures related to GDPR

**This
page
intentionally
blank**

Kidderminster Town Council

PRIVACY NOTICE

For staff*, councillors and Role Holders**

*"Staff" means employees, workers, agency staff and those retained on a temporary or permanent basis

**Includes, volunteers, contractors, freemen, agents, and other role holders within the council including former staff* and former councillors. This also includes applicants or candidates for any of these roles.

Your personal data – what is it?

"Personal data" is any information about a living individual which allows them to be identified from that data (for example a name, photograph, video, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the "GDPR") and other legislation relating to personal data and rights such as the Human Rights Act.

Who are we?

This Privacy Notice is provided to you by Kidderminster Town Council which is the data controller for your data.

The council works together with:

- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers
- Recruitment Agencies
- Credit reference agencies

We may need to share personal data we hold with them so that they can carry out their responsibilities to the council and our community. The organisations referred to above will sometimes be "joint data controllers". This means we are all responsible to you for how we process your data where for example two or more data controllers are working together for a joint purpose. If there is no joint purpose or collaboration, then the data controllers will be independent and will be individually responsible to you.

The council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

What data do we process?

- Names, titles, and aliases, photographs.
- Start date / leaving date
- Contact details such as telephone numbers, addresses, and email addresses.
- Where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, date of birth, marital status, nationality, education/work history, academic/professional qualifications, employment details, hobbies, family composition, and dependants.
- Non-financial identifiers such as passport numbers, driving licence numbers, vehicle registration numbers, taxpayer identification numbers, staff identification numbers, tax reference codes, and national insurance numbers.
- Financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.
- Other operational personal data created, obtained, or otherwise processed in the course of carrying out our activities, including but not limited to, CCTV footage, recordings of telephone conversations, IP addresses and website visit histories, logs of visitors, and logs of accidents, injuries and insurance claims.
- Next of kin and emergency contact information
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process and referral source (e.g. agency, staff referral))
- Location of employment or workplace.
- Other staff data (not covered above) including; level, performance management information, languages and proficiency; licences/certificates, immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.
- CCTV footage and other information obtained through electronic means such as swipecard records.
- Information about your use of our information and communications systems.

We use your personal data for some or all of the following purposes: -

Please note: We need all the categories of personal data in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing any contractual benefits to you
- Liaising with your pension provider.
- Administering the contract, we have entered into with you.
- Management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Conducting grievance or disciplinary proceedings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.

- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.
- To undertake activity consistent with our statutory functions and powers including any delegated functions.
- To maintain our own accounts and records;
- To seek your views or comments;
- To process a job application;
- To administer councillors' interests
- To provide a reference.

Our processing may also include the use of CCTV systems for monitoring purposes.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we have entered into with you.
- Where we need to comply with a legal obligation.

We may also use your personal data in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest [or for official purposes].

How we use sensitive personal data

- We may process sensitive personal data relating to staff, councillors and role holders including, as appropriate:
 - information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
 - your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
 - in order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as "Special categories of data" and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances:
 - In limited circumstances, with your explicit written consent.
 - Where we need to carry out our legal obligations.
 - Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.
 - Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
- Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Do we need your consent to process your sensitive personal data?

- We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment and social security law.
- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

- You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Information about criminal convictions

- We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.
- Less commonly, we may use personal data relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.
- We will only collect personal data about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

What is the legal basis for processing your personal data?

Some of our processing is necessary for compliance with a legal obligation.

We may also process data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

We will also process your data in order to assist you in fulfilling your role in the council including administrative support or if processing is necessary for compliance with a legal obligation.

Sharing your personal data

Your personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks or where you first give us your prior consent. It is likely that we will need to share your data with:

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to manage our HR/ payroll functions, or to maintain our database software;
- Other persons or organisations operating within local community.
- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers
- Recruitment Agencies
- Credit reference agencies
- Professional advisors
- Trade unions or employee representatives

How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases, the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

Your responsibilities

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

Your rights in connection with personal data

You have the following rights with respect to your personal data: -

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

- 1. The right to access personal data we hold on you**
 - At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
 - There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.
- 2. The right to correct and update the personal data we hold on you**
 - If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.
- 3. The right to have your personal data erased**
 - If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
 - When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).
- 4. The right to object to processing of your personal data or to restrict it to certain purposes only**
 - You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request, we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.
- 5. The right to data portability**
 - You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.
- 6. The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained**
 - You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).
- 7. The right to lodge a complaint with the Information Commissioner's Office.**
 - You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing, if we start to use your personal data for a purpose not mentioned in this notice.

Changes to this notice

We keep this Privacy Notice under regular review and we will place any updates on our website. This Notice was last updated in May 2018.

Contact Details

Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Town Clerk, RFO & Data Controller,

Email: townclerk@kidderminstertowncouncil.gov.uk

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

**This
page
intentionally
blank**

Kidderminster Town Council

Wednesday 29th July 2020

Member Officer Protocol (updated 2020)

1. Introduction

- a) Kidderminster Town Council exists to serve the interests of the town. **Members** (councillors) and **officers** have a joint responsibility to ensure that they work collaboratively to ensure an efficient, transparent and democratic Council focused on these interests.
- b) Given the variety and complexity of such relations, this protocol cannot be prescriptive or cover all eventualities. However, it does aim to be instructive, offer guidance on some common issues and provide points of principle that can be applied to other issues that might arise.
- c) It is updated from NALC's best practice guidance

2. Roles of Members and Officers

Members and **officers** depend upon each other in carrying out the work of the Council.

- a) **Members** are responsible to their electorate for so long as their term of office lasts and have a duty to act in the best interests of the electorate and the Council. **Officers** are responsible to the Council.
- b) **Members** ensure the Council and its **officers** are aware of the concerns of their electorate and help decide the overall direction of the Council and, where appropriate, act in a supporting role in carrying out the work of the Council. **Members** have personal, individual and collective responsibility for the Council and its activities. They are responsible for ensuring that adequate management and financial arrangements are in place and they monitor the performance, development, continuity and overall well-being of the Council. **Members** may be designated to act in a certain role or as a positive focus for a particular section of the Council's activities.
- c) However, the Council is not entitled to delegate decision-making on behalf of the Council to individual **members**. The Council is entitled to delegate certain decision-making and functions to an **officer** or to committees of **members**.
- d) **Officers** give advice to the **members** and carry out the decisions and work of the Council. **Officers** manage and provide the services for which the Council has responsibility. They are accountable for the efficiency and effectiveness of those services and for proper professional practice in discharging their responsibilities and for taking decisions, within agreed policy. They provide advice to the public and **members** in respect of the services provided. They initiate policy proposals, implement agreed policy, ensure that the Council acts lawfully and in accordance with the principles of sound financial management and represent the Council on external bodies. The Town Clerk is responsible for the day-to-day management of the Council; delivering services within the agreed budgets and delegations

3. Respect and Courtesy

- a) **Members** and **officers** must work together in a harmonious relationship based upon mutual respect, courtesy, trust, honesty and understanding of each other's roles. This should prevail in all meetings and contacts whether formal or informal. This protocol should also inform behaviour with external contacts e.g. from partner organisations to ensure that **members** and **officers** are conducting themselves in a way that is appropriate when representing the Council.
- b) Neither **members** nor **officers** should seek to take unfair advantage of their position in their dealings with each other. **Members** should be aware that **officers**, especially junior **officers**,

may sometimes be overawed and feel at a disadvantage. Such feelings are intensified given that **members** make decisions that directly affect **officers**. **Members** should not apply pressure on **officers** to do anything that they are unwilling to do or are not empowered to do.

