



HALE PARISH COUNCIL
OF THE HALTON BOROUGH IN
THE COUNTY OF CHESHIRE



DATED THIS TWENTIETH DAY OF JANUARY 2021

**MEMBERS OF HALE PARISH COUNCIL ARE HEREBY SUMMONED
TO ATTEND THE ORDINARY MEETING OF
HALE PARISH COUNCIL**

**TO BE HELD AT 7.30PM ON THE TWENTY FIFTH DAY OF JANUARY 2021
TO TRANSACT BUSINESS AS SHOWN IN THE AGENDA.**

This meeting is to be held remotely, adhering to the legislation of the Coronavirus Act 2020

This meeting will be accessible to members of the public via the internet or by
telephone. For instructions on how to access the meeting, please email:
clerk@haleparishcouncil.gov.uk or call 07803611222

Mr. Brian Hargreaves
Clerk and Responsible Financial Officer

Note to Councillors:

If you are unable to attend the meeting, please notify the Clerk of your apologies.

Note to Public

Members of the public wishing to address the Council should note that they must advise the Clerk before 10am on the day of the meeting both of their wish to participate in the public forum and their topic. If residents fail to inform the clerk prior to the meeting, permission to speak at the meeting will be at the discretion of the Chairman. All participants are restricted to a maximum of three minutes. If the public wish to ask the Council questions, please note that the Council may not be able to answer the question if the Council has not considered or resolved the question on an agenda item at a prior meeting. Should this be the case, the Council will advise correspondence with the Clerk to request the item should be discussed at a future Parish Council meeting. If the question is considered outside the remit of Hale Parish Council, residents will be referred to Halton Borough Council.

MEETING AGENDA

- 1/ **Apologies** - To Receive apologies for absence
- 2/ **Declarations of Interest** - To Receive declarations of interest
- 3/ **Public Participation** - To adjourn the meeting for a period of public participation
- 4/ **Standing Orders** - To Consider and adopt the revised Standing Orders
- 5/ **Financial Regulations** - To Consider and adopt the revised Financial Regulations
- 6/ **Minutes** - To consider and approve the Minutes of the meetings held on the 16TH November 2020
- 7/ **Payments** - To receive the list of payments made between 6th November 2020 and 4th January 2021 as recorded in the cash book record which has been reconciled to the Bank statement to these dates, all payments having been made under Financial Regulation 6.4 as detailed below

November 2020 Payments

30Nov2020	B/P to: B Hargreaves	(1,024.41)
26Nov2020	B/P to: Little Dragons	(150.00)
26Nov2020	B/P to: ANN KIERMAN	(125.00)
26Nov2020	B/P to: ANN KIERMAN	(14.98)
25Nov2020	Direct Debit (ECCLESIASTICAL)	(461.88)
20Nov2020	B/P to: Hale Village Hall	(80.00)
20Nov2020	B/P to: Hale Village Hall	(5.00)
20Nov2020	B/P to: DM PAYROLL SERVICE	(82.00)
20Nov2020	B/P to: Carol Anderson	(40.50)
20Nov2020	B/P to: B Hargreaves	(305.50)
20Nov2020	B/P to: B Hargreaves	(155.00)
20Nov2020	B/P to: Cheshire Com. Act	(40.00)
20Nov2020	B/P to: Risk Support Serv.	(270.00)
20Nov2020	B/P to: Chalc	(75.00)

December 2020 Payments

31Dec2020	Service Charge	(18.00)
23Dec2020	B/P to: Came & Co Insurance	(219.09)
23Dec2020	B/P to: HMRC	(392.18)
23Dec2020	B/P to: B Hargreaves	(1,024.61)
22Dec2020	B/P to: HMRC	(392.38)

22Dec2020	B/P to: B Hargreaves	(303.33)
22Dec2020	B/P to: Mal T Sutton	(580.00)
22Dec2020	B/P to: Hale Village Hall	(70.00)
22Dec2020	B/P to: Hale Village Hall	(25.00)
22Dec2020	B/P to: PKF Accountants	(360.00)
22Dec2020	B/P to: B Hargreaves	(115.20)
08Dec2020	Direct Debit (GOOGLE IRELAND LTD)	(12.42)
04Dec2020	B/P to: RBL POPPY APPEAL	(17.50)
01Dec2020	Direct Debit (ECCLESIASTICAL)	(230.89)

January 2021 Payments

08Jan2021	Direct Debit (GOOGLE IRELAND LTD)	(13.80)
04Jan2021	B/P to: ANN KIERMAN	(25.00)
04Jan2021	B/P to: ANN KIERMAN	(209.56)
04Jan2021	Direct Debit (ECCLESIASTICAL)	(257.09)

8/ Budget & Precept 2021 – 2022

i/ To consider Budget & Precept report for 2021 – 2022

ii/ To approve the Budget for 2021-2022

iii/ To approve the precept for 2021 – 2022

9/ Local Plan

In 2019, Hale Parish Council raised objection to the expansion of Liverpool John Lennon Airport beyond its current perimeter (attached), and the proposed new access road to intersect much of the land adjacent to Ramsbrook Lane.

Hale Parish Council also objected to the removal of 30 hectares of Green Belt on Hale Heath, Adjacent to Bailey's Lane and Hale Road, noting that a runway extension on this land would affect the entire village by moving the end runway point closer to Hale, thus lowering planes even further on their approach to land.

The examination for the Local Plan has begun and a schedule of hearings can be found on Halton Borough Council's website (link below).

<https://www4.halton.gov.uk/Pages/eip/pdf/EX13.pdf>

Hale Parish Council as a consultee is able to make representations at the hearings and a number of other parish councils have acquired a legal professional to put arguments forward on their behalf. It is understood Liverpool John Lennon Airport retained a QC to represent their arguments at the Liverpool Local Plan, and Hale Parish Council must agree what actions to take in the coming months that are most appropriate in order to protect the interests of Hale residents.

- 10/ **Book of Reflection** - To consider a motion to create a “Book of Reflection” which would record detail and experiences of Hale Village Residents during the past 12 months. Such a book could be used for tributes for those who have lost their lives during the Covid – 19 pandemic, document every day life, praise key workers and act as a time capsule for 2020.
- 11/ **Meeting Times** - To Consider holding Parish Council meetings at an earlier time than the current 7.30pm.



HALE PARISH COUNCIL
OF THE HALTON BOROUGH IN
THE COUNTY OF CHESHIRE



**MINUTES OF ORDINARY MEETING OF HALE PARISH COUNCIL HELD REMOTELY ON
MONDAY 16th November 2020 AT 7.30pm**

Present: cllr Mitchell, cllr Kierman, cllr Williams, cllr Travaskis, cllr Wright,
 cllr Cleary, cllr Anderson, cllr Spargo

1. Apologies from cllr Healey
2. No interests were declared
3. No members of the public were present to make representation.
4. The Minutes for Hale Parish Council meeting on 20th July 2020 were considered. Cllr Cleary proposed an amendment to item 8(i) stating that he actually exited the remote meeting after item 11 had been discussed. This was agreed and the minutes amended accordingly.

Cllr Mitchell contested the record described under item 8(ii) once again stating that she was alone other than in the presence of her pet cat. She stated that she had recently taken advice from Chalc and had been advised that even if she had have had somebody present in her home during the meeting that it would be totally acceptable as it was during an “open” part of the meeting. The Clerk and other councilors suggested that the issue was not with the presence of a person or persons unknown rather that they would be undeclared in the meeting. Councillor Kierman reminded cllr Mitchell that the object of this item was to record a true series of events at the previous meeting and not to re-enter discussion about the incident.

A vote to approve the minutes was taken with cllrs Spargo, Kierman, Williams, Wright and Anderson in favour. Cllrs Cleary and Mitchell were against.

The Minutes were approved with the relevant amendment.

5. All payments for the period 8th October 2020 – 6th November 2020 were approved by members. Cllr Cleary asked for clarification about the transfer of £6495.00 to Hale Village Hall account. It was explained that it was the remaining balance of the budget allocated from the precept to The Village Hall. The Chair further explained that authority for payments had been raised as an issue in a previous internal audit. It had therefore been necessary to open bank accounts with Unity Trust Bank requiring 2 signatories. During the employment of the previous Clerk there had been a mix up in relation to some payments and the accounts from which they were paid. It was decided that the most efficient way to resolve the banking issues

was to close the relevant accounts and start with a fresh account requiring 2 signatures from 5 approved signatories. The Chair explained that the balance from the previously used Nat West account could now be transferred into the new Unity Account and then be closed. This would then leave the two remaining Unity Trust accounts with exclusive use for i) Hale Parish Council business ii) Hale Village Hall business.

6. It was agreed that the Clerk will contact Cllr Mike Wharton regarding fly tipping in Carr Lane. During discussions it was noted that previous approaches to Halton BC on behalf of concerned residents had proved unsuccessful due to budget restrictions. Additional management, monitoring and on-costs proved to be prohibitive and the previously explored avenues unproductive. Cllr Wright suggested that current refuse licensing restrictions may be partly responsible for fly tipping with the Chair suggesting that it may also be attributable to individuals from outside the Halton boundary. Cllr Mitchell suggested that improved technology such as CCTV or ANPR might be considered and that the possibility of funding or part funding from the Parish Council be explored. It was acknowledged unanimously that there is a noteworthy problem which has the potential for a significant accident to occur and the matter should not be ignored.

8. It was agreed to approve the proposed Scheme of Delegation in a named vote

Cllrs Spargo, Kierman, Wright, Williams, Trevaskis and Anderson were in favour. Cllr's Cleary and Mitchell were against the motion

Cllr Cleary opened debate by asking the Clerk if he was now qualified.

Cllr Mitchell advised correspondence from ChALC suggested it is reasonable and good practice for a scheme of delegation to be in place, also adding it is inadvisable to overwhelm a Clerk who has had no formal training with an overly ambitious delegation scheme. It was unclear how ChALC were aware of what training staff within Hale Parish Council have or have not undertaken and Cllr Mitchell confirmed she had advised ChALC that it was understood the Clerk's training would commence in October and that he is not yet qualified. Cllr Mitchell advised that the representative from ChALC had been doing the job much longer than ourselves. Whilst it was unclear the length of time Cllr Mitchell was referring to (given the fact that Hale Parish Council has existed for over 125 years), the Chairman advised that without being a clerk at Hale PC, it would be very difficult for a representative of ChALC to fully understand the specifics of the situation and how the clerk feels a scheme of delegation would assist them in their role.

Cllr Spargo highlighted the fact that the role of a Clerk/ Proper Officer requires responsibility to manage the Council's affairs and that trust must be placed in staff who have been employed to fill such roles.

Cllr Trevaskis felt a scheme of delegation provided clarity for both Councillors and staff to fully understand the scope of the responsibilities of the Clerk/Proper Officer, the Council, and its Committees. Cllr Trevaskis drew attention to the fact that no member of staff can undertake any activity that breaches the Council's policies and procedures, therefore any delegation would always result in staff achieving the outcomes that have been agreed by the corporate body. Cllr Trevaskis also noted the periods of time in which the Council do not meet for two months (summer and Christmas), advising that the authority should not sit idle at this time and if there are staff employed to fulfil roles, they should be able to continue activities efficiently on the Council's behalf. Cllr Trevaskis advised that a scheme of delegation was commonplace in local authorities.

Cllr Cleary advised that he disagreed 100% with everything Cllr Trevaskis said. Cllr Cleary advised that the Council had overruled Committee decisions historically and referenced a War Memorial Committee meeting where he felt a prior employee had been deliberately obtuse. Cllr Cleary was reminded by the Chairman that no such overruling had occurred, and rather the War Memorial Committee meeting that Cllr Cleary was referring to had actually not been held lawfully (an agenda had not been published three clear days prior to the meeting, rendering the meeting unlawful). Cllr Cleary advised every council may have a staff member to action the buying of paper but advised it is not paid for until it goes before the full council and the finance committee before it's passed. Cllr Cleary also highlighted that if anything goes wrong the finger would be pointed at the Clerk as he is not qualified and akin to an apprentice.

Cllr Trevaskis advised it was not possible for every purchase to be approved by the Council within its current activity schedule as often there are unforeseen costs associated with the facilitation of the Council's events. Cllr Spargo seconded these sentiments and advised the Council must be efficient not cumbersome.

Cllr Kierman asked Cllr Cleary what he would like to see done. Cllr Cleary responded advising that when something goes wrong in a Council the member of staff responsible loses their job because of it. Cllr Kierman and Cllr Cleary both asked the opinion of the Clerk/ Proper Officer. The Clerk/Proper Officer confirmed agreement with Cllr Spargo that it was cumbersome to not have delegated authority and mentioned examples of it substantially interfering with the day-to-day efficiency of the Council. He also highlighted that the comments from individual members appeared to suggest that a member of staff should hold a position of office without the appropriate delegation to effectively fulfil the duties of that office. Cllr Cleary suggested that the Council should scrub out 'parish council' and replace this with the 'Proper Officer's Council'. Cllr Mitchell agreed.

Cllr Cleary was invited to attend the next meeting of the wellbeing working party to help him understand the need for delegation. Cllr Cleary asked who attended the events organised by the wellbeing working party and highlighted the fact that we are amidst a worldwide pandemic. He suggested that the Council is holding events without knowing who is attending which could see people breaching government guidance. Cllr Kierman confirmed attendees completed registration forms for all events. Cllr Cleary advised travel was not permitted within the guidance issued by the Government. Cllr Kierman confirmed that attendees were local, from Hale Village and that Government guidance was strictly adhered to. Cllr Kierman also highlighted that Halton BC were satisfied the events adhered to guidelines. It was also noted that Halton BC held their own series of events at the same time. Cllr Cleary asked if everybody has signed the fire register upon arrival. It was confirmed that 'track and trace' details were obtained from every attendee prior to arrival.

