



# Congleton Town Council

Historic market town

Town Clerk: **BRIAN HOGAN**



26<sup>th</sup> February 2015

Dear Councillor,

## **Town Council Meeting – Thursday 5<sup>th</sup> March, 2015**

You are summoned to attend a meeting of the Council, to be held in the Town Hall, Congleton on **Thursday 5<sup>th</sup> March, 2015** commencing at **7.00pm**.

**The Public and Press are welcome to attend the meeting.** There may be confidential items towards the end of the meeting which the law requires the Council to make a resolution to exclude the public and press.

Yours sincerely,

B. Hogan  
TOWN CLERK

## **AGENDA**

1. Apologies for absence. (Members are respectfully reminded of the necessity to submit any apology for absence in advance and to give a reason for non attendance).

2. Minutes (enclosed)

To approve the Minutes of the meeting held on 10<sup>th</sup> February 2015.

3. Declarations of Disclosable Pecuniary Interest

Members are requested to declare both "non pecuniary" and "pecuniary" interests as early in the meeting as they become aware of it.

4. Outstanding Actions

None.



Congleton  
**beartown**  
where friends are made

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5 Questions from Members of the Public (enclosed)

To receive any questions from Members of the Public at the meeting and, notified in advance in writing.

6 Mayor's Announcements (enclosed)

To receive any announcements by the Town Mayor and to receive a list of the Mayor's Engagements.

7. Planning Committee (enclosed)

To receive the minutes of the meeting held on 22<sup>nd</sup> January 2015.

8. Finance and Policy Committee (enclosed)

To receive the minutes of the meeting held on 27<sup>th</sup> November 2014 and 8<sup>th</sup> January 2015.

9. Community, Environment & Services Committee (enclosed)

To receive the minutes of the meeting held on 13<sup>th</sup> November 2014.

10. Urgent Items

Members may raise urgent items but no discussion or decisions may be taken at the meeting.

11. Cheshire East Councillors' Reports

To suspend Standing Orders to allow Councillors from the principal authority to report on relevant issues and to receive questions from members.

12. Youth Committee (enclosed)

a) To receive the minutes of the Youth Committee meetings held on 27<sup>th</sup> January and 23<sup>rd</sup> February 2015.

b) To deal with Questions from Members of the Youth Committee present at the meeting.

13. Complaints Policy (enclosed)

To consider the recommendation from the Finance and Policy Committee to adopt the updated Complaints Policy into the Constitution.

14. Financial Regulations (enclosed)

To consider and approve the amendments to the Financial Regulations as recommended by the Finance and Policy Committee.

15. Election Arrangements (enclosed)

To remind councillors of the purdah period and the requirements leading up to the election Date.

16. Cheshire East Council's Preferred Link Road Route

To discuss the preferred Link Road route and Cheshire East Council's consultation process.

Members of the Town Council, Press 3, Burgesses (5), Mayor's Chaplain,  
Members of the Youth Committee  
MP, Cheshire East Councillors (4), Library, Congleton TIC.

# Congleton Town Council

Minutes of the Meeting of the Council held on Thursday,  
10<sup>th</sup> February 2015 in the Town Hall, Congleton.

**PRESENT:** Councillors     Mrs D S Allen  
                                     L D Barker  
                                     P Bates  
                                     R I Brightwell  
                                     D T Brown  
                                     J S Crowther  
                                     G R Edwards  
                                     G P Hayes  
                                     Mrs S A Holland  
                                     Mrs A M Martin  
                                     D Murphy (Town Mayor)  
                                     D A Parker  
                                     N T Price  
                                     Mrs E Wardlaw

## 1. **APOLOGIES**

Apologies for absence. (Members are respectfully reminded of the necessity to submit any apology for absence in advance and to give a reason for non-attendance).

Apologies for absence were received from Councillors G Baxendale Mrs J D Parry and G S Williams.

## 2. **MINUTES**

**CTC/55/1415 RESOLVED-** That the Minutes of the meeting held on the 15<sup>th</sup> January 2015 be approved and signed by the Mayor.

## 3. **DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

Members are requested to declare both "non pecuniary" and "pecuniary" interests as early in the meeting as they become aware of it.

There were no declarations of interest

## 4. **OUTSTANDING ACTIONS**

None.

5. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

Mr Keeling made a statement outlining a request for a copy of the SimNet purchase order. The Town Clerk initially agreed to provide this information, but, Mr Keeling commented that when he was asked by the Town Clerk why he wanted the document, he would not say what he wanted the document for. The Town Clerk later asked Mr Keeling to make his request for the information via a Freedom of Information Request. Mr Keeling went on to state that a Conservative Councillor had been provided with a copy, but an Independent Councillor had not.

6. **SIMNET**

The Council considered what action to take as a consequence of SimNet failing to deliver the Digital Display Unit and went onto consider the advice from the solicitor dealing with the matter.

Cllr L D Barker pointed out that the issue concerning SimNet is not a criminal matter, it is a civil matter and going down the route of claiming fraud is not appropriate because it is difficult to prove.

The appropriate course of action would be to apply to the court, which would set a strict timetable for proceedings. If the court action is successful, it then may be possible to make a claim against the Directors of the company if it is found that there had been any wrong doing.

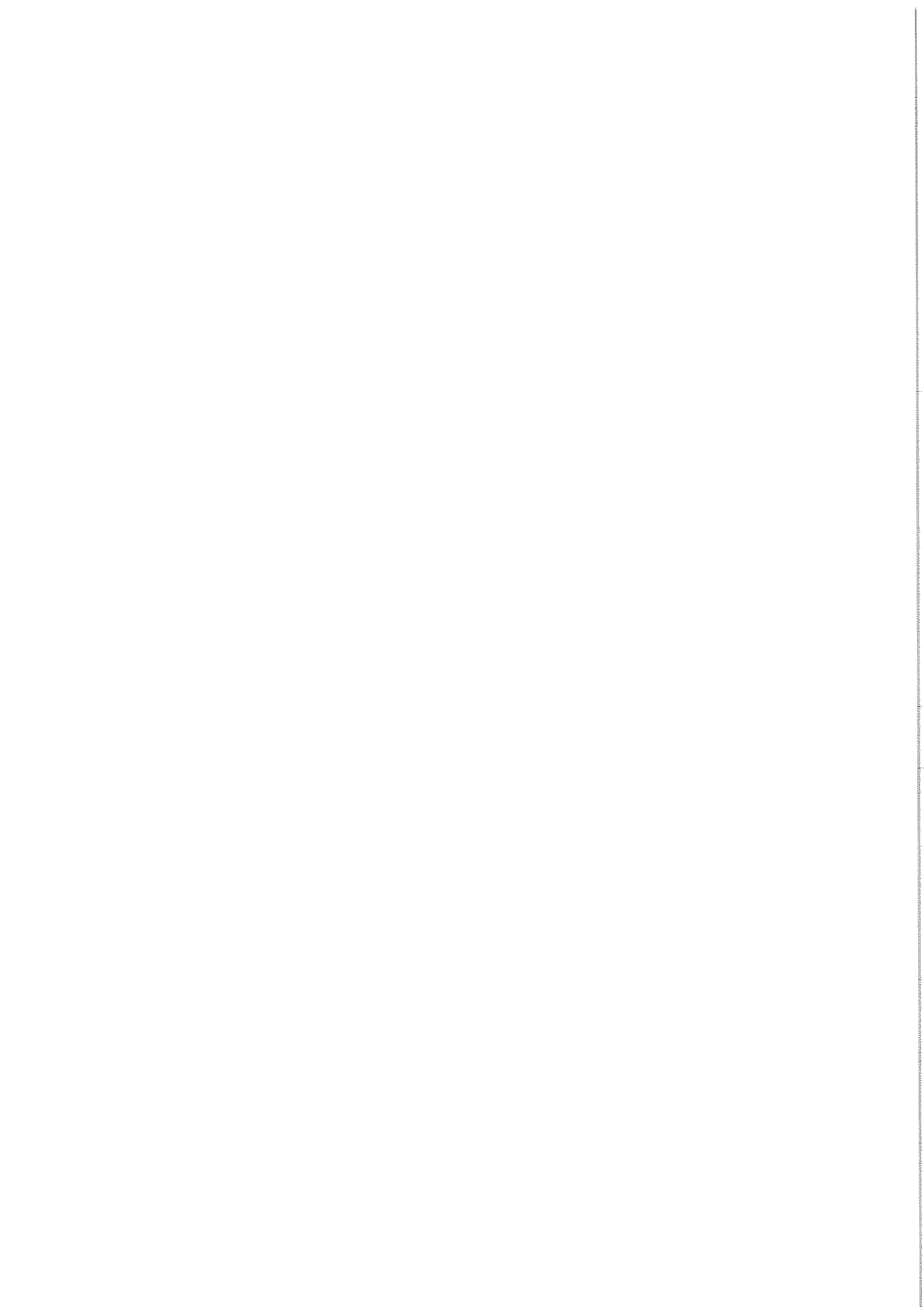
A number of comments were made relating to taking action via the Police or a debt recovery agency.

**CTC/56/1415 RESOLVED that:-**

1. The Town Clerk to provide a copy of the latest set of accounts for SimNet.
2. Undertake a financial investigation of the Directors of the company.
3. Prepare a cost estimate of potential court action for the Finance and Policy Committee to consider.