- c) Similarly, **officers** must not seek to use influence on an individual **member** to make a decision in their personal favour, as opposed to in the interests of the Council. Close personal familiarity between individual **members** and **officers** can damage the principle of mutual respect. It could also, intentionally or unintentionally, lead to the passing of confidential information which should not properly be passed between them, such as personal details. Such familiarity could also cause embarrassment to other **members** and/or other **officers** and could even give rise to suspicions of favouritism. It should therefore be avoided.
- d) Inappropriate relationships can be inferred from language/style. Therefore, **members** and **officers** should always seek to address each other with courtesy.
- e) **Members** must not obstruct the work of **officers** by unnecessarily taking up their time or in any way acting to impede their ability to proceed with their professional duties. **Officers** must equally respect the role of **members** and will only request additional supporting work from **members** where necessary or beneficial to the Council.
- f) **Members** and **officers** must conduct themselves in a way that is acceptable within a professional environment. They must afford dignity, trust and respect to everyone and themselves. They must have awareness of the effect of their behaviour on others and only make reasonable and manageable demands. They must communicate honestly and openly, clearly stating what they mean and expect of others. They must provide honest feedback based on evidence and be open to constructive criticism. They must start from the assumption that everyone is working to the best of their ability, considering their current stage of personal and professional development.
- g) **Members** and **officers** must not conduct themselves in an unacceptable manner. This includes discrimination which is a failure to afford equal opportunities in the workplace irrespective of disability, gender, race, religion, age, sexuality, and marital status. It includes harassment which is conduct that is unwanted and offensive and affects the dignity of an individual or group of individuals. It includes bullying which is a type of harassment consisting of persistent actions, criticism or personal abuse in public or private, which humiliate, intimidate, frighten, undermine or demean the individual.
- h) When defining behaviour in cases of harassment, it is appropriate to place emphasis on the recipient's experience rather than the perpetrator's motivation. The following examples show the variety of ways in which unacceptable behaviour can occur and are taken from actual cases from various sources. This list is neither comprehensive nor exclusive. It serves to illustrate a range of potential indicators of unacceptable behaviour.
- Using aggressive language, threatening, ridiculing, ignoring people, or shouting
 - Shifting blame to others
 - Phoning people at home unnecessarily (especially demanding work when the person is absent due to sickness or ill health)
 - Focusing only on weaknesses
 - Bringing up details of someone's private life inappropriately
 - Leaving impossibly long lists of tasks and making unreasonable demands
 - Criticising people in their absence
 - Racist comments or jokes, including those about distinctive peoples and nationalities
 - Questioning an individual about his/her sexual relationship/preferences
 - Frequent comments about aspects of physical appearance or using forms of address that are demeaning
 - Repeated staring or leering or suggestive looks at parts of the body

- Physical contact ranging from unwanted kissing, touching of any kind, through to assault or rape
- Making unwanted sexual advances
- The use of pin-ups, posters or electronic display e.g. pornographic pictures, objectionable cartoons
- Comments about or the excluding of a colleague from workplace talk or activities because of their age, disability, colour, race, religion, ethnic origin, gender or sexual orientation
- Threatening or implying that you will cause the person to lose their job or fail to get a promotion or suffer some other form of career difficulty or financial disadvantage
- Using language and/or gestures in such a way that someone fears for their personal safety
- Coercing someone to join the harassment/bullying of another person

4. Officer Support to the Council

- a) It is clearly important that there should be a close working relationship between **members** and the **officers** who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the **officers'** ability to deal impartially with other **members** must ensure their neutrality in representing the Council is not compromised.
- b) Whilst **members** might be consulted as part of the process of drawing up proposals for consideration on the agenda of a forthcoming meeting, it must be recognised that **officers** are under a professional duty to provide an agenda. **Officers** also submit reports based on their professional judgment to the Council. The Clerk will always be responsible for the contents of any report submitted in their name. This means that any such report will be amended only where the amendment reflects the professional judgment of the author of the report. Any issues arising between a **member** and the Clerk should be resolved informally if possible, using appropriate line management and, where appropriate progressing through relevant Council procedures where more formal resolution becomes necessary. **Officer** advice must be full and impartial and should include all relevant options to enable a full considered decision of the Council.

5. Members Access to Documents

- a) **Members'** right to inspect Council documents is restricted and will not apply to certain items, for example because they relate to individual employees. **Officers** will provide documents to view in the Clerk's office, which are, on the face of it, reasonably necessary to enable **members** properly to perform their duties for the Council. This is often referred to as the "need to know" principle. However, **members** do not have a "roving commission" to examine any documents nor access the computers of the Council. Mere curiosity is not sufficient.
- b) A **member** requesting access to documents should direct their enquiry to the Clerk. **Officers** will be concerned to furnish Council **members** with such information, advice and access to documents which they require for the proper performance of their duties conducted for the Council. If disclosure of a document is in the **officer's** view either not required or not appropriate, they will inform the member and will give reasons why disclosure would not be appropriate.
- c) Any dispute regarding a member's access to a document should be referred for resolution using appropriate line management and, where needed, through formal Council procedures.

6. Information and Advice to Members

- a) Any Council information provided to a member must only be used by that member for the purpose for which it was provided, namely in connection with the member's duties as a member of the Council, unless the information is already in the public domain. **Members** must not disclose information given to them in confidence by anyone without the consent of the person authorised to give it, or unless they are required to do so. Equally, **members** must not

prevent other persons from gaining access to information to which those persons are entitled by law.

- b) In order to safeguard against possible breaches of the Data Protection Act (which applies to all information of a personal nature) **members** should always seek advice from the Clerk before disclosing confidential information. Generally, personal information cannot be released without the consent of the person to whom it relates. Improper disclosure of confidential information can put the member and the Council at legal and financial risk.
- c) Regular contact between **members** and **officers** is necessary to ensure the efficient working of the Council and should occur on a planned and reasonable basis in order that it is constructive and not destructive to the ability of **officers** to perform their duties on behalf of the Council. Planned appointments, where meetings are needed to further the interests of the Council, are the best way of arranging contact between **members** and **officers**. This protects the interests of the Council and its employment responsibilities by ensuring that the ability of the **officer** to carry out the work of the Council is not impeded and to ensure that the **officer** can set aside an appropriate amount of time to meet with and concentrate on a member or group of **members**.

7. Representing Interests

Officers are neutral in that they serve the whole Council and not a particular sector or political group. **Members** might have an affiliation with a particular group within the public but should be making decisions based on their responsibility to the Council and its electorate as a whole. This does not preclude **members** and **officers** from reacting to a political issue where it affects the interests of the electorate in that area.

8. Communication and Advice

Save in exceptional circumstances, all letters and other communications on official Council business should be sent out only in the name of the Proper **Officer**. Communications which create obligations or give instructions on behalf of the Council should never be sent out under the name of a member.

9. Public Relations and Press Releases

The Clerk has overall responsibility for public relations and press releases on behalf of the Council. Political and lobby/action group press releases and publicity must not be issued at the initiative of individual **members** or **officers** using the resources of the Council. There is, of course, nothing to prevent any member from communicating with the media, but they should bear in mind that they are not doing so on behalf of the Council and should not use Council facilities or resources for this purpose.

10. Disputes

With goodwill, respect and integrity on both sides there ought to be very few occasions when a disagreement between an **officer** and a member cannot be resolved amicably. If there is a serious dispute of substance it should be discussed in the first instance between the member and the Clerk and dealt with using appropriate line management and, where needed, Council procedures. For unresolved disputes and behaviour issues disciplinary and grievance procedures and reports of breaches of the Code of Conduct are routes available to **members** and **officers**.

Local Government Association Model Member Code of Conduct

Introduction

The Local Government Association (LGA) is providing this Model Member Code of Conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance.

The role of councillor in all tiers of local government is a vital part of our country's system of democracy. In voting for a local councillor, the public is imbuing that person and position with their trust. As such, it is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to and want to participate with. We want to continue to attract individuals from a range of backgrounds and circumstances who understand the responsibility they take on and are motivated to make a positive difference to their local communities.

