MAGHULL TOWN COUNCIL

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LOCAL COUNCIL AWARD SCHEME FOUNDATION

**To: The Mayor and Members of Maghull Town Council, Maghull Town Hall, Hall Lane, Maghull.**

**You are hereby summoned to attend a Remote Annual Meeting of the Council which will be held on Wednesday 05 May 2021 at 6:30 PM to transact the business detailed below.**

***Note:*** *DECLARATIONS OF INTEREST – If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the Town Clerk at least 24 hours in advance of the meeting.*

*This meeting will be open to the press and public to view via the following link:* *https://bit.ly/3xoxu05*

**1 Election of Chair**

Members are asked to elect a Chair for the municipal year 2021/22.

**2 Election of Town Mayor**

For the municipal year 2021/22, the signing of the Declaration of Office and Investiture with the Badge of Office.
Statement by Councillor Josh Burns, Mayor Maghull Town Council 2020/21.

**3 Appointment of Deputy Town Mayor**

For the municipal year 2021/22 and Investiture with the Badge of Office.

**4 Apologies For Absence**

**5 Declarations of Interest**

**6 Public Participation.**

Due to the Covid 19 pandemic public participation will be dealt with via the submission of comments or questions to the Council prior to the meeting commencing. Anyone wishing to submit a comment or a question to the Council must do so by 5pm on Tuesday 4th May 2021.

Members to receive a presentation regarding Oiyaa, a discounting app for use with local retailers. (Pages 1 -4)

**P.T.O.**

**7 Consultation - Merseyside Association of Local Councils**

Members will receive a short presentation by Cllr K Dalton of MALC.

**8 To Confirm the Minutes of the Last Meeting**

Members are asked to confirm the minutes of the Full Council meeting held on 14th April 2021 (Pages 5 - 7)

**9 Review of Core Documents**

Review of Constitution, Financial Regulations and Scheme of Delegation – Members are asked to approve the documents (Pages 8 - 71)

**10 Appointment of Committees, Membership and Substitution Arrangements for the Municipal Year 2021/22**

Members are asked or nominations for Council Committees for the municipal year (Pages 72 -78)

1. Amenities Committee - Chair, Vice Chair and representatives
2. Community Services Committee - Chair, Vice Chair and representatives
3. Finance & General Purposes Committee - Chair, Vice Chair and representatives

**11 Appointment of Representatives on External Bodies**

Members are asked to consider the appointments. (Page 79)

**12 Invitation to Sefton Borough Council Ward Members**

Members agree that an invitation be sent to Sefton Borough Council Ward Members who are not Maghull Town Council members to attend meetings of the Full Council.

**13 Planning Applications.**

DC/2021/00746 Heathfield Lodge, 22 - 24 Melling Lane, Maghull, L31 3DG
Erection of a three storey block of 17 apartments, with associated landscaping, boundary
treatments and vehicular and pedestrian access after demolition of existing building

DC/2021/00881 Church Road, Maghull, Liverpool, L31 5PB
Erection of one pair of semi-detached bungalows with associated access, landscaping and
parking, together with 10 communal car parking spaces for existing residents living at 17-
35 Church Road

DC/2021/00832 Land Bounded By Poverty Lane To The South, A Railway Line To The West, Whinny Brook To The North And The M58 Motorway To The East, Maghull
Approval of details reserved by Conditions 31, 33, 37, 38, 41, 42 and 43 attached to planning permission DC/2017/01532 allowed on appeal ref: APP/M4320/W/20/3257252 dated 22/02/2021

DC/2021/00869 Land Bounded By Poverty Lane To The South, A Railway Line To The West, Whinny Brook To The North And The M58 Motorway To The East, Maghull
Approval of details reserved by Conditions 5, 15, 20, 24, 25, 26 and 27 attached to planning permission DC/2017/01532 allowed on appeal ref: APP/M4320/W/20/3257252 dated 22/02/2021

(Pages 80 - 83)

Members are asked to consider submitting a response.

**14 Report on Sefton Borough Council Matters**

Verbal update

**15 Chairman's Closing Comments**

**16 Exclusion of the Press and Public**

***That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they contain exempt information under paragraph 3 of Part 1 of Schedule 12A of the Act, and it would not, on balance, be in the public interest to disclose the reports.***

**17 Cricket Club Pavilion**

Members are asked to consider the proposal for the Cricket Pavilion. (Pages 84 - 86)

*A McIntyre*

Town Clerk and Treasurer

Why join oiyaa
One loyalty platform for all local retailers
Save money while supporting local businesses
The free app that gets you deals and discounts that are local to you
oiyaa
Multiple ways you can earn discounts instore or online
Download the app using the QR code
oiyaa
GET IT ON Google Play
Download on the App Store

oiyaa

# The app that gets you discounts at local high street retailers

**1** Download the app, register and receive £20 worth of loyalty tokens

**2** Search and save with multiple local retailers

**3** You can order and make a booking online

**4** Receive discounts and use as part of your payment

**5** You have joined the oiyaa community - now continue to save money with oiyaa retailers

For more information visit **www.oiyaa.com** or call 03337 726155

# Why join oiyaa

A more sophisticated 'Eat Out To Help Out' – not just for restaurants

Keep customers spending in your local community

First free loyalty app that connects local people with local businesses

No minimum contract, no set up fee and no hardware costs

Capture real time big data for small businesses

Online ordering, booking and order at the table at a fraction of the cost of the online giants

Download the app using the QR code

oiyaa RETAILER

GET IT ON Google Play

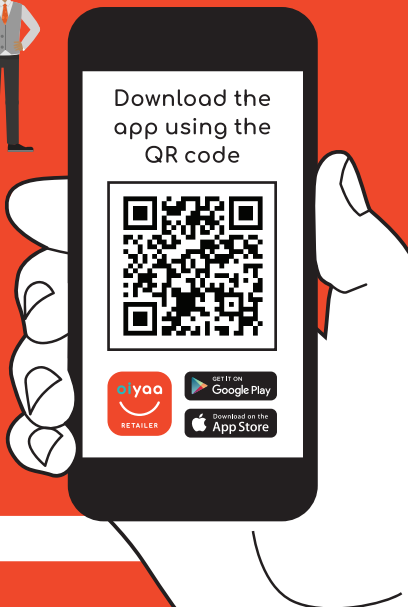
Download on the App Store

oiyaa

# *The app that helps you build your business with your local community*

To join the Oiyaa community, you have several options:

1. Download the Oiyaa retailer app to your phone/tablet from the App Store or Google Play store and complete registration
2. Contact us at sales@oiyaa.com
3. Call us on 03337 726155
4. Vist www.oiyaa.com




Start communicating with Oiyaa consumers and build your business

# Minutes of the Virtual Full Council Meeting Held Wednesday 14 April 2021 at 6:30 PM

Those present :

Mayor : Cllr Jo Burns
Deputy Mayor : Cllr J Sayers
Councillors : Cllr Ju Burns, Cllr C Carlsen, Cllr C Carragher, Cllr J Desmond, Cllr R Ferguson, Cllr K Hughes, Cllr T Hughes, Cllr P Mc Kinley, Cllr D Mullen, Cllr Y Sayers, Cllr F Sharp
Officers : P Dillon, S Lawrence, A Mc Intyre, A Spencer

**1 Apologies For Absence**

Cllr Adam Lloyd.

**2 Declarations of Interest**

None received.

**3 Public Participation.**

Due to the Covid-19 pandemic public participation is by submission of comments or questions to the Council prior to the meeting commencing. None received.

**4 To Confirm the Minutes of the Last Meeting**

**RESOLVED that the minutes of Full Council held on 3rd March 2021 were approved as correct record.**

**5 Consultation - Merseyside Association of Local Councils**

This item was deferred until the next available meeting.

**6 Municipal Calendar**

Members were informed MTC must hold an Annual Council meeting by 1st June 2021 but cannot meet face to face until at least 21st June 2021. The last date for virtual meetings would be 7th May 2021. Therefore, it was proposed to hold a virtual Annual Council on Wednesday 5th May 2021 at 6.30 pm. No further meetings would be held until Wednesday 23rd June 2021 which will be held face to face either in the Council Chamber if social distancing is no longer in place. Or in the Venue if it is.

**RESOLVED that:-**

**1. The Municipal Calendar for 2021/22 be approved;**
**2. The report be noted**

**7 World War 1 Project**

Cllr McKinley informed members that in 2018 MTC commissioned a piece of public art to commemorate Moss Side Hospital and the inspiring work in the treatment of shell shock that the hospital pioneered. The intention was to have the project in 3 parts; the statue “Compassion in Conflict”, an explanation of the history of the site by information panels and artwork and a peace garden. Part 1 of the project was completed in 2018 and the statue unveiled. The second part of the information boards was also completed in 2018 with the boards being placed on the station platform itself. A further piece of art, a set of decorative panels which told the story of the work of the hospital, were also commissioned in 2019. Permission was sought from Merseyrail together with Network Rail to place the panels instead of the fence next to the statue. Network Rail sought assurances that the weight of the panels would not cause problems to the embankment above the platform. This was confirmed and the procurement of the panels commenced.

However, Merseyrail has now said that the panels cannot replace the fence and can only be fitted

alonside it. This would ruin the effect of the panels which have been created to give a stained glass effect visible from both sides. This would result in the project being incomplete on its orginal site and the panels would need to be placed elsewhere.

A proposal to move the statue to a new home on KGV Playing Fields was put to the Council. Its final position would be on the grassy mound by the Edible Garden maintained by Maghull in Bloom. This would allow the decorative panels to be placed next to the statue and for sympathetic planting to be put around it, creating a calm space for contemplation. There was an opportunity to focus on a sensory garden which would be evocative and a fitting centrepiece for the park. The raised elevation would also be a fitting place for the statue and panels given that they would face into the West with all the connotations that would bring. This was an opportunity to bring artwork to Maghull which would capture the imagination of the young residents and visitors and spark memories in the older generation.

Members discussed the issues raised by the difficulties with completing the project in its original site. Members were concerned that moving a war memorial was inappropriate and that the statue should remain in situ as it was the site of the hospital it commemorated. It was confirmed that the statue had been registered as a war memorial, although its intent was as a memorial to both the work of the hospital and in remembrance of those soldiers who had been shot by their own side for cowardice which was a sympton of their intense mental health battles. Members also queried the original correspondence with Merseyrail prior to the commissioning of the additional artwork and sought clarification of the agreement.

