

REVIEW AND ADOPTION OF CODE OF CONDUCT

Purpose of Report and Recommendation

To inform Members of the Council's Code of Conduct and to recommend that this be approved and adopted and reviewed at the next Annual Meeting of full Council or sooner should this be necessary.

INTRODUCTION

- 1.1 The Council has a Code of Conduct (shown at Appendix 1) which was approved and adopted at the full Council Meeting on 18th May 2023 (Minute 2257/23 refers).
- 1.2 This Code of Conduct was also adopted by the former Allerdale and Copeland Councils so that there would be a consistent approach.

2.0 RECOMMENDATION

- 2.1. That the current Code of Conduct be approved and adopted with or without amendment and that it be reviewed at the next Annual Meeting in 2025.



WTCAM 29/05/24
ITEM 11
APPENDIX 1

WHITEHAVEN TOWN COUNCIL

CODE OF CONDUCT

(approved and adopted at the Annual Meeting held on 18.05.2023 minute
ref 2257/23 refers)

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

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

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

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

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

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

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

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

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

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

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

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

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Appendix B Registering

interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"**Disclosable pecuniary interest**" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"**Partner**" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room/meeting unless you have been granted a dispensation. In addition, you may speak on the matter only if members of the public are also allowed to speak and having spoken you must leave the room/meeting. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as an Executive member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registrable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registrable Interests (as set out in Table 2), you must disclose the interest. If you have

such an interest you must consider whether a reasonable member of the public, knowing all the facts, would think the interest such that it may influence the way you vote. If the ordinary person would think that the interest may influence your vote then you should not participate in the matter. In these circumstances you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

The requirements to disclose an Other Registrable Interest and not participate in a decision directly relating to or affecting it, shall be applied in such a manner as to recognise that this Code should not obstruct a member's service on more than one local authority.

For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from taking part in discussion and decision making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to bias in exceptional circumstances

Disclosure of Non- Registrable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects**—

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

you must disclose the interest. In order to determine whether you may participate in the meeting after disclosing your interest the following test should be applied:

9. Where a matter **affects** your financial interest or well-being so that a reasonable member of the public knowing all the facts would believe that it may affect your view of the wider public interest.

- a.

you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

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

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

MAYOR/CHAIRMAN'S ALLOWANCE

Purpose of the Report and Recommendation

To consider a Report on the Mayor's (Chairman's) Allowance and to consider and make a decision on the recommendations in paragraphs 2.1, 2.2 and 2.3 below.

1.0 INTRODUCTION

- 1.1 Under Section 15 (5) of the Local Government Act 1972 the Council may pay the Chairman an allowance for the purpose of meeting the expenses of the office.
- 1.2 The Council has included an amount of £3,063 in the budget for the Mayor's (Chairman's) Allowance for 2024/2025
- 1.2 The Council administers this allowance from the office and the Mayor is required to submit receipts for expenses incurred by the position of Mayor.
- 1.3 As long as the Mayor's Allowance is a reasonable reimbursement of the expenses of the unpaid office and contains no element or remuneration for the holder HMRC treat it as not chargeable for tax but they might ask Councils how much is paid and where it is thought there might be an element of remuneration they might ask the Mayor for details of the uses to which the allowance was put.
- 1.4 The Mayor's Allowance is designed to defray the expense of the office itself and which allows the Mayor to meet the expenses associated with the special office. When a Council has decided the annual budget for the allowance to be paid to the Mayor it may make payments on request or pay the allowance in quarterly or biannual instalments.

In this Council the Mayor's Allowance is held as a budget line and the Mayor submits receipts for expenses incurred and is reimbursed and the expenditure is recorded on the cash sheet.

- 1.5 The Mayor enjoys a special relationship with the public and opens fetes, attends charity events or welcomes visitors etc and this is one reason why the Mayor receives the allowance to support this public role.
- 1.6 There has been some discussion in the Council as to what constitutes expenses of office in relation to the Mayor's Allowance and it is suggested that these be defined to include the following:-
- Annual Parish Meeting
 - Civic Sunday
 - Attendance tickets and donations at charity events
 - Donations to Charities without attending the event
 - Hospitality at events
 - Support to the Mayor's chosen charity
 - Christmas cards
 - Provision of suitable outfits to wear at official functions
 - One off events held by the Mayor
 - Administrative costs at home i.e. printing, paper, telephone calls
- 1.7 If the total of allowances paid to the Chairman exceeds £8,500 a year they must be reported to HMRC unless a dispensation has been obtained.

2.0 RECOMMENDATION

- 2.1 That the expenses of the office of Mayor be defined as in paragraph 1.6 above be approved and
- 2.2 That the Council decides whether the Mayor's Allowance continues to be administered in the office and the Mayor is reimbursed on production of a receipt for the expenditure incurred provided that it is expenditure specified in 1.6 above; or
- 2.3 The Mayor/Chairman's Allowance be paid in a lump sum at the beginning of the term of office or by quarterly or biannual instalments to be used in accordance with paragraph 1.6 above. It should be noted that where sums of money are paid in this way that paragraph 1.3 above will apply and there may be tax implications for the recipient.

APPOINTMENT TO COMMITTEES

Purpose of Report and Recommendation

To appoint Councillors to the two Standing Committees of the Council

1.0 INTRODUCTION

1.1 The Council has two Standing Committees :-

- Staffing Committee (6members including Chairman or Vice- Chairman))
- Policy and Resources and Finance Committee (6 members including Chairman or Vice-Chairman)

2.0 RECOMMENDATION

2.1 It is recommended that Members be appointed to sit on each of these Committees for 2024/25.

**REVIEW AND ADOPTION OF TERMS
OR REFERENCE FOR COMMITTEES**

Purpose of Report and Recommendation

To request Members to consider the Terms of Reference for Staffing and Policy and Resources and Finance Committees and to approve them with or without amendment.

1.0 INTRODUCTION

1.1 The Council has two Standing Committees and attached at Appendix 1 are Terms of Reference for each of two Standing Committees.

2.0 RECOMMENDATION

2.1 Members are asked to consider the Terms of Reference for the Committees and to recommended that they be approved with or without amendment.