Cllr D Murphy

TOWN MAYOR



## **TOWN MAYOR'S ENGAGEMENTS**

### **2015**

17 <sup>th</sup> January	A.T.C. Presentation Evening
23 <sup>rd</sup> January	Holland and Barrett Store Opening
25 <sup>th</sup> January	Mayor's Charity Quiz Evening
27 <sup>th</sup> January	Holocaust Memorial Day Service
31 <sup>st</sup> January	Sandbach Town Council Charity Ball
4 <sup>th</sup> February	In Bloom Presentation Evening
5 <sup>th</sup> February	C4C Launch Event
6 <sup>th</sup> February	Congleton Players – Daneside Theatre
11 <sup>th</sup> February	Daven School Reading Event
13 <sup>th</sup> February	S.S.A.F.A. Meeting – Winsford
17 <sup>th</sup> February	Mercian Parade – Crewe
20 <sup>th</sup> February	Crewe Civic Dinner
25 <sup>th</sup> February	Siemens Roller Coaster Challenge Event
27 <sup>th</sup> February	Swimmathon – Congleton Leisure Centre

### **DEPUTY TOWN MAYOR**

23 <sup>rd</sup> February	Cheshire East Mayoress Ladies Lunch
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### **MAYOR'S CADET**

17 <sup>th</sup> January	A.T.C. Presentation Evening
25 <sup>th</sup> January	Mayor's Charity Quiz Evening
4 <sup>th</sup> February	In Bloom Presentation Evening
6 <sup>th</sup> February	Congleton Players – Daneside Theatre
17 <sup>th</sup> February	Mercian Parade – Crewe
25 <sup>th</sup> February	Siemens Roller Coaster Challenge Event
27 <sup>th</sup> February	Swimmathon – Congleton Leisure Centre

## CONGLETON TOWN COUNCIL

### MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON 22<sup>nd</sup> JANUARY 2015

**PRESENT** Councillor L. D. Barker - Chairman  
G. Baxendale  
G. R. Edwards  
Mrs. S. A. Holland  
Mrs. A. M. Martin  
D. Murphy  
D. A. Parker  
Mrs. J. D. Parry  
N. T. Price  
Mrs. E. Wardlaw

#### 1. **APOLOGIES**

Apologies for absence were submitted from Councillors Mrs. D. S. Allen, R. I. Brightwell, D. T. Brown, J. S. Crowther, G. P. Hayes, Mrs. E. Wardlaw, G. S. Williams and Miss R. K. Williams.

#### 2. **MINUTES**

PLN/24/1415 RESOLVED: That the Minutes of the Meeting of the Committee held on 8<sup>th</sup> January 2015 be approved and signed by the Chairman as a correct record.

#### 3. **DECLARATIONS OF INTEREST**

Members were reminded to declare both "non pecuniary" and "pecuniary" interests as early in the meeting as they become known.

Councillor G. Baxendale declared a "non pecuniary" interest due to his membership of Cheshire East Council.

#### 4. **OUTSTANDING ITEMS**

There were none.

#### 5. **PLANNING APPLICATIONS**

PLN/25/1415 RECOMMENDED: That the following comments be made to Cheshire East Borough Council:

#### **Week ended 9<sup>th</sup> January 2015**

14/5383C Land Off Giantswood Lane, Hulme Walfield, Congleton **NO OBJECTION**  
**Subject to the following conditions -**

Contributions towards the delivery of the Congleton Link Road.

Contributions towards complimentary highway measures on the existing highway network.

Pedestrian and cycle links set in green infrastructure to new and existing employment,



residential areas, shops, schools, health facilities the town centre.

The provision of a network of open spaces for nature conservation and recreation.

The timely provision of physical and social infrastructure to support development at this location.

The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.

That a travel plan be recommended to stop site traffic using Walfield Avenue during the site development.

14/5674C	9 Linksway, Congleton, CW12 3BS	NO OBJECTION
14/5695C	1A Crayford Avenue, Congleton, CW12 2BW	NO OBJECTION
14/5798C	14 Wharfedale Road, Congleton, CW12 2BP	NO OBJECTION
14/5805C	New Bank Farm, Fol Hollow, Congleton, CW12 4HT	NO OBJECTION
Councillor Mrs. S. A. Holland declared a "non pecuniary" interest in application 14/5805C		
14/5822C	Wood Farm, Wood Lane, Congleton, CW12	NO OBJECTION
14/5827C	15 High Street, Congleton, CW12 1BJ	NO OBJECTION

#### **Week ended 16<sup>th</sup> January 2014**

14/5111C	Third Avenue, Radnor Park Ind. Est., Congleton	NO OBJECTION
14/5789C	6 Back Lane, Congleton, CW12 4PP	NO OBJECTION

**Planners are requested to check there are no issues with noise related problems**

14/5803C	The Orchard, Padgbury Lane, Congleton, CW12 4HX	NO OBJECTION
15/0020C	1 Beech Close, Congleton, CW12 4YL	NO OBJECTION
15/0044T	St James Church, Astbury Street, Congleton, CW12 4EF	NO OBJECTION

Subject to usual conditions

All Councillors declared a "non pecuniary" interest in application 15/0044T as they know the applicant.

#### **6. PLANNING APPEALS**

The following Appeal was noted -

14/0659C – APP/R0660/A/14/2226494 – Forge Mill, Forge Lane, Congleton, CW12 4HF

#### **7. TREE PRESERVATION ORDER – PADGBURY LANE**

Correspondence dated 13<sup>th</sup> January 2015 from Cheshire East Council in respect of the above was received and supported by the Town Council.

It was noted that the Council continue to support the objections to the applications for developments at Padgbury Lane which are due to be heard at Cheshire East Strategic Planning Board in February.

#### **8. CORRESPONDENCE FROM THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT**

Correspondence dated 13<sup>th</sup> January 2015 from Brandon Lewis M.P. was received.

L. D. Barker (Chairman)



## CONGLETON TOWN COUNCIL

### MINUTES OF THE MEETING OF THE FINANCE AND POLICY COMMITTEE HELD ON THURSDAY 27<sup>th</sup> November 2014

#### **PRESENT**

##### Councillors

Mrs D S Allen  
P Bates  
G Baxendale  
R I Brightwell  
D T Brown  
J S Crowther  
G R Edwards (Chairman)  
G P Hayes  
Mrs. S A Holland  
Mrs A M Martin  
D Murphy (Town Mayor)  
D A Parker  
Mrs J D Parry (Vice Chairman)  
N T Price  
Mrs E Wardlaw  
G S Williams

#### **1. APOLOGIES**

Apologies for absence were received from Cllr L D Barker.

#### **2. MINUTES**

**FAP/32/1415 RESOLVED** that the Minutes of the Meeting of the Committee held on 23<sup>rd</sup> October 2014 be agreed and signed by the Chairman.

#### **3. DECLARATIONS OF INTEREST**

Members are requested to declare both "pecuniary" and "non-pecuniary" interests as early in the meeting as they become known.

Cllr P Bates declared a non-pecuniary interest in all parts relating to item 5.

Cllr G Baxendale declared a non-pecuniary interest in any items relating to Cheshire East and Congleton Community Projects.

Cllr R Brightwell declared a non-pecuniary interest in item 14.

Cllr J Saville Crowther declared a non-pecuniary interest in any item 13.

Cllr G R Edwards declared a non-pecuniary interest in the item relating to the Citizen's Advice Bureau.

Cllr G Hayes declared a non-pecuniary interest in Congleton Community Projects. And items 13 & 16.

### **3. DECLARATIONS OF INTEREST continued.....**

Cllr A Martin declared a non-pecuniary interest in the item relating to the Citizen's Advice Bureau.

Cllr D Murphy declared a non-pecuniary interest in all parts relating to item 5.

Cllr D A Parker declared a non-pecuniary interest in any items relating to Congleton Community Projects.

Cllr N Price declared a non-pecuniary interest in any items 15 & 16

Cllr G Williams declared a non-pecuniary interest in all parts relating to item 5 and items 13 & 14

### **4. OUTSTANDING ACTIONS**

There are no outstanding actions.

### **5. LARGE GRANTS**

- Citizens Advice Bureau (CAB)

Liz Shaw of the Citizens Advice bureau provided an overview of activities undertaken by the CAB in Congleton and pointed out that they have drop in sessions on Tuesday, Wednesday and Friday mornings, as well as appointments with specialist caseworkers.  
The top 5 enquiry areas are debt, employment, housing, relationships and benefits.

- Congleton Community Projects

Jo Money provided an update on the projects being undertaken by Congleton Community Projects, illustrating that the activities of Community Projects dovetailed in with the Town Council's Business Plan.  
Many of the events currently enjoyed in the Town are produced by Congleton Community Projects which include the Christmas Lights Switch On, the Food and Drink Festival, the Jazz and Blues festival and others.

- The Congleton Partnership

Steve Foster of The Congleton Partnership illustrated the enormous number of projects that have been undertaken successfully by The Partnership and pointed out that without support from the Town Council, The Partnership would have a funding deficit of £23,396 in 2015-16.

In the period Jan-Sept 2014, volunteers contributed 2100 hours to events and projects in the Town.

### **6. GRANT APPROVALS AND COMMITMENTS**

A summary of grant approvals and commitments was considered by the Committee and it was noted that £11,094 is available for grants in 2014-15.

