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# Oswestry Rural Parish Council

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**NOTICE IS HEREBY GIVEN** that the Annual Meeting of Oswestry Rural Parish Council will be held at Trefonen Village Hall commencing at 7 pm on Thursday **26 May 2022** and Members are hereby summoned to attend for the purpose of transacting the following business.

[Join Zoom meeting](#)

Signed:  
Sharon Clayton MPA, BA (Hons), FSLCC  
Clerk

Date of issue: 19 May 2022

## A G E N D A

### **FILMING AND RECORDING OF COUNCIL MEETINGS AND THE REQUIREMENTS OF THE DATA PROTECTION ACT 2018**

Any person present at a Council meeting may not orally report or comment about a Council meeting as it takes place but otherwise may; film photograph, or make an audio recording of a meeting; use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; report or comment on the proceedings in writing during or after a meeting, or orally report or comment after the meeting. Anyone making a recording for non-domestic purposes is advised to seek advice on their obligations to ensure any processing of personal information complies with the Data Protection Act.

**Anyone who objects to being filmed or recorded should notify the Clerk prior to the commencement of the meeting.**

### **1. Election of Chairman**

In pursuance of the LGA 1972 S15(1)(2) Members will elect the Chairman for the ensuing Council year

### **2. Declaration of Acceptance of Office**

The newly elected Chairman will sign their Declaration of Acceptance of Office

### **3. Election of Deputy Chairman**

In pursuance of the LGA 1972 S15(6) Members will elect the Deputy Chairman for the ensuing Council year

### **4. Apologies for absence**

To receive apologies for absence and to approve reasons for absence if requested by a councillor

### **5. Trefarclawdd Farm**

Richard Corbett will be in attendance to discuss proposals for Trefarclawdd Farm and its impact on the local community

### **6. Police Report**

To receive a report from The North Shropshire and Oswestry Safer Neighbourhood Team

### **7. Shropshire Council Report**

To receive a report from Shropshire Councillor Joyce Barrow

## **8. Public Participation**

In accordance with Standing Orders 3(e) members of the public may make representations, answer questions and give evidence in respect of the business on the agenda. This does not include matters relating to the council's administration. Should anyone wish to discuss business which is not included on the agenda please write to the Clerk who will make arrangements for appropriate action.

## **9. Minutes**

To CONSIDER and APPROVE the minutes from a Parish Council meeting held on 28 April 2022 (appendix 9)

*NOTE: In accordance with Standing Order number 12(a)(b) draft minutes served on councillors shall be taken as read. There shall be no discussion about the draft minutes except in relation to their accuracy.*

## **10. Disclosure of Pecuniary Interests, Bias, and Pre-determination**

In accordance with Section 29 of the Localism Act 2011 Members are personally responsible for deciding whether or not they should disclose an interest at this meeting. Where a matter arises at a meeting which directly relates to a Member's Disclosable Pecuniary Interests they must disclose the interest, not participate in any discussion nor vote on the matter and must not remain in the room unless they have been granted a dispensation. If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest. (Please refer to Appendix B in the Council's Code of Conduct).

Members are also reminded they should not make decisions with a closed mind and must declare a bias and not vote on matters where their decision could be considered to be pre-determined.

## **11. Dispensations**

To consider and approve any requests for dispensations

## **12. Declaration of Acceptance of Gifts and Hospitality**

To receive any declarations of acceptance of gifts and hospitality

## **13. Committees/Working Groups**

To CONSIDER and APPROVE the appointment of:

- a) Personnel Committee (4 members)
- b) Road Safety Working Group (whose objectives are to promote, assist and help improve road safety throughout the parish for the benefit of all road users)
- c) Cemetery Working Group (whose objectives are to explore options for improving land at Trefarclawdd cemetery and ensure there is adequate burial space for future interments)
- d) Environment Working Group (whose objectives are to refer concerns about environmental issues to the appropriate body/organisation)

## **14. Representatives on Outside Bodies**

- a) Shropshire Association of Local Councils (Oswestry Area Committee)

## **15. Review of the following:**

To CONSIDER and APPROVE a review of the following in accordance with Standing Order no: 5J:

- a) Financial Regulations (appendix 15a)
- b) Standing Orders (appendix 15b)
- c) Terms of Reference for the Personnel Committee (appendix 15c)
- d) Terms of Reference for the Road Safety Working Group (appendix 15d)
- e) Terms of Reference for the Cemetery Working Group (appendix 15e)
- f) Terms of Reference for the Environment Working Group (15f)
- g) Review of inventory of land and other assets including buildings and office equipment (to NOTE this was carried out in April 2022)
- h) Confirmation of arrangements for insurance cover in respect of all insurable risks (see agenda item 32 below)
- i) Review of staff subscription to the SLCC and Parish Council subscription to SALC

## 16. Schedule of Future Meetings

To CONSIDER and APPROVE dates and venues for future meetings up until May 2023 (appendix 16)

## 17. Planning Matters

### a) Planning Decisions

To NOTE the following:

Planning Application Details	Planning Proposals
22/00590/OUT Land adjoining The Laurels, Sweeney	Outline application for the erection of one dwelling to include access Permission REFUSED 29 April 2022 <i>The parish council had no objection</i>
22/01371/FUL 31 Sweeney Drive, Morda	Erection of first floor extension over existing garage Permission GRANTED 11 May 2022 <i>The Parish Council had no objection</i>
22/01540/FUL 13 Nant Y Caws, Morda	Erection of two storey rear extension Permission REFUSED 17 May 2022 <i>The Parish Council had no objection</i>

### b) Planning Applications

To CONSIDER and APPROVE a response to the following:

Planning Application Details	Planning Proposals
22/01878/FUL Proposed residential development land at Maesbury Marsh	Erection of one dwelling and garage (plot 2) which forms part of a wider development of four dwellings granted outline planning approval (ref: 14/02643/OUT)
22/01971/FUL 4 Brick Kiln Cottages, Racecourse Road, Oswestry	Erection of part two-storey part first-storey extension to west elevation
22/02020/FUL Lloyds Animal Feeds Ltd., Mill and Premises, Llyncllys Farm, Morton	Installation of new feed storage bins
22/02073/AGR The Elms, Middleton	Agricultural storage building for grain and machinery

**NOTE:** Planning applications not listed above that are received after the issue of this agenda and included on Shropshire Council's website will also be considered to meet response timeframes.

## 18. Clerk's Report

To receive and NOTE a report from the Clerk (appendix 18)

## 19. Financial Matters

To CONSIDER and APPROVE:

- Income and expenditure for April 2022 (appendix 19a)
- Bank reconciliations from 1 April to 30 April (appendix 19b)
- Payments for May 2022 (information to follow)
- Bank signatories (at least 5 councillors plus the Clerk) (Clerk to report)
- Opening a new bank account with Unity Trust Bank



- f) Investing £50,000 with the Public Sector Deposit Fund  
**20. Annual Governance and Accountability Return 2021/2022**

To CONSIDER and APPROVE:

- a) The Annual Internal Audit Report for the financial year 1 April 2021 to 31 March 2022 (appendix 20a)
- b) The Annual Governance Statement 2021/2022 (appendix 20b)
- c) The Accounting Statement for 2021/2022 (appendix 20c)

### **21. Annual Report**

To CONSIDER and APPROVE the Annual Report for 2021/2022 (appendix 21)

### **22. Tony Cheetham Community Service Award**

To CONSIDER and APPROVE the winner of this year's Tony Cheetham Community Service Award (appendix 22)

### **23. Road Safety**

- a) To consider the 20's Plenty campaign and approve any action required (Cllr. John Davies) (appendix 23a)
- b) To receive a response to the Parish Council's request for double yellow lines to be installed at Trefonen Road in Morda
- c) To receive an update from the Road Safety Working Group and agree any action required

### **24. Trefarclawdd Cemetery**

To receive a report from the Trefarclawdd Cemetery Working Group and approve any action required (appendix 24)

### **25. Health and Safety Policy**

To CONSIDER and APPROVE a revised Health and Safety Policy (Cllr. Roger Jones)

### **26. Sewage Disposal Works at Maesbury Road**

To consider the implications of the sewage disposal works at Maesbury Road and whether improvements will bring it up to current standards (Cllr. Iain Campbell)

### **27. Biodiversity**

In pursuance of Section 40 of the Natural, Environmental and Rural Communities Act 2006, to consider the Parish Council's obligations towards biodiversity (Cllr. Iain Campbell) (see agenda item 15f above)

### **28. Oswestry Leisure Centre**

To consider the increased fees at Oswestry Leisure Centre and approve any action required (Cllr. John Davies)

### **29. Trefarclawdd Farm**

To consider activities at Trefarclawdd Farm and approve any action required (Cllr. Roger Jones)

### **30. Consultation**

To CONSIDER and APPROVE a response to consultation received:

- a) Shropshire Council's Draft Housing Allocation Policy (appendix 30)

### **31. Date for Next Meeting**

To NOTE that the next meeting will place on Thursday 30 June 2022 at Rhydycroesau Village Hall

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## **PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960**

Pursuant to Section 1(2) of the above Act and due to the confidential nature of the following business to be transacted it will be PROPOSED, SECONDED and RESOLVED that the public and press should not be present

### **32. Insurance**

To CONSIDER and APPROVE a quote for insurance renewal (appendix 32)

### **33. Tree Survey**

To CONSIDER and APPROVE a quote for a tree survey to be carried out (Cllr. John Davies) (information previously circulated)

### **34. Grazing on Land at Trefarclawdd Cemetery**

To CONSIDER and APPROVE a request and fee for horses to graze on land at Trefarclawdd cemetery (appendix 34)

### **35. Maesbury War Memorial**

To receive a report from the Clerk concerning agreed works to Maesbury War Memorial and approve any action required

### **36. Planning Enforcement**

To NOTE planning enforcement notifications received (Clerk to report)

## Minutes of a Parish Council meeting

held at 7 pm on Thursday 28 April 2022 at Rhydcroesau Village Hall

**Present:**

Cllr. Paul Milner (Chairman), Cllr. Martin Bennett, Cllr. Iain Campbell, Cllr. John Davies, Cllr. Peter Davies, Cllr. Martin Jones, Cllr. Bob Kimber, Cllr. Peter Richardson, Cllr. Steve Watts, Cllr. Mike Weston.

**Clerk to the Council:**

Sharon Clayton

**In attendance:**

6 members of the public  
PCSO Charlie Iremonger

**1306 Chairman's Welcome**

The Chairman welcomed everyone to the meeting and thanked Cllr. Martin Jones for standing in as Chairman whilst he was unable to attend due to work commitments. He then informed everyone that he had just received a resignation email from Cllr. Les Maguire.

**1307 Apologies for Absence**

Apologies were received from:

Cllr. Roger Jones  
Cllr. Jas Singh  
Cllr. Chris Woods

Apologies were also received from Shropshire Councillor Joyce Barrow.

**1308 Police Report**

The following report was received from the Oswestry Rural South Safer Neighbourhood Team:

03/04/22 - Dropped 9's. A return call was made and all in order.

05/04/2022 - An attempted burglary in the Crickheath area, persons were disturbed, and offenders made off.

07/04/2022 - Abandoned vehicle in the Trefonen area and an area search had been carried out, but no vehicle located.

07/04/2022 - Road Traffic Collision in Coed-Y-Go. All parties safe and well.

14/04/2022 – Theft of cooking oil from the Maesbrook Industrial Estate. No CCTV at location.

15/04/2022 – 2 vehicle Road Traffic Collisions at Mile End Roundabout. One person taken to hospital as a precaution.

16/04/2022 – Burglary/theft of oil from outside oil tank.

18/04/2022 - Concern for Safety/Anti-Social Behaviour. Two males were seen on roof of the nursery school, Maesbury Marsh. Officers attended the location and the two persons had gone from the area.

19/04/2022 - Theft of heating oil from external tank.

21/04/2022 – Dropped 9's. Police then made contact with caller, and it was an accidental call on the 999 number.

22/04/2022 – A suspicious vehicle was seen driving around the Morton area. Police have had no further reports of this vehicle in the area of late.

25/04/2022 – Dropped 9's to the Police. Police made contact with the caller, and it was an accidental call of the 999 number.

PCSO Charlie Iremonger also informed that the Community Speed Watch Scheme was seeking volunteers to participate in the scheme.

**NOTED.**

### **1309 Shropshire Council Report**

There was no Shropshire Council report.

### **1310 Public Participation**

One member of the public asked PCSO Charlie Iremonger for the location of a recent road traffic collision at Coed-y-Go and was informed it was close to Morda.

One member of the public said that at the last meeting it was agreed to defer a review of the council's H & S policy to this meeting, but it did not appear on the agenda. She asked that the minutes be amended to reflect this.

One member of the public asked for a speed watch meeting with local residents to discuss the speed limit at Coed-y-Go. He queried where a suggestion of asking for a 40mph speed limit had originated as local residents wanted a 30mph limit. He then referred to his written request to all Morda councillors asking them to consider a review of the public participation section in Standing Orders and asked for a response from them. He also asked why the agenda states that public participation does not include the discussion of matters relating to the Council's administration.

