

**NOTICE**

**THIS WILL BE A REMOTE MEETING WHICH MEMBERS OF THE PUBLIC MAY ATTEND BY FOLLOWING THE LINK BELOW**

**To: All Members of Seaton Town Council**

**Remote Meeting of Seaton Town Council  
on Monday 7<sup>th</sup> December 2020**

**2<sup>nd</sup> December 2020**

You are hereby summoned to attend the above meeting to be held on **Monday, 7<sup>th</sup> December 2020 at 6.15pm or immediately following the meeting of the Planning Committee, whichever is the earliest.** In accordance with the provisions of *The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020*, this meeting will be held remotely and members of Seaton Town Council ("the Council") and members of the public can access the meeting by taking the following steps:

Log on to: [www.zoom.us](http://www.zoom.us)

Click on: 'Join Meeting' and then enter:

- Meeting ID: 988 7828 7263
- Passcode: 371371

It is proposed that the matters set out on the agenda below will be considered at the meeting and resolution or resolutions passed as the Council considers appropriate.

**This meeting has been advertised as a public meeting and as such could be filmed or recorded by broadcasters, the media, or members of the public. Please be aware that the Council cannot guarantee that members of the public are not filmed, especially if you are speaking or taking an active role.**

**Julia Mutlow  
Town Clerk**

## **AGENDA**

**20/COU/01 Apologies for absence**  
To receive any apologies for absence

**20/COU/02 Declarations of interest**  
To receive any Members' declarations of interests in respect of items on the agenda



**20/COU/03 Minutes**

To approve the minutes of the Council meeting held on Monday 2 November 2020

**20/COU/04 Chairman's Report**

To note the report

**20/COU/05 Public Question Time**

To allow any questions or reports from members of the public

**20/COU/06 Police Report**

To note the report

**20/COU/07 County Councillor Report**

To note the report

**20/COU/08 District Councillor Reports**

To note the reports

**20/COU/08B Reports from Council representatives on outside bodies**

To receive an update from the recent meetings of:

- Seaton Beach Management Group – Cllr Wright
- LAG – Cllr Bowman

**20/COU/09 Town Clerk's update on 2020/21 priorities, including recommendations as appropriate**

To receive an update on the Council's work and priorities for the 2020/21 municipal year

It is **RECOMMENDED** that Members note the updated work log and the progress made since the Council's November meeting, including those items specifically listed on this agenda

**20/COU/10 Report of internal auditor**

To note the mid-year report of the Council's internal auditor and consider what, if any, adjustments are required to the Council's financial controls to take account of the observations therein.

It is **RECOMMENDED** that Members:

1. note the report of the internal auditor and the Clerk's comments on the observations made
2. ratify the updated dual authorisation of all online payments



3. consider the observation regarding use of the Council's debit card and agree any changes to the current process

**20/COU/11 Review of Risk Register & Risk Management Policy**

To note the report and review the Council's updated risk management policy and risk register for 2020/21.

It is **RECOMMENDED** that Members:

1. approve the updated Risk Management Policy (Appendix 1)
2. note the risks and measures in place to mitigate said risks and approve the risk register (Appendix 2)

**20/COU/12 Review of Financial Regulations & Standing Orders**

To review the Council's Financial Regulations and Standing Orders and approve the amendments thereto

It is **RECOMMENDED** that Members:

- adopt the updated Financial Regulations, including an increased petty cash limit of £200
- adopt the updated Standing Orders

**20/COU/13 Health & Safety Review**

To note the report and the work carried out as part of the comprehensive health and safety review of Marshlands and to approve the updated Health & Safety Policy.

It is **RECOMMENDED** that Members:

- Approve the quotation for replacement smoke detectors
- Authorise officers to obtain 3 quotations for the completion of an asbestos survey
- Authorise officers to obtain a quotation from the fire safety contractor for the cost of installing additional smoke detectors where required
- Authorise the completion of any remedial works, arising from the electrical installation condition inspection (November 2020).
- Review and approve the updated Health and Safety Policy.

**20/COU/14 Highways maintenance priorities**

To consider the priorities put forward by the community and agree which roads, footpaths and drainage sites in Seaton should be recommended to Devon County Council as a priority for works to be carried out.

**20/COU/15 Community & Shop Front Improvement Grants**

To consider and decide whether to approve the following grant applications received:



- **SAVE Food Hub** - £989 towards the establishment of a community larder
- **Re:Store Axe Valley CIC** - £1,000 towards the provision of Christmas hampers for families in need, in particular books for children
- **Monsoon** - £399 – shop front improvement
- **The Bush Hat** - £274.50 – shop front improvement

**20/COU/16 Request from Gateway for approval of works and possible funding**

To consider requests from the Gateway to:

- approve works to the Town Hall to improve facilities; and
- to make a contribution towards the costs thereof

**20/COU/17 Cyclefest 2020 – Cllr Ledger**

To review and reaffirm the sponsorship payment of £7,500 agreed in respect of Cyclefest 2021, pending an enhanced agreement by the event organisers that any monies will be returned to the Council, should the event not go ahead, by reason of the pandemic or otherwise

**20/COU/18 Memorial Benches Policy**

To consider report and agree updated policy on memorial benches and fees for installation.

It is **RECOMMENDED** that Members:

- approve the draft policy on memorial benches
- approve the fees for installation as follows:
  - £125 + VAT to install a bench on an existing base
  - £250 + VAT to build a new base and install a bench

**20/COU/19 Update on meeting with young car enthusiasts – Cllr Haggerty**

To receive an update on meeting with young car enthusiasts

**20/COU/20 Update on meeting with Youth Genesis – Cllr Haggerty**

To receive an update on the meeting with Youth Genesis and agree any actions arising

**20/COU/21 Update on Promote Seaton – Cllr Haggerty**

To receive an update on the work of Promote Seaton



**Minutes of the Seaton Town Council Meeting  
on Monday, 2 November 2020**

**Present:**

**Chair:** Cllr. K. Beer

**Town Councillors:** D. Ledger, D. Haggerty, M. Hartnell, A. Singh, J. Russell, E. Bowman, C. Wood, D. Wright and K. Briggs

**Other**

**Councillors:** Cllr. Rowland (EDDC)

**Officers:** Town Clerk

**Public:** Three members of the public were present, and the meeting was broadcast live via the Council's Facebook page

**Note:** All attendees accessed the meeting remotely and could be either seen and/or heard

**91. Apologies for absence**

Apologies for absence were received from Cllr. Macaskill and Cllr Shaw, in his capacity as Devon County Councillor

**92. Declarations of interest**

Cllrs. Hartnell and Ledger declared personal interests as East Devon District Councillors

**93. Minutes**

Members **RESOLVED** to approve the minutes of the meeting of Seaton Town Council ('the Council') held remotely on 5th October 2020 (proposed Cllr. Ledger; seconded Cllr. Haggerty)

**94. Chairman's Report**

The Chairman stated that it had been a quiet month with nothing to report other than regular catch up meetings with the town clerk.

Members noted the Chairman's report.

**95. Public Question Time**

A member of the public spoke and stated that he resided in the Pebble Beach and expressed concern about alleged anti-social behaviour emanating from the Underfleet and Tesco car parks and leading to noisy vehicle being driven too fast around the town. The Chairman asked Sergeant Roy Hutter to address this as part of the police report.



## 96. **Police Report**

Sergeant Roy Hutter attended, in his capacity as neighbourhood local beat manager. He acknowledged that anti-social behaviour had increased, however, this was against a backdrop of lower crime figures generally. He stated that anti-social behaviour was not solely a policing issue and had to be addressed in partnership with others such as EDDC and Tesco, who owned the car parks referred too. He reiterated that the public should keep reporting matters of concern and that the town's new inspector was proactive in approaching the issue. He confirmed that monthly meetings would be held with the town clerk and one of the officers serving Seaton would attend future Council meetings and report on what action was being taken. He reasserted that resources would be deployed over the coming weeks, but the specialist officers in this area were armed response units and the deployment of such had to be carefully balanced against the alarm such armed patrols may cause to the public.

Members noted the police report.

## 97. **County Councillor Report**

Members wished to thank Cllr Shaw for his generosity in awarding a proportion of his locality budget towards the local school meals initiative set up by Re:store Axe Valley CIC.

Concerns were raised as regards the, apparently, premature closure of the Esplanade, which was due to last for 18 months, but no construction works had commenced. Cllr Ledger stated that he had attended the Seaton & Colyton Traffic Group earlier that day and DCC officers had confirmed that a meeting had been arranged with the contractors to establish when work would be commenced.

Members received and noted the report.

## 98. **District Councillor Reports**

Cllrs. Rowland and Hartnell presented and answered questions on their written reports. Again, the closure of the Esplanade was raised, and Cllr Rowland stated that he could say little on this and the associated development of Fosseyway Court at present, due to legal involvement on behalf of Fosseyway Court Transition Ltd. As regards Seaton Heights, EDDC were consulting with the owners of the site but the lack of action was frustrating. Cllr Hartnell highlighted that he had raised the issue with officers of school buses taking up spaces that should be available for visiting coaches and this was being addressed. Beachfront management in Seaton was also discussed. Cllr Ledger offered reassurance that the study into this had been prepared for planning purposes and the data underpinning it was the 'worse case' scenario with no interventions. The Beachfront Management Plan was still valid.

Members received and noted the reports.



### 99. **Appointments to outside bodies**

The following councillors were appointed as representatives to attend the following outside bodies and report back to the Council:

- Seaton Beach Management Plan Group – Cllr Wright
- East Devon Arts & Culture Forum – Cllr Briggs
- Local Action Group (LAGS) – Cllr Bowman, with Cllr Singh as substitute (proposed Cllr. Beer; seconded Cllr. Hartnell)

### 100. **External Auditor's Report**

Members reviewed and accepted the conclusion of 2019/20 audit report, by the Council's external auditors, PKF Littlejohn.  
(proposed Cllr. Beer; seconded Cllr. Hartnell)

### 101. **Town Clerk's report and update on 2020/21 priorities, including recommendations as to budgetary and other decisions as appropriate**

Members received an update on the Council's work and priorities for the 2020/21 municipal year and noted the spreadsheet that had been produced outlining all of the Council's work and projects, who was responsible and how each matter was progressing.

Members **RESOLVED** to:

1. note the Clerk's report
2. agree that the town's banners should not be erected in 2021, with a view to new artwork (banners or an alternative) being considered for 2022 as part of the art trail
3. promote a town wide switch on of the lights in homes and shops at 6pm on Friday 4<sup>th</sup> December to recognise the Christmas season

(proposed Cllr. Ledger; seconded Cllr. Singh)

### 102. **Community Consultation**

The draft community consultation document was not yet available.

Members **RESOLVED**, in order to avoid delay, to defer consideration of this item on the basis that the draft consultation document would, subject to capacity of the town clerk and Cllr Ledger who were jointly preparing the draft, be circulated to all Members by email as soon as practicable for amendment/comment by email, with ratification at the next Council meeting.

(proposed Cllr. Haggerty; seconded Cllr. Singh)

### 103. **Update on Promote Seaton**

Members received an update from Cllr Haggerty on the work of Promote Seaton

Members noted the update.

### **Confidential Items**



#### 104. Purchase of a speed indicator device

Members discussed at length the purchase of a speed indicator device for the town, subject to the prior approval of relevant authorities. The approximate cost

on the basis of the information received was £10,000 + VAT. Whilst Members broadly agreed that the principle of purchasing a device was positive and demonstrated that the Council was taking this issue seriously, the collective view was that further information was necessary in order to understand how any data obtained could be used, whether the police could use it to either prosecute offences or build intelligence, whether there was a possibility of contributions from other sources such as DCC of the police and what the views of the community would be on such expenditure. Cllr Ledger confirmed that Cllr Shaw had kindly agreed to contribute £1,500 from his locality budget.

Members **RESOLVED** to provisionally allocate a budget of £5,000 for this purpose, subject to the results of the community consultation and further information being obtained as to how such data could be used.

(proposed Cllr Hartnell; seconded Cllr Wright)

#### 105. Marshlands

Members considered the comprehensive report on the requirements for legionella testing at Marshlands and approved the recommendations therein.

Members **RESOLVED** to:

- authorise the clerk to instruct one of the three suppliers to conduct a legionella risk assessment and approved the cost thereof, as detailed in this report
- appoint the town clerk as the 'Responsible Person' for the purposes of this legislation, with authority to delegate any processes necessary to the Council's staff, as she sees fit
- approve the purchase of training and a legionella testing kit, as detailed in this report

(proposed Cllr Ledger; seconded Cllr Bowman)

Meeting closed at 8.02pm

Signed \_\_\_\_\_

Dated \_\_\_\_\_





## **Seaton Rural Crime Report**

For period 1<sup>st</sup> November to 31<sup>st</sup> November 2020 - Reported Crimes (compared to same period last year 2019)

### **Colyton – KN/3C (6 up from 5)**

3 x Violence without Injury  
1 x Vehicle Offence  
2 x Public Order

### **Southleigh KN/3E (no change)**

No reported Crimes

### **Branscombe – KN/3F (1 down from 2)**

1 x Vehicle Offence

### **Beer KN/3G (2 down from 5)**

1 x Burglary Dwelling  
1 x Criminal Damage

### **Axmouth KN/3I (1 down from 2)**

1 x Vehicle Offence

### **Rousdon KN/3J (no change)**

No Reported Crimes

### **Farway KN/3K (no change)**

No Reported Crimes

### **Northleigh – KN/3L (no change)**

No Reported Crimes

### **Seaton – KN/3H (19 down from 27)**

3 x Violence with Injury  
8 x Violence without Injury  
2 x Other Theft  
2 x Criminal Damage  
1 x Trafficking of Drugs  
3 x Possession of Drugs

## **County Councillor's Report, December 2020**

### **Health situation**

I have received regular reports about the Covid situation. It is quite clear that it was getting worse until the new lockdown, and that infections remain at a much higher level than they were in the summer, even if they are lower than most of the country. The Health and Adult Care Scrutiny Committee on 12th November was told clearly that pressure on beds in Devon hospitals was a crucial issue, and this has now been given as a reason for Devon going into Tier 2.

In the circumstances I don't think there is an alternative. We should have learnt now that only when the health crisis is under control can we have a normal economy, but it seems many Tory MPs are incapable of understanding this. I strongly urge everyone to minimise contact indoors even over Christmas, since there is a danger of a third wave if we are not very cautious.

At the committee, a report (for which I had asked at the previous meeting) was presented on restoring elective surgery and cancer services. Progress was being made, although more slowly than expected, in September and October, although the number of people waiting over 1 year had risen to 4,500. Sadly we were told that non-Covid services were already being hit by the second Covid wave, and the November figures would show a new deterioration in the situation. This underlines the high price being paid by many people for the failure to keep Covid under control.

### **Seaton Area Health Matters**

I attended the Committee meeting on 12th November, where it was decided not to accept the rental proposals made by NHS Property Services, owners of Seaton Hospital, and to hand over work with local voluntary groups to the new Re:Store community organisation.

### **Christmas support for families**

I have continued to work with Re:Store over Christmas provisions for families whose children receive free school meals. I'm pleased to say that their scheme will now be covering Beer, Colyford, Colyton, Farway, Seaton and Uplyme.

### **Levelling Up fund**

The Government have established a £4 billion fund to which I understand councils can apply, with support from local MPs, for projects which will benefit the local area. I am looking into whether there is any way we can get funding for the Seaton Seafront Enhancement Scheme and have been in touch with district councillors about this.

### **Seaton road issues**

I'm pleased to see that the Castle Hill resurfacing, which I had been pressing for, has been completed. I have been in touch with residents of Elmfield Road about repairs there, which are due in this financial year. I have also been supporting residents dealing with South West Water over damage to Clapps Lane/Manor Gardens.

### **Stop Line Way cycle/walking route**

I have pressed officers twice this month to get a decision on the way forward for the missing section in the Wetlands, for which there is money in this year's and next year's DCC budgets. I have now been told that a conclusion will be reached by mid-January. I will keep pressing.

### **Colyford 'Devon bank'**

With Cllrs Jones and Hay, I examined the situation near the White Hart. I've sent photos of the sandbags, designed to create a Devon bank, to the engineering team at DCC who were responsible for the scheme completed two or three years ago, and they are going to look into what can be done to improve the appearance.

### **Public Rights of Way Committee**

I attended the November 26th meeting of the committee which considered several East Devon issues (but not in our area).

### **Midweek Herald column**

I am now writing every 4 weeks in the paper, along with a monthly column in Seaton Nub News.

<b>Client</b>	<b>Seaton Town Council</b>	
<b>Clerk:</b>	Julia Mutlow	
	<b>Name</b>	<b>Date</b>
Prior Year Audit Signed	Paula Sakalla	3 June 2020
Pre Audit	Paula Sakalla	30 October 2020
Visit 1 Auditor:	Paula Sakalla	5 November 2020
Year End Auditor		
Reviewed by		

Complete  
Yes  
Yes  
Yes  
No  
No

## Internal Audit Summary 2020-21

### Interim Audit



#### Negative Analysis

Annual Return – Compliance with Requirements		Not checked	Not applicable	Positive	Negative	Overall % Positive	Statutory Non-Compliance	High	Medium	Low
<b>Box A</b>	Appropriate accounting records have been kept properly throughout the year.	0	0	5	0	100.00%	0	0	0	0
<b>Box B</b>	This smaller authority met its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	6	4	28	3	90.32%	0	2	1	0
<b>Box C</b>	This smaller authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	1	0	7	2	77.78%	1	0	0	1
<b>Box D</b>	The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	5	3	14	2	87.50%	0	2	0	0
<b>Box E</b>	Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	0	7	15	1	93.75%	0	0	1	0
<b>Box F</b>	Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.	0	0	8	1	88.89%	0	0	1	0
<b>Box G</b>	Salaries to employees and allowances to members were paid in accordance with this smaller authority's approvals, and PAYE and NI requirements were properly applied.	17	0	0	0	0.00%	0	0	0	0
<b>Box H</b>	Asset and investments registers were complete and accurate and properly maintained.	7	2	0	0	0.00%	0	0	0	0
<b>Box I</b>	Periodic and year-end bank account reconciliations were properly carried out.	9	0	7	0	100.00%	0	0	0	0
<b>Box J</b>	Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.	7	1	0	0	0.00%	0	0	0	0
<b>Box K</b>	IF the authority certified itself as exempt from a limited assurance review in 2019/20, it met the exemption criteria and correctly declared itself exempt.	0	2	0	0	0.00%	0	0	0	0
<b>Box L</b>	During summer 2020 this authority has correctly provided the proper opportunity for the exercise of public rights in accordance with the requirements of the Accounts and Audit Regulations.	0	0	4	0	100.00%	0	0	0	0
<b>Box M</b>	Trust funds (including charitable) – The council met its responsibilities as a trustee.	0	5	0	0	0.00%	0	0	0	0

Total

52	24	88	9	90.72%	1	4	3	1
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# Seaton Town Council Constitution

## Chapter 8 – Risk Register

**NOTE: Due to the additional physical, practical and financial risks posed to the Council's staff, premises and community, imposed by the coronavirus pandemic, the Council is cognisant of the fact that it must be ever more vigilant and these risks are reviewed regularly by the Town Clerk as new Government guidance and regulations are imposed.**

Reviewed - Monday, 7 December 2020

Issue	Risk Identified	Level of Risk H/M/L	Management of Risk (Mitigating factors)	Officer Action	Reviewed level of risk
Governance	Quality of decision making – potentially unlawful	M	<ul style="list-style-type: none"> <li>The Council's constitutional documents, including Standing Orders, Financial Regulations and policies, set how the Council's business will be conducted. These are reviewed regularly</li> <li>Member training</li> <li>Membership of Devon Association of Local Councils and Society of Local Council Clerks</li> </ul>	Town Clerk	L
	Inappropriate delegation	M	<ul style="list-style-type: none"> <li>Council's constitutional documents include a scheme of delegations to committees and the town clerk. This is reviewed regularly.</li> </ul>	Town Clerk	L
	Unclear member responsibility and accountability	M	<ul style="list-style-type: none"> <li>Appropriate committee structure and clear lines of reporting by committees to Council</li> <li>New Member training arranged as soon as practicable after election/co-option. Bespoke training provided by DALC in October 2020</li> </ul>	Town Clerk	L
	Appointments to outside bodies not made	L	<ul style="list-style-type: none"> <li>Annual review of appointments and reports to committee, as necessary</li> </ul>	Town Clerk	L
	Governance and regulatory documents not reviewed.	M	<ul style="list-style-type: none"> <li>Reviewed and updated and reports to Council for approval, as required</li> </ul>	Town Clerk	L
	Register of Interests for Members up to date	M	<ul style="list-style-type: none"> <li>All Members complete forms as soon as elected/co-opted.</li> <li>Annual Review of Register entries. Last completed September 2020</li> </ul>	Town Clerk	L

Issue	Risk Identified	Level of Risk H/M/L	Management of Risk (Mitigating factors)	Officer Action	Reviewed level of risk
Cash	Poor systems and controls	M	<ul style="list-style-type: none"> <li>Reviewed monthly by town clerk and a councillor. Ratified by F&amp;GPC</li> <li>Reviewed by Internal Auditor and any risks identified</li> </ul>	Town Clerk	L
	Waste and misappropriation of funds.	M	<ul style="list-style-type: none"> <li>Appropriate supervision of staff and reporting to Councillors.</li> </ul>	Town Clerk	L
	Budget not approved and precept request not submitted	H	<ul style="list-style-type: none"> <li>Timely reporting to Members with detailed draft budget for following year initially presented to F&amp;GP in October</li> <li>meetings in annual schedule and detailed in Financial Regulations</li> </ul>	Town Clerk	L
	Adequate funds	H	<ul style="list-style-type: none"> <li>Monitor actual expenditure to forecast and report regularly to F&amp;GPC and Council, as necessary</li> <li>Particular scrutiny is applied to changes brought about by the current pandemic and the need to vire funds between budgets to reflect this</li> </ul>	Town Clerk	L
	Properly authorised payments	M	<ul style="list-style-type: none"> <li>Authority to pay in line with Financial Regulations</li> <li>Cheques signed by two councillors and all payments authorised by two Councillors.</li> <li>Financial Regulations updated 2020</li> </ul>	Town Clerk	L
	Theft, fraud and corruption	M	<ul style="list-style-type: none"> <li>Training, management &amp; insurance</li> </ul>	Town Clerk	L
	Activities being outside of legal powers/unlawful payments	H	<ul style="list-style-type: none"> <li>Training of clerk (currently undertaking CiLCA)</li> <li>advice to members</li> </ul>	Town Clerk	L