**FAP/33/1415 RESOLVED** that the grant summary be received.

**7. NEW APPLICATIONS FOR FINANCIAL ASSISTANCE**

**FAP/34/1415 RESOLVED that:-**

**i. GR 18/1415 – Congleton Choral Society**

A grant of £250 to be approved.

**ii. GR 19/1415 – Congleton Harriers**

A grant of £250 be approved, subject to the Town Council being able to nominate where any charitable donations are distributed to, to the value of £250

**8. NEW GRANT ACTIVITIES MONITORING FORMS**

There are no new Grant Activities Monitoring forms.

**9. LETTERS OF THANKS**

Letters of thanks were received from St Peter's Church and Congleton Building Preservation Trust.

**10. MANAGEMENTS ACCOUNTS FOR APRIL 2014 – OCTOBER 2014**

**FAP/35/1415 RESOLVED** that the Managements Accounts for October 2014 be received.

**11. BANK RECONCILIATION**

**FAP/36/1415 RESOLVED** that the bank reconciliation for October 2014 be approved.

**12. LIST OF PAYMENTS**

**FAP/37/1415 RESOLVED** that the Payments List between 1<sup>st</sup> to the 31<sup>st</sup> October 2014 be approved.

**13. THE CONGLETON PARTNERSHIP**

The Committee considered a request from The Congleton Partnership to release the funds earmarked for them for this financial year.

**FAP/38/1415 RESOLVED** that the funds ear marked in 2014-15 for The Congleton Partnership amounting to £14,000 be released.

**14. VALE ALLOTMENTS**

Peter Aston of the Sustainability Group provided an update on the proposal to acquire Vale Allotments. The Community Right to Buy gives the group an option to make an offer for the Allotments up until 25<sup>th</sup> April 2015, but, the owner has the right to reject any such offer. The group is in the process of raising funds and will hope to make an offer via Beartown Foods.

**FAP/39/1415 RESOLVED** that the Town Council support the aspirations of the group and encourage them to request group support for the project from the Town Council.

#### **15. AMENDMENT TO FINANCIAL REGULATIONS**

This item was withdrawn to allow time for the Working Group to consider some further amendments.

#### **16. SIMNET**

The Town Clerk provided a verbal report on the current situation with SimNet, whose proprietor has stated that he is working hard to ensure the unit ordered is supplied early in the New Year.

#### **17. BUDGET 2015-16**

The draft budget for 2015-16 was considered. The Town Clerk pointed out that the Rate Support Grant had been reduced less than previously notified by Cheshire East Council.

In addition, there had been a refund from Cheshire East Council for some of the overspend in horticultural supplies.

The effect of this was to reduce the shortfall in the budget from £28,735 to £15,676.

**FAP/40/1415 RESOLVED** that the budget be recommended for approval in the Town Council meeting with the following amendments:-

1. £15,676 to be absorbed into efficiency savings in the budget.
2. Precept payable by rate payers to be kept to a zero increase.

Mr. G.R. Edwards  
Chairman



## CONGLETON TOWN COUNCIL

### MINUTES OF THE MEETING OF THE FINANCE AND POLICY COMMITTEE HELD ON THURSDAY 8<sup>th</sup> January 2015

#### **PRESENT**

#### Councillors

G Baxendale  
R I Brightwell  
J S Crowther  
G R Edwards (Chairman)  
Mrs. S A Holland  
D A Parker  
Mrs J D Parry (Vice Chairman)  
N T Price  
Mrs E Wardlaw

#### **1. APOLOGIES**

Apologies for absence were received from Cllrs P Bates, D T Brown L D Barker and D Murphy.

Apologies were also received from Cllrs G P Hayes and G S Williams who are not members of this particular Committee.

#### **2. MINUTES**

**FAP/41/1415 RESOLVED** that the Minutes of the Meeting of the Committee held on 4<sup>th</sup> December 2014 be agreed and signed by the Chairman.

#### **3. DECLARATIONS OF INTEREST**

Members are requested to declare both "pecuniary" and "non-pecuniary" interests as early in the meeting as they become known.

Cllr G Baxendale declared a non-pecuniary interest in any items relating to Cheshire East Council.

Cllrs R Brightwell and Mrs E Wardlaw declared a pecuniary interest in item 6 (i) and left the room when this issue was discussed.

#### **4. OUTSTANDING ACTIONS**

There are no outstanding actions.

#### **5. GRANT APPROVALS AND COMMITMENTS**

A summary of grant approvals and commitments was considered by the Committee and it was noted that £10,594 is available for grants in 2014-15.

**FAP/42/1415 RESOLVED** that the grant summary be received.



**6. NEW APPLICATIONS FOR FINANCIAL ASSISTANCE**

**FAP/43/1415 RESOLVED that:-**

**i. GR 20/1415 – Team Congleton**

A grant of £2000 be approved.

**ii. GR 21/1415 – Dane Valley Scout Group**

A grant of a maximum of £1400 be approved to cover the purchase and installation of a defibrillator.

**7. NEW GRANT ACTIVITIES MONITORING FORMS**

Grand Activities Monitoring Forms were received from Open Space and Congleton Choral Society.

**8. LETTERS OF THANKS**

It was noted that a letter of thanks was received from Congleton Choral Society and St Peter's Church.

**9. MANAGEMENTS ACCOUNTS FOR APRIL 2014 – NOVEMBER 2014**

**FAP/44/1415 RESOLVED that** the Managements Accounts for November 2014 be received.

**10. BANK RECONCILIATION**

**FAP/45/1415 RESOLVED that** the bank reconciliation for November 2014 be approved.

**11. LIST OF PAYMENTS**

**FAP/46/1415 RESOLVED that** the Payments List between 1<sup>st</sup> to the 30<sup>th</sup> November 2014 be approved.

**12. AMENDMENT TO FINANCIAL REGULATIONS**

A considerable discussion took place on the necessity of amending the Financial Regulations recommended by the working group set up to examine this issue.

**FAP/47/1415 RESOLVED that** the amendment of the Financial Regulations which included additional clauses 12.4 to 12.7 be approved.

**13. SIMNET**

A report on the latest situation regarding SimNet and the supply of the Digital Display Unit was considered along with 3 possible courses of action, which included, continuing a dialogue with the company, taking action to wind the company up or action to recover the debt.

**FAP/48/1415 RESOLVED that** the Clerk seek legal advice to determine whether an act of fraud has been committed by SimNet in not supplying the Unit.

In the first instance Cllr L Barker will be contacted to ascertain whether he can provide such advice directly or through his network.

#### **14. CONGLETON POLICE**

A request from Congleton Police to fund the purchase of a Mosquito Device was considered. Additionally Suzie Akers-Smith, a resident, spoke against installing such a device expressing concern at the potential harmful effects of these devices on young children.

**FAP/49/1415 RESOLVED** that the request for financial support for the Mosquito device be refused.

#### **15. TOWN COUNCIL WEBSITE**

A report on a proposal to update the Town Council website to make it mobile phone and IPAD compatible was considered.

**FAP/50/1415 RESOLVED** that the proposal be approved in principle, but, the costs and intended supplier, when known, would need to be approved by the Committee.

#### **16. CORPORATE BUSINESS PLAN AND RISK ASSESSMENT**

The Corporate Business Plan and Risk Assessment for 2015-16 was considered.

**FAP/51/1415 RESOLVED** that the Corporate Business Plan and Risk Assessment for 2015-16 be approved.

#### **17. MEDIUM TERM FINANCIAL STRATEGY**

The Medium Term Financial Strategy for the period 2015-19 was discussed. It was pointed out that the Town Council was only forecasting very modest increase in costs and the precept in the next 4 years.

**FAP/52/1415 RESOLVED** that the Medium Term Financial Strategy for the 2015-19 be approved.

#### **18. BUSINESS RISK ASSESSMENT**

The Business Risk Assessment covering the next financial year was considered.

**FAP/53/1415 RESOLVED** that the Business Risk Assessment for 2015 be approved.

Mr. G.R. Edwards  
Chairman



## CONGLETON TOWN COUNCIL

### MINUTES OF THE MEETING OF THE COMMUNITY, ENVIRONMENT AND SERVICES COMMITTEE HELD ON THURSDAY 13<sup>TH</sup> NOVEMBER 2014

PRESENT: Councillors

P Bates  
G Baxendale  
R I Brightwell  
J S Crowther  
G P Hayes  
Mrs A M Martin  
Mrs J D Parry  
N T Price  
Mrs E Wardlaw

#### 1. APOLOGIES.

Apologies for absence were received from Cllrs D T Brown, G R Edwards and G S Williams.

#### 2. MINUTES OF LAST MEETING

**CES/36/1415 RESOLVED** that the minutes of the meeting held on the 2<sup>nd</sup> October 2014 were confirmed as a correct record and signed by the Chairman.

#### 3. DECLARATIONS OF INTEREST

Members are requested to declare both "pecuniary" and "non-pecuniary" interests as early in the meeting as they become known.

Cllrs G Baxendale declared a non-pecuniary interest in any matters related to Cheshire East Borough Council.

Cllr Mrs E Wardlaw declared a non-pecuniary interest in item 18.

#### 4. FLORAL ARRANGEMENT WORKING GROUP

**CES/37/1415 RESOLVED** that the minutes of the meeting held of the Floral Arrangement Working Group meeting held on the 27<sup>th</sup> August and 21<sup>st</sup> October 2014 be received.