All councils are required to have a local Member Code of Conduct. This Model Member Code of Conduct has been developed in consultation with the sector and is offered as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it continues to be fit-for-purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code, whilst the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

As a councillor we all represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent everyone (in our ward/town/parish), taking decisions fairly, openly, transparently and with civility. Councillors should also be treated with civility by members of the public, other councillors and council employees. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations. This Code, therefore, has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.



Councillor Izzi Seccombe OBE
Leader, LGA Conservative Group



Councillor Nick Forbes CBE
Leader, LGA Labour Group



Councillor Howard Sykes MBE
Leader, LGA Liberal Democrats Group



Councillor Marianne Overton MBE
Leader, LGA independent Group

Purpose

The purpose of this Code of Conduct is to assist councillors in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. It is also to protect yourself, the public, fellow councillors, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

Application of the Code

The Code of Conduct applies to you when you are acting [or claiming or giving the impression that you are acting]¹ in [public or in]² your capacity as a member or representative of your council, although you are expected to uphold high standards of conduct and show leadership at all times. The Code applies to all forms of member communication and interaction, including written, verbal, non-verbal, electronic and via social media, [including where you could be deemed to be representing your council or if there are potential implications for the council's reputation.] Model conduct and expectations is for guidance only, whereas the specific obligations set out instances where action will be taken.

The seven principles of public life

Everyone in public office at all levels – ministers, civil servants, members, council officers – all who serve the public or deliver public services should uphold the seven principles of public life. This Code has been developed in line with these seven principles of public life, which are set out in appendix A.

Model member conduct

In accordance with the public trust placed in me, on all occasions I will:

- act with integrity and honesty
- act lawfully
- treat all persons with civility; and
- lead by example and act in a way that secures public confidence in the office of councillor

In undertaking my role, I will:

- impartially exercise my responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently and in the public interest

Specific obligations of general conduct

This section sets out the minimum requirements of member conduct. Guidance is included to help explain the reasons for the obligations and how they should be followed. These obligations must be observed in all situations where you act [or claim or give the impression that you are acting] as a councillor [or in public], including representing your council on official business and when using social media.

As a councillor I commit to:

Civility

- 1. Treating other councillors and members of the public with civility.**
- 2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.**

Civility means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a civil manner. You should not subject individuals, groups of people or organisations to unreasonable or excessive personal attack.

In your contact with the public you should treat them courteously. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

In return you have a right to expect courtesy from the public. If members of the public are being abusive, threatening or intimidatory you are entitled to close down any conversation in person or online, refer them to the council, any social media provider or if necessary, the police. This also applies to members, where action could then be taken under the Member Code of Conduct.

Bullying and harassment

- 3. Not bullying or harassing any person.**

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and not always be obvious or noticed by others.

The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

Impartiality of officers of the council

- 4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.**

Officers work for the council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. Although you can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Confidentiality and access to information

- 5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.**
- 6. Not preventing anyone getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and

printed materials are open to the public except in certain circumstances. You should work on this basis but there will be times when it is required by law that discussions, documents and other information relating to or held by the council are treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Disrepute

7. Not bringing my role or council into disrepute.

Behaviour that is considered dishonest and/or deceitful can bring your council into disrepute. As a member you have been entrusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on other councillors and/or your council.

Your position

8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the council provides you with certain opportunities, responsibilities and privileges. However, you should not take advantage of these opportunities to further private interests.

Use of council resources and facilities

9. Not misusing council resources.

You may be provided with resources and facilities by the council to assist you in carrying out your duties as a councillor. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given

to you to help you carry out your role as a councillor more effectively and not to benefit you personally.

Interests

10. Registering and declaring my interests.

You need to register your interests so that the public, council employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest. The register also protects you. You are responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise.

It is also important that the public know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. Discuss the registering and declaration of interests with your Monitoring Officer/Town or Parish Clerk and more detail is set out in appendix B.

Gifts and hospitality

11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.

12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

You should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you

because you are a member. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you may wish to notify your monitoring officer of any significant gifts you are offered but refuse which you think may have been offered to influence you.

Note – items in square brackets [x] refer to recommendations made by the Committee on Standards in Public Life and may be part of a future Government consultation. This includes possible future sanctions and appeals processes.

Breaches of the Code of Conduct

Most councillors conduct themselves appropriately and in accordance with these standards. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Each local authority must publish a code of conduct, and it must cover the registration of pecuniary interests, the role of an 'independent person', and sanctions to be imposed on any councillors who breach the Code.

The 2011 Act also requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct, and arrangements under which decisions on allegation may be made.

Failure to comply with the requirements to register or declare disclosable pecuniary interests is a criminal offence. Taking part in a meeting or voting, when prevented from doing so by a conflict caused by disclosable pecuniary interests, is also a criminal offence.

Political parties may have its own internal standards and resolution procedures in addition to the Member Code of Conduct that members should be aware of.

Example

LGA guidance and recommendations

Internal resolution procedure

Councils must have in place an internal resolution procedure to address conduct that is in breach of the Member Code of Conduct. The internal resolution process should make it clear how allegations of breaches of the Code of Conduct are to be handled, including the role of an Independent Person, the appeals process and can also include a local standards committee. The internal resolution procedure should be proportionate, allow for members to appeal allegations and decisions, and allow for an escalating scale of intervention. The procedure should be voted on by the council as a whole.

In the case of a non-criminal breach of the Code, the following escalating approach can be undertaken.

If the breach is confirmed and of a serious nature, action can be automatically escalated.

1. an informal discussion with the monitoring officer or appropriate senior officer
2. an informal opportunity to speak with the affected party/ies
3. a written apology
4. mediation
5. peer support
6. requirement to attend relevant training
7. where of a serious nature, a bar on chairing advisory or special committees for up to two months
8. where of a serious nature, a bar on attending committees for up to two months.

Where serious misconduct affects an employee, a member may be barred from contact with that individual; or if it relates to a specific responsibility of the council, barred from participating in decisions or information relating to that responsibility.

Endnotes

1. CSPL recommend that “Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority”.
2. CSPL recommend that “councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.”
3. Subject to footnotes 1 and 2 above
4. See CSPL website for further details www.gov.uk/government/news/the-principles-of-public-life-25-years
5. ACAS’s definition of bullying

Appendices

Code Appendix A

The principles are :

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Code Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the council or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests).
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Table 1 or 2, or of any change to a registered interest, notify the Monitoring Officer.

Declaring interests

3. Where a matter arises at a meeting which directly relates to an interest in Table 1, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
4. Where a matter arises at a meeting which directly relates to an interest in Table 2, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

5. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
6. Where a matter arises at a meeting which affects –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body covered by table 1 below

you must disclose the interest.

7. Where the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 .
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'director' includes a member of the committee of management of an industrial and provident society.

*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council:	
Any Body—	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which you are a member or in a position of general control or management.	



Local Government Association

18 Smith Square
London SW1P 3HZ

Telephone 020 7664 3000

Fax 020 7664 3030

Email info@local.gov.uk

www.local.gov.uk

© Local Government Association, May 2020

For a copy in Braille, larger print or audio,
please contact us on 020 7664 3000.
We consider requests on an individual basis.

REF 11.197

Kidderminster Town Council

Wednesday 29th July 2020

Adopting the General Power of Competence

1. Purpose

The purpose of this report is to seek the agreement of Council to (re)adopt the General Power of Competence (GPC)

2. Background

The Council first adopted this power in April 2017. As part of the process to retain the power it must formally be adopted every year.

In essence the GPC gives the Town Council more freedoms to deliver the services it deems appropriate for the parish. The specifics of the GPC are detailed in **Appendix A** to this report

3. Criteria

To adopt the GPC, the Council must

- i. Formally pass a resolution adopting the power
- ii. Have the number of councillors elected at the last ordinary election, or at a subsequent by-election, equal to or exceeding two thirds of its total number of councillors.
- iii. At the time the resolution is passed, have a clerk to the council who holds the relevant CiLCA qualification (Certificate in Local Council Administration) or other relevant higher education qualification for clerks awarded by the University of Gloucestershire. (**Appendix B**)

4. Risk

There are no strategic risks associated with this report

5. Finance

There are no strategic financial implications arising from this report

6. Recommendation

Council are recommended to adopt 'The General Power of Competence'

The General Power of Competence An introduction to key facts for local councils¹

Local councils in England were given a 'general power of competence' (GPC) in the Localism Act 2011, sections 1 to 8. This paper explains the freedom granted by the general power, the criteria to be met before a local council can use it and some restrictions on using the power.