Cllr Kierman suggested that Cllr Cleary did not appreciate the difficulties involved in presenting such events as he did not get involved in anything organised by the Parish Council. Cllr Cleary advised we were in the middle of a worldwide pandemic and questioned why he would turn up for an event, suggesting he would rather go to a football match or music concert. There followed a heated discussion between cllr Cleary and cllr Kierman regarding commitment to the role of a Parish Councillor. Cllr Kierman expressed an opinion that she felt that certain Councillors did not contribute for the benefit of the Parish Council and in fact often worked against it. She stated that she felt that the Parish Council should work together to be effective and that certain councillors had other priorities. At this point cllr Kierman left the remote meeting.

- 9/ It was unanimously agreed to donate the sum of £150.00 under section 137 of the local government act 1972 to a local pre-school nursery Little Dragons. The donation will be used to promote a local environmental initiative and to assist with the purchase of traffic calming measures to protect the local hedgehog population.

The meeting was closed at 9.15pm.

The following dates for Parish Council Meetings as follows were recorded :-

Monday 25th January 2021

Monday 15th February 2021

Monday 15th March 2021

Monday 19th April 2021

Hale Parish Council

Hale Village Hall
High Street
Hale
Cheshire
L24 4BA

www.haleparishcouncil.gov.uk
clerk@haleparishcouncil.gov.uk

Financial Regulations

Adopted by Hale Parish Council on XXX

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1. General

1.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for 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. 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.

1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Proper Officer has been appointed as RFO for this council and these regulations will apply accordingly.

1.9. The RFO;

- 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 RFO shall be sufficient to show and explain the council's transactions and to enable the RFO 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.

1.11. The accounting records determined by the RFO 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 RFO 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 RFO 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;
- 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.

1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of the Accounts and Audit Regulations 2015.

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

2. Accounting and audit (internal and external)

2.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.

2.2. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chairman [or a cheque signatory] shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the council.

2.3. The RFO 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 appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.

2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.

2.6. 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
- has 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 RFO 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 Accounts and Audit Regulations 2015.

2.10. The RFO 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. Each committee (if any) shall review its 1-3 year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the RFO not later than the end of November each year including any proposals for revising the forecast.

3.2. The RFO 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.

3.3. The council shall consider annual budget proposals in relation to the council's 1-3 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.

3.4. 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 by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.

3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

4. Budgetary control and authority to spend

4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the council;
- a duly delegated committee of the council; or
- the Proper Officer.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Proper Officer, and where necessary also by the appropriate Chairman.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council. 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, unless otherwise resolved.

4.4. The salary budgets are to be reviewed at least annually, in line with contracts, for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Proper Officer and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.

4.5. In cases of extreme risk to the delivery of council services, the Proper Officer may authorise revenue expenditure on behalf of the council which in the Proper Officer'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 £1,000. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.

4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.

4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.

4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances.

4.9. 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 RFO 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. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council. The council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

5.3. All invoices for payment shall be examined, verified and certified by the RFO 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 RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council meeting.

5.5. The Proper Officer and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:

a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Proper Officer and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council;

b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council; or

c) fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.

5.6. For each financial year the Proper Officer and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council [or a duly authorised committee] may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council.

5.7. In respect of grants a duly authorised committee shall approve expenditure within any limits set by council and in accordance with any policy statement approved by council.

5.8. 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.

5.9. 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.

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. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Proper Officer or RFO shall give instruction that a payment shall be made.

6.3. All payments shall be affected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council or duly delegated committee or officer.

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

6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.

6.6. Cheques or orders for payment shall normally be presented for signature at a council or committee meeting (including immediately before or after such a meeting).

6.7. If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided a resolution exists to that effect. The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.

6.8. Payments for certain items (principally salaries) may be made by banker's standing order provided that the instructions are in line with contracts and any payments are reported to council as made. Approval of the use of a banker's standing order not outlined within a contract shall be renewed by resolution of the council at least every two years.

6.9. If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.

6.10. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.

6.11. 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.

6.12. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.

6.13. 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.

6.14. Where internet banking arrangements are made with any bank, the RFO 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 a stated number of approvals.

6.15. 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.

6.16. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier. A programme of regular checks of standing data with suppliers will be followed.

6.17. Any Debit or Charge Card issued for use will be specifically restricted to the Proper Officer [and the RFO] and will also be restricted to a single transaction maximum value of £1000 unless authorised by council or finance committee in writing before any order is placed.

6.18. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the council. Transactions and purchases made will be reported to the council and authority for topping-up shall be at the discretion of the council.

6.19. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Proper Officer [and RFO] 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.

6.20. The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.

- a) The RFO shall maintain a petty cash float of £500 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.

b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.

c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to council under 5.2 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 contracts, 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 reported to the next available council meeting, as set out in these regulations 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 relevant committee.

7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:

a) by any councillor who can demonstrate a need to know;

b) by the internal auditor;

c) by the external auditor; or

d) by any person authorised under legislation.

7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.

7.6. An effective system of performance management should be maintained for the senior officers.

7.7. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.

7.8. Before employing staff, the council must consider a full business case.

8. Loans and investments

8.1. All borrowings shall be affected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.

8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (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 to the RFO.

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 consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council 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. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

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 RFO.

9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the council.

9.3. The council will review all fees and charges at least annually, following a report of the Clerk.

9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.

9.5. All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.

9.6. The origin of each receipt shall be entered on the paying-in slip.

9.7. Personal cheques shall not be cashed out of money held on behalf of the council.

9.8. The RFO shall 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.

9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

9.10. 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 16 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. The RFO shall determine order processes and copies of orders shall be retained.

10.2. 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 two to three quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below. On occasion it may not be appropriate or possible to obtain more than one quote, especially if the council seek a particular product or service or the anticipated cost falls below a £5,000 threshold.

10.3. A member may not issue an official order or make any contract on behalf of the council.

10.4. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

11. Contracts

11.1. Procedures as to contracts are laid down as follows:

a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency, by the RFO, for circumstances 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 legal professionals acting in disputes;

iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;

iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;

v. for additional audit work of the internal or external auditor; and

vi. for goods or services to be purchased which have been found to require an additional delivery cost and/or an additional cost of no more than 5% of the agreed price.

b) Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations¹.

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

- c) The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)².
- d) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.
- e) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- f) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- g) Any invitation to tender issued under this regulation shall be subject to Standing Orders, and shall refer to the terms of the Bribery Act 2010.
- h) When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £10,000 and above £5,000 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.2 above shall apply.
- i) The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j) Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

12. Payments under contracts for building or other construction works

12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).

12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the council.

² Thresholds currently applicable are:

a) For public supply and public service contracts 209,000 Euros (£181,302)
b) For public works contracts 5,225,000 Euros (£4,551,413)

12.3. Any variation to a contract or addition to or omission from a contract must be approved by the council and RFO to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

13. Stores and equipment

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

13.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.

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

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

14. Assets, properties and estates

14.1. The Proper Officer shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.

14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £500. Such disposal may only be made with the authority of the Property Officer.

14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a full business case.

14.6. The RFO 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.

15. Insurance

15.1. Following the annual risk assessment (per Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers [in consultation with the Proper Officer].

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

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

15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.

15.5. All appropriate 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 annually by the council, or duly delegated committee.

16. Charities

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

17. Risk management

17.1. The council is responsible for putting in place arrangements for the management of risk. The Proper Officer [with the RFO] shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.

17.2. When considering any new activity, the Proper Officer [with the RFO] shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

18. Suspension and revision of Financial Regulations

18.1. It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Proper Officer 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.

18.2. 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.

Hale Parish Council

Budget + Precept Proposal

2021-2022

Summary:

All councils are under a statutory obligation to manage their finances and ensure appropriate funds are in place to cover expenditure. Parish councils raise funds through a precept. Residents contributed a sum of £73.91 per Band D property in 2020-2021 towards the precept collected by Hale Parish Council. This can be compared to residents of Hale Bank who contributed £75.02 towards the precept collected by Hale Bank Parish Council.

A casual vacancy has arisen on Hale Parish Council for an additional Councillor. The Council is able to co-opt a resident for this position without cost. However, this can only be done if a by-election is not called. As a by-election has been called by ten electors, Halton Borough Council must hold an election for the vacancy and recharge the Parish Council for the costs.

Whilst the Parish Council would have been in a position to consider a reduction in the precept for 2021-2022, an additional cost of £3,000 must be found for the by-election and this has resulted in a proposed increase to the precept.

Hale Parish Council

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Responsible Financial Officer: Mr Brian Hargreaves

BUDGET

INTRODUCTION

The budget of Hale Parish Council is an estimate of income and expenditure for the financial year.

With openness and transparency at the core of all Local Council's financial decisions, Hale Parish Council should expect, nay encourage, proper scrutiny by the public and Councillors of the spending plans and any subsequent precept request.

BACKGROUND

In order to carry out duties, powers, and delegated functions, it is a statutory duty of a Parish Council to prepare a budget for each financial year.

Section A of 'The Good Councillor's Guide to Finance and Transparency' states:

"The preparation of an annual budget is one of the key statutory tasks undertaken by a Council, irrespective of its size."

STRUCTURE

Without a budget in place, a Council is in breach of its Financial Regulations. Budgets must be set in line with S.101 (6) Local Government Act 1972, S.50 Local Government Finance Act 1992 and S.78 Localism Act 2011.

Section A of 'The Good Councillor's Guide to Finance and Transparency' states:

"The budget:

- *Results in the Council setting the precept for the year;*
- *Gives the Clerk and any other officers overall authority to make spending commitments in line with the decisions of the Council;*
- *Enables progress monitoring during the year by comparing actual spending against planned spending. It is important that Councillors understand how the budget is put together and how it should be used. The budget is an essential tool for controlling the Council's finances, and demonstrates that the Council will have sufficient income to meet its objectives and carry out its activities.*

The Council must approve a budget before it sets a precept. The budget and precept both need to be approved at a full Council meeting and recorded in minutes; the Council must then manage its activities within budget.

The key stages in the budgeting process are:

- *Review of current year budget and spending;*
- *Determine the cost of spending plans;*
- *Assess levels of anticipated income;*

- *Provide for contingencies and the need for reserves;*
- *Approve the budget;*
- *Set the precept.*

Some Councils may budget to minimise spending to keep the local precept as low as possible, which may sometimes result in the Council doing little for their local community. However, there is evidence that local taxpayers are willing to pay more if they can see the results in terms of better local services. Local electors will often be prepared to contribute more for tangible local community benefits, rather than pay an amount where it appears that the Council is not active on behalf of the community and is merely administering itself."

HOW DOES THE COUNCIL DECIDE THE BUDGET?

A Parish Council must ensure all legislative requirements are met when deciding the budget, ensuring that policies are adhered to and all predicted spend falls within the duties and/or power(s) of a Parish Council.

PREDETERMINATION AND BIAS

The duty on public authorities to avoid bias in their decision-making is essentially part of their duty to act fairly.

Predetermination (where a decision-maker effectively decides on an issue in advance and closes his or her mind to any other possibility) is unlawful and Councillors must comply with S.25 Localism Act 2011 when setting the budget.

Councillors must safeguard their democratically accountable functions, ensuring that any fair-minded and informed observer, having considered the facts, could not conclude that there was a possibility of bias or predetermination in their decision making.

CODE OF CONDUCT

All Councillors are required to act within a Code of Conduct that governs their decision making. The Code of Conduct ensures budgeting decisions are not made for the benefit of any Councillor and that all Councillors act with openness, integrity, objectivity and accountability.

Halton Borough Council Code of Conduct includes:

Accountability

Councillors are accountable to the public for their decisions and must co-operate fully with whatever scrutiny is appropriate to their office, including by local residents.

Objectivity

Councillors should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the authority's officers, into consideration.

Openness

Councillors must be as open and transparent as possible about their decisions and action and the decisions and action of the authority. Councillors should be prepared to give reasons for those decisions and actions. Councillors must not prevent anyone getting information that they are entitled to by law.

Honesty

Councillors must declare any private interests, both pecuniary and non-pecuniary that relate to their public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests.

Integrity

Councillors must not place themselves under any obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Selflessness

Councillors must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

CONSULTATION

It is good practice for a Council to consult the community to ascertain the needs and aspirations of residents.

Section A of 'The Good Councillor's Guide to Finance and Transparency' states: "The

Council should consider consulting the local community for their views."

Proposed Hale Village Hall Budget April 2021 - March 2022

The table below demonstrates the current budget, the actual spend to date against that budget, and the anticipated total expenditure (outturn) by 31 March 2021, and the proposed budget for 2021-2022.

Item	2020-21 Budget	% of Total Budget	2020-21 Actual	Estimated 2020-21 Outturn	Proposed 2021-22 Budget	% of Total Budget
Telephone / Website / Admin	£900.00	4.5	£692.61	£800.00	£800.00	2.79
Water	£1,000.00	5.1	£313.45	£400.00	£500.00	1.75
Rates	£300.00	1.5	£0.00	£0.00	£300.00	1.05
Subscriptions	£600.00	3.0	£365.88	£400.00	£400.00	1.40
Repairs + Maintenance	£2,500.00	12.6	£1,503.64	£1,750.00	£2,000.00	6.99
Refunds			£765.00	£765.00	£0.00	
Electricity	£1,500.00	7.6	£461.02	£650.00	£1,000.00	3.49
Supplies / Covid-19 Measures			£979.69	£1,100.00	£1,000.00	3.49
Booking Officer			£3,032.40	£4,500.00	£6,552.00	22.89
Caretaker	£4,250.00	21.5	£2,074.80	£3,000.00	£5,803.20	20.27
Cleaner	£4,250.00	21.5	£3,336.40	£5,000.00	£6,770.40	23.65
HMRC			£964.80	£1,500.00	£0.00	
Insurance	£2,000.00	10.1	£0.00	£0.00	£0.00	
Gas	£2,500.00	12.6	£0.00	£0.00	£1000.00	3.49
CCTV			£0.00	£0.00	£2,500.00	8.73
	£19800.00		£14489.69	£19865.00	£28625.60	

Whilst income of £14,000 was budgeted for Hale Village Hall in 2020-21, Covid-19 has meant that the facility has achieved an income of only £3,765.00 so far this year from hire fees.