**RESOLVED that:**

**1. This item be deferred until the Full Council meeting of 23rd June 2021 in order for more information to be provided regarding the agreement with Merseyrail, the position with moving a war memorial and the costs which would arise from the moving of the statue;**
**2. The report be noted.**

## 8 Asset Improvement Plan

Members were informed that at the meeting of Full Council on 27th Janaury 2021, Members agreed to use£100,000.00 of council reserves for playground asset improvements during 2021/22. A detailed plan was produced informing where improvements could be made with a particular emphasis on additional playground items.

Two options were provided . However, a full tendering exercise would need to be held once the outlay was agreed. Officers would use the preferred option to produce the specification to be delivered by Knowsley Council as per our Procurement Service Level Agreement the full tender exercise.

Members asked if the new play equipment would besuitable for disabled users? Alex Spencer (Amenities Manager) informed all new equipment is disability compliant.

It was also suggested that the Grounds Maintenance Team become Park Rangers. This would allow for a wider range of duties to be undertaken, was more easily understood by residents, was more customer friendly and would allow the staff to be upskilled in more duties.

**RESOLVED that:-**

**1. Option A within the report be utilised to provide the specification for the**

**playground improvements across the sites in Maghull;**
**2. The proposed planned asset maintenance works for 2021/22 and 2022/23 be approved;**
**3. A consultation exercise be undertaken to ascertain the staff views on the Park Ranger proposal and any associated costs;**
**4. The report be noted.**

## 9 Activity Room Improvements

Members were informed that, following the use of the Town Hall's Activity Room as a vaccination centre, there would be an opportunity to alter the configuration of the room, to provide a broader range of uses for the community. This could improve accessibility and provide a much needed resource to a wider group of people. This could be achieved by attracting external funding with initial attention focussed on the Veolia Environmental Trust as MTC met the application criteria.

The Roy Evans Foundation have showed interest in using the Activity Room for engagement with youth and residents in Maghull.

**RESOLVED that:-**

**1. Members agreed to an "in principle" investigation to alterations to improve the Activity Room;**
**2. A bid for external funding for the alterations be sumitted to the Veolia Environmental Trust;**
**3. Members agreed that Graham Powell of Keith Davidson Partnership be appointed to lead the initial project management;**
**4. That the report be noted.**

## 10 Chairman's Closing Comments

The Chair thanked everyone for attending and wished everyone good night.

| | |
|---|---|
| **Report to:** | Annual Council |
| **Date of Meeting:** | 5th May 2021 |
| **Agenda Item Number** | |
| **Subject:** | Review of Core Documents |
| **Report of:** | Town Clerk |
| **Exempt / Confidential Report:** | No |

**Summary**

The Council must review its Core Documents for governance purposes on at least an annual basis. This usually happens at the annual meeting. The documents are presented for approval for the forthcoming municipal year.

| **Maghull Town Council Priority** | **Yes/No** |
|---|---|
| 1. Development and Protect the Community | Yes |
| 2. Develop Parks and Green Spaces | Yes |
| 3. Value for Money and Enterprising Council | Yes |
| 4. Develop Leisure and Activity for All | Yes |
| 5. Develop/support Community Services and Groups | Yes |
| 6. Support Culture and Heritage | Yes |
| 7. Health and wellbeing Programme | Yes |
| 8. Statutory Requirement | Yes |

**Recommendation(s)**

1. **That Members approve the Core Documents (Constitution, Financial Regulations and Scheme of Delegation) for the forthcoming municipal year;**
2. **That the report be noted.**

**Reasons for Recommendation(s)**

The Council must review its Core Documents at least annually to fulfil its statutory duty.

**Alternative Options Considered and Rejected**

None

**What will it cost and how will it be financed?**

**(A) Revenue**

N/A

**(B) Capital**

N/A

**Implications of Recommendations:**

| | |
|---|---|
| **Financial Implications** | The Council must review its core documents to comply with audit regulations. |
| **Resource Implications** | Officer time |
| **Legal Implications** | LGA 1972, Audit and Accountability Regulations 2015 |
| **Equality & Diversity Implications** | None |

**Implementation Date for Decision**
Immediately following the Council meeting

**Appendices**

Constitution
Financial Regulations
Scheme of Delegation

**Background Papers**

| | |
|---|---|
| **Contact Officer** | Angela McIntyre |
| **Telephone Number** | 0151 526 3705 |
| **Email Address** | Angela.mcintyre@maghull-tc.gov.uk |

## 1. Background

The Council has a series of Core Documents which govern how the Council conducts its business. The documents are:

Constitution

This is the set of rules and regulations which govern how the Council conducts its meetings and is the basis for the decision-making process.

Financial Regulations

This document sets out how the Council will spend its money including tender processes and levels of authorisation. It also determines how the money is accounted for and the audit process.

Scheme of Delegation

This document gives standing authority to officers of the Council to perform day to day tasks for the smooth running of the Council. Without this all decisions would need to be referred to Full Council or one of its Committees. The Council is too large to manage without a Scheme of Delegation.

## 2. Current Position

The documents have been reviewed by the Town Clerk. The only change (apart from correcting grammatical errors) is the amendment within the Financial Regulations to increase the delegated financial level for the disposal of an asset from £250 to £5,000 in line with purchasing provisions (14.2 in the document). This provision has then been added to the Scheme of Delegation (11.3 (i) in the document).

**Recommendation(s):-**

1. **That Members approve the Core Documents (Constitution, Financial Regulations and Scheme of Delegation) for the forthcoming municipal year;**
2. **That the report be noted.**

# MAGHULL TOWN COUNCIL

MAGHULL
TOWN
COUNCIL

# CONSTITUTION

**May 2021**

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The following **Constitution** shall apply to the Town Council, its committees and sub-committees insofar as they are applicable.

## 1 MEETINGS

### Key

Mandatory for full Council meetings
Mandatory for committee meetings
Mandatory for 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) **At least 3 clear days notice of Council meetings must be given to Councillors and the public. When calculating the 3 clear days, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.**

c) **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.**

d) Subject to Constitution 1(c) above, at the start of each Meeting of the Council and its Committees there shall be a period of time allowed for members of the public to make representations, ask or answer questions and give evidence in respect of any matter within the competence of the Council or that Committee. Similarly members of the public may present petitions, and speak thereto, provided that the petition has been signed by persons from at least ten households within the Maghull Town Council area.

e) The period of time which is at the Chair's discretion shall not exceed 15 minutes.

f) Subject to Constitution 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.

g) In accordance with Constitution 1(f) above, the Chair may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.

h) A record of a public participation session at a meeting shall be included in the minutes of that meeting.

i) At all meetings of the Council, the Chair may, with the consent of the meeting, adjourn the meeting for a specified time to allow members of the public to address the meeting in relation to the business transacted at the meeting and to allow a more informal discussion to take place.

j) Any person speaking at a meeting shall address comments to the Chair. A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chair may at any time permit an individual to remain seated when speaking.

k) Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chair shall direct the order of speaking.

l) If a member of the public interrupts the proceedings of any Meeting, the presiding Chair may, after warning, order that the person be removed from

the Council Chamber.

m) **In accordance with Constitution 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present**.

n) **Subject to this Constitution which indicates otherwise, anything authorised or required to be done by, to or before the Chair may in their absence be done by, to or before the Vice-Chair (if any).**

o) **The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**

p) **Subject to Constitution 1 (y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**

q) **The Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.** (*See also Constitution 2 (h) and (i) below.*)

r) **Voting on any question shall be by a show of hands, or, if at least two Members so request, by signed ballot. 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 their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**

s) **The minutes of a meeting shall record the names of Councillors**

**present and apologies for absence. The minutes of a meeting shall be a reflection of the meeting.**

t) If prior to a meeting, a Councillor has submitted reasons for their absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.

u) **The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.**

v) **An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.** (*See also Constitution 9 and 10 below*.)

w) **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 3.**

x) **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.

## 2 ORDINARY COUNCIL MEETINGS

*(See also Constitution 1 above).*

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 new Councillors elected take office.**

b) **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**

c) **Ordinary Meetings of the Council shall be held at the Town Hall, Hall Lane, Maghull every sixth Wednesday commencing 6.30 p.m. or at such other place and such time as the Council shall determine.**

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 directs.**

e) **The election of the Chair,** who shall be the Town Mayor and Vice-Chair, who shall be the Deputy Town Mayor, **of the Council shall be the first business completed at the annual meeting of the Council.**

f) **The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.** The Mayor is normally appointed for only one year.

g) **The Vice-Chair of the Council, if any, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**

h) **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Chair of the Council has been elected. The current**

**Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.**

i) **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.**

j) Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting of the Council, the order of business shall be as follows.

i) In an election year, delivery by Councillors of their declarations of acceptance of office.

ii) Confirmation of the accuracy of the minutes of the last meeting of the Council.

iii) Receipt of nominations to existing committees.

iv) Appointment of the Leader and Deputy Leader of the Council (to be appointed from the majority political group)

v) Confirmation of the terms of reference for the Leader and Deputy Leader of the Council

vi) Appointment of any new committees, confirmation of the terms of reference, the number of members and receipt of nominations to them.

vii) Review of representation on or work with external bodies and arrangements for reporting back.

viii) Review and adoption of appropriate Constitution and financial regulations.

ix) Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.

x) In a year of elections, if a Council's period of eligibility to exercise the General Power of Competence expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.

xi) Review of inventory of land and assets including buildings and office equipment.

xii) Review and confirmation of arrangements for insurance cover in respect of all insured risks.

xiii) Review of the Council's and/or employees' memberships of other bodies.

xiv) Establishing or reviewing the Council's complaints procedure.

xv) Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.

xvi) Establishing or reviewing the Council's policy for dealing with the press/media.

xvii) Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

## 3. PETITIONS

a) Petitions may be received at (ordinary) meetings of the Town Council provided that the petition is received by the Town Clerk of the Council no later than eight days before the day of the meeting and is signed by at least ten electors within the township.

b) Petitions may only be about a matter for which the Town Council has a responsibility.

c) Petitions will not be received by the Town Council which are a furtherance of a person's individual circumstances or which are about a matter where there is a right of appeal to the courts, a tribunal or government.

d) A petition will not be received by the Town Council where the issue it concerns has been the subject of a petition in the last six months or a decision of the Town Council in the last six months.

e) One signatory of the petition may speak to the Town Council meeting for no more than five minutes.

f) No discussion shall take place on the petition. A member may move (for example) that the petition be referred to the next meeting or to a committee or to another body. Once seconded, the motion will be voted upon without discussion.

g) No more than two petitions will be received at a meeting.