WHITEHAVEN TOWN COUNCIL

TERMS OF REFERENCE FOR STAFFING COMMITTEE

(approved and adopted by Full Council on 16.05.2019 – minute 1310/19 refers)
(approved and adopted by Full Council on 27.05.2021 – minute 1802/21 refers)
(approved and adopted by Full Council on 26.05.2022 – minute ref 2023/22 refers)
(approved and adopted by Full Council on 18.05.2023 – minute ref 2260/23 refers)

STAFFING COMMITTEE

Membership – 6 Members

1. The Chairman or Vice-Chairman of the Council shall be ex-officio, a voting member of every Committee;
2. The Staffing Committee to consist of 6 members including Chairman or Vice-Chairman of the Committee;
3. The Chairman and Vice-Chairman are to be elected annually by the Staffing Committee at the first meeting after the Annual Council meeting of Whitehaven Town Council and shall hold office until the next Annual Council Meeting.

AIMS

- To develop strategy and policy in all matters relating to Human Resources;
- To provide effective and professional staff management of all matters related to the employees of the Council.

Meetings

4. The Clerk at the behest of the Chair of the Staffing Committee will call Staffing Committee meetings as and when necessary;
5. Members will be summonsed to attend meetings which will be held in a suitable venue and Public Notices of the meeting shall be given in accordance with Schedule 12, Para 10(2) of the Local Government Act 1972.

Documentation

6. Minutes of all meetings will be recorded by the Clerk and circulated at full council meetings of Whitehaven Town Council;
7. All recommendations made to full council shall be recorded in the minutes of the meetings.

Accountability

8. The Staffing Committee have no delegated powers to act on behalf of the full Council in relation to the defined terms of reference only; any recommendations outside the Staffing Committee's terms of reference shall be made to the full council.

Scope

9. The Staffing Committee to have delegated power for the recruitment and selection of all staff, with the exception of the post of Town Clerk/RFO;
10. The Staffing Committee to may have delegated powers to recruit and short list applicants for the post of Town Clerk/RFO. The successful shortlisted applicants to be interviewed by the Staffing Committee, and a recommendation made to full Council;
11. A recommendation from the Staffing Committee will be submitted to full council to ratify any and all appointments;
12. The Staffing Committee to have delegated power to consider and implement any changes which are required to comply with Employment Law, Health & Safety Law and Terms & Conditions of Service as laid down by the National Joint Council (NJC "Green Book") and recommended by National Association of Local Councils (NALC) and Society of Local Council Clerks (SLCC);
13. The Staffing Committee to have delegated powers to elect a Disciplinary and Grievance Hearing Panel made up as follows:
 - a) Three panel members of mixed gender wherever possible (from within the Staffing Committee) with;
 - b) Two Members acting as substitute panel members (from within the Staffing Committee) if necessary;
 - c) All members serving on the Disciplinary and Grievance Hearing Panel should have undertaken the appropriate training;
 - d) The Disciplinary and Grievance Hearing Panel to be given delegated powers to make a decision on Disciplinary and Grievance matters on behalf of the Town Council reporting the Panel's decision to the Staffing Committee for information.
14. Only the Full Council can elect a Appeals Hearing Panel which should be as follows:
 - a) Three panel members of mixed gender wherever possible (who are not members of the Staffing Committee) with;
 - b) Two additional members acting as substitute members if necessary (who are not members of the Staffing Committee);

- c) All members serving on the Appeal Hearings Panel should have undertaken the appropriate training;
 - d) The Appeal Hearings Panel to be given delegated powers to make a final decision on appeal matters on behalf of the Town Council reporting the Panel's final decision to the Staffing Committee for information.
15. The Clerk/RFO to have delegated power to carry out annual staff appraisals and to review Personal Development Training Plans;
- a) The Staffing Committee to have delegated power to devise all staff training programs.
16. The Chairman and Vice-Chair of the Staffing Committee to carry out the Clerk/RFO's staff appraisal reporting back to the Staffing Committee.
17. The Staffing Committee to have delegated powers to approve requests within the training budget for training requirements identified from individual Personal Development Training Plans.
18. The Staffing Committee to have delegated power to consider any pay awards; increments and payroll management in line with agreed contract terms and conditions. Ratification must be by Full Council.
19. Full Council to approve all contracts of employment.
20. The Staffing Committee to have delegated power through the Chairman and Clerk/RFO to issue press statements regarding staffing matters on behalf of the full council.
21. The Staffing Committee to have delegated power to manage long term sickness and incidents at work in line with the council's current Sickness Absence Policy.
22. The Staffing Committee to take responsibility that confidentiality is maintained over all staffing matters under the Data Protection Act 1998 and the Model Code of Conduct as signed by all members of Whitehaven Town Council.
23. The Clerk/RFO, as the Council's Proper Officer to have delegated power to manage attendance, short term sickness absence, return to work interviews, annual leave, maternity leave, paternity leave, compassionate leave, flexible leave requirements, and staff inductions in line with current agreed council policies.
24. The Clerk/RFO to have delegated power after consultation with the Staffing Committee to progress any staffing matters with the Principal Council's Human Resources and Performance Team.



WHITEHAVEN TOWN COUNCIL

TERMS OF REFERENCE FOR POLICY, RESOURCES & FINANCE COMMITTEE

(approved and adopted by Full Council on 16.05.2019 – minute 1310/19 refers)
(approved and adopted by Full Council on 27.05.2021 – minute 1802/21 refers)
(approved and adopted by Full Council on 26.05.2022 – minute ref 2023/22 refers)
(approved and adopted by Full Council on 18.05.2023 – minute ref 2260/23 refers)

POLICY, RESOURCES & FINANCE COMMITTEE

Membership – 6 Elected Members (including Chairman and Vice Chairman)

1. The Chairman or Vice-Chairman shall be ex-officio, a voting member of the Committee
2. The Policy and Resources and Finance Committee to consist of 6 members including the Chairman or Vice-Chairman
3. The Chairman and Vice-Chairman are to be elected annually by the Policy and Resources and Finance Committee at the first meeting after the Annual Council meeting of Whitehaven Town Council and shall hold office until the next Annual Council Meeting.

Meetings

4. The Clerk at the behest of the Chair of the Policy and Resources and Finance Committee will call Committee meetings as and when necessary;
5. Members will be summonsed to attend meetings which will be held in a suitable venue and Public Notices of the meeting shall be given in accordance with Schedule 12, para 10(2) of the Local Government Act 1972.

Documentation

6. Minutes of all meetings will be recorded by the Clerk and circulated at Full Council meetings of the Council;
7. All recommendations made to Full Council shall be recorded in the minutes of the meetings.

Scope

- a) Developing and reviewing the Council's strategic plan taking into consideration other relevant documents.
- b) Ensuring the Council's strategies, policies and procedures are undertaken in accordance with up to date statutory and legislative requirements.