#### 5. OUTSTANDING ACTIONS

None.

## **6. COMMUNITY PRIDE & IN BLOOM COMPETITIONS**

A report produced by the Town Centre Manager concerning entering the Community Pride and North West in Bloom competitions in 2015 was considered.

**CES/38/1415 RESOLVED that:-**

1. Congleton enters the Community Pride Awards and North West in Bloom Competition in 2015.
2. A thank you event is organised for the volunteers who helped the Town achieve the awards.

## **7. CCTV IN CONGLETON**

Correspondence from Steph Cordon, Head of Committees at Cheshire East Borough Council concerning CCTV provision in the Town and a request for a 3 year agreement of its provision was discussed.

**CES/39/1415 RESOLVED that:-**

1. An agreement for Cheshire East Borough Council to provide CCTV for 3 years be approved.
2. Contribution cost to be £9,250 which is index linked.

## **8. LOCAL COUNCIL CEC AND CHALC CHARTER**

A local Council Charter between Cheshire east Council CHAL and the local councils was considered.

**CES/40/1415 RESOLVED that** the new proposal charter be received and noted.

## **9. PELICAN CROSSING OUTSIDE CONGLETON HIGH SCHOOL**

A request to install a pedestrian crossing directly outside the High School in Box Lane was considered. It was also pointed out that other schools in the Town may also require similar facilities.

**CES/41/1415 RESOLVED that:-**

1. The Committee support the notion of introducing a crossing immediately outside the High School.
2. Request the provision of this facility via "Safer Route to School" and Strategic Highways.

#### **10. BROOK STREET CROSSING**

Correspondence from Cllr D Topping concerning the proposed crossing at Brook Street was considered.

**CES/42/1415 RESOLVED** that the proposal by Cheshire East Council to undertake an initial assessment of need in the area be approved, but, it should be emphasised that such assessments should be extensive and undertaken at appropriate times.

#### **11. CAR PARKING CHARGES AT THE WAR MEMORIAL HOSPITAL**

A considerable discussion took place in respect of the car parking charges being introduced at the War Memorial Hospital. Concern was expressed at the lack of consultation on this issue and of the excessive level of charge.

**CES/43/1415 RESOLVED that:-**

1. The Town Clerk to write to the Health & Adult Care Scrutiny Committee expressing concern at the lack of consultation by East Cheshire NHS Trust and of the excessive level of charge.
2. Councillors to be encouraged to attend the next meeting of the Health & Adult Care Scrutiny Committee and the meeting to be held at the War Memorial Hospital on 24<sup>th</sup> November 2014. Town Clerk to advise all Councillors of these meetings.

#### **12. CAR PARKING CHARGES QUESTIONNAIRE**

The Committee considered the questionnaire responses and report on car parking charges in Congleton.

**CES/44/1415 RESOLVED** that the request to Cheshire East Council to introduce two hours free parking in all car parks in the Town be approved.

#### **13. VALE ALLOTMENTS**

During a discussion on Vale Allotments, it was noted that Congleton Sustainability Group had successfully applied to have the Allotments designated as a Community Asset and were now raising funds to acquire the site.

**CES/45/1415 RESOLVED that:-**

1. This matter is referred to the next meeting of the Finance & Policy Committee.
2. The cost of acquiring the land to be identified.

#### **14. CONGLETON WATER TREATMENT WORKS**

Correspondence from United Utilities relating to the smell emanating from the waste water treatment works in Congleton was considered.

**CES/46/1415 RESOLVED** that United Utilities to be requested to monitor any smells emanating from the works over a reasonable amount of time and to provide feedback to the Town Council on their findings.

## **15. UNATHORISED TRAVELLER ENCAMPMENTS AND POLICIE SUPPORT**

Correspondence from Cheshire Police confirming that a dedicated police officer to look after traveller affairs was put in place on 4<sup>th</sup> September 2014.

**CES/47/1415 RESOLVED** that the correspondence be received.

## **16. FOOD AND DRINK FESTIVAL**

A report produced by Jo Money on the outcome and success of the Food and Drink Festival was considered.

**CES/48/1415 RESOLVED that:-**

1. The report be received.
2. The organisers to be thanked for putting on a great event.

## **17. CHRISTMAS PARTY**

The notion of putting on a Christmas Party for aged residents was discussed, although it was noted that it may be more effective for small groups to apply for funding to put on their own local Christmas Party.

**CES/49/1415 RESOLVED** that the matter be referred to the next meeting of the Community, Environment and Services Committee.

## **18. MOUNTVIEW CARE**

A considerable discussion took place on the latest proposal agreed by Cheshire East Council Cabinet to operate a Partnership Agreement with Mountview and Congleton College. This agreement would secure day care provision at Mountview whilst providing an opportunity for young people to receive training and gain employable skills.

Concern though was expressed at the lack of respite care in the Town.

**CES/50/1415 RESOLVED that:-**

1. The Town Clerk write to Cllr Janet Clowes, Care and Health in the Community Portfolio Holder, to explain why there was no consultation with the Town Council concerning the change in status and use of the home.
2. The Town Clerk to request an explanation of what provision Cheshire East Council are going to make for respite care in the Town.

P Bates  
Vice Chairman (In the Chair)





## **Congleton Town Council**

Minutes of the meeting of the Youth Committee held on Tuesday 27<sup>th</sup> January 2015 in the Town Hall, Congleton

PRESENT Youth Councillor Joseph Hearson (Chairman)  
Jamie Bernardi  
Matthew Jones  
Tom Heyes  
Thomas Minshull  
Bella Statham  
  
Councillor George Hayes  
Councillor Larry Barker  
Linda Minshull

### **1. APOLOGIES**

Apologies were received from Sophie Hammond, Arabella Holland, Zak Roberts and Councillors Sally Holland and Liz Wardlaw.

### **2. MINUTES OF LAST MEETING**

**RESOLVED** – That the Minutes of the Meeting of the Committee held on 4<sup>th</sup> December 2014 were signed by the Chairman as a correct record.

### **3. YOUNG PERSON'S REPORT 2014**

George stated that he is researching a job/careers fair and will report back when he has more information.

Linda updated on correspondence from Harriet and discussed convenient dates for a meeting regarding transport. Linda will contact Harriett to organise the meeting and will forward the dates to members.

### **4. WEBSITE**

Joe and Matt updated on a meeting they had with Nathan. It was agreed that we would invite Nathan to our next meeting to discuss technical details of the site and suggestions for any changes.

There was a discussion about an Assistant Web Designer and this will be discussed with Nathan at the next meeting.

### **5. YOUTH COMMITTEE BANK ACCOUNT**

It was reported that the balance is £488.92.

6. **YOUTH COMMITTEE MEMBERS ITEMS**

Jeanne Whitehurst Fellowship

It was agreed that we would promote the award again this year. Linda agreed to speak at the Youth Forum about the award. Linda will also order the trophy.

Cadet

Linda updated the members that we will be appointing a Cadet for the next civic year.

Prospective New Member

Linda updated the Committee that she has been contacted from someone interested in joining. It was agreed that Linda will invite them to our next meeting.

Mayor's Ball

Invitations to the Mayor's Ball have been forwarded to members and Linda asked for replies to be confirmed as soon as possible.

Civic Service

Linda confirmed that the Civic Service will be on 7<sup>th</sup> June 2015 at 3 p.m. at St. Peter's Church.

7. **DATE OF NEXT MEETING**

Monday 23<sup>rd</sup> February 2015 at 7 p.m.

Joseph Hearson (Chairman)



## **Congleton Town Council**

Minutes of the meeting of the Youth Committee held on Monday 23<sup>rd</sup> February 2015 in the Town Hall, Congleton

PRESENT Youth Councillor Joseph Hearson (Chairman)

Jamie Bernardi

Matthew Jones

Tom Heyes

Sophie Hammond

Arabella Holland

Bella Statham

Zak Roberts

Councillor Sally Holland

Councillor Larry Barker

Councillor Liz Wardlaw

Linda Minshull

Prospective New Member Jade Allen

Nathan Davies

Ben Davies

### **1. APOLOGIES**

Apologies were received from Thomas Minshull and Councillor George Hayes.

### **2. MINUTES OF LAST MEETING**

**RESOLVED** – That the Minutes of the Meeting of the Committee held on 27<sup>th</sup> January 2015 were signed by the Chairman as a correct record.

### **3. PRESENTATION OF A DONATION**

Councillor Sally Holland presented a cheque of £150 from her Mayoral Charity fund to the Chairman. This is to be used to provide basketball hoops as identified in the Young Persons Report 2014. Linda will arrange a meeting to discuss progressing this item.

### **4. PREVIEW OF A COMMUNITY ACTIVITY PROGRAMME**

Councillor Robbie Brightwell and Mrs Ann Brightwell gave a presentation on a walking programme to improve the health and fitness of all.

This initiative is known as 'Every Step Counts' and will be launched in May.

The Chairman thanked Councillor and Mrs Brightwell for the presentation and it was agreed that the Committee would support the campaign in any way they can. Linda will keep the Committee updated with specific dates.

5. **WEBSITE**

Nathan Davies presented the Committee with technical and development reports on the Website. He also introduced his brother, Ben Davies, who is interested in volunteering to help the Committee with the Website as Assistant Web Developer.