### **1311 Minutes**

- a) The minutes of a Parish Council meeting held on 31 March 2022 were considered for approval. It was **PROPOSED, SECONDED and RESOLVED that the minutes be APPROVED and ADOPTED as a true record.**
- b) The minutes from a Personnel Committee meeting held on 13 April 2021 were **NOTED and ADOPTED.**

### **1312 Disclosure of Pecuniary Interests**

In accordance with Section 29 of the Localism Act 2011 Members were informed they are personally responsible for deciding whether or not they should disclose an interest at this meeting. Members were also reminded they should not make decisions with a closed mind and must declare a bias and not vote on matters where their decision could be considered to be pre-determined.

### **1313 Dispensations**

None requested.

### **1314 Declaration of Acceptance of Gifts and Hospitality**

None declared.

### **1315 Planning Matters**

#### **a) Planning Decisions**

The following planning decisions were **NOTED.**

Planning Application Details	Planning Proposals
22/00747/FUL Sewage Disposal Works, Maesbury Road, Oswestry	Installation of Returned Activated Sludge (RAS), Secondary Activated Sludge (SAS) & Tertiary Solids Removal (TSR) kiosk, Aeration MCC kiosk, Combined Motor Control Centre (MCC) kiosk and Polymer Dosing kiosk and the provision of associated landscaping. Permission GRANTED 27 April 2022. The Parish Council supported this application.
22/00815/FUL Springfield Bungalow, Oak Lane, Treflach	Erection of single storey side extension with elevational alterations. Permission GRANTED 21 April 2022. <i>The parish council had no objection to this application.</i>
22/00847/FUL Morda Methodist Church, Trefonen Road, Morda	Conversion of chapel into a single dwelling, replacement of existing outbuilding and formation of a dropped kerb for vehicle access. WITHDRAWN 20 April 2022. <i>The parish council supported this application.</i>
21/05983/FUL Trenant Chapel, Chapel Lane, Trefonen	Demolition of existing dining room and kitchen structure and erection of new rear extension with roof extending over patio. Demolish and re-position retaining wall in garden and various internal alterations. Permission GRANTED 14 April 2022. <i>The parish council supported this application.</i>
22/00765/FUL Bridge Cottage, Ball Lane, Maesbury	Erection of single storey extension. Permission REFUSED 4 April 2022. <i>The parish council supported this application.</i>
22/00782/FUL Barn, south of Nant Farm, Morda	Erection of three bay garage (re-submission). Permission GRANTED 4 April 2022. <i>The parish council had no objection to this application.</i>

#### b) Planning Applications

The following planning applications were considered for comment:

Planning Application Details	Planning Proposals
22/01371/FUL 31 Sweeney Drive, Morda	Erection of first floor extension over existing garage. <b>It was PROPOSED, SECONDED and AGREED no objection.</b>
22/01376/FUL Willow Cottage, Sandrock Lane, Trefonen	Erection of two domestic outbuildings. <b>It was PROPOSED, SECONDED and AGREED no objection.</b>
22/01386/LBC The Wharfingers House, Maesbury Marsh	Replacement of 8 sash windows to front and rear elevations. <b>It was PROPOSED, SECONDED and AGREED no objection.</b>
22/01494/FUL 1 Brookside, Morda	Erection of a two-storey rear extension and front porch. <b>It was PROPOSED, SECONDED and AGREED no objection.</b>
22/01535/FUL Weston Cotton House, Weston Lane	Change of Use of first floor of double garage from storage to self-contained annex ancillary to the main dwelling. <b>It was PROPOSED, SECONDED and AGREED that permission, if granted, should be conditional to ancillary use for residents only.</b>
22/01540/FUL 13 Nant Y Caws, Morda	Erection of two-storey rear extension. <b>It was PROPOSED, SECONDED and AGREED no objection.</b>
22/01864/FUL Sycamore Cottage, Malthouse Lane, Trefonen	Erection of single storey side extension. <b>It was PROPOSED, SECONDED and AGREED no objection.</b>

Because Cllr. John Davies needed to leave the meeting early, in accordance with Standing Order number 1(a), the Chairman changed the order of business and brought forward the following item.

### 1316 Oswestry Leisure Centre

In response to concerns received from a member of the public Members considered the rising costs at Oswestry Leisure Centre.

**It was PROPOSED, SECONDED and AGREED to take no action until further information had been received concerning the reasons for the increase.**

### 1317 Clerk's Report

- a) Members **NOTED** a written report from the Clerk on action taken following decisions made at previous council meetings.
- b) Members received responses from Helen Morgan MP concerning loss of communication during power outages, and the Levelling Up White Paper. They also received a response from Shropshire Council concerning management and protection of water courses.

**It was PROPOSED, SECONDED and AGREED to write back to Helen Morgan MP and thank her for her responses, and write to the Leader of Shropshire Council and ask who was to take responsibility for the Levelling Up agenda. It was further AGREED to arrange for a site meeting with Shropshire Council and parish councillors concerning the maintenance of Spiggots Bridge.**

### 1318 Financial Matters

#### a) Income and Expenditure

Members considered for approval income and expenditure from 1 April to 31 March 2022.

**It was PROPOSED, SECONDED and AGREED that income received to date of £88,120.56 and gross expenditure of £38,739.14 be APPROVED.**

#### b) Bank Reconciliations

Members considered for approval bank reconciliations for March 2022.

**It was PROPOSED, SECONDED and AGREED that bank reconciliations to the end of March 2022 totalling £253,214.88 be APPROVED.**

#### c) Payments for April 2022

Members considered for approval payments for April 2022.

**It was PROPOSED, SECONDED and AGREED that the following payments for April 2022 be APPROVED.**

PAYEE	DESCRIPTION	AMOUNT £
EE	Wi-Fi mini monthly plan	16.39
Morton Playing Field	Grant	1000.00
Scottish Power	Street lighting electricity	481.27
SALC	Affiliation fee	1748.08
Sharon Clayton	Clerk's salary/expenses/reimbursement	825.27
HMRC	PAYE/NI	371.52
Mark Evans	Bus shelter cleaning	60.00
Colin Turner	Bus shelter cleaning	25.00
A G Royce	Grounds maintenance	540.00
HSBC	Bank charges	8.50
	<b>TOTAL</b>	<b>5076.03</b>

#### d) Maintenance Grant

Members considered for approval that the maintenance grant of £1,500 received from Shropshire Council had been spent in accordance with the grant terms.

**It was PROPOSED, SECONDED and AGREED that the grant had been spent in accordance with the grant terms.**

#### e) Reserves

Members considered the reserves as at 31 March 2022.

**It was PROPOSED, SECONDED and AGREED that the following reserves be APPROVED.**

BUDGET HEADING	NEIGHBOURHOOD FUNDS	UNALLOCATED RESERVES	ALLOCATED RESERVES
	£	£	£
Traffic calming	17500		
Treflach VAS	6500		
Litter picking equipment			100
Hanging baskets			1000
Play improvements	10000		
Cycling and walking facilities	10000		
Cycling and walking promotion			5000
Dog waste/litter bins	3000		
VAS – Maesbury	7500		
Promotion of meeting facilities			2000
Green spaces and infrastructure	5000		
Sub-total	<b>59500</b>		<b>8100</b>
Plus reserves previously agreed			
Professional/legal fees			1000
Councillor training			275
Streetlights – new	2000		
AED			400
Sub-total	<b>61500</b>		<b>9775</b>
Plus unallocated Neighbourhood Funds	79514		
Neighbourhood Fund reserves 2021/2022	<b>141014</b>		
Allocated reserves			9775
Unallocated reserves		102426	
Total reserves as at 31 March 2022	<b>253215</b>		

### 1319 Neighbourhood Fund

Members considered for approval Neighbourhood Funds received and allocated to date as follows:

- Total funds received - £168,699.45
- Total funds available - £141,014.02
- Total funds allocated - £61,500.00
- Total funds spent - £27,685.43

**It was PROPOSED, SECONDED and AGREED that Neighbourhood Funds received and allocated be APPROVED.**

### 1320 Morton Closed Churchyard Maintenance

Due to an annual inflationary increase of £31 Members considered for approval increasing the Parish Council's annual contribution to Llanyblodwel Parish Council towards the grounds maintenance of Morton closed churchyard.

**It was PROPOSED, SECONDED and AGREED that the Parish Council would contribute an additional annual cost of £31 towards the grounds maintenance of Morton closed churchyard.**

### 1321 Asset Register

Members **NOTED** the contents of the Parish Council's asset register, and that the land for which the parish council is responsible was acquired in pursuance of the Open Spaces Act 1906.

### 1322 Road Safety

Members received a response from Shropshire Council concerning the Parish Council's request for a 30mph speed limit to be introduced at Coed-y-Go. Shropshire Council had advised that traffic data collected for the area suggested that a 30mph limit would not be suitable although a 40mph speed limit could be considered.

**It was PROPOSED, SECONDED and AGREED:**

- a) **That, in the interim, the Parish Council should write to Shropshire Council and request a 40mph speed limit but, at the same time, express its disappointment that Shropshire Council's response was against its Road Safety Policy of 2013 concerning community concerns.**
- b) **Cllr. Dean Carroll should be invited to attend a meeting with the Road Safety Working Group to discuss Shropshire Council's decision.**
- c) **Road safety stickers should be purchased for local residents to stick on their waste disposal bins.**

- d) **Shropshire Council should be asked for an update on the Parish Council's request for an extension to the 30mph speed limit to the north of Back Lane in Maesbury.**

#### **1323 Village Hall in Maesbury**

Members considered the lack of a village hall at Maesbury. Attempts had previously been made to find such a facility but without success. When Maesbury school was closed Shropshire Council was asked if the building could be used as a community facility, but the building had already been valued and was sold and there was no suitable alternative within the locality.

**It was PROPOSED, SECONDED and AGREED that it would not be economically viable to build a community village hall in Maesbury even if land was available.**

#### **1324 Litter Bin**

Members considered for approval the purchase and installation of a new litter bin at the bus stop in Maesbury Marsh. Members were informed that there had previously been a litter bin at this location, but it had disappeared.

**It was PROPOSED, SECONDED and AGREED that Shropshire Council should be asked to replace the litter bin and, if not, the Parish Council would pay for a replacement.**

Cllr. John Davies left at this point in the meeting.

#### **1325 Website**

Members considered for approval the addition of a new page on the Parish Council's website dedicated to the Road Safety Working Group.

**It was PROPOSED, SECONDED and AGREED that:**

- a) **A new 'Road Safety' page should be added to the Parish Council's website.**
- b) **The page would evolve over time.**

#### **1326 Consultation**

Members considered for approval a response to the Local Policing Charter by providing the Parish Council's top three concerns.

**It was PROPOSED, SECONDED and AGREED that the following response should be submitted.**

- **Concern number 1 – speeding within the parish.**
- **Concern number 2 – low level drug use.**
- **Concern number 3 – anti-social behaviour.**

#### **1327 Date for Next Meeting**

It was **NOTED** that the next meeting (Annual Parish Council meeting) would take place on Thursday 26 May 2022 at Trefonen Village Hall.

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#### **Public Bodies (Admission to Meetings) Act 1960**

Pursuant to Section 1(2) of the above Act it was **PROPOSED, SECONDED and RESOLVED** that due to the confidential nature of the business to be transacted the public and press should not be present.

#### **1328 Morton Post Box Area**

Members considered for approval a quote for improvements to the Morton post box area.

**It was PROPOSED, SECONDED and AGREED that a quote of £540 from Colin Turner be accepted to make improvements to the Morton post box area.**

#### **1329 Tree Survey**

Members considered for approval a quote for a tree survey to be carried out on the trees for which the parish council is responsible.

**It was PROPOSED, SECONDED and AGREED that a decision be deferred to the next meeting.**

#### **1330 Staffing Matters**

Members considered for approval a pay increase for the Clerk as recommended by the Personnel Committee following her annual performance review.

**It was PROPOSED, SECONDED and AGREED that the Clerk's work had been exemplary, and that her salary be increased to SCP26 effective from 1 April 2022.**



**1331 Planning Enforcement**

There were no planning enforcement cases.

The Chairman thanked everyone for their attendance and closed the meeting at 20:22.

Signed: \_\_\_\_\_  
Chairman

Date: \_\_\_\_\_

DRAFT



## Oswestry Rural Parish Council

# FINANCIAL REGULATIONS 2021

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## **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 council. 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. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.

1.9. The RFO;

- acts under the policy direction of the council;
- administers the council's financial affairs in accordance with all 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;
- 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 council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
- measures to ensure that risk is properly managed.

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

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

1.14. In addition, the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve **all grants awarded** ~~any grant or a single commitment in excess of £250;~~ and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the Personnel 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. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chairman shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the council.

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

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

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

2.6. The internal auditor shall:

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

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

- perform any operational duties for the council;
- initiate or approve accounting transactions; or

- direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

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

2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.

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

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

3.1. The council shall review its three-year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year for consideration not later than the end of December each year including any proposals for revising the forecast.

3.2. 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 council.

3.3. The council shall consider annual budget proposals in relation to the council's three-year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.