- c) Keeping under review the policies and resources of the Council in relation to services and to advise the Council on the future developments of existing or the introductions of new services and resources including IT.
- d) Making recommendations to the Council on matters which do not fall within the powers and duties of one or more other Committee.
- e) Making recommendations to the Council on the annual financial estimates and the Council's precept as to how these should be determined consistently with the Council's general priorities and policies.
- f) Making recommendations to the Council on the capital programme – content, phasing and monitoring.
- g) Considering and making recommendations to the Council on any policy documents received from other organisations that are outside the scope of other Committees and affect the area.
- h) Advising the Council as required on all matters affecting its scheme of administration (e.g., Standing Orders, Financial Regulations, Delegations, Risk Management) and the procedures applying to the Council and its Committees.
- i) Developing strong links with other organisations and overseeing any partnering agreements including Market Regeneration.
- j) Directing and controlling insurance in respect of the Council's property, members and employees.
- k) Reviewing the Council's financial and treasury management activities and supervising the investment of funds within the Council's control.
- l) Determining the overall strategic asset management priorities on a medium-term basis by maintaining an asset management plan and considering acquisition or disposal of assets.
- m) Making lettings or grant leases for the use of Council facilities, by any suitable applicants for appropriate purposes, subject to any covenants applicable and to any by-laws, rules or regulations which the Council make or may adopt.
- n) Deciding on initiatives to promote market and publicise the Town Council.
- o) Initiating and participating in economic development initiatives.
- p) To report all recommendations made in paragraphs a) – o) to full Council.

**APPOINTMENT TO AND TERMS OF REFERENCE FOR
ADVISORY GROUPS**

Purpose of Report and Recommendation

To request Members to make appointments to the various Advisory Groups and to approve the Terms of Reference for Advisory Groups.

1.0 INTRODUCTION

1.1 The Council has five Advisory Groups namely:-

- Whitehaven in Bloom Advisory Group
- Events Advisory Group
- Allotments Advisory Group
- Steering Group on Office Accommodation
- St Nicholas Gardens Advisory Group

1.2 The Council set up Advisory Groups as opposed to Committees because they are informal meetings and depending on member/officer availability Advisory Group meetings can be set up very quickly without the need to send out Agendas and take Minutes etc which is the case with Committees. They can also be held via Zoom A note of the discussions is taken during Advisory Group meetings and the recommendations made there are referred to the next meeting of full Council for approval.

1.3 Meetings of Advisory Groups usually take place during the day or by zoom in the early evening..

1.4 The Terms of Reference for Advisory Groups are shown at Appendix 1 and were approved by full Council on 18th May 2023 (Minute 2261/23 refers).

2.0 RECOMMENDATION

2.1 Members are requested to:

- Approve the Terms of Reference for Advisory Groups and
- Appoint a minimum of least four members to each Advisory Group

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TERMS OF REFERENCE FOR ADVISORY GROUPS

(adopted by Full Council on 16.05.2019 minute ref 1311/19 (iii) refers)

(adopted by Full Council on 27.05.2021 minute ref 1804/21 (i) refers)

(adopted by Full Council on 26.05.2022 minute ref 2024/22 (ii) refers)

Adopted by Full Council on 18.05.2023 minute ref 2260/23 refers)

Whitehaven Town Council is quite a large Town Council and this brings a variety of issues and problems.

Advisory Groups are an efficient way to proceed with the business of the Council because there is not the need to produce a formal report or provide Minutes although reports will have to be made on behalf of the Advisory Group to the full Council on a regular basis. Areas of Council business that could benefit from having Advisory Groups include Allotments, environmental issues and events.

1. MEMBERSHIP

1.1 The Council may appoint Advisory Groups to discuss items affecting the Council, to meet with electors, officials of other bodies, contractors and discuss issues in detail;

1.2 Members of the Advisory Group will be appointed each year at the Council's Annual Meeting;

1.3 The constitution of an Advisory Group shall be a minimum of three Members and may include non-Councillors;

1.4 A Chairman will be appointed for the Advisory Group at its first meeting. The Chairman will be the main point of contact;

1.5 Any member of the Council can attend a meeting of the Advisory Group whether appointed to it or not;

2. POWERS

2.1 The Advisory Group has no spending powers nor can it make decisions on behalf of the Town Council. It is an Advisory Group with no delegated powers.

3. RESPONSIBILITY AND AREAS OF OPERATION

3.1 Advisory Groups are not public meetings and so do not have to be advertised;

3.2 Advisory Groups look at specific areas or problems;

3.3 Advisory Groups will report each month to the Town Council for a resolution on any decisions recommended and/or for a resolution to authorise money to be spent on a particular item. Advisory Groups have no spending powers nor can they make decisions on behalf of the Council.

**REVIEW OF REPRESENTATION ON OR WORK WITH
EXTERNAL BODIES AND ARRANGEMENTS FOR REPORTING
BACK**

Purpose of Report and Recommendation

To review the representation on or work with external bodies and arrangements for reporting back

1.0 INTRODUCTION

- 1.1 The Council from time to time appoints Councillors to sit on External Bodies although Councillor Hayes presently attends the Harbour Users Group as an individual and Councillor Gill attends the Whitehaven Heritage Group as an individual.
- 1.2 The Council decided that the Chairman or his nominated representative should represent the Council on meetings of the West Cumbria Strategic Sites Group and for the past year the Chairman nominated the Deputy Chairman.

2.0 RECOMMENDATION

- 2.1 It is recommended that whenever a Councillor is appointed to representative on or work with an External Body that the Councillor reports back to the next full Council Meeting.

CONFIRMATION OF INSURANCE COVER

To inform the Council of the Council's Insurance Provision

1.0 INSURANCE

- 1.1 The Council agreed in 2022 to enter into a 5 year insurance policy with Zurich Municipal in return for discounted rates (Minute 1998/22 refers).
This effectively means that the Council is committed to renew the policy until the five years expire.
- 1.2 The premium for the year 2022/2023 was £3,233.79.
- 1.3 The Premium for 2023/24 was £3,497.69.
- 1.4 The Premium for 2024/25 is £3,727.48 and has been paid
- 1.5 If a Councillor wishes to look at the Insurance Policy it is available in The Council's Office in Queen Street, Whitehaven

2.0 RECOMMENDATION

- 2.1 It is recommended that the position regarding the Insurance policy be noted and approved.

REVIEW OF SUBSCRIPTION TO OTHER BODIES

Purpose of the Report

To inform the Council of the Council's subscriptions to Other Bodies.