Issue	Risk Identified	Level of Risk H/M/L	Management of Risk (Mitigating factors)	Officer Action	Reviewed level of risk
Direct Costs	Goods not supplied to Council	M	<ul style="list-style-type: none"> <li>• Purchase order system</li> </ul>	Town Clerk and all officers	L
	Invoices incorrectly calculated	M	<ul style="list-style-type: none"> <li>• Detailed check of calculations</li> </ul>	Town Clerk	L
	Online Payments	H	<ul style="list-style-type: none"> <li>• 2 councillors authorise payments each week by email (due to covid restrictions) and sign schedule of payments each month which is then ratified by F&amp;GPC</li> <li>• Clerk sets up payments online which are then actioned by a councillor</li> <li>• Reviewed by Internal Auditor twice a year</li> </ul>	Town Clerk	M
	Use of Debit Card	H	<ul style="list-style-type: none"> <li>• Use restricted to the Clerk and limited to a single transaction maximum value of £1,000, unless authorised by the Finance and General Purposes Committee, in writing, before any order is placed</li> </ul>	Town Clerk	M
	Income tax deduction	M	<ul style="list-style-type: none"> <li>• Tax codes as notified by HMRC</li> <li>• payments made by EDDC Payroll services, as the Council's chosen payroll provider since October 2020</li> </ul>	Town Clerk	L
Grants	Authority and power to approve	M	<ul style="list-style-type: none"> <li>• Grant criteria/annual approvals through Council with a limit of £1,000 per grant</li> </ul>	Town Clerk	L
	Conditions of grant	L	<ul style="list-style-type: none"> <li>• Grants include conditions, as Members consider appropriate, and report back to Council</li> </ul>	Town Clerk	L

Issue	Risk Identified	Level of Risk H/M/L	Management of Risk (Mitigating factors)	Officer Action	Reviewed level of risk
VAT	VAT analysis	M	<ul style="list-style-type: none"> <li>All items recorded in financial accounting software reports as part of cash book lists</li> <li>Checks conducted by internal auditor</li> </ul>	Town Clerk	L
	Claimed within time limits	M	<ul style="list-style-type: none"> <li>Quarterly returns submitted as soon as possible</li> </ul>	Town Clerk	L
Reserves	Adequacy of earmarked and general reserves.	M	<ul style="list-style-type: none"> <li>Agreed annually by Council as part of budget setting process</li> <li>EMRs kept under review by F&amp;GPC and Council</li> </ul>	Town Clerk	M
Assets	Loss, damage and value	M	<ul style="list-style-type: none"> <li>Annual inspection, update insurance/review asset register</li> <li>report to Members (Dec/Jan 2020)</li> </ul>	Town Clerk/Administrative Officers	M
Salaries	Wrongly paid salary	M	<ul style="list-style-type: none"> <li>Agreed contracts and annual review of salaries and payment systems</li> </ul>	Town Clerk	L
	Wrong tax, NI or pension deducted	M	<ul style="list-style-type: none"> <li>Agreed contracts and annual review of salaries and payment systems</li> </ul>	Town Clerk	L
Members	Members' Interests	M	<ul style="list-style-type: none"> <li>Training on Code of Conduct including refresher training. Last carried out October 2020</li> </ul>	Town Clerk	M
Staff	Accidents/Personal injury	M	<ul style="list-style-type: none"> <li>Visual checks of premises</li> <li>Health and safety checks</li> <li>Particular attention paid to ensure measures for social distancing and hand washing can be observed in compliance with Covid-19 guidance</li> </ul>	Admin Officer/Town Clerk	M
	Bullying	M	<ul style="list-style-type: none"> <li>Staff Handbook and grievance procedures</li> </ul>	Town Clerk	L
	Lack of communication	M	<ul style="list-style-type: none"> <li>Regular meetings with all staff</li> </ul>	Town Clerk	L

Issue	Risk Identified	Level of Risk H/M/L	Management of Risk (Mitigating factors)	Officer Action	Reviewed level of risk
	Performance issues	M	<ul style="list-style-type: none"> <li>Annual appraisals.</li> <li>Reports to Council or relevant committee as necessary</li> </ul>	Town Clerk	L
	Knowledge not up to date or insufficient	M	<ul style="list-style-type: none"> <li>Staff training - ongoing and seek independent professional advice – legal, property etc. as required</li> </ul>	Town Clerk	M
	Loss of key staff	M	<ul style="list-style-type: none"> <li>Regular meetings/staff appraisals</li> <li>Insurance being considered</li> </ul>	Town Clerk	M
Financial Records	Inadequate records	H	<ul style="list-style-type: none"> <li>Town Clerk reviews and reports monthly to F&amp;GPC</li> <li>Checks by internal auditors twice annually</li> </ul>	Town Clerk	L
Insurance	Insufficient cover for all responsibilities	M	<ul style="list-style-type: none"> <li>Annual review of cover taking account of existing and new responsibilities</li> </ul>	Town Clerk	L
Procurement	Contracts not issued properly to ensure best value	M	<ul style="list-style-type: none"> <li>Contract Standing Orders to be followed as part of Financial Regulations</li> </ul>	Town Clerk	L
Minutes	Inaccurate and decisions not followed up	M	<ul style="list-style-type: none"> <li>Minutes review to ensure decisions actioned</li> <li>Minutes drafted and draft circulated and published as soon as practicable</li> </ul>	Town Clerk	L
Allotments	Revenue loss through poor management/badly maintained sites	M	<ul style="list-style-type: none"> <li>Regular inspections</li> </ul>	Admin Officer	L
	Lack of security.	H	<ul style="list-style-type: none"> <li>Regular inspections</li> <li>Feedback from Allotments Volunteer Management Group</li> </ul>	Admin Officer	M
	Accidents/Personal Injury	M	<ul style="list-style-type: none"> <li>Risk assessment is reviewed annually and public liability insurance.</li> </ul>	Admin Officer	M

Issue	Risk Identified	Level of Risk H/M/L	Management of Risk (Mitigating factors)	Officer Action	Reviewed level of risk
	Vandalism	H	<ul style="list-style-type: none"> <li>Feedback from Allotments Volunteer Management Group</li> </ul>	Town Clerk	M
	Cash handling and banking	M	Cash payments for fees taken in office, recorded and banked as soon as practicable	Admin Officers	L
Open Spaces	Damage/vandalism	H	<ul style="list-style-type: none"> <li>Regular inspections and reports to town clerk and Council, if appropriate</li> </ul>	Town Maintenance Officer	M
	Condition of buildings	H	<ul style="list-style-type: none"> <li>Buildings insurance</li> <li>Maintenance programme</li> </ul>	All Officers	M
Markets	Accidents/Personal Injury	H	<ul style="list-style-type: none"> <li>Risk Assessments</li> <li>Insurance</li> </ul>	Town Clerk	M
	Impact of the weather on takings and Council income	H	<ul style="list-style-type: none"> <li>Realistic budget estimates each year</li> </ul>	Town Clerk	L
	Cash handling and banking	M	<ul style="list-style-type: none"> <li>Cash/payments taken by Admin Officer safely stored, recorded and banked as soon as practicable</li> </ul>	Admin Officer	M
	General Health and Safety – setting up, parking	H	<ul style="list-style-type: none"> <li>Conditions for stallholders including traders' insurance.</li> <li>Liaison with EDDC and submission of risk assessments</li> <li>Council no longer provides gazebos due to risks posed</li> </ul>	Town Clerk	M
Marshlands/ Town Hall	Damage/vandalism	H	<ul style="list-style-type: none"> <li>Alarm system, call out and police liaison</li> </ul>	Town Clerk	H
	Revenue loss due to badly managed buildings	M	<ul style="list-style-type: none"> <li>Liaison with tenants/</li> <li>review of tenancies and rents ongoing</li> </ul>	Town Clerk	L
	Accident/injury caused by hirers	M	<ul style="list-style-type: none"> <li>Terms and conditions of hire given to hirer</li> </ul>	Admin Officer	M

Issue	Risk Identified	Level of Risk H/M/L	Management of Risk (Mitigating factors)	Officer Action	Reviewed level of risk
	Loss of income due to reduced bookings	M	<ul style="list-style-type: none"> <li>Promotion of venue and policy on reduced rates for charities and community organisations</li> <li>Projected income in budget for 2021/22 reduced to zero due to likely ongoing Covid-19 restrictions</li> </ul>	Town Clerk	M
	Building safety	H	<ul style="list-style-type: none"> <li>Fire, electrical safety checks</li> <li>Health and safety risk assessment and policy update</li> <li>Health and safety notice board</li> <li>COSHH area</li> <li>Annual PAT testing of equipment</li> <li>Particular observance to guidance surrounding Covid-19 safe practises</li> </ul>	Admin Officer	M
	Condition of building	H	<ul style="list-style-type: none"> <li>Buildings insurance</li> <li>EMRs set aside for maintenance programme</li> </ul>	Town Clerk	M
	Marshlands running costs higher than anticipated	H	<ul style="list-style-type: none"> <li>Sufficient budget allocation</li> <li>Close monitoring and management</li> <li>Maximising income generation</li> </ul>	Town Clerk	M
	Loss of tenant rental income	L	<ul style="list-style-type: none"> <li>Budget allowance made for occasional vacant offices</li> </ul>	Town Clerk	L
Play Areas	Damage/vandalism/rubbish	H	<ul style="list-style-type: none"> <li>Regular visual checks and weekly inspections identifying defects and remedial action required</li> <li>Regular reports to F&amp;GPC identifying any issues</li> <li>Annual independent RoSPA inspections</li> </ul>	Town Maintenance Officer	M

Issue	Risk Identified	Level of Risk H/M/L	Management of Risk (Mitigating factors)	Officer Action	Reviewed level of risk
	Facilities not maintained	M	<ul style="list-style-type: none"> <li>In house minor repairs</li> <li>Use of approved qualified contractor for more substantial repairs</li> </ul>	Town Maintenance Officer	L
	Personal injury	H	<ul style="list-style-type: none"> <li>Preventative measures, as above</li> <li>Adequate insurance cover</li> <li>Additional advisory signage to ensure safe usage of equipment during the covid-19 pandemic</li> </ul>	Town Maintenance Officer	M
Vehicles/ Machinery	Loss, theft, vandalism	H	<ul style="list-style-type: none"> <li>Secure storage</li> <li>Adequate insurance</li> </ul>	Town Maintenance Officer	M
	Misuse of equipment or badly maintained/accidents	M	<ul style="list-style-type: none"> <li>Training and advice on use of equipment provided to relevant staff</li> <li>Annual servicing of vehicle and equipment as appropriate</li> </ul>	Town Maintenance Officer	L
Events	Road closures and liability	M	<ul style="list-style-type: none"> <li>Correct procedures implemented</li> <li>Adequately trained staff</li> </ul>	Town Clerk	L
	Organisation	M	<ul style="list-style-type: none"> <li>Separate risk assessment for each event</li> <li>Ensuring adequate insurance including separate organiser's insurance, of appropriate</li> </ul>	Town Clerk	
	Christmas decorations and lighting	H	<ul style="list-style-type: none"> <li>Testing/assessment of lights and fixings for town decorations and risk assessment of others</li> <li>Electrician tests all connections</li> </ul>	Town Maintenance Officer	M

Issue	Risk Identified	Level of Risk H/M/L	Management of Risk (Mitigating factors)	Officer Action	Reviewed level of risk
Tourist Information	Provision of service by external provider – best value	M	<ul style="list-style-type: none"> <li>• Provision of service transferred to a partner organisation, under a service level agreement, with regular reports being received from service provider</li> <li>• Payments for service kept under review by F&amp;GPC due to closures as a result of the pandemic</li> </ul>	Town Clerk	L

The **level of risk** is an assessment of the likelihood and consequences of the risk happening.

The **management of risk** is how the town council controls the risk.

The **reviewed level of risk** is the level of risk after the control measures are taken into account and where further ongoing attention is necessary.



# Seaton Town Council Constitution

## Chapter 7 Risk Management Policy

Marshlands Centre, Harbour Road, Seaton EX12 2LT

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## **1.0 BACKGROUND**

- 1.1 This Risk Management Policy outlines Seaton Town Council's ("the Council") framework for managing risk.
- 1.2 The Association of Chartered Certified Accountants (ACCA) defines risk as:  
*"An unrealised future loss arising from a present action or inaction. Risks are the opportunities and dangers associated with uncertain future events".*
- 1.3 Risk Management can be defined as:  
*"The process of identifying risks, evaluating their potential consequences and determining and implementing the most effective way of controlling and monitoring them. The objective of the process is to reduce adverse consequences by reducing the likelihood of the event or its impact"*

## **2.0 AIMS AND OBJECTIVES**

- 2.1 The aim of the Council's Risk Management Policy is to adopt best practice in the identification and evaluation of risks and the cost-effective control of risks to ensure that they are reduced to an acceptable level.
- 2.2 It is acknowledged that some risks will always exist and will never be eliminated. All employees must understand the nature of risk and accept responsibility for risks associated with their role and responsibility.
- 2.3 The risk management objectives of the Council are to:
  - Embed risk management into the culture of the Council
  - Fully incorporate risk management as an integral part of setting and delivering the Council's corporate objectives, the Council's day to day operations and any projects or events that the Council undertakes
  - Manage risk in accordance with best practice and in particular in accordance with the requirements of the Annual Governance Statement
  - Consider legal compliance as a minimum
  - Prevent injury and damage and reduce the cost of risk
  - Raise awareness of the need for risk management
- 2.4 These objectives will be achieved by:
  - Establishing a clear Risk Management Policy that is communicated to all officers and councillors
  - Establish a clear risk assessment procedure via a risk register to ensure that all risks are assessed to a certain standard
  - Clearly define roles and responsibilities for risk management in staff job descriptions and the staff handbook
  - Maintaining and reviewing a register of corporate, operational and project risks

- Regularly report risks to the Finance and General Purposes Committee along with progress reports on how risks are being managed

### **3.0 ROLES AND RESPONSIBILITIES**

- 3.1 The following groups and individuals have the following roles and responsibilities for risk and opportunity management within the Council.
- 3.2 The **Council** will approve this Risk Management Policy and the associated Risk Register and any subsequent revisions at least annually.
- 3.3 The **Town Clerk and Responsible Financial Officer (RFO)** is responsible for providing assurance to the Council through ensuring that risks are being identified, evaluated and managed appropriately. The Town Clerk and RFO will provide updates to the Council as appropriate.
- 3.5 All officers of the Council need to have an awareness of risk management and are responsible for ensuring that they manage risk effectively in their jobs and report hazards and risks to the Town Clerk.

### **4.0 STRATEGIC, OPERATIONAL AND PROJECT RISKS**

- 4.1 Broadly speaking risks can be divided into three categories:

**Strategic** – risks which need to be taken into account in judgements about the medium to long term goals and objectives of the Council whilst at the same time considering the opportunities

**Operational** – risks and opportunities which the Council will encounter in the day to day operational aspects of its work

**Project** - risks and opportunities encountered during specific tasks/projects being undertaken

- 4.2 **Strategic Risks**

The major categories of strategic risk may include:

**Political** – failure to deliver either local or central government policy

**Economic** – ability of the Council to meet its financial commitments. These include internal budgetary pressures as well as external factors, affecting the economy as a whole

**Social** – effect of changes in demographic, residential or socio-economic trends on the Council's ability to deliver its objectives.

**Technological** – capacity of the Council to deal with the pace and scale of technological change, or its ability to use technology to address

changing demands

**Reputational** – any actions or inaction of the Council where its reputation suffers as a result

**Data Protection/Information Security** – consequences of data/information transfer between the Council and other bodies such as Devon County Council or East Devon District Council

**Legislative** – current or future potential changes in legislation

**Health and Safety** – all aspects of health & safety as well as the corporate manslaughter legislation

**Environmental** – environmental consequences of progressing the Council's strategic objectives e.g. in terms of climate change, energy efficiency, pollution, recycling, flooding, etc.

**Competitive** – competitiveness of the Council, in terms of cost or quality and/or its ability to deliver best value

**Community** – failure to meet the current and changing needs and expectations of the community

**Partnership** –working in partnership with another local council or stakeholder organizations

#### 4.3 **Operational Risks**

These may include:

**Professional** – ability to recruit appropriate staff to roles

**Financial** – financial planning and control and the adequacy of insurance cover

**Legal** –possible breaches of legislation e.g. Health and Safety at work Act, Data Protection Act, etc.

**Personal Safety** –lone working and the potential to encounter aggressive or confrontational people whilst carrying out duties

**Physical** – fire, security, accident prevention and health and safety e.g. hazards/risk associated with buildings, vehicles, land, plant and equipment

**Contractual** – failure of contractors to deliver services or products to the agreed specifications and costs

**Technological** – reliance on operational equipment and the potential for technological failure e.g. IT systems or equipment and machinery

#### 4.4 Project Risks

These may include:

**People** –whether the right people with the right skills are engaged in each task/project

**Technical** – Councils reliance on a software provider to deliver what has been agreed in their contract for services and that they provide support for dealing with any systems problems or issues

**Cost** – potential for the project to go over budget if the people and technical matters are not delivered in line with a project plan

**Time** – ensuring sufficient time is allocated to a project including provision for slippage, to ensure cost and quality is not affected

The categories are not exhaustive, but a framework for identifying potential risks faced by the Council.

### 5.0 RISK MANAGEMENT PROCESS

5.1 The process below will cover all areas of risk management including making decisions, managing strategic, operational and project risks and opportunities.

#### **Step 1 – Identify risks**

All sources of risk are identified and listed in the Council's Risk Register.

#### **Step 2 – Analyzing risks**

Once identified, an assessment of the likelihood and consequences of the risk happening is conducted.

#### **Step 3 – Managing risks**

The management of risk is how the Council controls the risk. There are four key action strategies to managing risk:

- **Transference** - transfer the risk to the third party e.g. use of insurance
- **Avoidance** – risk decreased as much as possible by avoiding risky areas
- **Reduction** – limit exposure to risk or decrease effects of risk should it occur
- **Acceptance** – accept risk may occur and choose to deal with it if it does occur

#### **Step 4 – Monitoring risks**

The reviewed level of risk is the level of risk after mitigating measures are taken into account and where further ongoing attention is required such as regular inspections. Progress in managing risks should be

monitored. Risk management is an on-going process that should be constantly revisited and reviewed to ensure that new and emerging risks assessed acted upon.

- 5.2 It is important to recognize these steps as part of a cycle. Risk management is dynamic and so the identification phase needs to be done continuously. It is also important to consider whether the nature of the risk has changed over time.

**Approved – 7 December 2020**



# Seaton Town Council Constitution

## Chapter 3 Financial Regulations

Marshlands Centre, Harbour Road, Seaton EX12 2LT

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## **FINANCIAL REGULATIONS (~~December~~February 2020)**

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These Financial Regulations were adopted by the Council at its meeting held on ~~3 February~~  
7 December 2020.

## 1. General

1.1. These financial regulations (~~the Regulations~~) govern the ~~conduct of~~ financial management by the Council and may only be amended or varied by resolution of the Council. ~~Financial~~ ~~These~~ ~~Regulations~~ are one of the Council's ~~two~~ ~~Three~~ governing policy documents providing procedural guidance for members and officers. ~~Financial~~ ~~These~~ ~~Regulations~~ must be observed in conjunction with the Council's standing orders<sup>1</sup> and any individual financial regulations relating to contracts.

1.2. The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.

1.3. The Council's accounting control systems must include measures:

- for the timely production of accounts;
- that provide for the safe and efficient safeguarding of public money;
- to prevent and detect inaccuracy and fraud; and
- identifying the duties of officers.

1.4. These ~~financial~~ ~~Regulations~~ demonstrate how the Council meets these responsibilities and requirements.

1.5. At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices<sup>2</sup>.

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

1.7. Members of ~~the~~ Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of ~~C~~councillor into disrepute.

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<sup>1</sup> ~~Seaton Town Council Model Standing Orders for Councils (2018 Edition) is available from NALC (©NALC 2018)~~

<sup>2</sup> ~~In these Regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in Governance and Accountability for Local Councils - a Practitioners' Guide (England) issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).~~



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

1.9. The RFO:

- acts under the policy direction of the Council;
- administers the Council's financial affairs in accordance with all ~~legislation~~Aets, ~~Regulations~~ and proper practices;
- determines on behalf of the Council its accounting records and accounting control systems;
- ensures the accounting control systems are observed;
- maintains the accounting records of the Council up to date in accordance with proper practices;
- assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
- produces financial management information as required by the Council.

1.10. The accounting records determined by the RFO shall be sufficient to show and explain the Council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the Council from time to time comply with the Accounts and Audit Regulations<sup>3</sup>.

1.11. The accounting records determined by the RFO shall in particular contain:

- entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure or receipts and payments account relate;
- a record of the assets and liabilities of the Council; and
- wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.