## 4 PUBLIC OPEN FORUM

a) Members of the public may ask questions of the Chairman at ordinary meetings of the Town Council. A maximum period of 15 minutes will be available for questions by the public at each ordinary meeting of the Town Council.

b) A question from a precept paying resident may only be asked if notice has been given by delivering it in writing or by electronic mail to the Town Clerk of the Council no later than eight days before the day of the Town Council ordinary meeting. Each question must give the name and address of the questioner.

c) At any one meeting, no person may submit more than one question and no more than two questions may be asked on behalf of one organisation or community group.

d) The Chairman of the Town Council will reject a question if it:

(i) Is not about a matter for which the Town Council has responsibility

(ii) Is defamatory, frivolous or offensive.

(iii) Is substantially the same issue as a question which has been put at a meeting of the Town Council in the past six months.

(iv) Aims solely at furthering the personal interests of an individual.

(v) Discloses or requires the disclosure of confidential or exempt information.

(vi) Relates to a matter where there is an ongoing investigation or appeals to the courts, a tribunal, government or any statutory organisations.

(vii) Relates to the conduct of Town Council employees.

e) The Town Council's minutes will record all questions received. Upon receipt of a question, the Town Clerk of the Council will immediately send a copy of the question to the Chairman. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members at the meeting and will be made available to the public attending the meeting.

f) Questions by members of the public will be dealt with in the order in which they were received, except that the Chairman may group questions together if he/she considers that this would be conducive to the conduct of the meeting.

g) The Chairman will invite the questioner to put the question and the Chairman will respond to the question. If a questioner who has submitted a written question is unable to be present, the question will not be asked. The questioner may request that the Town Clerk of the Council to ask the question on their behalf.

h) The questioner will be posted a copy of the written response following the meeting. Any question which cannot be dealt with during the Public Open Forum, either because of lack of time or because of the non-attendance of the questioner will also be posted a written response following the meeting.

i) No discussion or debate will take place on any question.

## 5 PROPER OFFICER

a) The Council's Proper Officer shall either be:-

i) The Town Clerk or

ii) Nominated Officer

b) The Council's Proper Officer shall do the following:

i) **Serve on Councillors by delivery, post or e-mail at their residences or email addresses, a signed summons confirming the time, venue and the agenda of a meeting of the Council and/or meeting of a Committee or Sub-Committee at least 3 working days before the meeting.** Paper copies of all agendas and reports will be made available for all Councillors at the meeting.

ii) **Give public notice of the time, date and venue and agenda at least 3 clear working days before a meeting of the Councillor a meeting of a Committee or a** Sub-Committee **(provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**

iii) Subject to Constitution 6(a) to (e) below, include in the agenda all motions in the order received unless a Councillor has given written notice at least 10 days before the meeting confirming their withdrawal of it.

iv) **Convene a meeting of full Council for the election of a new Chair of the Council occasioned by a casual vacancy in the office, in accordance with [5 (b) i] or [5 (b) ii] above.**

v) Make available for inspection the minutes of the meetings.

vi) **Receive and retain copies of byelaws made by the Council as well as other Local Authorities.**

vii) **Receive and retain declaration of acceptance of office from Councillors.**

viii) Retain a copy of every Councillor's register of interests (pecuniary or otherwise), and any changes to it and keep copies of the same for inspection.

ix) Keep proper records required before and after meetings.

x) Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.

xi) Manage the organisation, storage and access to information held by the Council in paper and/or electronic form.

xii) Arrange for legal deeds to be signed by two Councillors and witnesses (See also Constitution 16 (a) & (b).)

xiii) Arrange for the prompt authorisation, approval and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.

xiv) For every planning application notified to the Council, record the date on which it was received, the reference number and the place to which it refers as soon as it is received.

xv) Refer every major planning application received to Council. Details of plans shall be available to Councillors and the public at the Council's offices during normal opening hours.

xvi) Retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.

xvii) Action or undertake activity or responsibilities instructed by resolution or contained in Constitution.

## 6 MOTIONS REQUIRING WRITTEN NOTICE

a) In accordance with Constitution 5 (b) (iii) above, no motion may be moved at a meeting unless the business to which it relates has been put on the Agenda by the Town Clerk (or nominated Officer) or the mover has given written notice of its wording to the Council's Proper Officer at least 10 working days before the next meeting.

b) The Proper Officer may, before including a motion in the agenda received in accordance with Constitution 6 (a) above, correct obvious grammatical or typographical errors in the wording of the motion.

c) If the Proper Officer considers the wording of a motion received in accordance with Constitution 6 (a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 10 working days before the meeting.

d) If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chair 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 or rejected in the agenda.

e) Having consulted the Chair or Councillors pursuant to Standing Order 6 (d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.

f) Notice of every motion received in accordance with the Council's Constitution shall be dated and numbered in the order received and shall be filed and the file shall be open to inspection by all Councillors.

g) Every motion rejected in accordance with the Council's Constitution shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a file for that purpose, which shall be open to inspection by all Councillors.

h) Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

i) Subject to Constitution 5 (b) (iii) above, a motion included in the agenda not moved by the Councillor who tabled it, may be treated as withdrawn.

## 7 MOTIONS NOT REQUIRING WRITTEN NOTICE

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

i) To appoint a person to preside at a meeting.
ii) To approve the absences of Councillors.
iii) To approve the accuracy of the minutes of the previous meeting.
iv) To correct an inaccuracy in the minutes of the previous meeting.
v) To dispose of business, if any, remaining from the last meeting.
vi) To alter the order of business on the agenda for reasons of urgency or expedience.
vii) To proceed to the next business on the agenda.
viii) To close or adjourn debate.
ix) To refer by formal delegation a matter to a committee or a sub-committee or an employee.

x) To appoint a committee or sub-committee or any Councillors thereto.

xi) To receive nominations to a committee or sub-committee.

xii) To dissolve a committee or sub-committee.

xiii) To note the minutes of a meeting of a committee or sub-committee.

xiv) To consider a report and/or recommendations made by a committee or a sub-committee.

xv) To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.

xvi) To authorise legal deeds to be signed by two Councillors and witnessed (See Constitution 16 (a) and (b) below.

xvii) To authorise the payment of monies.

xviii) To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.

xix) To give leave to withdraw a resolution or amendment.

xx) To extend the time limit for speeches.

xxi) To exclude the press and public for all or part of a meeting.

xxii) To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.

xxiii) To give the consent of the Council if such consent is required by Constitution.

**xxiv) To suspend any provision of the Constitution except those which are mandatory by law ((in bold type)**

xxv) To adjourn the meeting.

xxvi) To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.

xxvii) To answer questions from Councillors.

xxviii) To consider otherwise than in Committee a question affecting an employee of the Council (see Constitution 26).

b) If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee

provided that the Chair may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## 8 RULES OF DEBATE

a) Councillors shall address the presiding Chair.

b) A Councillor shall indicate that they wish to speak by raising a hand and Councillors shall be heard in the order in which they indicated. If two or more Councillors indicate at once, the presiding Chair shall call upon one of them to speak before the other.

c) Whenever the presiding Chair speaks during a debate all other Councillors shall be silent.

d) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and unless the proper notice has already been given, it shall, if required by the Presiding Chair, be reduced to writing and handed to them before it is further discussed or put to the Meeting.

e) A Councillor when seconding a resolution or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate.

f) A Councillor shall direct their speech to the question under discussion or to a personal explanation or to a point or order.

g) No speech by a mover of a motion shall exceed 5 minutes by consent of the Council and no other speech shall exceed 3 minutes except with such consent.

h) A Councillor may move amendments to their own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.

i) Any amendment to a motion shall be either:

   i) To leave out words.

   ii) To add words.

   iii) To leave out words and add other words.

j) A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.

k) Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair. No further amendment to a motion shall be moved until the previous amendment has been disposed of.

l) Subject to Constitution 8(k) above, one or more amendments may be discussed together if the Chair considers this expedient but shall be voted upon separately.

m) Pursuant to Constitution 8(k) above, the number of amendments to an original or substantive motion, which may be moved by a Councillor, is limited to one.

n) If an amendment is not carried, other amendments shall be moved in the order directed by the Chair.

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

p) The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.

q) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.

r) Subject to Constitution 8(p) and (q) above, a Councillor may not speak further

in respect of any one motion except to move an amendment or further amendment, speak once on an amendment moved by another Councillor or to make a point of order or to give a personal explanation, or to move a closure.

s) During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the Standing Order which they consider has been breached or specify the irregularity in the meeting they are concerned by. A personal explanation shall be confined to some material part of a former speech by them which may have been misunderstood.

t) A point of order, or the admissibility of a personal explanation shall be decided by the Chair and their decision shall be final.

u) With the consent of the meeting, a motion or amendment may be withdrawn by the proposer. No Councillor may speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.

v) Subject to Constitution 8 (r) above, when a Councillor's 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 to an agreed date.
iv) To put the motion to a vote.
v) To ask a person to be silent or for them 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.
ix) To suspend any provision of the Constitution, except those which are mandatory (**In bold type**).

w) In respect of Constitution 8(v)(iv) above, the Chair shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chair shall call upon the mover of the motion under debate to exercise or waive their right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

## 9 CODE OF CONDUCT

a) **All Councillors shall observe the code of conduct adopted by the Council**.

b) All Councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.

c) It is a criminal offence for a member to participate and vote at a meeting on a matter which he / she is deemed to have a disclosable pecuniary interest. If a member is unsure as to whether they hold a disclosable pecuniary interest in a matter they should first seek advice from the Town Clerk well in advance of the meeting. If they feel they have a disclosable pecuniary interest then the Council will have to approve a dispensation prior to participating in the item at the meeting. Details of the dispensation will be recorded in the minutes.

d) Where a member has a disclosable pecuniary interest in a matter he / she will leave the room whilst the matter is being discussed unless they have been given a dispensation as per 9(c).