A Covid-19 grant of £10,000 was received during 2020-21 and as of 17 January 2021, there is £16,590 at bank. With the additional expenditure of £5,375 anticipated by year end, it is estimated that approximately £11,215 will be carried forward in to 2021-2022.

If income from hirers remains the same in 2021-2022, it is anticipated a requirement of £13,646 (£17,411 less £3,765.00) will be required in additional funding in 2021-2022.

Proposed Hale Parish Council Budget April 2021 - March 2022

The table below demonstrates the current budget, the actual spend to date against budget, the anticipated total expenditure (outturn) by 31 March 2021, and the proposed budget for 2021-22.

Item	2020-21 Budget	% of Total Budget	2020-21 Actual	Estimated 2020-21 Outturn	Proposed 2021-22 Budget	% of Total Budget
Asset Purchase / Maintenance	£1,000.00	2.1	£580.00	£1,000.00	£1,000.00	1.4
Wellbeing	£5,500.00	11.7	£1,434.16	£5,500.00	£5,000.00	7.2
Guildswomen	£100.00	0.2	£0.00	£0.00	£100.00	0.1
War Memorial	£1,286.00	2.7	£0.00	£0.00	£1,286.00	1.9
Civic Service	£600.00	1.3	£0.00	£0.00	£600.00	0.9
Legal / Consultation Fees	£3,100.00	6.6	£675.00	£3,100.00	£5,000.00	7.2
Grants	£1,500.00	3.2	£473.00	£1,500.00	£1,500.00	2.2
Training	£1,000.00	2.1	£322.50	£500.00	£500.00	0.7
Insurance	£750.00	1.6	£1,030.02	£1,500	£2,750.00	4.0
Website	£550.00	1.2	£340.57	£500.00	£550.00	0.8
Newsletter	£1,000.00	2.1	£0.00	£500.00	£500.00	0.7
Audits	£800.00	1.7	£1,009.00	£1,009.00	£800.00	1.2
Subscriptions	£1,100.00	2.3	£897.34	£897.34	£1,100.00	1.6
Staffing	£18,050.00	38.5	£11,379.07	£16,500	£18,050.00	26.0
Administration	£1,000.00	2.1	£157.18	£250.00	£250.00	0.4
Allowances / Expenses	£1,600.00	3.4	£70.00	£200.00	£100.00	0.1
Payroll & Accounting	£100.00	0.2	£308.40	£350.00	£350.00	0.5
Village Hall Support Costs	£7,000.00	14.9	£6,775.00	£6,775.00	£13,646.00	19.7
Election Costs	£0.00		£0.00	£0.00	£3,000.00	4.3
Hall Hire	£900.00	1.9	£142.50	£200.00	£250.00	0.4
General Reserve	£0.00		£0.00	£0.00	£5,000.00	7.2
Grant - VH Bookings Officer	-		£6,552.00	£6,552.00	£0.00	
Open Space Management	-		-	-	£7,987.20	11.5
	£46936.00		£32145.74	£46833.34	£69319.20	

As of 17 January 2021, there is £32,296 at bank. With the additional expenditure of £14,688 anticipated by year end, it is estimated that approximately £17,608 will be carried forward into 2021-2022. It is proposed that any underspend of estimated outturn is carried forward to the same budget headings in 2021-2022.

Budgetary Explanation

Asset Purchase / Maintenance

This sum has been allocated to account for additional asset purchases such as benches throughout the village. It is also noted that some existing assets, such as the fingerpost on Wellington Green, are in need of refurbishment.

Wellbeing

The wellbeing group have undertaken many activities in recent years for the benefit of all Hale residents. Events such as the wreath making workshop were well received, and the adult learning classes saw up-skilling in sign language and sewing. Further activities for young people have included cookery sessions, and celebrations for Easter, Halloween and Christmas. The wellbeing budget enables the Council to deliver much more for residents and recommendations are welcome for 2021-2022.

Guildswomen

Whilst restrictions for Covid-19 may continue for some time, it is hoped that awards for Guildswomen can commence again in 2021-2022, perhaps via remote technology.

War Memorial

It is proposed to retain the war memorial reserve.

Civic Service

Whilst restrictions for Covid-19 may continue for some time, it is hoped that the Civic Service may commence again in 2021-2022, perhaps via remote technology.

Legal / Consultations

Fees remain consistent for Health and Safety contractor and GDPR consultant. It is also expected that some legal support may be required during the examination phase of the Local Plan in order to help protect the proposed destruction of Hale's Green Belt.

Grants

Grants have been awarded to a community gardening group so far this year, along with an initiative to protect wildlife. Hale Parish Council has awarded over £100,000 of grants throughout its 125-year history and this budget heading proposes to retain the same level of awards to support local groups in the new financial year.

Training

Training continues to be an important part of the functionality of the authority. With a new member due to be recruited in the next financial year, it is important they are afforded the same opportunities as other members of the Council to ensure they promote high standards of conduct and have a strong understanding of local government law at all times to ensure appropriate decisions are made that befit a public office holder.

Insurance

Whilst it was initially intended to separate Hale Parish Council's insurance from Hale Village Hall's insurance in 2020-21, the cost of insuring the two corporate bodies separately was untenable. In the interest of financial prudence, it has been proposed that Hale Parish Council continue to insure both entities.

Website + Newsletter

The website and email addresses have ongoing costs that this budget maintains. It is understood more newsletters may be required in 2021-2022 to keep residents informed of the Examination of the Local Plan.

Audits + Subscriptions

The Parish Council must undertake an internal and external audit each annum. Such audits enable the Council to remain compliant with best practice governance and financial management. Hale Parish Council also maintains subscriptions from advisory bodies including Cheshire Association of Local Councils, Cheshire Community Action, and Society of Local Council Clerks.

Staffing

A staffing budget of £18,050 allows for a Proper Officer and Responsible Financial Officer to be employed by the authority for sixteen hours per week, including allowances for mobile phone use, travel expenses, and pension contributions.

Administration

This budget line has been retained and reduced owing to the decrease in administration due to Covid-19.

Allowances + Expenses

This budget line has been retained and reduced.

Payroll + Accounting

This sum covers the cost of the payroll consultant and accounting software fee.

Village Hall Support Costs

This budget line accounts for the deficit in the Hale Village Hall budget detailed on page five of this report.

Election Costs

A casual vacancy arose on the Council due to the resignation of a Councillor.

When a casual vacancy arises, the Council have an option to co-opt a resident to occupy the seat (without any cost to the Parish), unless a by-election is called by ten electors.

Whilst there was no requirement to budget for a by-election last year, as ten residents have indeed requested one, it is understood this election will cost approximately £3,000 and is currently scheduled to take place in May 2021.

It should be noted that Hale Parish Council may still be charged a percentage of this sum even if only one nomination is received to fill the vacancy and no poll is undertaken.

Hall Hire

The hire fees have reduced considerably due to most meetings now being held remotely.

General Reserves

With the recommended level of general reserves an authority should hold between 25-100% of its annual anticipated expenditure, a general reserve of £5,000 is less than advised in NALC's '*Good Councillor's Guide to Finance and Transparency*'. The Council should work to increase this sum in the coming years.

Open Space Management

With more residents enjoying open spaces during the Pandemic, much light has been shed on the good work being undertaken by volunteers across the village. Unfortunately there are still a number of large flower beds that could do with some much needed attention and this budget affords the Council to employ a lengthman for sixteen hours per week at £9.30 per hour to undertake this work.

PRECEPT

INTRODUCTION

The precept is an amount collected by Halton Borough Council on behalf of Hale Parish Council and is budgeted by Hale Parish Council to meet the needs of the community.

There are 10,227 parishes in England, with 8,886 who levied a precept in 2020-21.

CALCULATION

S.78 Localism Act 2011 states:

(2) The local precepting authority must calculate the aggregate of –

- a) The expenditure the authority estimates it will incur in the year in performing its functions and will charge to a revenue account for the year in accordance with proper practices,*
- b) Such allowance as the authority estimates will be appropriate for contingencies in relation to amounts to be charged or credited to a revenue account for the year in accordance with proper practices,*
- c) The financial reserves which the authority estimates it will be appropriate to raise in the year for meeting its future expenditure, and*
- d) Such financial reserves as are sufficient to meet so much of the amount estimated by the authority to be a revenue account deficit for any earlier financial year as has not already been provided for.*

(3) The local precepting authority must calculate the aggregate of –

- a) The income which it estimates will accrue to it in the year and which it will credit to a revenue account for the year in accordance with proper practices, other than income which it estimates will accrue to it in respect of any precept issues by it, and*
- b) The amount of financial reserves which the authority estimates that it will use in order to provide for the items mentioned in paragraphs (a) and (b) of subsection (2) above.*

(4) If the aggregate calculated under subsection (2) above exceeds that calculated under subsection (3) above, the authority must calculate the amount equal to the difference; and the amount so calculated it to be its council tax requirement for the year.

CONTEXT

The first precept resolved to be levied by Hale Parish Council was the sum of £5.00 in January 1895, a few months after the Council was legislated in 1894.

The largest ever precept increase occurred in 1979, seeing a year-on-year rise of 87.5%, at the request of residents for a contribution to the restoration of St. Mary's Church.

Over the past twenty-seven years, Hale Parish Council has levied the below sums:

Year	Precept	Year-On-Year change (£)	Year-On-Year change (%)
2020/21	£49,002	£5,777	13.4
2019/20	£43,225	£0.00	0.0
2018/19	£43,225	£17,094	65.4
2017/18	£26,131	£0.00	0.0
2016/17	£26,131	£10,131	63.3
2015/16	£16,000	£600	3.9
2014/15	£15,400	£0.00	0.0
2013/14	£15,400	-£1,200	-7.2
2012/13	£16,600	£726	4.6
2011/12	£15,874	£0.00	0.0
2010/11	£15,874	£462	3.0
2009/10	£15,412	£0.00	0.0
2008/09	£15,412	-£2,153	-12.3
2007/08	£17,565	£4,000	29.5
2006/07	£13,565	£0.00	0.0
2005/06	£13,565	£0.00	0.0
2004/05	£13,565	£0.00	0.0
2003/04	£13,565	£0.00	0.0
2002/03	£13,565	£181	1.4
2001/02	£13,384	£294	2.2
2000/01	£13,090	£488	3.9
1999/2000	£12,602	£877	7.5
1998/99	£11,725	£0.00	0.0
1997/98	£11,725	£975	9.1

Year	Precept	Year-On-Year change (£)	Year-On-Year change (%)
1996/97	£10,750	-£2,350	-17.9
1995/96	£13,100	£3,100	31.0
1994/95	£10,000		

Over the past fourteen years, Band D properties in Hale have contributed the below sums:

Year	Precept	Precept per Band D Properties	Year-On-Year change per Band D Properties (£)	Year-On-Year change per Band D Properties (%)
2020/21	£49,002	£73.91	£8.42	
2019/20	£43,225	£65.49	£0.49	
2018/19	£43,225	£65.00	£26.00	
2017/18	£26,131	£39.00	-£0.65	
2016/17	£26,131	£39.65	£15	
2015/16	£16,000	£24.65	£0.7	
2014/15	£15,400	£23.95	£0.04	
2013/14	£15,400	£23.91	£1.14	
2012/13	£16,600	£22.77	£1.11	
2011/12	£15,874	£21.66	-£0.12	
2010/11	£15,874	£21.78	£0.64	
2009/10	£15,412	£21.14	-£0.15	
2008/09	£15,412	£21.29	-£3.04	
2007/08	£17,565	£24.33		

The precept of 2020/2021 levied the approximate sums in the table below per annum for each property band in the Hale Parish Council area, with Band D properties in Hale paying £73.91 in 2020 - a sum lower than Hale Bank's charge which saw Band D properties paying £75.02.

Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
£49.52	£57.65	£65.78	£73.91	£90.17	£106.43	£123.43	£147.82

There are approximately 818 households in Hale which are liable for Council Tax and on which the Council Tax Base is calculated. The approximate number of net dwellings of each property band in Hale is as follows:

	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
Number of Dwellings	32	160	315	119	105	49	33	4
% of Total	4.01	20.03	39.42	14.89	13.14	6.13	4.13	0.50

Therefore, the majority of homes in Hale fall within Band B and Band C, and paid a precept of approximately £57.63 - £65.78 in 2020-2021.

Over the last decade, the Parish Council's precept has mostly remained below the national average. Hale Parish Council's precept can be compared to the national average in England for Band D properties:

Year	Band D (National Average, England) Value	Band D (National Average) Year-On-Year Variation (£)	Band D (National Average) Year-On-Year Variation (%)
2020/21	£69.89	£2.71	4.0%
2019/20	£67.18	£3.14	4.9%
2018/19	£64.05	£3.01	4.9%
2017/18	£61.03	£3.64	6.3%
2016/17	£57.40	£3.28	6.1%
2015/16	£54.12	£1.75	3.3%
2014/15	£52.37	£2.14	4.3%
2013/14	£50.23	£2.49	5.2%
2012/13	£47.74	£1.77	3.9%
2011/12	£45.97	£1.04	2.3%
2010/11	£44.93	£2.42	5.7%
2009/10	£42.51		

2021-2022 Proposed Precept

With a proposed budget of £69,319, less an anticipated carry forward of £17,608, it is proposed that Hale Parish Council set its 2021-2022 precept at £51,711.