1.12. The accounting control systems determined by the RFO shall include:

- procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;

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<sup>3</sup> In these Regulations, references to the Accounts and Audit Regulations ~~or 'the regulations'~~ shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the Council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
- measures to ensure that risk is properly managed.

1.13. The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- setting the final budget or the precept (Council tax requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors, shall be a matter for the full Council only.

1.14. In addition, the Council must:

- determine and keep under regular review the bank mandate for all Council bank accounts;
- approve any grant or a single commitment in excess of £5,000; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

## **2. Accounting and audit (internal and external)**

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

2.2. On a regular basis, at least once in each quarter, and at each financial year end, ~~The Finance & General Purposes Committee ('F&GPC') a member other than the Chairman~~ shall ~~be appointed to~~ verify bank reconciliations (for all accounts) produced by the RFO. ~~Two members of F&GPC~~ ~~the member~~ shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. ~~This activity shall on conclusion~~

~~be reported, including any exceptions, to and noted by the Finance & General Purposes Committee.~~

2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the Council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and, having certified the accounts, shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit Regulations.

2.4. The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the Council shall make available such documents and records as appear to the Council to be necessary for the purpose of the audit and shall, as directed by the Council, supply the RFO, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.

2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices and this appointment shall be reviewed every three years.

2.6. The internal auditor shall:

- be competent and independent of the financial operations of the Council;
- report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
- to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- has no involvement in the financial decision making, management or control of the Council

2.7. Internal or external auditors may not under any circumstances:

- perform any operational duties for the Council;
- initiate or approve accounting transactions; or
- direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.

2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display

or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.

2.10. The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from internal or external auditors.

### **3. Annual estimates (budget) and forward planning**

3.1. The RFO must each year, by no later than October, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the ~~F&GPC, Finance & General Purposes Committee.~~

3.2. The ~~Council F&GPC~~ shall consider annual budget proposals ~~in relation to the Council's three year forecast of revenue and capital receipts and payments~~ including recommendations for the use of reserves and sources of funding and ~~make recommendations to the Council accordingly. update the forecast accordingly.~~

3.3. The Council shall fix the precept (Council tax requirement), and relevant basic amount of Council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.

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

### **4. Budgetary control and authority to spend**

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

- the Council for all items over £5,000;
- a duly delegated committee of the Council for items between £2,500 and £5,000; or
- the Clerk, in conjunction with Chairman of Council and Chairman of the Finance & General Purposes Committee, for any items below £2,500.

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

Contracts may not be disaggregated to avoid controls imposed by these ~~R~~Regulations.

4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council, or duly delegated committee. During the budget year and with the approval of Council ~~or duly delegated committee~~ having considered fully the implications for public services, unspent and available

amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').

4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.

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

4.5. In cases of extreme risk to the delivery of Council services, the Clerk, in conjunction with Chairman of Council and Chairman of the ~~F&GPC Finance & General Purposes Committee~~, may authorise revenue expenditure on behalf of the Council which, in the Clerk's judgement, it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £5,000. The Clerk shall report such action to the Council as soon as practicable thereafter.

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

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

4.8. The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose "material" shall be in excess of 15% of the budget.

4.9. Changes in earmarked reserves shall be approved by F&GPC or Council as part of the budgetary control process.

## **5. Banking arrangements and authorisation of payments**

5.1. The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.

5.2. The RFO shall prepare a schedule of payments due and those made in accordance with paragraph 4.1 above requiring authorisation, forming part of the Agenda for the Meeting

~~and, together with the relevant invoices, and present the schedule to the F&GPC, Council or Finance & General Purposes Committee. The F&GPC Council/Committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution or ratify payments already made as permitted by paragraph 4.1 (bullet point 3) of the Council or Finance & General Purposes Committee. The approved schedule shall be ruled off and~~ initialled by the Chairman of the ~~M~~meeting ~~and one other councillor~~. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.

5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available Council or Finance & General Purposes Committee meeting.

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

- a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of Council or ~~F&GPC, Finance & General Purposes Committee;~~
- b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of Council or ~~F&GPC, Finance & General Purposes Committee;~~ or
- c) fund transfers within the Councils banking arrangements up to the sum of £20,000, provided that a list of such payments shall be submitted to the next appropriate meeting of Council or ~~F&GPC, Finance & General Purposes Committee.~~

5.6. For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which Council ~~;~~ or a duly authorised committee, may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary

Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of Council or ~~F&G~~~~Finance & General Purposes Committee~~.

5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.

5.8. In respect of grants, ~~the Council a duly authorised committee~~ shall approve expenditure within any limits set by Council and in accordance with any policy statement approved by Council. Any ~~R~~revenue or ~~C~~capital ~~G~~grant in excess of £5,000 shall, before payment, be subject to ratification by resolution of the Council.

5.9. Members are subject to the Code of Conduct ('the Code') that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.

5.10. The Council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.

5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a ~~M~~member.

## **6. Instructions for the making of payments**

6.1. The Council will make safe and efficient arrangements for the making of its payments.

6.2. Following authorisation under ~~Financial~~ Regulations ~~4.1 or 5.2~~ above, the Council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.

6.3. ~~Where possible, All~~ payments shall be affected ~~by cheque or other instructions to the Council's bankers, or otherwise, via online banking~~ in accordance with ~~the provisions of this Regulation 6. a resolution of Council or duly delegated committee.~~

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

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

6.6. Cheques or orders for payment shall not normally be presented for signature other than at a Council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the Council or Finance & General Purposes Committee at the next convenient meeting.

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

6.8. If thought appropriate by the Council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to Council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the Council at least every two years.

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

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

6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the Council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other Councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the Council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.

6.12. No employee or Councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or a duly delegated committee.

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



6.14. The Council, and any members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.

6.15. Where internet banking arrangements are made with any bank, the Clerk/RFO shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify a number of Councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.

6.16. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for Council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by two of the Clerk and/or a member. A programme of regular checks of standing data with suppliers will be followed.

6.18. Any ~~D~~debit ~~C~~card issued for use will be specifically restricted to the Clerk and RFO and will also be restricted to a single transaction maximum value of £1,000 unless authorised by Council or ~~F~~Finance & General Purposes Committee in writing before any order is placed.

~~6.19. Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Clerk and RFO and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.~~

**Commented [TC1]:** No credit cards or trade accounts are operated by the Council, therefore this is superfluous.

6.19~~24~~. The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.

a) The RFO shall maintain a petty cash float of ~~no more than £45200~~ for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept ~~to substantiatesubstantiating~~ the payment.

**Commented [TC2]:** Increased slightly to deal with the observation raised by the internal auditor.

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

c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to Council under 5.2 above.

## **7. Payment of salaries**

7.1. As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council, or duly delegated committee.

7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available Council meeting, as set out in these regulations above.

7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council.

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

- a) by any Councillor who can demonstrate a need to know;
- b) by the internal auditor;
- c) by the external auditor; or
- d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.

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

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

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

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

## **8. Loans and investments**

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

8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.

8.3. The Council will arrange with the Council's banks and investment providers for the sending of a copy of each statement of account to the Chairman of the Council at the same time as one is issued to the Clerk or RFO.

8.4. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.

8.5. The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.

8.6. All investments of money under the control of the Council shall be in the name of the Council.

8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

8.8. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

## **9. Income**

9.1. The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.

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

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

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

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

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

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

9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

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

9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the Council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any Council meeting (see also Regulation 16 below).

## **10. Orders for work, goods and services**

10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.

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 shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below.

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

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

## 11. Contracts

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

- a) Every contract shall comply with these ~~financial~~ Regulations, and no exceptions shall be made otherwise than in an emergency provided that this ~~Regulation~~ need not apply to contracts which relate to items (i) to (vi) below:
  - i. for the supply of gas, electricity, water, sewerage and telephone services;
  - ii. for specialist services such as are provided by legal professionals acting in disputes;
  - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
  - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
  - v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with ~~two of the following councillors – the Chairman, and Vice Chairman of the Council or Chair of F&GPC~~); and
  - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
- b) Where the Council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 (“the 2015 Regulations”) which is valued at £25,000 or more, the Council shall comply with the relevant requirements of the Regulations<sup>4</sup>.
- c) The full requirements of ~~the~~ 2015 Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract

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<sup>4</sup> The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

or public works contract which exceed thresholds in The [2015](#) Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)<sup>5</sup>.

d) When applications are made to waive ~~the financial~~ Regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.

e) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

f) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of Council.

g) Any invitation to tender issued under this regulation shall be subject to Standing Order 14 and shall refer to the terms of the Bribery Act 2010.

h) When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £2,500 and above £500 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.

i) The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

j) Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

## 12. Payments under contracts for building or other construction works<sup>1</sup>

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<sup>5</sup> Thresholds currently applicable are:

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

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

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

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

### **13. Stores and equipment**

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

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

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

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

### **14. Assets, properties and estates**

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

14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £250.

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

covenants) together with a proper business case (including an adequate level of consultation with the electorate).

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

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

14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

## **15. Insurance**

15.1. Following the annual risk assessment (~~per~~ Regulation 17), the RFO shall effect all insurances and negotiate all claims on the Council's insurers.

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

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

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

## **16. Charities**

16.1. Where the Council is sole managing trustee of a charitable body the Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any audit or independent examination as may be required by ~~C~~charity ~~L~~aw or any ~~G~~overning ~~D~~ocument.

## **17. Risk management**



17.1. The Council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council at least annually.

17.2. When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

#### **18. Suspension and revision of Financial Regulations**

18.1. It shall be the duty of the Council to review the ~~se Financial Regulations of the Council~~ from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these ~~Financial~~ Regulations.

18.2. The Council may, by resolution of the Council duly notified prior to the relevant meeting of Council, suspend any part of these ~~Financial~~ Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of Council.



# Seaton Town Council Constitution

## Chapter 2 Standing Orders

Marshlands Centre, Harbour Road, Seaton EX12 2LT

01297 21388

[townclerk@seaton.gov.uk](mailto:townclerk@seaton.gov.uk)

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## 1. RULES OF DEBATE AT MEETINGS

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

- i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.

## 2. DISORDERLY CONDUCT AT MEETINGS

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

## 3. MEETINGS GENERALLY

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chairman of the meeting.

- g Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- p **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**

- r **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

*See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

- s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

t The minutes of a meeting shall include an accurate record of the following:

- i. the time and place of the meeting;
- ii. the names of councillors who are present and the names of councillors who are absent;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vi. if there was a public participation session; and
- vii. the resolutions made.

- u **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**

- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

*See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.*



- w **If a meeting is or becomes inquorate no business shall be transacted**
- and the meeting shall be closed. The business on the agenda for the meeting
- shall be adjourned to another meeting.
- x A meeting shall not exceed a period of 3 hours.

#### 4. COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - vi. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - vii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
  - viii. shall determine if the public may participate at a meeting of a committee;
  - ix. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
  - x. shall determine if the public may participate at a meeting of a sub-

- committee that they are permitted to attend; and
- xi. may dissolve a committee or a sub-committee.

## **5. ORDINARY COUNCIL MEETINGS**

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**
- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chairman of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
- i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council**

**resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**

- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
- iii. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and other assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local

Government Act 1972 or the general power of competence.

- xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

## 6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

- a The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- b If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.

## 7. PREVIOUS RESOLUTIONS

- ~~a — A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.~~
- ~~b — When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.~~

### Proposed amendment to Standing Order 7:

- a. A resolution of the Council shall not be rescinded, reversed or amended within six months of it being made unless:
- by way of a special motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 9; or
  - by way of a motion moved in pursuance of the recommendation of a committee or a sub-committee; or
  - by way of a motion moved in pursuance of subsequent information becoming available that, in the reasonable view of the Proper Officer, is relevant to the business to which the resolution relates and should be brought to the attention of the Council
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## **8. VOTING ON APPOINTMENTS**

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

## **9. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 8 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 8 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

## **10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
  - i to correct an inaccuracy in the draft minutes of a meeting;

- ii. to move to a vote;
- iii. to defer consideration of a motion;
- iv. to refer a motion to a particular committee or sub-committee;
- v. to appoint a person to preside at a meeting;
- vi. to change the order of business on the agenda;
- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

## 11. MANAGEMENT OF INFORMATION

*See also standing order 20.*

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**

- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

## **12. DRAFT MINUTES**

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 9(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- e Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## **13. CODE OF CONDUCT AND DISPENSATIONS**

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the Proper

Officer and that decision is final.

- f A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. granting the dispensation is in the interests of persons living in the Council's area; or**
  - iii. it is otherwise appropriate to grant a dispensation.**

#### **14. CODE OF CONDUCT COMPLAINTS**

- a Upon notification by the District Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- c The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;



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

## 15. PROPER OFFICER

- a The Proper Officer shall be either (i) the clerk or (ii) such other Officer who may be nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
  - i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
    - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
    - **provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
  - ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 3 days before the meeting confirming his withdrawal of it;
  - iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
  - iv. **facilitate inspection of the minute book by local government electors;**
  - v. **receive and retain copies of byelaws made by other local authorities;**
  - vi. hold acceptance of office forms from councillors;
  - vii. hold a copy of every councillor's register of interests;
  - viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
  - ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
  - x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
  - xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);

- xii. arrange for legal deeds to be executed;
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman (if there is one) of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning Committee;
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.

#### **16. RESPONSIBLE FINANCIAL OFFICER**

- a The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

#### **17. ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the Council's receipts and payments (or income and expenditure) for each quarter;
  - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## **18. FINANCIAL CONTROLS AND PROCUREMENT**

- a. The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial Regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**

- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

## **19. HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of Council or relevant committee is subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of Council or, if he is not available, the vice-chairman of the Council of absence occasioned by illness or other reason and that person shall report such absence to the Council or relevant committee at its next meeting.
- c Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of Council or, in his absence, the vice-chairman of the Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council.
- d Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by [the member of staff's job title] relates to the chairman or vice-chairman of the Council and this shall be communicated to another member of Council which shall be reported back and progressed by resolution of Council.
- e Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- f In accordance with standing order 11 (a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(e).

## **20. RESPONSIBILITIES TO PROVIDE INFORMATION**

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

## **21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION** (Below is not an exclusive list).

- a The Council may appoint a Data Protection Officer.

- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f The Council shall maintain a written record of its processing activities.**

## **22. RELATIONS WITH THE PRESS/MEDIA**

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

## **23. EXECUTION AND SEALING OF LEGAL DEEDS**

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.**
- b Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## **24. COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Councillor representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward councillor(s) representing the area of the Council.

## **25. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a Unless duly authorised no councillor shall:
  - i inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii issue orders, instructions or directions.

## **26. STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- c The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.



## **20 COU 13 - HEALTH AND SAFETY UPDATE REPORT**

### **Introduction & Background**

Following a review of health and safety practices and procedures in October 2020, a number of actions were identified, including a review of the Health and Safety Policy. An update on the completion of these is provided below. Information regarding additional health and safety areas identified as requiring action is also detailed.

### **Update on actions identified**

- A health and safety noticeboard has been created and can be found in the function room at Marshlands. The noticeboard contains information regarding employer and public liability insurance, fire safety, fire evacuation procedures, appointed first aiders and the mandatory HSE poster.
- The creation of a Marshlands health and safety file is ongoing and will eventually include all information and certificates purporting to electrical safety, gas safety, waste management and disposal, control of substances harmful to health, COVID safety and fire safety and asbestos.
- Online first aid training and online fire warden training has been completed by the administration team.
- A legionella risk assessment will be undertaken on Wednesday 16<sup>th</sup> December by Eplus Global Ltd.
- A secure COSHH cupboard has been identified and all cleaning products and chemicals are now stored inside with copies of the relevant COSHH data sheets.
- Weekly fire alarm testing and monthly emergency light testing has been reinstated.
- The fire alarm system has been serviced and some minor actions identified which are detailed in the fire safety update below.
- PAT testing was completed on 3<sup>rd</sup> November and any failed appliances have been removed from use.

### **Additional actions identified**

It is a legal requirement that an electrical installation condition inspection is completed every 5 years. The last inspection was completed in January 2015, prior to Seaton Town Council purchasing the building. Fords of Sidmouth carried out a full inspection of the premises over the course of 3 days in November 2020.

Circuits that were identified as no longer in use, have been disconnected to reduce the risk of electrical fire. These include the circuit for the lift; however, it can be reconnected at a later date if required.

A list of remedial works will be supplied but is unlikely to be extensive.

During the course of the inspection an extensive basement area was discovered under the 2 storey house section of Marshlands Centre. The basement is accessed via a small hatch located in between the UPVC section and the house. This

electricity circuit has not been isolated. There is a smoke detector in one of the chambers and emergency lighting in another. Fire bells are also installed. This basement is listed on the asbestos register dated 21<sup>st</sup> May 2015, completed by NPS Group for Marshlands Day Centre. It does not appear to be referenced in the building survey dated 17<sup>th</sup> August 2016.

### **Health and Safety Policy Review**

This has been updated to include additional information on electrical safety, lifting and handling, driving at work, lone working, smoking and stress management. Additional detail has been included in the areas of accident reporting, first aid, fire safety, visual display units, risk assessments and control of substances harmful to health.

The policy (Appendix 1) requires review and approval by council members.

The updating of this policy has identified the need to create additional policies as follows:

- Lone Working
- Smoking
- Legionella
- Environment

These will be prepared and tabled for approval at the full council meetings scheduled for 4<sup>th</sup> January 2021 and 1<sup>st</sup> February 2021.

### **Fire Safety**

The annual service of the fire alarm system resulted in the identification of smoke detectors requiring replacement. Smoke detectors should be replaced every 10 years however some are dated from 1999 to early 2000s. A quotation has been obtained which includes the cost of a new detector and labour. Terms and conditions have been included which state that only detectors over 10 years old will be subject to replacement and the final invoice will reflect the actual number replaced.

I am awaiting a separate quotation for the installation of additional detectors in some of the top floor rooms. I am also awaiting copies of the certificates for the alarm servicing and the fire extinguisher servicing that has taken place this year.

### **Conclusions**

Given the age and condition of Marshlands and the fact that most of the health and safety paperwork available relates to its use as a day centre and in light of the Council's responsibilities as employer and landlord, officers have concluded that certain actions are required:

1. All remedial works identified as a result of the Electrical Installation Condition Inspection to be actioned.
2. All smoke detectors over 10 years of age are to be replaced.

3. Rooms within the building that do not currently have smoke detectors are to have new ones fitted.
4. A contractor to be appointed to complete an up-to-date asbestos survey and to provide an up-to-date asbestos register for the building.
5. Tenants to be made aware of their responsibilities with regard to fire safety procedures.
6. Tenants to be made aware that any portable electrical appliances used by them must be regularly PAT tested.

## **RECOMMENDATIONS**

It is **RECOMMENDED** that Members:

- Approve the quotation for the replacement smoke detectors
- Authorise officers to obtain 3 quotations for the completion of an asbestos survey
- Authorise officers to obtain a quotation from the fire safety contractor for the cost of installing additional smoke detectors where required
- Authorise the completion of any remedial works, arising from the electrical installation condition inspection.
- Review and approve the updated Health and Safety Policy.



# Seaton Town Council Constitution

## Chapter 14 Health & Safety Policy

Marshlands Centre, Harbour Road, Seaton EX12 2LT

01297 21388

[townclerk@seaton.gov.uk](mailto:townclerk@seaton.gov.uk)

## Health & Safety Policy Statement

Seaton Town Council ('the Council') recognises that it has statutory obligations under the Health and Safety Acts to provide and maintain safe and healthy working conditions, equipment and systems of work for all its employees, contractors, tenants, hirers and members of the public. It is our policy to provide information, instruction, training and supervision as needed for this purpose.

The Council also accepts the responsibility of the Health and Safety of other people who may be affected by its activities and actively seeks support from all employees, whatever their status, in the promotion of strategies and procedures to achieve the objectives of this Health & Safety Policy ('the Policy').

Accordingly, it will, so far as is reasonable and practicable, take steps to meet this responsibility paying particular attention to the provision and maintenance of:

- a) Plant, equipment and systems of work that are safe.
- b) Safe arrangements for the use, handling, storage and transport of articles and substances.
- c) Sufficient information, instruction, training and supervision as is necessary to ensure the health and safety at work of all employees.
- d) Safe places of work and safe access to them. Safe public areas where these are under Council control.
- e) A safe and healthy working and operating environment.
- f) Adequate facilities for welfare at work.

All employees and members of the public are reminded of their duty to take reasonable care for the safety of themselves and others who may be affected by their acts or omissions and to co-operate with others who may be affected by their acts or omissions and to co-operate with council staff to secure compliance with statutory duties placed upon them. This is in addition to the responsibility of the council and its managers/ supervisors for ensuring generally safe conditions of work. You must not do anything that could threaten the health or safety of yourself, fellow employees, customers or members of the public. (Health & Safety Act 1974 and the Management of Health and Safety at Work Regulations 1999)

The arrangements for the implementation of this Policy are set out in Sections 2 and 3 and this information can also be found in the Staff Handbook.

The Policy will be kept up to date as required and, as a minimum.

A copy of this policy is issued to all employees and councillors.

## **Section 2**

### **Day to Day Health and Safety Responsibilities**

#### **The Council**

- Should maintain an effective programme to ensure that all workplace hazards are systematically identified, and appropriate measures introduced to control these hazards. Risk assessments are to be undertaken where necessary and to take account of changes within the workplace.
- Should ensure all employees have the opportunity to participate in the development of good working practices, have all relevant documentation relating to Health and Safety available, receive training where relevant and are provided with the necessary information to undertake their duties safely.
- Should ensure all necessary personal protective equipment is provided to employees, that they are trained in its use and proper maintenance and storage.
- Should encourage all staff to set a high standard of health and safety management.
- Should insist that all contractors comply with the necessary health and safety standards.