## 10 QUESTIONS

a) A Councillor may seek an answer concerning any business of the Council provided 3 clear days of notice of the question has been given to the Proper Officer.

b) Questions not related to items of business on the agenda for a meeting shall

only be asked during the part of the meeting set aside for such questions.

c) Every question shall be put and answered without discussion.

## 11 MINUTES

a) If a copy of the draft minutes of a preceding meeting has been circulated to Councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.

b) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with Constitution 6(a)(iv) above.

c) Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.

d) If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:

> *"The Chair of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the majority of the ( ) and the minutes are confirmed as an accurate record of the proceedings."*

e) Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting will be destroyed.

## 12 DISORDERLY CONDUCT

a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.

b) If, in the opinion of the Chair, there has been a breach of Constitution 12(a) above, the Chair shall express that opinion and thereafter any Councillor (including the Chair) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion.

c) If a resolution made in accordance with Constitution 12(b) above, is disobeyed, the Chair may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

## 13 RESCISSION OF PREVIOUS RESOLUTIONS

a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least nine Councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.

b) When a special motion or any other motion moved pursuant to Constitution 13(a) above has been disposed of, no similar motion may be moved within a further 6 months.

## 14 VOTING ON APPOINTMENTS

a) Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chair's casting vote.

## 15 EXPENDITURE

a) Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.

b) The Council's financial regulations shall be reviewed once a year.

c) The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.

## 16 EXECUTION AND SEALING OF LEGAL DEEDS

*See also Constitution 7(a) (xvi) above*

a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.

b) **In accordance with a resolution made under Constitution 16(a) above, the Leader and the Deputy Leader or approved delegate of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

## 17 COMMITTEES

*(See also Constitution 1 above).*

a) The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:

i) Shall determine their terms of reference.

1. May permit committees, Task and Finish Committees and Working Parties to determine the dates of their meetings.

2. Shall appoint and determine the term of office of Councillor or non-Councillor members of such a committee, Task and Finish Committee or Working Party (unless the appointment of non-Councillors is prohibited by law) so as to hold office no later than the next annual meeting.

3. May in accordance with Constitution, dissolve a committee, Task and Finish Committee or Working Party at any time.

b) A Committee shall have delegated powers, which may be to conclude the matter referred to it or may be to progress matters to a specified point where a report to Council is required. A Committee may make decisions that are binding on the Council as empowered by its remit.

c) A Working Party may co-opt others to help progress business to a point where a report is brought to Council for decision. A Working Party cannot make decisions that are binding upon the Council.

d) Unless Council has named the Chair, every Committee shall at its first meeting before proceeding to any other business, elect a Chair and may elect a Vice Chair.

e) The Constitution on rules of debate (except those parts relating to speaking more than once) shall apply to Committee and Sub-committee meetings.

f) Members of committees wishing to submit items for inclusion on the Agenda shall consult the Chair of the Committee concerned who will instruct the Town Clerk accordingly at least 14 clear days before the next meeting of the committee.

g) Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.

h) Chairs of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.

i) **Standing Committees**: The role of Maghull Town Council's standing committees are as follows:

i) **Finance and General Purpose**: To have such delegated power as

Council may decide and to provide the monitoring role in relation to all Council finances and have the role of raising the profile of internal control, risk management and financial reporting issues as well as consideration of issues raised by internal and external auditors. In relation to corporate governance provides a scrutiny role as well as an ability to call in decisions from other Committees of the Council.

ii) **Community Services Committee:** To have such delegated power as Council may decide and to provide the development and management of community support activities including the provision and maintenance of facilities, liaison with other bodies and cultural support.

iii) **Amenities Committee:** To have such delegated power as council may decide and to deal with the provision, maintenance and management of all Council landholdings including parks, recreation grounds, public open spaces, children's paly facilities, the closed cemetery and the Works Depot. To include the making of recommendations annually to the Finance and General Purposes Committee of rents and charges relating thereto.

iv) **Personnel Sub Committee:** To be a sub-committee of Finance and General Purposes Committee and to have such delegated power as Council may decide and provide the role concerned with the Council's Staff, which will include, staff structure, conditions of employment, appointments, training needs, performance appraisals etc.

For reasons of staff confidentiality, these meetings are not open to members of the public.

## 18 SUB-COMMITTEES

*(See also Constitution 1 above)*

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

determined by resolution of the committee.

## 19 EXTRAORDINATORY MEETINGS

*(See also Constitution 1 above)*

a) **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**

b) **If the Chair of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested,** in writing, **to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.**

c) The Chair of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.

d) If the Chair of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested in writing to do so by 2 members of the committee (or sub-committee), those 2 members may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the 2 members.

## 20 ADVISORY COMMITTEES

*(See also Constitution 1 above)*

a) The Council may appoint advisory committees comprised of a number of Councillors and non-Councillors.

b) Advisory committees and any sub-committees may consist wholly of persons who are non-Councillors.

## 21 ACCOUNTS AND FINANCIAL STATEMENTS

a) All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.

b) The Responsible Financial Officer shall supply to each Finance and General Purposes Committee a list of Council receipts and payments during the previous period for scrutiny. The minutes from this bi-monthly Committee will then be ratified at full Council. The Council's Annual Statement of Accounts (which is subject to external audit), including the annual governance statement shall be presented to Council for formal approval before 30th June.

## 22 ESTIMATES/PRECEPTS

a) **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January.

b) Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December. These estimates will be reported to the Finance and General Purposes Committee and ratified at Full Council.

## 23 CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

a) Canvassing Councillors or the members of a committee or sub-committee, directly or indirectly, either as a Councillor or Officer shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this Constitution to every candidate.

b) A Councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for

submission to the Council with an application for appointment.

c) This Constitution shall apply to tenders as if the person making the tender were a candidate for an appointment.

## 24 INSPECTION OF DOCUMENTS

a) Subject to Constitution to the contrary or in respect of matters which are confidential, a Councillor may, for the purpose of their official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose.

b) The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by Councillors.

c) Except for those items considered in closed session under Constitution 1c all minutes of Council or Committee meetings shall be available to interested members of the public.

## 25 UNAUTHORISED ACTIVITIES

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

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 CONFIDENTIAL BUSINESS

a) Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.

b) A Councillor in breach of the provisions of Constitution 26(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

## 27 POWER OF GENERAL COMPETENCE

**a) Before exercising the power of general competence, a meeting of the Town Council shall have passed a resolution to confirm that it has satisfied the prescribed statutory criteria required to qualify as an eligible town council.**

**b) The Town Council's period of eligibility begins on the date that the resolution was made and expires on the day before the Annual General Meeting of the Town Council that takes place in a year of ordinary elections.**

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

## 28 MATTERS AFFECTING COUNCIL EMPLOYEES

a) If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or the Committee (as the case may be) has decided whether or not the press and public shall be excluded pursuant to Constitution 1 (c) above.

b) Performance appraisals for all Council employees will be carried out in accordance with the Council's policy.

c) Disciplinary and grievance matters shall be handled in accordance with the Council's policy.

d) Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.

e) The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

f) Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.

g) Only persons with line management responsibilities shall have access to employee records referred to in Constitution 26 (d) and (e) above, if so justified.

h) Access and means of access by keys and/or computer passwords to records of employment referred to in Constitution 26 (d) and (e) above shall be provided only to the Town Clerk and/or the Chair of the Personnel Committee.

## 29 FREEDOM OF INFORMATION ACT 2000

a) All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.

## 30 LIAISON WITH SEFTON MBC

a) An invitation to attend a meeting of the Council shall be sent, together with the agenda, to Councillors of Sefton MBC representing Maghull's electoral wards once this has been resolved by Council to do so.

b) Unless the Council otherwise orders, a copy of each letter ordered to be sent to Sefton MBC, it shall be sent to the Councillor representing the relevant electoral ward(s) within the Council.

## 31 FINANCIAL MATTERS

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 accounting records and systems of internal control.

ii) The assessment and management of financial risks faced by the Council.

iii) The work of the Internal Auditor 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 payment.

v) Procurement policies (subject to Constitution 32(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £ £25,000.

b) **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £ £25,000 shall be procured on the basis of a formal tender as summarised in Constitution 32(c) below.**

c) Any formal tender process shall comprise the following steps:

i) A public notice (if required) of intention to place a contract to be placed in a local newspaper. Otherwise, a list of potential suppliers is drawn from the Council's preferred suppliers list.

ii) A specification of the goods, materials, services and the execution of works shall be drawn up and where deemed necessary a full survey carried out prior to any specification

iii) Tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time. A minimum of three tenders to be sought.

iv) Tenders submitted are to be opened, after the stated closing date

and time, by the Proper Officer and at least one member of the Council.

v) Tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.

d) Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.

e) **Any proposed contract with an estimated value exceeding £164,176 (or such other value as may be prescribed from time to time by regulation) must, unless exempt from the specified, be procured and publicised in accordance with Part 2 of the Public Contracts Regulations 2015 (which implements the Public Contracts Directive of the European Union) or successor.**

## 32 ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

a) All allegations of breaches of the Code of Conduct will be forwarded to the Monitoring Officer to investigate and deal with the complaint.

## 33 VARIATION, REVOCATION AND SUSPENSION OF CONSTITUTION

a) Any or every part of the Constitution, except those which are mandatory (**in bold type**) by law, may be suspended by resolution in relation to any specific item of business but the reason **MUST** be documented.

b) A motion to add to or vary or revoke one or more of the Council's Constitution, not mandatory by law, shall not be carried unless two-thirds of the Councillors at a meeting of the Council vote in favour of the same.

## 34 CONSTITUTION TO BE GIVEN TO COUNCILLORS

a) The Proper Officer shall provide a copy of the Council's Constitution to a Councillor upon delivery of their declaration of acceptance of office.

b) The Chair's decision as to the application of Constitution at meetings shall be final.

c) A Councillor's failure to observe Constitution more than 3 times in one meeting may result in them being excluded from the meeting in accordance with Constitution.