With a 2021-2022 tax base of 655, this precept level would equate to the approximate sums in the table below for each property band in the Hale Parish Council area.

Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
£52.90	£61.58	£70.26	£78.95	£96.32	£113.69	£131.84	£157.90

This precept level would equate to an annual year-on-year increase for each property band in the Hale Parish Council area outlined in the table below.

Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
£3.38	£3.93	£4.48	£5.04	£6.15	£7.25	£8.41	£10.08

As the majority of households in Hale fall within Band B and Band C, most households would pay a year-on-year increase of £3.93-£4.48 - the equivalent of +6.82%.

Hale Parish Council is aware of the difficulties faced during this time and understands the country is still experiencing an international pandemic.

Residents may be interested to know that if a by-election had not been called by ten electors, then Hale Parish Council would have been in a position to co-opt a new member of the Council without incurring any costs, thus maintaining all the services proposed by residents and Councillors, whilst being in a position to reduce the precept by £289.



HALE PARISH COUNCIL
OF THE HALTON BOROUGH IN
THE COUNTY OF CHESHIRE



**Representations to the Consultation of
Halton Borough Council's
Submission Draft of the
Delivery and Allocations Local Plan (DALP)
September 2019**



Hale Parish Council
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1. Introduction

1.1 It is recognised that Halton Borough Council has a statutory obligation to produce a development plan – *“which provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities and a platform for local people to shape their surroundings.”* [NPPF 2019 paragraph 15]

1.2 To fully understand the Parish, its context within Halton and the wider area of Cheshire it is considered important to record some of the key characteristics of the area, to provide a background to the evidence presented in support of the conclusions of the representation.

1.3 Hale is a Norman village located on the periphery of Halton, granted its charter by King John in 1203, a number of years earlier than surrounding settlements such as Liverpool. Mentioned in the Domesday Book, Hale is one of Halton’s oldest settlements and a historic market town. The Parish lies in the County of Cheshire, located to the south west of Hale Bank, separated by a rural buffer zone of approximately two miles of open countryside.

1.4 Once a holiday destination of Winston Churchill and since described by the Queen as *“a rural oasis”*, Hale is a small village in a bucolic setting enveloped by ancient woodlands, Sites of Special Scientific Interest, a UNESCO Ramsar Convention site, Scheduled Historic Monuments, Listed Buildings, Conservation Areas, and Green Belt - intersected by the Trans Pennine trail and bordered to the south by the popular Mersey Way coastal walk; offering valued views across the River Mersey and surrounding Grade 1 agricultural land (the only land of its type in Halton, and one of only two areas in the entirety of Cheshire).

1.5 With a vibrant tourism economy, Hale remains much as it was in the mid-twentieth century; lined with thatched whitewashed cottages and ‘Grade I’ and ‘Grade II’ listed buildings. Known for its famous ‘Child of Hale’ - a gentle giant who grew to nine-foot-three-inches and wrestled for King James I - it is not hard to see why this village is coined by the Borough Council as “the jewel in Halton’s crown”.

1.6 Much credit is owed to the Blackburne family of Hale for their historic part in the early discovery and mining of rock salt below Hale Cliff, on the banks of Dungeon marsh. A site recognised by merchants as the catalyst that contributed to the early rise of the nearby Liverpool docklands. The Blackburne, and subsequent Ireland-Blackburne and Hesketh, families provided many of the foundations that have helped Hale to flourish, not least in establishing the buoyant agricultural economy that has ensured the village could continue to thrive as a rural enclave ever since.

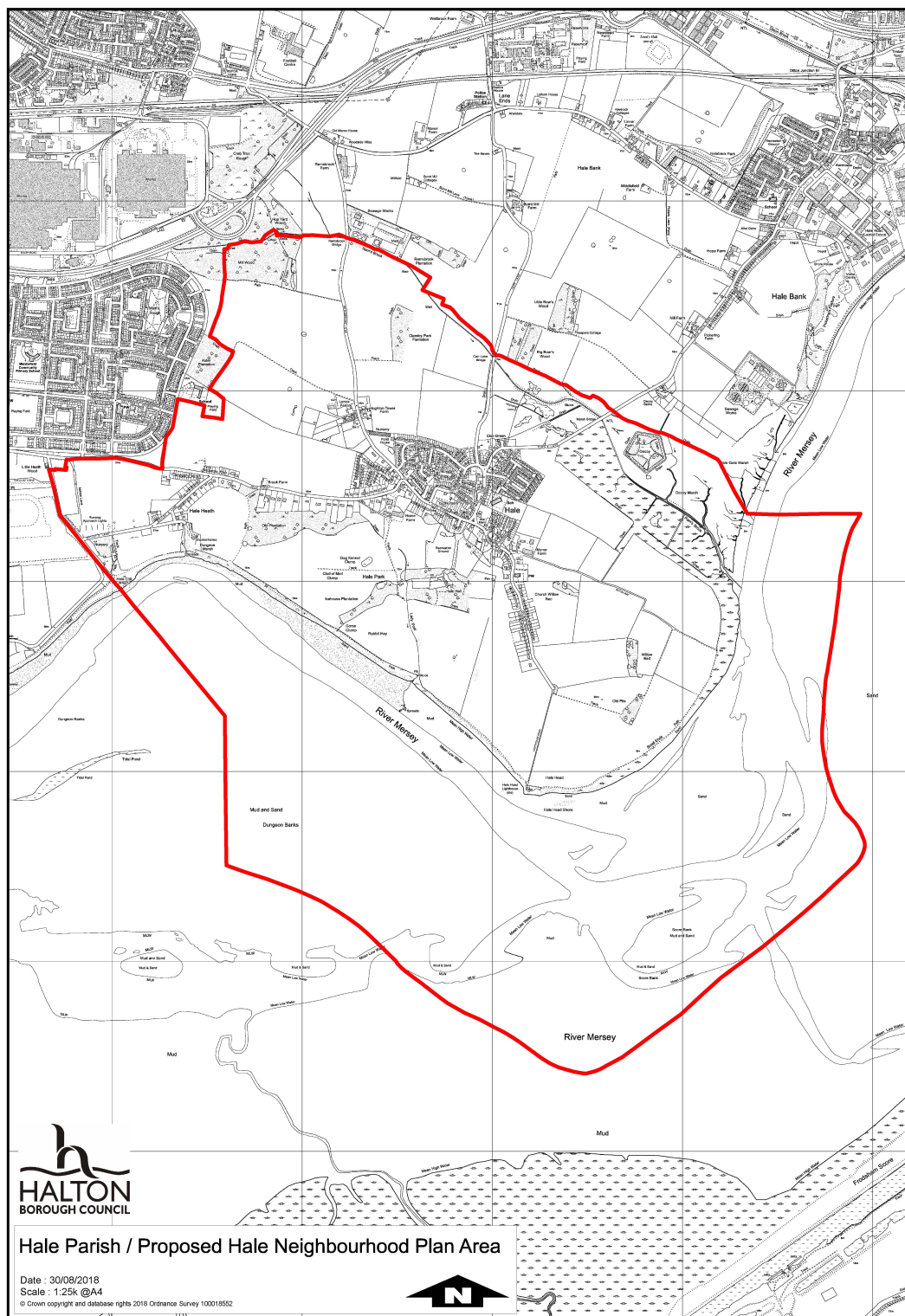
1.7 Being the most Western point of Halton, Hale lies adjacent to the boundary of the Borough. The physical landscape and Rams Brook strongly reinforces the parish boundary to the north and east. The River Mersey offers a natural boundary to the south. The western edge of the Ward being bordered by the neighbouring local authority, Liverpool City Council. The current Parish boundary offers a local sense of ‘neighbourhood’ and provides a sensitive compatibility between nature and those who live, work and carry out business in the area. It is also in line with the catchment area for walking to services and local tourist attractions such as Hale Head Lighthouse, Hale Cliff, the Childe of Hale statue, the country walks of Hale Park, and Hale duck decoy (the only Scheduled Ancient Monument of its type in the north west and one of only three in the country).

1.8 With a population density of only three people per hectare, Hale has remained a distinct community for many centuries, protecting its rural identity.

1.9 Hale typically has an older and aging population, where people aged 65+ account for nearly 30% of the population, compared to the rest of Halton, which stands at an average of 17.5%. The area has lower levels of deprivation and household prices are significantly higher than the majority of housing stock in Halton.

Higher numbers of residents in Hale are employed and levels of crime remain low. Despite many positive statistics, life expectancy for both males and females in Hale remains lower than average, when compared to averages in Halton and England. [Halton Borough Council Ward Profiles 2016]

Illustration 1 - Hale Parish Boundary:



2. Summary of Key Issues

2.1 It is the contention of Hale Parish Council that Halton Borough Council's Delivery and Allocation Local Plan is not sound and fails to meet the expectations of paragraph 16 of the NPPF insofar as *"Plans should:*

- a) be prepared with the objective of contributing to the achievement of sustainable development;*
- b) be prepared positively, in a way that is aspirational but deliverable;*
- c) be shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*
- d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
- e) be accessible through the use of digital tools to assist public involvement and policy presentation' and*
- f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area."*

2.2 The Plan has not been positively prepared; is not appropriately justified; is not effective or deliverable and shows inconsistencies with national policy.

2.3 The Plan is not sound and should not proceed to adoption in its present form.

2.4 This conclusion is reached on the premise that

- There is no justification for predicated levels of growth, which are central to the spatial expression of the Plan.
- There is no sound or logical connection between the aspirational growth and the spatial plan.
- There is consequently no justified need for the level of housing or development anticipated by the Plan.
- There is no sound need for the scale of Green Belt release proposed in Hale and Hale Bank.
- The needs of core farming activities and local agricultural employment have been ignored.
- Landscape and biodiversity will be significantly damaged, not maintained and improved.
- The plan will not result in sustainable tourism in our local area. In fact, it will significantly degrade it, which is in complete opposition to the strategic objectives.
- The interpretation of some Strategic Objectives risk leading to development that will harm the unique nature of the Parish in terms of its landscape and its community.
- There is no rational consideration of the existing levels of congestion or the impact of development on that congestion, which are particularly apparent in Hale and Hale Bank.
- Proposed infrastructure does not deal with existing pressures or issues of congestion and cannot therefore accommodate the additional demands of the proposed development. There is a dependence of 18th and 19th Century infrastructure to accommodate the traffic generated by the proposed development in Hale Bank.
- There is no market need for development of Liverpool John Lennon Airport, which will result in an unacceptable level of harm to air quality and the environment.
- There is no housing need for development in Green Belt, which will destroy the character and distinctiveness of Hale and its neighbouring settlement of Hale Bank.
- The proposals are not sustainable and run counter to national policy.
- There is no clarity or certainty of the means of delivery of the planned proposals. Funding methodologies are flawed and based on the unreliable returns expected from growth and development.
- Hale Parish Council were not consulted during the First Draft of the Delivery and Allocations Local Plan Consultation in line with statutory regulations.

2.5 This objection is not an attempt to stop development, which is inevitable and often welcome. But the current plan needs to be refocused before it meets the stated aims to ensure it does not damage communities and the quality of Hale.

3. Policy CS(R)3: Housing Supply and Locational Priorities

3.1 The Ministry for Housing, Communities and Local Government (MHCLG) consultation, launched in September 2017, into the *'Right Homes in the Right Places'* was issued to supplement the Housing White Paper *'Fixing Our Broken Housing Market'* and set out a draft methodology for calculating local authority housing need. For Halton this resulted in a requirement for 285 homes per annum.

<https://www.gov.uk/government/consultations/planning-for-the-right-homes-in-the-right-places-consultation-proposals>

3.2 This figure is compared to the 466 homes per annum as stated in Halton Borough Council's Objectively Assessed Need for Housing (OAN) 2016 Strategic Housing Market Assessment (SHMA) - a calculation assuming jobs growth of 4,952.

<https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/OANSHMA.pdf>

3.3 This figure is also compared to the 346 homes per annum concluded by the Objectively Assessed Need for Housing (OAN) 2017 Liverpool City Region Strategic Housing & Employment Land Market Assessment (SHELMA) – a baseline economic growth calculation assuming jobs growth of 3,800.

<https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/evidencebase/SHELMABNote.pdf>

3.4 This figure is also compared to the 565 per annum concluded by the Objectively Assessed Need for Housing (OAN) 2017 Liverpool City Region Strategic Housing & Employment Land Market Assessment (SHELMA) – a growth scenario economic growth calculation assuming jobs growth of 12,400.

3.5 With such large variances in assessed housing needs and economic growth, it is unclear why Halton Borough Council has proposed to achieve an average of 350 net dwellings each year during the plan period 2014 to 2037 – a figure that correlates to none of the calculations achieved by Government or locally commissioned objectively assessed housing needs. There are clear weaknesses in the assertions made by the Liverpool City Region's SHELMA and there is considerable local concern and confusion at how the housing figures have been arrived at and how they are interpreted as justification for the wholesale release of land from the Green Belt.

3.6 NPPF 2019 Paragraph 31 states *"The preparation and review of all policies should be underpinned by relevant and up to date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned."* There is concern that the approach taken to consideration of economic growth is unreliable and unrealistic. It is acknowledged as being underpinned by the unsubstantiated and business driven expectations of the Liverpool City Region. These ambitions are not democratically accountable and are led by business interests with direct involvement in land released for development on the back of the call for sites. This concern is reinforced by the evidence of the differing above assessments with three different conclusions drawn as to the predicted levels of Halton's growth to 2037.

3.7 The contradictory assessments as to the expectations of growth between the 2016 OAN and 2017 OAN, reflect a substantial difference in housing need from 466 dwellings per annum in 2016 to 346 per annum in 2017. Despite undergoing considerable modification from previously predicted levels of growth there has been limited alteration to the scale of developments proposed across the Borough.