#### **Employees**

- Should take responsibility for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work.
- Should co-operate with the Council to achieve a healthy and safe workplace and report any health and safety problems that arise which they are unable to resolve themselves.
- Should carry out their duties in a way that does not adversely affect their own health and safety and that of others and to ensure that personal protective equipment is used at all times if required.
- Should not misuse any equipment provided in the interests of health and safety and their welfare.
- Should undertake any training and/or instructions in health and safety related subjects to ensure that they are competent to carry out their health and safety responsibilities.

## **Section 3**

### **Arrangements for Health and Safety Systems and Procedures**

#### **General Safety and Conduct of Employees**

- Employees are reminded of their moral and legal responsibility for conducting themselves in such a manner in their work so as not to expose themselves or others to risk. To this end the Policy is a document that must be read, understood and implemented by all employees.
- A declaration by the employee must be signed when the Policy has been read and understood.
- Employees must not promote or participate in any action that may result in accident or injury.

#### **Accidents**

- All injuries, no matter how small, must be recorded, including injuries to staff, sub-contractors, visitors and members of the public. Some may need to be reported to the Health and Safety Executive.
- An accident is defined as “an unplanned event with the potential to cause damage to property or injury to people”. There is no such thing as a minor accident. An object falling from height that does not result in damage or injury is still an accident and would need to be recorded as a ‘near miss’. It is essential that all accidents are recorded, especially those involving injuries.
- All accidents and near misses will be recorded in an accident book. The Town Clerk will ensure that suitable investigations are undertaken and reports made, where relevant.
- Some accidents must be reported to HSE under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR). These are generally major incidents, a full list is attached to this policy. Failure to report is an offence.

#### **First Aid**

- In the event of a person being hurt, the first responsibility is to ensure that any necessary first aid is promptly administered to the injury.
- First Aiders are only expected to administer help and assistance to a level which they feel comfortable and confident with.
- The first aid box is sited in the kitchen at the Marshlands Centre.
- A first aid box is sited in the Council’s vehicle.
- The Council’s trained first aiders are the Administration & Community Events Officers.

#### **Staff Training**

- All staff will be given training relating to evacuation procedures, accident procedures and availability of first aid. Other training will be carried out as the need arises and records kept.

#### **Fire Safety**

- Fire procedures are displayed adjacent to each call point. Fire evacuation drills to be carried out annually in liaison with the tenants of Marshlands. The assembly point is the front of the Council Offices. All hirers of the function room or tenants are responsible for fire procedures during the period of their letting. These are outlined on the booking form and in their lease agreements.
- The fire alarm system to be tested weekly and checked annually as directed by the fire safety contractor.
- The emergency lighting to be tested monthly and checked annually as directed by the fire safety contractor.
- All fire extinguishers to be checked annually by the fire safety contractor.
- Fire Alarm system to be checked annually by the fire safety contractor.
- All checks to be recorded in the 'Fire Log Book' which is sited on the Health and Safety noticeboard at the Marshlands Centre.
- The Town Clerk is ultimately responsible and will oversee that fire requirements are adhered to but will delegate some duties to the administration staff who are the nominated fire wardens.
- The nominated fire wardens will ensure that all people leave the building directly and immediately in the event of an evacuation and congregate at the designated assembly point. They will account for any missing persons and liaise with the fire service in the event of a fire. The nominated fire wardens are the Administration & Community Events Officers
- All staff are expected to assess risks on a day to day basis and to carry out housekeeping checks to identify any potential fire hazards.

### **Electrical Safety**

- A programme of inspection of portable electrical equipment will be undertaken.
- All employees to visually inspect work equipment noting any hazards.
- A PAT test of electrical equipment to be done annually by a competent person. The results to be recorded and all equipment to be marked at the plug noting the date for retest. Any equipment failing this test will be removed.
- An electrical installation condition inspection to be carried out every 5 years to ensure suitability and as part of the fire safety management systems.
- Tenants are required to provide evidence that their PAT testing has been carried as required.

### **Visual Display Units (VDUs)**

- All employees covered by the Health and Safety (Display Screen Equipment) Regulations 1992 (as amended) are to be provided with the Health and Safety Executive information and training booklet "Working with VDUs" about the correct use of computers, the positioning of desk, chair, monitor etc.
- All employees to ensure that the workspace and equipment meets their requirements and to inform the Town Clerk of any reasonable adjustments or additional equipment that are required.
- All employees to be encouraged to take regular breaks, every 40-50 minutes to enable the body to recover from the fatigue of holding a static position.
- All employees to be made aware that their employer will provide an eye test should it be required.



### **Lifting and Handling**

- The Council does not expect staff to lift and carry heavy weights and when required, both external contractors and the appropriate equipment will be sourced for this purpose.
- The Council will issue all staff with manual handling guidance issued by the Health and Safety Executive.

### **Driving at Work**

- The Council will take all reasonable steps to manage the health and safety of those staff who need to drive as part of their role. Driving at work is defined as any journey where the Council picks up the cost by way of mileage expenses, a car allowance or a council owned vehicle. This does not cover travelling to and from work.
- Where a Council owned vehicle is used, staff must report any suspected mechanical defects and not drive the vehicle until these have been investigated.
- If an employee uses their own vehicle, they are required to maintain it in a roadworthy condition. They must also ensure they have the appropriate business use insurance cover and a current MOT certificate, if applicable.
- It is offence to use handheld mobile phones and PDAs whilst driving.
- Any road accidents whilst travelling on business must be reported to the Town Clerk.

### **Control of Substances Hazardous To Health (COSHH)**

- COSHH Regulations 2002 require employers to control substances that can harm workers' health.
- Hazardous substances used by council staff and cleaning contractors are to be stored in a designated, locked COSHH cupboard.
- Reasonable caution is applied to all other hazardous substances i.e. washing up liquid and anti-bacterial solutions.
- COSHH data sheets to be printed and filed for each substance. Copies to be placed in the COSHH cupboard and in the Marshlands Health & Safety file.

### **Risk Assessments**

- The Town Clerk is responsible for overseeing that suitable risk assessments are undertaken where necessary.
- The purpose of the risk assessments will be to identify the existing measures required to reduce risk and to assess whether any additional measures are necessary.
- Any findings to be reported to the Council. Actions required to remove/control risks to be approved by the Council.
- A risk assessment of the Council offices to be carried out and reviewed annually.
- Should any member of staff notify the Council of pregnancy, a risk assessment will be carried out on her work role according to the requirements of the management of Health and Safety at Work Regulations 1999.

### **Lone Working**

- The Council will take all reasonable steps to avoid staff working on their own but there will be occasions when this will be unavoidable.
- All staff to be provided with a copy of the Lone Working Policy and Procedure.

### **Stress Management**

- The Health and Safety Executive define stress as “the adverse reaction people have to excessive pressure or other types of demand placed on them” This makes the distinction between pressure, which can be positive if managed correctly and stress, which can be detrimental to health.
- The Council is committed to protecting the health, safety and welfare of employees and recognizes that workplace stress is a health and safety issue and acknowledges the importance of identifying and reducing workplace stressors.
- The Council to conduct risk assessments to manage stress or to control risks from stress and provide training for all managers and supervisory staff in good management practices.
- The Council to provide confidential counselling for staff affected by stress caused by work and will monitor factors highlighted as stressful, manage change appropriately and seek to understand employee’s concerns.

### **Smoking at Work**

- It is Council policy that all council owned workplace buildings and Council owned vehicles are smoke free.
- Smoking is prohibited in all enclosed and substantially enclosed premises in the workplace. Substantially enclosed includes door entrances and council owned vehicles. The same prohibition applies to vaping (the use of electronic cigarettes).
- The Council to implement a Smoking policy which outlines procedures it will follow in the event of non-compliance.
- “No Smoking” signs to be clearly displayed in the Council offices.

### **Policy Review**

- Seaton Town Council is committed to reviewing its policies and making improvements where possible.
- This Policy will be reviewed and updated following any major changes in procedures, personnel or annually whichever occurs first.
- All risk assessments and training records to be kept available for inspection.

Adopted: December 2020

Policy Due for Review: December 2021

**Declaration by Employee/Councillor**

I declare that I have read and understood and will implement the Seaton Town Council Health and Safety Policy:

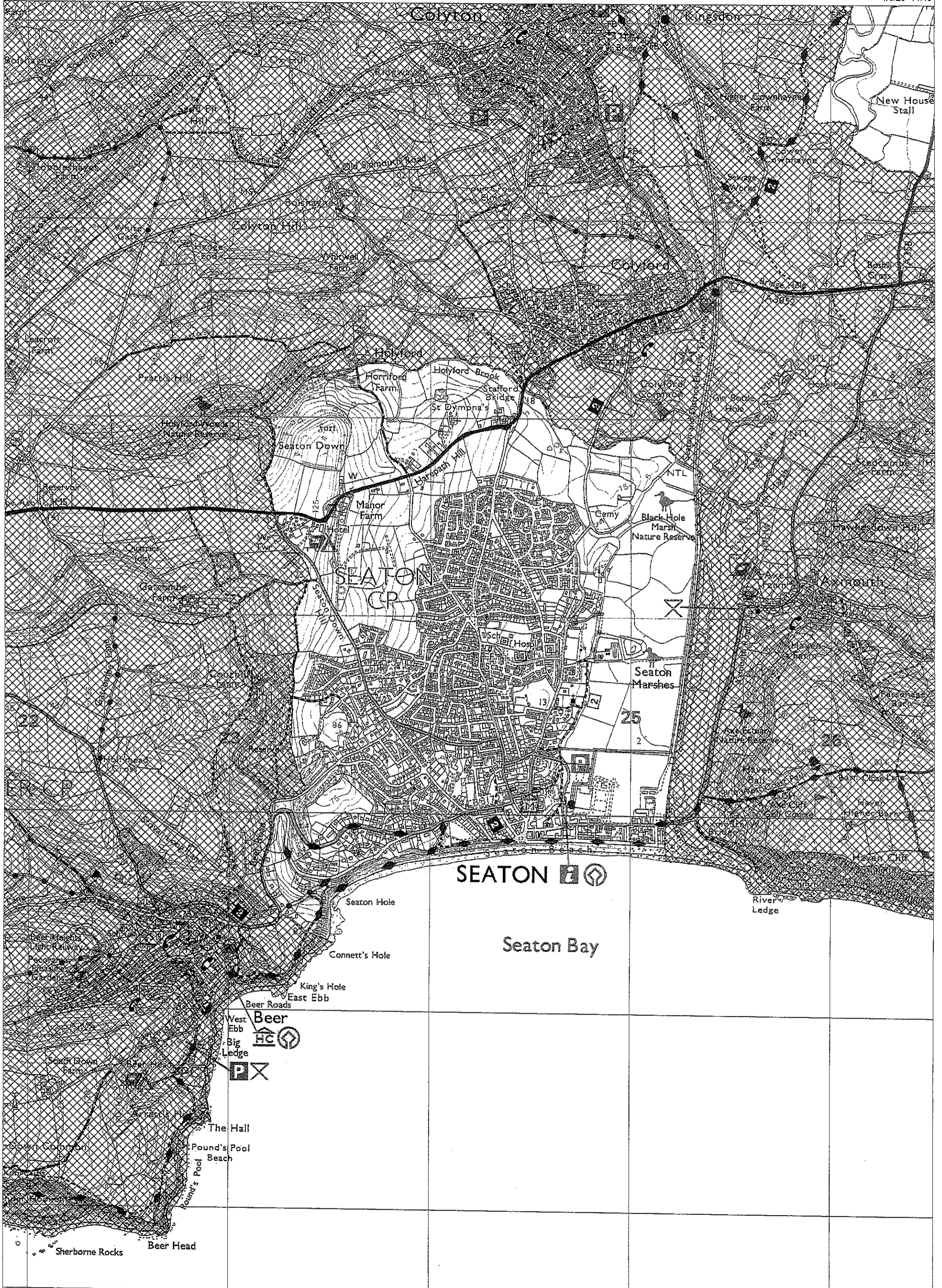
Signed:.....

Name (print): .....

Position: .....

Date: .....





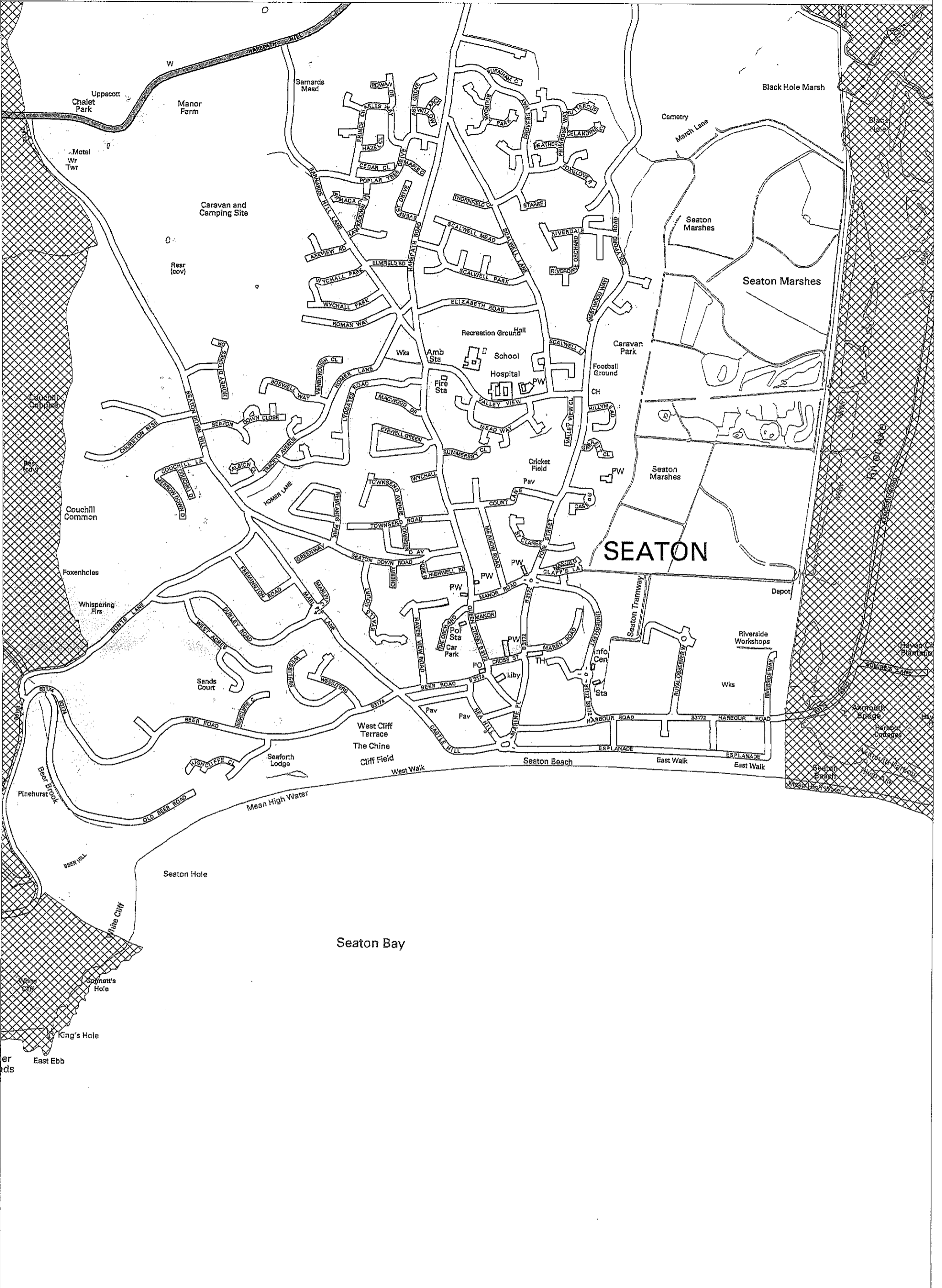
SEATON

Seaton Bay

Beer  
 HC  
 Big Ledge  
 P

The Hall  
 Pound's Pool  
 Beach

Beer Head



SEATON

## 20/COU/14 Highways maintenance – residents' priorities

### Priorities expressed by residents & businesses via social media

The following notice was circulated on the Council's Facebook page and several other local community sites:

**\*\*ROADS, FOOTPATHS & DRAINS\*\***

*Good morning all, we'd like to ask all residents which 3 roads & 3 footpaths you'd like to see prioritised for resurfacing? Also, which 3 drainage issues would you like to see prioritised within Seaton. Please put your answers in the comment section below*

*We'll pass on all the info to Devon county council and this will help inform them on future programming of works.*

Many people commented on their priorities and the table below summarises their views. The numbers on the righthand column indicates the number of people who raised any particular site as a concern.

<b>Site</b>	<b>Comments</b>	<b>Number of requests</b>
<b>Scalwell Lane</b>	Most of it but especially near Pink Hippo's Nursery	<b>9</b>
<b>Elmfield Road</b>	Has needed new tarmac for about 20 years. Bad, especially at the junction with Harepath road, before the Baker Building lorries and it's worse now. Also oddly sectioned.	<b>6</b>
<b>Eyewell Green</b>	Road and footpath in terrible state  Needs resurfacing  It's treacherous if you have to cross it. Could mean a breakage. Also the path needs looking out. My ankle went over on the path	<b>5</b>
<b>Colyford Road</b>	Footpath through housing estate field to the gate of Colyford Road  It would be great, and much safer, to have a pavement along Colyford Road from the bottom of gravel lane / the housing estate field to the cemetery entrance to the Wetlands.  Perhaps also something to slow down the cars on that bend other than the bend itself	<b>5</b>

	Also further up Colyford Rd, from the start of the Marshlands footpath opposite Westwood Way towards Seaton Football Club. Small stretch where you have to walk the road and many cars do not slow down when passing.	
<b>Clapps Lane</b>	Someone will break an ankle, leg or much worse, especially in the early dark evenings, where the soil path has been washed away by flooding down from the top road when the drains blew. This has left deep ditches, with small rocks or stones thrown down to try to fill them. More rain, more damage. The road at the top has cracked, risen or dropped near the junction to the main road and drains. The farm vehicles to the cattle + sheep on the Wetlands have to keep to one side to prevent axle damage, and the walls to the left on the way down are being damaged.	<b>3</b>
<b>Fore Street (cobble end)</b>	Please a speed hump or table to stop speeding - it's supposed to be 20mph	<b>3</b>
<b>Harepath Road</b>	Repairs in several places repeatedly keep breaking up at auction house end	<b>3</b>
<b>Wychall Orchard</b>	Wychall Orchard road the tarmac has eroded in lots of places leaving the concrete exposed...this was marked out in the summer for work to be done but nothing has happened. The drain at the bottom of Wychall orchard has sunk.	<b>3</b>
<b>Valley View</b>	Road breaking up badly by school and hospital. Needs resurfacing	<b>3</b>
<b>Seaton Down Road</b>	Very bad from junction at York Road down to Harepath Road passing Leigh Terrace. Needs resurfacing and footpath is dangerous	<b>3</b>
<b>Seaton Down Hill</b>	Where Marlpitt Lane joins, (south of Tracey's Avenue) urgently needs resurfacing	<b>1</b>
<b>Sea Hill</b>	Needs resurfacing and road drains are blocked	<b>2</b>
<b>Couchill Lane</b>	Holes need filling	<b>1</b>
<b>Prince Charles Way</b>	Pavement needs fixing	<b>1</b>
<b>Bunts Lane</b>		<b>1</b>
<b>Scalwell Road</b>		<b>1</b>
<b>Mead Way</b>	Near St.Gregory's Court	<b>1</b>



	<b>FOOTPATHS</b>	
<b>Popes Lane to Seaton</b>	Dog friendly footpath from the bottom of Popes Lane in Colyford back to Seaton	<b>1</b>
<b>Footpath from the end of Harepath Road to Gullyshoot junction (on the A3052)</b>		<b>1</b>
<b>Footpaths where verges and banks have encroached to the point that there is 30cm of usable path</b>	For example, Beer Road at Bunts Lane end	<b>1</b>
<b>Fleet Court</b>	Clearance of hedges and footpaths	<b>1</b>
<b>All pavements used by buggy users</b>		<b>1</b>
<b>Footpath up castle hill from the seafront to Cliff Field gardens</b>	Very dangerous	<b>1</b>
<b>Footpath to beach in Axmouth</b>	On harbour side	<b>1</b>
<b>Seaton Down Road</b>	Footpath is dangerous	<b>1</b>
	<b>DRAINAGE</b>	
<b>Queen Street/Stock Lane</b>	<p>Drainage issue on the top of Queen St, just before the traffic lights / after the police station. It tends to flood even with moderate rain and is often missed by cars, who then accidentally splash (more like soak) pedestrians.</p> <p>When heavy rain comes it shoots straight under the cobbles and ruins the road. Last time the water burst through the tarmac in the middle of the road.</p> <p>Major drainage issue. Water comes through road and up through kerbstone, due to poor repairs. Causes serious flooding further down Queen Street.</p>	<b>16</b>
<b>Barnards Hill Road</b>	Floods down road from allotments completely missing the drain	<b>3</b>
<b>Homer Lane</b>	Clear debris and maintain. Issues with foul drain.	<b>2</b>

<b>The Esplanade</b>	By the Hideaway. Also where Marine Place meets Esplanade	<b>2</b>
<b>Harbour Road</b>	Bad flooding by Post Office	<b>1</b>
<b>Culvert/ditch between Highcliffe Close and the Beer Road</b>	Culvert/drainage ditch requires proper maintained to minimise the risk of further erosion	<b>1</b>
<b>Orchard Car Park</b>	Adjacent property has flooded numerous times	<b>1</b>
<b>Junction of Underfleet, Manor Road and Fore Street / Colyford Road</b>	Multiple drain gulleys, water / gas / drain cover accesses are sinking.  Multiple pavement crossing and road edge gratings full of mud and stones.	<b>1</b>



## Seaton Town Council

### Community Grants Application Form 2020-21

Seaton Town Council is empowered to award grants under a specific section of the Local Government Act 1972, usually known simply as “Section 137”. Section 137 enables a local council to incur expenditure which is “in the interests of and will directly benefit its area or any part of it and some or all of its inhabitants”. Section 137 has a spend restriction. The maximum amount which a council may spend under section 137 in any one year (i.e. from 1 April to the following 31 March) is currently £8.32 per elector. The limit increases in line with the Retail Price Index.