1.0 INTRODUCTION

- 1.1 The Council subscribes each year to be a member of CALC (Cumbria Association of Local Councils). Part of the subscription is payable to the parent body NALC (National Association of Local Councils). As well as receiving general advice from CALC membership also entitles the Council to the services of NALC's legal department which gives legal advice to Council's and produces documents, policies and procedures for use by local Councils.
- 1.2 The subscription for 2024/2025 is £2,005.98 - £1,436.06 of which is paid to NALC and £569.92 is paid to CALC.
- 1.2 The Council agreed at Full Council on 27th April 2024 to continue with membership of CALC/NALC and the fee of £2,005.98 was paid on 28th April 2024.
- 1.3 The Council also pays a subscription of £121.82 per annum to the Rural Markets Town Group. The subscription is due for renewal in July 2024. A report on this will be put on the Agenda for the June Council Meeting.

2.0 RECOMMENDATION

- 2.1 It is recommended that the position regarding the subscription to Other Bodies be noted.

COMBINED HEALTH AND SAFETY POLICY AND RISK ASSESSMENT

Purpose of the Report

To ask Members to consider a combined Health and Safety Policy and Risk Assessment, the template of which was supplied by the Health and Safety Executive and to approve and sign the documents.

1.0 INTRODUCTION

- 1.1 If an organisation has fewer than five employees it doesn't have to write its Health and Safety Policy down, but to help organisations the HSE have created a template for them to download and complete. This is the template that has been completed and attached at Appendix 1.
- 1.2 If an organisation has fewer than five employees it doesn't have to write its Risk Assessment down and an organisation is not expected to anticipate unforeseen risks. To assist organisations the HSE has produced a template of a Risk Assessment that organisations can download and complete and this template is attached at Appendix 2.

2.0 RECOMMENDATION

- 2.1 The Council has signed similar documents in the past and it is recommended that the Council consider the Health and Safety Policy and Risk Assessment and subject to any amendments to be made approve and sign the documents and that this be reviewed at the next Annual Meeting in 2025.

Health and safety policy

This is the statement of general policy and arrangements for:

Overall and final responsibility for health and safety:

Day-to-day responsibility for ensuring this policy is put into practice:

WHITEHAVEN TOWN COUNCIL
WHITEHAVEN TOWN COUNCIL
THE CLERK AND RESPONSIBLE FINANCIAL OFFICER

Statement of general policy	Responsibility of (Name / Title)	Action / Arrangements (Customise to meet your own situation)
Prevent accidents and cases of work-related ill health (physical and mental) by managing the health and safety risks in the workplace.	CLERK AND RESPONSIBLE FINANCIAL OFFICER	ENSURE RISK ASSESSMENTS ARE CARRIED OUT AND RECORDED.
Provide clear instructions and information, and adequate training, to ensure employees are competent to do their work.	WHITEHAVEN TOWN COUNCIL	IMPLEMENT TRAINING.
Engage and consult with employees on day-to-day health and safety conditions.	WHITEHAVEN TOWN COUNCIL	EFFECTIVE COMMUNICATION OF POLICIES.
Implement emergency procedures - evacuation in case of fire or other significant incident within the office/building. You can find help with your fire risk assessment at: https://www.gov.uk/workplace-fire-safety-your-responsibilities	CLERK AND RESPONSIBLE FINANCIAL OFFICER	FOLLOW THE EVACUATION PROCEDURE FOR THE BUILDING.

Maintain safe and healthy working conditions, provide and maintain plant, equipment and machinery, and ensure safe storage / use of substances.	CLERK AND RESPONSIBLE FINANCIAL OFFICER	ENSURE FAMILIARITY WITH EQUIPMENT, HAVE ADEQUATE TRAINING, ENSURE SAFE STORAGE OF SUBSTANCES AND ENSURE ALL BUILDING SAFETY CHECKS AND CERTIFICATES ARE UP TO DATE.
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Health and safety law poster is displayed:	148 QUEEN STREET, WHITEHAVEN, CUMBRIA CA28 7AZ
First-aid box is located:	THE CLERK AND RESPONSIBLE FINANCIAL OFFICER'S OFFICE AT 148 QUEEN STREET, WHITEHAVEN, CA28 7AZ
Accident book is located:	THE CLERK AND RESPONSIBLE FINANCIAL OFFICER'S OFFICE AT 148 QUEEN STREET, WHITEHAVEN, CA28 7AZ
Accidents and ill health at work reported under RIDDOR: (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations) (see note 2 below)	

Signed: (Employer)	Date:
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WTCAM 29/5/24
ITEM 19
APPENDIX 1

Risk assessment

All employers must conduct a risk assessment. Employers with five or more employees have to record the significant findings of their risk assessment.

We have started off the risk assessment for you by including a sample entry for a common hazard to illustrate what is expected (the sample entry is taken from an office-based business). Look at how this might apply to your business, continue by identifying the hazards that are the real priorities in your case and complete the table to suit. You can print and save this template so you can easily review and update the information as and when required. You may find our example risk assessments a useful guide (www.hse.gov.uk/risk/casestudies). Simply choose the example closest to your business.

Organisation name: WHITEHAVEN TOWN COUNCIL **Date of Risk Assessment:**

What are the hazards?	Who might be harmed and how?	What are you already doing?	Do you need to do anything else to manage this risk?	Action by whom?	Action by when?	Done
Slips and trips	Staff and visitors may be injured if they trip over objects or slip on spillages	General good housekeeping is carried out. All areas are well lit including stairs. There are no trailing leads or cables. Staff keep work areas clear, eg no boxes left in walkways, deliveries stored immediately.	No	All staff, to monitor daily	Continuous	Daily
Personal Safety of Staff and Members at meetings.	Staff and Members	Producing a report and policy for safeguarding Staff and Members.	Monitor the situation.	The Council	Ongoing	Ongoing
Building access by unknown persons.	Staff members and the Public	List of emergency numbers. Alarm in reception. Sign in book at reception.	No.	Clerk/RFO	Ongoing	Ongoing
Persons known to be a danger.	Staff Members and the Public	In the event of an incident call 999.	No there is already a Restricted Persons Register	Clerk/RFO	Ongoing	Ongoing

You should review your risk assessment if you think it might no longer be valid, eg following an accident in the workplace, or if there are any significant changes to the hazards in your workplace, such as new equipment or work activities.