A long discussion took place regarding ownership of the site, volunteers and the Youth Committee Constitution.

RESOLVED – Linda will arrange a meeting with the Town Clerk, Chairman and Link Councillors to discuss this item in more detail.

6. **YOUNG PERSON'S REPORT 2014**

This item was deferred until the next meeting.

7. **YOUTH COMMITTEE BANK ACCOUNT**

It was reported that the balance is £488.92.

8. **YOUTH COMMITTEE MEMBERS ITEMS**

Jeanne Whitehurst Fellowship

Linda reported that she had not yet received any nominations. Linda confirmed that she had promoted the initiative at the last Youth Forum meeting and encouraged members to promote in the schools.

Crewe Town Council

Joe informed the Committee that he had been invited to a meeting at Crewe Town Council to advise on the Youth Committee.

New Member

Joe asked Jade to contact Linda about joining the Committee and suggested she would be welcome to attend another meeting as an observer if she would prefer.

9. **DATE OF NEXT MEETING**

Tuesday 24<sup>th</sup> March 2015 at 7 p.m.

Joseph Hearson (Chairman)



# **Congleton Town Council**

## **Complaints Policy**

### **1. The Importance of Complaints**

- 1.1 Complaints are valuable because they provide a chance to put things right if there has been an error, and to make sure that the same mistake is not repeated.
- 1.2 It is essential that complaints be dealt with positively. The Town Council is anxious to hear people's comments and committed to making full use of complaints information to contribute to continuous service improvement. Important information about areas for improvement can be obtained both from a single complaint and from patterns of complaints, highlighted by detailed monitoring.

### **2. Definition of a Complaint**

- 2.1 A complaint is any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Town Council, Councillors, or its staff which affects an individual person or group.

#### **2.2 What the complaints procedure will deal with:**

The complaints procedure will deal with matters of maladministration, which is if the Town Council does something the wrong way, fails to do something it should do or does something it should not do. Some examples include:

- neglect or unjustified delay
- malice, bias, or unfair discrimination
- failure to tell people their rights
- failure to provide advice or information when reasonably requested
- providing misleading or inaccurate advice
- inefficiency, ineffectiveness, bad and unprofessional practice or conduct

#### **2.3 What the complaints procedure will not deal with:**

- complaints for which there is a legal remedy or where legal proceedings already exist

- Complaints about employment matters – the Town Council operates alternative procedures to deal with grievances/complaints or disciplinary matters against staff as outlined in the Employee Handbook.

### **3. Equal Opportunities**

- 3.1 The Town Council is committed to equal opportunities. Complaints feedback will be used to highlight discriminatory practices, and to promote equality of opportunity.
- 3.2 Complaints by members of the public of discrimination and/or harassment against the Town Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

### **4. Complaints Officer**

- 4.1 The Complaints Officer for the Town Council is the Support Manager. The main duties are:
  - (i) The day-to-day operation and management of the procedure, including providing a reference point for staff queries on informal complaints.
  - (ii) To oversee, and undertake where necessary, the investigation of formal complaints at the first stage, within the relevant time scales.
  - (iii) To maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.
  - (iv) To provide a six monthly analysis of the type, category and number of formal complaints received by the Town Council.
  - (v) To identify improvement points arising from any complaints.
- 4.2 Certain types of complaint should be referred directly to the Town Clerk. Those to be dealt with by the Town Clerk will include complaints about the Support Manager. Should there be any complaints about individual Town Councillors, these must be dealt with in writing in the first instance and addressed to the Town Clerk and will then be considered by the Complaints Panel. This does not preclude, as an option, any complaint being directly referred to the Monitoring Officer of Cheshire East Borough Council or the Standards Board for England.



## **5. Stages of the Procedure**

- 5.1 The stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within.
- 5.2 It is vital however, that the Town Clerk remains clear of the process, until required at any second stage to ensure that their contribution is completely independent.

### **Everyday problems, queries and comments**

- 5.3 The Council receives queries, problems and comments as part of its day-to-day running, and they should not all be regarded as complaints. These are routine and expected and are generally resolved quickly to the complainant's satisfaction.
- 5.4 If someone is dissatisfied with the original service or response they received and wishes to take the matter further then the issue should be recognised as a complaint.

### **Informal Complaint**

- 5.5 During the course of daily business, minor complaints are made to officers about the services we provide. The Support Manager will usually deal with these.
- 5.6 It is not appropriate for every comment to be treated as a formal complaint. Every effort should be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision.

### **Formal Complaint (Stage 1)**

- 5.7 A complainant may wish to make a formal complaint directly, or may be unsatisfied with the outcome of an informal complaint and may wish to take the matter further. This will be recorded as a complaint and passed to the appropriate officer to investigate.

Timescales                      Investigation completed – 21 working days  
or Progress Reports issued – 21 working day intervals

Investigating Officer: Support Manager/Appropriate Officer

## **Review of Investigation and Complaint (Stage 2)**

- 5.8 If the complainant is not satisfied with the Investigating Officer's response, they should be advised of their right to have the complaint referred to the Town Clerk who will review the complaint. This must be done within four weeks of the Support Manager's reply.

Timescales: Investigation completed – 14 working days  
or Progress Reports issued – 14 working day intervals

Investigating Officer: Town Clerk

## **Complaints Panel (Stage 3)**

- 5.9 If the issue remains unresolved, the complainant should be notified of his or her right to have the matter referred to a panel to consist of any three councillors with no prejudicial interest. This must be done within four weeks of the Town Clerk's reply. The outcome of all formal complaints dealt with by the Complaints Panel will be reported to the Personnel Committee.

Timescales: Panel convened within 14 working days  
Investigation completed – 14 working days thereafter  
or Progress Reports issued – 14 working day intervals

Investigating Body: Complaints Panel

## **6. Unreasonable and Vexatious Complaints (see appendix A)**

- 6.1 There will be circumstances when a complainant persists in wishing to proceed when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken.
- 6.2 These matters should be referred to the Town Clerk with a summary of the issues and of the attempts made to resolve the complaint. The Town clerk may, in such circumstances, decide that no further action can usefully be taken in response to the complainant, and inform the complainant so, making it clear that only new and substantive issues will merit a response.

## **7. Anonymous Complaints**

- 7.1 Anonymous complaints should be referred to the Town Clerk, and may be dismissed at his discretion, according to the type and seriousness of the allegation.

**8. Resolution and Remedies**

- 8.1 The aim in dealing with all complaints is to reach a resolution for the complainant, whether it is the remedy they were originally seeking or not. Where a complaint is found to be at all justified, consideration may need to be given to the question of an appropriate remedy (the Town Clerk to make any final decision regarding remedy). An explanation or an apology will always be needed.

**9. Contacts**

**Congleton Town Council**

Town Hall  
High Street  
Congleton  
Cheshire CW12 1BN

**Mr B Hogan**

Town Clerk  
e-mail:  
bh@congletoncouncil.co.uk  
Tel: 01260 270350

**Mrs J Potts**

Support Manager  
e-mail:  
jp@congletoncouncil.co.uk  
Tel: 01260 270350

## **Appendix A – Guidelines for dealing with unreasonable and unreasonably persistent complainants**

This policy provides guidance on how the Council will decide which complainants will be considered unreasonable and unreasonably persistent complainants, and what actions the Council could take in these circumstances.

### **Definition of unreasonable and unreasonably persistent complainants**

The Local Government Ombudsman defines unreasonable and unreasonably persistent complainants as **those complainants who, because of the frequency or nature of their contacts with an authority, hinder the Council's consideration of their or other people's complaints.**

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants:-

1. Refusing to specify the grounds of a complaint, despite offers of assistance with this from the Council's staff.
2. Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
3. Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
4. Having insufficient or no grounds for their complaint and making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
5. Refusing to accept that the complaint is not within the remit of the Council, and they have no power to influence or change
6. Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
7. Making what appear to be groundless complaints about staff or staff dealing with the complaint, and seeking to have them replaced.
8. Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
9. Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
10. Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.

11. Adopting a 'scattergun' approach: pursuing a complaint or complaints with the Council and, at the same time, with a Member of Parliament / a councillor / the Monitoring Officer / the Standards Board / local police / solicitor.
12. Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.
13. Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
14. Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.



# **CONGLETON TOWN COUNCIL**

## **FINANCIAL REGULATIONS**

These Financial Regulations were adopted by the Council at its Meeting held on 8<sup>th</sup> March 2012. They replace the Version of 19<sup>th</sup> April 2006 and the most recent amendments of 14<sup>th</sup> May 2009 and 3<sup>rd</sup> June 2010.

For the purpose of these Regulations, the Support Manager is the Council's Responsible Financial Officer (RFO). Other officers may act for the Town Clerk or RFO, only in accordance with the Council's Scheme of Delegation.

### **1. GENERAL**

- 1.1 These Financial Regulations govern the conduct of the financial transactions of the Council and may only be amended or varied by resolution of the Council.
- 1.2 The RFO under the policy direction of the Council shall be responsible for the proper administration of the Council's financial affairs.
- 1.3 The RFO shall be responsible for the production of financial management information.
- 1.4 The Council shall be responsible for ensuring that the financial management is adequate and effective and that the Council has a system of internal controls which facilitates the effective exercise of its functions and which manages risk.
- 1.5 The Council shall review at least once a year the effectiveness of its systems of internal controls and shall produce a statement on internal control with its statement of accounts.

