

# Cockermouth Town Council



Town Hall, Market Street  
Cockermouth  
Cumbria CA13 9NP

Tel: 01900 821869  
Fax: 01900 827166

Email:  
cockermouthtowncouncil  
@btconnect.com

Website:  
www.cockermouth.org

Town Clerk  
Sheila Brown

11 November 2020

Dear Councillor,

You are summoned to a meeting of Cockermouth Town Council to be held virtually using Microsoft teams on **Wednesday 18 November 2020 at 7.00 pm** for the purpose of the under-mentioned business.

Please let me know if you are unable to attend.

All welcome.

Yours sincerely

Sheila Brown

## 1. Apologies for absence

2. To authorise the Mayor to sign as a correct record the minutes of the last meeting held on 21 October 2020 (pages 1-4)

3. To authorise the Mayor to sign as a correct record the minutes of the last special planning meeting held on 5 November 2020 (pages 5-6)

4. **Declaration of Interest** – Members to give notice of any disclosable pecuniary interest, other registrable interest or any other interest and the nature of that interest in relation to any item on the agenda in accordance with the code of conduct.

5. **Mayors Announcements** – The Mayor will announce the events she has attended since the last meeting.

## 6. Public Participation

- a) To answer any questions from members of the public in accordance with the Summary of Public Rights
- b) To receive a petition from a member of the public in accordance with the Summary of Public Rights

## 7. Planning Matters

- a) To make recommendations upon various planning applications (page 7)
- b) To make recommendations upon an application for tree works, 12 Derwentside Gardens (pages 8-15)



Joint Winners  
Council of Europe Year 2000  
Europe Prize

Previous Awards  
Plaque of Honour, Flag of Honour  
European Diploma



Twin Town  
Marvejols, France



A Fairtrade Town

## **8. Financial Matters**

- a) To agree the attached schedule of payments **(page 16)**
- b) To note the completion of the limited assurance review for the year ended 31 March 2020 **(pages 17-22)**
- c) To note the interim half year report by our Internal Auditor **(pages 23-25)**
- d) To review the effectiveness of our internal audit **(page 26)**

## **9. Correspondence**

- a) To note the contents of the Allerdale Borough Council (Public Spaces Protection) (Dog Fouling) Order 2020 **(pages 27- 30)**
- b) To note CALC's interim position regarding local government reorganisation in Cumbria **(pages 31-35)**
- c) To consider a request from the residents of Bridge Street Close to house their 2 portable defence barriers in the library backyard **(pages 36-37)**

## **10. Clerks Report (pages 38-39)**

**11. LTN 87, Procurement** – To note the content of legal topic note 87 regarding procurement **(pages 40 – 49)**

**12. Financial Regulations** – To adopt revised financial regulations **(pages 50 – 65)**

**13. Standing Orders** – To adopt revised standing orders **(pages 66-88)**

**14. Chamber of Trade-** To consider a request for financial assistance to employ a part time manager **(page 89)**

**15. Tree Planting Support** – To discuss various tree planting schemes in the Town **(page 90)**

**The Mayor will move –**

**Under the Public Bodies (Admissions to Meetings) Act 1960, the public be removed for the following item of business due to contractual issues being discussed**

**16.** To consider granting a further rent free period to on of our tenants due to the ongoing effects of covid 19 **(page 91)**

**Press and Public Welcome**

Minutes of a Meeting of Cockermouth Town Council held virtually on Wednesday 21 October 2020 at 7.00pm

Present: Councillor J Laidlow (Mayor)

Councillor S Barnes

Councillor I Burns

Councillor G Bennion

Councillor A Kennon

Councillor D Malloy

Councillor S Nicholson

Councillor A Semple

Councillor A Smith

Councillor C Smith

Councillor A Tyson

Councillor R Watson

Also Present: Councillor Rebecca Hanson, a representative from the Press & a representative of Cockermouth Junior Football Club.

**76 Minutes**

Resolved – That the Mayor be authorised to sign as a correct record the minutes of the last meeting held on 17 September 2020.

**77 Minutes**

Resolved – That the Mayor be authorised to sign as a correct record the minutes of the last special planning meeting held on 1 October 2020.

**78 Declaration of Interest**

Councillors A Smith and A Tyson declared an interest in item 7 due to being members of the Development Panel.

Councillor Semple declared an interest in item 7 due to being a substitute member of the Development Panel.

Councillor A Tyson declared an interest in item 7 due to being a member of the Development Panel.

Councillor D Malloy declared an interest in planning application FUL/2020/0207 due to being a shareholder of Mitchells.

**79 Mayor's Announcements**

The Mayor had attended the following functions since the last meeting:-

- Plaque unveiling, Tute Hill
- Inauguration of new Rector, Bridekirk
- Charity Golf Tournament

## **80 Public Participation**

There was no public participation.

## **81 Planning Applications**

Reference: **HOU/2020/0114**

Proposal: Pitch roof extension to front, replace rear flat roof with pitched roof with changed tiles to main roof

Location: Westfield, Mayo Street, Cockermouth

Recommended - Approval

Reference: **PB/2020/0005**

Proposal: Removal of public payphone

Location: Phone Box, Main Street, Cockermouth

Recommended - Approval

Reference: **VAR/2020/0003**

Proposal: Variation of condition 2 on application FUL/2019/0186 to allow for a new access door

Location: 23 Station Street, Cockermouth

Recommended - Approval

Reference: **FUL/2020/0207**

Proposal: Installation of a covered shelter to the Mart entrance on Station Street and single storey extension to café on Lorton Street

Location: Veeva, 49 Station Road, Cockermouth

Recommended - Approval

Reference: **HOU/2020/0142**



Proposal: Erection of greenhouse in back garden

Location: 3 Fern Bank, Cockermouth

Recommended - Approval

### **82a Schedule of Payments**

Resolved – That the schedule of payments in the sum of £16,701.76 be formally approved for payment.

### **82b Insurance**

Resolved – That the content of the policy renewal be agreed and the renewal policy paid.

### **83a CALC Newsletter**

Agreed – That the contents be noted.

### **83b Footway Lighting Energy Costs**

Agreed – That the postponement of the imposition of energy costs be welcomed.

### **83c Assets of Community Value**

Allerdale Borough Council have received a request to consider Harris Park for inclusion in the Council's List of Assets of Community Value.

Agreed – That the listing be noted.

### **83d Assets of Community Value**

Allerdale Borough Council have received a request to consider Memorial Gardens for inclusion in the Council's List of Assets of Community Value.

Agreed – That the listing be noted.

### **84 Clerk's Report**

Resolved – a) That the content of the report be noted.

b) That a letter be sent to the tenants of untidy allotments seeking improvement by next May 2021.

### **85 Tarn Close Sports Centre**

A representative from Cockermouth Junior Football Club gave an update regarding their latest development plans for Tarn Close Sports Ground.

Agreed – That the presentation be received.

### **86 Facebook Usage**

Those present reviewed our usage of facebook over the last 3 months.

Resolved – That the usage and development of our facebook page continue.

The meeting ended at 7.32pm

Minutes of a special planning meeting of Cockermouth Town Council held virtually on Thursday 5 November at 7.00pm

Members

I Burns

S Barnes  
A Kennon  
S Nicholson  
A Semple

G Bennion  
D Malloy  
C Smith  
A Tyson

Apologies: J Laidlow, A Smith & R Watson

**87 Declaration of Interest**

Councillor A Tyson declared an interest due to being members of the Development Panel.

**88 Public Participation**

There was none.

**89 Planning Applications**

**HOU/2020/0171**

Extension above garage and extension to sider/rear with balcony above  
17, Buttermere Close

Recommended – Approval

**LBC/2020/0029**

Listed building consent for replacement of two upper casement windows  
2 The Croft

Recommended – Approval

**LBC/2020/0030**

Listed building application to replace roof tile  
58, Kirkgate

Recommended – Approval

**90 Tree Works CAT/2020/0030**

Those present considered an application for tree works at Double Mills House.

Recommended – That the works to fell 9 trees and prune a willow be granted.

The meeting closed at 7.14 pm

HOU/2020/0179

Alterations and extension

11 Oaktree Crescent

Recommended –

**Our Ref: CAT/2020/0031**

**This matter is being dealt with by: Kerry McCartney**

**Direct Line: 01900 01900 702743**

**Email: [planning@allerdale.gov.uk](mailto:planning@allerdale.gov.uk)**



30/10/2020

Cockermouth Town Council  
Town Hall  
Cockermouth  
Cumbria  
CA13 9NP

Dear Sir/Madam

**Notification on an application under Section 211 of the Town and County Planning Act 1990 to carry out works to trees in a Conservation Area**

**Applicant:** Mr Stephen Long  
**Proposal:** Felling of 1 x tree to the rear, removal of epidormic growth of tree to front and remove upper branches from red leafed tree  
**Site:** 12 Derwentside Gardens Cockermouth

I would be grateful if you could use the link below to view the above planning application. By inputting the above reference number it will display the application for you to view. Please indicate any observations the Parish/Town Council may have by e-mail to [planning@allerdale.gov.uk](mailto:planning@allerdale.gov.uk) or by separate letter.

In order to ensure that applications are dealt with as quickly as possible I would be grateful if you could reply by **20/11/2020**. Representations received after this date may be too late to influence the Local Planning Authority's decision on this application.

Could you please mark any correspondence for the attention of Kerry McCartney and could you please quote the reference number **CAT/2020/0031**.