The freedom of the GPC

Councils no longer need to ask whether they have a specific power to act. The GPC (LA 2011 s1(1)) gives local authorities, including eligible local councils, "*the power to do anything that individuals generally may do*" as long as they don't break other laws. It is a 'power of first resort'; this means that when searching for a power to act, the first question you ask is whether you can use the GPC. To find the answer, you ask whether an individual is normally permitted to act in the same way. For example:

- An individual can't impose taxes on other people – so a local council can't use the GPC to raise taxes.

On the other hand, an individual

- could run a community shop or post office (provided they abide by relevant rules) – so a local council can do likewise;
- can set up a company to provide a service. The GPC clearly permits a local council to engage in commercial activity as long as it sets up a company or co-operative society (s4) for this purpose.

Sometimes a council can do things that an individual can't do – such as creating byelaws, raising a precept or issuing fixed penalty notices - but it must do so using the specific original legislation. The GPC does not mean that the council can delegate decisions to individual councillors – this is a procedural matter that remains enshrined in law.

The Government hopes that the GPC gives local councils confidence in their legal capacity to act for their communities. It encourages councils to use this power to work with others in providing cost-effective services and facilities in innovative ways to meet the needs of local people. The council can lend or invest money; it can trade; it can even sell energy to the National Grid. If another authority has a statutory duty, then it remains their duty to provide that service (eg education, waste collection, social services) but local councils can still help out. For example, a local council can support a school in many ways, just as an individual might. It could even help a community trust to run a local school.

The council can undertake activities using the GPC anywhere – not just in the parish (s1(4a)). It isn't necessary to worry whether the activity is for the benefit of the council, the area or the community (s1(4c)) although, in practice, parishioners might object if they can't see the benefit! And unlike the Local Government Act 1972, s137, it doesn't matter whether there are any other specific powers permitting the council to take action (s1(5)). So, for example, a council can use the GPC to build a sports facility even though there is another power enabling it to do the same thing (Local Government (Miscellaneous Provisions) Act 1976 s19).

¹ Parish, town and neighbourhood councils in England

As always, the council is expected to act in accordance with the general principle of 'reasonableness' established by the Wednesbury court case in 1948. The judgement made it clear that a council can exercise reasonable discretion when interpreting legislation provided that it justifies its decision in terms of relevant, rather than irrelevant, matters.

Criteria for eligibility

The freedom of the GPC is available to local councils that meet two criteria for eligibility (LA 2011 s8) set out in a statutory instrument known as the *Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012* that came into force in April 2012.

A local council must decide, at a full meeting of the council, that it meets the criteria for eligibility at that particular point in time. A resolution to this effect must be written clearly in the minutes of that meeting. The council is then required to revisit that decision and make a new resolution at every 'relevant'² annual meeting of the council to confirm that it still meets the criteria (if it does). This means that eligibility remains in place until the first annual meeting of the council after the ordinary election even if the condition of the eligibility criteria has changed. The two criteria are:

Elected councillors

At the precise moment that the council resolves that it meets the criteria, the number of councillors elected at the last ordinary election, or at a subsequent by-election, must equal or exceed two thirds of its total number of councillors.

Elected councillors include all councillors who stood for election whether or not the election was contested. Co-opted or appointed councillors do not count as they are not elected.

The total number of councillors means the number of seats on the council including those that might be vacant.

If two thirds is not a whole number, then it must be rounded up to the next whole number. For example, if the number of councillors in total is 8 and two thirds is approximately 5.3, then the number of councillors that must be elected is 6.

Total council seats	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
Two thirds	4	4	5	6	6	7	8	8	9	10	10	11	11	12	12	13	14

The qualified clerk

The clerk must hold at least one of the sector-specific qualifications and should have completed the relevant training designed as part of the National Training Strategy for local councils.

The recognised sector-specific qualifications are:

The Certificate in Local Council Administration (CiLCA) awarded by the Monitoring and Verification Board (or previously by the AQA)

The higher education qualifications for clerks awarded by the University of Gloucestershire or its predecessor institutions, namely:

² A 'relevant' annual meeting is the annual meeting of the council after the ordinary election that normally takes place every four years. The confirmation does not have to take place every year.

The Certificate of Higher Education in Local Council Administration

The Certificate of Higher Education in Local Policy

The first level of the Foundation Degree in Community Engagement and Governance (the Level Four course)

Any equivalent successor qualification

It is important that the council pays attention to the advice of its trained and qualified clerk when taking decisions to ensure that it acts lawfully.

Since the GPC can be used for most of the activities of the council rather than for unusual one-off projects, the council cannot employ a clerk on a short-term contract specifically for using the power. If the council loses its qualified clerk or has insufficient elected councillors, then it must record its ineligibility at the next 'relevant' annual meeting of the council (that is the one, after the next ordinary election). If it has already started an activity under the GPC for which there is no other specific power, it remains eligible for the purpose of completing *that* activity, but it can't start anything new under the power until it is in a position to make the formal decision that it meets the criteria. The council must go back to identifying whether it has a specific power to act and use the restricted s137 if there is no appropriate specific power. When entering into a contract under the GPC, a council should be cautious if the contract lasts beyond the next annual meeting when the council might no longer be eligible to use the GPC. There is a risk of legal action if the council ends the contract unexpectedly. It is wise to seek legal advice when setting up the contract.

Risks and restrictions limiting the GPC

There are some risks associated with using the GPC. Inadequate community support or insufficient funding are significant risks while there are several statutory or legal restrictions that a local council should consider before using the power. Clerks and councillors should be aware of the following restrictions that potentially could limit the use of the GPC.

- If a council is already subject to a statutory duty, then that duty remains in place. So, for example, a local council that is eligible to use the GPC must continue to abide by its duties. For example:
 - The council has a duty to act with regard to the likely effect on crime and disorder and to do all it can to prevent crime and disorder in its area (Crime and Disorder Act 2006 s17).
 - The Natural Environment and Communities Act 2006 s40 imposes a duty on local councils to consider conserving biodiversity in exercising its functions.
 - The Smallholding and Allotments Act 1908 s23(1) gives councils a duty to provide allotments if they are of the opinion that there is a demand for them.
- There are also many procedural and financial duties that remain in place for regulating the governance of a local council.
- Furthermore, the council must comply with employment law, Health and Safety legislation, equality legislation and duties related to data protection and freedom of information for example.
- The council must set up a company or co-operative society if it wishes to trade. If the council sets up a company or co-operative society it must abide by company law. Councils are advised to refer to more detailed Government guidance on trading and

on charging (see links below). The council can charge for services provided under the GPC³.

- If the council wants to invest in a local business to support the local economy, it should follow Government advice on investment (see links below). If it wishes to support a community enterprise, an economic development grant might be a sensible option.
- Remember, if another authority has a statutory duty, then it remains their duty to provide that service (eg education). If you are worried that you might be encroaching on another authority's duty, then ask whether an individual, a private company or a community trust might be able to step in and help. If they can, then so can the local council (although it might need to set up an appropriate delivery body first).
- If the action the council wishes to take is also covered by a specific power then any restrictions that apply to the overlapping power are still in force. So if existing legislation requires the council to ask permission before acting, then it must do so. For example, the council asks permission from the Highways Authority before doing work on roadside verges.

The GPC is a power and not a source of money. It cannot be used to raise the precept and if loans are needed then normal procedures apply. The council can seek other sources of finance such as the Community Infrastructure Levy, grant funding, sponsorship, commercial activity and agreements with other authorities. As always, the council should ensure support from local taxpayers.