3.8 NPPF 2019 Paragraph 32 states significant adverse impacts of policy objectives should be avoided wherever possible and alternative options that reduce or eliminate such impacts should be pursued. The key considerations for the Hale and Hale Bank Parishes which arise from the exaggerated levels of attainable growth, is the manner in which this is interpreted as a driver for development which, in the view of Halton Borough Council's Proposed Submission DALP, can only be accommodated by mass levels of Green Belt release, with a number of significant consequences for local communities.

3.9 There is no track record of the delivery of economic growth at the continuous and high levels predicted and the Council should be challenged to demonstrate, how untested aspirational expectations for growth can be measured against historic trends and how those patterns of growth are distorted simply as a consequence of higher levels of land availability.

3.10 In February 2019, the Ministry for Housing, Communities and Local Government (MHCLG) published the results of housing delivery tests it had applied. It revealed that Halton was delivering almost twice as many houses as it was required to between 2015 and 2018. The number of homes required between 2015 and 2018 was 831, compared to the number of homes delivered at 1,604 (193%).

<https://www.gov.uk/government/publications/housing-delivery-test-2018-measurement>

3.11 Halton Borough Council's Housing Report released in May 2019 shows 601 gross completions (with 597 net completions) – only 63 of which were affordable homes (10.5%). The report shows a net dwelling gain of 597 in 2018/19, 369 in 2017/18, 698 in 2016/17, 480 in 2015/16, 495 in 2014/15, and 227 in 2013/14. The report also shows that 54% of gross completions completed in 2018/19 achieved a density of more than 50 dwellings per hectare.

<https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/evidencebase/monitoring/HLA2019.pdf>

3.12 The report cited in 3.11 shows significant levels of housing achieved between 2014 and 2019 – resulting in 2,866 net dwellings (approximately 477 per annum – substantially higher than the 350 dwellings quoted as being needed in the DALP). The report therefore shows an over-delivery of 836 dwellings since 2014. Furthermore, during 2018/19, 92.5% of completions were on sites not allocated for residential purposes in either the Local Plan Core Strategy or the UDP, therefore considered to be windfall. NPPF encourages the re-use of previously developed land and in 2018/19 83% of completions were on brownfield sites showing substantial opportunities within the Borough that regeneration of existing sites should be prioritised over Green Belt release and that many sites are being brought forward by developers that have not been considered by Halton or included in previous land allocations. If proposed housing figures are currently being exceeded, and achieved on brownfield, creating the availability of green field sites in the Green Belt would provide a disincentive for developers to continue to pursue the more complex and costly developments of the previously developed sites in the urban areas. Hale Parish Council strongly object to Residential Allocation sites SG11 and SG13, and the Strategic Housing Location site W24. The Plan does not appear to take into consideration any of the 836 dwellings already completed since 2014, the windfall being achieved on non-allocated sites, and the large number of developments being completed on brownfield.

3.13 Hale Parish Council object to Halton Borough Council's proposed inclusion of Halebank as a Strategic Residential Location as there has been little evidence to support this scheme. Key to the Parish Council's concern is that poor assessment of housing supply requirements unnecessarily prompts consideration of the release of highly valued Green Belt, which will substantially alter the approach to Hale.

<https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/newdalp/DALPPropSub.pdf>

3.14 It is clear from current trends that Halton has enough brownfield sites to fulfil the housing need of the Plan and such sites are indeed being explored and achieved by developers. Whilst, there are some issues concerning contamination of sites, there has also been much disappointment in the Borough of existing projects that have not yet come to fruition. Plans to convert East Lane House into 448 apartments that were approved on appeal by the Planning Inspectorate in 2015 presents one such example. A plan with the focus of development on the use of existing urban capacity will prevent the premature release of Green Belt prior to full and complete realisation of the potential brownfield sites. This approach would also begin to enable restoration of the high levels of contaminated land within the Borough, preventing this issue merely being reserved for a future generation to resolve.

Illustration 2 – East Lane House:



3.15 The plan period is used to justify the release of more Green Belt than is necessary. In doing so the end view of the Plan fails to properly account for the potential release of additional previously developed urban sites, which would be able to support land availability for housing in locations where social and economic benefit would accrue to a greater extent.

3.16 The DALP's Strategic Objective 7 states a special vision will be achieved through "*ensuring a better connected, less congested and more sustainable Halton*". The proposed development in Hale Bank not only fails to deliver against this objective, but would result in additional traffic which would compound and exacerbate existing issue with congestion in both Hale and Hale Bank.

3.17 The ability to deliver the required infrastructure to properly serve the development allocation in Hale Bank is doubted. There is insufficient certainty over delivery of transport, education and health infrastructure. Routes and sites are ill defined. The wider consenting processes needed are unclear and in many cases lie outside the Council's direct control. The proposed infrastructure provision has the potential to worsen, rather than to deal with current issues of air quality and pollution resulting from road traffic emissions.

3.18 Proposed infrastructure does not deal with existing pressures or issues of congestion and cannot therefore accommodate the additional demands of the proposed development. There is a dependence of 18th and 19th Century infrastructure to accommodate the traffic generated by the proposed development in Hale Bank.

3.19 Previous development plans since the 1980s have accepted that Green Belt surrounding Hale and Hale Bank serves the purposes and functions of the Green Belt. The basis to now alter this position is not sound.

3.20 The location of development in semi rural parts of the Green Belt flies in the face of the aspiration of the DALP to seek development in sustainable locations and risks overcrowding existing modest communities, which jeopardises their overall neighbourhood cohesion and sense of place - favouring mass scale development over the organic growth of a locality.

4. CS(R)17: Liverpool John Lennon Airport Operational Land and Airport Expansion

4.1 Hale Parish Council objects to Policy CS(R)17 in the strongest possible terms.

4.2 In consultations conducted by Hale Parish Council, this development appears at odds with the long-term aspirations of the community for access to green space and full enjoyment of the environment by residents and tourists alike.

4.3 Hale Parish Council has begun work on a Neighbourhood Plan and an early survey conducted in 2018 indicates that there is strong objection to the expansion of Liverpool John Lennon Airport (LJLA).

4.4 The Liverpool Airport Referendum that took place in Hale on 10 October 1993 can evidence further dissent to the expansion of LJLA. Whilst data from twenty-five years ago may seem somewhat out-dated, it works to show the longstanding local opposition to the proposals, which saw 88.5% percent of voters object to an expanded airport that would result in a 12 million passenger throughput per annum.

4.5 A Planning Application submitted by Liverpool Airport in 1993 resulted in an Inquiry and despite the justification of the evidence for the proposed expansion being deemed unsubstantiated at the time, it appears there has been little change in the scale, reasoning and magnitude of growth proposed in the “*Masterplan 2030*” and “*Masterplan 2050*” produced by LJLA that has been used by Halton Borough Council to serve as an evidence base for this Policy.

4.6 Positioned in line with the Master Plan of LJLA, this Policy forms part of a plan that relies upon a growth in passenger numbers. The forecasts offered by LJLA that form part of the justification for expansion, are not quantifiable and do not accurately reflect actual historic passenger growth. It should be noted that whilst LJLA had predicted in 2007 their total annual traffic throughput would reach 8.3 million by 2015, this was a prediction that subsequently demonstrated an over projection of 4 million. In actual fact, there has been a loss of passengers per annum from 5.5 million per year in 2007 to just 5.1 million per year in 2018. This dramatic loss in passenger figures was despite the construction of a new multi-level car park, the opening of three budget hotels within half a mile, and the reconstruction of the runway to ILS Category III standards. With such precarious passenger figures and no long-term stability in passenger growth, it is unclear why Page 29 of the LJLA Masterplan 2050 displays such a positively correlating year-on-year future forecast in passenger figure growth and LJLA should be challenged to demonstrate the reliability of these figures.

<https://www.liverpoolairport.com/media/2957/liverpool-john-lennon-airport-master-plan-to-2050.pdf>

4.7 The desired outcome of the 2007 Master Plan to attract further investment has shown little longstanding sustainability with the airport failing to attract permanent investors. The past decade shows large percentages of changes in ownership, buybacks and re-sales, with the 2030 Master Plan facilitating no measurable growth to the tourism, employment or prosperity of Halton during this timeframe. There is no correlation between this development and the future success of LJLA and it has been perceived by some residents as nothing more than an exercise to land-take. This year, Peel, the owner of LJLA, has been a forced seller of its LJLA shares because it has very little liquidity. LJLA has a net debt of £75M in its 2018 accounts and – more concerning – it has never achieved a profit.

https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/evidencebase/areaspecific/ALL_LJLA.pdf

4.8 LJLA assume that increases in airport use will be as a result of creating additional International routes and a freight handling facility - an ‘if you build it, they will come’ approach. Growth levels are unrealistic and undeliverable based largely on an unpredictable and transient logistic market. Manchester Airport serves as an International Airport only approximately thirty minutes away from LJLA and there has been no success when past schemes have been brought forward for International flights to operate from LJLA. International airline operators have expressed no long-term interest in LJLA and it only manages to retain its current budget airline operators with attractive incentives that are not sustainable to the business model.

4.9 In the 1990s, Liverpool Airport had originally proposed an airports development strategy to limit Manchester Airport's growth to that achieved from a single runway, and increase the use of Liverpool. In 1997 the Secretary of State agreed with the Inspector's conclusion that this approach would not "*accord with policy that airports should be free to compete as far as possible and to provide the necessary facilities to enable airlines to meet demand*". The original forecasted 12 million per annum passenger throughput at Liverpool Airport was dependent upon the adoption of a strategy that would limit Manchester Airport's growth to that achieved from a single runway. However, on 15 January 1997 the Secretaries of State for the Environment and Transport granted planning permission for a second runway at Manchester Airport. The Secretary of State was of the view, therefore, that the case for the expansion of Liverpool Airport in the magnitude proposed had "*not been demonstrated on grounds of need*". The inconsistent year-on-year passenger figures ever since would serve as evidence that the Secretary of State at the time showed justified concern and it is now unclear how LJLA propose to attract such large passenger figures without evidence of the market demand and reliability on the failure of Manchester Airport's expansion.

4.10 Whilst Hale Parish Council question the demand for LJLA to become an International Airport, it would encourage LJLA to optimise its current passenger capacity. In 1997 the Secretary of State agreed with the Inspector that this "*development would make neither good use of the existing runway nor, other than in the short term, best use of the existing terminal facilities.*" Further conclusions were drawn for the better utilisation of "*the existing capacity of that airport site*". Hale Parish Council would support LJLA to grow within the boundary of its existing runway and terminal.

4.11 Paragraph 136 of the NPPF notes "*Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries having regard to their intended permanence in the long term, so they endure beyond the plan period. Where a need for changes to the Green Belt boundaries has been established through strategic policies, detailed amendment to those boundaries may be made through non-strategic policies including neighbourhood plans*".

4.12 This Policy offers no regard to the importance of Green Belt and its purposes in preventing urban sprawl. As set out in NPPF, "*the essential characteristics of Green Belts are their openness and their permanence*". With the absence of any development currently on the land, the Green Belt is currently open and un-built. This Policy would reduce the openness and permanence of the Green Belt by occupying approximately 30 hectares of land, and any runway extension would form a distinct feature of the site which would reduce openness in the area by domineering an area of land currently enjoyed by residents, offering no amenity value to neighbouring properties, the bridleway, or adjoining roads and footpaths.

4.13 The Civil Aviation Authority have placed no requirements on the removal of this land from its designation as Green Belt. Indeed the Runway End Safety Area (RESA) does occupy a small portion of this land (equivalent to approximately 1 hectare), but it is not clear how this can be used to justify the removal of the 30 hectares of land proposed in this Policy.

4.14 Defined as an inappropriate development, this scheme is by its very nature, harmful to the Green Belt. Not least due to the fact that this particular parcel of land is the last remaining wedge that acts as the only buffer of countryside in between LJLA and residential properties of Hale. Any development on this land would destroy the essential characteristics of Green Belt, in effect merging Halton with Liverpool.

4.15 Halton's Green Belt has to be seen in context. It does not exist in isolation but functions alongside and with the Green Belts of North Cheshire. Changes to the Green Belt on this particular parcel of land are highly likely to be influential on the Policies of the adjoining region, encouraging cross-boundary encroachment into the open countryside and the merger of pockets of developments of long established, distinct, historic settlements.

4.16 Other areas of the Evidence Base used for the DALP describe Hale as washed over by Green Belt. This Policy seems to contradict and confuse this position placing a new Green Belt boundary to the east (in Hale Bank) and to the west (with LJLA). The edges of the Village are no longer protected in this Policy from development with the previous weight of Green Belt.

4.17 The proposed scale of Green Belt release creates a number of tensions with the function and purpose of the Green Belt. The Halton Local Plan Green Belt Site Assessment only views sprawl in the context of outward sprawl from Hale. Not inward sprawl from Liverpool. As this parcel is not adjoining the settlement boundary of Hale, it is classed as having much less impact against this purpose of the Green Belt. This skews a quantitative assessment and does not consider the ultimate impact on function of the Green Belt as a single entity.

<https://www4.halton.gov.uk/Pages/planning/policyguidance/pdf/newdalp/assessments/Hale.pdf>

4.18 It is worthy of note that with the exception of one other area, none of the settlements in the Borough retained within the Green Belt, have designated heritage value which Green Belt designation might be designed to protect.