### **2. ANNUAL ESTIMATES**

- 2.1 Each Committee shall formulate and submit proposals to the Council in respect of revenue and capital costs for the following financial year not later than the end of December each year.
- 2.2 Detailed estimates of all income and expenditure for the year shall be prepared each year by the RFO in conjunction with the Town Clerk.
- 2.3 The Council shall review the estimates not later than the end of January each year and shall fix the Precept to be levied for the ensuing financial year. The RFO shall supply each member with a copy of the approved estimates and the Town Clerk will produce an overview Budget Report relating to the proposed business of the Council.
- 2.4 The annual budgets shall form the basis of financial control for the ensuing year.
- 2.5 The Council shall prepare and have regard to a Medium Term Financial Strategy of Revenue and Capital needs which shall be available at the same time as the annual Budget and Estimates.
- 2.6 The annual budget and if appropriate the Medium Term Forecast, shall form part of the Council's Business plan.

### **3. BUDGETARY CONTROL**

- 3.1 Expenditure on revenue and capital items shall normally be limited to the amounts included in the approved budget.
- 3.2 In the event of a budget provision being exceeded, the Town Clerk will advise the Council or Finance and Policy Committee at the earliest opportunity.
- 3.3 Variations in revenue expenditure may be dealt with as follows:
- a) For variations of up to 25%, subject to a maximum of £1000, the Town Clerk or RFO may approve a virement between budgets. This must be reported to the next meeting of Finance & Policy Committee.
  - b) For variations of up to 25%, subject to a maximum of £5000, the Finance & Policy Committee may approve a virement between budgets. This must be reported to the next meeting of Council.
  - c) Variations above 25%, or greater than £5000, must be approved by Council.
  - d) If virement between budgets is not possible, Council must be requested to approve a supplementary budget, which is to be financed from Reserves.
- 3.4 The RFO shall regularly provide the Finance & Policy Committee with a statement of income and expenditure to date under each head of the budgets, comparing actual expenditure against that planned. Copies of these reports must be available to all Members of Council.
- 3.5 The Town Clerk or RFO (when possible in consultation with the Chairman or Vice-Chairman of the Finance & Policy Committee) may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1000. The RFO shall report the action to the Council as soon as practicable thereafter.
- 3.6 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year, but may be reserved where the sum has been approved and the expenditure is likely to be spent in the next financial year.
- 3.7 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- 3.8 All capital works shall be administered in accordance with the Council's Standing Orders, Standing Orders for Contracts and Financial Regulations.
- 3.9 Variations up to 5% or £2000 in the budget of a Capital Scheme may be approved by the Town Clerk, subject to being reported to the next Finance & Policy Committee.
- 3.10 Variations up to 10% or £5000 in the budget of a Capital Scheme may be approved by the Finance & Policy Committee, subject to being reported to the next Council meeting.



- 3.11 For other variations in the budget of a Capital Scheme, the approval of Council is required. In the case of all variations, an attempt must be made to find compensating savings in the Project or in other capital projects.

#### **4 ACCOUNTING AND AUDIT**

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit Regulations 2003 and 2006, and any subsequent amendments thereto.
- 4.2 The RFO shall be responsible for completing the annual financial statements of the Council as soon as practicable after the end of the financial year and shall submit and report thereon to the Council.
- 4.3 The RFO shall be responsible for completing the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and for submitting the Annual Return for approval and authorisation by the Council within the timescale set by the Accounts and Audit Regulations appertaining at the time or set by the Auditor.
- 4.4 The RFO shall be responsible for ensuring that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with Regulation 5 of the Accounts and Audit Regulations 2003 & 2006 and any subsequent amendments thereto. Any member of the Council shall, if the Town Clerk, RFO or Internal Auditor requires, make available such documents of the Council which appear to the Town Clerk, RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the Town Clerk, RFO or Internal Auditor with such information and explanation as they consider necessary for that purpose.
- 4.5 The Council shall carry out a review of the effectiveness of internal audit on an annual basis in accordance with the Accounts and Audit Regulations 2003 and 2006, and any subsequent amendments thereto
- 4.6 The Internal Auditor shall carry out the work required by the Town Clerk and RFO, or by the Council, with a view to satisfactory completion of the Internal Auditor's Report section of the Annual Return as compiled annually by the Audit Commission. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing on a regular basis with a minimum of one annual report in respect of each financial year.
- 4.7 The RFO shall make arrangements for the opportunity for inspection of the accounts, books and vouchers required by the Audit Commission Act 1998 section 15 and the Accounts and Audit Regulations 2003 and 2006, and any subsequent amendments thereto.
- 4.8 The RFO shall, as soon as practicable, bring to the attention of all Councillors any correspondence or report from the Internal or External Auditors, unless the correspondence is of a purely administrative matter.

## **5. BANKING ARRANGEMENTS AND CHEQUES**

- 5.1 The Council's banking arrangements shall be made by the RFO and approved by the Council. They shall be regularly reviewed for efficiency.
- 5.2 A schedule of the payments made or required, forming part of the Agenda for the Meeting, shall be prepared by the RFO and be presented to the Finance and Policy Committee. Relevant invoices shall be available to Members as background documents. If the schedule is in order it shall be authorised by a resolution of the Council and shall be initialled by the Chairman of the Meeting. If more appropriate the detail may be shown in the Minutes of the Meeting.
- 5.3 Cheques drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 or in accordance with paragraph 6.4 shall be signed by two nominated members of the Council.
- 5.4 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.
- 5.5 When ordering goods on the internet, a Council credit card can be used by the Town Clerk or RFO (Responsible Financial Officer) only. Such purchases are limited to £200 in any one transaction. Purchases in excess of £200 can only be made in the presence of a Councillor signatory who will countersign the purchase order printed off.
- 5.6 The Council credit card will have a limit of £1,000 in a calendar month, with balances being cleared at the end of each month. Credit card statement to be countersigned by two Councillor Signatories.
- 5.7 The RFO must arrange monthly reconciliations of the Council's bank accounts with the Accounts System.
- 5.8 Only the Council may arrange overdraft facilities.

## **6. PAYMENT OF ACCOUNTS**

- 6.1 All general budgets such as salaries, equipment, training, maintenance etc. do, once approved confer the power to spend, subject to the provisions of these Financial Regulations. Other more specific budgets relating to projects or Grant budgets only have approval in principle and formal approval is required following consideration of the details of the project or grant application.
- 6.2 Expenditure on general budgets with spending power may be authorised by:
  - a. Salaries in accordance with the Budget by the RFO
  - b. Up to £5000 by the Town Clerk or in accordance with the Scheme of Delegation.
  - b. Up to £10,000 by Finance & Policy Committee
  - c. Above £10,000 by Council

Grants may only be authorised in accordance with the Council's Scheme of Delegation and Grants Policy.

Expenditure under other specific budgets may only be authorised in accordance with the Council's Scheme of Delegation.

- 6.3 All payments shall be effected by cheque or other order drawn on the Council's bankers (save and except for petty cash items).
- 6.4 All invoices and expense claims for payment shall be examined, verified and certified by the RFO or Town Clerk. The Town Clerk/RFO shall satisfy themselves that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved. Any claims by the Town Clerk shall be examined, verified and certified by the RFO and any claims by the RFO shall be examined, verified and certified by the Town Clerk.
- 6.5 The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The RFO shall take all steps to settle all invoices submitted, and which are in order, without unreasonable delay, and at any rate to take advantage of any early payment discounts.
- 6.6 Where the RFO is satisfied that there is no dispute or other reason to delay payment, he/she may take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of the Council.
- 6.7
- a) The RFO may maintain a petty cash float of up to £200 for the purpose of defraying operational and other expenses. Vouchers for payment 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 on the schedule of payments presented to Council under 5.2 above.
  - d) Where the Council operates the Town Hall Bar Service directly, the RFO (or other delegated officer) may maintain a bar cash float of up to £1000, for the purpose of operating the Town Hall Bar efficiently. The float must be operated and cash handled in strict accordance with the Town Hall-Licensed Bar operating procedure.

## **7. PAYMENT OF SALARIES**

- 7.1 The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salaries shall be as agreed by Council or its Personnel Committee.
- 7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, National Insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates, provided that each payment is reported to and ratified by the next available Council Meeting.

## **8 LOANS AND INVESTMENTS**

- 8.1 All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.2 The Council's Investment Policy, shall be in accordance with the Trustee Act 2000, and shall be reviewed on a regular basis, at least annually and shall be considered along with the Medium Term Financial Strategy.

- 8.3 All investments of money under the control of the Council shall be in the name of the Council.
- 8.4 All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by the Council as to terms and purpose.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the Town Clerk.

## **9. INCOME**

- 9.1 The collection of all sums to the Council shall be the responsibility of and under the supervision of the RFO. Income cheques must be paid in to the Council's appropriate accounts without delay.
- 9.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 9.3 The Council will review all fees and charges annually, following a report of the Town Clerk or RFO.
- 9.4 All efforts shall be made to recover any monies owed to the Council. Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year that this conclusion is reached.
- 9.5 All sums received on behalf of the Council shall be banked intact as directed by the RFO. 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 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 the person banking such cash.