**Please note that all the information contained in this application can be viewed by the public and on our website**  
**[www.allerdale.gov.uk/planningapplicationsearch](http://www.allerdale.gov.uk/planningapplicationsearch)**

Yours faithfully

Kerry McCartney

**Kerry McCartney**



Allerdale - a great place  
to live, work and visit

Allerdale Borough Council  
Allerdale House  
Workington  
Cumbria CA14 3YJ  
tel: 0303 123 1702  
[www.allerdale.gov.uk](http://www.allerdale.gov.uk)

12 Derwentside gardens

Cockermouth

Cumbria

CA130JF

25/10/20

Allerdale BC

Allerdale House

Workington

CA143YJ

Dear Sir / Madam

**PROPOSED TREEWORCS 12 DERWENTSIDE GARDENS COCKERMOUTH**

I seek consent to undertake works to trees within the curtilage of the above property which is in the Conservation Area. (I attach a sketch map and photos of the trees in question.)

These works comprise of:

(i) Felling of tree within rear curtilage- This small tree had previously split and blew down in winds several years ago. However, regrowth has returned within the leftover trunk of the tree. The scale of growth on one solitary side of the trunk when combined with the existing split has now become dangerous with the potential for collapse onto the neighbours shed. I therefore seek consent to fell this tree down to ground level to remove this current hazard before the scale and weight of the crown of the tree becomes too excessive.

(ii) Annual removal of epidormic growth from tree on frontage. This regrowth reoccurs annually and therefore I seek consent to enable consent for the continuous removal of such growth from the main trunks up to a height of 2m from ground level. This will avoid the necessity for repeat application for such treeworks on an annual basis.

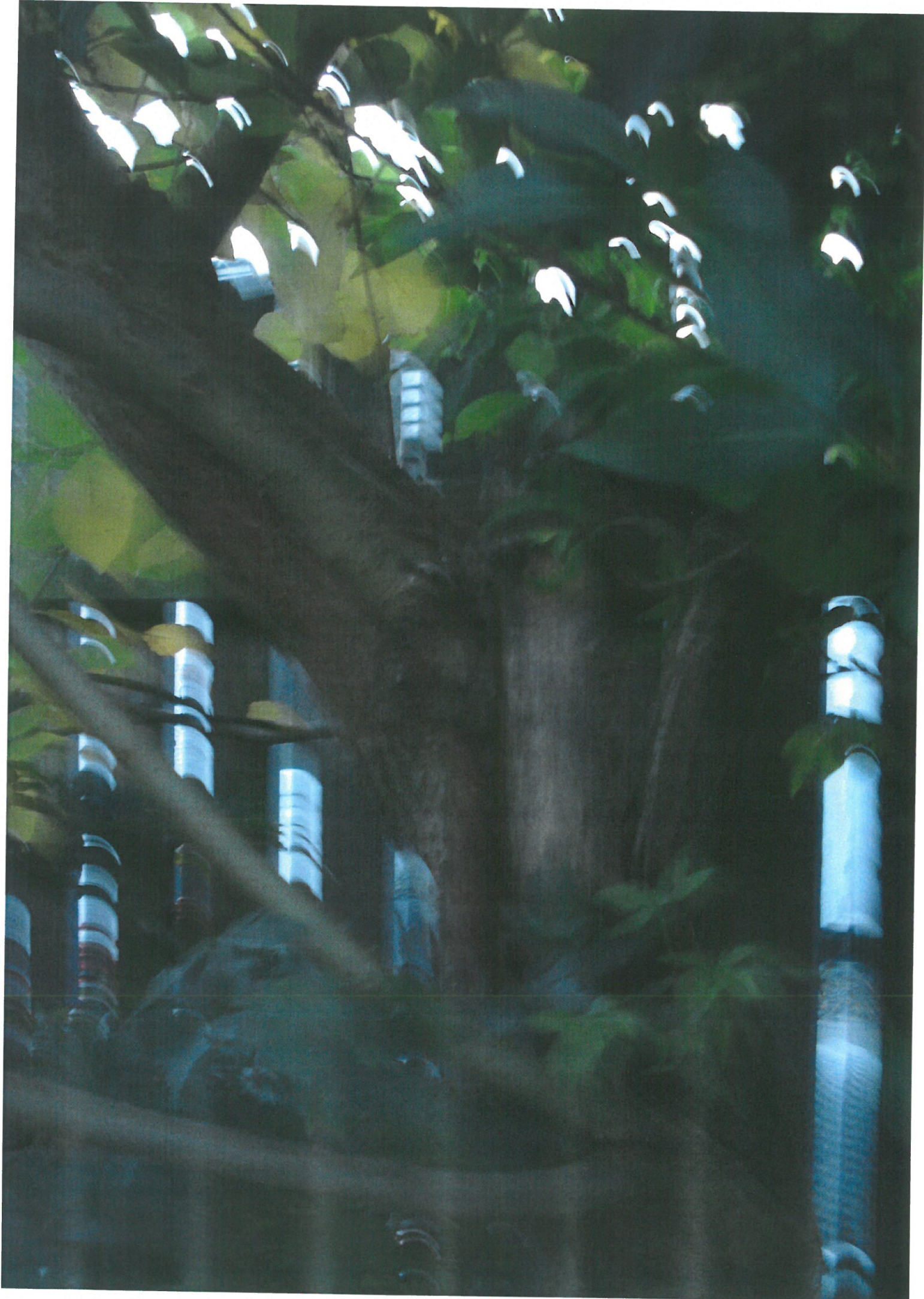
(iii) As evidenced in the photos the red leafed coloured ornamental tree in the front curtilage has inexplicably died back in its upper branches this year with growth being solely confined to the lower branches. I therefore seek consent to lop the upper section of the tree removing the dead branches marked in the photos.