3.4. 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.

3.5. 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 £250;
- the Clerk for any items below £250 ~~or less~~.

Such authority is to be evidenced by a minute or by an authorisation signed by the Clerk and two councillors.

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. 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').

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 for the following financial year. The RFO will inform the Personnel Committee 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 £500. The Clerk shall report such action to the chairman 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 provide the council each month 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 each month and shall show explanations of material variances. **For this purpose "material" shall be in excess of £200.**

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.

5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council. The council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council. The approved schedule shall be initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

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

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

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

a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk/RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council;

b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council or

c) fund transfers within the councils banking arrangements up to the sum of £5,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.

5.6. For each financial year the Clerk/RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council.

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

5.8. In respect of grants the council shall approve expenditure 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.

5.9. 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.

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



## 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 or, if so delegated, the Clerk/RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be affected by cheque BACS or Direct Debit to the council's bankers, or otherwise, in accordance with a resolution of council.
- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council shall be signed by two members of council in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.
- 6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. Cheques or orders for payment shall not normally be presented for signature other than at a council meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the council at the next convenient meeting.
- 6.7. If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to council as made. ~~The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.~~
- 6.8. If thought appropriate by the council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to council as made. ~~The approval of the use of a banker's standing order shall be renewed by resolution of the council at least every two years.~~
- 6.9. Where possible, all payments will be made by BACS, a list of which will be presented to the council each month for approval. The RFO has delegated authority to administer BACS payments and transfer of funds between each bank account. Bank statements showing all transactions will be presented to the council each month for approval.
- 6.10. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on a council owned computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be

changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.

6.12. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council.

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

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

6.15. Where internet banking arrangements are made with any bank, the Clerk/RFO shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts.

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

6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier.

6.18. The council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash or debit/credit card by the Clerk/RFO (for example for postage or minor stationery items) shall be refunded on a regular basis.

## **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.

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

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

7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record. 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 Clerk.

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

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

## **8. Loans and investments**

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

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

8.3. A copy of each statement of account from the council's banks and investment providers will be presented to council on a regular basis, at least quarterly.

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

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

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

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

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

## **9. Income**

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

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

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

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

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

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

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

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

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

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

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

10.1. An official order or letter shall be issued for all work, goods and services above £1,000 unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.

10.2. Orders ~~books~~ shall be controlled by the RFO.

10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below.

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

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

## **11. Contracts**

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

a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:

- i. for the supply of gas, electricity, water, sewerage and telephone services;
- ii. for specialist services such as are provided by legal professionals acting in disputes;
- iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
- iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;
- v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk/RFO shall act after consultation with the Chairman and Vice Chairman of council); and
- vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

b) Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 (“the Regulations”) which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations<sup>1</sup>.

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)<sup>2</sup>.

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

<sup>2</sup> Thresholds currently applicable are:

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

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 in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

f) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least two members of council.

g) Any invitation to tender issued under this regulation shall be subject to Standing Orders 17<sup>3</sup> and shall refer to the terms of the Bribery Act 2010.

h) When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk/RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £200 the Clerk/RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.

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

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

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

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.

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<sup>3</sup> Based on NALC's Model Standing Order 18d ©NALC 2018

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

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

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

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

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

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

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

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

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

14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate **if thought appropriate**).

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 **if thought appropriate**).

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

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

## 15. Insurance

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

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

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

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

## 16. Charities

16.1. Where the council is sole managing trustee of a charitable body the Clerk/RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk/RFO shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.

## 17. Risk management

17.1. The council is responsible for putting in place arrangements for the management of risk. The Clerk/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.

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

## 18. Suspension and revision of Financial Regulations

18.1. It shall be the duty of the council to review the 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.

<i>Last reviewed:</i>	<i>18 May 2021</i>
<i>Reviewed:</i>	<i>26 May 2022</i>
<i>Minute no:</i>	
<i>Next review due:</i>	<i>May 2023</i>

Suggested amendments are shown in red.

\* \* \* \* \*





## Oswestry Rural Parish Council

# STANDING ORDERS

Oswestry Rural Parish Council will undertake an annual review of its Standing Orders.

Standing Orders are required to execute the Council's business and procedures and are decided by full Council.

Standing Orders highlighted in **bold type** are mandatory because they incorporate statutory requirements. These cannot be altered unless there are changes in legislation.

Unless otherwise indicated, the term "Chairman" means the person presiding at a meeting.

Unless otherwise indicated, the term "Councillor" includes persons co-opted onto the Council.

Where these Standing Orders refer to meetings they shall be taken to apply to meetings of the Council and meetings of any Committees of the Council unless stated.

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## 1. RULES OF DEBATE AT MEETINGS

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- j Subject to Standing Order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient, but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the Standing Order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular Standing Order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under Standing Order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.

## 2. DISORDERLY CONDUCT AT MEETINGS

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

## 3. MEETINGS GENERALLY

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

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. **This does not include matters relating to the council's administration. Should anyone wish to discuss business which is not included on the agenda they should write to the Clerk who will make arrangements for appropriate action.**
- f The period of time designated for public participation at a meeting in accordance with Standing Order 3(e) shall not exceed 15 minutes unless directed by the chairman of the meeting.
- g Subject to Standing Order 3(f), a member of the public shall not speak for more than 3 minutes.
- h In accordance with Standing Order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i A member of the public 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 chairman of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct their comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l **Subject to Standing Order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- p **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the**

meeting shall preside at the meeting.

- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**  
*See Standing Orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*
- s **Unless Standing Orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- t The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of councillors who are present and the names of councillors who are absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.
- u **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's Code of Conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the Code on his right to participate and vote on that matter.**
- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three. (The quorum for Oswestry Rural Parish Council is FIVE.)**  
*See Standing Order 4d(viii) for the quorum of a committee or sub-committee meeting.*
- w **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- x A meeting shall not exceed a period of 2 hours.

#### 4. COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to Standing Orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v. may, subject to Standing Orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 3 days before the meeting that they are unable to attend;
  - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-

- committee which, in both cases, shall be no less than three;
- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

## 5. ORDINARY COUNCIL MEETINGS

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council. NOTE - there is no legal requirement to elect a Vice-Chairman.**
- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chairman of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
  - i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - iii. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Review of the terms of reference for committees;
  - vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with Standing Order 4;
  - ix. Review and adoption of appropriate Standing Orders and Financial Regulations;
  - ~~x. Review of arrangements (including legal agreements) with other local authorities, not for profit bodies and businesses.~~
  - ~~xi. Review of representation on or work with external bodies and arrangements for reporting back;~~
  - xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
  - xiii. Review of inventory of land and other assets including buildings and office equipment;
  - xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
  - xv. Review of the Council's and/or staff subscriptions to other bodies;
  - ~~xvi. Review of the Council's Complaints Procedure;~~
  - ~~xvii. Review of of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (see also Standing Orders 11, 20 and 21);~~
  - ~~xviii. Review of the Council's policy for dealing with the press/media;~~
  - ~~xix. Review of the Council's employment policies and procedures;~~
  - ~~xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general~~

~~power of competence.~~

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

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

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee [or the sub-committee], any 2 members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

## 7. PREVIOUS RESOLUTIONS

- a A resolution, excluding those made in connection with Planning Applications, shall not be reversed within six months except either by a special motion, which requires written notice by at least 3 councillors to be given to the Proper Officer in accordance with Standing Order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to Standing Order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## 8. VOTING ON APPOINTMENTS

- a Voting on appointments for a position to be filled by the Council may not be held by secret ballot.
- b Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman.

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

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and, in any event, shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 5 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with Standing Order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with Standing Order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 10 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final. The Proper Officer will provide an explanation of the reason for rejection of a motion.

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

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

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

## 11. MANAGEMENT OF INFORMATION

*See also Standing Order 20.*

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

## 12. DRAFT MINUTES

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

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with Standing Order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

*"The chairman 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 meeting and the minutes are confirmed as an accurate record of the proceedings."*

- e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with Standing Order 12(e) and Standing Order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft



minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## 13. CODE OF CONDUCT AND DISPENSATIONS

See also Standing Order 3(u).

- a All councillors and non-councillors with voting rights shall observe the Code of Conduct adopted by the Council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation by the council, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has declared a bias or predetermination. He may return to the meeting after it has considered the matter in which he had declared a bias or predetermination.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.**
- e **A decision as to whether to grant a dispensation shall be made in accordance with the adopted Dispensations Procedure and that decision is final.**
- f **A dispensation request shall confirm:**
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to Standing Orders 13(d) and (f), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
  - iii. **it is otherwise appropriate to grant a dispensation.**

## 14. CODE OF CONDUCT COMPLAINTS

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

## 15. PROPER OFFICER

- a The Proper Officer shall be the Clerk.
- b The Proper Officer shall:
  - i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
    - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**



- **provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

*See Standing Order 3(b) for the meaning of clear days for a meeting of a full council and Standing Order 3(c) for the meaning of clear days for a meeting of a committee;*

- ii. subject to Standing Order 9, include on the agenda all motions received unless a councillor has given written notice at least 10 days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of minutes by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold Acceptance of Office forms from councillors;
- vii. hold a copy of every councillor's Register of Interests;
- viii. assist with responding to requests made under Freedom of Information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Officer responsible for Data Protection (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. **assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);**
- xii. arrange for legal deeds to be executed;  
*(see also Standing Order 23);*
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its Financial Regulations;
- xiv. refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman (if there is one) of the Council within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council;
- xv. manage access to information about the Council via the publication scheme; and
- xvi. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.  
*(see also Standing Order 23).*

## 16. RESPONSIBLE FINANCIAL OFFICER

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

## 17. ACCOUNTS AND ACCOUNTING STATEMENTS

- a. "Proper practices" in Standing Orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b. All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.
- c. The Responsible Financial Officer shall supply to each councillor at each Council meeting a statement to summarise:
  - i. the Council's receipts and payments (or income and expenditure);
  - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii. the balances held and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 2 of the Annual Governance and Accountability return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft Annual Governance and Accountability return shall be presented to all councillors prior to anticipated approval by the Council. The Annual Governance and Accountability return of the Council, which is subject to external audit, including the Annual Governance Statement, shall be presented to the Council for

consideration and formal approval before 30 June.

## 18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in Standing Order 17(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. Subject to additional requirements in the Financial Regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised on the Council's website and any other appropriate manner;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least two councillors after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016b apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. (See NALC's procurement guidance.)**
- ~~g. A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £189,330 for a public service or supply contract or in excess of £4,733,252 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.~~
- ~~h. A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.~~

## 19. HANDLING STAFF MATTERS

- a. A matter personal to a member of staff that is being considered at a meeting of the Council or the Personnel Committee is subject to Standing Order 11 above.
- b. Subject to the Council's policy regarding absences from work, the Clerk shall notify the chairman of the Personal Committee or, if he is not available, the vice-chairman (if there is one) of the Personal Committee of absence

occasioned by illness or other reason and that person shall report such absence to the Personnel Committee at its next meeting.

- c. The chairman of the Personnel Committee, or in his absence, the vice-chairman, shall arrange a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Personnel Committee.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Clerk shall contact the chairman of the Personnel Committee or in his absence, the vice-chairman of the Personnel Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel Committee.
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk relates to the chairman or vice-chairman of the Personnel Committee this shall be communicated to another member of the Personnel Committee which shall be reported back and progressed by resolution of the Personnel Committee.
- f. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g. In accordance with standing order 11(a), only persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

## 20. RESPONSIBILITIES TO PROVIDE INFORMATION

*See also Standing Order 21.*

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its Publication Scheme and respond to requests for information held by the Council.**
- b **If gross annual income or expenditure (whichever is higher) does not exceed £25,000 the Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**
- c **If gross annual income or expenditure (whichever is the higher) exceeds £200,000 the Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

## 21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

*See also Standing Order 11.*

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

## 22. RELATIONS WITH THE PRESS/MEDIA

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

## 23. EXECUTION AND SEALING OF LEGAL DEEDS

*See also Standing Orders 15(b)(xii) and (xvii).*

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

## 24.COMMUNICATING WITH UNITARY COUNCILLORS

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

## 25.RESTRICTIONS ON COUNCILLOR ACTIVITIES

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

## 26.STANDING ORDERS GENERALLY

- a All or part of a Standing Order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council’s Standing Orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 3 councillors to be given to the Proper Officer in accordance with Standing Order 9.
- c The Proper Officer shall provide a copy of the Council’s Standing Orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of Standing Orders at the meeting shall be final.

### CLERK’S NOTE:

These Standing Orders have been compared with NALC’s latest recommendations and reviewed accordingly. Amendments and additions are shown in red.

- 3e – an addition has been made here because the Parish Council is responsible for the Council’s administration which includes policy and procedure. The Clerk is responsible for ensuring that proper practices are in place and when in doubt can seek advice from the SLCC, NALC or other reliable source. Should there be any issue with how the Clerk administers the Council’s responsibilities and decisions they will be addressed by the Council’s Personnel Committee, not during the public session of council meetings.
- 5j – includes items that are not pertinent and need not be included and these are shown with a line through them.
- 13d- this has been updated by NALC following a review of the Code of Conduct.
- 17 and 19 – these have been reviewed in accordance with new guidance.