So councils cannot use the GPC primarily to raise money but they can receive income as a consequence of using the power for a different primary purpose. For example, a council could give financial assistance to a struggling local enterprise by purchasing share capital just as any individual could. Similarly the council could lend money to support a local activity and earn interest on the loan and it can raise sponsorship for a community project.

Although councils are encouraged to be innovative, they should be aware of the risks involved in using the power in addition to a lack of money or community support. For example:

- There is a risk of being challenged
- Trading activities could damage competing local activities
- The council risks its reputation and public money if a project goes wrong

S137 and the power of well-being (PWB)

How do these two powers relate to the GPC?

- The money that can be spent under the Local Government Act 1972 s137 is limited while the power is restricted by regulations for use and scope; for example, councils must keep specific accounts for s137, they cannot use the power to give money to individuals and spending must be commensurate with the benefit gained. In addition a council can't use s137 if another specific power exists. A council that is eligible to use the GPC can no longer use s137 as a power for taking action for the benefit of the area or its community (Sch 1(1))⁴.

³ If councils have a statutory **duty** to provide a service **free of charge**, they cannot charge for that service. This provision applies to principal authorities but does not affect local councils as they are not required by law to provide **any** services free of charge

⁴ Note that s137(3) which permits the council to contribute to UK charities, public sector funds and public appeals remains in place.

- The PWB (Local Government Act 2000 s2) offered councils more opportunity to improve and promote the economic, social and environmental well-being of an area and its community with no restrictions on spending. However, in England it has now been replaced by the general power of competence which offers even more freedom to act. Transitional arrangements allow councils to complete projects started under the PWB.

Further changes affecting the GPC

The Secretary of State for Communities and Local Government has the power to change the enacted legislation (s5) so it is important to keep up to date with legal advice. Changes will not be made without consultation and should therefore come as no surprise. The Government is keen to know whether there are any additional restrictions affecting the use of the GPC so that it can consider removing them. Contact the Society of Local Council Clerks or the National Association of Local Councils (via your County Association) if you wish to draw attention to any legislative constraints affecting the use of the power.

The CiLCA Questions

Clerks are required to respond to these tasks correctly in order to pass CiLCA. They write a paragraph of approximately 200 words.

- What is the general power of competence and where is it found?
- What criteria must local councils meet to be eligible to use the general power of competence and when must a council confirm that it is eligible?
- List four restrictions to consider before using the power for a specific purpose.
- List three activities that your council might undertake using the general power of competence giving any restrictions that might apply to these activities

Pass criteria

- A clear understanding of the general power of competence
- A clear explanation of the eligibility criteria and arrangements for confirming eligibility
- A list of four possible restrictions to consider before using the power
- A list of three activities with appropriate restrictions

Useful web links

The Localism Act 2011 <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012

<http://www.legislation.gov.uk/ukdsi/2012/9780111519868>

The Localism Act 2011: Explanatory notes

<http://www.legislation.gov.uk/ukpga/2011/20/notes/division/5/1/1>

Charging guidance

<http://www.communities.gov.uk/documents/localgovernment/pdf/151291.pdf>

Trading guidance

This guidance is in two documents. The second document is an addendum.

<http://www.communities.gov.uk/documents/localgovernment/pdf/133628.pdf>

<http://www.communities.gov.uk/documents/localgovernment/pdf/323153.pdf>

Investment guidance

<http://www.communities.gov.uk/documents/localgovernment/pdf/1501971.pdf>



The National Training Strategy
for Town & Parish Councils

 **CiLCA**

Certificate in Local
Council Administration
PG 2013

This is to certify that

Tony Beirne

has been awarded a
Pass

in the above qualification

10 March 2017



Kathryn Richmond
CHIEF VERIFIER
CERTIFICATE IN LOCAL COUNCIL ADMINISTRATION

**This
page
intentionally
blank**

Kidderminster Town Council Wednesday 29th July 2020

Membership of Outside Bodies

1. Purpose

The purpose of this report is to receive any updates from outside bodies and update any changes to committee membership

2. Outside Bodies

	Organisation	Appointments	Duration
1)	Carpet Museum Trustees (2)	M. Stooke	Full term
2)	CALC	P. Young	Full term
3)	Local Plans Review Panel (2)	J. Baker M. Stooke	Full term
4)	Friends of St Mary's Church Committee (1)	K. Gale	Full term
5)	Historical Societies Group (1)	F. Oborski MBE	Full term
6)	Community Transport in Wyre Forest	N. Knowles	Full Term
7)	Fairtrade	R. Bishop	Full term
8)	Wyre Forest Local Children's Trust	S. Rook	Full term

3. Update

Councillor Knowles has resigned from the CALC role. Councillor Young as reserve, takes his place

4. Recommendations

Council is asked to note the update

**This
page
intentionally
blank**

Kidderminster Town Council

Wednesday 29th July 2020

St George's Paddling Pool

1. Overview

The purpose of this report is to seek a way forward on the future of St George's Paddling Pool.

2. Current Position

The Town Council took on the running of the paddling pool from Wyre Forest District Council (WFDC) in 2016 in order to continue to provide the summer paddling pool service for local residents in the Town.

However, the impact of Covid19 and a different management approach from WFDC has now affected the ability to deliver the service this year and into the future.

Specifically, for the summer of 2020 WFDC have stated they do not have the capacity to run the pool and as a result it is closed for the summer. It has not been possible to find another contractor and more significantly the risks of opening the pool are high.

3. Background

The Town Council does not have a service level agreement with Wyre Forest District Council for the maintenance and running of the paddling pool and they have not formally agreed the lease for it to be delivered by the Town Council. The running of the pool is currently on an annual agreement as the Town Council was reviewing its long-term management of the pool.

Originally it was leased on a three year grant agreement with the understanding that if it went beyond that agreement WFDC would maintain and run it for us as our contractor. This position has now changed. No formal lease is in place.

4. What has changed

The original social distancing guidance, up to Thursday 9th July 2020, was that the paddling pools (and outdoor facilities) were to remain closed. The Government guidance changed for Saturday 11th July 2020 to allow paddling pools to open with reviewed social distancing measures in place.

WFDC, as our contractor, carried out a risk assessment on Tuesday 14th July 2020. The outcome of that assessment was that they reported they did not have the capacity to open St George's Pool as their operatives were working to keep other critical services running because of the increased cleaning demands placed on WFDC by Covid19.

As part of this review WFDC also stated that they will not be our contractor for the management of the pool for the future.

The paddling pool remains closed

5. Managing Risk

As well as the change in contracting arrangements, the Town Council's review of the risks of opening the pool are assessed as high, there are a number of concerns: -

i. Risks

- The pool is not supervised
- It is not contained (we cannot manage numbers attending)
- We cannot enforce the social distancing guidance

(As the pool serves mainly very young children these risks are exacerbated.)

ii. Technical considerations

Covid19 has also raised technical concerns on the risks of running outdoor services. Specifically, relating to St George's pool, the chemical dosing of the pool is manual (during each day it is open) and cannot be guaranteed to be as reliable as the automatic chemical management of other pools and therefore the risk related to Covid19 increases.

iii. Other Councils

A review of other councils shows a significant number of them are not opening their paddling pools for 2020. There seems to be two points: the risks remain too high and the guidance has come too late to be able to resource the opening of some of the pools.

This report recommends that the pool should not be opened for 2020 because the risks are too great and the potential costs are potentially significantly higher than originally budgeted for.

6. The future of the pool

With the change in the position of WFDC there has been a breakdown in the partnership originally set up to deliver the service. WFDC were the contractors with the expertise and knowledge to manage the pool. And their costs were low.

WFDC remain the freeholders of St George's park and the assets in it.