I look forward to your reply

Yours faithfully

Mr S. Long











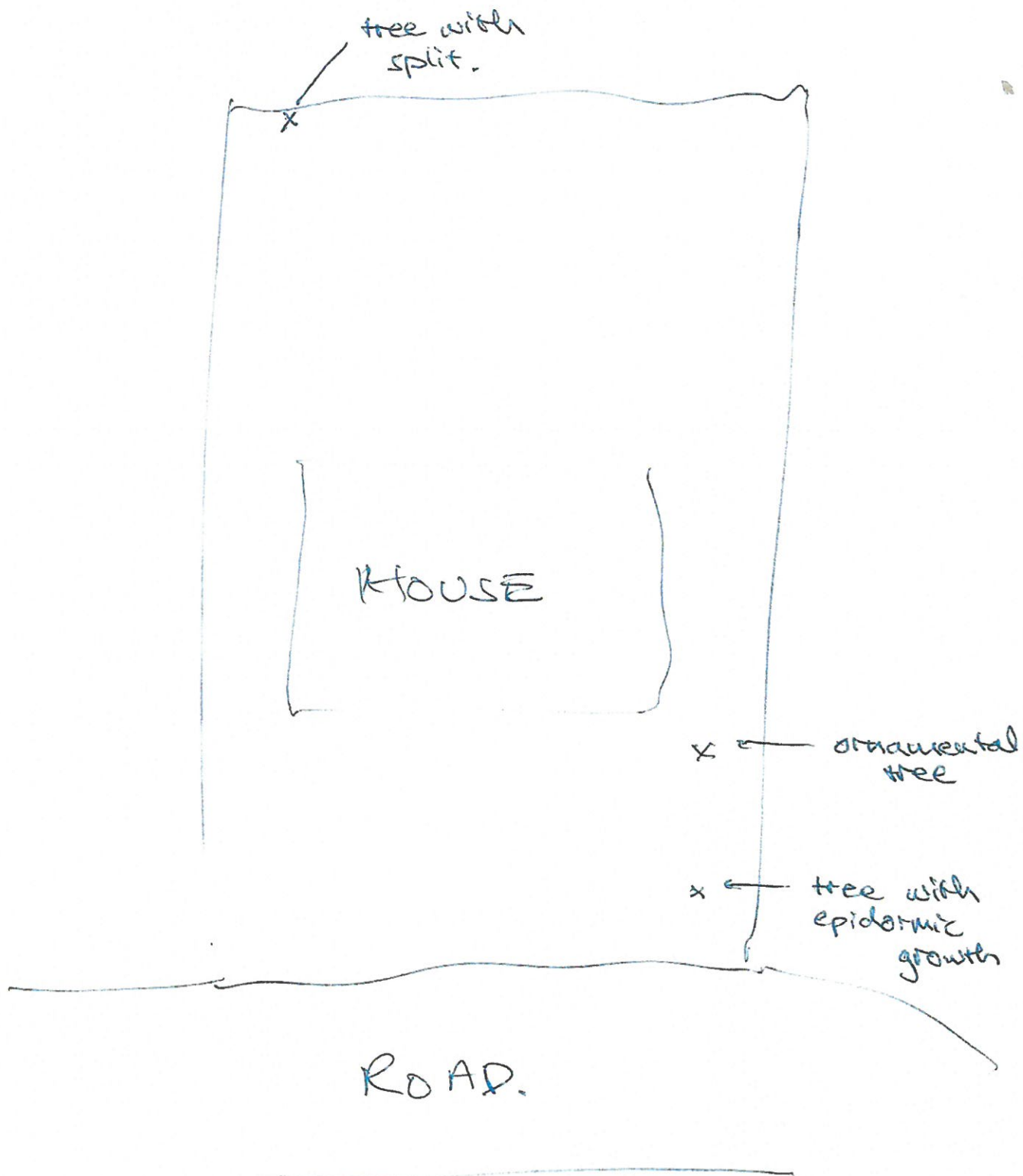














# Cockermouth Town Council

## Expenditure transactions - payments approval list Start of year 01/04/20

Tn no	Cheque	Gross	Heading	Invoice date	Details	Cheque Total
179	112613	£4,301.11	13000	03/11/20	Tellemachus Ltd - CCTV - 40%	£4,301.11
180	112614	£65.00	2050	03/11/20	Simon Hine Window Cleaning Services - window cleaning TH	£65.00
181	112615	£204.00	12030	03/11/20	Tivoli Services Ltd - Towers Lane - Swing repair	£204.00
182	112616	£95.69	4020	03/11/20	Tech 4 Office Equipment Ltd - Library photocopier-see amended inv	£95.69
183	112617	£181.05		03/11/20	Npower Ltd -	£181.05
1		£59.86	14030		Mian street toilets	
2		£8.51	14030		harris park	
3		£36.33	14030		bitter beck	
4		£8.53	7020		mem gardens	
5		£61.60	4020		library	
6		£6.22	4020		library	
184	112618	£214.50	14030	03/11/20	Cumbria Pest Services - washroom control - public toilets	£214.50
185	112619	£180.00	11010	03/11/20	Cumbria Coal Ltd - hire of cherry picker to clean cenetaph	£180.00
186	112620	£70.00	6030	03/11/20	Allerdale Borough Council - annual fee premises licence	£70.00
187	112621	£228.00	11030	03/11/20	Cumbria Coal Ltd - hanging baskets - put up and take down	£228.00
188	112622	£19.80	14010	03/11/20	WF Cascade - cleaning products	£19.80
189	112623	£60.00	7020	03/11/20	POD North West Ltd - plaque - Kevin Twigg	£60.00
190	112624	£111.70	3050	03/11/20	J Airey - Internal Audit April 20- Sept 20	£111.70
191	191	£54.00	4020	03/11/20	Custom Clean - clean library 4 hours	£54.00
192	112625	£82.54	6010	06/11/20	Lakes Electrical Supplies Ltd - xmas lights	£82.54
193	112626	£136.98	3160	06/11/20	e Slip Ltd - payroll	£136.98
194	112627	£960.00	3050	09/11/20	PKF Littlejohn LLP - External Audit	£960.00
195	195	£425.25	2120	09/11/20	Custom Clean - Clean Town Hall Oct 20	£425.25
Sub Total		£7,389.62				
<b>Total</b>		<b>£7,389.62</b>				

Signature

Date

Signature



Accountants &  
business advisers

Mrs Sheila Brown  
Cockermouth Town Council  
Town Hall  
Market Street  
COCKERMOUTH  
CA13 9NP

Our ref CU0064  
SAAA ref SB02126

Email sba@pkf-littlejohn.com

08 November 2020

Dear Mrs Brown

**Cockermouth Town Council**

**Completion of the limited assurance review for the year ended 31 March 2020**

We have completed our review of the Annual Governance & Accountability Return (AGAR) for Cockermouth Town Council for the year ended 31 March 2020. Please find the external auditor report and certificate (Section 3 of the AGAR Part 3) included for your attention as another attachment to the email containing this letter along with a copy of Sections 1 and 2, on which our report is based.

The external auditor report and certificate detail any matters arising from the review. The smaller authority must consider these matters and decide what, if any, action is required.

**Action you are required to take at the conclusion of the review**

The Accounts and Audit Regulations 2015 (SI 2015/234) as amended by the Accounts and Audit (Coronavirus) (Amendment) Regulations 2020 (SI 2020/404) set out what you must do at the conclusion of the review. In summary, you are required to:

- Prepare a "Notice of conclusion of audit" which details the rights of inspection, in line with the statutory requirements. We attach a pro forma notice you may use for this purpose.
- Publish the "Notice" along with the certified AGAR (Sections 1, 2 & 3) before 30 November, which must include publication on the smaller authority's website. This deadline has been extended from 30 September 2020 for 2019/20 only as a result of the restrictions imposed by the government to prevent the spread of Covid-19. (Please note that when the statute and regulations were amended in 2014 and 2015, they did not include a requirement for the length of time for which the "Notice" must be published. There is no requirement for the "Notice" to be publicly accessible for 5 years, as there is for the AGAR and the external auditor report and certificate. The previous statute required 14 days; but it is now up to the authority to make this decision).
- Keep copies of the AGAR available for purchase by any person on payment of a reasonable sum.
- Ensure that Sections 1, 2 and 3 of the published AGAR remain available for public access for a period of not less than 5 years from the date of publication.

Tel: +44 (0)20 7516 2200 • www.pkf-littlejohn.com

PKF Littlejohn LLP • 15 Westferry Circus • Canary Wharf • London E14 4HD

PKF Littlejohn LLP, Chartered Accountants. A list of members' names is available at the above address. PKF Littlejohn LLP is a limited liability partnership registered in England and Wales No. OC342572. Registered office as above. PKF Littlejohn LLP is a member firm of the PKF International Limited family of legally independent firms and does not accept any responsibility or liability for the actions or inactions of any individual member or correspondent firm or firms.



## Fee

We enclose our fee note for the review, which is in accordance with the fee scales set by Smaller Authorities' Audit Appointments Ltd. Please arrange for this to be paid **at the earliest opportunity**.

Additional charges are itemised on the fee note, where applicable. These arise where either:

- we were required to issue chaser letters and/or exercise our statutory powers due to a failure to provide an AGAR; or
- we had to seek clarification and/or correction to supporting documentation due to a mistake or omission by the smaller authority; or
- it was necessary for us to undertake additional work.

**Please return the remittance advice with your payment, which should be sent to: PKF Littlejohn LLP, Ref: Credit control (SBA), 5<sup>th</sup> Floor, 15 Westferry Circus, Canary Wharf, London, E14 4HD.** Please include the reference CU0064 or Cockermouth Town Council as a reference when paying by BACS.

## Timetable for 2020/21

The timetable for this year was exceptional due to the impact of Covid-19. Next year we plan to set a submission deadline for the return of the completed AGAR Part 3 and associated documents (or Certificate of Exemption) in the usual way and this is expected to be Thursday 1 July 2021. It is anticipated that the instructions will be sent out during March 2021, subject to arrangements for the 2020/21 AGARs and Certificates of Exemption being finalised by SAAA. Our instructions will cover any changes about which smaller authorities need to be aware.

The timetable amendments introduced as a result of the exceptional Covid-19 circumstances apply to 2019/20 only. The arrangements for next year are expected to revert to those set out in the Accounts and Audit Regulations 2015 but if there are any changes arising from updates to the statutory requirements, you will be notified in good time.

- The smaller authority must inform the electorate of a single period of 30 working days during which public rights may be exercised. This information **must be published at least the day before** the inspection period commences;
- The inspection period **must** include the first 10 working days of July 2021, i.e. 1 to 14 July inclusive. In practice this means that public rights may be exercised:
  - at the earliest, between Thursday 3 June and Wednesday 14 July 2021; and
  - at the latest, between Thursday 1 July and Wednesday 11 August 2021.

As in previous years, in order to assist you in this process we plan to include a pro forma template notice with a suggested inspection period on our website. On submitting your AGAR and associated documentation, as was the case for this year, we will need you to either confirm that the suggested dates have been adopted or inform us of the alternative dates selected.

## Feedback on 2019/20

Please note that if you wish to provide feedback, our satisfaction survey template can be used, which is available on our website: [https://www.pkf-littlejohn.com/sites/default/files/24\\_satisfaction\\_survey\\_2019-20.docx](https://www.pkf-littlejohn.com/sites/default/files/24_satisfaction_survey_2019-20.docx)

Yours sincerely



PKF Littlejohn LLP



# Cockermouth Town Council

## Notice of conclusion of audit

### Annual Governance & Accountability Return for the year ended 31 March 2020

Sections 20(2) and 25 of the Local Audit and Accountability Act 2014

Accounts and Audit Regulations 2015 (SI 2015/234)

Accounts and Audit (Coronavirus) (Amendment) Regulations 2020 (SI 2020/404)

	Notes
1. The audit of accounts for <b>Cockermouth Town Council</b> for the year ended 31 March 2020 has been completed and the accounts have been published.	This notice and Sections 1, 2 & 3 of the AGAR must be published by 30 November. <b>This must include publication on the smaller authority's website.</b> The smaller authority must decide how long to publish the Notice for; the AGAR and external auditor report must be publicly available for 5 years.
2. The Annual Governance & Accountability Return is available for inspection by any local government elector of the area of <b>Cockermouth Town Council</b> on application to:  S Brown (a) <u>Town Clerk, Town Hall,</u> <u>Market Street, Cockermouth,</u> <u>Cumbria, CA13 9NP</u>  (b) <u>10 - 2 Mon - Friday</u>	(a) Insert the name, position and address of the person to whom local government electors should apply to inspect the AGAR  (b) Insert the hours during which inspection rights may be exercised
3. Copies will be provided to any person on payment of <u>£0.45</u> (c) for each copy of the Annual Governance & Accountability Return.	(c) Insert a reasonable sum for copying costs
Announcement made by: (d) <u>S Brown Town Clerk</u>	(d) Insert the name and position of person placing the notice
Date of announcement: (e) <u>9/11/20</u>	(e) Insert the date of placing of the notice

Posted on web  
9/11/20-

## Section 1 – Annual Governance Statement 2019/20

We acknowledge as the members of:

Cockermouth Town Council

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2020, that:

	Agreed		Yes* means that this authority:
	Yes	No*	
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✓		prepared its accounting statements in accordance with the Accounts and Audit Regulations.
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.	✓		has only done what it has the legal power to do and has complied with Proper Practices in doing so.
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓		during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		considered and documented the financial and other risks it faces and dealt with them properly.
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✓		arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.
7. We took appropriate action on all matters raised in reports from internal and external audit.	✓		responded to matters brought to its attention by internal and external audit.
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.	✓		disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	N/A
			✓

\*Please provide explanations to the external auditor on a separate sheet for each 'No' response and describe how the authority will address the weaknesses identified. These sheets must be published with the Annual Governance Statement.