4.19 Hale village has maintained a rural character for centuries and this development would be a significant and irreversible impact on the landscape. The proposal is not in keeping with the Conservation Area of Hale Road and would considerably alter its approach. The SSSI site to the south of this site and RAMSAR site further enhances this land parcel. The LJLA Masterplan 2050 highlights no specificity as to how these would be protected and enriched. The approach taken in the Halton Local Plan Green Belt Site Assessment seems to wrongly suggest that sprawl can only relate to the main settlement boundary, with this land parcel being categorised as only making a moderate contribution to Green Belt. This approach is flawed. If that approach applied there would often be little purpose in insetting settlement in the Green Belt. Once it is accepted that consideration should be given to the heritage value of the area through conservation status, consistency requires the same approach to land surrounding the conservation area that is heavily dependent on setting provided by the Green Belt. Hale Parish Council would argue this land parcel makes a significant contribution to Green Belt and should be categorised as such and retained.

4.20 The historic agricultural and recreational use of this land has been well established in local sentiments for over a century. Not only is the site wholly in Green Belt, but it has been recognised by Natural England as Grade 1 agricultural land – forming some of the ‘Best and Most Versatile’ agricultural land in the country. Hale is the only area in Halton (and one of only two areas in the whole of Cheshire) to contain any Grade 1 agricultural land and the proposed development would result in a substantive loss to one of Halton’s highest-quality land parcels.

4.21 *“Plans should set out a positive strategy for the conservation and enjoyment of the historic environment.”* [NPPF 2019 Paragraph 185]. The site offers significant historical importance, once used as the only salt mine across Liverpool and Halton – an industry pioneered by the Blackburne family of Hale in the seventeenth century that served as the nursing mother to the rise of the flourishing trading history of Liverpool’s docklands. This land should be protected as a historical landmark, providing educational benefit and acting as a destination for tourists. This Policy is not in line with the DALP’s Strategic Objective 10 – to *“support the conservation and enhancement of the historic and natural environment”*.

4.22 In 1997 the Secretary of State agreed with the Inspector’s conclusion that aircraft noise and the visually intrusive impact of aircraft would seriously harm the setting of Speke Hall, an important Grade 1 listed building. The Secretary of State agreed with the Inspector’s conclusion that there would be a *“detrimental noise impact adversely affecting the setting of the listed buildings in Hale and the character of the two conservation areas in Hale”*.

4.23 It is concluded that whilst the Halton Local Plan Green Belt Site Assessment document provides a useful discussion tool, it is weak in providing evidence of sufficient clarity and certainty to properly assist and to justify, the tests for excluding parts of the Green Belt from continued protection.

4.24 The site as a whole provides a positive contribution to the landscape and scenic beauty of Hale. Currently, there is no LJLA development within the boundary of Hale or Halton and an introduction of a runway extension would introduce a commercial character to the Village and require development in a currently undeveloped part of Hale. The site is visible from a number of surrounding vantage points and, in all of these, the proposed runway extension would be a sizeable addition to the landscape. Views of the River Mersey and adjacent Welsh Mountains visible from this site would be obliterated. Furthermore, the hard surfacing that would need to be laid to provide access to and from the proposed freight facility would damage local ecology and the new warehousing would be visible from several more vantage points on both sides of the Estuary – providing an incongruous eyesore to the rural nature of the area.

4.25 This Policy focuses on releasing Green Belt primarily to provide sites for logistics developments which will bring a low density of poorly paid and low skilled jobs that will neither provide ‘balanced regeneration’ or ‘sustainable growth’ or provide ‘high quality new employment’. It will also encroach on the land, reduce the incentive for urban regeneration and seriously erode the gaps between settlements. A continued focus on this Policy is unlikely to reduce the deprivation levels of Halton and alternative approaches might be more effective such as encouraging a higher skilled and educated workforce within a more balanced economy.

4.26 *Planning policies should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.* [NPPF Paragraph 180] By its own admission, LJLA uses Hale as a flight path to impact the fewest number of people, the majority of the time. Residents are concerned that the geographical extent of the air traffic noise impact of the development on residential amenity. In an already strained setting, this Policy proposes to further deplete the environment of a rural community already exposed daily to high levels of noise pollution and poor air quality from low-flying aircrafts. Extending the runway would result in the Public Safety Zone encroaching on further properties in Hale, placing more residents at risk should there be an aircraft failure. The DALP does not reference the fact that, although monitoring is poor across the Borough, what limited information there is suggests some areas of Halton already suffer some of the poorest levels of air quality in the Country and that this contributes to health problems that can be linked to illness and premature death. There is no complete analysis of the true impacts of the scale of development proposed and consequent use of the transport network in terms of air quality. This Policy appears inconsistent with the DALP’s Strategic Objective 11 – to *“improve the health and well-being of Halton’s residents throughout each of their life stages, through supporting the achievement of healthy lifestyles and healthy environments for all”*. The Policy seems further at odds with the DALP’s Strategic Objective 12 – to *“prevent harm and nuisance to people and biodiversity from potential sources of pollution and foreseeable risks”*.

4.27 No evidence has been provided to show the significant carbon footprint that would be used to develop this proposal and the impact that increased aircrafts would have on the health of the local population. The invasive and aggressive engineering that would be required to excavate this land would appear incongruous to DALP’s Strategic Objective 9 – to *“minimise Halton’s contribution to climate change through reducing carbon emissions and ensure the Borough is resilient to the adverse effects of climate change”*.

4.28 The Secretary of State did not agree that the need for an Eastern Access Road and realigned runway amounted to very special circumstances and further concluded that it had not been demonstrated in this case that the harm to the Green Belt was clearly outweighed by other considerations.

4.29 Hale Parish Council object to the inclusion of the Eastern Access Road in this Policy – there are no figures to justify the need for such infrastructure and no proposed financial models in place.

4.30 This Policy ignores the need for core farming activities and local agricultural employment. The Eastern Access Road would deplete a farming community of its resources and work to reduce local employment.

4.31 This Policy will not result in sustainable tourism in our local area. In fact, it will significantly degrade it. Policy HC7 acts as a further failure to recognise the value of visitor attractions in Hale, with significant omissions. Hale Parish Council would therefore like to recommend the inclusion of the below sites as visitor attractions, in line with Policy HC7, which each attract on average approximately one hundred visitors per day.

Illustration 3 – Hale Lighthouse:



Illustration 4 – Hale Cliffs:



Illustration 5 – Childe of Hale Statue:



4.30 To conclude, in 1997 the Secretary of State agreed with the Inspector that the development proposed by LJLA “*would harm the Green Belt, and the setting of Speke Hall and of other listed buildings, and conservation areas. It would have impacts of increased noise in Hale.*” The Secretary of State also noted “*the ecology of the area would be affected*” and “*the development would also result in the loss of some best and most versatile agricultural land*”. LJLA handled a peak of 5.5 million passengers per annum in 2007 and it has so far failed to achieve the same success with the same resources. There is little argument to suggest that further resource would produce favourable results. Growth levels are unrealistic and undeliverable. There is little evidence in any supporting documentation to suggest the health and welfare of local residents have been factored into the proposals presented and what health impacts this Policy could contribute to following a significant loss of open space and increased pollution and carbon footprint. The assessment of current areas of Green Belt is weak and although purporting to provide for a methodical and analytical approach to assessing the value of land against the 5 purposes of the Green Belt the approach still relies on judgement, which in a number of cases can be contested. Whilst this Policy claims to support the economic growth of LJLA, the scale and location of Green Belt proposed to be released undermines the wider objectives of the DALP. The release of relatively easy to develop land will directly conflict with the purpose of the Green Belt to promote and support urban regeneration within current boundaries. Hale Parish Council believes LJLA has not shown existence of very special circumstances sufficient to outweigh the clear harm to the Green Belt and request Halton Borough Council to consider the loss of open space and the overall impacts on residents this encroachment into the countryside will have.

Hale Parish Council would like to be kept updated on future stages of the Halton Local Plan 2014-2037 – namely the submissions of the Plan for examination, publication of the Inspectors Recommendations and adoption of the Plan. Please note – email is the Council’s preferred method of communication.

Hale Parish Council considers it necessary to participate at the oral part of the examination. Hale Parish Council is a statutory consultee in the planning system and a significant contributor to the vibrancy of Hale. There is an on-going commitment to work with Halton Borough Council and support its future success. There are matters which arise from the Plan which will impact on the Parish Council’s activities and therefore the Parish Council believe that our participation at the oral part of the examination will enable a full and well-informed discussion of the more controversial elements of the Plan, ensuring we are able to fully represent the views of our electors, fulfilling our duty to residents, and thereby helping the Inspector to understand the arguments as fully as possible.

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Standing Orders

Adopted by Hale Parish Council on XXX

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SECTION 1 - MEETINGS

1. Meetings Generally

- a) Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct. The Council should publish a list of full council meetings annually.
- b) Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.
- c) Council members shall receive a summons sent by the Clerk, specifying the business to be transacted three clear days before a Meeting of the Council. A notice of the time and place of the meeting shall at a similar time be affixed and displayed in a conspicuous place in the locality. When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, 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 shall not count.
- d) Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. 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.
- e) Subject to Standing Order 1 (d) above, members of the public who are local government electors and/or business-rate payers 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. Members of the public who to make representations at a meeting must contact the Proper Officer no later than 10:00 am on the day of the meeting to advise both of their wish to speak, and the content. Other issues could be raised if written notice of the question/matter are submitted to the Proper Officer ten working days prior to the meeting.
- f) The period of time which is designated for public participation in accordance with Standing Order 1(e) above shall not exceed fifteen minutes with the provision that the meeting is adjourned to allow public participation to take place.
- g) Subject to Standing Order 1 (f) above, each member of the public is entitled to speak once only and shall not speak for more than three minutes.
- h) In accordance with Standing Order 1 (e) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
- i) In accordance with Standing Order 1(f) above, the Chairman may direct that a response to a question or statement posed by a member of the public be referred to a Councillor for an oral response or to the Proper Officer for a written or oral response.
- j) A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- k) A person shall raise their hand when requesting to speak and shall normally stand at the front of the Council Chamber when speaking.
- l) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking.
- m) A person may not orally report or comment about a meeting as it takes place if he/she is present at the meeting of Morecambe Town Council or its Committees but otherwise may:
 - i) film, photograph or make an audio recording of a meeting;

- ii) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
 - iii) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
- n) At the beginning of the meeting, the Chairman of the meeting will remind everyone in attendance and those participating in the meeting that they may be filmed, recorded, photographed or otherwise reported about. Any member of the public in attendance that objects to any of the above, and children and vulnerable adults, must inform the Chairman and an area within the Council Chamber will be designated to them. Any member of the public or press carrying out any of the above must ensure that their activities do not disrupt the proceedings of the meeting or they may be asked to stop or leave.
 - o) In accordance with standing order 1(d) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
 - p) Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in their absence be done by, to or before the Vice Chairman (if any).
 - q) The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
 - r) All motions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
 - s) The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.
 - t) Unless standing orders provide otherwise, voting on any motion shall be by a show of hands or roll call. At the request of two Councillors, the voting on any motion shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.
 - u) The minutes of a meeting shall record the names of councillors present and absent.
 - v) If prior to a meeting, a Councillor has submitted reasons for their absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given. If a member of the Council fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they shall, unless the failure was due to some reason approved by the authority (recorded in the minutes of a meeting) before the expiry of that period, cease to be a member of the authority. Such reasons may be submitted to the Proper Officer prior to a meeting.
 - w) The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.
 - x) An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.
 - y) No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be:
 - i) In the case of a Council Meeting – not less than nine members
 - ii) In the case of a Committee Meeting – not less than three members.

- z) If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at the following meeting. Council and Committee Meetings shall not exceed a period of two hours, unless the Council or Committee agrees to suspend Standing Orders.

2. Remote Meetings

- a) Meeting may be held remotely, as directed by the Proper Officer, in adherence with the Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020.
- b) Meetings held remotely will adhere to best practice and all persons other than Council members or officers will be muted. During the meeting, members will raise their hand to indicate to the Chairman that they wish to speak on an agenda item. Members may also use the chat facility for the same purpose.
- c) Voting will be carried out by a show of hands and the Proper Officer will clarify the vote of each member via a roll call if they cannot be seen.

3. Extraordinary Meetings

- a) The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- b) If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.
- c) The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or 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 to do so by two councillors, any two councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.

4. Annual Council Meeting

- a) In an election year the Annual Council Meeting shall be held on or within 14 days following the day on which the councillors are elected take office.
- b) In a year which is not an election year the Annual Meeting of the Town Council shall be held on such day in May as the Council may direct and shall be held at such hour as the Council may fix or, if no hour is so fixed, 6 o'clock in the evening.
- c) In addition to the Annual Meeting at least three other meetings shall be held in each year.
- d) The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the Annual Meeting of the Council.
- e) The Chairman of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the Annual Meeting until their successor is elected at the next Annual Meeting of the Council.
- f) The Vice-Chairman of the Council, if any, unless they resign or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next Annual Meeting of the Council.

- g) In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- h) In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Chairman of the Council has been elected. They may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.
- i) Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the Annual Meeting of the Council, the order of business shall be as follows:
 - i. In an election year, delivery by councillors of their declarations of acceptance of office.
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
 - iii. Review of terms of reference for committees, their membership and delegation arrangements to committees, sub-committees, employees and other local authorities.
 - iv. Review and adoption of all appropriate policies and governance procedures.
 - v. In a year of elections, if a Council's period of eligibility to exercise the power of competency expired the day before the Annual Meeting, to review and make arrangements to reaffirm eligibility.
 - vi. Review of inventory of land and assets including buildings and office equipment.
 - vii. Confirmation of arrangements for insurance cover in respect of all insured risks.
 - viii. Review of the Council's and/or employees' memberships of other bodies.
 - ix. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

5. Committees

- a) The Council may, at its Annual Meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and shall determine their terms of reference and membership.
- b) The Council may dissolve a committee at any time.
- c) Committees must abide by Terms of Reference.
- d) Delegated authority may be afforded to Committees to make decisions on behalf of the Council.
- e) Where a required decision involves adherence to legislation, all members of a Committee must undertake suitable training, prior to any such decisions being made, to ensure understanding of all legislation in order to ensure the Committee is not at risk of making unlawful decisions.
- f) Committees are not permitted to amend policies without the approval of the Council.