### RECOMMENDATION:

**To adopt these Standing Orders in accordance with the Clerk’s note above.**

<i>Last reviewed:</i>	<i>18 May 2021</i>
<i>Reviewed:</i>	<i>26 May 2022</i>
<i>Minute no:</i>	
<i>Next review due:</i>	<i>May 2023</i>



## Oswestry Rural Parish Council

### Personnel Committee

#### Terms of Reference

Membership	<b>FOUR</b> Members of the Parish Council.
Quorum	<b>THREE</b> Members of the Committee.
Authority	Local Government Act 1972, Sections 101 and 102.
Conditions	The Council's Standing Orders apply to all meetings of the Committee.  Members must adhere to the Data Protection Act 2018.
Appointment	The Committee shall be appointed on an annual basis at the Annual Meeting of the Parish Council.  The first order of business of the first meeting of the Committee after its annual appointment shall be to elect a Chairman.
Delegation	The Committee may arrange to devolve any of its functions to a sub-committee or to an officer.
Meetings	The Committee shall meet as required.  Once approved by the Committee the minutes of meetings shall be presented to the next meeting of the Parish Council for adoption.
Confidentiality	Due to the confidential nature of the business to be transacted the meetings will be conducted in private in pursuance of Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960.
Information	Committee Members will receive an agenda and supporting documents in accordance with the Council's Standing Orders.  Notice of meetings shall be posted in accordance with the Council's Standing Orders.
Restrictions	Only Members of the committee may vote on agenda items.  If invited to attend non-committee members are subject to the same rules as Committee Members regarding confidentiality and the requirements of the Code of Conduct.

	<b>RESPONSIBILITIES</b>	<b>POWERS</b>
1.	To appoint staff as required to carry out the decisions and functions of the Parish Council.	No delegated power. Committee to recommend the appointment of staff to full Council for approval.
2.	To agree and review employee contracts of employment.	Committee to have the power to approve.
3.	To agree and review employee job descriptions, qualifications and person specifications.	Committee to have the power to approve.
4.	To consider/review employee rates of pay and hours of work in accordance with NALC/SLCC pay scales.	No delegated power. Committee to recommend rates of pay and hours of work to full Council for approval.
5.	To agree employee training needs.	Committee to have the power to approve.
6.	To ensure compliance with all legislative requirements relating to the employment of staff.	Committee to have the power to ensure legislative compliance relating to employment.
7.	To carry out and review the performance of employees in accordance with the Staff Performance Management Policy and Procedure.	Committee to have the power to approve.
8.	To deal with employee issues in accordance with the Council's Grievance Procedures.	Committee to have the power to deal with employee issues.
9.	To deal with employee disciplinary matters in accordance with the Council's Disciplinary Procedures.	Committee to have the power to deal with disciplinary matters.
10.	To carry out an annual review of all policies relating to employment.	Committee to have the power to review and approve.
11.	To consult relevant bodies e.g. SALC, NALC, SLCC for employment advice where necessary.	Committee to have the power to seek advice.
12.	To delegate areas of responsibility to a sub-committee, working group or the Clerk.	Committee to have the power to delegate.

The Committee **may not** consider:

- a) Complaints by one Council employee against another Council employee, or between a Council employee and the Council as employer. These matters are dealt with under the Council's disciplinary and grievance procedures.
- b) Complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council on 1 July 2012 and, if a complaint against a councillor is received by the Council, it shall be referred to Shropshire Council's Standards Committee.

<i>Adopted:</i>	<i>25 February 2020</i>
<i>Reviewed:</i>	<i>18 May 2021</i>
<i>Minute no:</i>	<i>1041(c)</i>
<i>To be reviewed:</i>	<i>May 2022</i>



## Oswestry Rural Parish Council

### Road Safety Working Group

#### Terms of Reference

##### Preamble

Shropshire Council's Road Safety Policy (March 2013) establishes that town and parish councils will take a primary role in filtering and providing key input in terms of understanding road safety concerns, including speed management, reported by local communities. The perception of danger in addition to accident rates, can be a legitimate trigger for action and road safety work.

Therefore, the parish council has established the Road Safety Working Group to enable it to undertake this role and duty under the policy. The parish council will refer all concerns from members or the public to the group in the first instance in accordance with the 'Function' as set out below.

Membership	Sufficient councillors to ensure representation from each Ward in the parish.
Objective	To promote, assist and help improve road safety throughout the parish of Oswestry Rural for the benefit of all road users.
Function	To collect and collate complaints and concerns, referred by the parish council, and gather evidence, and relevant information regarding highway safety issues throughout the parish, particularly in relation to matters of vehicular movements e.g. speeding, parking, agricultural traffic, and lighting, signage, drainage, and highway maintenance, to improve road safety to: <ul style="list-style-type: none"> <li>• Reduce the risk of accidents/collisions, casualties/injury/deaths.</li> <li>• Improved driver behaviour.</li> <li>• Increased awareness of safety issues by children with a positive attitude to the effects of speed and road safety.</li> <li>• Less social exclusion for vulnerable road users.</li> <li>• Improved quality of life and perceptions of safety by the local community.</li> </ul>
Authority	Local Government Act 1972, Section 101. The group may devise such internal means of operation as are most suited to its function and may establish a Chair/Convener and any other necessary roles for its members.
Conditions	The parish council's Code of Conduct. Data Protection Act 2018. To report to the parish council on the group's activity, having regard to the advice of the Clerk in relation to Freedom of Information and confidentiality.
Appointment	The working group shall be appointed at the Annual Meeting of the parish council. The working group can be dissolved by the parish council at any time.
Delegation	No delegated authority other than the functions laid out in these Terms of Reference.
Meetings	The working group will meet as often as needed but not less than twice in each council year.

<b>RESPONSIBILITIES</b>	
1.	To take a primary role in filtering and providing key input in terms of understanding road safety concerns, including speed management, reported by local communities.
2.	To promote, assist and help improve road safety throughout the parish of Oswestry Rural for the benefit of road users.
3.	To collect and collate complaints and concerns, referred by the parish council.
4.	To gather evidence, and relevant information regarding highway safety issues throughout the parish of Oswestry Rural, particularly in relation to matters of vehicular movements e.g. parking, agricultural traffic, lighting, signage, drainage, and highway maintenance to improve road safety.
5.	To consider complaints, concerns and evidence and devise with the highway authority and any other relevant body as necessary, measures by which such complaints and concerns may best be mitigated, the cost and means of funding such measures and assessment of the support for such measures, in accordance with the applicable Road Safety Policy of Shropshire Council, West Mercia Police and any other relevant authority.
6.	To submit from time to time, to the parish council, a prioritized and costed programme for measures to address up to FIVE Highway complaints and concerns, for consideration by the parish council and onward submission to Shropshire Council by the end of February May and September in each year.
7.	To advise the parish council of sums thought necessary to be included in the following years' budget for addressing road safety issues and indicate the potential use of CIL funding.
8.	Where measures have been devised, agreed, and put in place to address road safety issues, the group shall work with any other relevant body e.g., Shropshire Council/Safer Roads Partnership, to monitor the effect and success of such measures, and determine if further actions are needed.
9.	To liaise with members of the public and representative groups of members of the public, representatives of Shropshire Council and any other person or body which can further the function of the group.

<i>Adopted:</i>	
<i>Minute no:</i>	





## Oswestry Rural Parish Council

### Trefarclawdd Cemetery Working Group

#### Terms of Reference

##### Preamble

The cemetery comprises three main areas:

1. The existing burial ground.
2. The enclosed land to the east (Coed-Y-Go side).
3. The unenclosed land to the west.

The capacity of the existing burial ground needs to be determined to ensure adequate space for future burials and a ground water survey may be necessary to ensure the land is suitable for burials. The land to the west needs to be enclosed and planning permission for a separate gated access and parking for visitors on land to the west has expired. The working group has been established to explore options for improvements and advise the parish council how these improvements can be brought into fruition.

Membership	4 councillors
Objective	To explore options for improving land at Trefarclawdd cemetery and ensuring adequate burial space for future interments.
Function	To advise the parish council on proposals for short and long-term improvements.
Authority	Local Government Act 1972, Section 101.
Conditions	The parish council's Code of Conduct. Data Protection Act 2018. To report to the parish council on the group's activity, having regard to the advice of the Clerk in relation to Freedom of Information and confidentiality.
Appointment	The working group shall be appointed at the Annual Meeting of the parish council. The working group can be dissolved by the parish council at any time.
Delegation	No delegated authority other than the functions laid out in these Terms of Reference.
Meetings	The working group will meet as often as needed but not less than twice in each council year.

RESPONSIBILITIES	
1.	To liaise with Yareal concerning boundary locations and boundary fencing.
2.	To draw up plans for the installation of a parking area in the new area to the west for visitors, including costs.
3.	To draw up plans for biodiversity and community engagement.
4.	To explore options for use of the spare land to the east until it is needed for burials.
5.	To make recommendations to the parish council.

<i>Adopted:</i>	<i>31 March 2022</i>
<i>Minute no:</i>	<i>1287(a)</i>



## Oswestry Rural Parish Council

15f

### Environment Working Group

#### Terms of Reference

##### Preamble

Local residents have expressed concern about environmental issues such as flooding, slurry disposal, smells, and pollution. Therefore, the purpose of this Working Group is to work with members of the public and appropriate bodies/agencies to resolve issues that have a detrimental impact on the environment.

##### Duty

In pursuance of the Natural Environment and Rural Communities Act 2006 a public authority in England has a duty to have regard to conserving biodiversity as part of its policy or decision making. Conserving biodiversity can include restoring or enhancing a population or habitat. This duty includes identifying ways to integrate biodiversity when the Parish Council:

- Develops policies and strategies and puts them into practice.
- Responds to planning matters.
- Manages its land and property.
- Makes decisions about procurement.

This Working Group will therefore assist in ensuring that the Parish Council commits to its biodiversity duty.

Membership	Number of councillors TO BE AGREED
Objective	To work with local residents and assist them to have their voice heard by those responsible for issues of concern that have a negative impact on the environment and biodiversity.
Function	To collect and collate complaints and concerns expressed by local residents, gather evidence and relevant information regarding environmental issues throughout the parish, particularly in relation to matters that have a negative impact on the local environment and biodiversity such as pollution, flooding, smells, slurry disposal.  To pass on all matters of environmental concern to the appropriate body/organisation responsible for such matters e.g. the Environment Agency, Shropshire Council, police.
Authority	Local Government Act 1972, Section 101.
Conditions	The parish council's Code of Conduct. Data Protection Act 2018. To report to the parish council on the group's activity, having regard to the advice of the Clerk in relation to Freedom of Information and confidentiality.
Appointment	The working group shall be appointed at the Annual Meeting of the parish council. The working group can be dissolved by the Parish Council at any time.
Delegation	No delegated authority other than the functions laid out in these Terms of Reference.
Meetings	The working group will meet as often as needed but not less than twice in each council year.

<b>RESPONSIBILITIES</b>	
1.	To take a primary role in listening to environmental concerns expressed by local communities.
2.	To collect and collate complaints and concerns referred by members of the community.
3.	To gather evidence and relevant information regarding breaches in planning regulations and any action that is harmful or detrimental to the environment or biodiversity.
4.	Where necessary, to liaise with regulatory bodies with a view to resolving any issues reported by members of the community.
5.	To have regard to the Parish Council's duty to have regard for conserving biodiversity.
6.	To report findings and make recommendations to the Parish Council.

<i>Adopted:</i>	
<i>Minute no:</i>	

DRAFT



Oswestry Rural Parish Council

**FUTURE MEETING DATES AND VENUES 2022/2023**

<b>DATE</b>	<b>VENUE</b>
<b>2022</b>	
30 June	Rhydycroesau Village Hall
28 July	Trefonen Village Hall
25 August	Trefonen Village Hall
29 September	Rhydycroesau Village Hall
27 October	Trefonen Village Hall
24 November	Trefonen Village Hall
15 December	Trefonen Village Hall
<b>2023</b>	
26 January	Trefonen Village Hall
23 February	Trefonen Village Hall
30 March	Trefonen Village Hall
13 April Annual Parish Meeting	Trefonen Village Hall
27 April	Trefonen Village Hall
25 May Annual Parish Council Meeting	Trefonen Village Hall

MONTH	MINUTE NUMBER	RESOLUTION/AGREED ACTION	TASK COMPLETE	COMMENTS
<b>2021</b>				
October	1183	Determine the demand, if any, for allotments.	Work in progress	Posters have been provided for notice boards throughout the parish and included on the website. Only one person has expressed an interest at the time of writing.
<b>2022</b>				
February	1259	Arrange for a 'no parking' sign to be installed on Treflach green.	Work in progress	
	1265	Arrange for the parish council's name to be renewed on the notice board at Morda.	Work in progress	
March	1286(b)	Risk assessments to be carried out by councillors as agreed.	Work in progress	
	1295	Write to Shropshire Council and Helen Morgan MP and express the parish council's concerns about potential loss of communication during power outages and request that these concerns be addresses as part of the emergency planning process.	Yes	Helen Morgan MP says "This is an important issue for rural communities and there is a need for the power system to have sufficient resilience in the event of such situations. My Office has been in touch with BT, for example, regarding its planned phasing out of landline communication. In recognition of the resilience issue, BT has put its programme on hold whilst it works to ensure adequate provision is made. Given the concerns of the Parish Council, I have written to the Chief Executive of Shropshire Council to ask what steps it is taking with the utility companies and within its own emergency planning process / response to address the issue". She will report back to the parish council once a response is received.  <a href="#">A further response has been received from Shropshire Council (emailed to councillors 10 May 2022).</a>
	1297	Write to Shropshire Council and ask what improvement and investment plans they have for the service area at Mile End.	Yes	Response received but contains confidential information.
	1299	Write to Shropshire Council and ask how they intend to manage and protect our water courses, write to local MP to ask for assistance in managing local flooding and pollution issues, copy correspondence to the Environment Agency and invite someone from the Environment Agency to attend the Annual Parish Meeting.	Yes	Helen Morgan MP has written to the Chief Executive at Shropshire Council to ask what steps the council is taking to address the concerns of the parish council. She will report back to the parish council once a response has been received.  Tracy Darke at Shropshire Council has informed that that the officer responsible for flooding will provide a response in due course.