This Annual Governance Statement was approved at a meeting of the authority on:

21/5/20

and recorded as minute reference:

9

Signed by the Chairman and Clerk of the meeting where approval was given:

Chairman

J. M. Aldous

Clerk

Sue Brown

**Other information required by the Transparency Codes** (not part of Annual Governance Statement)  
Authority web address

www.cockermouth.org



## Section 2 – Accounting Statements 2019/20 for

COURTNEY TOWN COUNCIL

	Year ending		Notes and guidance
	31 March 2019 £	31 March 2020 £	
1. Balances brought forward	195,388	262,417	Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.
2. (+) Precept or Rates and Levies	198,012	198,570	Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.
3. (+) Total other receipts	230,186	103,516	Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.
4. (-) Staff costs	108,553	117,920	Total expenditure or payments made to and on behalf of all employees. Include gross salaries and wages, employers NI contributions, employers pension contributions, gratuities and severance payments.
5. (-) Loan interest/capital repayments	0	0	Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).
6. (-) All other payments	247,615	249,472	Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).
7. (=) Balances carried forward	262,417	197,111	Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).
8. Total value of cash and short term investments	248,423	187,730	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – To agree with bank reconciliation.
9. Total fixed assets plus long term investments and assets	1,696,300	1,696,300	The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.
10. Total borrowings	0	0	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).
11. (For Local Councils Only) Disclosure note re Trust funds (including charitable)	Yes	No	The Council, as a body corporate, acts as sole trustee for and is responsible for managing Trust funds or assets.
		✓	N.B. The figures in the accounting statements above do not include any Trust transactions.

I certify that for the year ended 31 March 2020 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

Signed by Responsible Financial Officer before being presented to the authority for approval

*Steve B...*

Date

31/4/20

I confirm that these Accounting Statements were approved by this authority on this date:

21/5/20

as recorded in minute reference:

9

Signed by Chairman of the meeting where the Accounting Statements were approved

*John...*



## Section 3 – External Auditor Report and Certificate 2019/20

In respect of

COCKERMOUTH TOWN COUNCIL – CU0064

### 1 Respective responsibilities of the body and the auditor

This authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The authority prepares an Annual Governance and Accountability Return in accordance with *Proper Practices* which:

- summarises the accounting records for the year ended 31 March 2020; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

Our responsibility is to review Sections 1 and 2 of the Annual Governance and Accountability Return in accordance with guidance issued by the National Audit Office (NAO) on behalf of the Comptroller and Auditor General (see note below). Our work **does not** constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and **does not** provide the same level of assurance that such an audit would do.

### 2 External auditor report 2019/20

On the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.

Other matters not affecting our opinion which we draw to the attention of the authority:

None

### 3 External auditor certificate 2019/20

We certify that we have completed our review of Sections 1 and 2 of the Annual Governance and Accountability Return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2020.

External Auditor Name

PKF LITTLEJOHN LLP

External Auditor Signature

PKF Littlejohn LLP

Date

06/11/2020

\* Note: the NAO issued guidance applicable to external auditors' work on limited assurance reviews for 2019/20 in Auditor Guidance Note AGN/02. The AGN is available from the NAO website ([www.nao.org.uk](http://www.nao.org.uk))

# **INTERIM HALF YEAR REPORT BY THE INTERNAL AUDITOR TO COCKERMOUTH TOWN COUNCIL**

**1<sup>ST</sup> APRIL 2020 – 30<sup>TH</sup> SEPTEMBER 2020  
FINANCIAL YEAR ENDING 31<sup>ST</sup> MARCH 2021**

The Local Audit and Accountability Act 2014 Sct 20(2) & 25 and The Accounts and Audit (England) Regulations 2015 (S1 2015/234) requires a Council to publish, as soon as reasonably practicable, after the conclusion of the audit, a statement on the website – (cockermouth.org ) that the audit has been completed.

At the time of the audit the Annual Governance and Accountability Return (AGAR) had not been received from the External Auditor – PKF Littlejohn.

The website will be checked and compliance noted in the final report for the year ending March 2021.

I confirm I have, on the 28<sup>th</sup> October 2020 undertaken an internal audit for the period 1<sup>st</sup> April – 2020-30<sup>th</sup> September 2020 in accordance with the Account and Audit Regulations (England) 2015 as outlined in the schedule previously circulated and approved by Council and incorporating any new requirements as outlined in “Governance and Accountability for Smaller Authorities in England ” A Practitioners’ Guide March 2020

I report as follows and confirm that the Council is fully compliant with the Account and Audit Regulations and there are no matters to bring to the attention of the Council.

## **Proper Bookkeeping**

The Council operates a commercial accounting package – Edge, which is comprehensive and fulfils the requirements needed to complete all monthly and cumulative Income and Expenditure accounts as required by the Regulations. All payments and receipts are coded to the Council’s budgeted headings, allowing immediate identification of spending in each budget sector and enables monthly management accounts to be prepared. There is the additional security of an internal checking system to monitor the accuracy of the data input into the computerised accounts. Backup procedures are undertaken by means of external hard drives.

## **Financial Regulations, Standing Orders, Policy and Procedures Documents**

The Council has comprehensive governance documents and policies. Financial Regulations and Standing Orders are scheduled for review and adoption in November.

## **Transparency Legislation Requirements**

The Clerk has ensured that all statutory requirements under Transparency Legislation is displayed on the Town Council website.

### **Payment Controls**

All payments are recorded in the Edge Accounting System and allocated to the appropriate budget heading.

A comprehensive schedule of payments is received and approved by Council under a rigorous and transparent system, which negates risk to public monies.

### **Invoice Procedure – Competitive Tendering Procedures**

There is a clear audit trail to invoices and cheques and a sound system of internal control. A random check was made on cheques over £2780

112555	John Elliot	Wall Repair TH Car Park	£5736
112597	M.A. Polishing	Restoration Cenotaph etc.	£3876

All had been competitively sourced, following the system outlined in the Financial Regulations and adhered to the principle of best value.

A random check was made of all cheques in the monthly schedules. All were received at Council and approved.

### **VAT**

Claims are submitted quarterly which facilitates the early return of repayments of VAT to the Council.

The sums for both quarters of the current financial year agree to the Vat reconciliation in the Edge Accounts. The sum of £3876.79 has been reclaimed for the period 1<sup>st</sup> June – 30<sup>th</sup> September 2020

Repayments are made by BACs to the Council's account.

### **Minutes**

These are correctly numbered and paginated and a master copy kept securely.

### **Risk Management and Documentation**

The risk assessment documentation as required by Zurich Insurance to fulfil all other statutory obligations are held and regularly reviewed.

### **Internal Financial Controls**

There is a clear audit trail from primary financial records. The Clerk/RFO presents comprehensive financial reports to the Council for approval.

### **Budget Control**

The budget is set in time to comply with the District Council's timetable. There is regular monitoring of the budget.

### **Cash Reserves**

The balances at the bank as at the 31<sup>st</sup> March 2020 are considered adequate to enable the Council to fulfil budgeted expenditure, deliver planned projects and retain an adequate cash flow.

External Audit guidance advises a free General Fund revenue cash reserve nearer 3 months Net Revenue Expenditure (N.R.E.) for authorities with a N.R.E. in excess of £200,00. Additional earmarked funds can be held and Capital Reserves.

### **Income Controls**

Income from all sources is promptly banked and there are checks in place to segregate cash collection from the banking procedures.

### **Clerk's Expenses/Credit Card.**

All expenditure is regularly reported and allocated to budget heads with VAT Identified. The Credit Card expenditure is paid in full by Direct Debit.

### **Payroll Control, PAYE, HMRC**

All payments reflect salary scales approved by Council. Returns to HMRC are up to date. Periodic checks on the payroll operator's submissions are made to ensure accuracy.

### **Asset Controls**

The Asset Register is monitored and all acquisitions and disposals are recorded. The document will be reviewed and adopted prior to the financial year end to ensure accuracy when completing the AGAR for 2020-21

### **Insurance**

Statutory and other insurance is in place and all assets, which are index linked are held on cover. The Council benefits from a long-term loyalty discount with the current insurer. – Zurich.

### **Bank Reconciliations**

These are completed monthly on receipt of bank statements and accurately reflect the financial position of the council for each period.

I conclude and report that the Clerk/Responsible Financial Officer (RFO) and Finance Assistant have maintained a high standard of recordkeeping, which has simplified the audit process. The Council's control systems are efficient and effective and give the appropriate level of confidence, that the financial statements and reports reflect a true and accurate account of the Council's finance and governance records.