6. Sub Committees

- a) Unless there is a Council resolution to the contrary, every committee may appoint a subcommittee whose terms of reference and members shall be determined by resolution of the committee.

7. Chairman of the Meeting

- a) The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.

- b) The Chairman may, at their discretion, alter the order of business as specified on the agenda. In addition, a motion to vary the order of business on the grounds of urgency may be proposed by any member and after being seconded shall be put to the vote without discussion.

8. Proper Officer

- a) Where a statute, regulation or order confers function or duties on the proper officer of the Council, he/she shall be nominated:
- b) To sign and serve on councillors a summons to attend meetings of the Council, confirming the time, date, venue and the agenda of a meeting at least three clear days before the meeting.
- c) To give public notice of the time, date, venue and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).
- d) To include in the agenda all appropriate motions unless a Councillor has given written notice at least seven days before the meeting confirming their withdrawal of it.
- e) To convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in this office.
- f) To receive and retain declarations of acceptance of office from Councillors.
- g)
- h) To receive and record notices disclosing pecuniary and non-pecuniary interests.
- i) To receive and retain plans and documents, and copies of by-laws made by other local authorities.
- j) To draft minutes of meetings and make such minutes available for inspection.
- k) To process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998.
- l) To receive and send general correspondence and notices on behalf of the Council, except where there is a resolution to the contrary.
- m) To manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- n) To sign notices or other documents on behalf of the Council, and arrange for legal deeds to be signed by the Chairman and Vice Chairman and witnessed.
- o) To arrange for the prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations.
- p) To retain the custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.
- q) To liaise with media and press on behalf of the Council when required.
- r) To action or undertake any lawful activity or responsibilities instructed by resolution or contained in Standing Orders.

9. Motions Moved With Notice

- a) Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the agenda by the Proper Officer or the mover

has given notice in writing (notice of motion) of its terms and has delivered the notice to the Proper Officer at least ten clear days prior to the meeting.

- b) The Proper Officer will consider all notices of motion and may amend obvious grammatical or typographical errors in the wording of a motion. If the Proper Officer considers the wording of a motion received is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing so that it can be understood at least seven clear days before the meeting.
- c) If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consider whether the motion shall be included in the agenda or rejected. The Proper Officer will consult the Chairman and/or the proposers of a motion when considering the rejection of a motion. The decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- d) Every motion and resolution must adhere to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.
- e) If a motion is required to be moved within the terms of reference of a Committee, or Sub-Committee, or within the delegated powers conferred on an employee, the motion may not be included on the agenda of full council. However, a motion unable to be dealt with by an employee or Committee expediently may be dealt with at a meeting of the full council for reasons of urgency.

10. Motions Moved Without Notice

Motions in respect of the following matters may be moved without written notice.

- a) To appoint a person to preside at a meeting.
- b) To elect a Chairman or Vice Chairman.
- c) To approve the absences of Councillors.
- d) To approve the accuracy of the minutes of a previous meeting.
- e) To correct an inaccuracy in the minutes of a previous meeting.
- f) To alter the order of business on the agenda for reasons of urgency or expedience.
- g) To proceed to the next business on the agenda.
- h) To close or adjourn debate.
- i) To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
- j) To appoint a committee or sub-committee or any councillors (including substitutes) thereto.
- k) To receive nominations to a committee or sub-committee.
- l) To dissolve a committee or sub-committee.
- m) To consider a report or any further documentation and/or recommendations made by a committee or a subcommittee or an employee in regard to an agenda item.
- n) To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- o) To authorise legal deeds to be sealed by the Council's common seal OR signed by two councillors and witnessed.
- p) To authorise the payment of monies as detailed in the Council's Financial Regulations.
- q) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- r) To extend the time limit for speeches.
- s) To exclude the press and public for all or part of a meeting.
- t) To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- u) To give the consent of the Council if such consent is required by standing orders.
- v) To suspend any Standing Order except those which are mandatory by law.
- w) To adjourn the meeting.
- x) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- y) To answer questions from councillors.

11. Rules of Debate

Order of Motions

a) Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's discretion for reasons of expedience.

Motions not Moved

b) If a motion is not moved and seconded at the meeting, it will be treated as withdrawn, unless the Council vote to postpone it.

No Speeches Until Motion Seconded

c) No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

Right to Require Motion in Writing

d) Unless proper notice has already been given, a motion, if required by the Chairman, shall be reduced to writing and given to the Chairman before it is put to the meeting.

Secunder's Speech

e) A member when seconding a resolution or amendment may, if he/she declares his/her intention to do so, reserve his/her speech until a later period of the debate.

Questions on Motions

f) A Councillor may ask a question of the proposer, provided that the question is clearly related to the motion on notice and not potentially defamatory, vexatious or offensive.

g) Questions shall be asked after the motion has been moved and seconded and after the proposer has introduced and explained the motion; before the motion is opened up for debate and before any amendments are moved. Asking the question must take no longer than two minutes and only one question per Councillor shall be permitted on a motion.

h) The proposer reserves the right to refuse a reply.

Content and Length of Speeches

i) A member shall direct their speech to the motion under discussion or to a personal explanation or to a point of order. During the debate of a motion, a member may state verbally 'point of order' or 'personal explanation' and shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her which may have been misunderstood. A Councillor raising a point of order shall identify the standing order which they consider has been breached or specify the irregularity in the meeting they are concerned by. Any member interrupted by such a 'point of order' or 'personal explanation' may continue their speech once the point of order has been decided by the Chairman. The ruling of the Chairman on the admissibility of a point of order or a personal explanation shall not be discussed and shall be considered final.

j) No speech by a mover of a motion shall exceed five minutes and no other speech shall exceed five minutes except by consent of the Council.

k) During the debate of a motion, all members shall be silent until invited to speak by the Chairman.

l) A member wishing to ask a question should make it known to the Chairman by raising their hand.

When a Councillor May Speak Again

m) A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except;

- i. To speak once on an amendment moved by another Councillor;
- ii. To move a further amendment if the motion has been amended since they last spoke;
- iii. If his/her speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- iv. In the exercise of a right of reply as the mover of the original motion or an amendment;
- v. On a point of order;
- vi. By way of personal explanation.

Amendments to Motion

n) An amendment to a motion must be relevant to the motion and shall not have the effect of negating the motion before the Council.

o) An amendment shall be either to:

- i) Omit words.
- ii) Omit words and insert others.
- iii) Insert additional words.

p) Only one amendment may be moved and debated at a time, the order of which shall be directed by the Chairman. One or more amendments may occasionally be discussed together if the Chairman considers this expedient but shall be voted upon separately. Any additional amendments proposed during debate may not be moved until the amendment under discussion has been disposed of.

q) The number of amendments to an original motion or substantive motion, which may be moved by a Councillor, is limited to one.

r) A motion or amendment shall not be discussed unless it has been proposed and seconded, and, a Councillor may move amendments to his/her own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.

s) If the proposer and seconder of a motion are in agreement, an amendment may be accepted as a 'friendly' amendment and be incorporated in the original motion as an alteration.

t) If the proposer and seconder do not accept the 'friendly' amendment, the amendment must be taken to a vote.

u) If an amendment is carried, the motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

v) If the amendment is not carried, other amendments to the original motion may be moved.

w) Further amendments shall not be proposed until the Council has disposed of every prior amendment. After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments.

x) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of the debate.

y) No Councillor, other than the mover, may speak further in respect of any one motion except to speak once on any amendment moved by another Councillor or to make a point of order or to give a personal explanation.

z) Should an amendment not be carried, the last motion voted upon may at the discretion of the Chairman be taken as the resolution of the Council if no further amendment is moved.

aa) Should further amendments be carried, the motion, as amended shall, at the discretion of the Chairman, be taken as the resolution of the Council if no further amendment is moved.

Motions which may be Moved during Debate

bb) When a Councillor's motion is under debate no other motion shall be moved except:

- i) To amend the motion
- ii) To withdraw the motion
- iii) To exclude the public and press
- iv) To ask a person to be silent or for him/her to leave the meeting
- v) To suspend any standing order, except those which are mandatory

Closure Motions

cc) A Councillor who has not already spoken in debate, may move, without comment, the following motions at the end of a speech of another Councillor:

- i) To proceed to the next business
- ii) To adjourn the debate
- iii) To put the motion to a vote
- iv) To adjourn the meeting

dd) The Chairman shall first be satisfied that the motion has been sufficiently debated before it is put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive their right of reply and shall put the motion to the vote after that right has been exercised or waived.

ee) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, the Chairman will put the procedural motion to the vote. If it is passed the mover of the original motion shall have a right of reply before putting the motion to the vote. The debate on the motion will continue if the procedural motion is unsuccessful.

ff) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficient debated and cannot reasonably be so discussed on that occasion, the Chairman will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

12. Voting

- a) Members shall vote by show of hands or.
- b) If a member so requires, the Proper Officer shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request may be made before or after the vote but in any event before moving on to the next business.

Voting on Appointments

- a) Where more than 2 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. Any tie may be settled by the Chairman's casting vote.

14. Conduct

- a) All Councillors shall observe the Code of Conduct adopted by the Council.
- b) All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- d) If, in the opinion of the Chairman, there has been a breach of conduct, the Chairman shall express that opinion.
- e) If a Councillor persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Councillor be not heard further. If seconded, the motion will be voted on without discussion.
- f) If the Councillor continues to behave improperly after such a motion is carried, the Chair may move that either the Councillor leaves the meeting or that the meeting is adjourned for a specific period. If seconded, the motion will be voted on without discussion.

15. Minutes

- a) Minutes shall be published as soon as practicable after the meeting and shall contain a record of decisions made. Minutes are not a verbatim record of meetings.
- b) The Chairman will sign the minutes of the proceedings at the next suitable meeting. A motion must be moved that the minutes of the previous meeting be signed as a correct record.
- c) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy.
- d) If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:
- e) "The Chairman of this meeting does not believe that the minutes of the meeting of the Morecambe Town Council (OR [name] Committee/Sub-Committee) held on [date] in respect of () were a correct record but this view was not upheld by the majority of the (Council / or [name] Committee/Sub-Committee) and the minutes are confirmed as an accurate record of the proceedings."
- f) Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

16. Recision of Previous Resolutions and Suspension of Standing Orders

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least eight councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee. No decision shall be reversed unless new information is presented which could not have been known at the time the original decision was made and unless the new information could reasonably result in a change of the decision.
- b) When a special motion or any other motion moved pursuant to the above has been disposed of, no similar motion may be moved within a further 6 months.
- c) Any or every part of the Standing Orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business. A motion to permanently add to or to vary or to revoke one or more of the Council's Standing Orders not mandatory by

law shall not be carried unless two-thirds of the councillors at a meeting of the Council vote in favour of the same.

17. Financial Matters

- a) Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b) The Council's financial regulations shall be reviewed once a year.

18. Execution and Sealing of Legal Deeds

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b) In accordance with a resolution made under standing order above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two members of the Council who shall sign the deed as witnesses.

19. Canvassing

- a) Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment.
- b) A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c) This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

20. Unauthorised Activities

Unless authorised by a resolution, no individual councillor shall in the name or on behalf of the Council, a committee, a sub-committee, or a working group:

- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
- ii. issue orders, instructions or directions.

21. Confidential Business

- a) Councillors and employees shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b) A councillor in breach of the provisions of the above may be removed from a committee, a sub-committee, or a working group by a resolution of the Council or members of the appropriate committee, sub-committee or working group.

22. Power of Well-Being

- a) Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b) The Council's period of eligibility begins on the date that the resolution under the above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.

- c) After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's preceding period of eligibility referred to in the above.

23. Matters Affecting Employees

- a) If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has resolved to exclude the press and public.
- b) A review of employee performance will be undertaken in line with contracts and any relevant policies.
- c) Any grievances and disciplinary matters will be dealt with in line with the Council's policy to that effect. If grievance or disciplinary matters involve any members of the Council, such members must declare an interest and abstain from participation.
- d) The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

24. Freedom of Information Act / Data Protection Act

- a) All requests for information held by the Council shall be processed.
- b) Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Council.
- c) The Proper Officer shall take all legal steps to comply with the legislation.

SECTION 2 - CODE OF CONDUCT

1. ARRANGEMENTS FOR DEALING WITH ALLEGATIONS THAT A COUNCILLOR HAS FAILED TO COMPLY WITH THE RELEVANT CODE OF CONDUCT. LOCALISM ACT 2011 SECTION 28.

These arrangements are made under Sections 28(6) and (7) of the Localism Act 2011, and advise how the Town Council will deal with allegations that a Councillors has failed to comply with the relevant Code of Conduct.

An allegation that a Councillor has failed to comply with the requirements of the relevant Code of Conduct must be made to:

The Monitoring Officer, Lancaster City Council, Town Hall, Lancaster, LA1 1PJ.

An allegation may also be sent by email to the Monitoring Officer.

The allegation must be about a Town Councillor and must be that the Councillor(s) has, or may have, breached the relevant Code of Conduct.

Any person making an allegation should provide full details of the conduct complained of and how it is alleged to constitute a breach of the relevant Code of Conduct.

SECTION 3 - PROTOCOL ON COUNCILLOR/OFFICER RELATIONS

1. INTRODUCTION

- a) The purpose of this protocol is to guide Councillors and Officers in their relations with one another, to define their respective roles and to provide guidance for dealing with particular issues that may most commonly arise or cause concern.
- b) However, given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or exhaustive. It is hoped that the general approach set out in the protocol will serve as a guide in dealing with other issues that may not be specifically covered.
- c) The objective of this protocol is to enhance and maintain the integrity of local government. As such, this protocol seeks to reflect the principles of the Code of Conduct.