7. Community Involvement

This report focuses on the relationship between the Town Council and WFDC on the running and future on the pool. It would be appropriate to involve the Friends of St George's Group who help run the park in any decision on the future of the paddling pool.

8. Future Management of the Pool

The Town Council is also aware that the future life expectancy of the pool is limited and the way it is serviced (manually) during opening times is not the industry standard.

The partnership with WFDC has ended.

The options are

- To stop being responsible for the pool and return the freehold to WFDC
- Seek quotes from independent contractors to run the pool and, if viable, negotiate a longer lease agreement with WFDC going forward
- Meet with WFDC and the Friends of St George's to see if there are any other options for the future of the pool or some other provision for younger children

9. Legal position

- WFDC are entitled to refuse to be our contractor for 2021 onwards regarding running the pool.
- While WFDC did agree to manage the paddling pool in 2020 it can be assumed that the unprecedented Covid19 impact gives them justifiable grounds not to deliver the agreement this year
- WFDC remain the freeholders of St George's park
- There is currently no formal leasehold agreement in place

In the current changed circumstances, the Town Council should not agree any future formal lease arrangement with WFDC unless a viable future for the pool can be agreed.

10. Way Forward

- i. This report recommends not opening the paddling pool for the summer of 2020 because of the significant Covid19 related risks

- ii. It also recommends not entering into any future leasing arrangements with WFDC regarding the pool as they have stopped their original partnership arrangement with the Town Council to manage the pool.
- iii. It seeks agreement to meet with WFDC and the Friends of St George's to examine what the future options might be for delivering the service
- iv. It seeks agreement to conclude any consultations by November 2020 to allow the Town Council to plan the 2021/22 budget programme
- v. Finally, it is recommended that the detailed negotiation and decision making be delegated to the Events & Services Committee as the committee that oversees this service.

11. Recommendations

Council are asked to instruct the Town Clerk

**This
page
intentionally
blank**

Kidderminster Town Council - Meeting Dates 2020/21

1. Purpose

The purpose of this report is to update the Council on the programme of Committee meetings for 2020/21.

2. Intention

The intention now is to return our meeting schedule to some level of normality but to follow the social distancing guidelines.

3. Meetings Programme

The aim in setting up our meetings schedule is to avoid any obvious clashes with WCC and WFDC. This has proved more difficult recently with the impact of Covid19. Also the dates of other organisations come out later than our draft schedule and often have to be amended. The dates below have been reviewed to check they do not currently clash. However, there is no guaranteed if other meetings are rescheduled.

4. Clash of Meetings

If a clash of meeting occurs the practice has been for the Town Clerk to consult the appropriate Chairman to see if the date should be changed. The adoption of substitutes has helped minimise this impact.

5. Going Forward

All programmed dated have been review and at present there appear to be no significant clashes. Only the December 2020 Finance & Overview Committee has been brought forward to 2nd December 2020 from 9th December 2020

6. Programme (All meetings at 6.00pm unless otherwise stated)

Day	Committee	2020							2021					
		May	June	July	Sept	Oct	Nov budget	Dec	Jan	Feb	Mar Purdah 31 st	Apr	May Election 6 th	June
Tuesday	Planning	26 th	30 th	28 th	8 th	13 th	17 th	15 th	26 th	23 rd	23 rd	27 th		2 nd & 29 th
	KEF (4.30pm)					20 th				9 th				
Wednesday	Annual Assembly													
	Council		10 th	29 th	30 th		18 th	16 th		3 rd	31 st		26 th (Mayor Making 7.30pm)	
	Finance & Overview			15 th	9 th			2 nd						
	Staffing			1 st & 29 th		21 st	11 th			18 th				23 rd
Thursday	Events & Services			9 th										10 th
	Town Hall		25 th	23 rd	24 th		12 th			4 th				24 th

**This
page
intentionally
blank**

KIDDERMINSTER TOWN COUNCIL - AGENDA ITEM 14	2020/21 Original Budget	2020/21 Actual to 21/07/20	2020/21 Variance Budget to Actual
<u>Budget Spend to Date - July 2020</u>	£	£	£
1. COUNCIL			
<u>EXPENDITURE</u>			
Contribution to future Election costs	10,000	0	10,000
Contribution to future Election costs (b/f from 17/18, 18/19 & 19/20)	38,450	0	38,450
GROSS EXPENDITURE	48,450	0	48,450
<u>INCOME</u>			
Precepts	(640,990)	(320,494)	(320,496)
Earmarked Reserve - Election costs	(38,450)	0	(38,450)
GROSS INCOME	(679,440)	(320,494)	(358,946)
TOTAL NET EXPENDITURE / (INCOME)	(630,990)	(320,494)	(310,496)

KIDDERMINSTER TOWN COUNCIL	2020/21 Original Budget	2020/21 Actual to 21/07/20	2020/21 Variance Budget to Actual
	£	£	£
1. COUNCIL			
<u>EXPENDITURE</u>			
Contribution to future Election costs	10,000	0	10,000
Contribution to future Election costs (b/f from 17/18, 18/19 & 19/20)	38,450	0	38,450
GROSS EXPENDITURE	48,450	0	48,450
<u>INCOME</u>			
Precepts	(640,990)	(320,494)	(320,496)
Earmarked Reserve - Election costs	(38,450)	0	(38,450)
GROSS INCOME	(679,440)	(320,494)	(358,946)
TOTAL NET EXPENDITURE / (INCOME)	(630,990)	(320,494)	(310,496)

KIDDERMINSTER TOWN COUNCIL	2020/21 Original Budget	2020/21 Actual to 21/07/20	2020/21 Variance Budget to Actual
	£	£	£
2. FINANCE			
<u>EXPENDITURE</u>			
SUPPLIES AND SERVICES			
General Office Expenses	5,000	(637)	5,637
Audit Fees	1,300	0	1,300
Professional Subscriptions	3,000	2,942	58
Insurances	8,000	6,898	1,102
Discretionary Grants	10,000	9,000	1,000
Ward Grants	9,000	3,300	5,700
Covid-19 Grant Expenditure	0	1,585	(1,585)
SUPPORT SERVICES			
WFDC Finance support	20,500	10,250	10,250
WFDC ICT	9,980	4,991	4,989
WFDC Legal	5,510	2,755	2,755
GROSS EXPENDITURE	72,290	41,083	31,207
INCOME			
Grant Income - Covid-19	0	(2,000)	2,000
GROSS INCOME	0	(2,000)	2,000
TOTAL NET EXPENDITURE / (INCOME)	72,290	39,083	33,207

KIDDERMINSTER TOWN COUNCIL	2020/21 Original Budget	2020/21 Actual to 21/07/20	2020/21 Variance Budget to Actual
	£	£	£
3. STAFFING AND CIVIC			
<u>EXPENDITURE</u>			
EMPLOYEE COSTS			
Basic Pay Salaries	92,340	23,313	69,027
National Insurance	6,990	1,943	5,047
Pension	9,220	2,137	7,083
Town Crier	500	500	0
Town Mayor's allowance	6,860	1,301	5,559
Deputy Mayor's allowance	2,260	2,260	0
Contingency for Tax/NI	2,000	(4,122)	6,122
SUPPLIES AND SERVICES			
Training	2,000	0	2,000
Mayoral Car	5,000	1,288	3,712
Mayor and Civic Budget	15,000	502	14,498
Twinning	2,000	0	2,000
HR Advice (CALC)	2,000	20	1,980
TOTAL NET EXPENDITURE / (INCOME)	146,170	29,142	117,028