Internal Auditor – 28<sup>th</sup> October 2020

**TOWN COUNCIL MEETING**  
**EFFECTIVENESS OF INTERNAL AUDIT**

1. A review of the effectiveness of the Internal Audit must be carried out each year. Our last review was undertaken in February 20. Our external auditor recommended that the following areas should be addressed during that review:
  - Review of Independence
  - Review of Competence
  - Review of Relationships with Clerk and Councillors
  - Review of Audit Planning
  - Review of Scope of Audit
  - Review of Audit Reporting
2. The importance of the review is to understand the role of the internal audit and to ensure that the person undertaking the role is concentrating on the key risk areas relevant to our Council.
3. Georgina D. Airey has been our internal auditor since her appointment in September 2003.

I would recommend that she continues in this role based on the following evidence:

- She is an ex Town Clerk of some 25 years' experience
  - She is fully conversant with the Accounts and Audit Regulations
  - She regularly provides training sessions in respect of some financial matters on behalf of the Cumbria Association of Local Councils
  - She understands our organisation, its needs and objectives
  - She maintains awareness of new developments in our services, risk management and corporate governance
  - Responsibilities of officers/internal audit/Town Councillors are defined – see Clerks jobs description and the terms of and conditions accepted by the internal auditor
  - The audit plan properly takes account of corporate risk
  - Internal audit work is planned
  - Reports are made in her own name directly to the Town Council
  - She does not have any other role within the Town Council and is therefore independent
  - There is no evidence that her internal work has not been carried out ethically with integrity and objectivity
  - During the year the Council/Town Clerk have responded positively to her observations
  - She encourages the Town Council to develop their own responses to risks rather than relying solely on audit recommendations – this encourages greater ownership of the control environment e.g. our investments
  - Adequate resource is made available for internal audit to complete its work
4. A review of our Financial Regulations was undertaken in <sup>October</sup>~~February~~ 2020.

Town Clerk



**ALLERDALE BOROUGH COUNCIL  
(PUBLIC SPACES PROTECTION) (DOG FOULING) ORDER 2020**

The Allerdale Borough Council makes this order in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 and of all other enabling powers being satisfied that the conditions set out in section 59 of the Act have been met.

**PREAMBLE**

(A) The Council is satisfied that dog fouling has taken place which has had a detrimental effect on the quality of life of those in the locality of the district of Allerdale.

(B) The Council is satisfied that the effect of these activities is persistent in nature such as to make the activities unreasonable and to justify the restrictions set out in this Order.

(C) The Council is satisfied that it is reasonable to impose the restrictions set out in this Order so as to prevent or to reduce the detrimental effect referred to above from continuing, occurring or recurring.

(D) The Council has had particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950 as it has effect for the time being in relation to the United Kingdom.

(E) The Council has carried out the necessary consultation and the necessary publicity, and given the necessary notification, as required by section 72 of the Act, before making this Order.

(F) Any individual who lives in or regularly works in or visits the area to which this Order extends may apply to the High Court to question this Order's validity on the grounds that the Council did not have the power to make the Order or to include particular prohibitions or requirements imposed by it, or that a requirement contained in the Act was not complied with in relation to the Order. Any application must be made within a period of six weeks beginning with the date on which the Order is made.

(G) For the purposes of this Order, "the Council" means Allerdale Borough Council (and its lawful successors) and "the Act" means the Anti-Social Behaviour, Crime and Policing Act 2014.

**PART I – DOG FOULING**

1. If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless –

- a. he has a reasonable excuse for doing so; or
- b. the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

2. Nothing in Article 1 applies –

- a. to a person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948;
- b. to a person who has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance; or
- c. in relation to a working dog while it is being used for work in connection with emergency search and rescue, law enforcement, the work of Her Majesty's armed forces, or herding or driving cattle.

3. For the purposes of this Part –

- a. a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- b. placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
- c. being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device or other suitable means for the removal of the faeces shall not be a reasonable excuse for failing to remove faeces; and
- d. each of the following is a "prescribed charity" – Dogs for Good (registered charity no. 700454), Support Dogs (registered charity no. 1088281) and Canine Partners for Independence (registered charity no. 803680).

## **PART II – PENALTIES**

4. A person who is guilty of an offence under Part I above shall on summary conviction be liable to a fine not exceeding level 3 on the standard scale.

5. A constable or an authorised person may issue a fixed penalty notice to anyone he has reason to believe has committed an offence under this Order, and where that fixed penalty is paid in accordance with the terms of the fixed penalty notice, that person shall not be liable to conviction for the offence.

6. The penalty specified in a fixed penalty notice issued under Article 5 shall be £100, such sum to be reduced by 25% if the penalty is paid within a period less than 14 days.

## **PART III – AUTHORISED PERSONS**

7. For the purposes of this Order, an authorised person includes –

- a. a police community support officer; and
- b. any other person duly authorised by the Council.

## **PART IV – COMMENCEMENT**

8. This Order shall come into operation on 20 October 2020 and shall continue in effect until 19 October 2023.

9. The Council may resolve to extend the duration of this Order by further periods of up to three years per extension.

#### **PART V – RESTRICTED AREA**

10. This Order (including, for the avoidance of doubt, all of the restrictions set out herein) applies to all public places in the District of Allerdale, shown on the appended plan.

11. For the avoidance of doubt, this Order applies to all persons, at all times, in all circumstances, in relation to the restricted area.

12. For the purposes of this Part, a “public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission (and for the avoidance of doubt, includes highways).

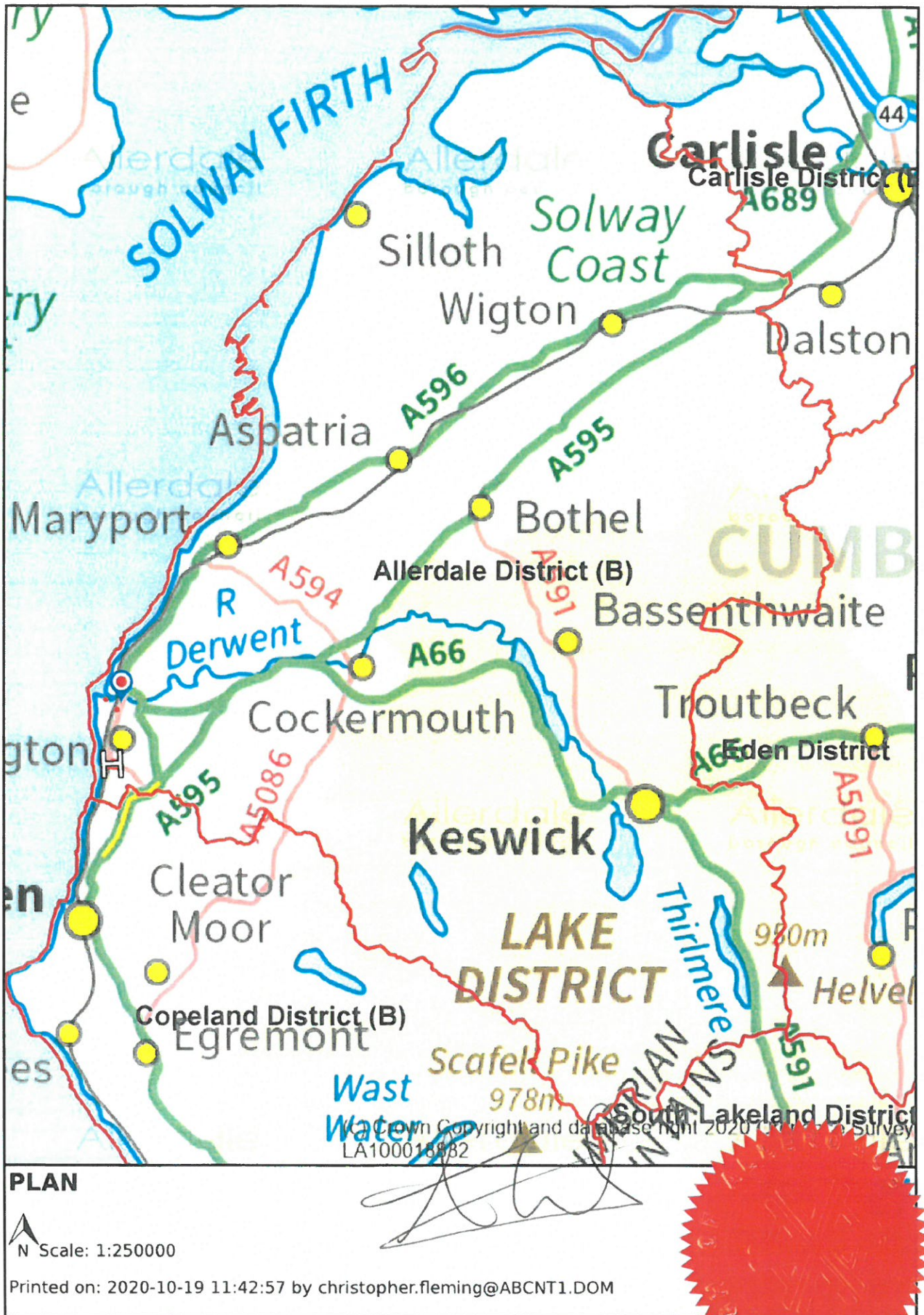
IN WITNESS WHEREOF the Common Seal of the  
Allerdale Borough Council was hereto affixed  
in the presence of an authorised signatory on this  
19<sup>th</sup> day of OCTOBER 2020.