## **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. Verbal orders may be given in appropriate cases but should be confirmed in writing, by fax if necessary. Goods may be ordered over the internet if appropriate; however a printed confirmation must be obtained. Copies of orders shall be retained and all orders entered on to the Order summary sheet.
- 10.2 Order books shall be controlled by the RFO.

10.3 All Members and officers are responsible for obtaining value for money at all times. An officer issuing an official order is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to the Standing Orders for Contracts or any de minimis provisions in Regulation 11.2 below.

10.4 The Town Clerk or 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 All orders for work, goods and services are subject to these Financial Regulations except as set out in 11.2. However their regulation by the Council's Standing Orders for Contracts is dependant on the value;

- (a) Orders up to the value of £2000 are not subject to the Standing Orders for Contracts, however orders for work, goods and services which would normally be considered to be one transaction shall not be divided into different orders so that the Standing Orders for Contracts are deemed not to apply.
- (b) Orders for contracts estimated to have a value of between £2001 and £25,000 are subject to the Standing Orders for Contracts; however tenders need not be invited. 3 quotations are required however.
- (c) Tenders are required where the Contract sum is £25,001 and above and must comply with the Standing Orders for Contracts.

11.2 Procedures as to contracts are laid down as follows:

- (a) Every contract shall comply with these Financial Regulations, and no exceptions shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts which relate to items (i) to (vi) below:
  - (i) for the supply of gas, electricity, water, sewerage and telephone services;
  - (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
  - (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant.
  - (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council.
  - (v) for additional audit work of the external Auditor up to an estimated value of £1000 (in excess of this sum the Town Clerk shall act after consultation with the Town Mayor and Chairman of the Finance and Policy Committee of the Council).
  - (vi) for goods or material proposed to be purchased which are proprietary articles and/or are sold at a fixed price.

- (b) Where it is intended to enter into a contract exceeding £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such good, materials, works or specialist services as are excepted as set out in paragraph (a) the Town Clerk shall invite tenders from at least three firms. (See Standing Orders for Contracts)
- (c) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- (d) Such invitation to tender shall state the general nature of the intended contract and the Town 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 Town Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- (e) All sealed tenders shall be opened at the same time on the prescribed date by the Town Clerk or RFO in the presence of at least two members of the Council.
- (f) If less than three tenders are received for contracts above £25,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (g) Any invitation to tender issued under this regulation shall contain a statement to the effect of Standing Orders 65, 66 and 67.
- (h) The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

## **12. PAYMENTS UNDER CONTRACTS AND FOR ALL OTHER CAPITAL PURCHASES**

- 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 instalment the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of the work carried out under a contract, excluding agreed variations, will exceed the contract sum by 5% or more, a report shall be submitted to the Council.
- 12.3 Any variation to a contract or addition to or omission from a contract must be approved by the Council and confirmed by the Town Clerk to the Contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.
- 12.4 Any capital project of a value exceeding £10,000 will be subject to the following:-  
The Town Mayor, Deputy Mayor, Chairman and Vice Chairman of Finance and Policy to have delegated powers along with the Town Clerk to agree the financial details of the purchase of goods, including agreeing terms of payment. (At least 3 of the Councillors to be present when a decision is taken).



- 12.5 A financial search will be undertaken of the supplier's credit worthiness and financial status. The option to consider using an Advanced Payment Bond to be explored where appropriate.
- 12.6 Final payment of invoice to be dependent on ensuring the goods are fit for purpose and meet the specification set by the Town Council.
- 12.7 Purchases of a high value exceeding £25,000 should be referred to the Finance and Policy Committee for approval of terms.

### **13. STORES AND EQUIPMENT**

- 13.1 The relevant manager shall be responsible for the care and custody of stores and equipment.
- 13.2 Delivery Notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 13.3 Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4 The RFO shall be responsible for periodic checks of stocks and stores at least annually.

### **14. PROPERTIES AND ESTATES**

- 14.1 The Town Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The Town Clerk shall also ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Regulation 4(3)(b) of the Accounts and Audit Regulations 1996 as amended.
- 14.2 No property shall be sold, 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 £200.

### **15. INSURANCE**

- 15.1 Following an annual risk assessment, the Town Clerk shall affect all insurances and negotiate all claims on the Council's insurers.
- 15.2 The Town Clerk shall keep a record of all insurances affected by the Council and the property and risks covered thereby and annually review it.
- 15.3 The Town Clerk shall report to the Council at the next available meeting any loss, liability or damage or any event likely to lead to a claim.
- 15.4 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

### **16. CHARITIES**

- 16.1 Where the Council is sole trustee of a Charitable body the 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 with Charity Law and legislation, or as determined by the Charity Commission. The 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 Town Clerk shall prepare and promote risk management policy statements in respect of all activities of the Council.
- 17.2 When considering any new activity the Town Clerk shall prepare a draft Risk Management policy for the activity and shall bring a draft addressing the legal and financial liabilities and Risk Management issues that arise to Council for consideration and, if thought appropriate, adoption.

## **18. REVISION OF FINANCIAL REGULATIONS**

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

## **19. ASSET REGISTER**

- 19.1 The Town Clerk will be responsible for maintaining an Asset Register of all significant assets owned by the Council, which is to include an inventory of equipment which costs £250 or more and has a life expectancy of 5 years. The Chairman of Finance & Policy Committee will verify the asset register annually.

## **20. CAPITAL EXPENDITURE**

- 20.1 For the purpose of these procedure rules "capital expenditure" means the acquisition of land or buildings, the erection of buildings, the erection of permanent works, the purchase or vehicles, plant, machinery, equipment and furniture and any related fees, which are not financed from the Revenue budget. Items or groups of items under the value of £1,000 would not normally be classified as capital expenditure.
- 20.2 A Capital Programme will be prepared by the Town Clerk and RFO, in the annual budget cycle, showing the projects for the next three years.

## **21. GRANTS INCOME**

- 21.1 Officers should ensure that all grants and external funding income is promptly claimed and proper records and working papers are retained to justify claims.
- 21.2 The RFO must inform the Finance & Policy Committee of any new bids for grant funding.

## **22. PARTNERSHIPS**

- 22.1 A partner is defined as a private or public organization, undertaking part funding or participating as a beneficiary in a project.
- 22.2 The Town Clerk or RFO will as appropriate advise on the key elements of partnership, including:



- Effective controls that ensure that resources are not wasted.
- A scheme appraisal for financial viability in both the current and future years.
- Financial risk appraisal and management.
- Resourcing, including taxation issues.
- Audit, security and control requirements.
- Carry-forward arrangements.
- Satisfactory accounting arrangements.

22.3 The RFO will ensure that:

- All funding notified by external bodies is received and properly recorded in the authority's accounts.
- The match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- Audit requirements are met.
- Ensuring that all agreements and arrangements are properly documented.
- Ensuring that all claims for funds are made by the due date.
- Ensuring that the project progresses in accordance with the agreed plan and that all expenditure is properly incurred and recorded.

## **23 MAYOR'S CHARITY ACCOUNT**

23.1 The Council will maintain and administer two accounts on behalf of the Mayors according to their policies in being at the time. Although these are not strictly the Council's accounts they will where appropriate be administered in accordance with these Financial Regulations and be open to the scrutiny of the Audit process.



### Town Council Elections - Purdah Pre Election Period

Effectively then Purdah will commence on week beginning 23<sup>rd</sup> March as polling day is on Thursday 7<sup>th</sup> May 2015.

All publicity referring to a political party of anyone standing for election must be suspended between the notice of an election and polling day. This period, which is known as purdah, is generally six weeks.

With the exception of the Mayor, Members will not be quoted in Council media releases and requests made to Town Council Officers for media interviews with Members must be declined during this period.

During elections, no publicity must be generated which refers to any of the candidates. Providing this practice is followed, it is not necessary to follow purdah instructions.

- No publicity should be given to matters which are politically controversial
- The general presumption should be that no references will be made to individual politicians in press releases
- Great caution should be exercised before undertaking any significant media exercise unless it can be demonstrated that this was included in the forward diary before the election was called
- No photographs including candidates at the election should be issued
- Before any request for Council photographs and other materials are acceded to enquiries should be made as to the use to which they are to be put and an appropriate restriction on use imposed if the request is acceded to
- The position of a Civic Mayor as the figure-head of the authority is different and we can be more relaxed about issuing material relating to him provided that it is apolitical

Brian Hogan

19.02.15



## Election “purdah” or the pre-election period

Standard Note: SN/PC/05262

Last updated: 3 February 2015

Author: Isobel White

Section Parliament and Constitution Centre

The term “purdah” is in use across central and local government to describe the period of time immediately before elections or referendums when specific restrictions on the activity of civil servants are in place. The term ‘pre-election period’ is also used.

For general elections in the past this period commenced with the announcement of the election by the Prime Minister. There will be no announcement of the next general election because the *Fixed-term Parliaments Act 2011* set the date as 7 May 2015 and Parliament will be dissolved on 30 March 2015.

The Government has recently announced that pre-election period before the next general election will begin on 30 March 2015, the same day as the dissolution of Parliament.

Guidance is issued to civil servants on the principles that they should observe in relation to the conduct of Government business in the pre-election period. This has not yet been issued for the 2015 general election.

This Note also gives details of the guidance issued before the general election in 2010.

There is statutory guidance for local authorities about publicity during the period just before local elections. The pre-election period is defined as beginning with the last date for the publication of notice of the election; in 2015 this will be 30 March 2015. The [Code of Recommended Practice on Local Authority Publicity](#) is issued under section 4 of the *Local Government Act 1986*.