REVIEW OF S137 EXPENDITURE

Purpose of Report and Recommendation

To review the S137 Expenditure

1.0 INTRODUCTION

- 1.1 The Council is required to report on s 137 expenditure to the Annual Meeting each year. This is shown at Appendix 1.
- 1.2 S137 expenditure enables local Councils to spend a limited amount of money for purposes for which they have no other specific power but which the council considers will bring direct benefit to the area or any part of it or to all or some of the inhabitants subject to the benefit obtained being commensurate with the expenditure incurred.
- 1.3 The amount that can be spent on s137 for 2024/25 is £10.81 per elector.
- 1.4 All s137 expenditure is approved and authorised by full Council

2.0 RECOMMENDATION

- 2.1 It is recommended that the s137 expenditure shown at Appendix 1 be reviewed and approved.

WTCAM 29/05/24
ITEM 20
APPENDIX 1

s.137 Expenditure for 2023/2024

Date	Suppliers Name	Description	Nett	Tax	Gross
31.10.2023	RBL	3 x Poppy Wreaths	£ 75.00	-	75.00
10.11.2023	Karen Scott	Sandwich Platters for Remembrance Sunday	£ 75.00	-	75.00
04.12.2023	Mrs V Gorley	Re-imbusement for refreshments served at Remembrance Sunday	£ 23.53	-	23.53
04.12.2023	Whitehaven Brass Band	Remembrance Sunday Music	£ 210.00	-	210.00
05.12.2023	The Dance Ranch	Councillor Ward Grant - Cllr Hayes	£ 900.00	-	900.00
05.12.2023	Hensingham Peoples Action Group	Councillor Ward Grant - Cllr Gill	£ 300.00	-	300.00
28.03.2024	Whitehaven Unit 362 of the Sea Cadet Corps	Councillor Ward Grant (E Dinsdale & G Dinsdale)	£ 500.00	-	500.00
28.03.2024	Whitehaven Community Trust	Community Grant	£ 1,000.00	-	1000.00
			£ 3,083.53	£ -	£ 3,083.53

RISK ASSESSMENT AND MANAGEMENT (FINANCIAL AND OPERATIONAL)

Purpose of the Report and Recommendation

To ask Members to consider the Council's Risk policy which also covers operational risks as recommended by the Council's Internal Auditor and to approve and adopt the Policy.

1.0 INTRODUCTION

- 1.1 Attached at Appendix 1 is the Council's Risk Policy which also covers operational risks as recommended by the Council's Internal Auditor.

2.0 RECOMMENDATION

- 2.1 Members are asked to consider the Risk Assessment and Management (Financial and Operational) Policy at Appendix 1 and to recommend approval with or without amendment.



Whitehaven Town Council

Risk Assessment and Management (Financial) and Operational for the period 1st April to 31st March (in any given year)
 Reviewed & Adopted at Full Council - 16th May 2019 - minute 1315/19 refers
 Reviewed & Adopted at Full Council - 26th September 2019 - minute 1431/19 refers
 Reviewed & Adopted at Full Council - 27th May 2021 - minute 1809/21 refers
 Reviewed & Adopted at Full Council - 26th May 2022 - minute ref 2030/22 refers
 Reviewed & Adopted at Annual Meeting - 18th May 2023 - minute ref 2267/23 refers

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 ITEM 21
 APPENDIX I

Topic	Risk Identified	H/M/L	Management of Risk	Staff Action
Reserves - General & Earmarked	Inadequate or Excessive	M	Review at out-turn and budget setting	RFO & P&R and Finance Committee
Reserves - Earmarked	A future liability that has not been funded	L	Review all risks and reserves at out-turn	RFO/member view
Assets	Loss, damage etc	M	Bi annual inspection, update insurance and asset registers	Diary
Assets	Risk or damage to third party property or individuals	M	Annual review of adequacy of public liability insurance regular meetings & site visits with Site Reps.	Diary
Staff	Loss of key personnel (Clerk)	L	Hours, health, stress, training, long term sick, early departure - risk monitored and managed as appropriate.	RFO/Staffing Committee
Staff	Fraud or theft of money by staff	L	Financial Regulations set out clear system of internal controls	Financial Regs are reviewed annually
Financial Loss	Consequential loss due to critical damage or third party performance	L	Annual review adequacy of insurance cover	Diary
Maintenance	Reduced value of assets or amenities - loss of performance	M	Regular maintenance inspections bi annually by qualified person	Diary
Legal Powers	Illegal activity or payment	M	Regular training for Councillors and Clerk	Diary
Financial Records	Inadequate records	L	RFO checks regularly and internal audit review	Diary
Minutes	Accurate and legal	L	Review at following meeting. Training	Diary
Members Interests	Conflict of interest	M	Declarations of interest to be documented/minutes and any conflict addressed as appropriate	Diary
Salaries	Wrong salary/hours/rate paid	L	Check salary to minute, check hours and rate to contract	Member to verify
Salaries	Wrong deductions - NI and income tax	L	Check to PAYE calculations. Use of HMRC RTI system	Member to verify
Direct Costs and Overhead Expenses	Goods not supplied to council	L	Follow up on all orders	Approval check
Direct Costs and Overhead Expenses	Invoice incorrectly calculated or recorded	L	Check arithmetic on invoices and perform bank reconciliations on monthly basis	RFO to perform monthly and auditor to check annually
Direct Costs and Overhead Expenses	Cheque payable is excessive or to wrong party	L	Two Signatories on all cheques	Approval check
Grants and Support	No power to pay or no evidence of agreement of Council to pay	L	Minute council agreement with the power used to authorise payment.	Member to verify
Grants and Support	Conditions agreed	L	Set clear grant awards procedures.	RFO to check
Election Costs	Invoice at agreed rate	L	Agree and document any reasonable conditions	RFO to verify
VAT	Failure to reclaim VAT and loss of income to Council	L	RFO check and consider budget	RFO to verify
Precept	Failure to submit on time to CBC to include in Council Tax bills	L	VAT control totals in cash book used to compile return.	RFO to verify
Precept	Not paid by District Council	L	RFO to plan meetings to ensure deadline is met.	Diary
Precept	Precept is inadequate	L	Clear income budgets are set and monitored quarterly	RFO to check on 01/04 each year
Other Income	Cash handling	M	Comprehensive budget planning.	Diary regular meetings P&R and Finance Committee
		L	System of internal control ensures that any cash received is properly received, audit trail exists and regular bank rec.	Annual review of doc controls