ANDREW SEEKINGS  
CHIEF EXECUTIVE







## Clerk - Cockermouth TC

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**From:** Hutchinson, Sonia D <Sonia.Hutchinson@cumbria.gov.uk>  
**Sent:** 26 October 2020 09:57  
**To:** Cumbria Association, of Local Councils  
**Cc:** Cumbria Association, of Local Councils  
**Subject:** CALC update re Local Government Reorganisation in Cumbria  
**Attachments:** Local government reorganisation in Cumbria - interim position (FINAL VERSION).pdf

### For Councillors and Clerks

Dear Colleague,

I wrote to you in August, setting out CALC's interim position regarding local government reorganisation in Cumbria (attached). Our position is that we are supportive of the view that the tiers of local government would benefit from reorganisation but that we are not taking a view on what shape that reorganisation will take.

As it is now late October, I thought it might be helpful to update you on the situation as far as we know it. Many of you might agree that it is a difficult time to be considering this issue, but nevertheless Cumbrian principal authorities have been invited to submit reorganisation proposals to the Ministry for Housing, Communities and Local Government by early November.

The timeline after this is not fully known yet. Any authorities who submit proposals will then receive requests for additional information and further detail from MHCLG. There will then be a period of consultation, including with town and parish councils, before any structural change orders are laid and come into force. Early understanding of when this may happen is either April 2022 or possibly April 2023.

CALC will be requesting that there is early dialogue between local councils and the principal authorities as proposals are being drafted and evolve. These proposals may include ways in which your council might have a voice in any new arrangements, and may also include any ambitions your councils has regarding the way it may wish to grow in the future. We recognise that not all councils will have ambitions in this direction, but it is worthwhile for all councils to think about what the possibilities may be. However, as many of you have said in the past, knowing what these options are is a challenge in itself. In the coming months, or when there is greater clarity about the proposals being considered, CALC will work with yourselves, and the principal authorities, to assist in exploring these matters in greater detail.

If you have any questions about reorganisation, please email the CALC office and we will do our best to respond. We will also keep you updated on any future developments.

In the meantime, please stay safe and well.

Kindest regards,

*Samantha*

Samantha Bagshaw  
 Chief Officer  
 Cumbria Association of Local Councils (CALC)

### Our contact details:

Samantha - Monday to Wednesday, Sonia - Thursday and Friday





## **Local government reorganisation in Cumbria Interim position - August 2020**

The purpose of this paper is to clarify CALC's current position on the future of local government in Cumbria and the role of town and parish councils.

### **Summary of Cumbria Association of Local Councils' interim position**

1. Cumbria Association of Local Councils (CALC) welcomes in principle the aim of delivering better public services through a local government reorganisation in Cumbria.
2. CALC feels that local government in two tier areas like Cumbria faces additional challenges that can sometimes make it harder to achieve the strong leadership and clear accountability which our communities need. There are risks of duplication and inefficiency between tiers resulting in confusion for local residents and the stretching of limited resources for small districts.
3. CALC agrees with the government's view that in two tier local government areas like Cumbria, maintaining the status quo is no longer an option. Our view is that the people of Cumbria are not as well served by existing local government as they could be and the time has come to make significant changes in the way local government operates within the county.
4. The best prospect of achieving high quality local government in Cumbria in the future lies in the replacement of the present two tier local government structure with one or more unitary authorities delivering services and the creation of a combined authority to receive the additional powers. We understand that any new model of local government will be subject to consultation but the decision will be made by ministers.
5. CALC will consider and take a position on any proposals submitted to the government and hopes that the present county and district councils will produce practical proposals for a unitary local authority structure in Cumbria by the government's deadline.
6. In any reorganisation, CALC would expect to see arrangements in place which allow communities, through their elected town and parish councils, greater influence over what happens in their areas. We are looking for decentralised decision making which enables service planning and delivery to be sensitive to local aspirations and circumstances. CALC is looking for this level of community influence to be integral to any new arrangements.

### **Empowered communities**

7. CALC's particular interest in any future local government arrangements is focussed on how town and parish councils and a principle authority could work together to achieve empowered communities. The following paragraphs are a contribution to debate on how this may be achieved.
8. Some general principles are:
  - a. The empowerment of local communities should be an explicit objective of the principle authority. It will need to organise itself appropriately and allocate adequate resources to achieve the objective.

- b. Governance at the local community level should be led by elected town and parish councils in partnership with the principle authority and other community groups. This means town or parish councils should be created in those areas where they currently do not exist.
  - c. The principle authority should not micro-manage at the community level itself but should empower town and parish councils and others to do so.
  - d. Arrangements for community governance and empowerment should be flexible to allow for variations in capacity and aspirations amongst town and parish councils. Communities should be free to choose the nature and extent of their involvement.
  - e. Local diversity should be viewed as an opportunity, not a problem. There should be no 'one size fits all' solutions.
9. The interest of town and parish councils in empowerment covers:
- a. Influencing principle authority decisions before they are made
  - b. The opportunity to take on responsibility for the management of local services, facilities and land
  - c. scrutinising and challenging principle authority performance

#### Influencing decisions

10. Influencing decisions is about town and parish councils collectively influencing broader policy decisions and also about individual councils influencing decisions affecting their specific area.
11. Currently decisions are taken at local level within the framework of policies that have been decided at a more strategic level. This presents a dilemma for town and parish councils – their forte is handling detailed local matters yet they need to find time and resources to participate at the strategic level to ensure the options at local level are not closed down. This means that individual council representatives or CALC representatives need to commit, often over lengthy time scales, to debates, discussions and consultations. Sometimes representatives with sufficient expertise and free time are difficult to find. A way will need to be found to resource community participation in strategic policy making.
12. At the individual parish level, councils want consultation and participation processes to leave them with the feeling that they have been listened to and their views actually taken into account. This is particularly important in town and country planning where the current process leaves local councillors feeling that sometimes decisions have been taken without their views being properly heard or considered. The 'neighbourhood plan' initiative has helped in recent years but many smaller communities are not in a position to develop their own neighbourhood planning strategy.
13. Town and parish councils have been increasingly working with their communities to prepare and adopt a 'community plan', which is a constructive contribution to place shaping by the community. It is increasingly the main way that a community will seek to highlight and prioritise matters of importance to them. The principle authority should actively engage in the preparation of community plans and establish protocols which enable them to influence policy decisions and initiate actions. In particular, there needs to be arrangements that enable all aspects of a parish plan to influence community strategies and local development frameworks.

### Devolution of service responsibility

14. A town or parish council's interest in taking on a service responsibility from the principle authority will depend on whether the council believes it can provide a better service or better value for money, the benefits of the service or facility to the community and the adequacy of resources and officer support from the principle authority. It will also depend on the council's preferences and its assessment of its own capacity.
15. A principle authority should not think in terms of either 'we' do it or 'they' do it. Often the combination of local resources, local knowledge and sensitivity to local considerations provided by the town or parish council, coupled with the professional officer expertise and support provided by the principle authority will provide the best arrangement.
16. The initiative to encourage town and parish councils to take on ownership and management of services, facilities and land should come in the first instance from the principle authority. The principle authority is in the best position to shape some possibilities for discussion, enabling town and parish councils to explore the specific opportunities.
17. Proposals for the devolution of service responsibility should be accompanied by the necessary financial resources from the principle authority to deliver the service. This does not mean that town and parish councils are always looking to undertake service provisions at no cost to themselves and their communities. In fact they will sometimes be prepared to provide some form of 'added value' from their own resources.
18. Arrangements to enable town and parish councils to take on the ownership and management of services, facilities and land will need to be flexible to allow for the variations in capacity and aspirations. Allowances will need to be made for the likely increase in capacity and aspirations over time. It is anticipated that in the future, more councils will be recognised under the Local Council Award Scheme (LCAS) and as more clerks qualify with the Certificate in Local Council Administration (CiLCA), an increasing number of councils will also become eligible to implement the General Power of Competence. However until that time, fixed long term contractual arrangements will not always be appropriate.
19. Although town and parish councils will resist being pushed into geographical 'clusters' where a loss of identity will be feared, they recognise that working in groups on cross boundary service provisions will often be the only practical arrangement. This can also deliver economies of scale.

### Scrutinising performance

20. The 2000+ town and parish councillors across the county have considerable knowledge and experience of principle authority performance in the delivery of services. At present feedback to the principle authority is random, partial and most commonly in the form of complaints. There needs to be a mechanism for this wealth of experience to be gathered in a more systematic and constructive manner. There should be a clear role for town and parish councils (perhaps via CALC) in formal scrutiny and review of activities, as well as more informal mechanisms through the principle authority's own front line councillors.
21. Arrangements which enable town and parish councils to hold principle authorities to account are of no value unless they also enable town and parish councils to influence change. Following the scrutiny and review of existing performance, processes need to be in place to either implement change or give full explanations of why change is not possible.