Section 137 does not award the Council any additional funds. The section merely grants a limited freedom to spend part of the Council’s budgeted income or reserves on items for which no other statutory power exists. The benefit accruing must be commensurate with the expenditure incurred, which is a decision for the Council.

Please note that the **total** amount of grant funding allocated by Seaton Town Council under Section 137 for 2020-21 is limited. It is therefore unlikely that individual grants above £1000 will be approved.

Successful applicants will be expected to attend the Annual Town Meeting and give a short presentation to explain how the grant funding has been used.

Applications are usually considered by the Council at its meetings in July and January and application forms should be returned to:

Julia Mutlow  
Town Clerk  
Seaton Town Council  
Marshlands Centre  
Harbour Road  
Seaton EX12 2LT

Email: [townclerk@seaton.gov.uk](mailto:townclerk@seaton.gov.uk)  
Tel: 01297 21388

Help and advice about making an application is available. Please contact the Town Clerk.

<b>FOR OFFICE USE ONLY</b>	
Date received:	
Date of Council Meeting	
Total funding allocated	£

## SECTION 1. CONTACT DETAILS

1a. Name of your organisation:

Re:store Axe Valley CIC

1b. Address where the project or activity is, or will be based:

Address: Marshlands Centre, Harbour Road, Seaton

Post Code: EX12 2LT

Website: [www.facebook.com/groups/229387125112646](http://www.facebook.com/groups/229387125112646)

2a. Main contact for this application – this is someone in a management position who knows the organisation's activities and can ideally be contacted during normal office hours.

Title Mr First name(s) Andrew Gwyn

Surname Davies

Position held: Director

Telephone: 07989216140

Email: [agd\\_7@sky.com](mailto:agd_7@sky.com)

2b. Address for correspondence (if different from the address given in 1b above):

Address

Post Code:

Alternative contact name and details in case main contact is unavailable:

Ben Tucker (Director) 07771 520311

3. Do you have any particular communication needs (such as textphone, sign language, other language)?

No

## SECTION 2: ABOUT YOUR ORGANISATION

4. Please indicate the legal status of your organisation (tick those that apply):

Unincorporated voluntary or community group		Charitable unincorporated association	
Local branch of a national organisation (see question 5)		Charitable Incorporated Organisation (CIO)	
Charitable company limited by guarantee		Awaiting Charity registration	
Trust		Other (describe): Community Interest Company (CIC)	Y

Charity Registration no:	
--------------------------	--

Company no:	12693267
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5. If you are a branch of or related to a larger organisation, please tell us which one. Please indicate what your relationship is with this organisation.

N/A
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6. What are your organisation's overall aims and objectives?

<p>Re:store Axe Valley CIC has been set up to continue what has been established by the Seaton Coronavirus Community Group (SCCG) and to build on the fantastic help provided by volunteers, along with the strong sense of community that has emerged.</p> <p>Re:store aims:</p> <ul style="list-style-type: none"> <li>• To help remove the barriers which have prevented people from living life to the full and to help them flourish. Bring a sense of happiness and belonging to the wider community.</li> <li>• To look after the mental health of our community, build friendships with the isolated, vulnerable and less fortunate.</li> <li>• To connect the community by informing, promoting and working together with local organisations, projects and social groups.</li> <li>• To help organise volunteers to work with local bodies providing teams for community projects. To work with and encourage those out of work looking for experience to benefit from this community spirit.</li> <li>• To establish relationships with local businesses who are able to offer help to those in need locally. Helping to sustain local business whilst also providing support through them to the neediest in the community.</li> <li>• To work with professional care providers and signpost volunteers willing to be more involved in training and support.</li> </ul>
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### SECTION 3: ABOUT THE SERVICE/ACTIVITY FOR WHICH YOU REQUEST A GRANT

Seaton Town Council is seeking to award grants to voluntary, community and similar not-for-profit organisations which provide services that improve the quality of life for Seaton residents.

7. Name of the activity to be funded (write 'core activities' if the grant is to cover the whole of the organisation's activity rather than a specific project or activity):

Re:store Christmas Cheer Scheme

8. Brief description of the activity:

We are looking to bring some Christmas cheer to those families who may be in need of support in these difficult and challenging times. Benefiting schools in the following areas: Seaton, Beer, Axmouth, Colyford, Colyton and potentially Musbury, Uplyme and Farway.

We are putting together a food package/hamper for each family along with a book (applicable to the child's age) and vouchers to spend in a local business (this will also benefit our local high street during these difficult times).

9. What do you expect to achieve through use of the grant?

The grant will allow us to expand our campaign and hopefully include all the children and their families in our catchment area.

10. How precisely will the grant be used to achieve this?

The hamper will be broken down into 3 elements.

1. Food parcel for each family – approx. £25 value
2. Gift vouchers for children, to spend locally – approx. value £15
3. Gift of a book – approx. value £5-£6 per book

Numbers currently indicate there may be up to 160 children who would benefit from the scheme. If granted the money from Seaton Town Council could be used to enable the purchase of a book gift for each child.

11. What evidence is there of a relevant need for these outcomes (stated in Question 9) in Seaton and its communities, and at what level?

Communications with Devon County Council and direct with local schools in our catchment area confirms that there are approx. 143 children in the area currently entitled to free school meals. This is the basis of our criteria for setting up this scheme. This figure from DCC does not include pre-schools where there are potentially another 20 plus children/families who will benefit.

The figures presented cover from pre-school to primary schools & the local grammar school.

12. What other provision is there in Seaton which works towards similar outcomes?

Food bank works with families who have been referred and they other gifts of hampers at Christmas however this would not necessarily be applicable to every child who currently receives FSM and meet our criteria.

Other community groups such as SAVE food hub, Beer Action Group and facebook initiatives set up by individuals, all offer help to the local community and we are working with them where possible in order to not duplicate efforts.

13. How many people do you expect to benefit from your activity?

a. Adults aged 18 years or above: Estimate of 150 plus

Of these, how many are likely to be residents of Seaton? 75 plus approx

b. Children and young people aged under 18 years: Estimate 160 plus

Of these, how many are likely to be residents of Seaton? 80 plus approx

c. Vulnerable adults:

Of these, how many are likely to be residents of Seaton?

14. How will the success of your project be evaluated or measured?

Due to GDPR we will not have specific contact details or information of the families or children in receipt, and contact with those eligible and distribution will be done via the schools in the catchment area. The success of the project will be evaluated on the feedback form the schools and hopefully from the recipient families & children (via the schools).

#### SECTION 4. GRANT REQUESTED

15. Sum requested as a grant from Seaton Town Council, in words and figures. Please note that the **maximum** amount of grant which will be considered is £1,000

	<b>£1000</b>
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16. Breakdown of the total budget of the activity for which you are seeking funding:

<b>EXPENDITURE</b>	
a. Employee Costs	£0
b. Premises Costs, including utilities	£0
c. Transport Costs	£0
d. Supplies and services costs	£6500
e. Other Costs (specify)	£
<b>Total Expenditure</b> (equal to sum of above 5 lines)	<b>£6500</b>
<b>INCOME</b>	
f. Income from this grant (as in 21 above)	£1000
g. If the total costs of your activity are greater than the amount you are requesting from Seaton Town Council, please tell us how you will fund the rest of the activity.  Income from other grants (specify from whom, and whether secured yet)	
<ul style="list-style-type: none"> <li>• Other local authorities (please specify which)               <ul style="list-style-type: none"> <li>- East Devon District Council Grant</li> <li>- DCC Locality Budget</li> <li>- DCC Crowdfund Grant</li> </ul> </li> <li>• Central government</li> <li>• Health authorities</li> <li>• European Funds</li> <li>• Companies / trusts</li> <li>• National Lottery</li> <li>• Other grants – please specify from whom</li> </ul>	£1000 £1500 £500
h. Income from fees, charges etc	£0
i. Income from fundraising activities	£1500
j. Income from other sources – please specify which <ul style="list-style-type: none"> <li>- Re:store Axe Valley CIC</li> </ul>	£1000
<b>Total income</b> (equal to sum of lines f, g, h, i and j above)	<b>£6500</b>



17. Describe how your activity is sustainable and other ways in which you will secure funding to carry it out:

This is a one-off activity to help families & children in need of assistance during the festive period and during the coronavirus pandemic. Beyond the Christmas period we will look towards helping during the February half term period utilising whatever funds raised are not spend and another fundraising campaign.

18. What contribution (financial and / or in kind) if any, are you making towards this activity from your own resources?

Re:store are contributing £1000 towards the scheme and organising/managing the campaign working alongside local businesses and residents who are volunteering their time to assist

## SECTION 5. DOCUMENTS AND ACCOUNTS

19. INSURANCE – Please provide evidence of current:

- Public Liability Insurance covering a minimum of £2 million
- Employer's Liability Insurance, if you are employing staff

If your insurance cover is provided by another organisation, for example through a group scheme, you must provide their name and address

20. ACCOUNTS – You must provide a copy of your audited accounts for the latest complete financial year. If the period covered by these accounts finished before 1 January 2018, or if the accounts have not been audited, or if your organisation has recently been established and you are unable to provide audited accounts, please provide a written explanation:

Re:store Axe Valley CIC was established on 23 <sup>rd</sup> June 2020 and as such has no audited accounts to provide.
---

21. Please provide a copy of the following financial information about your organisation's most recent accounts:

Name of Bank or Building Society: The Cooperative Bank	
Account/s Name/s: Re Store	
Account/s Number/s: 65984640	
Sort Code/s: 08-92-99	
Address/s: PO Box 250, Delf House, Southway, Skelmersdale	
Post Code: WN8 6WT	Telephone:

22. Please provide the details of two unrelated signatories to the above account, who can approve withdrawals:

Signatory one (print): Andrew Gwyn Davies
Role in Organisation: Director
Signatory two (print): Ben Tucker
Role in Organisation: Director

23. What level of reserves (savings) do you hold and for what purpose?

£6000 – the funds in reserves are towards ongoing community support during the coronavirus pandemic; working with local surgeries to assist with transport for flu & potential COVID-19 vaccinations for the community; continued support to families & children entitled to free school meals during school half term holidays; working with local churches towards developing a drug and alcohol recovery hub; employment of a coordinator for the CIC; working with local businesses to setup a pay it forward scheme to help those in the community who are unable to pay for certain services; looking to see what local provision can be made for local youth and working with youth Genesis and supporting if required; working with the local befriending scheme and cafes to help those who are vulnerable & isolated in the community.

**24. Agreement and Undertaking:**

Please read this section carefully before signing. It is your responsibility to ensure your application is properly presented.

- Please ensure you have completed every part of this application form. Omissions of vital information in your application may lead to it being rejected.
- Please ensure that all the necessary supporting information and documentation is provided with this application form. If there are missing documents by the submission deadline date it will lead to the application being refused.
- By signing this agreement you undertake:

**Data Protection Act** – Seaton Town Council will use the information provided on the application form and supporting documents during assessment and for the life of any grant awarded. In addition, the information and supporting documentation will be used in the analysis of the Council's grant process and for our own research. The Council may give copies of this information to individuals and organisations we consult when assessing applications, when monitoring grants and evaluating the way the Council's funding programme works and the effect they have. The Council recognises the need to maintain the confidentiality of applicants and their details will not be made public in any way, except as required by law.

**Freedom of Information Act** - The Freedom of Information Act 2000 gives members of the public the right to request any information that we hold. This includes information received from third parties, such as, although not limited to, grant applicants, grant holders, contractors and people making a complaint. If information is requested under the Freedom of Information Act the Council will release it, subject to exemptions; although the Council may consult with you first. If you think that information you are providing may be exempt from release if requested, you should let us know when you apply.

**25. Declaration:**

I the undersigned agree:

- i. to utilise any grant from Seaton Town Council solely in connection with the activity described in this application form. If for any reason the grant is unused it will be repaid before the end of the twelve-month grant period
- ii. to keep the appropriate officer of the Council informed of any proposed changes to the activity, the organisation’s manager or changes in contact details
- iii. to recognise Seaton Council in any and all literature related to the activity.
- iv. to provide the Council with information which will enable the Council to monitor achievement of the stated outcomes. I understand that, if successful in my application, my organisation will be required to provide a report for the Annual Town Meeting.

If the activity which this application relates to involves children, young people or vulnerable adults, I confirm that the appropriate DBS checks will have been obtained for all volunteers, staff and management committee members in direct contact with children, young people or vulnerable adults by the date that the funding of the project is due to commence.

The application form must be signed by the chairperson of the organisation or someone in a similar position. **This should not be the same person as the Main Contact in Section 1.**

Title:	First name(s): Andrew Gwyn	Surname: Davies
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Position within the organisation:	Director
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Home/business address:

12 Beer Road, Seaton	
	Postcode: EX12 2PA
Phone: 07989 216140	Email: agd_7@sky.com

**Declaration**

The Council will take your signature on this form as confirmation that you understand the obligations under the Data Protection Act 2018 and the Freedom of Information Act 2000 and that you accept that the Council will not be liable for any loss or damage to you in fulfilment of our obligations under the relevant law.

Signature: A. Davies Position DIRECTOR

Date: 21/11/2020

## Application checklist:

Please check that you have enclosed

A copy of audited accounts and annual report	
Bank statements covering the last three months	X
A copy of your organisation's Constitution (if applicable)	
A copy of your organisation's Terms of Reference or Articles of Association (If applicable)	X
A copy of the certificates of employer insurance (if applicable)	
A copy of the public liability insurance	X
A copy of certificates building/contents insurance (if applicable)	
If your service/activity involves children, young people or vulnerable adults, you are required to verify that CRB checks will have been made by the date that the grant is due to commence by signing the above Declaration. You are also required to submit the following policies for your organisation: Child Protection Policy and Vulnerable Adult Policy.	

If you have any additional information that you would like to add to this application, please attach it to this application form.

701-0892996598464000-281020-005503.13158.txt

BRANCH : BUSINESS DIRECTPLUS      0892996598464000      PAGE 1  
 BIC : CPBKGB22      IBAN : GB33CPBK08929965984640  
 TYPE : COMMUNITY DIR RE:STORE AXE VALLEY CIC      27 OCT 20

Date	Description	Withdrawals	Deposits	Balance
	NEW ACCOUNT			NIL.
24 SEP 20	B Tucker Donation		60.00	60.00
28 SEP 20	WESTBANK COMMUNITY 002		224.00	
28 SEP 20	WESTBANK COMMUNITY 001		1,120.00	1,404.00
01 OCT 20	Seaton Town Counci BALANCE OF GRANTS		3,131.27	4,535.27
05 OCT 20	Seaton Area Health INVOICE 004		1,250.00	5,785.27
09 OCT 20	Andrew Davies Seaton Print Proof	20.00		
09 OCT 20	Andrew Davies A Davies DBS	23.00		5,742.27
14 OCT 20	Access Underwritin AIS34725	204.72		5,537.55
19 OCT 20	WESTBANK COMMUNIT		672.00	6,209.55
23 OCT 20	B Tucker DONATION		5.00	
23 OCT 20	B Tucker DONATION		15.00	6,229.55



### Last 30 days transactions

Account: **RE STORE AXE VALLEY CIC(£) - 0892996598464000**

**Balance details**

Available balance: **£8647.15** Overdraft limit: **£ 0.00**  
 Includes pending transactions and any overdraft limit.

**Last 30 days transactions**  
 Your running balance can be viewed in transaction history.

Date	Bank reference Customer reference	Transaction description Additional information	Amount (£)
20/11/2020	EAST DEVON DC	BACS Credit 30931400365109	1,000.00
17/11/2020	Trip Community Tra INV 8374	Standing Order 40242841109952	-40.00
17/11/2020	WESTBANK COMMUNIT	BACS Credit 52412744157509	46.00
16/11/2020	DEVONCC 4454486 DEVONCC 4454486	BACS Credit 20305410050008	1,500.00
05/11/2020	4133 TASTE OF THE 4988243004024133 CARD	Purchase	-8.40



05/11/2020	4133LINK12:09NOV05	ATM Debit	-80.00
	CARD 4988243004024133		
23/10/2020	B Tucker	Faster Payment	5.00
	DONATION	77301785588168	
23/10/2020	B Tucker	Faster Payment	15.00
	DONATION	77301785588168	

The Companies Act 2006

Community Interest Company Limited by Guarantee

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**Articles of Association<sup>1</sup>**

**of**

**Re:store Axe Valley CIC**

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(CIC Limited by Guarantee, Schedule 1, Small Membership)

**The Companies Act 2006**  
**Community Interest Company Limited by Guarantee**

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**The Companies Act 2006**

**Articles of Association**

**of**

**Re:store Axe Valley CIC**

**INTERPRETATION**

**1. Defined Terms**

1.1 The interpretation of these Articles is governed by the provisions set out in the Schedule at the end of the Articles.

**COMMUNITY INTEREST COMPANY AND ASSET LOCK**

**2. Community Interest Company**

The Company is to be a community interest company.

**3. Asset Lock<sup>2</sup>**

3.1 The Company shall not transfer any of its assets other than for full consideration.

3.2 Provided the conditions in Article 3.3 are satisfied, Article 3.1 shall not apply to:

- (a) the transfer of assets to any specified asset-locked body, or (with the consent of the Regulator) to any other asset-locked body; and
- (b) the transfer of assets made for the benefit of the community other than by way of a transfer of assets into an asset-locked body.

3.3 The conditions are that the transfer of assets must comply with any restrictions on the transfer of assets for less than full consideration which may be set out elsewhere in the memorandum or Articles of the Company.

3.4 If:

3.4.1 the Company is wound up under the Insolvency Act 1986; and

3.4.2 all its liabilities have been satisfied

any residual assets shall be given or transferred to the asset-locked body specified in Article 3.5 below.

3.5 For the purposes of this Article 3, the following asset-locked body is specified as a potential recipient of the Company's assets under Articles 3.2 and 3.4:

Name: **Seaton Baptist Church**

(Please note that a community interest company cannot nominate itself as the asset locked body. It also cannot nominate a non-asset locked body. An asset locked body is defined as a CIC or charity, a permitted society or non-UK based equivalent. )

Charity Registration Number (if applicable): [ ]

Company Registration Number (if applicable): [ ]

Registered Office: c/o Heatherhayne, Seaton Rd, Colyford, Devon EX24 2QW <sup>3</sup>

#### **4. Not for profit**

4.1 The Company is not established or conducted for private gain: any surplus or assets are used principally for the benefit of the community.

### **OBJECTS, POWERS AND LIMITATION OF LIABILITY**

#### **5. Objects<sup>4</sup>**

The objects of the Company are to carry on activities which benefit the community and in particular (without limitation):

- *Social work activities without accommodation for the elderly and disabled*
- *Other social work activities without accommodation not elsewhere classified*

#### **6. Powers**

6.1 To further its objects the Company may do all such lawful things as may further the Company's objects and, in particular, but, without limitation, may borrow or raise and secure the payment of money for any purpose including for the purposes of investment or of raising funds.

#### **7. Liability of members<sup>5</sup>**

The liability of each member is limited to £1, being the amount that each member undertakes to contribute to the assets of the Company in the event of its being wound up while he or she is a member or within one year after he or she ceases to be a member, for:

- 7.1 payment of the Company's debts and liabilities contracted before he or she ceases to be a member;
- 7.2 payment of the costs, charges and expenses of winding up; and
- 7.3 adjustment of the rights of the contributories among themselves.

### **DIRECTORS**

#### **DIRECTORS' POWERS AND RESPONSIBILITIES<sup>6</sup>**

#### **8. Directors' general authority**

Subject to the Articles, the Directors are responsible for the management of the Company's business, for which purpose they may exercise all the powers of the Company.

**9. Members' reserve power**

- 9.1 The members may, by special resolution, direct the Directors to take, or refrain from taking, specific action.
- 9.2 No such special resolution invalidates anything which the Directors have done before the passing of the resolution.

**10. Chair**

The Directors may appoint one of their number to be the chair of the Directors for such term of office as they determine and may at any time remove him or her from office.

**11. Directors may delegate<sup>7</sup>**

- 11.1 Subject to the Articles, the Directors may delegate any of the powers which are conferred on them under the Articles or the implementation of their decisions or day to day management of the affairs of the Company:
  - 11.1.1 to such person or committee;
  - 11.1.2 by such means (including by power of attorney);
  - 11.1.3 to such an extent;
  - 11.1.4 in relation to such matters or territories; and
  - 11.1.5 on such terms and conditions;as they think fit.
- 11.2 If the Directors so specify, any such delegation of this power may authorise further delegation of the Directors' powers by any person to whom they are delegated.
- 11.3 The Directors may revoke any delegation in whole or part, or alter its terms and conditions.

**DECISION-MAKING BY DIRECTORS**

**12. Directors to take decisions collectively<sup>8</sup>**

Any decision of the Directors must be either a majority decision at a meeting or a decision taken in accordance with Article 18. [In the event of the Company having only one Director, a majority decision is made when that single Director makes a decision.]