Allotment Rents	Not received	L	Database of all tenants, date rent due, date invoices sent and recovery action taken	Clerk/RFO to monitor and take appropriate action
Grants	Claims procedure	L	Clerk RFO check as required	Diary
Expenditure	Council overspending is not detected	M	Clear budgets and actual exp are monitored quarterly	P&R and Finance Committee dates
Expenditure	Council underspending is not managed - resource underdeployment	M	Clear budgets and actual exp are monitored quarterly	P&R and Finance Committee dates
Income	Loss of income by forgetting to issue charges/invoices	L	Clear list of billing expected linked to income budgets which are monitored on a quarterly basis.	RFO to keep list of bills up to date.
Investment Income	Inadequate budgeting or loss of investment opportunities	L	RFO regularly reviews investment and amounts received.	Diary
Procurement/Contracts	Risk of corrupt practices by Members and staff - allegations of favouritism to suppliers or contracts	M	Financial Regulations have clear procurement procedures in respect of quotations, estimates and tendering. RFO ensures they are followed. Internal Audit performs annual checks.	Annual review of financial regulations & Annual Internal Audit.
Internal Audit	Inadequate Internal Audit leads to errors/fraud not being detected	L	The adequacy of Internal Audit is reviewed annually along with the system of internal control.	RFO to ensure this takes places as part of
Seats in the Town	Damage by vandalism. Unfit for use.	L	Annual checks. Respond to any reports of damage.	closedown and annual accounts.
Street Furniture	Damage by vandalism. Unfit for use.	L	Regular checks.	Clerk and Council
Bus Shelters	Damage by vandalism. Unfit for use.	L	Monthly checks. Respond to any reports of damage.	Clerk and Council
Defibrillators	Damage by vandalism/use	L	Weekly checks carried out. Respond to any reports of damage.	Clerk and Council
Allotment Sites	Users may injure themselves.	L	Rules in place, regular inspections, review waiting list.	Clerk, Allotment Advisory Group & Council
Allotment Communal Paths/Areas	Users may trip or slip on any uneven surfaces/obstacles	L	Monthly checks. Respond to any reports of damage.	Staff and Council
Council Offices at 148 Queen Street				
Utilities	Safety of supply of gas and electricity	L	Yearly gas and electricity safety checks of whole building	Clerk and Council
Building	Maintenance of structural report carried out in 2018	L	Only ground floor used as no lift. All floors checked visually by Clerk and any necessary repairs carried out.	Clerk and Council
Insurance	Failure to insure resulting in lack of cover.	L	Insurance Policy for building, equipment and contents renewed each year.	Clerk
Slips, Trips & Falls	Staff, Councillors and Public may injure themselves	M	Surfaces kept free of obstructions. Lighting maintained. No loose wiring	All Staff, Councillors and Public
Electricity	Staff and users at risk of injury from faulty equipment.	L	Annual PAT testing of all electrical items. Qualified electrician to carry out	All Staff and Councillors.
Fire	Staff, Councillors and Public	L	Weekly fire alarm tests, check of fire extinguishers.	Staff
Fire Safety	Extinguishers checked by provider annually	L	Checked in July of each year.	Clerk
Security	Fire Safety Certificate renewed when necessary	L	Renewed when necessary.	Clerk
Civic Regalia	Loss of Keys.	M	Keys & spare keys are kept in the safe.	Staff and Council
Staff safety	Loss or theft of.	L	Always kept in safe.	Only staff know the combination code.
	Lone Working.	M	Safety equipment in place. Mobile phone carried with them and regular contact with the office.	Staff and Council
	Injury from Equipment.	M	Safety equipment provided. Purchase new equipment when needed. Re-iterate to staff the need to use safety items	Staff and Council
Public Safety	Injury from equipment, falls etc	L	Ensure signs are in place, keep paths etc free of obstructions where possible	Staff and Council
Safety at Meetings	Personal Safety.	L	Fire checks, stairs & floor kept free of obstructions.	Council
Information Loss	Loss of data/information.	L	Back up on hard drive.	Clerk and Council
Data Protection	Breach of the rules/loss of information	L	Adhere the rules and regular check of rules for amendments.	Staff and Council

Adopted on:

Signed by the Clerk:

Signed by the Mayor:

REVIEW OF ASSET REGISTER

Purpose of the Report

To review the Asset Register.

1.0 INTRODUCTION

- 1.1 The Asset Register was last approved at the Annual Meeting on 18th May 2023.
- 1.2 The Council is required to report on the Asset Register to the Annual Meeting each year. This is shown at Appendix 1 and is up to date at the time of writing.

2.0 RECOMMENDATION

- 2.1 It is recommended that the Asset Register shown at Appendix 1 be reviewed and approved and be further reviewed at the Annual Meeting in 2025.

WHITEHAVEN TOWN COUNCIL ASSET REGISTER 2024/2025

PROPERTY

148 Queen Street, Whitehaven, Cumbria CA28 7AW

INSURANCE

INSURED FOR: £515,000.00

STREET FURNITURE

4 x 3 bay bus shelter (New Road, Greenbank, Sneckyeat And Red Lonning)	INSURED FOR: £15,366.42
1 x 3 bay bus shelter (Bransty Road)	INSURED FOR: £4,488.00
1 x 3 bay cantilever bus shelter (Walkmill Gardens)	INSURED FOR: £4,314.00
44 x Waste Litter Bins	INSURED FOR: £15,292.53
1 x Topsy Royale Litter Bin (Hensingham)	INSURED FOR: £216.47
2 x Topsy Royale Litter Bins (Corkickle)	INSURED FOR: £454.88
2 x Royal British Legion Silent Soldier Statues	INSURED FOR: £530.45
13 x Lowther Seats (Town Centre)	INSURED FOR: £6,643.50
7 x Defibrillators and Cabinets	INSURED FOR: £12,000.00
8 x AED Rescue Kits	INSURED FOR: £144.00
4 x Lowther Seats with commemorative plaques (St Nics)	INSURED FOR: £3,064.89
500 x gull proof bags	INSURED FOR: £1,944.00
Replacement De-Fib Pads	INSURED FOR: £573.54
Replacement De-Fib Batteries	INSURED FOR: £1,680.00
2 x Lowther Seats with replacement plaques (St Nics)	INSURED FOR: £1,863.18
1 x Coronation Lowther Seat (St Nics)	INSURED FOR: £847.65
1 x Lowther Street (St Nics)	INSURED FOR: £879.79