MONTH	MINUTE NUMBER	RESOLUTION/AGREED ACTION	TASK COMPLETE	COMMENTS
				CLr. Lezley Picton is liaising with colleagues and will provide an update in due course.
April	1317(b)	Write to Helen Morgan MP and thank her for her responses to the Parish Council's questions.	Yes	Hayley Owen, Growth Programme & Strategy Manager
		Write to Shropshire Council and ask who will take responsibility for the Levelling Up agenda.	Yes	
		Arrange for a meeting with Shropshire Council concerning the maintenance of Spiggots Bridge.	Yes	
	1322(a)	Write to Shropshire Council and ask for a 40mph speed limit at Coed-y-Go.	Yes	Response awaited.
	1322(b)	Invite Cllr. Dean Carroll to attend a meeting with the Road Safety Working Group.	Yes	Response awaited.
	1322(c)	Purchase road safety stickers for local residents to stick on their waste disposal bins.	Yes	
	1322(d)	Ask Shropshire Council for an update on the 30mph speed limit to the north of Back Lane in Maesbury.	Yes	Response awaited.
	1324	Ask Shropshire Council to replace the litter bin at the bus stop in Maesbury Marsh.	No need.	The litter bin was replaced without asking.
	1325	Publish a new page on the Parish Council's website dedicated to road safety.	Yes	Work in progress.

TO NOTE:

- The War Memorial in Maesbury is scheduled to have a new inscription installed July/August 2022.
- New trees have been planted at Trefarclawdd cemetery as part of the [Queen's Green Canopy](#) to commemorate the Queen's Platinum Jubilee. A plaque to mark the occasion is installed next to these trees and notice of the planting has been posted on the Queen's Green Canopy website. The Council has also received a virtual plaque.
- Following the notice of the casual vacancy caused by Cllr. Robert Milton Shropshire Council has confirmed there has not been a request for an election and therefore the vacancy will have to be filled by co-option.
- Morton Playing Field send their sincere thanks for the £1,000 grant they have received from the Parish Council which will give immense support to the community.

**Subject:** Your Queen's Green Canopy submission has been approved!  
**Date:** Thursday, 28 April 2022 at 09:37:50 British Summer Time  
**From:** noreply@outgoingmail.queensgreencanopy.org  
**To:** clerk@oswestyrural-pc.gov.uk  
**Attachments:** qgc-souvenir-square.png

18



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Dear Sharon,

We are delighted to confirm your [Jubilee tree planting](#) has been uploaded to The Queen's Green Canopy (QGC) map.

Please find attached your QGC virtual plaque, which we invite you to share on social media using the hashtag [#QueensGreenCanopy](#) or [#plantatreeforthejubilee](#) to encourage others across the UK to get involved.

Please follow our digital channels on Facebook, Twitter and Instagram where we will be sharing Jubilee tree plantings throughout the official planting season, which is from October to March. With your planting complete, it is important to take care of your trees to give them the best chance of flourishing.

Our Protect page features all the information you need to ensure your planting flourishes.

Thank you for your contribution to this special initiative, which we hope will inspire countless others. With your support we are creating a greener UK and a legacy in honour of The Queen's leadership of the nation, which will benefit future generations.

Yours sincerely,

**The Queen's Green Canopy**

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**YOUR VIRTUAL PLAQUE TO SAVE AND**

## SHARE



Use your 'Save Attachment' facility within your browser/email software to start sharing.

### Follow Us



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Telecom Digital Switchover Session

October 2021

Frequently Asked Questions and Answers.

**Q) In terms resilience for rural locations - I come from a remote location with no mobile signal and variable power supply during winter - so no way of obtaining support / help or otherwise**

A) Cellular back up will only be relevant where there is sufficient mobile signal. For other areas other fixed back up will need to be considered.

**Q) Is there a requirement for a fibre cable to be in a premises, or is it purely an exchange switchover whereby it will run across a copper last mile**

A) IP Voice switch over is not dependent upon a change to Fibre to the Premise (so it can run over a BB line with last mile copper / coax as well as fibre)

**Q) How does an ARC get details of its customers to the CP?**

A) ARCs only currently share their inbound numbers, rather than any customer details (which would give rise to personal data issues). A CP who has sought these numbers can then check if their own customers make outbound calls to these numbers.

**Q) Taking into consideration environmental factors etc. How will this be monitored using the power supply from the pstn connection?**

A) The list we are aware of is even longer and we're working with Ofcom and DCMS to ensure all impacted sectors are identified.

**Q) Communication Providers (BT, Virgin etc.) should pick up the additional and associated costs of SIM technology (which ensures service continuity in the event of a power outage), rather than local authorities or the end telecare customer having to pay more for the same level of telecare service. In Lancashire we have over 15,000 telecare users who will all need a replacement digital hub, the SIM costs alone will be an extra £3/4m a year.**

A) That's an ask ! In all seriousness, it's a case of seeing what is the additional cost (some existing units may continue to work with some CPs etc), and then working out where that lies (supplier, service provider etc).

**Q) How can people in councils find out what the programme is for their local area and which suppliers they need to deal with in their patch?**

A) Roadmap: Each Comms Provider will move customers over on their own timetable. VMO2's plans involve advance notice being sent out to all Local Authorities of any change affecting a post code in a LA area. This is in addition to direct communication to customers. We're looking at how we can make this more visible.

**Q) What are the costs to Local Authorities?**

A) Very low, but for a non-Broadband customer VMO2 will provide a router (at no additional charge) to enable the telephony service.

**Q) What are Open Reach and Virgin doing to work with councils to protect people who are vulnerable?**

A) All Providers have a duty to ensure that vulnerable customers are identified and provided with a back up line to allow at least voice 999 access. Although there is no prescribed "list" of vulnerable customers, VMO2 actively ask customers and have also used calling information where a customer appears to be making calls to ARCs

**Q) Who is supposed to be doing all this work - checking existing devices etc?**

A) The Test Labs offered by VMO2 and other providers are designed to offer free of charge testing for manufacturers and suppliers of services. This should increase information available to LAs as to whether devices have been tested

**Q) Do you (and Openreach, BT) hold a public listing of all those organisations and devices that have tested and their pass/fail status? can this be shared with councils?**

A) We don't and can't pass or fail third party equipment, but do show who has tested (which I think BT do as well), so councils can contact those equipment manufacturers / suppliers to discuss compatibility. The list can be found here <https://www.virginmedia.com/corporate/about-us/ip-voice-lab/ip-voice-lab-who-tested>

**Q) Is there an impact to ADSL and FTTC services which also make a use of copper services?**

A) ADSL and FTTC based broadband services will not be affected by the change in voice technology itself, however, as these are Openreach supplied technologies, I'll defer to John for details of the separate initiative to move to fibre.

**Q) Is it still the case that you can't use extensions into other rooms?**

A) speaking for VMO2 here, so it may vary between different CPs. The IP voice needs to go over the BB line into the home. Currently, extension sockets are only connected to the voice network and not the BB line, so the simplest way of migrating is to ask the customer to plug into the Hub (modem/router) - this would not allow extension sockets to be used. We can rewire the wall socket to enable extension sockets in certain cases.

Expenditure	Budget	Balance	April	Allocated	Unallocated	Neighbourhood
	2022/2023		2022	Reserves	Reserves	Funds
<b>General Administration</b>						
Clerk Salary / Employer NI/ Home Working Allowance	£13,972.00	£12,820.51	£1,151.49			
Stationery	£730.00	£730.00	£0.00			
Postage	£403.00	£392.80	£10.20			
Clerk Travel Costs	£518.00	£482.90	£35.10			
Audit Fee (internal)	£300.00					
Audit Fee (external)	£80.00					
Professional/Legal Fees	£500.00	£500.00	£0.00	£1,000.00		
Insurance	£860.00	£860.00	£0.00			
Meeting Room Hire	£380.00	£363.61	£16.39			
Zoom annual subscription	£120.00					
SALC Subscription	£1,670.00	-£78.08	£1,748.08			
SLCC Subscription	£270.00					
Data Protection	£35.00					
Bank charges	£100.00	£91.50	£8.50			
<b>Communication</b>						
Newsletter and Annual Report	£30.00					
Website	£504.00					
Website and domain name	£49.00					
Notice board maintenance	£400.00					
<b>Training</b>						
Clerk	£600.00					
General (Councillor)	£200.00			£275.00		
<b>Elections</b>	£0.00					
<b>Parish Maintenance</b>						
Street Lights - electricity	£1,065.00	£606.65	£458.35			
Street Lights - repairs	£100.00					

Street Lights - new	£0.00					£2,000.00
Grounds Maintenance - Cemeteries	£3,450.00	£3,186.00	£264.00			
Grounds Maintenance - Green Spaces	£2,205.00	£1,929.00	£276.00			
Donation - Morton closed churchyard	£550.00					
Bus Shelter - cleaning	£1,020.00	£935.00	£85.00			
General Repairs	£1,200.00					
Tree maintenance	£500.00					
Litter picking equipment	£0.00					
Hanging baskets	£0.00					
Dog waste/litter bins	£0.00					
Green spaces and infrastructure	£0.00					
<b>Leisure and Community Development</b>						
Play improvements	£0.00					
Cycling and walking facilities	£0.00					
Cycling and walking promotion	£0.00					
Promotion of meeting facilities	£0.00					
<b>Community Support</b>						
Grants	£3,020.00	£2,020.00	£1,000.00			
Grants LGA 1972 S137						
Tony Cheetham Community Service Award	£55.00					
AED				£400.00		
<b>Highways</b>						
Traffic calming	£0.00			£400.00		
VAS (Treflach)	£0.00					£17,500.00
VAS (Maesbury)	£0.00					£6,500.00
Litter picking equipment	£0.00					£7,500.00
Hanging baskets	£0.00			£100.00		
Play improvements	£0.00			£1,000.00		
Cycling and walking facilities	£0.00					£10,000.00
Cycling and walking promotion	£0.00					£10,000.00
Dog waste/litter bins	£0.00			£5,000.00		

Meeting facilities promotion	£0.00					£3,000.00
Green spaces and infrastructure	£0.00			£2,000.00		
Contingency	£1,000.00					
<b>Net expenditure</b>	<b>£35,886.00</b>		<b>£5,053.11</b>			
<b>VAT</b>			<b>£22.92</b>			
<b>Gross expenditure</b>			<b>£5,076.03</b>			
<b>Income</b>			April			
			2022			
Precept	£33,816.00		£33,816.00			
Cemetery Fees	£2,000.00		£125.00			
Interest	£20.00		£10.06			
Donations	£50.00					
Grants received						
Other						
<b>Sub total</b>	<b>£35,886.00</b>		<b>£33,951.06</b>			
Neighbourhood Fund			£5,471.14			
<b>Total net income</b>	<b>£35,886.00</b>					
VAT refunds			£0.00			
<b>Total income received</b>	<b>£35,886.00</b>		<b>£39,422.20</b>			
<b>RESERVES</b>						
Neighbourhood Fund Projects						
Neighbourhood Funds					£79,514.00	£56,500.00
General reserves				£10,175.00	£102,426.00	
<b>TOTAL RESERVES 31 March 2022</b>				<b>£248,615.00</b>		

Year to date balances:

MONTH	EXPENDITURE	INCOME	BALANCE
	£	£	£
31-Mar-22			253214.88
<b>2022</b>			
April	-5076.03	39,422.20	287561.05
May			
June			
July			
August			
September			
October			
November			
December			
<b>2023</b>			
January			
February			
March			
<b>BALANCE</b>	<b>-5076.03</b>	<b>39,422.20</b>	

Bank balance as at 30 April 2022:

Current account 10649120	3469.75
Deposit account 11313924	258805.71
Reserve account 21514768	285.59
PSDF	25000.00
	<u>287561.05</u>



# Annual Governance and Accountability Return 2021/22 Form 3

To be completed by Local Councils, Internal Drainage Boards and other Smaller Authorities\*:

- where the higher of gross income or gross expenditure exceeded £25,000 but did not exceed £6.5 million; or
- where the higher of gross income or gross expenditure was £25,000 or less but that:
  - are unable to certify themselves as exempt (fee payable); or
  - have requested a limited assurance review (fee payable)

## Guidance notes on completing Form 3 of the Annual Governance and Accountability Return 2021/22

1. Every smaller authority in England that either received gross income or incurred gross expenditure exceeding £25,000 **must** complete Form 3 of the Annual Governance and Accountability Return at the end of each financial year in accordance with *Proper Practices*.
2. The Annual Governance and Accountability Return is made up of three parts, pages 3 to 6:
  - The Annual Internal Audit Report **must** be completed by the authority's internal auditor.
  - **Sections 1 and 2** **must** be completed and approved by the authority.
  - **Section 3** is completed by the external auditor and will be returned to the authority.
3. The authority **must** approve Section 1, Annual Governance Statement, before approving Section 2, Accounting Statements, and both **must** be approved and published on the authority website/webpage **before 1 July 2022**.
4. An authority with either gross income or gross expenditure exceeding £25,000 or an authority with neither income nor expenditure exceeding £25,000, but which is unable to certify itself as exempt, or is requesting a limited assurance review, **must** return to the external auditor by email or post (not both) **no later than 30 June 2022**. Reminder letters will incur a charge of £40 +VAT:
  - the Annual Governance and Accountability Return Sections 1 and 2, together with
  - a bank reconciliation as at 31 March 2022
  - an explanation of any significant year on year variances in the accounting statements
  - notification of the commencement date of the period for the exercise of public rights
  - Annual Internal Audit Report 2021/22

Unless requested, do not send any additional documents to your external auditor. Your external auditor will ask for any additional documents needed.