**13. Calling a Directors' meeting**

- 13.1 Two Directors may (and the Secretary, if any, must at the request of two Directors) call a Directors' meeting.
- 13.2 A Directors' meeting must be called by at least seven Clear Days' notice unless either:
  - 13.2.1 all the Directors agree; or
  - 13.2.2 urgent circumstances require shorter notice.
- 13.3 Notice of Directors' meetings must be given to each Director.
- 13.4 Every notice calling a Directors' meeting must specify:
  - 13.4.1 the place, day and time of the meeting; and
  - 13.4.2 if it is anticipated that Directors participating in the meeting will not be in the same place, how it is proposed that they should communicate with each other during the meeting.
- 13.5 Notice of Directors' meetings need not be in Writing.
- 13.6 Notice of Directors' meetings may be sent by Electronic Means to an Address provided by the Director for the purpose.

#### **14. Participation in Directors' meetings**

- 14.1 Subject to the Articles, Directors participate in a Directors' meeting, or part of a Directors' meeting, when:
  - 14.1.1 the meeting has been called and takes place in accordance with the Articles; and
  - 14.1.2 they can each communicate to the others any information or opinions they have on any particular item of the business of the meeting.
- 14.2 In determining whether Directors are participating in a Directors' meeting, it is irrelevant where any Director is or how they communicate with each other.<sup>9</sup>
- 14.3 If all the Directors participating in a meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is.

#### **15. Quorum for Directors' meetings<sup>10</sup>**

- 15.1 At a Directors' meeting, unless a quorum is participating, no proposal is to be voted on, except a proposal to call another meeting.
- 15.2 The quorum for Directors' meetings may be fixed from time to time by a decision of the Directors, but it must never be less than two, and unless otherwise fixed it is [two].
- 15.3 If the total number of Directors for the time being is less than the quorum required, the Directors must not take any decision other than a decision:

15.3.1 to appoint further Directors; or

15.3.2 to call a general meeting so as to enable the members to appoint further Directors.

**16. Chairing of Directors' meetings**

The Chair, if any, or in his or her absence another Director nominated by the Directors present shall preside as chair of each Directors' meeting.

**17. Decision-making at meetings**<sup>11</sup>

17.1 Questions arising at a Directors' meeting shall be decided by a majority of votes.

17.2 In all proceedings of Directors each Director must not have more than one vote.<sup>12</sup>

17.3 In case of an equality of votes, the Chair shall have a second or casting vote.

**18. Decisions without a meeting**<sup>13</sup>

18.1 The Directors may take a unanimous decision without a Directors' meeting in accordance with this Article by indicating to each other by any means, including without limitation by Electronic Means, that they share a common view on a matter. Such a decision may, but need not, take the form of a resolution in Writing, copies of which have been signed by each Director or to which each Director has otherwise indicated agreement in Writing.

18.2 A decision which is made in accordance with Article 18.1 shall be as valid and effectual as if it had been passed at a meeting duly convened and held, provided the following conditions are complied with:

18.2.1 approval from each Director must be received by one person being either such person as all the Directors have nominated in advance for that purpose or such other person as volunteers if necessary ("the Recipient"), which person may, for the avoidance of doubt, be one of the Directors;

18.2.2 following receipt of responses from all of the Directors, the Recipient must communicate to all of the Directors by any means whether the resolution has been formally approved by the Directors in accordance with this Article 18.2;

18.2.3 the date of the decision shall be the date of the communication from the Recipient confirming formal approval;

18.2.4 the Recipient must prepare a minute of the decision in accordance with Article 32.

**19. Conflicts of interest**<sup>14</sup>

19.1 Whenever a Director finds himself or herself in a situation that is reasonably likely to give rise to a Conflict of Interest, he or she must declare his or her interest to the Directors unless, or except to the extent that, the other Directors are or ought reasonably to be aware of it already.



- 19.2 If any question arises as to whether a Director has a Conflict of Interest, the question shall be decided by a majority decision of the other Directors.
- 19.3 Whenever a matter is to be discussed at a meeting or decided in accordance with Article 18 and a Director has a Conflict of Interest in respect of that matter then, subject to Article 20, he or she must:
- 19.3.1 remain only for such part of the meeting as in the view of the other Directors is necessary to inform the debate;
  - 19.3.2 not be counted in the quorum for that part of the meeting; and
  - 19.3.3 withdraw during the vote and have no vote on the matter.
- 19.4 When a Director has a Conflict of Interest which he or she has declared to the Directors, he or she shall not be in breach of his or her duties to the Company by withholding confidential information from the Company if to disclose it would result in a breach of any other duty or obligation of confidence owed by him or her.

## **20. Directors' power to authorise a conflict of interest**

- 20.1 The Directors have power to authorise a Director to be in a position of Conflict of Interest provided:
- 20.1.1 in relation to the decision to authorise a Conflict of Interest, the conflicted Director must comply with Article 19.3;
  - 20.1.2 in authorising a Conflict of Interest, the Directors can decide the manner in which the Conflict of Interest may be dealt with and, for the avoidance of doubt, they can decide that the Director with a Conflict of Interest can participate in a vote on the matter and can be counted in the quorum;
  - 20.1.3 the decision to authorise a Conflict of Interest can impose such terms as the Directors think fit and is subject always to their right to vary or terminate the authorisation.
- 20.2 If a matter, or office, employment or position, has been authorised by the Directors in accordance with Article 20.1 then, even if he or she has been authorised to remain at the meeting by the other Directors, the Director may absent himself or herself from meetings of the Directors at which anything relating to that matter, or that office, employment or position, will or may be discussed.
- 20.3 A Director shall not be accountable to the Company for any benefit which he or she derives from any matter, or from any office, employment or position, which has been authorised by the Directors in accordance with Article 20.1 (subject to any limits or conditions to which such approval was subject).

## **21. Register of Directors' interests**

The Directors shall cause a register of Directors' interests to be kept. A Director must declare the nature and extent of any interest, direct or indirect, which he or she has in

a proposed transaction or arrangement with the Company or in any transaction or arrangement entered into by the Company which has not previously been declared.

## **APPOINTMENT AND RETIREMENT OF DIRECTORS<sup>15</sup>**

### **22. Methods of appointing Directors**

22.1 Those persons notified to the Registrar of Companies as the first Directors of the Company shall be the first Directors.

22.2 Any person who is willing to act as a Director, and is permitted by law to do so, may be appointed to be a Director by a decision of the Directors.

### **23. Termination of Director's appointment<sup>16</sup>**

A person ceases to be a Director as soon as:

- (a) that person ceases to be a Director by virtue of any provision of the Companies Act 2006, or is prohibited from being a Director by law;
- (b) a bankruptcy order is made against that person, or an order is made against that person in individual insolvency proceedings in a jurisdiction other than England and Wales or Northern Ireland which have an effect similar to that of bankruptcy;
- (c) a composition is made with that person's creditors generally in satisfaction of that person's debts;
- (d) notification is received by the Company from the Director that the Director is resigning from office, and such resignation has taken effect in accordance with its terms (but only if at least two Directors will remain in office when such resignation has taken effect); or
- (e) the Director fails to attend three consecutive meetings of the Directors and the Directors resolve that the Director be removed for this reason.
- (f) the Director ceases to be a member.

### **24. Directors' remuneration<sup>17</sup>**

24.1 Directors may undertake any services for the Company that the Directors decide.

24.2 Directors are entitled to such remuneration as the Directors determine:

- (a) for their services to the Company as Directors; and
- (b) for any other service which they undertake for the Company.

24.3 Subject to the Articles, a Director's remuneration may:

- (a) take any form; and

- (b) include any arrangements in connection with the payment of a pension, allowance or gratuity, or any death, sickness or disability benefits, to or in respect of that director.

24.4 Unless the Directors decide otherwise, Directors' remuneration accrues from day to day.

24.5 Unless the Directors decide otherwise, Directors are not accountable to the Company for any remuneration which they receive as Directors or other officers or employees of the Company's subsidiaries or of any other body corporate in which the Company is interested.

## **25. Directors' expenses**

25.1 The Company may pay any reasonable expenses which the Directors properly incur in connection with their attendance at:

- (a) meetings of Directors or committees of Directors;
- (b) general meetings; or
- (c) separate meetings of any class of members or of the holders of any debentures of the Company,

or otherwise in connection with the exercise of their powers and the discharge of their responsibilities in relation to the Company.

## **MEMBERS<sup>18</sup>**

### **BECOMING AND CEASING TO BE A MEMBER<sup>19</sup>**

#### **26. Becoming a member<sup>20</sup>**

26.1 The subscribers to the Memorandum are the first members of the Company.

26.2 Such other persons as are admitted to membership in accordance with the Articles shall be members of the Company.

26.3 Each member of the company shall be a Director.

26.4 No person shall be admitted a member of the Company unless he or she is approved by the Directors.

26.5 Every person who wishes to become a member shall deliver to the company an application for membership in such form (and containing such information) as the Directors require and executed by him or her.

#### **27. Termination of membership<sup>21</sup>**

27.1 Membership is not transferable to anyone else.

27.2 Membership is terminated if:

- 27.2.1 the member dies or ceases to exist;
- 27.2.2 otherwise in accordance with the Articles; or
- 27.2.3 a member ceases to be a Director.

## **DECISION MAKING BY MEMBERS**

### **28. Members' meetings<sup>22</sup>**

- 28.1 The Directors may call a general meeting at any time.
- 28.2 General meetings must be held in accordance with the provisions regarding such meetings in the Companies Acts.<sup>23</sup>
- 28.3 A person who is not a member of the Company shall not have any right to vote at a general meeting of the Company; but this is without prejudice to any right to vote on a resolution affecting the rights attached to a class of the Company's debentures.<sup>24</sup>
- 28.4 Article 28.3 shall not prevent a person who is a proxy for a member or a duly authorised representative of a member from voting at a general meeting of the Company.

### **29. Written resolutions**

- 29.1 Subject to Article 29.3, a written resolution of the Company passed in accordance with this Article 29 shall have effect as if passed by the Company in general meeting:
  - 29.1.1 A written resolution is passed as an ordinary resolution if it is passed by a simple majority of the total voting rights of eligible members.
  - 29.1.2 A written resolution is passed as a special resolution if it is passed by members representing not less than 75% of the total voting rights of eligible members. A written resolution is not a special resolution unless it states that it was proposed as a special resolution.
- 29.2 In relation to a resolution proposed as a written resolution of the Company the eligible members are the members who would have been entitled to vote on the resolution on the circulation date of the resolution.
- 29.3 A members' resolution under the Companies Acts removing a Director or an auditor before the expiration of his or her term of office may not be passed as a written resolution.
- 29.4 A copy of the written resolution must be sent to every member together with a statement informing the member how to signify their agreement to the resolution and the date by which the resolution must be passed if it is not to lapse. Communications in relation to written notices shall be sent to the Company's auditors in accordance with the Companies Acts.

- 29.5 A member signifies their agreement to a proposed written resolution when the Company receives from him or her an authenticated Document identifying the resolution to which it relates and indicating his or her agreement to the resolution.
- 29.5.1 If the Document is sent to the Company in Hard Copy Form, it is authenticated if it bears the member's signature.
- 29.5.2 If the Document is sent to the Company by Electronic Means, it is authenticated [if it bears the member's signature] or [if the identity of the member is confirmed in a manner agreed by the Directors] or [if it is accompanied by a statement of the identity of the member and the Company has no reason to doubt the truth of that statement] or [if it is from an email Address notified by the member to the Company for the purposes of receiving Documents or information by Electronic Means].
- 29.6 A written resolution is passed when the required majority of eligible members have signified their agreement to it.
- 29.7 A proposed written resolution lapses if it is not passed within 28 days beginning with the circulation date.

## **ADMINISTRATIVE ARRANGEMENTS AND MISCELLANEOUS**

### **30. Means of communication to be used**

- 30.1 Subject to the Articles, anything sent or supplied by or to the Company under the Articles may be sent or supplied in any way in which the Companies Act 2006 provides for Documents or information which are authorised or required by any provision of that Act to be sent or supplied by or to the Company.
- 30.2 Subject to the Articles, any notice or Document to be sent or supplied to a Director in connection with the taking of decisions by Directors may also be sent or supplied by the means by which that Director has asked to be sent or supplied with such notices or Documents for the time being.
- 30.3 A Director may agree with the Company that notices or Documents sent to that Director in a particular way are to be deemed to have been received within an agreed time of their being sent, and for the agreed time to be less than 48 hours.

### **31. Irregularities**

The proceedings at any meeting or on the taking of any poll or the passing of a written resolution or the making of any decision shall not be invalidated by reason of any accidental informality or irregularity (including any accidental omission to give or any non-receipt of notice) or any want of qualification in any of the persons present or voting or by reason of any business being considered which is not referred to in the notice unless a provision of the Companies Acts specifies that such informality, irregularity or want of qualification shall invalidate it.

### **32. Minutes**

- 32.1 The Directors must cause minutes to be made in books kept for the purpose:

- 32.1.1 of all appointments of officers made by the Directors;
- 32.1.2 of all resolutions of the Company and of the Directors (including, without limitation, decisions of the Directors made without a meeting); and
- 32.1.3 of all proceedings at meetings of the Company and of the Directors, and of committees of Directors, including the names of the Directors present at each such meeting;

and any such minute, if purported to be signed (or in the case of minutes of Directors' meetings signed or authenticated) by the chair of the meeting at which the proceedings were had, or by the chair of the next succeeding meeting, shall, as against any member or Director of the Company, be sufficient evidence of the proceedings.

- 33.2 The minutes must be kept for at least ten years from the date of the meeting, resolution or decision.

### **33. Records and accounts<sup>25</sup>**

The Directors shall comply with the requirements of the Companies Acts as to maintaining a members' register, keeping financial records, the audit or examination of accounts and the preparation and transmission to the Registrar of Companies and the Regulator of:

- 33.1 annual reports;
- 33.2 annual returns; and
- 33.3 annual statements of account.
- 33.4 Except as provided by law or authorised by the Directors or an ordinary resolution of the Company, no person is entitled to inspect any of the Company's accounting or other records or Documents merely by virtue of being a member.

### **34. Indemnity**

- 34.1 Subject to Article 34.2, a relevant Director of the Company or an associated company may be indemnified out of the Company's assets against:
  - (a) any liability incurred by that Director in connection with any negligence, default, breach of duty or breach of trust in relation to the Company or an associated company;
  - (b) any liability incurred by that Director in connection with the activities of the Company or an associated company in its capacity as a trustee of an occupational pension scheme (as defined in section 235(6) of the Companies Act 2006); and
  - (c) any other liability incurred by that Director as an officer of the Company or an associated company.

34.2 This Article does not authorise any indemnity which would be prohibited or rendered void by any provision of the Companies Acts or by any other provision of law.

34.3 In this Article:

- (a) companies are associated if one is a subsidiary of the other or both are subsidiaries of the same body corporate; and
- (b) a “relevant Director” means any Director or former Director of the Company or an associated company.

### **35. Insurance**

35.1 The Directors may decide to purchase and maintain insurance, at the expense of the Company, for the benefit of any relevant Director in respect of any relevant loss.

35.2 In this Article:

- (a) a “relevant Director” means any Director or former Director of the Company or an associated company;
- (b) a “relevant loss” means any loss or liability which has been or may be incurred by a relevant Director in connection with that Director’s duties or powers in relation to the Company, any associated company or any pension fund or employees’ share scheme of the company or associated company; and
- (c) companies are associated if one is a subsidiary of the other or both are subsidiaries of the same body corporate.

### **36. Exclusion of model articles**

The relevant model articles for a company limited by guarantee are hereby expressly excluded.

**SCHEDULE**  
**INTERPRETATION**

**Defined terms**

1. In the Articles, unless the context requires otherwise, the following terms shall have the following meanings:

<u>Term</u>	<b>Meaning</b>
1.1 <b>“Address”</b>	includes a number or address used for the purposes of sending or receiving Documents by Electronic Means;
1.2 <b>“Articles”</b>	the Company’s articles of association;
1.3 <b>“asset-locked body”</b>	means (i) a community interest company, a charity <sup>26</sup> or a Permitted Society; or (ii) a body established outside the United Kingdom that is equivalent to any of those;
1.4 <b>“bankruptcy”</b>	includes individual insolvency proceedings in a jurisdiction other than England and Wales or Northern Ireland which have an effect similar to that of bankruptcy;
1.5 <b>“Chair”</b>	has the meaning given in Article 10;
1.6 <b>“Circulation Date”</b>	in relation to a written resolution, has the meaning given to it in the Companies Acts;
1.7 <b>“Clear Days”</b>	in relation to the period of a notice, that period excluding the day when the notice is given or deemed to be given and the day for which it is given or on which it is to take effect;
1.8 <b>“community”</b>	is to be construed in accordance with accordance with Section 35(5) of the Company’s (Audit Investigations and Community Enterprise) Act 2004;
1.9 <b>“Companies Acts”</b>	means the Companies Acts (as defined in Section 2 of the Companies Act 2006), in so far as they apply to the Company;
1.10 <b>“Company”</b>	[ ] [Community Interest Company/C.I.C.];
1.11 <b>“Conflict of Interest”</b>	any direct or indirect interest of a Director (whether personal, by virtue of a duty of loyalty to another organisation or otherwise) that conflicts, or might conflict with the interests of the Company;



1.12	<b>“Director”</b>	a director of the Company, and includes any person occupying the position of director, by whatever name called;
1.13	<b>“Document”</b>	includes, unless otherwise indicated, any document sent or supplied in Electronic Form;
1.14	<b>“Electronic Form” and “Electronic Means”</b>	have the meanings respectively given to them in Section 1168 of the Companies Act 2006;
1.15	<b>“Hard Copy Form”</b>	has the meaning given to it in the Companies Act 2006;
1.16	<b>“Memorandum”</b>	the Company’s memorandum of association;
1.17	<b>“participate”</b>	in relation to a Directors’ meeting, has the meaning given in Article 14;
1.18	<b>“Permitted Registered Society”</b>	<p>“Registered Society” means –</p> <p>(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or</p> <p>(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;”</p>
1.19	<b>“the Regulator”</b>	means the Regulator of Community Interest Companies;
1.20	<b>“Secretary”</b>	the secretary of the Company (if any);
1.21	<b>“specified”</b>	means specified in the articles of association of the Company for the purposes of this paragraph;
1.22	<b>“subsidiary”</b>	has the meaning given in section 1159 of the Companies Act 2006;
1.23	<b>“transfer”</b>	includes every description of disposition, payment, release or distribution, and the creation or extinction of an estate or interest in, or right over, any property; and
1.24	<b>“Writing”</b>	the representation or reproduction of words, symbols or other information in a visible form by any method or combination of methods, whether sent or supplied in Electronic Form or otherwise.

2. **Subject to clause 3** of this Schedule, any reference in the Articles to an enactment includes a reference to that enactment as re-enacted or amended from time to time and to any subordinate legislation made under it.
3. Unless the context otherwise requires, other words or expressions contained in these Articles bear the same meaning as in the Companies Acts as in force on the date when these Articles become binding on the Company.

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<sup>1</sup> On articles of association generally, see [Part 5] of the Regulator’s information and guidance notes. If you are an existing company wishing to become a community interest company, there is no need to adopt completely new articles, but you must comply with the requirements of the Community Interest Company Regulations 2005 (as amended) (“the Regulations”) by including the provisions set out in Schedule 1 to the Regulations in the articles of your company.

<sup>2</sup> See [Part 6] of the Regulator’s information and guidance notes. Inclusion of the provisions contained in article 3.1 to 3.3 is mandatory, reflecting sub-paragraphs (1) to (3) of paragraph 1 of Schedule 1 to the Regulations

<sup>3</sup> See regulation 23 of the Regulations and [Parts 6 and 10] of the Regulator’s information and guidance notes. If the company does not specify that the remaining residual assets are to be transferred to a particular Asset Locked Body, an appropriate recipient will be chosen by the Regulator, in consultation with the company’s directors and members.

<sup>4</sup> On the specification of the company’s objects, see [Part 5] of the Regulator’s information and guidance notes

<sup>5</sup> On limited liability, see [Part 3] of the Regulator’s information and guidance notes. On guarantees generally see [Chapter 3.2] of the Regulator’s information and guidance notes.

<sup>6</sup> Note that although this model constitution assumes that all Directors are Members and all Members are Directors, and the Directors are given wide powers, under the Articles (and company law more generally) there are still some decisions which Members must make as Members (either in general meeting under the Companies Act 2006 (article 28.2), or by written resolution in accordance with article 29). [See in general the Companies House guidance booklet, “Resolutions” (available online at <http://www.companieshouse.gov.uk/about/gbhtml/gba7.shtml>).].

<sup>7</sup> Article 11 permits the Directors to delegate any of their functions. Delegation may take the form of, for instance, the Directors giving a managing director general authority to run the company’s day to day business, or responsibility for specific matters being delegated to particular directors (e.g. financial matters to a finance director); or it may be equally appropriate to delegate matters to persons other than Directors. In all cases, it is important to remember that delegation does not absolve Directors of their general duties towards the company and their overall responsibility for its management. This means that, amongst other things, Directors must be satisfied that those to whom responsibilities are delegated are competent to carry them out.

<sup>8</sup> Article 12 states that the Directors must make decisions by majority at a meeting in accordance with article 14; or unanimously if taken in accordance with article 18.

<sup>9</sup> Article 14.2 is designed to facilitate the taking of decisions by the directors communicating via telephone or video conference calls. Note the requirement to keep a written record of meetings and decisions (article 32).

<sup>10</sup> The quorum may be fixed in absolute terms (e.g. “two Directors”) or as a proportion of the total number of Directors (e.g. “one third of the total number of Directors”). You may even wish to stipulate that particular named Directors, or Directors representing particular stakeholder interests, must be present to constitute a quorum.

<sup>11</sup> Article 17 reflects paragraph 4 of Schedule 1 to the Regulations, which is required to be included in the articles of all community interest companies.