## Capacity of town and parish councils and availability of resources

22. A review by CALC indicates that in relation to 'good practice' the performance of town and parish councils has improved in recent years. There is good attendance at CALC training courses, there was an encouraging cross section of councillors from across the county at the 2019 summer conference, there is a more professional approach amongst parish clerks with a growing number serving more than one council, there is widespread interest in the preparation of community plans, the use of IT and the internet is now universal despite variations in availability of Broadband, most councils have recently embraced virtual meetings as routine and there is a willingness to raise money through the precept to implement projects.
23. However there remain differences in capacity across the parish sector which will need to be taken into account if empowerment of communities through town and parish councils is to be a reality across the county. A variety of measures will need to be implemented with the support of the principle authority.
24. CALC and other organisations will need to continue to provide basic training for councillors and clerks. This work may include a mix of traditional courses, workshops and conferences (Covid-19 restrictions permitting), discussions and coaching via virtual meeting platforms and webinars. The Local Council Award Scheme will need to be promoted more actively, alongside the Certificate in Local Council Administration qualification course.
25. Efforts will need to be made to attract new people to local council activities and this will require a higher profile for parish elections without the fear of the financial burden of a poll. It is acknowledged that some parish councils are too small to generate sufficient capacity and should be encouraged to join with an adjacent council, while many other councils should be encouraged to reduce their number of councillors to improve decision making.
26. Town and parish councils have to raise their income from the parish precept. There is an understandable reluctance amongst town and parish councillors to add to the council tax burden and face the disapproval of their neighbours. All town and parish councils have considerable 'back office' costs, including salaries, insurance, audit fees, health and safety inspections, subscriptions and IT costs. As a consequence, financial allocations for training and parish elections are often lower down the list of annual budget priorities and there is a wariness about taking on new responsibilities unless the financial consequences are small.
27. Town and parish councils' natural caution about spending will constrain efforts to empower them unless the principle authority is prepared to help find economies of scale in meeting their 'back office' costs and where appropriate fund or subsidise specific expenditure such as training costs, election costs, IT costs etc.
28. CALC is capable of helping to facilitate change and assist in the empowerment of town and parish councils but has limited income provided by its member councils and grants from county and district councils. In view of the potential contribution CALC could make to successfully implementing an agreed local government reorganisation in Cumbria, CALC will be seeking principle authority assistance to promote and support the key training and development programmes of Local Council Award Scheme and Certificate in Local Council Administration.

CALC Executive Committee  
August 2020

**To:** Bob Morrell; [clerk@cockermouth.org](mailto:clerk@cockermouth.org)

**Subject:** Re: Flood defence barriers

Bob the person who would be able to advise you on this request is Sheila, our town clerk who I've copied in on this response.

Sheila please can you help Bob with this enquiry?

Rebecca

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Bob Morrell <[bobbyjohnmorrell@gmail.com](mailto:bobbyjohnmorrell@gmail.com)>

Date: 26/10/2020 13:01 (GMT+00:00)

To: "Hanson, Rebecca" <[Rebecca.Hanson@cumbria.gov.uk](mailto:Rebecca.Hanson@cumbria.gov.uk)>

Subject: Flood defence barriers

Hi Rebecca,

I wonder if you can help the residents of Bridge Street Close once again. As you will know Cockermouth got a number of grants after the flooding of 2015 for future prevention and resilience and the residents got a grant to purchase 2 portable defence barriers. These have been stored at various points around Bridge Street and the Bridge Street Close, none of which have been really suitable. At present they are stored in a private parking space in the close.

There has been some minor damage to one of the boxes which had a lock broken, but nothing was taken, but it has made our insurers a bit jumpy and they won't now cover theft. Given that these are valued at £18k we feel that we can't give them a secure storage space in the close.

This sprung a light bulb moment in my otherwise tumble weed mind as a thought about the library backyard? Then it would be secure as it has decent gates and a padlock, it is near enough for us get to in an emergency and would mean we could insure the property, which as much the town's as it ours. All we would need is a few keyholders.

U3A use the building already and have their own keys so that they can access their room even when The library is closed. Why not us? There is plenty of room out there and there would be no additional cost to them as we would be able to pay for the insurance.

Let me know your thoughts and who might be able to help us if you think this has any legs on it.

Regards

Bob Morrell

Bridge Street/Bridge Street Close Residents Association

01900 821766

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CLERK'S REPORT

**Tourism and Publicity/Library**

Visitor numbers for July – TIC closed.

The library/tic closed on 18 March 2020.

Cockermouth Library is one of locations listed to be made ready for re-opening as part of the next phase of opening branch and library links. The date for re-opening is yet to be finalised; however the Community Service Manager for Allerdale will be working with the Town Clerk to put arrangements in place which will allow for the safe operation of the service in the building.

Once restrictions that came into force on 5<sup>th</sup> November are lifted, the library will deliver the reduced/restricted number services as outlined below to the extent permitted by law:

- Return of books
- Reduced stock browsing at sites where possible or select and collect as an alternative
- Book check out
- Restricted PC access where available (reduced periods of time and reduced number of machines)
- Reduced opening hours

**Town Hall**

Gutters to be cleaned.

**Memorial Gardens**

They 2 new litter bins are in situ.

The plaque for Kevin Twigg's Memorial Bench has arrived.

A new memorial bench has been fitted.

**Weddings**

From 5/11/20 – 2/12/20 all weddings have been cancelled due to the National lockdown. All parties have been contacted.

**Public Toilets**

They re-opened on 29 June 2020.

### **Play Areas**

These re-opened 4 July 2020.

### **Allotments**

Plot 17, The Gote has been re-let.

### **Christmas Arrangements**

Grand Window and Window Spotting will go ahead.

The permits for working in the highway for the Christmas lights have been obtained

The Christmas trees are being delivered on Wed 18 November 2020.

### **Carols round the tree**

We will review this event closer to the time.

### **Winter Bedding**

This has been ordered. It is more important than ever this year that the town centre looks its best.

### **Remembrance Sunday**

The short service and poppy cascade was well received.



MAY 2020

## LTN 87 | PROCUREMENT

### Introduction

1. This LTN applies to local councils in England and Wales except for paragraphs 11 to 16 below which apply only to local councils in England.
2. In the context of local councils, "procurement" is the process by which they award contracts to third parties (frequently individuals or companies) to provide goods, services or to undertake works. A procurement process is designed to source the most suitable contractors based on factors such as cost and their knowledge, experience, quality, capability, and financial standing.
3. A procurement exercise by a local council is subject to the requirements in s. 135 of the Local Government Act 1972 ("the 1972 Act") and the Public Contracts Regulations 2015 ("the 2015 Regulations"). These legal requirements are summarised in the table below.

Contract value (net of VAT)	Legal requirements		
	The council's standing orders required by s.135 of the 1972 Act (and financial regulations)	The Contracts Finder website and other light touch rules in the 2015 Regulations	Complex requirements in the 2015 Regulations
Low value contracts (in England only, this means up to £25,000).	✓		
All contracts over £25,000 but below the threshold below (England only).	✓	✓ Use of the Contracts Finder website (see paragraph 11 to 16 below).	

Public service or supply contract over £189,330 or public works contract over £4,733,252	✓		✓ Follow most complex procedure (see paragraphs 17 to 21).
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4. The requirement for councils in England and Wales to have standing orders with respect to procuring and entering into contracts is set out in s.135 of the 1972 Act. This Note provides (A) an explanation of councils' responsibilities under the 1972 Act (England and Wales), (B) an explanation of the bodies and contracts which are subject to the 2015 Regulations (England and Wales), (C) an explanation of the Contracts Finder provisions and other light touch requirements for procuring and awarding contracts covered by the 2015 Regulations which are valued over £25,000 (England only) and (D) an overview of the complex requirements for procuring contracts covered by the 2015 Regulations which are valued over £189,330 for a public supply or public service contract or £4,733,252 for a public works contract (England and Wales).

NALC's model standing orders reflect the requirements set out above.

#### **A. Standing Orders (s. 135 of the 1972 Act)**

5. S.135 of the Local Government Act 1972 provides:
- A local authority (which includes local councils in England and Wales) may make standing orders with respect to the making of contracts by them or on their behalf.
  - A local authority shall make standing orders with respect to the making by them or on their behalf of contracts for the supply of goods or materials or for the execution of works.
  - Standing orders made by a local authority with respect to contracts for the supply of goods or materials or for the execution of works shall include provision for securing competition for such contracts and for regulating the manner in which tenders are invited, but may exempt from any such provision contracts for a price below that specified in standing orders and may authorise the authority to exempt any contract from any such provision when the authority are satisfied that the exemption is justified by special circumstances.

- A person entering into a contract with a local authority shall not be bound to inquire whether the standing orders of the authority which apply to the contract have been complied with, and non-compliance with such orders shall not invalidate any contract entered into by or on behalf of the authority.
6. S.135(3) confirms that, in England or Wales, a local council may adopt standing orders which exempt contracts from a tendering exercise if they are below a certain value or if specific circumstances apply. The Contracts Finder and other light touch provisions of the 2015 Regulations apply in England only to contracts valued above £25,000. This means that councils in England may have standing orders which confirm that contracts valued at £25,000 or below are exempt from a tendering or procurement exercise. Councils in Wales are not subject to this limit but this figure is included in NALC's model standing orders and financial regulations for Wales. A council's standing orders (and financial regulations) need to confirm the procurement requirements (if any) that will apply for the award of a new contract, which will be dependent on its value (or special circumstances). It is recommended that a council's standing orders (and financial regulations) confirm if contracts below a certain value (for councils in England, this means contracts valued at £25,000 or below) are exempt from a tendering or procurement exercise. It is also recommended that the council's standing orders and financial regulations confirm that the procurement of contracts over a certain value (for councils in England, this means contracts over £25,000) will be subject to the requirements in 2015 Regulations.

## **B Which bodies are covered by the 2015 Regulations?**

7. The 2015 Regulations imposes procurement requirements on "contracting authorities" which include local authorities (and therefore includes local councils), associations formed by one or more such authorities (e.g. County Associations) and "bodies governed by public law" (e.g. government departments, NHS trusts, maintained schools and Academy schools) (Regulation 2 of the 2015 Regulations). "Bodies governed by public law" includes an organisation set up for the general as opposed to commercial interest, with its own legal status, and which is financed or managed by a local authority. If a local council is the sole or managing trustee of a charity, appoints most of the trustees or grants the majority of the charity's income that charity will be subject to the 2015 Regulations.