## 35 MEDIA

a) Any member of the public may take photographs, film and audio record the proceedings of any open meeting of the Council or its Committees. If the Council or one of its Committees resolves to exclude the press and public from the meeting, then all recording or use of photographic equipment will cease.

# MAGHULL TOWN COUNCIL

MAGHULL
TOWN
COUNCIL

# FINANCIAL REGULATIONS

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DRAFT

These Financial Regulations were adopted by the council at its meeting held on 26th February 2020.

## 1. General

1.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the Finance and General Purposes Committee. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders and any individual financial regulations relating to contracts.

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

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

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

1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.

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

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

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

1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council.

1.9. The RFO;

- acts under the policy direction of the council;
- administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
- determines on behalf of the council its accounting records and accounting control systems;
- ensures the accounting control systems are observed;
- maintains the accounting records of the council up to date in accordance with proper practices;

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- assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
- produces financial management information as required by the council.

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

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

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

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

- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the Finance and General Purposes Committee 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;
- 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;

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- 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.

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

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

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

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

2.2. 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.

2.3. 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.

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

2.5. 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

2.6. 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.

2.7. 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.

2.8. 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.

2.9. 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 December, 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 Finance and General Purposes Committee.

3.2. 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.

3.3. 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 over £5,000; or
- the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below £5,000.

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 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 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’).

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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 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 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 Leader of the Council, the Deputy Leader or any councillor on the approved signatory list. As soon as possible and to the council as soon as practicable thereafter.

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

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

4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose "material" shall be in excess of £100 or 15% of the budget whichever is the greater.

4.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

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

5.1. The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency. The council shall seek credit references in respect of members or employees who act as signatories.

5.2. All invoices for payment shall be examined, verified and certified by the appropriate budget holder 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 relevant committee.

5.3. 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 within a week of receipt of the invoice.

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

a) 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 finance and general purposes committee or full council; or

b) fund transfers within the councils banking arrangements up to the sum of £25,000, provided that a list of such payments shall be submitted to the next finance and general purposes committee or full council.

5.5. In respect of Community grants the Community Services and Engagement Committee shall approve grants within any limits set by council and in accordance with any policy statement approved by council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the council.

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

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

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

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

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

6.3. All payments shall be made by BACS or other instructions to the council's bankers, or otherwise, in accordance with a resolution of Finance and General Purposes Committee.

6.4. 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 the RFO and Town Clerk. In the absence of the Town Clerk the Amenities Manager. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.

6.5. In order to protect the council’s bank accounts there must be a segregation of duties. No one person /officer of the council shall do the whole process of inputting and authorising payments through the council’s bank accounts. The RFO must input the amount from the approved invoices for payment. Pass the invoices to the Town Clerk who then authorises the payment. Separate fobs have been provided to the officers for the Town Council’s bank account. Only if the Town Clerk is absent should the Amenities Manager authorise the payments after the RFO has inputted them onto the bank system.

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

6.7. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's bank account, a note shall be made of the PIN and Passwords and shall be kept in a sealed dated envelope in the safe. This envelope may not be opened other than in the presence of the RFO or Town Clerk. If 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 immediately to the Leader of the Council.

6.8. 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.

6.9 Any passwords/PIN details must be kept in a sealed envelope locked in the safe. A separate key safe box is to be kept with the safe keys in only. Access to the safe is restricted to the RFO, Finance Assistant, the Town Clerk and the Amenities Manager. The safe key box and safe must be kept locked at all times.

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

6.11. 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.

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

6.13. Any Debit Card issued for use will be specifically restricted to the Clerk and the RFO and will also be restricted to a single transaction maximum value of £500 unless authorised by Full Council or Finance or any Standing Committee of the Council in writing before any order is placed. The debit card should only be used in exceptional circumstances where no other method of payment can be used. A proper vat receipt must be requested by the officer placing the order. As the council has no petty cash the debit card may be used to withdraw cash to support events, the remaining cash must be banked as soon as possible. If cash is required for an event the RFO must be notified in advance of any event. The use of a debit card must not be used as way of circumventing proper practices and procedures.

6.14. Any corporate credit card or trade card account opened by the Council needs to be authorised by the Town Clerk and specifically restricted to use by the Town Clerk, Amenities

Manager and the RFO and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.

6.15. Income received must not be banked as soon as is practically possible. Any large cheques received must be banked within a week of receipt.

**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. The RFO must ensure on the council's payroll system that it is kept up to date with legislation and backed up on a regular basis.

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.

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

7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate folder which is kept in the Town Clerk's office (Salary Folder). 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 No officer of the council can have their wages paid in advance or part paid before the due date which is the 25th of every month.

7.8 All salary payments to staff are to be paid into their bank accounts via a BACS transfer only the RFO and the Clerk will process these payments.

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

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

7.11. In order to protect the council's bank accounts there must be a segregation of duties for payroll. No one person /officer of the council shall do the whole process of inputting and authorising payments through the Council's bank accounts. The RFO must input the amount from the payroll system every month. The Town Clerk authorises the total monthly payment. Separate fobs have been provided to the officers for the Town Council's bank. If the Town Clerk is on leave the Amenities Manager must process the final payment for salaries.

**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 (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the Finance and General Purposes Committee. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.

8.3. 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.

8.4. 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.

8.5. All investments of money under the control of the council shall be in the name of the council.

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

8.7. 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.

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9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the Finance and General Purposes Committee and shall be written off in the current financial year or next.

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 quarterly during the financial year.

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 the balance sheet and that appropriate care is taken in the security and safety of individuals banking such cash. The RFO and Finance Assistant must counter sign the bank slip to ensure the money is correct before it is banked.

9.10. Any income arising from fund raising for the Mayor's Charity shall be paid into the Mayor's Charity Bank Account. This account is separate from the Council's bank account but is to be treated as the same in respect of rules and regulations. The Mayor's Charity bank account details are to be kept in the safe for security. The RFO must manage this account. At the end of the mayoral term a final amount must be provided to the Mayor and paid to their chosen charity. The account will be drawn down to a zero balance ready for the new incoming Mayor by the 1st May each year.

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

10.1. An official Purchase Order 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. Purchase Order books shall be controlled by the RFO. The Amenities Manager has his own Purchase Order book. The RFO must keep the Purchase Orders in the safe at all times. The Amenities manager must keep his locked in the portacabin.

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.

**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 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 Regulations") which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations[1].

c) The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)[2].

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

e) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk via email.

f) Any invitation to tender issued under this regulation shall be subject to Standing Orders (31) and shall refer to the terms of the Bribery Act 2010.

g) 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

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

[2] Thresholds currently applicable are:

a) For public supply and public service contracts 209,000 Euros (£181,302)

b) For public works contracts 5,225,000 Euros (£4,551,413)

proposed supply); where the value is below £5,000 and above £250 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.

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

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

**12. Payments under contracts for building or other construction works**

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

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

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.

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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 £5,000.00.

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.

14.7 The RFO should maintain an up to date register of equipment and property at every establishment. The record should contain description of item, location, dates purchased (if available), purchase price (if available), serial numbers, dates of disposal, method of disposal.

14.8 If the Council has approved the sale of an asset, the sale by tender should be advertised in the appropriate media within the locality. Formal bids should be invited by a specified closing date. A reserve price maybe specified. Unless the bidding process is undertaken via the CHEST or other e-tendering portal bids, bids should be submitted to the Town Clerk via email.

**15. Insurance**

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

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

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

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

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

**16. Risk management**

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

16.2. When considering any new activity, the Clerk with the RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

17. **Travelling and Subsistence**

17.1 All claims for travelling, subsistence and financial loss shall be submitted on a expenses form, receipts must be attached and then forwarded to the RFO and approved by the Town Clerk. Claims must be submitted within a month.

17.2 The Council has agreed that the Mayor can claim for travel to and from events, donations, raffles and any other items that he/she may need in order to perform their duties as Mayor. An expenses claim form should be submitted with receipts to the RFO and approved by the Town Clerk. Claims should be submitted within a month.

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

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

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MAGHULL TOWN COUNCIL

# Scheme of Delegation

May 2021

## 1. Introduction

1.1 This Scheme of Delegation forms part of the Council's Financial Regulations and will be reviewed at least annually or earlier, for example when there are staffing changes.

1.2 Those with delegated responsibility are referred to by job title, therefore any changes in job titles will trigger a review of this scheme.

1.3 One of the purposes of the document is to clearly define the parameters within which Officers of the Council are able to act without reference to either their line managers or Members. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.

1.4 Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

1.5 The other purpose of the document is to capture the various delegated powers throughout the council, including those delegated by the Council to its various committees. This element of the scheme incorporates the Terms of Reference of the committees.

1.6 The powers and duties set out in this scheme are delegated to the Town Clerk. The Town Clerk may delegate these duties and powers to other Officers within the Council.

## 2. Powers Reserved To Council

**Membership: All Councillors**

**Quorum: One third of the total membership.**

**Matters to be resolved only by Council**

- Issuing the precept
- The Power to raise loans
- Approving the end of year Accounts and Annual Return.
- Incurring capital expenditure over and above the Council's approved budget.
- Incurring revenue expenditure which is over and above the Council's approved budget and is in excess of £500 per item (unless incurred already under Financial Regulations 3)
- The Council has ultimate responsibility to ensure financial balance and probity.
- Initiating requests for boundary reviews and commenting during the course of such reviews
- Amending the Constitution and Financial Regulations
- Setting the number of Committees, and the names and number of Members appointed to each Committee.
- Determining the functions and constitution of Committees and Sub-Committees.
- Setting the dates of routine meetings of the Council and its Committees.

- Filling of Member vacancies occurring on any Committee or Council
- Appointing or nominating persons to fill vacancies on outside bodies.
- Confirming the appointment of, and dismissing the Town Clerk.
- All policy issues in relation to the Neighbourhood Plan and Major Planning Applications
- All other matters which must, by law, be reserved to the full Council.

## 3. Delegation to Committees

**POWERS AND DUTIES OF STANDING COMMITTEES**

3.1 Subject to the foregoing, and to observance of decisions of the Council on matters of principle or policy, all the Council's powers and duties shall be delegated to the Standing Committees in accordance with the following terms of reference unless otherwise specified.