KIDDERMINSTER TOWN COUNCIL	2020/21 Original Budget	2020/21 Actual to 07/07/20	2020/21 Variance Budget to Actual
	£	£	£
4. EVENTS AND SERVICES			
<u>EXPENDITURE</u>			
St Mary's Churchyard	12,360	6,180	6,180
Statues and Memorials	4,950	304	4,646
Maintenance of Street Furniture - cleaning and replacement	5,200	1,100	4,100
St Georges Paddling Pool	4,500	0	4,500
Market Street Public Conveniences	25,000	10,165	14,835
Grounds Maintenance (Allotments)	4,000	1,575	2,425
Lengthsman	200	822	(622)
Dementia Services	3,000	100	2,900
Grit Bins	2,000	0	2,000
Kidderminster Arts and Food Festival	5,000	0	5,000
Kidderminster Arts Promotion	1,500	0	1,500
Town Centre Hanging flowers	12,040	6,020	6,020
Town Centre Planting	4,000	0	4,000
Christmas Lights	30,000	0	30,000
Christmas - Santa in the Town Hall	2,520	0	2,520
GROSS EXPENDITURE	116,270	26,265	90,005
<u>INCOME</u>			
Lengthsman - Income from WCC	0	349	(349)
Earmarked Reserve - Baxter / Rowland Hill Statue	(500)	0	(500)
Earmarked Reserve - War Memorials	(2,950)	0	(2,950)
GROSS INCOME	(3,450)	349	(3,799)
TOTAL NET EXPENDITURE / (INCOME)	112,820	26,614	86,206

KIDDERMINSTER TOWN COUNCIL	2020/21 Original Budget	2020/21 Actual to 15/07/20	2020/21 Variance Budget to Actual
	£	£	£
5. TOWN HALL DEVELOPMENT			
<u>EXPENDITURE</u>			
EMPLOYEE COSTS			
Salary	45,810	10,606	35,204
SUPPLIES AND SERVICES			
Civic Furniture	3,000	0	3,000
Town Hall Heritage Lottery Fund	0	9,220	(9,220)
Town Hall Heritage Lottery Fund (KTC Contribution) (b/f from 2019/20)	5,580	0	5,580
Town Hall Alterations	5,000	0	5,000
ICT Contribution	8,400	8,400	0
Streaming / Webcasting Service	10,000	3,048	6,952
GROSS EXPENDITURE	77,790	31,274	46,516
INCOME			
Grant Income - HLF	0	(1,420)	1,420
Earmarked Reserve - Town Hall Heritage Lottery Fund (KTC Contribution)	(5,580)	0	(5,580)
Earmarked Reserve - ICT Contribution	(8,400)	0	(8,400)
GROSS INCOME	(13,980)	(1,420)	(12,560)
TOTAL NET EXPENDITURE / (INCOME)	63,810	29,854	33,956

KIDDERMINSTER TOWN COUNCIL	2020/21 Original Budget	2020/21 Actual to 21/07/20	2020/21 Variance Budget to Actual
	£	£	£
6. TOWN HALL MANAGEMENT			
<u>EXPENDITURE</u>			
EMPLOYEE COSTS			
Basic Pay Salaries	141,170	34,755	106,415
National Insurance	11,460	2,789	8,671
Pension	31,190	6,908	24,282
Honorarium - Town Hall Organist	400	0	400
Staff Car Parking Passes	1,000	0	1,000
RUNNING COSTS			
Mobile Phone Charges	530	60	470
Broadband/WIFI	200	0	200
Purchase & Rental of Vending Machines	330	41	289
Clothing and Uniforms	400	0	400
Print Management Recharge	750	(53)	803
General Office Expenses	1,150	(12)	1,162
Bank Charges	500	61	439
Phonographic Performance Licence	460	0	460
Arts Council Expenditure	0	3,106	(3,106)
OVERHEADS			
Repairs and Maintenance of Buildings	50,000	800	49,200
Lift Maintenance	2,000	0	2,000
Maintenance of Town Hall Organ	1,880	0	1,880
Miscellaneous Licences and Rentals	470	180	290
Electricity	24,410	2,083	22,327
Gas	10,560	201	10,359
Non Domestic Rates	24,470	5,789	18,681
Water and Sewerage Rates	11,290	11,599	(309)
Fire and Burglar Precaution Alarms Maintenance	3,000	0	3,000
Window Cleaning	1,390	0	1,390
Waste Disposal Charges	2,790	2,418	372
Contractor Charges - Cleaning	25,940	594	25,346
Hygiene and Towel Services	2,950	353	2,597
Insurance	18,600	16,508	2,092
First Aid Support	450	0	450
Sound and Lighting	3,500	0	3,500
Support Services - Finance	13,950	6,975	6,975
Support Services - ICT	19,230	9,616	9,614
Support Services - Legal	1,360	680	680
Support Services - Facilities Management	9,800	4,900	4,900

KIDDERMINSTER TOWN COUNCIL	2020/21 Original Budget	2020/21 Actual to 21/07/20	2020/21 Variance Budget to Actual
	£	£	£
EVENTS AND MARKETING			
Marketing and Design	9,200	1,379	7,821
Wedding Ceremonies and Receptions Expenditure	100	0	100
Christmas Events	8,000	0	8,000
Youth Makes Music Expenditure	2,000	0	2,000
Event Expenditure	14,000	(569)	14,569
Hirers Ticket Expenditure	10,000	0	10,000
Sales Expenditure	1,300	0	1,300
Third Party Hirers PL Insurance	180	0	180
GROSS EXPENDITURE	462,360	111,162.06	351,198
INCOME			
Grant Income	(74,220)	0	(74,220)
Grant Income HMRC	0	(3,952)	3,952
Grant Income Arts Council	0	(23,929)	23,929
Sales	(2,500)	0	(2,500)
Wedding Ceremonies and Receptions	(22,500)	(4,758)	(17,743)
Rents	(25,000)	(1,855)	(23,145)
Third Party Hirers Insurance Income	(600)	(130)	(470)
Hirers Ticket Income	(13,000)	(830)	(12,170)
Sound and Lighting Income	(3,500)	(100)	(3,400)
Bar Income and Bar Charge	(8,000)	0	(8,000)
Event Income	(18,000)	0	(18,000)
Registrar Rental Income	(8,000)	0	(8,000)
Youth Makes Music Income	(5,000)	0	(5,000)
Duty Manager Recharge	(3,000)	0	(3,000)
GROSS INCOME	(183,320)	(35,553)	(147,767)
TOTAL NET EXPENDITURE / (INCOME)	279,040	75,609	203,431

KIDDERMINSTER TOWN COUNCIL
WEDNESDAY 29TH JULY 2020

Finance Report

1. Accounts Paid 1st June to 20th July 2020

<u>Date</u>	<u>Payee</u>	<u>Purpose</u>	<u>Amount Excl. VAT £</u>	<u>A/C No.</u>
<u>FINANCE</u>				
22/05/20	Wilcox Desk Top Equipment	Gloves and facemask	824.50	Debit396
03/06/20	Wyre Forest Nightstop and Mediation Scheme	Grant	1,000.00	IP469
03/06/20	West Mercia Women's Aid	Grant	1,000.00	IP470
03/06/20	Home-Start Wyre Forest	Grant	1,000.00	IP471
04/06/20	The Post Office	Postage	127.30	Debit400
05/06/20	Barclays Bank	Bank Charges	6.50	DD
08/06/20	The Post Office	Postage	13.40	Debit403
10/06/20	Poundland	Tissues PPE	2.50	Debit406
10/06/20	ALCC	Town Clerk Membership	40.00	Debit407
15/06/20	Zoom	Zoom Monthly Charge	11.99	Debit409
15/06/20	The Post Office	Postage	9.12	Debit410
18/06/20	St John's CE Primary School	Ward Grant	500.00	IP478
18/06/20	Wilko	Office Supplies	14.00	Debit420
19/06/20	The Post Office	Postage	54.75	Debit414
19/06/20	The Post Office	Postage	6.70	Debit415
24/06/20	Small Animal Rescue	Ward Grant	500.00	IP479
24/06/20	WH Smith	Postage	18.24	Debit418
25/06/20	The Post Office	Postage	3.80	Debit419
06/07/20	Sutton Park Primary School	Ward Grant	500.00	IP491
06/07/20	Barclays Bank	Bank Charges	8.60	DD
07/07/20	WFDC	Mobile Phones May 20	71.75	IP492
09/07/20	The Post Office	Postage	5.75	Debit422
09/07/20	WFDC	SLA Q1 and Q2 2020/21	18,676.24	IP497
10/07/20	The Post Office	Postage	1.64	Debit423
15/07/20	Zoom	Zoom Monthly Charge	11.99	Debit425
15/07/20	The Post Office	Postage	18.24	Debit429
20/07/20	The Post Office	Postage	9.12	Debit432
<u>STAFFING & CIVIC</u>				
05/06/20	The Rightfuel Card	Mayoral car - fuel	0.50	DD
15/06/20	Autoserve	Mayoral car - Maintenance	46.84	DD
16/06/20	Interflora	Flowers (past Mayoress and consort)	62.50	Debit411
18/06/20	Mercedes-Benz Finance	Mayoral car – hire charge	295.00	DD
19/06/20	Tesco Stores	Mayor Making gift	31.50	Debit416
26/06/20	Cllr Smith	Deputy Mayors Allowance	2,260.00	IP483
01/07/20	WFDC	June Salaries	9,148.79	IP484
09/07/20	Mr Day	Town Crier Honorarium	500.00	IP498
10/07/20	The Rightfuel Card	Mayoral car – fuel	0.50	DD
15/07/20	Autoserve	Mayoral car - Maintenance	46.84	DD
15/07/20	Vistaprint	Thank you cards for Mayor	395.13	Debit427