This information is provided to Members of Parliament in support of their parliamentary duties and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as being up to date; the law or policies may have changed since it was last updated; and it should not be relied upon as legal or professional advice or as a substitute for it. A suitably qualified professional should be consulted if specific advice or information is required.

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# 1 Guidance for civil servants

## 1.1 General elections

The Government has announced that pre-election or “purdah” period before the next general election will begin on 30 March 2015, the same day as the dissolution of Parliament.<sup>1</sup>

The term “purdah” is still in use to describe this period although the Cabinet Office’s guidance for civil servants issued in 2010 does not use it and refers to the campaign period before the general election. The PQ answered on 21 January 2015 about the forthcoming general election describes this period as “pre-election purdah”.

The Cabinet Office issues guidance for civil servants in UK departments on their role and conduct during election campaigns. This is available on the Cabinet office website.<sup>2</sup>

The guidance for civil servants for the 2015 general election has not yet been issued but the preface to the 2010 general election guidance set out the general principles:

During an election campaign, the Government retains its responsibility to govern, and Ministers remain in charge of their Departments. Essential business must be carried on. However, it is customary for Ministers to observe discretion in initiating any new action of a continuing or long-term character. Decisions on matters of policy on which a new Government might be expected to want the opportunity to take a different view from the present Government should be postponed until after the Election, provided that such postponement would not be detrimental to the national interest or wasteful of public money.<sup>3</sup>

The detailed advice issued for the 2010 general election noted how constituency correspondence from former MPs should be answered carefully, noting that it would be essential to avoid individual cases becoming party political issues.<sup>4</sup> There was specific advice for special advisers, which warned that advisers who wished to accompany their Ministers in the General Election campaign or help in a party headquarters or research unit must have first resigned their appointments

## 1.2 European Parliamentary and local elections

On 9 April 2014 guidance was issued for civil servants for the period before the European Parliamentary and local elections taking place on 22 May 2014. The Minister for the Cabinet Office and Paymaster General announced the publication of the guidance in a written statement:

### **Local and Mayoral Election Guidance (European Parliament)**

**The Minister for the Cabinet Office and Paymaster General (Mr Francis Maude):** Guidance has today been issued to civil servants in UK departments and those working in non-departmental public bodies and other arm’s length bodies on the principles that they should observe in relation to the conduct of Government business in the run-up to the forthcoming elections for membership of the European Parliament, and to local authorities in England and Northern Ireland, and for five directly elected mayors. These elections will

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<sup>1</sup> PQ 219064, 21 January 2015

<sup>2</sup> <https://www.gov.uk/government/publications/election-guidance-for-civil-servants>

<sup>3</sup> Election guidance 2010

<sup>4</sup> Election guidance 2010



take place on Thursday 22 May 2014. The period of sensitivity preceding the elections starts on 2 May.

Copies of the guidance have been placed in the Libraries of both Houses and on the Cabinet Office website at:

<https://www.gov.uk/government/publications/election-guidance-for-civil-servants><sup>5</sup>

The guidance set out the general principles that should be observed by all civil servants, including special advisers, during this period:

- a) Particular care should be taken over official support, and the use of public resources, including publicity, for Ministerial or official announcements which could have a bearing on matters relevant to the elections. In some cases it may be better to defer an announcement until after the elections, but this would need to be balanced carefully against any implication that deferral could itself influence the political outcome – each case should be considered on its merits;
- b) care should also be taken in relation to proposed visits;
- c) special care should be taken in respect of paid publicity campaigns and to ensure that publicity is not open to the criticism that it is being undertaken for party political purposes;
- d) there should be even-handedness in meeting information requests from the different political parties and campaigning groups.
- e) officials should not be asked to provide new arguments for use in election campaign debates.<sup>6</sup>

Earlier guidance for civil servants published before the 2013 and 2012 local elections and the 2011 local and devolved assembly elections, is on the GOV.UK website.<sup>7</sup>

### 1.3 Special Advisers

The European Parliamentary elections are classed as national elections and Special Advisers who wanted to take part in the campaign or help in a Party capacity had to first resign their appointment. For local and mayoral elections, Special Advisers may undertake local political activity with the approval of their minister and in accordance with the terms of the *Code of Conduct for Special Advisers*.

## 2 Guidance for local authorities

The pre-election period just before local elections, when there are restrictions on local authority publicity and rules concerning media reporting of the election campaign, is defined as beginning with the last date for publication of notice of the election. In 2015 the last date for the publication of notice of election for the local elections on 7 May 2015 is 30 March 2015; the restrictions outlined below will then apply.

There is statutory guidance for local authorities about publicity during the pre-election period just before local elections. The *Code of Recommended Practice on Local Authority Publicity*

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<sup>5</sup> HC Deb 9 April 2014 c11WS

<sup>6</sup> May 2014 elections to the European Parliament and to local authorities in England and Northern Ireland: guidance on conduct, Cabinet Office, April 2014

<sup>7</sup> [Election guidance for civil servants](#)

is issued under section 4 of the *Local Government Act 1986* and local authorities must have regard to it. The Code was revised in 2011.

The following section is of particular relevance:-

#### **Care during periods of heightened sensitivity**

33. Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums – see paragraphs 7 to 9 of this code. It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions.

34. During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.

35. In general, local authorities should not issue any publicity which seeks to influence voters. However this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote.<sup>8</sup>

### **3 Scottish Parliament and National Assembly for Wales**

#### **3.1 European Parliament elections 2014**

The Scottish Government published [guidance](#) for Scottish Government civil servants on conduct during the European Parliamentary election period, and the Welsh Government published [guidance](#) for its civil servants in March 2014.

#### **3.2 Scottish independence referendum**

The *Scottish Independence Referendum Act 2013* made provision for a statutory 'purdah' period in Scotland for the 28 days before the referendum. The explanatory notes to the Act gave further details:

##### **Part 4: Publications**

183. Paragraph 25 provides that, for the 28 day period before the date of the referendum, the Scottish Ministers and certain public authorities in Scotland cannot publish any material providing general information about the referendum, dealing with issues raised by the question to be voted on in the referendum, putting any arguments for or against a particular answer to the question to be voted on, or which is designed to encourage voting in the referendum. However, this rule does not apply to information made available

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<sup>8</sup> [Code of Recommended Practice on Local Authority Publicity](#), DCLG



following a specific request; specified material published by or under the auspices of the Scottish Parliament Corporate Body; any information from the Electoral Commission, a designated organisation or the Chief Counting Officer or any other counting officer; or to any published information about how the poll is to be held.

The UK Government gave an undertaking to respect the 28 day period in the Edinburgh Agreement:

2. Both governments agree that the principles underpinning the existing framework for referendums held under Acts of the UK Parliament – which aim to guarantee fairness – should apply to the Scottish independence referendum. Part 7 of the Political Parties, Elections and Referendums Act 2000 (PPERA), provides a framework for referendums delivered through Acts of Parliament, including rules about campaign finance, referendum regulation, oversight and conduct.

3. Both governments agree that the referendum rules should be based on PERA, with particular Scottish circumstances, such as the establishment of the Electoral Management Board and subsequent role of the Electoral Commission, reflected in the Referendum Bill.

#### *Government activity during the 28 days before the referendum*

29. It is customary for there to be a period before elections in the UK, during which Ministers and other public bodies refrain from publishing material that would have a bearing on the election. Section 125 of PERA sets out the restrictions that apply to Ministers and public bodies in the 28 days preceding referendums held under that Act. Both governments recognise the importance of respecting the 28-day period prior to a referendum, in the same way that both governments already respect each other's pre-election period for Parliamentary elections. The Scottish Government will set out details of restricted behaviour for Scottish Ministers and devolved public bodies in the Referendum Bill to be introduced into the Scottish Parliament. These details will be based on the restrictions set out in PERA. The UK Government has committed to act according to the same PERA-based rules during the 28-day period.<sup>9</sup>

### **3.3 Guidance for other elections**

The Scottish Government issued [guidance](#) about the role and conduct of people working in the Scottish Government, its agencies and national devolved public bodies during the election period beginning 23 March 2011 before the Scottish Parliament elections on 5 May 2011. The general principles were as follows:

During the election period, the Scottish Government retains its responsibility to govern and Ministers remain Ministers and in charge of their portfolios. Essential business must be carried on. However, you can expect Ministers to observe discretion in initiating any new action of a continuing or long-term character.

Decisions on matters of policy on which the next administration might wish to take a different view from the current administration are expected to be postponed until after the election, provided that such postponement would not

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<sup>9</sup> [Edinburgh Agreement](#), 15 October 2012

be detrimental to Scotland's interest or wasteful of public resources. You can also expect Ministers to be largely engaged in the election campaign and therefore not want to be asked to make decisions on issues during the election period unless it is essential that they should do so.<sup>10</sup>

The Welsh Assembly Government published guidance for civil servants for the pre-election period before the 2011 elections for the National Assembly for Wales which ran from 1 April 2011 to 5 May 2011.<sup>11</sup>

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<sup>10</sup> *Guidance on the role and conduct of people working in the Scottish Government, its agencies and national devolved public bodies during the election period beginning March 23 2011*, Scottish Government, 2011

<sup>11</sup> Welsh Assembly Government guidance for civil servants 2011