Once the external auditor has completed the limited assurance review and is able to give an opinion, the Annual Governance and Accountability **Section 1, Section 2 and Section 3 – External Auditor Report and Certificate** will be returned to the authority by email or post.

## Publication Requirements

Under the Accounts and Audit Regulations 2015, authorities must publish the following information on the authority website/webpage:

Before 1 July 2022 authorities **must** publish:

- Notice of the period for the exercise of public rights and a declaration that the accounting statements are as yet unaudited;
- **Section 1 - Annual Governance Statement 2021/22**, approved and signed, page 4
- **Section 2 - Accounting Statements 2021/22**, approved and signed, page 5

Not later than 30 September 2022 authorities **must** publish:

- Notice of conclusion of audit
- **Section 3 - External Auditor Report and Certificate**
- **Sections 1 and 2 of AGAR** including any amendments as a result of the limited assurance review.

It is recommended as best practice, to avoid any potential confusion by local electors and interested parties, that you also publish the Annual Internal Audit Report, page 3.

The Annual Governance and Accountability Return constitutes the annual return referred to in the Accounts and Audit Regulations 2015. Throughout, the words 'external auditor' have the same meaning as the words 'local auditor' in the Accounts and Audit Regulations 2015.

\*for a complete list of bodies that may be smaller authorities refer to schedule 2 to the Local Audit and Accountability Act 2014.



## Annual Internal Audit Report 2021/22

OSWESTRY RURAL PARISH COUNCIL

www.oswestryrural-pc.gov.uk

During the financial year ended 31 March 2022, this authority's internal auditor acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with the relevant procedures and controls in operation and obtained appropriate evidence from the authority.

The internal audit for 2021/22 has been carried out in accordance with this authority's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of this authority.

Internal control objective	Yes	No*	Not covered**
A. Appropriate accounting records have been properly kept throughout the financial year.	✓		
B. This authority complied with its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	✓		
C. This authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	✓		
D. The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	✓		
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.	✓		
G. Salaries to employees and allowances to members were paid in accordance with this authority's approvals, and PAYE and NI requirements were properly applied.	✓		
H. Asset and investments registers were complete and accurate and properly maintained.	✓		
I. Periodic bank account reconciliations were properly carried out during the year.	✓		
J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.	✓		
K. If the authority certified itself as exempt from a limited assurance review in 2020/21, it met the exemption criteria and correctly declared itself exempt. (If the authority had a limited assurance review of its 2020/21 AGAR tick "not covered")	✓		
L. The authority publishes information on a free to access website/webpage up to date at the time of the internal audit in accordance with any relevant transparency code requirements	✓		
M. The authority, during the previous year (2020-21) correctly provided for the period for the exercise of public rights as required by the Accounts and Audit Regulations (evidenced by the notice published on the website and/or authority approved minutes confirming the dates set).	✓		
N. The authority has complied with the publication requirements for 2020/21 AGAR (see AGAR Page 1 Guidance Notes).	✓		
<b>O. (For local councils only)</b> Trust funds (including charitable) – The council met its responsibilities as a trustee.	Yes	No	Not applicable
			✓

For any other risk areas identified by this authority adequate controls existed (list any other risk areas on separate sheets if needed).

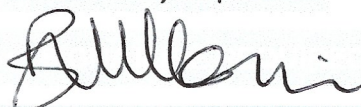
Date(s) internal audit undertaken

19/04/2022 22/04/2022 03/05/2022

Name of person who carried out the internal audit

BERNARD MORRIS

Signature of person who carried out the internal audit



Date

03/05/2022

\*If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

\*\*Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned; or, if coverage is not required, the annual internal audit report must explain why not (add separate sheets if needed).



## Section 1 – Annual Governance Statement 2021/22

We acknowledge as the members of:

OSWESTRY RURAL PARISH 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 2022, that:

	Agreed		
	Yes	No*	
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.			<i>prepared its accounting statements in accordance with the Accounts and Audit Regulations.</i>
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.			<i>made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.</i>
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.			<i>has only done what it has the legal power to do and has complied with Proper Practices in doing so.</i>
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.			<i>during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.</i>
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.			<i>considered and documented the financial and other risks it faces and dealt with them properly.</i>
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.			<i>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.</i>
7. We took appropriate action on all matters raised in reports from internal and external audit.			<i>responded to matters brought to its attention by internal and external audit.</i>
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.			<i>disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.</i>
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
			<i>has met all of its responsibilities where, as a body corporate, it is a sole managing trustee of a local trust or trusts.</i>

\*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:

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

and recorded as minute reference:

Chairman

Clerk

# Report to Oswestry Rural Parish Council

## Report of the Internal Auditor in relation to the 2021/22 Financial Accounts

### Introduction

I have been appointed as Auditor for the Council for the third Year.

### Comments

I have reviewed the Annual Governance Statement and supporting information.

I have reviewed the monitoring processes in place.

I have requested a sample of invoices and reviewed those invoices.

I have reviewed the Asset Register.

### Conclusion

I found all the information presented to me to be accurate and correct. I found nothing that caused any concerns other than the amount of money held with HSBC Bank, the Financial Services Compensation Scheme on protects up to £85,000 per institution, the Council should consider how best to mitigate these risks.

The accounts present a true and fair view of the financial position authority.

In relation to reserves I recommend that between 3 months and 6 months of expenditure are held in general reserves to provide cover for any unforeseen eventualities. In the current climate I would err towards 6 months. The only other reserves kept should be to cover any specific items of expenditure or projects.

Bernard Michael Morris BA, CPFA.



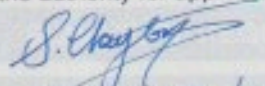
## Section 2 – Accounting Statements 2021/22 for

## OSWESTRY RURAL PARISH COUNCIL

	Year ending		Notes and guidance	
	31 March 2021 £	31 March 2022 £		
1. Balances brought forward	135660	178834	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	45583	35114	Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.	
3. (+) Total other receipts	55603	53006	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	12895	13588	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	20117	25151	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	203834	228215	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	203834	228215	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – <b>To agree with bank reconciliation.</b>	
9. Total fixed assets plus long term investments and assets	17068	39718	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	N/A	The Council, as a body corporate, acts as sole trustee for and is responsible for managing Trust funds or assets.
			X	N.B. The figures in the accounting statements above do not include any Trust transactions.

I certify that for the year ended 31 March 2022 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



Date

16/05/2022

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

as recorded in minute reference:

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



# Oswestry Rural Parish Council

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## ANNUAL REPORT 2021/2022

### Chairman's Report

Following local elections in May 2021, we found ourselves short of six councillors since some decided not to stand for another term. I should like to take this opportunity to thank them for the service they gave to the community during their time as councillors and wish them well in their future endeavours.

Due to the coronavirus still being a problem at that time and having to return to face-to-face meetings after holding virtual meetings for over 12 months, it was June before we co-opted six councillors to make up our team of 15. Unfortunately, soon afterwards we suffered a further loss following the sudden and sad death of Tony Milner who passed away on 21 August 2021. Tony had represented the Maesbury with Aston ward for 8 years having joined the council in July 2013. We have to thank Tony for being instrumental in assisting the parish council to have Spiggots Bridge at Coed-y-Rae Lane in Maesbury awarded Listed Building Grade II status in July 2020. The vacancy caused by his passing has now been filled.

Due to the introduction of the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations in 2018 we decided to have a new website which conforms to these regulations. The changeover from our old website to the new one is now complete, and it is constantly being updated and reviewed so that information is current and relevant.

The council has established two working groups, the Road Safety Working Group and the Trefarclawdd Cemetery Working Group. The Road Safety Working Group is responsible for dealing with road safety issues and over the past year has been working closely with residents at Coed-Y-Go and Shropshire Council in an attempt to introduce a speed limit as the road through this hamlet is very narrow. The Trefarclawdd Cemetery Working Group is exploring options for improving the cemetery and ensuring there is adequate burial space for future interments.

Whilst the council cannot lawfully hold virtual meetings and is now meeting face-to-face, we are trialling hybrid meetings so that members of the public can watch our deliberations on Zoom. However, those who are not able to attend our meetings, either in person or on Zoom, can read the minutes from our meetings which are always published on our website.

I will close this year's report by thanking my fellow councillors for their commitment and dedication in making decisions that benefit our local community and I look forward to seeing the council's ambitions come into fruition.

*Cllr. Paul Milner  
Chairman May 2021 to May 2022*

## Budget 2021/2022

The budget for the last fiscal year was £36,244 and the precept was £35,114. Total gross expenditure was £38,739 and income received was £53,007 including £44,330 in Neighbourhood Funds from Shropshire Council which can be spent anywhere in the parish to improve the locality.

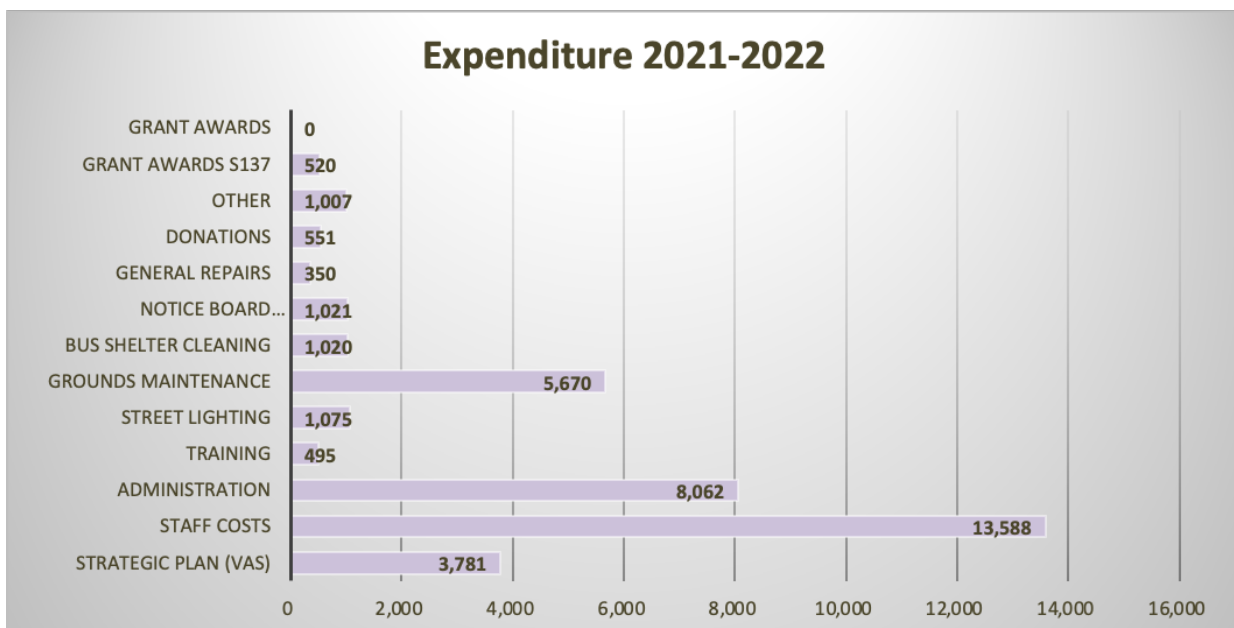
Balances at 31 March 2022 were £253,215. These balances are held in reserves as follows:

- ❖ Neighbourhood Fund reserves - £146,485
- ❖ Allocated general reserves - £9,775
- ❖ Unallocated general reserves - £96,955

£61,500 of Neighbourhood Funds is allocated for various projects and £84,985 is unallocated.