3.2 The acts and proceedings of a Committee shall:

(a) where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council;

(b) as regards other matters, be subject to confirmation by the Council, and when confirmed shall be deemed the acts and proceedings of the Council;

(c) in all respects be subject to the provisions of the Council's Constitution and Financial Regulations except as otherwise determined by the Council.

3.3 Committees are authorised to establish sub-committees and working groups, and to appoint advisers as and when they deem necessary to assist in their work subject to adherence at all times with the Council’s Constitution and to clear terms of reference being established at the outset.

3.4 The Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.

3.5 Matters delegated to Committee may be referred to full Council at the request (written or verbal) of two Members of the Council prior to the resolution of the matter.

3.6 In accordance with Constitution provision 13 the Council may, under specified conditions, reverse a Committee (or Council) decision within 6 months.

## 4. Finance & General Purposes Committee

**Membership: 9 Councillors plus Mayor (ex officio)**

**Quorum: 4 Councillors.**

**Matters to be resolved by Finance & General Purposes Committee**

(a) The making of recommendations in respect of items (a) to (j) of the matters to be dealt with solely by the Town Council;

(b) Dealing with all matters relating to the general day-to-day corporate governance and financial administration of the Council, including issues relating to GDPR, transparency and freedom of information;

(c) Dealing with matters specifically referred by the Town Council or any other Standing Committee and with all matters not specifically referred or delegated to any other Standing Committee;

(d) Dealing with the Terms and Conditions of Service and superannuation of the Town Council's staff and making appropriate recommendations relying on, where appropriate, the Scheme of Conditions of Service of the National Joint Councils, the National Association of Local Councils, and any Local Conditions of Service;

(e) To propose, monitor and review such projects as the Committee considers necessary to achieve the Council's long term aims and objectives.

(f) To monitor and review the management of the Councils assets and financial health and to assist in this to receive at each meeting up-to-date bank reconciliation statements, schedules of payments made and income received in the previous period, and updates from the Responsible Finance Officer on the budget to date on a cost centre basis.

(g) To advise the Council generally as to its financial and economic policies and as to the allocation and control of its financial resources.

(h) To ensure that satisfactory arrangements are in place across the Council to promote economy, efficiency and effectiveness, including in matters relating to procurement;

(i) To regularly monitor and review the Council's Risk Register and Risk Policy and to oversee corporate risk management.

(j) To be lead committee for all aspects relating to internal and external audit, including issues relating to audit appointments and fees, letters of representation, issues of risk management and internal control, annual reports

and management responses, and to advise Council as necessary on matters related thereto.

(k) Monitoring the Council's complaints procedure

(l) To oversee the Council's policy on fraud and irregularity, including being notified of any action taken under that policy, and to ensure that all significant losses have been properly investigated and that the internal and external auditors have been informed;

(m) To receive quarterly reports from the Responsible Finance Officer on the Council's governance arrangements including arrangements for the conduct of reviews of the effectiveness of the Town Council.

(n) To scrutinise the workings of Maghull Community Enterprise, the Council's trading company (if required).

**5. Community Services Committee**

**Membership: 9 Councillors plus Mayor (ex officio)**

**Quorum: 4 Councillors.**

**Matters to be resolved by Community Services Committee**

(a) Development and management of community support activities including provision and maintenance of facilities, liaison with other bodies and cultural support.

(b) Promotion of a range of Community and Civic/Mayoral Events in accordance with a programme agreed annually.

(c) Allocation of community grant funds and other budgets allocated to the Committee for disbursement in line with criteria approved by the Committee and being subject to ongoing review.

(d) To increase public awareness in the public of environmental, social and cultural issues and events.

(e) To oversee the Council's external communications, including website, social media, and press and media relations and ensure the work of the Town Council is effectively promoted.

(f) To manage all liaisons with Maghull Local Radio.

(g) To promote and manage programmes of events, activities and bookings in the Council Chamber and Activities Room and to ensure the council's fees and charges ae annually reviewed including free –use or subsidised bookings and that policies for these are robust and fair.

(h) To oversee and manage all aspects relating to the Venue including in relation to the lease, lessee liaison and use thereof.

(i) To lead on policies and projects designed to improve the quality of life for residents of Maghull.

(j) To work closely with the police and other organisations to reduce crime and antisocial behaviour, secure convictions, and assist in improving public perceptions and confidence in policing, in so far as it is possible within the Town Council's sphere of influence.

(k) To actively support, influence and make representations to other organisations and partners working in the fields of health and social services; affordable housing; public toilets; street cleaning, litter maintenance and bins; rubbish collections; kerb-side recycling, waste transfer facilities, seagulls, reduction of fly-posting, community safety and related community matters that impact upon the quality of life of the residents of Maghull.

(l) To be lead committee for all external grant funding applications and to monitor progress in relation to same.

(m) The making of recommendations to the Finance & General Purposes Committee regarding matters relating to the Town Council's staff employed in Community Services.

**6. Amenities Committee**

**Membership: 9 Councillors plus Mayor (ex officio)**

**Quorum: 4 Councillors.**

**Matters to be resolved by Amenities Committee**

(a) Dealing with the provision, maintenance and management of all Council land holdings including parks, recreation grounds, public open spaces, children's play facilities, the closed cemetery and any other public open spaces, and the Works Depot - and the making of recommendations annually to the Finance & General Purposes Committee of rents and charges relating thereto.

(b) Dealing with the provision and maintenance of street furniture, including public seats, bus shelters, statues and memorials, street and other signage, bus shelters, public notice boards and salt and grit bins.

(c) The co-ordination and direction of the Council's environmental improvement programme and related initiatives, including as agreed by policy support for Maghull in Bloom;

(d) The provision of an in-house engineering and maintenance service, monitoring of related work programmes and ensuring standards of risk management and health and safety are managed effectively and documented.

(e) To be lead Committee for all issues of civic pride locally, including in relation to litter clearance on Town Council land.

(f) All liaison and related issues with sports clubs and other facility users including matters relating to leases and tenancy arrangements, and making recommendations to Finance & General Purposes Committee relating all related financial issues.

(g) The making of recommendations to the Finance & General Purposes Committee regarding matters relating to the Town Council's staff employed in Amenity Services.

## 7. DELEGATION TO CHAIRMEN GENERALLY

(i) To cancel or postpone a meeting owing to lack of business or in an emergency.

(ii) To have discretion to include any item of an urgent nature under "Any Other Urgent Business" on the relevant Committee Agenda.

## 8. LEADER OF THE COUNCIL

The Leader of the majority group on the Town Council at any time will assume the position of Leader of the Council and, *for the purposes of democratic legitimacy will be subject to formal appointment at the Annual Town Council meeting.* (S)he will have the following approved powers:-

(a) The Chairing of all meetings of the Chairmen's Group;

(b) To act as the liaison between the majority group of the Council and the Town Clerk in indicating the priorities and programmes of the Group for

inclusion in Council business and their likely reaction to new policies for projects;

(c) To be the first port of call for the Town Clerk when an issue arises that requires a political or policy response from the Council and the issue does not naturally fall within the terms of reference of any of the Programme Committees, and

(d) In discussion with Members of the opposition group(s) to propose Council appointments to outside bodies.

## 9. Grievance and Disciplinary Panel

9.1 Council has granted the necessary delegated decision making powers to the Grievance and Disciplinary Panel in relation to staff grievance and disciplinary issues.

9.2 The Panel shall entirely consist of Councillors and shall number three.

9.3 Meetings will be called on an ad hoc basis as required, called by the Town Clerk and with notice given to the relevant employee.

9.4 A minute taker will be present throughout the proceedings.

9.5 The Panel will follow the procedure set out in the Town Council's Grievance and Disciplinary Procedures.

## 10. Appeals Panel

10.1 Council has granted the necessary delegated decision making powers to the Appeals Panel in relation any appeal against the decision of the Disciplinary Panel or the outcome of a Grievance.

10.2 Any Member who has been involved in the original Grievance or Disciplinary Panel shall not form part of the Appeals Panel.

10.3 The Appeals Panel will be appointed when any appeals against dismissal, grading, disciplinary proceedings and grievances by employees of the Council are made.

10.4 The Town Clerk will call the meeting and notice will be given to the employee.

10.5 A minute taker will be present throughout the proceedings.

10.6 The Panel will follow the procedure set out in the Town Council's Disciplinary Procedure.

## 11. Delegation to Officers

### 11.1 Town Clerk (Proper Officer)

11.1.1 The Town Clerk is designated and authorised to act as Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.

11.1.2 Provided that such authorisation is not prohibited by statute the Town Clerk to whom a power, duty or function is delegated may authorise another Officer to exercise that power, duty or function, subject to:

- only be given to an Officer below the delegating officer in the organisational structure
- only being given where there is significant administrative convenience in doing so
- the Officer authorised by the Town Clerk acting in the name of the Town Clerk
- such authorisation not being prohibited by statute.

**11.2 General Matters**

11.2.1 The Town Clerk is authorised:-

a. To sign on behalf of the Council any document necessary to give effect to any decision of the Council;
b. Managing the Council's public relations activities including social media
c. To notify the Returning Officer of all casual vacancies arising in the membership of the Council as required by statute and to liaise with him or her regarding the conduct of elections
d. To take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council;
e. To institute, defend and appear in any legal proceedings authorised by the Council
f. To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Maghull);
g. The Chairman will instruct the Proper Officer to alter the date or time of a Council /committee meeting,
h. To decide arrangements for the closure of the Council offices in the Christmas/New Year period, subject to consultation with the Leader of the Council;
i. To manage the Council's facilities and assets, including parks, open spaces, amenity areas, Town Hall and other buildings and assets.
j. To act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
k. To deal with requests from Members for secretarial or administrative support in connection with their duties
l. To implement national pay awards and conditions of service
m. Under the Regulation of Investigatory Powers Act 2000 to authorise directed surveillance or the use of a human intelligence source.

n. To act as the Council's Proper Officer as per section 281 Local Government Act 1972.