<sup>12</sup> You may wish to include a provision which gives the chair of the board a casting vote. This will enable the directors to resolve any deadlock at board level.

<sup>13</sup> Article 18 is designed to facilitate the taking of decisions by directors following discussions in the form of, for example, email exchanges copied to all the directors. Note the requirements as to recording the decision in articles 18.2 and 32.

<sup>14</sup> The provisions in articles 19 and 20 reflect the position under the Companies Act 2006. However, it is recommended that, as a matter of good practice, all actual and potential conflicts of interest are disclosed in writing or at a meeting, as the case may be.

<sup>15</sup> Private companies are obliged to have at least one director. Provisions can be inserted into the articles providing for a minimum number of directors. Where the company has just one director, that director must be a natural person. Article 12 notes that, where there is only one director, a majority decision is reached when that director makes a decision. In the case of a single director, the quorum provisions (article 15) will need to be amended accordingly.

<sup>16</sup> The board of directors cannot remove a director other than in accordance with the provisions in article 23 and the Companies Act 2006.

<sup>17</sup> See the guidance on directors’ remuneration in [Part 9] of the Regulator’s information and guidance notes.

<sup>18</sup> See section 112 of the Companies Act 2006. A company’s members are (i) the subscribers to its memorandum; and (ii) every other person who agrees to become a member of the company and whose name is entered in its register of members.

<sup>19</sup> There is no need for all those who wish to become Members to subscribe to the Memorandum on incorporation; they can become Members and be entered in the register of Members after the company has been

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formed. However, since this model constitution assumes that all Members are also Directors, all Members will also have to be validly appointed as Directors under article 22.

<sup>20</sup> Inclusion of the provisions in article 26 (other than 26.3) is mandatory and reflects paragraphs 2(1)-(4) of Schedule 1 to the Regulations. [Directors should ensure that the information to be included on an application form includes all the information which will be required to fill in Companies House Form [288a] on the appointment of the new Member as a Director (see:

<http://www.companieshouse.gov.uk/forms/generalForms/288A.pdf>.)] Article 26.3 provides that the Directors are also members of the company.

<sup>21</sup> Inclusion of the provisions of article 27.1 and 27.2.1 – 27.2.2 (reflecting sub-paragraphs (5) and (6) of paragraph 2 of Schedule 1 to the Regulations), is mandatory.

<sup>22</sup> The Companies Act 2006 has removed the need for private companies to hold annual general meetings and therefore these Articles follow suit; however, if you wish, you can insert an additional provision which obliges the company to hold annual general meetings.

<sup>23</sup> Article 28.2 provides that general meetings must be held in accordance with the provisions of the Companies Act 2006. You may insert additional provisions that specify how many Members are required to be present to hold a valid general meeting. The quorum may be fixed in absolute terms (e.g. “four Members”) or as a proportion of the total number of Members (e.g. “three quarters of the Members from time to time”). You may even wish to stipulate that particular named Members, or Members representing particular stakeholder interests, must be present to constitute a quorum. In any event, it is recommended that the quorum should never be less than half of the total number of Members.

<sup>24</sup> Inclusion of the provisions of article 28.3 (reflecting paragraph 3(1) of Schedule 1 to the Regulations) is mandatory.

<sup>25</sup> See the Companies House guidance booklet, “Accounts and Accounting Reference Dates” (available online at <http://www.companies-house.gov.uk/about/gbhtml/gba3.shtml>.)] On the annual community interest company report, see [Part 8] of the Regulator’s information and guidance notes.

<sup>26</sup> Section 1(1) of the Charities Act 2006 defines “charity” as an institution which “is established for charitable purposes only, and falls to be subject to the control of the High Court in the exercise of its jurisdiction with respect to charities.”.

**To Whom It May Concern**

**Re:store Axe Valley CIC**

This is to confirm that we are the insurance advisers for the above organisation and arrange the following cover on their behalf:

**Public/Products Liability**

**Insurers** : Markel International Insurance Co Ltd [Scheme]

**Policy Number** : SC2100F200YR/8/3071

**Limit of Indemnity** : £5,000,000

**Renewal Date** : 13 October 2021

**Signed :**

A handwritten signature in black ink, appearing to read 'Stella', with a long horizontal line underneath.

**Dated: 19 October 2020**



## Seaton Town Council

### Community Grants Application Form 2020-21

Seaton Town Council is empowered to award grants under a specific section of the Local Government Act 1972, usually known simply as "Section 137". Section 137 enables a local council to incur expenditure which is "in the interests of and will directly benefit its area or any part of it and some or all of its inhabitants". Section 137 has a spend restriction. The maximum amount which a council may spend under section 137 in any one year (i.e. from 1 April to the following 31 March) is currently £8.32 per elector. The limit increases in line with the Retail Price Index.

Section 137 does not award the Council any additional funds. The section merely grants a limited freedom to spend part of the Council's budgeted income or reserves on items for which no other statutory power exists. The benefit accruing must be commensurate with the expenditure incurred, which is a decision for the Council.

Please note that the **total** amount of grant funding allocated by Seaton Town Council under Section 137 for 2020-21 is limited. It is therefore unlikely that individual grants above £1000 will be approved.

Successful applicants will be expected to attend the Annual Town Meeting and give a short presentation to explain how the grant funding has been used.

Applications are usually considered by the Council at its meetings in July and January and application forms should be returned to:

Julia Mutlow  
Town Clerk  
Seaton Town Council  
Marshlands Centre  
Harbour Road  
Seaton EX12 2LT

Email: [townclerk@seaton.gov.uk](mailto:townclerk@seaton.gov.uk)  
Tel: 01297 21388

Help and advice about making an application is available. Please contact the Town Clerk.

<b>FOR OFFICE USE ONLY</b>	
Date received:	
Date of Council Meeting	
Total funding allocated	£

## SECTION 1. CONTACT DETAILS

1a. Name of your organisation:

SAVE food hub

1b. Address where the project or activity is, or will be based:

Address	
1 Vintage Court, The Square	
Seaton	Post Code: EX12 2JZ
Website:	

2a. Main contact for this application – this is someone in a management position who knows the organisation's activities and can ideally be contacted during normal office hours.

Title	<input type="text" value="Mrs"/>	First name(s)	<input type="text" value="Aileen"/>
		Surname	<input type="text" value="Heal"/>

Position held:	Trustee
Telephone:07773000334	Email: savefoodhub@gmail.com

2b. Address for correspondence (if different from the address given in 1b above):

Address	
18 Meadow Road	
Seaton	Post Code: EX12 2AS

Alternative contact name and details in case main contact is unavailable:

Grace Haggart
20 Castle View EX24 6DN
07791771288

3. Do you have any particular communication needs (such as textphone, sign language, other language)?

No.

## SECTION 2: ABOUT YOUR ORGANISATION

4. Please indicate the legal status of your organisation (tick those that apply):

Unincorporated voluntary or community group	<input checked="" type="checkbox"/>	Charitable unincorporated association	<input type="checkbox"/>
Local branch of a national organisation (see question 5)	<input type="checkbox"/>	Charitable Incorporated Organisation (CIO)	<input type="checkbox"/>
Charitable company limited by guarantee	<input type="checkbox"/>	Awaiting Charity registration	<input type="checkbox"/>
Trust	<input type="checkbox"/>	Other (describe)	<input type="checkbox"/>

Charity Registration no:	
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Company no:	
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5. If you are a branch of or related to a larger organisation, please tell us which one. Please indicate what your relationship is with this organisation.

N/A
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6. What are your organisation's overall aims and objectives?

We are a fast-growing, volunteer-led community group which collects fresh, near end-dated food from a variety of local food outlets and re-distributes it to people for free.

The group's primary ethos is the elimination of local food waste, however, through our sessions and public events, we also meet people who may not identify as being in need of statutory or voluntary sector support including food banks and food poverty projects. This includes people who may choose not to seek support from a food bank or similar. We are referral partners to all local food banks but we also support families and individuals who are facing challenges at the same time as sharing food with them by signposting them and supporting approaches to agencies such as food banks and other food projects.

Our purposes are:

- To collect edible, in-date, surplus retail food destined for waste from local food retailers or producers and share it in the local community free of charge.
- To support local food banks and community food projects by providing them with collected food.
- To build a community of volunteers who feel valued and safe.
- To strengthen our community by helping reduce isolation and loneliness through sharing food.
- To support in lifting up people within our communities affected by food poverty both directly through referrals to food banks and indirectly through signposting to relevant & appropriate agencies.
- To act sustainably and to aim for zero carbon in all activities and actions.
- To put people and planet first.



### SECTION 3: ABOUT THE SERVICE/ACTIVITY FOR WHICH YOU REQUEST A GRANT

Seaton Town Council is seeking to award grants to voluntary, community and similar not-for-profit organisations which provide services that improve the quality of life for Seaton residents.

7. Name of the activity to be funded (write 'core activities' if the grant is to cover the whole of the organisation's activity rather than a specific project or activity):

Establish a Community Larder at Natural Worx.

8. Brief description of the activity:

Up until now we have been distributing food to the community via evening sessions held at the Marshlands Centre and Volunteers' homes. This requires the use of a smart phone and access to an application call Olio and the necessity for the person to collect the food later that night (typically 9-10pm). We are repeatedly asked how people who don't have access to the app or who can't leave home late at night can access the food.

Once a month we have a Pop-up Community Larder on a Saturday at the home of one of our volunteers. This allows us to distribute the food that we have collected over the last month and frozen. This does not require the need for a smart phone or to use an app to access the phone. These have proved to be very popular and provides greater access to the food for the people who don't have smart phones or the ability to collect food late at night (e.g. single parents etc.)

Natural Worx have offered SAVE food hub the use of their community space at 1 Vintage Court The Square, to host a Community Fridge, Freezer and Larder. These will be open to the public when their shop is open. Thus providing far greater access to the food we collect.

9. What do you expect to achieve through use of the grant?

We are saving good food from being wasted thereby acting in response to the environmental and climate emergency while feeding people. We provide free food to both food projects and the public unconditionally. Our primary aim is to eradicate food waste permanently, however, a by-product or additional advantage happens to be that people who are struggling to feed themselves and their families can access our service without any stigma.

We actively welcome, encourage and train volunteers because we recognise climate and environmental emergencies can have an adverse impact on mental health. Saving food from waste to give away free is a means of addressing these emergencies in a practical, simple, measurable and sociable context. Anyone can do it and volunteering in a group can help reduce individuals' loneliness and low feelings. We provide a safe, friendly and sociable environment where people can see and feel they are making a positive change in themselves and for others. We are a fully accessible group and strive to be inclusive in all areas of operations.

10. How precisely will the grant be used to achieve this?

The grant is to set up the Community Larder, train and equip our volunteers and pay for the operating costs for the first year.

We are in the process of applying for a Community Fridge and Freezer from the Community Fridge Network who we are already registered with. However we need to ensure our volunteers have training in food safety as well as health and safety. We will need to purchase storage, cleaning and sanitizing products and equipment.

11. What evidence is there of a relevant need for these outcomes (stated in Question 9) in Seaton and its communities, and at what level?

Every organisation and Town Council has the aim to reduce its environmental impact. The Food and Agriculture Organisation of the United Nations (FAO) estimates that one-third of food produced for human consumption is lost or wasted globally, which amounts to approximately 1.3 billion tonnes per year. The UK Government has acknowledged "food waste is an issue requiring urgent action throughout the world". In the UK, it is estimated that 10 million tonnes of food and drink waste arises post-farmgate each year in the UK, 60% of which could have been avoided. Although actions have led to a reduction of 1.6 million tonnes in the UK's annual food waste arisings compared to 2007, there is much more to do. Modelling suggests that, without further intervention, food waste may increase again by 1.1 million tonnes by 2025. (<https://publications.parliament.uk/pa/cm201617/cmselect/cmenvfru/429/42904.htm#footnote-127>). By reducing the amount of food in Seaton going into the waste stream we are reducing the carbon footprint of Seaton.

It is clear from the recent fund raising activities in Seaton and across the country for free school meals during the school holiday that access to free food is something Seaton, and every town needs.

We often have around 25 individuals attend our Sunday afternoon sessions to collect free food. At our last pop-up larder we had about 54 people attend. Previous events have had over 60.

12. What other provision is there in Seaton which works towards similar outcomes?

The food bank does provide food to those in food poverty. However this is a referral system so does not help people who may not identify as being in need of statutory or voluntary sector support, this includes people who may choose not to seek support from a food bank.

13. How many people do you expect to benefit from your activity?

a. Adults aged 18 years or above: 100

Of these, how many are likely to be residents of Seaton? all

b. Children and young people aged under 18 years: 100

Of these, how many are likely to be residents of Seaton? all

c. Vulnerable adults: unknown (we don't keep records of how many people who use our service are vulnerable)

Of these, how many are likely to be residents of Seaton?

14. How will the success of your project be evaluated or measured?

We keep records of how much food we collect from the food retailers and share with the community.

#### SECTION 4. GRANT REQUESTED

15. Sum requested as a grant from Seaton Town Council, in words and figures. Please note that the **maximum** amount of grant which will be considered is £1,000

	<b>£989</b>
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16. Breakdown of the total budget of the activity for which you are seeking funding:

<b>EXPENDITURE</b>	
a. Employee Costs	£0
b. Premises Costs, including utilities	£0
c. Transport Costs	£0
d. Supplies and services costs (cleaning materials & running costs of fridge & freezer for 12 months)	£220
e. Other Costs (specify)	
Level 2 food hygiene online training for 10 volunteers	£120
Level 2 Health & Safety online training for 2 people	£ 72
Workplace First Aid online training for 2 people	£ 60
Level 2 HACCP online training for 2 people	£ 72
cleaning equipment	£ 60
volunteers PPE & ID	£ 50
signage	£ 50
shelving, tables, chairs and storage equipment	£200
stationary (paper, ink, laminating pouches, pens) for 12 months	£ 60
fridge & freezer insurance	£ 25
<b>Total Expenditure</b> (equal to sum of above 5 lines)	<b>£989</b>
<b>INCOME</b>	
f. Income from this grant (as in 21 above)	£0
g. If the total costs of your activity are greater than the amount you are requesting from Seaton Town Council, please tell us how you will fund the rest of the activity.  Income from other grants (specify from whom, and whether secured yet) <ul style="list-style-type: none"><li>• Other local authorities (please specify which)</li><li>• Central government</li><li>• Health authorities</li><li>• European Funds</li><li>• Companies / trusts</li><li>• National Lottery</li><li>• Other grants – please specify from whom</li></ul>	£N/A
h. Income from fees, charges etc	£0
i. Income from fundraising activities	£0
j. Income from other sources – please specify which	£0
<b>Total income</b> (equal to sum of lines f, g, h, i and j above)	<b>£0</b>

17. Describe how your activity is sustainable and other ways in which you will secure funding to carry it out:

Once the Community Larder has been set up, we will continue to hold fundraising events to cover the on-going cost in future years. However, this grant is to set up and cover the running cost of the Community Larder for one year.

18. What contribution (financial and / or in kind) if any, are you making towards this activity from your own resources?

SAVE food hub was set up in June as an unofficial Community Group. In August we formed an Unincorporated Constituted Community Group and applied for a bank account which was finally opened in October.

Until now, all the running costs of the Community Group have been paid for by the SAVE food hub volunteers with the exception of one item, which was our insurance. RE:STORE CIC very generously paid for our insurance. Since we were not able to open a bank account until very recently, we were not able to apply for any grants. We have had to buy cleaning materials, equipment, PPE, stationery and even training courses ourselves.

We can't request donations at our evening session since we use the Olio app. One of the conditions of use on the app is that you don't ask for payment or donations. We also don't want people to feel they need to donate for the food they are collecting.

We have managed to raise a small amount of money by asking for donations at our Pop-up Community Larder but the amount donated to date has not covered our outgoings.

Our volunteers give up a lot of their time to help run SAVE food hub including use of the vehicles, homes and electricity to power freezer and cook dishes etc. Although they do use some of the food collected to make things for our Pop-up Community Larder events, they often supplement the ingredients with items they buy themselves. We don't pay any of our volunteers and don't even cover expenses or mileage.

## SECTION 5. DOCUMENTS AND ACCOUNTS

19. **INSURANCE** – Please provide evidence of current:

- Public Liability Insurance covering a minimum of £2 million
- Employer's Liability Insurance, if you are employing staff

If your insurance cover is provided by another organisation, for example through a group scheme, you must provide their name and address

20. **ACCOUNTS** – You must provide a copy of your audited accounts for the latest complete financial year. If the period covered by these accounts finished before 1 January 2018, or if the accounts have not been audited, or if your organisation has recently been established and you are unable to provide audited accounts, **please provide a written explanation:**

We were only established in August 2020 and have had very little income since then (~£215). I can supply a breakdown of donations received and money spent using those donations.

Similarly we can't supply 3 months bank statement as we only opened the account in October.

21. Please provide a copy of the following financial information about your organisation's most recent accounts:

Name of Bank or Building Society: Clydesdale Bank	
Account/s Name/s: SAVE food hub	
Account/s Number/s: 40172083	
Sort Code/s: 82-11-07	
Address/s: 154-158 Kensington High Street	
London	
Post Code: W8 7RL	Telephone: 08000323971

22. Please provide the details of two unrelated signatories to the above account, who can approve withdrawals:

Signatory one (print): Aileen Heal
Role in Organisation: Trustee
Signatory two (print): Jemma Moran
Role in Organisation: Trustee

23. What level of reserves (savings) do you hold and for what purpose?

None

## 24. Agreement and Undertaking:

Please read this section carefully before signing. It is your responsibility to ensure your application is properly presented.

- Please ensure you have completed every part of this application form. Omissions of vital information in your application may lead to it being rejected.
- Please ensure that all the necessary supporting information and documentation is provided with this application form. If there are missing documents by the submission deadline date it will lead to the application being refused.
- By signing this agreement you undertake:

**Data Protection Act** – Seaton Town Council will use the information provided on the application form and supporting documents during assessment and for the life of any grant awarded. In addition, the information and supporting documentation will be used in the analysis of the Council's grant process and for our own research. The Council may give copies of this information to individuals and organisations we consult when assessing applications, when monitoring grants and evaluating the way the Council's funding programme works and the effect they have. The Council recognises the need to maintain the confidentiality of applicants and their details will not be made public in any way, except as required by law.

**Freedom of Information Act** - The Freedom of Information Act 2000 gives members of the public the right to request any information that we hold. This includes information received from third parties, such as, although not limited to, grant applicants, grant holders, contractors and people making a complaint. If information is requested under the Freedom of Information Act the Council will release it, subject to exemptions; although the Council may consult with you first. If you think that information you are providing may be exempt from release if requested, you should let us know when you apply.

## 25. Declaration:

I the undersigned agree:

- i. to utilise any grant from Seaton Town Council solely in connection with the activity described in this application form. If for any reason the grant is unused it will be repaid before the end of the twelve-month grant period
- ii. to keep the appropriate officer of the Council informed of any proposed changes to the activity, the organisation's manager or changes in contact details
- iii. to recognise Seaton Council in any and all literature related to the activity.
- iv. to provide the Council with information which will enable the Council to monitor achievement of the stated outcomes. I understand that, if successful in my application, my organisation will be required to provide a report for the Annual Town Meeting.

If the activity which this application relates to involves children, young people or vulnerable adults, I confirm that the appropriate DBS checks will have been obtained for all volunteers, staff and management committee members in direct contact with children, young people or vulnerable adults by the date that the funding of the project is due to commence.

position. This should not be the same person as the Main Contact in Section 1.

Title: Mrs	First name(s): Jemma	Surname: Moran
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Position within the organisation:	Trustee
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**Home/business address:**

72 Dukes Way	
Axminster	
	Postcode EX13 5QP
Phone 07470 950 158	Email savefoodhub@gmail.com

**Declaration**

The Council will take your signature on this form as confirmation that you understand the obligations under the Data Protection Act 2018 and the Freedom of Information Act 2000 and that you accept that the Council will not be liable for any loss or damage to you in fulfilment of our obligations under the relevant law.

Signature: Jemma Moran Position TRUSTEE  
 Date: 03/11/2020

**Application checklist:**

Please check that you have enclosed

A copy of audited accounts and annual report		I have enclosed a copy of our accounts since starting
Bank statements covering the last three months		I have enclosed a copy of the email from the bank about account having been opened.
A copy of your organisation's Constitution (if applicable)	✓	I have also enclosed a scan of a paying in slip.
A copy of your organisation's Terms of Reference or Articles of Association (if applicable)		
A copy of the certificates of employer insurance (if applicable)		
A copy of the public liability insurance	✓	
A copy of certificates building/contents insurance (if applicable)		
If your service/activity involves children, young people or vulnerable adults, you are required to verify that CRB checks will have been made by the date that the grant is due to commence by signing the above Declaration. You are also required to submit the following policies for your organisation: Child Protection Policy and Vulnerable Adult Policy.		



If you have any additional information that you would like to add to this application, please attach it to this application form.



## CERTIFICATE OF PUBLIC LIABILITY AND EVENT COVER INSURANCE

**Policy Number:** 14713070  
**Name of Policyholder:** SAVE food hub  
**Description of Activities:** Charity/not-for-profit organisation - Social / Community Group  
**Date of commencement of insurance policy:** 15/08/2020  
**Date of expiry of insurance policy:** 14/08/2021 expiring at Midnight  
**Limit of Indemnity:** £2,000,000

Signed on behalf of Hiscox Insurance Company Ltd

**Steve Langan**  
Managing Director, Hiscox UK and Ireland

**Notes:**

- a. This insurance is subject to policy terms and conditions and any special terms notified to the insured.
- b. The certificate above shows that you are insured with an authorised insurer.
- c. The certificate (or any copy) must only be displayed whilst the policy remains active and within the policy period above.