The chart below shows our net expenditure from 1 April 2021 to 31 March 2022.

Further information is available on our [website](#) or by application to the Clerk.



During the year we gave a grant of £500 to QUBE, a voluntary organisation that provides hot meals for vulnerable members of the community. Last year they were particularly busy providing a service that had been reduced following the closure of day centres due to COVID. This award was made in pursuance of the Local Government Act 1972, S137, which gives the Parish Council power to award funds to worthy causes and voluntary organisations.



## Oswestry Rural Parish Council

### Road Safety Group Report to Council May 2022

Following the April Council Meeting the RSG was convened using Zoom 9<sup>th</sup> May 2022 at 2.00pm

Present: Cllrs M Bennett, R Kimber, R Jones, and S Watts.

#### Coed-y-Go

The group expressed its disappointment at the response from Shropshire Council from Sarah Cosgrove and Mark Barrow.

The group agreed that following this response, the Council's preferred route of requesting a 40mph speed limit for the road from Morda, through Coed-y-Go to the Trefonen road, be adopted as the immediate objective. While speed limits are part of any solution, other initiatives are dependent on a speed limit being in effect. When achieved this would allow further initiatives, such as community speed watch, and signage to be pursued.

In furtherance of this aim, the group would request the Council to make an additional response to Shropshire, and that Cllr. Dean Carroll be advised that:

- in the email from Sarah Cosgrove dated 1<sup>st</sup> April 2022, to the Clerk in respect of DfT guidance and advice, that these are guidance only, and nationally, are applied at the discretion of the Local Authority.
- Shropshire Council is reminded of its own policy (March 2013) which states that *perception of danger [in addition to accident rates] can be a legitimate trigger for action and as such potential road safety work may also be generated by concerns reported by local communities.*
- the group had requested the data on traffic flows and to date had not received it. The group's opinion was that the figures quoted did not allow for the effect of the many tractors using the road which would artificially depress the overall result. The Group again request the information and would also wish to have a further meeting with Shropshire Council following their analysis of the data.
- The email refers to *other factors that need to be considered when deciding what is an appropriate speed limit for a particular section of road. These include history of collisions, road geometry, road function, composition of road users, existing traffic speeds and road environment.*

The group considers that the nature of the road, i.e.

- the lack of street lighting,
- the number of children and adult walkers using the route to access the school, and other facilities such as the shop or 'bus services,
- the narrowness of the roadway which is forcing the erosion of verges as traffic attempts to pass in two directions, and the actions of Shropshire Highways in

*increasing* the width of the road where once there were verges, further reducing the safety of walkers and pedestrians.

the lack of any footpath, which together with the destruction of the verges, and lack of footpath, means there is no refuge to provide a means of avoiding traffic at speeds of up to 60mph

combined with the

direct access from private homes onto the road, should warrant action.

- The group also point to the amount of traffic. 800 vehicle movements would seem excessive, without considering the location of the road in respect of providing access for traffic to and from Trefonen to Morda and then on to Shrewsbury and other destinations, avoiding having to pass through Oswestry Town.

- The response cited DfT guidance on the definition of a village.

*On the basis of the minimum number of houses and length of speed limit, an average density of at least 3 houses per 100 metres over the extent of the 30mph speed limit is recommended. This minimum density should also generally apply for each 100 metre section, but particularly for the first 100 metres of the speed limit at each end of the village, to reinforce the visual message to drivers. Coed Y Go does not seem to fall within this category.*

Shropshire Council is reminded that parts of Weston Road do not satisfy this criterion and that leaving Weston and approaching the Industrial Estate there are no houses, yet this road has a 30mph speed limit. The group would wish to know why this is so.

- The email asserts that while a 40mph speed limit could be considered, budgetary issues would impact. The group would request clarification on why this is so and what ORPC might be able to do to assist.

### **Maesbury – 30mph extension**

The group considered the issues raised by Cllr Richardson regarding the extension of the 30mph zone which starts just before the bend leading to the nursery school and cross roads in Maesbury to 180m to the north side of Back Lane so that it can slow the traffic where there are walkers to and from the Fairhaven Camp site.

The group considered that this should be supported in the interests of both walkers and drivers, and as an addition message to drivers. This should not present Shropshire Council with an issue given the Weston Road example.

### **Potholes**

The group considered the issue raised by Cllr Jones at the last ORPC meeting. An email had been received about a public meeting Shropshire Council had held in the Clun area, and agreed that since the matter of potholes was one affecting a wider community, that the Area Committee should be asked to facilitate a meeting to question and challenge Shropshire Council in respect of its road

maintenance. Examples cited of potholes being repeatedly repaired, rather than comprehensively managed and eliminated.

#### **Morton – Speed Limit.**

The group considered previous approach in respect of Morton. A meeting had been requested previously but it was unknown if this had been achieved. Cllr Bennett would make an approach. Given the nature of the area, it was likely that some collaboration with Llanyblodwell PC would be necessary.

#### **Police Enquiry**

In response to enquiry from the police over areas associated with speeding and ASB, the Group would recommend the Council to highlight Coed-y-Go and Treflach where the Council was facilitating VAS. In respect of ASB this was outside the remit of the Group, but it was felt that Morda was a possibility for attention.



## Cemetery Group Meeting 4 April & 10 May 2022

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- 1 The group (Chris Woods, Roger Jones, Steve Watts and Mike Weston) met on Monday 4<sup>th</sup> April and Tuesday 10<sup>th</sup> May at the cemetery.
  - i. The group discussed, agreed and took the following next steps
- 2 Ground Plans
  - i. Steve Watts reviewed and represented the two outline visuals covering the two areas of land
  - ii. See attachments
- 3 Funeral Director
  - i. Chris Woods contacted and held a site meeting with local undertaker Gary Ellis
  - ii. They discussed our outline plans to consider access and workability from Funeral Directors point of view
  - iii. GE broadly agreed the plans were good & workable
  - iv. He made further suggestions
    1. It would be even more helpful to widen the existing entrance as it is difficult getting vehicles and machinery in when digging graves as well as being tight for the hearse
    2. The need to move some existing trees before they get too big as they have been put in a place on the left of the current graves and will hamper further access to burials.
    3. He also said that a couple of the existing paths between graves have caused difficulties in regards to having enough space for burials due to the increased number of people and the size of equipment used to support the grave sides when digging.
    4. He suggested any future burial spaces outside of the current main cemetery do not need to have the ground consecrated as many people now don't want to be buried or have their ashes placed in consecrated ground! Apparently those that do simply get the Vicar to bless the grave during the service and that covers it.
    5. The soil pile is needed to top up graves as they sink (One local cemetery had wanted to take all the soil away from site but realised they would then have to bring soil back in at further cost to use it for topping up after sinkage) He said a couple of local cemeteries simply moved the soil to a pile away from the main burial area and screened it off with hedging or fencing.
- 4 Shropshire Planning
  - i. Roger Jones made contact with objective to arrange meeting to discuss outline plans in order to determine next required steps

- ii. Roger Jones contacted Joyce Barrow who supplied contact names and details
- iii. Roger Jones wrote to these contacts
- iv. Roger Jones was subsequently advised to and made appointment with Phillip Mullineaux at the cemetery
- v. Meeting took place on 10 May 2022
  - 1. PM was appraised of ORPC's two ideas for future use of land
  - 2. PM advised that he broadly approved of both suggestions
  - 3. Next steps are
    - a. To contact Mark Wooten of the Highways Dept at Shropshire council to arrange site visit to assess desired access point to/from Trefonen Road for allotment area
    - b. Contact Tracey Witkiss to discuss validation
    - c. Commence two separate planning applications, one for each area of the cemetery land

## 5 Yareal

- i. Mike Weston liaised with Yareal regarding dates of on-site meeting to agree boundary line and fencing arrangements
- ii. Mike Weston wrote to Yareal to request information on dates when the field was to be grass seeded after which a site meeting will be arranged to determine the boundaries
- iii. The field has now been ploughed and tilled
- iv. Yareal have been contacted to make on-site appointment
- v. Chris Woods suggested that we could approach Yareal about a possible sharing of their field access gate from Trefonen Road to provide access to a small fenced and gated area in the proposed allotment area. This would negate the need for permission for a new access

## 6 Next Major Steps

- i. Progress planning discussions
- ii. Meet with Yareal
- iii. Obtain quotes



Oswestry Rural Parish

Council

## HEALTH AND SAFETY POLICY

### General Statement of Intent

Oswestry Rural Parish Council recognise and accepts its responsibilities as an employer and is committed to providing a safe and healthy working environment for all employees, contractors, voluntary helpers, members of the parish and others who may be affected by the activities of the council. It will, so far as is reasonably practicable, establish necessary procedures and systems to implement this policy and provide the resources to fulfil this commitment. It will also ensure that all relevant statutory duties and obligations are satisfied, including those duties set out in the Health and Safety at Work etc. Act 1974 and other relevant legislation.

If considered appropriate, the council will seek expert technical advice on Health and Safety to assist the Safety Officer in fulfilling the council's responsibilities for ensuring safe working conditions. Arrangements will be put in place to review and report on Health and Safety matters to include risk assessment of work and activities carried out by the council or areas/premises for which the council is responsible. The council will also ensure that sufficient information and instruction is provided for employees, contractors and voluntary helpers in order for them to carry out their roles safely.

### Organisation, arrangements and responsibilities for carrying out the Health and Safety Policy.

**Oswestry Rural Parish Council** has overall responsibility for health and safety. Its role is to:

- a) Be aware of the requirements of the Health and Safety at Work Act 1974 and other Regulations relevant to the activities of the council.
- b) Implement its Health and Safety Policy.
- c) Ensure that sound working practices are continuously observed.
- d) Set a personal example in all matters relating to health and safety.

**The Council's Safety Officer** is the clerk. The clerk's responsibility is:

- a) To oversee, implement and monitor this policy.
- b) The preparation of risk assessments.
- c) The provision of information, instruction, supervision and training in relation to specific areas of expertise.
- d) The investigation of accidents and incidents and maintenance of safety records.
- e) When an accident or hazardous incident occurs, take immediate action to prevent a recurrence or further accident and to complete the necessary accident reporting procedure.
- f) Act as the contact and liaison point for the Health and Safety Inspectorate.
- g) Advise the council on resources and arrangements necessary to fulfil the council's responsibilities.
- h) Ensure that health and safety concerns are brought to the attention of the parish council.

- i) Request that contractors supply a written method statement prior to starting major works.
- j) Make effective arrangements to ensure contractors or voluntary helpers working for the council comply with all reasonable health and safety at work requirements.
- k) Ensure all contractors are given a copy of the council's Health and Safety at Work Policy.
- l) Ensure that work activities by the council do not unreasonably jeopardise the health and safety of members of the public.
- m) Liaise with the council's insurers and ensure the council is appropriately insured and/or indemnified.
- n) As far as is reasonably practicable, keep up to date with Health and Safety legislation.

**Employees and voluntary workers** have a responsibility to ensure that:

- a) They take reasonable care for their own health and safety and also that of any other person(s) who may be affected by his or her acts or omissions.
- b) All prospective hazards should be reported to the clerk for action.

**The clerk** when working from home should not allow members of the public to visit. Alternative arrangements should be made to meet at an agreed venue at which at least one other councillor is in attendance.

**Volunteers with appropriate experience;**

- a) may carry out less hazardous work and will be covered by the parish council's insurance but only if they are working at the sole request of and under the sole control of the parish council.
- b) Where tools are required they must belong to the parish council or be on hire from a bona fide company. Volunteers using their own tools should have the parish council's consent to use them and if requested provide evidence of certification and competency training. Volunteers using their own tools in these circumstances are not covered under the parish council's insurance for loss or damage.
- c) Volunteers must use appropriate footwear and, if necessary, wear safety goggles. Volunteers must not work at height using long ladders unless they have had appropriate ladder training and are accompanied by a competent person.

**Contractors** have a responsibility to:

- a) Fully co-operate with the aims and requirements of this Health and Safety at Work Policy and comply with respective Codes of Practice, risk assessments, method statements and work instructions.
- b) Confirm that they have their own health and safety policy in place.
- c) Provide evidence of their own public liability insurance cover including details of insurer, policy number and expiry date.
- d) Take reasonable care for their own health and safety to use appropriate personal protective clothing and, where appropriate, ensure that appropriate first aid materials are available.
- e) Take reasonable care for the health and safety of other people who may be affected by their activities.
- f) Provide evidence of being sufficiently competent to carry out their work.
- g) Confirm that they will not work alone on ladders at height.
- h) Ensure all plant and equipment brought onto site is safe and in good working condition, fitted with necessary guards and safety devices and with any necessary certification being made available for inspection prior to use.
- i) Ensure all power tools or electrical equipment, transformers, generators, extension leads, plugs and sockets comply with the latest British Standards for industrial use and

are in good condition. Any such equipment must be suitably certified and with all relevant documentation being made ready for inspection as required.