### 11.3 Financial Matters

The Town Clerk is authorised as follows:-

a. To incur expenditure up to a maximum of £5,000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution.
b. Authorisation of expenditure on works up to a maximum £5,000
c. To be responsible for the provision and management of information and communication technology provided throughout the Council including the replacement of out-dated equipment or the purchase of new equipment within the approved Budget
d. To use the Repairs and Maintenance Budgets for the maintenance, replacement or repair of existing property or equipment.
e. To recommend to the relevant Council/committee quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:-
   1) the cost not exceeding the amount of the approved budget;
   2) the tender being the lowest or the one showing best added value to the Council according to the criteria set out in the tender documentation;
   3) all the requirements of the Council's Financial Regulations being complied with.
f. To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
g. To recommend to the relevant Council / committee on investing monies held by the Council with a view to obtaining the optimum financial return.
h. Debt monitoring and recovery to be the responsibility of the Council (above a de minimis level).
i. To dispose of assets of a value up to £5,000, subject to the requirements of the Council's Financial Regulations.

### 11.4 Staffing Matters

11.4.1 The Town Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:-

a. The appointment of senior officer interviews will be carried out by a panel of two members from the personnel (or other relevant) committee and the Town Clerk;
b. All other appointments to be recruited by the Town Clerk or relevant senior manager;
c. The employment of temporary employees;
d. Control of staff performance and discipline and performance, including the power of suspension and dismissal, in accordance with the policies set by the Personnel Committee and approved by Council.

e. Payment of expenses and allowances in accordance with the Council's scheme;
f. Dismissing members of staff;
g. To present to the Personnel Committee guidance on recommendations for employees' salary reviews, in accordance with the Council's staff appraisal system.

**11.5 Property Matters**

12.5.1 The Town Clerk is given authority to manage the land and property of the Council including:-

a. Agreeing the terms of any lease, licence, conveyance or transfer approved by Council.
b. The granting or refusal of the Council's consent under the terms of any lease;
c. Variations of restrictive covenants of a routine nature;
d. Recommending to Council on the granting of easements, wayleaves and licenses over Council land;
e. Initiating legal action or proceedings against unauthorised encampments on Council land.

**12.6 Urgency**

12.6.1 The Town Clerk is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council or relevant committee. The Leader of the Council and the Chair of any relevant committee are to be consulted before such action is taken.

May 2021

| | |
|---|---|
| **Report to:** | Annual Council |
| **Date of Meeting:** | 5th May 2021 |
| **Agenda Item Number** | |
| **Subject:** | Appointment of Committees |
| **Report of:** | Town Clerk |
| **Exempt / Confidential Report:** | No |

**Summary**

| **Maghull Town Council Priority** | **Yes/No** |
|---|---|
| 1. Neighbourhood Plan | No |
| 2. Financial Prudence | No |
| 3. Implementation of a Green Strategy | No |
| 4. Development and consolidation of leisure and community activities | No |
| 5. Develop services for older residents and those who may be socially isolated | No |
| 6. Develop services for younger people | No |
| 7. Expansion of apprenticeship programme and community-based learning | No |
| 8. Closer collaboration with Voluntary, Community and Faith Sector | No |
| 9. Development of Maghull Business and Community Forum | No |
| 10. Statutory Requirement | Yes |

**Recommendation(s)**

1. That Council agree the composition of Committees for the municipal year;
2. The report be noted.

**Reasons for Recommendation(s)**

The Council needs to agree the political balance of the Council and agree the composition of its attendant committees.

**Alternative Options Considered and Rejected**

None

**What will it cost and how will it be financed?**

**(A) Revenue**
**N/A**

**(B) Capital**
N/A

**Implications of Recommendations:**

| | |
|---|---|
| **Financial Implications** | None |

| | |
|---|---|
| **Resource Implications** | none |
| **Legal Implications** | LGA 1972, Local Government (Committees and Political Groups) Regulations 1990 |
| **Equality & Diversity Implications** | None |

**Implementation Date for Decision**
Immediately following Annual Council

**Appendices**
Appendix 1 Appointment of Committees table.

**Background Papers**

| | |
|---|---|
| **Contact Officer** | Angela McIntyre |
| **Telephone Number** | 0151 526 3705 |
| **Email Address** | angela.mcintyre@maghull-tc.gov.uk |

## 1. Background

The Council is asked to review the political composition of committees and to note the composition of the political groups as previously notified under Regulation 8 (1) of the Local Government (Committees and Political Groups) Regulations 1990 and Council is asked to constitute and appoint members to serve on the several Committees detailed in the Constitution and listed in Appendix 1 to this report.

## 1 POLITICAL GROUPS

1.1 Council is asked to note that the composition of the political groups, as previously notified under Regulation 8(1) of the Local Government (Committees and Political Groups) Regulations 1990, is:-

(i) The Labour Group - 12 Members
(ii) The Conservative Group - 2 Members

## 2 TERMS OF REFERENCE AND DELEGATED POWERS

2.1 Council is asked to constitute and appoint members to serve on the several Committees detailed in the Constitution and listed in Appendix 1 to this report, namely:-

(i) Finance & General Purposes Committee

(ii) Community Services Committee

(iii) The Amenities Committee

2.2 The terms of reference, and delegated powers where applicable, be as detailed in the Council's Constitution and the Scheme of Delegation.

## 3. POLITICAL BALANCE

3.1 There are four statutory principles of political balance which have to be applied in filling appointments to Committees. These are contained in S15(5) of the Local Government and Housing Act 1989.

3.2 The principles have to be applied in priority order as follows:-

(a) that not all seats on the body are allocated to the same political group;

(b) that the majority of the seats on the body are allocated to a particular political group if the number of persons belonging to that group are a majority of the Council's membership;

(c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant Authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that Authority as is borne by the number of members of that group to the membership of the Authority; and

(d) subject to paragraphs (a) to (c) above, that the number of seats on the body which are allocated to each political group bears the same proportion to the same number of all seats on that body as is borne by the number of members of that group to the membership of the Authority.

3.3 The political group sizes as a percentage of the total membership of the Council are:-

| | | | |
|---|---|---|---|
| Labour Group | 12/16 x 100 = 75% | 30 seats x 81.25% = 22.5 | **24 seats** |
| Conservative Group | 2/16 x 100 = 12.5% | 30 seats x 12.5% = 3.75 | **4 seats** |

3.4 The application of these percentages to the number of seats on individual Committees gives the following allocation of seats:-

| **COMMITTEE SIZE** | **LABOUR (L)** | **CONSERVATIVE (C)** |
|---|---|---|
| **10** | 7.5 | 1.25 |
| **9** | 6.75 | 1.125 |
| **8** | 6 | 1 |
| **7** | 5.25 | 0.875 |
| **6** | 4.5 | 0.75 |
| **5** | 3.75 | 0.625 |

3.5 Under the political balance rules after these percentages have been applied to the total number of seats on Committees of the Council any remaining seats must be allocated to Members who are not Members of any political group.

3.6 Applying political balance as detailed at paragraph 3.4 above, the allocation of seats, to the current committee structure, would be as follows:-

| **Committee** | **Seats** | **L** | **C** |
|---|---|---|---|
| Finance & General Purposes | 10 | 8 | 2 |
| Community Services | 10 | 8 | 2 |
| Amenities | 10 | 8 | 2 |
| | | | |
| **Total** | **30** | **24** | **6** |

* The above calculation leaves no Committee places unallocated.

3.7 Adjustment of Seats

In accordance with the rules of political balance the number of seats must be allocated to accord with the rules at paragraph 3.5 above. It is therefore proposed that the number of seats on the various Committees for the 2021-22 Municipal Year be fixed as follows:-

| **Committee** | **Seats** | **L** | **Con** | **Lib Dem** | **Ind** |
|---|---|---|---|---|---|
| Finance & General Purposes | 10 | 6 | 2 | 1 | 1 |
| Community Services | 10 | 8 | 1 | 1 | |
| Amenities | 10 | 8 | 1 | | 1 |
| | | | | | |
| **TOTALS** | **30** | **22** | **4** | **2** | **2** |

3.8 Council is asked to review the political composition of the Committees; to determine the allocation of seats to political groups; and to make the appointments to fill the seats in accordance with Sections 15 and 16 of the Local Government (Committees and Political Groups) Regulations 1990, 1991 and 1993.

**Recommendations**

**1. The composition of the political groups as shown in paragraph 1.1 be noted;**

**2. The several Committees detailed at paragraph 2 be constituted with the Terms of Reference and delegated powers as detailed in the Constitution;**

**3. The number of seats on the various Committees for the 2021-22 Municipal Year be as detailed in paragraph 3.7 be approved;**
**4. Council confirms the allocation of seats to the political groups and makes appointments to fill the seats in accordance with Sections 15 and 16 of the Local Government and Housing Act 1989, as detailed in Appendix 1;**

**5. Council appoints a Chair and Vice-Chair of each of the various Committees for the 2021-22 Municipal Year, as detailed in Appendix 1.**

**6. Any outstanding appointments to be delegated to the Town Clerk in consultation with the Leader of the Council and Leader of the Conservative Group.**

# APPOINTMENTS TO COMMITTEES 2021

| **Committee** | |
|---|---|
| **Finance & General Purposes (10 (6 Lab & 2 Con & 1 Lib Dem & 1 Independent)) Quorum: 4 Cllrs** | |
| **Chair:** | |
| **Vice Chair:** | |
| Mayor Maghull Town Council | |
| Member | |
| Member | |
| Member | |
| Member | |
| Member | |
| Member | |
| Member | |
| **Community Services (10 (8 Lab & 1 Con & 1 Lib Dem)) Quorum: 4 Cllrs** | |
| **Chair** | |
| **Vice Chair** | |
| Mayor Maghull Town Council | |
| Member | |
| Member | |
| Member | |
| Member | |
| Member | |
| Member | |
| Member | |
| **Amenities (10 (8 Lab & 1 Con + 1 Independent))** | |
| **Chair** | |
| **Vice Chair** | |
| Mayor Maghull Town Council | |
| Member | |
| Member | |

| | |
|---|---|
| Member | |
| Member | |
| Member | |
| Member | |
| Member | |
| | |
| | |
| | |

## APPOINTMENT OF REPRESENTATIVES ON EXTERNAL ORGANISATIONS

| External Organisation | Number of representatives | Representative |
|---|---|---|
| Sefton Rights of Way Liaison Group | 1 | |
| Maghull In Bloom | 1 | |
| Maghull Parish Hall | 1 | |
| Merseyside Association of Local Councils (MALC) | 1 | |

WHITE PEAK Planning

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**Our Ref: 2021.002**
**Your Ref:**

Diane Humphreys
Planning Services (Development Management)
Sefton Council
Magdalen House
30 Trinity Road
Bootle
L20 3NJ

26th March 2021

Dear Diane,

**Re: Approval of conditions for hybrid application ref: DC/2017/01532 on land north of Poverty Lane, Maghull**

On behalf of Countryside Properties (UK) Ltd, White Peak Planning are pleased to submit an application for the approval of details reserved by condition, relating to application DC/2017/01532, which was allowed on appeal on 22nd February 2021 (ref: APP/M4320/W/20/3257252). The description of the approved development comprises:

*A hybrid application seeking full planning permission for the demolition of existing buildings and the erection of 830 residential dwellings (C3), new vehicular accesses off Poverty Lane, public open space, and ancillary infrastructure; and outline planning permission for an older person's housing scheme (C2, C3) and ancillary infrastructure with all matters reserved.*

*Table 1* below sets out the details of the information submitted to support the discharge of conditions and relates to the Countryside Properties (UK) Ltd phase of development only. A Phasing Plan (ref: SK438-DL-01 U) identifying the Countryside Properties (UK) Ltd phase, has been submitted as part of a separate DOC application (PP ref: PP-09666303).