### **Which contracts are covered by the 2015 Regulations?**

8. The 2015 Regulations apply to “public contracts” which are defined as “contracts.... having as their object the execution of works, the supply of products or the provision of services.” Regulation 2 of the 2015 Regulations defines each of those three contracts as follows:

“public service contracts” meaning public contracts which have as their object the provision of services other than those referred to in the definition of “public works contracts”;

“public supply contracts” meaning public contracts which have as their object the purchase, lease, rental or hire-purchase, with or without an option to buy, of products, whether or not the contract also includes, as an incidental matter, siting and installation operations;

“public works contracts” meaning public contracts which have as their object any of the following:—

- the execution, or both the design and execution, of works related to one of the activities listed in Schedule 2 (see paragraph 9 below);
  - the execution, or both the design and execution, of a work;
  - the realisation, by whatever means, of a work corresponding to the requirements specified by the contracting authority exercising a decisive influence on the type or design of the work;
9. The activities in Schedule 2 to the 2015 Regulations which are included in the definition of a “public works contract” include site preparation, demolition of buildings, construction of new buildings, erection of roofs, bricklaying, scaffolding, insulation work, plumbing, plastering, joinery installation, floor and wall covering and painting and glazing, civil engineering works and construction of highways, roads, airfields and sport facilities.

### **Public contracts which are exempted from the 2015 Regulations**

10. Regulations 7 to 12 provide that certain public contracts are exempted from the requirements of the 2015 Regulations. Regulation 10 confirms, for example, that contracts for the acquisition of land and buildings, legal services (legal advice and representation), bank services are exempted. In the context of local authorities, Regulation 12, for example, excludes:



- a contract with an incorporated body, controlled by a local authority, where more than 80 % of the body's activities are controlled by the local authority and there is no private sector ownership of the body, with certain exceptions;
- a contract between two or more local authorities who come together to provide a public service to achieve objectives they have in common and that the joint venture is governed solely by considerations relating to the public interest (e.g. where a parish council enters into arrangements with a principal council) and
- an incorporated body which is a contracting authority awards the contract to its controlling local authority or to an incorporated body controlled by the same local authority;

**C. The Contracts Finder website and other light touch rules in 2015 Regulations (England only)**

11. Where the estimated value of a public contract exceeds £25,000 (net of VAT) a local council in England must comply with Articles 109 to 114 of the 2015 Regulations (in addition to section 135 of the 1972 Act). Regulation 110, which concerns the advertisement of a contract opportunity, is summarised below.
  - A council must advertise the contract opportunity on the "Contracts Finder" website when it advertises the contract opportunity elsewhere. A council will have advertised a contract opportunity elsewhere if it does anything to put the opportunity in the public domain or bring the opportunity to the attention of economic operators generally or to any class or description of economic operators which is potentially open-ended, with a view to receiving responses from economic operators who wish to be considered for the award of the contract (e.g. places details of the opportunity on its website, in a newspaper or a trade paper);
  - A council does not advertise an opportunity where it makes the opportunity available only to a number of particular economic operators who have been selected for that purpose (whether ad hoc or by virtue of their membership of some closed category such as a framework agreement), regardless of how it draws the opportunity to the attention of those economic operators (i.e. if a council has an

arrangement with a limited number of approved organisations to undertake work for the council); Regulation 33 defines a, "framework agreement" as an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. Contracting authorities may conclude framework agreements if they apply the procedures in Part 2 of the 2015 Regulations. Regulation 33 provides that framework agreements should not exceed 4 years except in exceptional circumstances. A council must advertise the contract opportunity on Contracts Finder within 24 hours of advertising it elsewhere;

- The information to be published on Contracts Finder shall include at least the following:— (a) the time by which any interested economic operator must respond if it wishes to be considered; (b) how and to whom such an economic operator is to respond; and (c) any other requirements for participating in the procurement;
- Where a council publishes information on Contracts Finder it must — (a) by means of the internet, offer unrestricted and full direct access free of charge to any relevant contract documents; and (b) specify in the information published on Contracts Finder the internet address at which those documents are accessible;
- A council may advertise the contract opportunity on the "Contracts Finder" website when it does not advertise the contract opportunity elsewhere;
- It must have regard to guidance issued by the Minister for the Cabinet Office.

12. Regulation 111 provides that councils cannot include a pre-qualification stage. A "pre-qualification stage" is defined as "a stage in the procurement process during which the contracting authority assesses the suitability of candidates to perform a public contract for the purpose of reducing the number of candidates to a smaller number who are to proceed to a later stage of the process." A council may ask tenderers to answer "suitability assessment question" which is defined as relating "to information or evidence which the contracting authority requires for the purpose of assessing whether candidates meet requirements or minimum standards of suitability,

capability, legal status or financial standing" if the questions are relevant to the subject-matter of the procurement; and proportionate. Councils must have regard to guidance issued by the Minister for the Cabinet Office which can be accessed via [www.gov.uk/government/collections/procurement-policy-notes](http://www.gov.uk/government/collections/procurement-policy-notes)

13. Regulation 113 provides that councils must ensure that contracts contain suitable provisions stating that valid undisputed invoices will be paid by within 30 days. Public contracts must also contain a condition requiring contractors to include similar provisions in their contracts, and so on down the supply chain. Councils shall have regard to any guidance issued by the Minister for the Cabinet Office.
14. When a contract is awarded, a council, having regard to guidance issued by the Minister for the Cabinet Office, must publish on the Contracts Finder the information set out in Regulation 112. This includes:
  - the name of the contractor;
  - the date on which the contract was entered into;
  - the value of the contract;
  - whether the contractor is a SME (defined as an enterprise falling within the category of micro, small and medium-sized enterprises defined by the Commission) or VCSE (defined as a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives).
15. A council may withhold information in paragraph 14 above from publication where its release —
  - would impede law enforcement or would otherwise be contrary to the public interest,
  - would prejudice the legitimate commercial interests of a particular economic operator, whether public or private, or
  - might prejudice fair competition between economic operators
16. The above is a summary of the main requirements in relation to use of the Contracts Finder website. Councils are recommended to read the 2015



Regulations which can be accessed via  
[www.legislation.gov.uk/ukxi/2015/102/contents/made](http://www.legislation.gov.uk/ukxi/2015/102/contents/made)

17. The above is a summary of the main requirements in relation to use of the Contracts Finder website. Councils are recommended to read the 2015 Regulations which can be accessed via  
[www.legislation.gov.uk/ukxi/2015/102/contents/made](http://www.legislation.gov.uk/ukxi/2015/102/contents/made)

**D. Complex requirements in the 2015 Regulations for high value contracts**

18. The 2015 Regulations incorporate the Public Contracts Directive 2014/24/EU ("the Public Contracts Directive"). In its simplest terms, the Public Contracts Directive facilitates the award of certain contracts to any business entity in the EU.

**Financial thresholds (net of VAT)**

19. Even if the procurement and award of a contract is covered by the 2015 Regulations (see paragraphs 8 and 9 above) and is not an exempted contract (see paragraph 10 above) it will not be subject to the full requirements of the 2015 Regulations unless its estimated value exceeds the thresholds in Article 4 of the Public Contracts Directive (Regulation 5 (1) of the 2015 Regulations). The thresholds in the Directive are adjusted by the European Commission every two years and are published in the Official Journal of the European Union (OJEU) (Regulation 5(4) of the 2015 Regulations). As already mentioned in paragraphs 3 and 4 above, the current thresholds are:

Type of contract	Threshold (net of VAT)
Public works contracts	£4,733,252
Public service contracts	£189,330
Public supply contracts	£189,330

20. Few contracts to be awarded by local councils will exceed the thresholds above but, if they do, they will be subject the requirements summarised in paragraph 21 below.

21. As noted above, contracts procured by councils in England which are worth over £25,000 but less than the thresholds in paragraph 18 above will still be subject to the Contracts Finder website and other light touch provisions in the 2015 Regulations summarised in paragraphs 11 – 16 above.

### **Procedural requirements**

22. Contracts awards exceeding the thresholds in paragraph 18 above are detailed and complex. It is likely that councils considering such high value contracts will require technical and or legal advice from those who specialise in public procurement. Set out below is a very brief overview of the full requirements of the 2015 Regulations – where they apply.

- Procurement must take one of five forms; the open procedure, the restricted procedure, competitive dialogue, the innovations partnership procedure; and competitive procedure with negotiation;
- Accelerated forms of the open procedure and competitive procedure with negotiation and the restricted procedure in situations of urgency that a local council can duly substantiate;
- Relevant contractual notices have to be published in the Official Journal of the European Union (OJEU);
- There is a pre-qualification stage;
- Councils will need to comply with the requirements in respect of tenders;
- Contracts should be awarded on the “most economically advantageous tender (Regulation 67);
- Contracts can be varied without going through a new procurement exercise in specified situations. (Regulation 72); and
- Contracts should be advertised on the Contracts Finder website (Regulation 106)

N.B. Central purchasing activities (where one body does purchasing for a series of organisations) and the European Single Procurement Document (a self-declaration form used in EU public procurement procedures) are covered by the 2015 Regulations.

**Other Legal Topic Notes (LTNs) relevant to this subject:**

LTN	Title	Relevance
15	Legal Proceedings	Useful for threatened or actual legal proceedings relating to contract disputes.
29	Basic Charity Law	Explains responsibilities of council as a charity trustee.
35	Contracts	Guide to basic contract law.

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