16/07/20	Iceland	Civic Refreshments	13.09	Debit431
20/07/20	Mercedes-Benz Finance	Mayoral car – hire charge	295.00	DD
<u>EVENTS & SERVICES</u>				
01/06/20	WFDC	NNDR – Market Street public conveniences June 2020	210.00	DD
11/06/20	Woodhouse Garden Services Ltd	Lengthsman Scheme – May 20	310.00	IP477
25/06/20	Smith of Derby	Worcester Cross Clock	276.00	IP481
01/07/20	WFDC	NNDR – Market Street public conveniences June 2020	210.00	DD
07/07/20	Woodhouse Garden Services Ltd	Lengthsman Scheme – June 20	511.50	IP493
08/07/20	Berrington Fun Fund	Dementia Donation	100.00	IP494
09/07/20	WFDC	SLA Q1 and Q2 2020/21	24,070.00	IP497
<u>TOWN HALL DEVELOPMENT</u>				
09/06/20	Nettl	Website Project Final Instalment	1,524.00	IP472
09/06/20	Lincoln Conservation	(HLF) Consultants for work by Lincoln Conservation	4,520.00	IP473
09/06/20	IWSA Chartered Surveyors	(HLF) Visit Site and Cost Concept Options	695.00	IP474
01/07/20	WFDC	June Salaries	3,535.41	IP478
03/07/20	Freshlife Consulting	(HLF) Final Fee – Completion of Options Appraisal and Business Plan Report	2,700.00	IP486
16/07/20	A Meredith Associates	(HLF) KTH Resilient Heritage Activity – Final Stage	2,000.00	IP499
<u>TOWN HALL MANAGEMENT</u>				
01/06/20	WFDC	NNDR – Town Hall June	1,447.00	DD
03/06/20	Gaffertape.com	Gaffer Tape	62.87	Debit399
05/06/20	B & Q Direct	Weed killer and Gas	38.78	Debit401
05/06/20	St Johns Ambulance	PPE Hand Sanitizer	19.00	Debit402
09/06/20	Wilko	PPE Wipes, Batteries & Sanitizer	44.33	Debit405
09/06/20	Nettl (Pixl)	Wordpress Hosting	15.00	IP472
09/06/20	Nettl (Pixl)	SSL Certificate for Nettl	29.00	IP475
09/06/20	Nettl (Pixl)	Digital Silk Leaflets	30.00	IP475
09/06/20	Nettl (Pixl)	Wordpress Hosting	15.00	IP475
09/06/20	Nettl (Pixl)	Website Subscription	360.00	IP475
09/06/20	Nettl (Pixl)	Premium Gloss Leaflet	63.00	IP475
09/06/20	Nettl (Pixl)	Indoor Poster	30.00	IP475
09/06/20	Nettl (Pixl)	Wordpress Hosting	15.00	IP475
09/06/20	Nettl (Pixl)	Digital Silk Leaflets	37.00	IP475
09/06/20	WFDC	Expenditure Reimbursement 01/05/20-30/05/20	3,005.07	IP476
11/06/20	Wilko	PPE Sanitizer and Hose Attachment	15.83	Debit408
16/06/20	Amazon	Dishwasher Tablets	24.93	Debit412
17/06/20	B&Q	Slate and Plants	74.42	Debit413
22/06/20	Amazon	HDMI Cable – Sound Equipment	8.32	Debit417
25/06/20	Kidderminster Jazz Club	Jazz Club Outstanding Payment	30.93	IP480
25/06/20	Michael Neri Theatrical	Outstanding Pantomime Money	850.74	IP482
29/06/20	Amazon	Microphone and Video Kit (Arts Council Grant)	155.83	Debit420
01/07/20	WFDC	NNDR – Town Hall June	1,447.00	DD
01/07/20	WFDC	June Salaries	15,382.75	IP484
03/07/20	Nettl (Pixl)	Wordpress Hosting	15.00	IP485
03/07/20	R Shepherd	Consultation for Arts Council Project Grant	1,250.00	IP487
03/07/20	Michael Neri Theatrical	Marketing Budget – Summer Arts Project	1,000.00	IP488
06/07/20	Fusion Prog Festival	ProFusion gig 13/11/19 – Final Payment	49.90	IP489

06/07/20	WFDC	Expenditure Reimbursement 01/04/20-30/04/20	12,178.38	IP490
07/07/20	WFDC	Mobile Phones May 20	34.50	IP492
09/07/20	Midlands News Association	Select Magazine – Wolverhampton Weddings promotion	122.50	IP495
09/07/20	Michael Neri Theatrical	Summer Arts Project – Payment 1 of 3 (Arts Council Grant)	700.00	IP496
09/07/20	WFDC	SLA Q1 and Q2 2020/21	21,491.26	IP497
15/07/20	Newey & Eyre	Refund re Bulbs	-39.52	Debit428
16/07/20	The Lamp Company Ltd	Bulbs	84.33	Debit430
TOTAL EXPENDITURE			<u>138,281.88</u>	

IP – Internet Payment
Debit – Debit Card Purchase
DD – Direct Debit

2. Income Received 1st June to 20th July 2020

<u>Date</u>	<u>Payee</u>	<u>Purpose</u>	<u>Amount Excl. VAT £</u>
<u>FINANCE</u>			
06/06/20	Barclays Bank	Business Premium Account Interest	169.46
<u>TOWN HALL MANAGEMENT</u>			
01/06/20	Stripe Payments UK	Wyre Forest Symphony Orchestra Dec 19	87.74
01/06/20	Stripe Payments UK	One Night Only Income	1,123.89
05/06/20	Zurich Municipal	Insurance Refund	6,897.57
18/06/20	HMRC JRS Grant	Job Retention Scheme Grant	1,415.82
01/07/20	WFDC	Payment of invoice 100000269	625.00
02/07/20	Stripe Payments UK	Kidderminster Male Choir and Valentines 19/20	387.21
09/07/20	Arts Council	Grant	23,929.00
17/07/20	WFDC	Fund 45 and Debtors Income for 01/04/20-30/06/20	1,788.34
<u>OTHER</u>			
07/07/20	HMRC	VAT Refund	<u>11,002.15</u>
TOTAL INCOME			<u>47,426.18</u>

3. Balances

Bank Balance as at 20th July 2020: **£329,409.28**

There is also a £100,000 investment with Wyre Forest District Council.

4. Recommendations

Council are asked to confirm the

- i. accounts paid to date
- ii. income received to date
- iii. current balances