**Table 1. Details of Submitted Information**

| **Condition Number.** | **Plan/Document Title.** |
|---|---|
| Condition 31 (Foul and Surface Water Drainage) | PLM-AJP-XX-00-DR-C-1180-P5 - Finished Levels - Sheet 1<br>PLM-AJP-XX-00-DR-C-1181-P5 - Finished Levels - Sheet 2<br>PLM-AJP-XX-00-DR-C-1182-P5 - Finished Levels - Sheet 3<br>PLM-AJP-XX-00-DR-C-3000-P4 - S104 Agreement Plan – Masterplan<br>PLM-AJP-XX-00-DR-C-3001-P4 - S104 Agreement Plan - Phase 1<br>PLM-AJP-XX-00-DR-C-3002-P4 - S104 Agreement Plan - Phase 2<br>PLM-AJP-XX-00-DR-C-3003-P4 - S104 Agreement Plan - Phase 3<br>Surface Water Management Plan Template 12-498-r1-1-AEREV |
| Condition 33 (Levels) | PLM-AJP-XX-00-DR-C-1180-P5 - Finished Levels - Sheet 1<br>PLM-AJP-XX-00-DR-C-1181-P5 - Finished Levels - Sheet 2<br>PLM-AJP-XX-00-DR-C-1182-P5 - Finished Levels - Sheet 3<br><br>PLM-AJP-XX-00-DR-C-1500-P5 - Highway Setting Out - Sheet 1<br>PLM-AJP-XX-00-DR-C-1501-P5 - Highway Setting Out - Sheet 2<br>PLM-AJP-XX-00-DR-C-1502-P2 - Highway Setting Out - Sheet 3<br><br>PLM-AJP-XX-00-DR-C-1510-P5 - Highway Longsections - Sheet 1<br>PLM-AJP-XX-00-DR-C-1511-P5 - Highway Longsections - Sheet 2<br>PLM-AJP-XX-00-DR-C-1512-P5 - Highway Longsections - Sheet 3<br>PLM-AJP-XX-00-DR-C-1513-P5 - Highway Longsections - Sheet 4 |

*White Peak Planning Limited is a private limited company, registered in England and Wales, registered number 08271631.*
*Registered address 26 Parsonage Road, Manchester, M20 4PE*

| | |
|---|---|
| | PLM-AJP-XX-00-DR-C-1514-P3 - Highway Longsections - Sheet 5<br>PLM-AJP-XX-00-DR-C-1515-P3 - Highway Longsections - Sheet 6<br>PLM-AJP-XX-00-DR-C-1516-P3 - Highway Longsections - Sheet 7<br>PLM-AJP-XX-00-DR-C-1517-P3 - Highway Longsections - Sheet 8 |
| Condition 37 (Charging Points) | NSDTF-3011 - Hardwiring Detail for Future Electrical Charging Point Installation |
| Condition 38 (Broadband) | BT Openreach Fibre handbook V9<br>Virgin Media - New Build Handbook v1.58<br>VM.NBU.74741 Site Civils Layout |
| Condition 41 (S.38 Details) | Details of the S38 application which include details of the materials:<br><br>PLM-AJP-XX-00-DR-C-1500-P6 HIGHWAY SETTING OUT-SHEET 1<br>PLM-AJP-XX-00-DR-C-1501-P6 HIGHWAY SETTING OUT-SHEET 2<br>PLM-AJP-XX-00-DR-C-1510-P6 HIGHWAY LONGSECTIONS-SHEET 1<br>PLM-AJP-XX-00-DR-C-1511-P6 HIGHWAY LONGSECTIONS-SHEET 2<br>PLM-AJP-XX-00-DR-C-1512-P6 HIGHWAY LONGSECTIONS-SHEET 3<br>PLM-AJP-XX-00-DR-C-1513-P6 HIGHWAY LONGSECTIONS-SHEET 4<br>PLM-AJP-XX-00-DR-C-1530-P3 S38 HIGHWAY DETAILS<br>PLM-AJP-XX-00-DR-C-1540-P3 S38 TRAFFIC SIGNS AND ROAD MARKINGS<br>PLM-AJP-XX-00-DR-C-1550-P6 S38 SURFACE FINISHES AND KERBING LAYOUT<br>PLM-AJP-XX-00-DR-C-1560-P1 S38 VISIBILTY SPLAYS SHEET 1<br>PLM-AJP-XX-00-DR-C-1561-P1 S38 VISIBILTY SPLAYS SHEET 2<br>PLM-AJP-XX-00-DR-C-1562-P1 S38 VISIBILTY SPLAYS SHEET 3<br>PLM-AJP-XX-00-DR-C-1591-P6 S38 ADOPTION LAYOUT-SHEET 1<br>PLM-AJP-XX-00-DR-C-1592-P6 S38 ADOPTION LAYOUT-SHEET 2<br>PLM-AJP-XX-00-DR-C-1593-P6 S38 ADOPTION LAYOUT-SHEET 3<br>PLM-AJP-XX-00-DR-C-3009-P1 HIGHWAY DRAINAGE PLAN<br>S38 Application Form April 2015 – 10.03.21 CR |
| Condition 42 (Streetlighting) | CJT981 Proposed Street Lighting Design January 2021<br>JT981-Poverty - Street lighting layout |
| Condition 43 (POS Lighting) | No information has been submitted, as the proposals do not include for lighting the Public Open Space. |

The application fee of £116 has been paid through the Planning Portal.

We trust that the submitted information is sufficient to enable the discharge of conditions listed above. We look forward to receiving confirmation of this, but should you require any further information or clarification then please do not hesitate to contact us.

Yours sincerely,

[redacted]

**Chris Garratt**
**Director**

**For and on behalf of White Peak Planning Ltd.**

WHITE PEAK Planning

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**Our Ref: 2021.002**
**Your Ref:**

Diane Humphreys
Planning Services (Development Management)
Sefton Council
Magdalen House
30 Trinity Road
Bootle
L20 3NJ

30th March 2021

Dear Diane,

**Re: Approval of conditions for hybrid application ref: DC/2017/01532 on land north of Poverty Lane, Maghull**

On behalf of Countryside Properties (UK) Ltd and Persimmon Homes Ltd, White Peak Planning are pleased to submit a Planning Application for the approval of details reserved by condition, relating to hybrid application ref: DC/2017/01532, which was allowed through appeal on 22nd February 2021 (ref: APP/M4320/W/20/3257252). The description of the approved development comprises:

*A hybrid application seeking full planning permission for the demolition of existing buildings and the erection of 830 residential dwellings (C3), new vehicular accesses off Poverty Lane, public open space, and ancillary infrastructure; and outline planning permission for an older person's housing scheme (C2, C3) and ancillary infrastructure with all matters reserved.*

The information submitted relates to the discharge of conditions for both the Countryside Properties (UK) Ltd and Persimmon Homes Ltd phases of development, as shown on the accompanying Phasing Plan (ref: SK438-DL-01 U). Table 1 below sets out the details of the information submitted to support the discharge of conditions.

| **Table 1. Details of Submitted Information** | |
|---|---|
| **Condition Number.** | **Plan/Document Title.** |
| Condition 5 (Remediation Strategy) | 12-498 - Geotechnical Enabling Earthworks & Verification Strategy |
| Condition 15 (Drainage Strategy) | PLM-AJP-XX-00-DR-C-3000-P4 - S104 Agreement Plan – Masterplan<br>PLM-AJP-XX-00-DR-C-3060-P2 - Flood Routing Plan<br>Drainage calculations:<br>- SW Network 1 Calcs 2020-06-29<br>- SW Network 2 Calcs 2020-06-29<br>- SW Network 3 Calcs 2020-06-29 |
| Condition 20 (Phasing Plan) | SK438-DL-01 U-Phasing Plan |
| Condition 24 (Water Voles) | Water Vole Mitigation Strategy Programme - extract from Licence Application |
| Condition 25 (T37 Removal) | 5795.022 Land North East of Poverty Lane Red squirrel and bats RAMMS |
| Condition 26 (Toad RAMMS) | 5795.023 Toad Mitigation Strategy |

*White Peak Planning Limited is a private limited company, registered in England and Wales, registered number 08271631. Registered address 26 Parsonage Road, Manchester, M20 4PE*

| | |
|---|---|
| Condition 27 (Red Squirrel Survey) | 5795.024 Red Squirrel Survey Report V2 |

The planning application fee of £116 has been paid through the planning portal.

We trust that the submitted information is sufficient to enable the discharge of conditions listed above. We look forward to receiving confirmation of this, but should you require any further information or clarification then please do not hesitate to contact us.

Yours sincerely,

[redacted]

**Chris Garratt**

**Director**

**For and on behalf of White Peak Planning Ltd.**