WHITEHAVEN IN BLOOM

20 x Large wooden flower barrels	INSURED FOR: £1,060.90
8 x Octagonal 3-tiered planters and 16 x barrier baskets	INSURED FOR: £8,623.36
102 x cup and saucer self-watering hanging baskets	INSURED FOR: £3,207.55
4 x self-watering window boxes (Wilkinsons)	INSURED FOR: £627.25
2 x metre square planters	INSURED FOR: £710.39
30 x hanging basket brackets	INSURED FOR: £450.00
20 x Enviropol self-watering barrels	INSURED FOR: £4,526.00
2 x 3-tiered Pagoda planter (Badge Bed)	INSURED FOR: £899.14
4 x barrier baskets and liners (Marchon Club)	INSURED FOR: £809.47
10 x cup and saucer self-watering hanging baskets	INSURED FOR: £436.50
20 x hanging basket brackets	INSURED FOR: £500.00
71 x cup and saucer self-watering hanging baskets	INSURED FOR: £2,516.31

EVENTS

Union Jack Bunting	INSURED FOR: £1,364.00
Additional 300mtrs Union Jack Bunting	INSURED FOR: £393.97
2 x feather flags and weights	INSURED FOR: £408.82
10 x Market gazebos and 32 sandbag weights	INSURED FOR: £4,077.30
20 x 6ft folding tables	INSURED FOR: £1,127.00

10 x litter handihoods	INSURED FOR: £71.28
1 x advertisement banner	INSURED FOR: £180.00
4 x Jubilee Flags	INSURED FOR: £87.80
100 x QPJ Lamp Post Signs	INSURED FOR: £410.98
Blue polypropylene rope	INSURED FOR: £149.82
10 x High Viz Waistcoats	INSURED FOR: £117.00
Additional 250mts Union Jack Bunting	INSURED FOR: £420.89
100 x Coronation Lamp Post Signs	INSURED FOR: £410.98
4 x Coronation Flags	INSURED FOR: £80.00
Photographic Images of Whitehaven	INSURED FOR: £600.00
Old Whitehaven and Past Royal Visits Photographic Exhibition Boards	INSURED FOR: £1200.00
10 x 6ft folding event tables	INSURED FOR: £454.45
Additional 530mtrs Union Jack Bunting	INSURED FOR: £933.24
4 x D Day Flags	INSURED FOR: £128.40

OFFICE FURNITURE AND EQUIPMENT

2 x Swivel Chairs
 4 x Blue Chairs
 4 x Oak Desks
 2 x Curved Desks
 1 x Oak Dresser
 2 x 2 Drawer Units
 3 x 3 Drawer Units
 1 x Low Level Table
 3 x 4 Drawer Filing Cabinet
 2 x Filing Cupboards
 1 x Ativa Shredder
 1 x Lexmark Printer
 1 x Sharp Printer
 1 x Brother Printer
 3 x Samsung Desk Phones
 4 x PC Monitors
 3 x Hard Drives
 4 x Keyboards
 3 x Laptops
 1 x BT Server
 1 x Safe
 1 x Laminator
 1 x Binding machine
 2 x Whiteboards
 1 x Bosch Hot Water Fountain
 1 x Water Fountain
 1 x Drinks Fridge
 1 x Hoover
 1 x Dehumidifier
 1 x Halogen Heater
 1 x Portable PA System and 2 Microphones
 2 x Thermos Flasks
 3 x Large Whitehaven Banners

1 x Framed Whitehaven Rugby League Shirt	INSURED FOR: £22,787.09
1 x Cast Iron Road Sign	INSURED FOR: £557.35
1 x LG 50" Colour Television	INSURED FOR: £450.00
1 x Sharp MX2651 Photocopier	INSURED FOR: £3,240.00
1 x Filing Cabinet	INSURED FOR: £160.80

CHRISTMAS LIGHTS

Christmas Lights 1	INSURED FOR: £13,599.23
Christmas Lights 2	INSURED FOR: £5,404.07
Christmas Lights 3	INSURED FOR: £5,000.00
Christmas Lights 4	INSURED FOR: £2,240.00
10 x Feeder Boxes	INSURED FOR: £15,540.00
500mtrs catenary wire and fittings	INSURED FOR: £1,539.00
200mtrs festoon, Clusterline, lamps and power leads	INSURED FOR: £4,997.52
Christmas Lights 5	INSURED FOR: £1,814.95
400 x bayonet cap lamps	INSURED FOR: £1,266.00
Clusterline	INSURED FOR: £4,696.80
Additional 102mtrs Clusterline	INSURED FOR: £1,896.00

REGALIA

1 x Ceremonial Pendant	INSURED FOR: £40,128.87
Civic Regalia – ceremonial collar, Lady’s Jewelled Pendant, Oval Belcher Chain, Mayoral Robe, Past Mayors Medal, and other medal	INSURED FOR: £102,684.20
Bicorn Hat	INSURED FOR: £310.00
Ceremonial Mace	INSURED FOR: £45,600
Copeland Chair	INSURED FOR: £10,000.00

ALLOTMENT AND PIGEON LOFT SITES

Cartgate Allotment Site	
Crow Park Allotment Site	
Midgey Allotment Site	
Sneckyeat Allotment Site	
Calder Pigeon Loft Site	
Langdale Pigeon Loft Site	
Overend Pigeon Loft Site	INSURED FOR: £1.00 EACH
500mtrs Groundcover/weed membrane	INSURED FOR: £1,100.00

Mayor: _____

Date: _____

**REVIEW OF COUNCIL POLICIES IN RESPECT OF
OBLIGATIONS UNDER FREEDOM OF INFORMATION AND
DATA PROTECTION LEGISLATION**

Purpose of the Report and Recommendation

To inform the Council of Council Policies in respect of Freedom of Information and Data Protection Legislation and to recommend approval of these

1.0 INTRODUCTION

1.1 The Council has various documents on its website previously approved by the Council relating to the General Data Protection Regulations. These are as follows:-

- i. Whitehaven Town Council and your Privacy
- ii. General Privacy Notice
- iii. Whitehaven Town Council and Your Privacy
- iv. General Privacy Notice for Staff and Councillors
- v. Consent Form
- vi. Whitehaven Town Council Document Retention Policy
- vii. Subject Access Request Policy

1.2 The main principle behind Freedom of Information legislation is that people have a right to know about activities of public authorities. The Act does not give people access to their own personal data (information about themselves) such as health records or credit reference files. If a member of the public wants to see information that a public authority holds about them they should make a data protection subject access application the form for which is on the Council's website. There is also a form on the Council's website for submitting a freedom of information request although this can be done by email.

2.0 RECOMMENDATION

- 2.1 It is recommended that the documents on the Council's website relating to Data Protection and Freedom of Information be approved and reviewed at the Annual Council Meeting in 2025 unless there are changes in law in which case the matter will be referred to full Council at that time.