2. ROLE OF COUNCILLORS AND OFFICERS

- a) Both Councillors and Officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council as a whole, and they are accountable to the Proper Officer. Their job is to give advice to Councillors and the Council, and to carry out the Council's work under the direction and control of the Council and the various Committees.
- b) The Council's Standing Orders set out the clear distinction between the roles of Councillors and Officers. Councillors will perform roles on the Council and Committees. They may also represent the Council on outside bodies. Officers are employed by and serve the whole Council, and are accountable to the Proper Officer. They provide support, impartial advice, and implement the decisions of the Council and Committees. They may also make decisions under powers delegated to them.

- c) Councillors should not get involved in the day to day operational management of services. Councillors must not contact contractors of the Council, unless permitted to do so by the Council or Proper Officer. Equally, Officers should not get involved in politics.
- d) Officers are responsible for advising on and implementing policies, and for the delivery of services in the manner that they consider is most appropriate given their managerial and professional expertise. Councillors would not be expected to be involved in the detail of implementation, but can expect reports on progress, and in certain circumstances, can require the Proper Officer to account for their decisions.
- e) It is appropriate, however, for Councillors to propose initiatives and ideas about how things can be done better. It is essential that existing ways of doing things are challenged and reviewed. This needs to be done in a professional and constructive environment. The Standing Orders sets out the procedures for the Council to review existing policies and bring forward new policy initiatives.
- f) Mutual respect between Councillors and Officers is essential to good local government. It is important in all dealings between Councillors and Officers that both should observe reasonable and consistent standards of courtesy and that neither party should seek to take advantage of their position. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers.
- g) The general obligations in the Councillors' Code of Conduct include a requirement to treat others with respect, and not to do anything which compromises or is likely to compromise the impartiality of those who work for or on behalf of the Council. There is also a requirement for Councillors in making decisions to have regard to any advice provided by the Council's Proper Officer and Responsible Financial Officer. Any allegation by an Officer that a Councillor has failed to comply with the Code of Conduct will be dealt with under the procedure for dealing with Code of Conduct complaints.

3. OFFICER ADVICE TO COUNCILLORS AND GROUPS OF COUNCILLORS

- a) It is common practice for Councillors and political groups to give preliminary consideration to matters of Council business in advance of such matters being considered. As an example, agendas will identify the key decisions the Council (or Committee) will be considering. Individual Councillors and/or groups of Councillors may properly call upon Officers to support and provide factual advice to their deliberations. The support provided by Officers can take many forms, ranging from a briefing meeting prior to a meeting, to a presentation to a full group meeting. Briefing of political groups should only be undertaken by the Proper Officer, or otherwise with the approval of the Proper Officer and any information provided to the group will not as a matter of routine be passed on to other groups or individual councillors. However, briefing information provided to a political group, whether or not it contains confidential information, may, at the written request of that group, be passed on by the relevant Officer to other groups also.
- b) Certain points must, however, be clearly understood by all those participating in this type of process, Councillors and Officers alike. In particular:
 - i) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of a 'political' nature. Officers are not expected to be present at meetings, or parts of meetings, where matters of political business are to be discussed.
 - ii) Similarly, where Officers provide information and advice to a group of Councillors meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Council meeting when the matter in question is considered.

- c) Officers must respect the confidentiality of any group discussions at which they are present in the sense that they should not relay the content of any such discussion to another group of Councillors, unless specifically asked to do so.
- d) Any particular cases of difficulty or uncertainty in this area of Officer advice to groups of Councillors should be raised with the Chief Executive (Proper Officer).

4. OFFICER/COUNCILLOR RELATIONSHIPS

- a) It is clearly important that there should be a close working relationship between Councillors and Officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question an Officer's ability to deal impartially with other Councillors.
- b) Whilst the Chairman of the Council and Chairmen of Committees may routinely be consulted as part of the process of drawing up agenda items for a forthcoming meeting, it must be recognised that in some situations an Officer will consider it his/her duty to submit a report on a particular matter. In these circumstances, an Officer will always be fully responsible for the contents of any report and/or recommendation submitted in his/her name.
- c) In relation to action between Council or Committee meetings, it is important to remember that the Council's Standing Orders allow only for decisions (relating to the discharge of any of the Council's functions) to be taken by an Officer.
- d) It must be remembered that Officers in employment are accountable to their line manager and ultimately the Chief Executive (Proper Officer), and that whilst Officers should always seek to assist any Councillor, they must not, in doing so, go beyond the bounds of whatever authority they have been given by their line manager.

5. UNDUE PRESSURE

- a) A Councillor must not apply undue pressure on an Officer to do anything which he/she is not empowered to do, or which is against the Officer's professional judgement, or to undertake work outside normal duties or normal hours.
- b) Similarly, an Officer must not seek to influence an individual Councillor to make a decision in his/her favour, nor raise personal matters relating to his/her job, nor make claims or allegations about other Officers, except in accordance with any agreed Council procedure or in accordance with law. Councillors who receive any such approach from an Officer should advise the Proper Officer immediately.

6. CRITICISM/COMPLAINTS

- a) It is important that there should be mutual courtesy between Councillors and Officers.
- b) Councillors and Officers should not criticise or undermine respect for each other at Council meetings or at any other meeting they attend in their capacity as a Councillor or Officer, or in any other public forum.
- c) Councillors should not raise matters relating to the conduct or capability of an individual Officer or Officers collectively at meetings or in any other public forum. Any such comments or complaints should be made to the Proper Officer or Chairman.

7. COUNCILLORS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

- a) If Councillors wish to visit Officers, they should make prior arrangements whenever possible.
- b) With respect to the legal rights of Councillors to inspect Council documents, these are covered partly by statute and partly by the common law.

- c) Under Section 100F of the Local Government Act 1972, any Councillor may inspect any document in the possession or control of the Council which contains material relating to any business to be transacted at a meeting of the Council or a Committee. This right applies irrespective of whether the Councillor is a member of the relevant committee, and extends not only to reports but also to background papers. However, the right does not apply if a document discloses exempt information as defined in Schedule 12A of the Local Government Act 1972.
- d) The common law right of Councillors is much broader and is based on the principle that any Councillor has a prima facie right to inspect council documents so far as his/her access to the documents is reasonably necessary to enable the Councillor to carry out his/her duties as a Councillor. This is referred to as the “need to know” principle. If a Councillor is a member of a Committee, then he/she has the right to inspect documents relating to the business of that Committee. If a Councillor is not a member of the relevant Committee, then he/she has to demonstrate why sight of the document is necessary to enable the performance of his/her duties as a Councillor. Councillors have no right to a “roving commission” to examine documents of the Council. Mere curiosity is not sufficient. If the Councillor’s motive for seeing the documents is indirect, improper or ulterior, then there would be no right of access at common law.
- e) A Councillor has the same rights of access to information under the Freedom of Information Act 2000 as any members of the public. A request must be made in writing and describe specifically the information requested. The exemptions set out in the Act would be applied whoever is requesting the information. Once information has been made available in response to a Freedom of Information request, it become public.
- f) From a procedural point of view, if a Councillor makes a request for information that is not routine, the request should be made to the relevant Officer, who will consider first whether all the information would be made available as a matter of course to a member of the public making a similar request. If so, the information will be provided to the Councillor.
- g) If the request is such that the information would not automatically be provided to a member of the public, the Officer will consider whether the information can be provided under Section 100F of the Local Government Act 1972 or under the common law “need to know”. The final determination as to whether there is a “need to know” will be made by the Proper Officer.
- h) If neither Section 100F nor the “need to know” are met, then the request will be dealt with as a Freedom of Information Act request, but without the need for the Councillor to make a specific Freedom of Information request. The Freedom of Information Request will be dealt with in the normal way by an Officer. This may result in the information being provided in part, with an exemption applying to the remainder, or the request being refused in its entirety as a result of an exemption. The Councillors will be informed that the request has been considered under the Freedom of Information Act and that there is a right of internal review which will be carried out by the Proper Officer. Following such review, the Councillor will be advised of the right to pursue the matter with the Information Commissioner.
- i) Any information provided under the Freedom of Information Act can be made public by the Councillor. Information provided under the “need to know” will be provided with the caveat that it is provided to the Councillor in his/her capacity as Councillor, and is only to be used for the purpose of exercising his/her functions, and should not be made public.
- j) The Code of Conduct provides that a Councillor must not disclose information given to the Councillor in confidence by anyone, or information which the Councillor believes, or ought reasonably to be aware, is of a confidential nature except where:
 - i) the Councillor has the consent of a person authorised to give it;
 - ii) the Councillor is required by law to do so;

- iii) the disclosure is made to a third party for the purposes of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- iv) the disclosure is reasonable and in the public interest and made in good faith and in accordance with the law.

8. CORRESPONDENCE

- a) Correspondence between an individual Councillor and an Officer should not normally be copied (by the Officer) to any other Councillor. Where exceptionally it is necessary to copy the correspondence to another Councillor, this should be made clear to the original Councillor.
- b) Official letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of a Councillor. It may be appropriate in certain circumstances (e.g representations to a Government Minister) for a letter to appear over the name of a Councillor, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Councillor.
- c) In no circumstances will correspondence from an individual or business, or from a third party representing an individual, be disclosed to a Councillor if it is marked confidential or contains personal data. If, in these circumstances, an Officer is of the view that there is a need for a Councillor to know the issue, and it is not possible to do so in general terms without disclosing confidential or personal information, then the relevant individual's consent will first be obtained.

9. MEETINGS WITH THIRD PARTIES

- a) On occasions, Councillors may be approached by individuals or companies who have proposals affecting the area or functions of the Council, and which they wish to discuss with Councillors. Councillors are reminded that, as individual Councillors, they cannot commit the Council to any contract or other agreement or course of action. Councillors are advised to make this clear to any third party with which they may have contact. Should Councillors be asked to attend a meeting with third parties, they are recommended to arrange for the meeting to take place at Council officers and with a relevant Officer present. This will enable the Officer to explain to the third party the proper decision-making process, and will protect Councillors against any subsequent claim by the third party. Normal routine activities are not intended to be subject to this recommendation.

10. ARBITRATION

- a) This protocol is intended to act as a guide for both Councillors and Officers.
- b) This protocol is intended to provide Councillors and Officers with guidelines to determine their roles and their relations with each other.
- c) It is intended to be a "live" document and will be reviewed from time to time to reflect changing circumstances and legislation.

SECTION 4 - MEDIA PROTOCOL

1. AIMS AND OBJECTIVES

- a) The long-term aim of the Council's communications strategy is to build and maintain a positive reputation for the Council in the eyes of the public, its Councillors and Officers as well as key partners in the public, private and voluntary sectors.
- b) In order to achieve this aim a key area of focus is the local media.

- c) The local media plays a key role in informing residents about what the Council does and how it spends their money. In return, it is important the Council communicates effectively with this key provider of public information.
- d) In doing so the Council's objectives are as follows:
 - i) enable the Council to be one which is open, accountable, accessible and which listens;
 - ii) give information about the Council's policies and services and the democratic process so people feel more informed about the work of the Council;
 - iii) build up the Council's role as a community leader and advocate for the community;
 - iv) handle negative issues clearly and decisively. Where it is felt criticism of the Council is unfair, the Council should use opportunities available to explain, either to the editors or to the readers/listeners. In cases where the Council is wrong, the Council should address how it is addressing the issue.

2. CO-ORDINATING MEDIA ENQUIRIES

- a) The Council should ensure that local residents are informed about the Council's policies and decisions. It must be open and transparent in its dealings with the press.
- b) Officers of the Council will liaise with media, receive enquiries, and respond to enquiries.
- c) Where the journalist approaches a Councillor for a quote, the Councillor must ensure journalists are reminded that any opinion given is that of their own and not necessarily that of the Council as a corporate body.
- d) Officers of the Council will release regular press releases to the media and invite the media to any press launches or photo opportunities.
- e) If Officers or Councillors are approached by the media prior to a decision being made by the Council it is important for any statement given not to prejudge the decision. Comments should be limited to providing information rather than anticipating an outcome or expressing a view as to a preferred outcome from the meeting. It is appropriate for Officers to issue a statement outlining a summary of the matter. In this way reporters will be more likely to use the statement to report an accurate summary of the matter or clarify an issue.
- f) The Council should make every effort to correct inaccurate reporting of Council issues.
- g) It is acceptable for Councillors to request an Officer considers producing a press release relating to their role. However, Officers should not produce or engage in any promotion for Councillors on individual party political issues.
- h) All Council press releases will carry the crest of the Council. When issuing a press release with a third party, it may also be appropriate to include their logo and/or crest.
- i) When drafting press releases or selecting photographs, all Officers should be mindful of the Council's Equal Opportunities Policy. Publicity should avoid stereotyping of roles and should demonstrate the Council's commitment to providing equality of opportunities to people of any gender, race, sexual orientation, religion or disability.
- j) Occasionally 'confidential' Council items may be 'leaked' to the media. The Council will not normally offer a comment on leaked or confidential items. However, if an item which is not 'confidential', but which has yet to enter the public forum, it may be appropriate for the Council to issue a comment. Each case will be judged individually.

3. PHOTO OPPORTUNITIES

- a) Where photo opportunities arise, the relevant Councillors will be invited.
- b) However, the goal is to achieve positive publicity for the Council as a whole and therefore some degree of flexibility is necessary in order to achieve that goal.
- c) Photographic opportunities often arise at short notice. By needing to contact the relevant Councillors to arrange a time when all can be present, there are times when a photo opportunity, and therefore positive publicity, may be lost.
- d) All press and media will be allowed to film and record meetings of the Council which are open to the press and public.