**About the insurer:**

<b>Insurer</b>	Hiscox Insurance Company Ltd
<b>Company registration</b>	Registered in England number 70234
<b>Registered address</b>	1 Great St Helen's, London EC3A 6HX
<b>Status</b>	Hiscox Insurance Company Ltd is authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and Prudential Regulation Authority

**SAVE food hub  
Constitution**

## **1) Name**

The community group's name is SAVE food hub

## **2) The purposes of the community group are:**

To collect edible, in-date, surplus retail food destined for waste from local food retailers or producers and share it in the local community free of charge.

To support local food banks and community food projects by providing them with collected food. To build a community of volunteers who feel valued and safe.

To strengthen our community by helping reduce isolation and loneliness through sharing food.

To support in lifting up people within our communities affected by food poverty both directly through referrals to food banks and indirectly through signposting to relevant & appropriate agencies.

To act sustainably, and to aim for zero carbon in all activities and actions.

To put people and planet first.

## **3) Trustees**

The community group shall be managed by a committee of trustees who are appointed at the Annual General Meeting (AGM) of the community group.

## **4) Carrying out the purposes**

In order to carry out the community group purposes, the trustees have the power to:

- (i) raise funds, receive grants and donations
- (ii) apply funds to carry out the work of the community group
- (iii) cooperate with and support other charities and community groups with similar purposes
- (iv) do anything which is lawful and necessary to achieve the purposes

## **5) Membership**

The community group shall have members. People who support the work of the community group and are aged 18 or over, can apply to the trustees to become a member by completing a membership form. There is no charge to be a member. Once accepted by the trustees, membership lasts for 3 years and may be renewed. The trustees will keep an up-to-date membership list.

The trustees may remove a person's membership if they believe it is in the best interests of the community group. The member has the right to be heard by the trustees before the

decision is made and can be accompanied by a friend.

## **6) Annual General Meeting - AGM**

- (i) The AGM must be held every year, with 14 days notice given to all members telling them what is on the agenda. Minutes must be kept of the AGM.
- (ii) There must be at least 5 members, of which at least 3 must be trustees, present at the AGM.
- (iii) Every member has one vote.
- (iv) The trustees shall present the annual report and accounts.
- (v) Any member may stand for election as a trustee.
- (vi) Members shall elect between 3 and 10 trustees to serve for the next year. They will retire at the next AGM but may stand for re-election.

## **7) Trustee meetings**

- (i) Trustees must hold at least 3 meetings each year. At their first meeting after the AGM they will elect a chair, treasurer and secretary. Trustees may act by majority decision.
- (ii) At least 3 trustees must be present at the meeting to be able to take decisions. Minutes shall be kept for every meeting.
- (iii) If trustees have a conflict of interest they must declare it and leave the meeting while this matter is being discussed or decided.
- (iv) During the year, the trustees may appoint up to 2 additional trustees. They will stand down at the next AGM.
- (v) The trustees may make reasonable additional rules to help run the community group. These rules must not conflict with this constitution or the law.

## **8) Money and property**

- (i) Money and property must only be used for the community group's purposes.
- (ii) Trustees must keep accounts. The most recent annual accounts can be seen by anybody on request.
- (iii) Trustees cannot receive any money or property from the community group, except to refund reasonable out of pocket expenses.
- (iv) Money must be held in the community group's bank account. All cheques must be signed by 2 trustees.

## **9) Equal Opportunities**

Any offensive behaviour, including racist, sexist, homophobic, transphobic or inflammatory remarks, will not be tolerated. Anyone behaving in an offensive way or breaking the equal opportunities policy may be asked not to attend further meetings or to resign from the group if an apology is not given or if the behaviour is repeated. The individual concerned shall

have the right to be heard by the trustees, accompanied by a friend, before a final decision is made.

SAVE food hub will not discriminate on the grounds of gender, race, colour, ethnic or national origin, sexuality, disability, religious or political belief, marital status or age.

## 10) General meetings

If the Trustees consider it is necessary to change the constitution, or wind up the community group, they must call a General Meeting so that the membership can make the decision. Trustees must also call a General Meeting if they receive a written request from the majority of members. All members must be given 14 days notice and told the reason for the meeting. All decisions require a two thirds majority. Minutes must be kept.

(i) **Winding up** - any money or property remaining after payment of debts must be given to a charity or community group with similar purposes to this one.

(ii) **Changes to the Constitution** - can be made at AGMs or General Meetings. No change can be made that would make the organisation no longer a community group.






(iii) **General Meeting** - called on a written request from a majority of members.

(iv) Trustees may also call a General Meeting to consult the membership.

## 11) Setting up the community group

This constitution was adopted on 9th August 2020 by the people whose signatures appear below. They are the first members of the community group and will be the trustees until the AGM, which must be held within one year of this date.

Signed Print name and address

Name	Address	Signature
Julian Bond	89 Harepath Road Seaton, EX12 2BT	
Grace Haggart	20 Castle View Colyton, EX24 6DN	
Aileen Heal	18 Meadow Road Seaton EX12 2AS	
Karen Howarth	3 Eyrecourt Road Seaton EX12 2QX	
Jenni Richardson	19 Burnham Close Seaton EX12 2UW	

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**Your business account enquiry [#1099451]**

1 message

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noreply@cbonline.co.uk <noreply@cbonline.co.uk>  
To: savefoodhub@gmail.com

Tue, Oct 27, 2020 at 9:12 AM



# Business account enquiry

**Ref: 1099451**

Dear Aileen Heal,

We're pleased to inform you that your application for a business account has been approved. A member of our team will be in touch in the next 2 business days to talk to you about your account, its features and the terms and conditions. If you have any questions you can also call us on **0800 032 3971** Monday to Friday 8am – 6pm, quoting reference 1099451.

Kind regards  
Clydesdale and Yorkshire Bank Business Team

Please do not respond to this email as this is an unmonitored in-box.

We will **never** contact customers via email asking you to supply any confidential information, such as telephone or internet banking login details.

## CLUB CHARITY RO ASSC

### SAVE FOOD HUB

18 MEADOW ROAD, SEATON, EX12 2AS



**Account number**      **Sort code**      **Statement date**  
40172083              82-11-07              01 Nov 20 - 10 Nov 20

Date	Description	Type	Debits	Credits	Balance
<b>01 Nov 20</b>	<b>Opening Balance</b>				
02 Nov 20	FPS, Heal Am&Pjm, FROM PAYPAL	Transfer		£171.07	£171.07
06 Nov 20	FPS, Heal Am&Pjm, FROM PAYPAL	Transfer		£20.00	£191.07
09 Nov 20	FPS, Heal Am&Pjm, DONATION K SHARP	Transfer		£10.00	£201.07
	Total debits				
	Total credits			£201.07	
	<b>Closing balance</b>				<b>£201.07</b>

### Important information about compensation arrangements

We are covered by the Financial Services Compensation Scheme (FSCS). The FSCS can pay compensation to depositors if a bank is unable to meet its financial obligations. Your deposit is covered by the scheme. Details on the protection of eligible deposits can be found in the information sheet and deposits excluded from the scheme can be found in the exclusion list which can be obtained from your local branch. For further information about the compensation provided by the FSCS, refer to the FSCS website at [www.FSCS.org.uk](http://www.FSCS.org.uk).

### Interest rate information

Planned borrowing interest rates apply to the amount of any borrowing, up to your agreed overdraft limit. Unplanned borrowing interest rates apply to any borrowing which is the result of our agreeing to a request from you for a temporary overdraft or temporary increase to an existing overdraft to cover a Payment Item to which you do not have sufficient Available Funds. Interest rates applicable during the statement period are available on request, please call the team at Clydesdale Bank on **0800 345 7365** or **+44 141 951 7320**.

### Dispute resolution

If you have a complaint, please talk to us first so that we can try to resolve it. If you are not happy with the way we handled your complaint or the result, you can then refer the matter to the Financial Ombudsman Service. The Financial Ombudsman Service is an independent organisation that helps resolve complaints that customers and financial institutions haven't been able to solve themselves.



# SAVE food hub accounts

9/8/2020	carried forward				£0.00
DETAIL			MONEY IN	MONEY OUT	BALANCE
DATE	DESCRIPTION	REF			
29/8/2020	Donation at pop-up community larder		£2.00		£2.00
10/9/2020	Donation from Katherine Sharp		£5.00		£7.00
19/9/2020	Donations from pop-up Community Larder		£109.85		£116.85
21/9/2020	Donation from Liz at Amber House of Colour via Reuben Wheatley		£5.00		£121.85
18/10/2020	Donations from October pop-up		£83.04		£204.89
26/10/2020	Donation from Ken A		£10.00		£214.89
28/10/2020	Cleaning supplies (Pine Park) invoice 108599	2020/1		£43.82	£171.07

82-11-07

Date

Bank

Branch

Account

£  
Teller's Stamp & Initials

Clydesdale Bank PLC, PO Box 43, Glasgow G1 2HL  
TALL/DLRT LTD 9552

Date

Teller's Stamp  
& Initials

No. of  
Cheques

bank giro credit



**Clydesdale Bank PLC**  
154 - 158 KENSINGTON HIGH ST  
LONDON W8 7RL

Account  
**SAVE FOOD HUB**

Paid in by

SORTING CODE NUMBER

ACCOUNT NUMBER

T/C

82-11-07

40172083

77

£ Large		
£ Small		
Silver		
Bronze		
Total Cash		

Cheques  
PO's  
(see over)

£

Please do not write or mark below this line or fold this voucher

40172083  
000001

⑈000001⑈ 82⑈ 1107⑈ 40172083⑈ ??

ref	date	who	amount	what	catogry	IT/Admin	volunteers	cleaning/kit etc	events
1	June, 28	Aileen	£8.00	Hand sanitiser	cleaning			8	
2	Jul 3, 2020	Aileen	£10.74	Domain	IT/Admin	£10.74			
3	Aug 4, 2020	Aileen	£9.98	20 volunteer laynards	volunteers		£9.98		
4	Aug 4, 2020	Aileen	£6.20	20 plastic pockets for volunteer laynards	volunteers		£6.20		
5	Aug 11, 2020	Aileen	£9.99	blue paper towel	cleaning			£9.99	
6	Aug 11, 2020	Aileen	£4.99	10 volunteer laynards	volunteers		£4.99		
7	Aug 11, 2020	Aileen	£3.10	10 plastic pockets for volunteer laynards	volunteers		£3.10		
8	Aug 12, 2020	Aileen	£14.34	virabac and bottle (sanitizer)	cleaning			£14.34	
9	Aug 12, 2020	Aileen	£0.95	bin bags	cleaning			£0.95	
10	Aug 17, 2020	Aileen	£9.99	folding broom for Marshlands	cleaning			£9.99	
11	Aug 28, 2020	Aileen	£10.54	printer ink	IT/Admin	£10.54			
12	Aug 30, 2020	Aileen	£11.99	hand sanitizer	cleaning			£11.99	
13	Aug 31, 2020	Aileen	£2.16	Virabact flask	cleaning			2.16	
14	Sep 8, 2020	Aileen	£18.59	takeaway containers for pop-up	events				£18.59
15	Sep 13, 2020	Aileen	£7.99	laminating pouches	IT/Admin	£7.99			
16	Sep 24, 2020	Jemma	£24	Hire of Axminster church rooms for October	events				£24
17	22/9	Aileen	£14.01	Face shields	volunteers		£14.01		
18	24/9	Aileen	£14.96	Face shields	volunteers		£14.96		
19	1/10	Aileen	£7.99	dry wipe name cards for seaton	kit			£7.99	
20	9/10	Aileen	6.49	hand sanitiser	cleaning			£6.49	
21	5/10	Aileen	£7.99	dry wipe name cards	kit			£7.99	
22	7/10	Aileen	£4.99	laynards	volunteers		£4.99		
23	7/10	Aileen	£3.49	10 plastic pockets for volunteer laynards	volunteers		£3.49		
24	7/10	Aileen	£15.15	Face shields	volunteers		£15.15		
25	19/10	Aileen	£7.19	dry wipe cards	kit			£7.19	
26	19/10	Aileen	£7.19	dry wipe cards	kit			£7.19	
27	23/10	Aileen	£4.99	volunteers laynards	volunteers	£4.99			
28	23/10	Aileen	£4.18	20 plastic pockets for volunteer laynards	volunteers		£4.18		
29	28/10	Aileen	£7.19	dry wipe cards	kit			£7.19	
30	Oct 11, 2020	Aileen	£10.00	Food Hygiene Level 2 training	volunteers		£10.00		
31	October	Jemma	£10.00	Food Hygiene Level 2 training	volunteers		£10.00		
32	Nov 3, 2020	Aileen	£1.50	blue tack	kit			£1.50	
33	Nov 3, 2020	Aileen	£0.99	glue dots	kit			£0.99	
			£257.85			£34.26	£101.05	£103.95	£18.59



## **20 COU 15 - SHOP FRONT IMPROVEMENT GRANT SCHEME**

Two further applications have been received and a brief summary of each is provided below for Members' consideration:

<b>Name</b>	<b>Amount Sought</b>	<b>Detail</b>	<b>Comments</b>
Monsoon	<b>£478.80</b>	<p>Supply and install 7m trough light . One quote provided by SW Signs for £798.00 + VAT at £159.60. Total quote: £957.60</p> <p>Attempted to obtain 2 more quotes but without success. Businesses has confirmed that SW Signs is a trusted contractor who has worked with them before.</p>	<p>Business would like approval before proceeding with the works as can only afford if awarded a grant.</p> <p>Amount requested is inclusive of VAT. 50% of £798.00 would be <b>£399.00</b></p>
The Bush Hat	<b>£274.50</b>	<p>Improved signage to highlight the diversification of the business. Only one quote provided by SW Signs as agreed with STC as this contractors holds all the original graphic templates</p>	<p>Quote is for £549.00 net of VAT so amount sought is correct.</p> <p>Photo of completed works and receipted invoice received.</p>

## 20 COU 16 Request from the Gateway for approval of works and funding

### Introduction

Members will be aware that one of the Council's assets is Seaton Town Hall. Whilst the Council owns the freehold, the Council entered into a lease with Seaton Gateway Gateway Theatre Company Ltd on 15 December 2016 for a period of 50 years. Clause 23 of said lease requires the Gateway to keep the interior of the building in good repair and clause 25 requires consent to be obtained from the Council for any internal, non-structural alterations.

### Request from the Gateway

On 19 November, the Council received the following email and plans, from the trustees of the Gateway, requesting the Council's consent to carry out the alterations described and asking for financial assistance:

*"Dear Town Clerk,*

*Prior to the pandemic The Gateway provided a very successful venue for a variety of activities, films and gigs and played a pivotal role in the community. The feedback from patrons to these events, whilst being overwhelmingly positive, has raised the number of toilets and the congestion at the entrance to them as a significant issue. Accordingly, the Gateway sought views from a wide cross-section of the community, via Social Media and questionnaire leaflet, and the responses placed the toilets as their number one issue.*

*The Trustees have investigated published guides on the numbers and types of WCs, urinals and sinks for this type of venue and, based on this analysis, have considered options for improving this situation. After due consideration we have come up with the attached specification as the most practical option. The key issue has been to try and simplify access to soil pipes as far as possible. We consider that these improvements will be a substantial improvement to the building.*

*In summary, the space currently being used as The Gateway office is planned to be restructured to provide additional facilities and to separate the male and female toilet entrances. This will overcome the congestion currently experienced at the narrow entrance to both the male and female toilet areas - a difficulty that has been a concern particularly by many of our older and less able patrons. To try and reduce risks of cross-contamination it is also proposed to remove doors from the entrances, using visual barriers instead. Once completed the toilets will be fit for purpose for this venue. It is anticipated that none of the walls that we would like to remove are load-bearing although this needs to be confirmed. An additional store room can also be provided.*

*In advance of your permission to undertake this work we have contacted a number of local builders and hope to receive their technical and cost responses in the near future. Ideally we would hope to have the work completed during the period whilst there are Covid 19 restrictions, to be ready for the opening.*

*In accordance with the lease we are therefore asking for your permission to make these changes. We appreciate that you may first wish to inspect the building, with the plans, to satisfy yourselves that it is feasible and desirable and possibly to recommend adjustments to the specification. To this end we would be delighted to arrange a site meeting at your convenience. We would also be happy to*

*discuss this by phone, or attend any meetings (including via Zoom) should you wish to ask clarification questions.*

*We have also included in a separate specification the changes we wish to make to the lobby area, particularly the restructuring of the lower part of the stairs. Our objective here is to improve access to the (new) ladies toilets and to enable a more appropriate siting of The Gateway reception/ticket area. Whether funds would stretch to include this is subject to the costs for the toilet refurbishment. Notwithstanding we would also wish to seek your approval at this time.*

*These improvements to the building will be of benefit to your asset and accordingly we would appreciate STC giving consideration to providing some financial assistance for the works.*

*Our best regards  
Ken*

***Ken Newland – Trustee”***

On receiving this communication, the Clerk wrote to the trustees seeking further information on the anticipated cost of the work and also of the Gateway’s current financial position, so that the Council had as much information as possible to inform their discussions. The trustees responded as follows:

*“It is indeed correct that The Gateway has secured a substantial loan. At the beginning of the first lockdown the decision was made to secure the maximum we could under the government’s Covid loan support scheme on the grounds that we could pay it back if we did not use it and the initial repayment deferment meant that there was no cost in doing so. Given the uncertainty over the economically viable reopening of entertainment venues however, trustees are now concerned that, if we spent the money, what the impact that repaying the loan might have on our operation once we return to ‘normal’. Accordingly we are keen to seek other sources of funds for major works.*

*As for the cost of the works, we are still awaiting quotes from builders and we would be happy to share these quotes with you once they are in. Given that most builders have full order books until next Spring we need to secure a time slot as soon as we can. Hence starting the dialogue with STC at this time.”*

## **Conclusions**

Members are asked to consider the request and decide:

- whether or not consent for ye works should be given. Members should note that under the terms of the lease, consent cannot be unreasonably withheld.
- Whether any financial support should be given towards the project



# Seaton Town Council Constitution

## Chapter 19 Memorial Benches Policy

Marshlands Centre, Harbour Road, Seaton EX12 2LT

01297 21388

[townclerk@seaton.gov.uk](mailto:townclerk@seaton.gov.uk)

# Policy on Memorial Benches

## Introduction

1. Seaton Town Council ('the Council') receives occasional requests from the public to donate/install memorial benches and plaques. The Council can only consider applications for benches to be installed on land in the Council's ownership. Some locations in the town are owned and managed by East Devon District Council, who must be contacted directly, should an individual wish to place a bench on their land
2. There is no legislative requirement for the provision of public memorial benches, although it is accepted that they provide a useful and valued public amenity as well as a place to sit and reflect on those loved ones who have been lost.

## Procedure to apply to purchase a bench to be sited on Council land

3. All applications for memorial benches should be completed on an official application form in the format attached hereto. They must be signed by the applicant, giving extended family details where possible, as an additional means of contacting the donor or their family, should this be necessary at a future date.
4. Requests will be accommodated where possible, but it may be necessary to offer alternative locations, if space is not available at the preferred site.
5. Any applicant will be required to meet the cost of purchasing a bench along with delivery fees and an installation fee of £125<sup>1</sup> to include the cost of any materials (eg. cement). Furthermore, the applicant will be required to source the bench (and seek consent from the Council as to the style and design of the bench prior to placing the order). Delivery should be to a location agreed in advance by the Council. Benches can be collected by the Council's maintenance staff from the applicant's home address, within a 5mile radius of the Council's offices.
6. Once installed, basic maintenance of the bench will become the responsibility of the Council, i.e. annual painting and minor repairs. If major repairs are required, the applicant will be contacted and notified of costs and asked to meet/contribute towards the cost if repairs are viable.
7. Whilst the Council will endeavour to maintain and repair wherever possible to prolong the life of each bench if, in the view of the Council's maintenance officer, repairs are not viable and a bench is no longer safe for use, then the applicant (and, if unavailable, other family members detailed on the application form) will be contacted and asked whether they would like to supply a replacement bench. Any replacement benches will be subject to the same terms as set out at paragraphs 6 and 7 above.
8. When a bench is no longer capable of repair, whilst the Council will use reasonable endeavours to contact the applicant in the first instance and thereafter alternative

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<sup>1</sup> Or such amount to be reviewed from time to time as part of the Council's schedule of fees and charges.



contacts provided on the application form, if this is not possible, then the Council, in its absolute discretion, may remove and dispose of the bench as it sees fit.

9. The Council cannot guarantee the long-term safety or security of benches and is not responsible for any replacement bench resulting from damage and vandalism or deterioration with age. In the unlikely event that a memorial bench is stolen, the Council shall not be responsible for providing a replacement.
10. No additional mementoes such as vases, statues, flowers, wreaths, shrubs, trees and other planted vegetation, shall be permitted on or around the bench.

Adopted – 7 December 2020



## Application for a Memorial Bench

Date of Application	
Applicant's Full Name	
Applicant's Address	
Applicant's Contact Telephone Numbers	Landline  Mobile
Applicant's Email	
<p>Alternative Contact Name</p> <p>(by submitting alternative contact details, the applicant hereby gives the Council permission to contact this person or persons and consents to them making a decision as regards replacement or disposal of bench to which this application relates)</p>	
Alternative Contact's Address	
Alternative Contact's Telephone Numbers	Landline  Mobile
Alternative Contact's Email	
<p>Details of bench – please attach specification, size and photograph of proposed bench with this application form</p>	

Details of memorial plaque to be affixed to bench – please supply details of proposed wording for memorial plaque for approval	
Preferred location of bench?	
Second choice of location for bench?	

**I have read and accept the terms and conditions regarding memorial benches installed on Seaton Town Council land**

**Signed:**

**Print:**

**Date:**