REVIEW OF SOCIAL MEDIA POLICY

Purpose of Report and Recommendation

To review the Council's Social Media Policy

1.0 INTRODUCTION

1.1 The Council adopted a Social Media Policy at full Council on 7th August 2020 and this is shown at Appendix 1. This was reviewed and adopted at the Annual Meetings on 27th May 2021, 26th May 2022 and 18th May 2023.

2.0 RECOMMENDATION

2.1 It is recommended that the Social Media Policy be reviewed and adopted with or without amendment and be reviewed at the Annual Meeting in 2025

WTCAM 29/05/24

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APPENDIX



WHITEHAVEN TOWN COUNCIL SOCIAL MEDIA POLICY

(ADOPTED BY FULL COUNCIL ON 7TH AUGUST 2020 – MINUTE REF 1585/20 REFERS)
(REVIEWED AND ADOPTED BY FULL COUNCIL ON 27TH MAY 2021 – MINUTE REF 1801/21 REFERS)
(REVIEWED AND ADOPTED BY FULL COUNCIL ON 26TH MAY 2022 – MINUTE REF 2032/22 REFERS)
(REVIEWED AND ADOPTED AT THE ANNUAL MEETING ON 18TH MAY 2023 – MINUTE REF 2270/23 REFERS)

The aim of this policy is to set out a Code of Practice to provide guidance to Town Councillors, Council staff and others who engage with the Council using online communications, collectively referred to as social media.

Social media is a collective term used to describe methods of publishing on the internet.

This policy covers all forms of social media and social networking sites which include (but are not limited to):

- Town Council Website;
- Facebook, Myspace and other social networking sites;
- Twitter and other micro blogging sites;
- YouTube and other video clips and podcast sites;
- LinkedIn;
- Blogs and discussion forums;
- Email

The use of social media does not replace existing forms of communication.

The principles of this policy apply to Town Councillors and Council staff and also applies to others communicating with the Town Council.

The current Code of Conduct applies to online activity in the same way it does to other written or verbal communication.

Individual Town Councillors and Council staff are responsible for what they post in a Council and personal capacity.

In the main, Councillors and Council staff have the same legal duties online as anyone else, but failure to comply with the law may have more serious consequences.

Social media may be used to:

- Distribute agendas, post minutes and dates of meetings;
- Advertise events and activities;
- Good news stories linked website or press page;
- Vacancies;
- Re-tweet or share information from partner agencies such as Principle Authorities, Police, Library, Health etc.;
- Announcing new information;
- Post or Share information from other parish related community groups such as schools, sports clubs, community groups and charities;
- Refer resident queries to the clerk and all other councillors

CODE OF PRACTICE

When using social media (including email) Town Councillors and Council staff must be mindful of the information they post in a personal and council capacity and keep the tone of any comments respectful and informative.

Online content should be accurate, objective, balanced and informative.

Town Councillors and Council staff must not:

- Hide their identity using false names or pseudonyms;
- Present personal opinions as that of the Council;
- Present themselves in a way that might cause embarrassment to the Council;
- Post content that is contrary to the democratic decisions of the Council;
- Post controversial or potentially inflammatory remarks;
- Engage in personal attacks, online fights and hostile communications;
- Use an individual's name unless given written permission to do so;
- Publish photographs or videos of minors without parental permission;
- Post any information that infringes copyright of others;
- Post any information that may be deemed libel'
- Post online activity that constitutes bullying or harassment;
- Bring the Council into disrepute, including through content posted in a personal capacity;
- Post offensive language relating to race, sexuality, disability, gender, age, religion or belief;
- Conduct any online activity that violates laws, regulations or that constitutes a criminal offence.

Publishing untrue statements about a person which is damaging to their reputation is libel and can result in court action and fine for damages.

This also applies if someone else publishes something libelous on your social media site. A successful libel claim will result in an award of damages against you.

Posting copyright images or text on social media is an offence. Breach of copyright will result in an award of damages against you.

Publishing personal data of individuals without permission is a breach of Data Protection legislation is an offence.

Publication of obscene material is a criminal offence and is subject to a custodial sentence.

Councillor's views posted in any capacity in advance of matters to be debated by the Council at a Council or Committee meeting may constitute Pre-disposition, Pre-determination or Bias and may require the individual to declare an interest at Council meetings.

Anyone with concerns regarding content placed on social media sites that denigrate Town Councillors, Council staff or residents should report them to the Clerk of the Council.

Misuse of social media content that is contrary to this and other policies could result in actions being taken.

The Council will appoint a nominated person as Administrator of the Town Council social media output and be responsible for posting and monitoring content to ensure it complies with the Social Media Policy.

The Administrator will have authority to remove any posts made by third parties from Council social media pages which are deemed to be of a defamatory or insulting nature.

RECOMMENDATIONS MADE BY A COMMITTEE

Purpose of the Report and Recommendation

To inform the Council of recommendations made by the Policy and Resources and Finance Committee

1.0 INTRODUCTION

- 1.1 At the Council Meeting on 26th October 2023 the Council considered a report on recommendations made by the Policy and Resources Committee at their Meeting on 13th October 2023. These were as follows:-
- i. That Councillor Roberts be appointed Chairman for the ensuing year
 - ii. That Councillor Carr be appointed as Deputy Chairman for the ensuing year
 - iii. That the Minutes of the Meeting held on 27th September 2022 be approved and signed by the Chairman as a correct record.
 - iv. That a recommendation be made to Full Council that the report and budget monitoring figures be noted and approved.
 - v. a Budget Working Group be set up comprising those on the Policy and Resources and Finance Committee to work on setting the Budget for 2024/2025 and make recommendations to Full Council.

2.0 RECOMMENDATION

- 2.1 It is recommended that the Council considers the recommendations made by the Policy and Resources Committee on 13th October 2023 and subsequently approved by full Council on 26th October 2023 and that these be noted and approved

WTCAM 29/05/24

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TIME AND PLACE OF ORDINARY COUNCIL MEETINGS UP TO AND INCLUDING THE NEXT ANNUAL MEETING

Thursday 27th June 2024

Thursday 25th July 2024

Thursday 29th August 2024

Thursday 26th September 2024

Thursday 31st October 2024

Thursday 28th November 2024

Thursday 30th January 2025

Thursday 27th February 2025

Thursday 27th March 2025

Thursday 24th April 2025

Thursday 29th May 2025

Unless otherwise notified all Meetings will take place in the Beacon Portal at 6.00pm