- j) Not intentionally interfere with or remove safety guards, safety devices or other equipment provided for health and safety.
- k) Not misuse any plant, equipment tools or materials so as to cause risks to health and safety.
- l) Report any accidents or hazardous incidents to the clerk or other responsible person.

#### **Before contracted work commences:**

- a) The contractor must provide Method Statements to the clerk for all high-risk activities showing details of how the site/work will be controlled to ensure the safety of the public and the length of time the job is likely to take.
- b) An analysis of risks associated with any substance, process or work activity that may be considered hazardous to health and safety must be handed to the the clerk before work commences.
- c) The clerk or other appropriate person, will check with contractors, including self-employed persons, that the contract is clear and understood by the contractors and carrying out work for the parish council.
- d) The Clerk, or other appropriate person, will make the contractor aware of any hazards that might be present but not obvious, for example, electricity cables, gas pipes, water pipes.

## **Risk Assessment**

Risk assessments will be carried out for potential hazards identified and held with this policy. Copies of risk assessments will be displayed in appropriate areas. Where necessary a point of work risk assessment will be conducted for any work activity not already covered or where an unforeseen hazard is identified.

## **Reporting of accidents, diseases and dangerous occurrences**

The clerk, or other responsible person, will be responsible for reporting accidents. The current regulations governing the notification and recording of accidents are the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995. These regulations require that certain prescribed events, injuries and diseases be formally reported. In the event of an accident resulting in injury, a report will be drawn up by the appropriate person detailing:

- The circumstances of the accident including photographs and diagrams wherever possible.
- The nature and severity of the injury sustained.
- The identity of any eye witnesses.
- The time, date and location of the incident.
- The date of the report.

All eyewitness accounts will be collected as near to the time of the accident as is reasonably practicable.

## **Training**

Where considered appropriate by the council basic awareness training will be considered for any person with specific health and safety responsibilities.

## Review of the Health and Safety Policy

There will be an annual review of this Health and Safety Policy and risk assessments to ensure their continued validity.

*Policy adopted: 27 October 2015*

*Last reviewed: 29 October 2019*

*Next review date: October 2020*

*This is the Parish Council's current policy*



## Oswestry Rural Parish Council

# HEALTH AND SAFETY POLICY

### General Statement of Intent

Oswestry Rural Parish Council recognises its statutory duty and obligation **under** the Health and Safety at Work etc. Act 1974 and other relevant legislation which **provides the framework for setting Health and Safety objectives.**

The council will manage health and safety in accordance with this policy and will do, **so far as is** reasonably practicable:

- **to safeguard the health, safety and welfare of employees, volunteers, visitors and anyone who may be affected by its activities and,**
- **to manage risk with the aim of averting injury and/or ill-health.**

### Statement of General Policy

The council will always seek to ensure safe working conditions. Health and safety matters, including **relevant** risk assessments, which will be **undertaken** and reviewed **as and when appropriate.**

The objectives of this Health and Safety Policy are to:

- **Commit to fulfil legal obligations and other requirements.**
- ~~Provide adequate control of the health and safety risks associated with the council's activities.~~
- Prevent **injury** and ~~cases of~~ work-related ill health.
- **Provide the control and management of** health and safety risks ~~in the workplace~~ **for work relating to council activities.**
- Provide adequate training **and** ensure employees, **and those working on behalf of the council,** are competent to do their work. (**Competency = qualifications and experience**).
- Provide, **and communicate,** sufficient information, instruction, and supervision in health and safety as far as is reasonably practicable.
- Provide **training and the provision of** personal protective equipment, where **required.**
- Consult with employees on matters affecting their health, safety **and welfare.**
- Provide and maintain safe **plant and** equipment.
- Ensure safe handling and use of substances **hazardous to health.**
- Maintain safe and healthy working conditions.
- Ensure emergency procedures are **available, understood and** followed.
- Review and revise this policy at least annually.

### Organisational Responsibility

The Parish Council has overall responsibility for health and safety for all council activities. The Council's safety officer is the Clerk who is responsible for:

- Provision **and management of all** risk **and risk** assessments.
- Provision **and communication** of health and safety guidance.
- Investigation and recording of accidents/incidents **and near misses.**
- ~~Risk management.~~
- Providing all contractors with a copy of this policy **and ensure they understand and will comply with the policy.**

- Ensuring the council has adequate insurance in place.
- Keeping up to date with, **and remain compliant to current** health, safety **and applicable** legislation ~~and regulations.~~
- Implementation and review of this policy.

All prospective hazards should be reported to the Clerk for action.

The Clerk will work in accordance with the Council's Lone Working Policy **explain!!**.

### Contractors' Responsibility

Contractors working for the council should:

- Adhere to the Health and Safety at Work etc. Act 1974 and other relevant legislation.
- Provide evidence of their current public liability insurance.
- **Provide evidence of their competency to undertake the work agreed.**
- Report any accidents, hazardous incidents **or near misses** to the Clerk.

### Risk Assessment

The council will carry out risk assessments as ~~necessary~~ **required**.

**Where required, the council will communicate the risk to those who may be affected by the work and, ensure that all risk assessments are suitable and sufficient for the work undertaken.**

### RIDDOR Reporting

The RIDDOR Regulations 2013 (Reporting of Accidents, Diseases and Dangerous Occurrences) require that certain prescribed events, injuries and diseases are formally reported, and the Clerk is responsible for this.

Reporting will be in accordance with Accident Book BL510 (2018) to comply with the RIDDOR Regulations.

The RIDDOR report will, **as a minimum**, record:

- The time, date and location of the incident.
- The circumstances of the accident including photographs and diagrams where possible.
- The nature and severity of the injury sustained.
- Eyewitness **statements**.
- **Description of any resolution and its effectiveness.**
- The date of the report.

**Amendments/additions in red.**

<i>Policy adopted:</i>	<i>27 October 2017</i>
<i>Last reviewed:</i>	<i>29 October 2019</i>
<i>Reviewed:</i>	<i>26 May 2022</i>
<i>Next review date:</i>	<i>March 2023</i>



## Draft housing allocations policy for consultation May 2022

### 1. Introduction

- 1.1 This Housing Allocation Policy and Scheme applies to the Shropshire Council unitary local authority area. References to Shropshire and the Council refer to the unitary local authority of Shropshire.
- 1.2 This document sets out Shropshire Council's Policy for applications to the Housing Register; the allocation of the housing stock owned by the Council, which is managed by its Arm's Length Management Organisation (ALMO), Shropshire Towns and Rural (STAR) Housing; and nominations to housing associations registered with the Regulator of Social Housing (for social and affordable rented and low cost home ownership<sup>1</sup> properties) and to private landlords.
- 1.3 Officers act under delegated powers in accordance with this policy. All allocations and nominations are made from the Housing Register.

### 2. Aims of the Allocation Policy and Scheme

- 2.1 In Shropshire the demand for affordable housing exceeds available supply. Therefore, this housing allocation policy and scheme seeks to meet the following aims:
  - Ensure people in the greatest housing need have the greatest opportunity to access suitable housing that best meets their needs;
  - To prevent and relieve homelessness;
  - To make best use of the Council's and housing association stock;
  - To help the Council meet statutory and strategic aims;
  - To help contribute to the development of sustainable communities; and
  - To allow for the greatest degree of choice possible in the allocation of affordable housing.
- 2.2 Whilst this Policy is intended to be comprehensive, the Council recognises that it is not possible to cover every eventuality. In special cases with exceptional needs, the Council has the discretion to award additional priority and approve offers of accommodation taking into consideration all factors relevant to the application.

### 3. Eligibility

- 3.1 Applicants ineligible under Government regulations will not be eligible to be accepted onto the Housing Register. Eligibility is a question of immigration status. The rules regarding eligibility are complex and subject to regular

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<sup>1</sup> With the exception of Homes England grant funded shared ownership properties on non-exception sites

changes in immigration law. Applicants who are not British citizens can request further information from the Council before making an application.

- 3.2 Any applicant who has been excluded from the Housing Register on the grounds of ineligibility will be given written notice of the decision and the reasons for it and advise of their right of appeal (see section 40).

#### **4. Qualification Criteria**

- 4.1 The Council will usually only accept applications to the Housing Register who are in housing need. Housing need qualifying criteria is set out in Bands 1 to 6 in Appendix A.

##### ***Local connection***

- 4.2 The Council will usually only accept applications to the Housing Register from an applicant with a local connection to the Shropshire Council area. Local connection means that the applicant or a person who might reasonably be expected to reside with them either:

- Is normally resident within the local authority area of Shropshire; or
- Has a local connection with the area by virtue of family association or secure employment.

- 4.3 Normally resident means resident in accommodation for a period of at least one year immediately prior to an application being made. This does not include being detained in prison or resident in a bail hostel. Persons occupying holiday or other temporary accommodation (for example, hospital or student housing) are not considered as normally resident unless they can demonstrate that this has been their sole or main home for a period of at least five years.

- 4.4 Family association normally means that the applicant has parents, grandparents, adult children, grandchildren, a brother or a sister currently living in Shropshire and has been normally resident within Shropshire for at least five years. In exceptional circumstances and where support is required family association may include extended family, each case will be determined on its own merits. Applicants will be required to provide proof of local connection by virtue of family association.

- 4.5 Secure employment means the employment or self-employment of the applicant or an adult member of the household for at least one year's duration and at least 20 hours per week. Where this employment has been for less than one year at the time of application or is on a zero-hour contract, evidence will be required to confirm the nature of the employment.

- 4.6 Local connection requirements will not apply to the following applicants:

- members of the Armed Forces and former Service personnel, where the application is made within five years of discharge;

- bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner;
- serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service;
- existing social housing tenants in England who have a reasonable preference because of a need to move to Shropshire to avoid hardship and if they work or have been offered work in Shropshire and have a genuine intention to take up that offer;
- persons who need to move from another local authority area to escape domestic abuse; and
- persons who need to move from another local authority area to escape other forms of violence or harm.

### ***Unacceptable behaviour***

4.7 Applicants will not be accepted on to the Housing Register where it is decided that the applicant, or a member of the household with whom the applicant would usually reside, has behaved unacceptably.

4.8 Examples of unacceptable behaviour could include:

- Significant<sup>2</sup> rent or mortgage arrears or breach of tenancy obligations where no attempt is being made to repay the debt or remedy the breach;
- Cautioned or convicted of a nuisance, anti-social or violent offence;
- Subject to an injunction under the Anti-social Behaviour, Crime and Policing Act 2014 or an Anti-Social Behaviour Order (ASBO) or equivalent;
- Conduct likely to cause serious nuisance, annoyance or harassment to neighbours;
- Using accommodation or allowing it to be used for immoral or illegal purposes;
- Fraudulent or duplicitous behaviour to obtain accommodation;
- Serious damage to or neglect of a property by the tenant or other occupants; or
- Committing violent or anti-social behaviour, or domestic, racist or other abuse.

4.9 Cases will be considered on an individual basis. The following criteria will be applied in determining whether an applicant (this includes existing Council tenants) is excluded from being able to go on the Housing Register for re-housing because of their unacceptable behaviour:

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<sup>2</sup> For example, those with amounts exceeding £1,000 may be disqualified from the Housing Register until the amount has been reduced to below £1,000 or consecutive payments for 26 weeks have been made, unless there are agreed extenuating special circumstances.

- There must be reliable evidence of unacceptable behaviour;
- In normal circumstances the behaviour concerned should have occurred within the last two years. In cases of a more serious nature, for example those involving criminal prosecution, a longer timescale may be appropriate; and
- There must be reasonable grounds for believing that the behaviour could continue or be repeated. For example, the applicant may have issued threats or there might be a history of repeat offending.

4.10 The decision as to whether to exclude an applicant from the Housing Register on the basis of unacceptable behaviour, be this due to the applicant's behaviour or the behaviour of a member of the household with whom the applicant would usually reside, will be made by the Shropshire Council's Head of Housing, Resettlement and Independent Living Protection.

### ***Financial and Needs Assessment***

4.11 Applicants with a household income of more than £50,000 gross per annum or savings and assets (including equity in a property) of more than £200,000 or both will usually be considered as not being in housing need and will not qualify to be on the housing register. Lump sums awarded to Armed Forces service personnel injured or disabled in action will be disregarded.

4.12 The financial assessment will have regard to the financial resources of the applicant and the cost and availability of alternative suitable accommodation. Such applicants who can demonstrate that they have health or support needs that they are unable to meet in the open market will be considered on their individual merits by the Head of Housing, Resettlement and Independent Living. Examples include:

- an applicant who is eligible for a Disabled Facilities Grant (DFG) to fund major adaptations to their existing home, where it is more cost-effective for the authority to re-house the applicant in accommodation appropriate to their housing need;
- an older person is committed to paying for care or support costs in order to remain living independently; and
- an applicant who requires specific accommodation to meet their housing needs but this accommodation is not available in the private sector, other than that provided by the STAR Housing or a housing association.

4.13 As with all other decisions made under this policy, any applicant who is deemed to have such resources as not to qualify to be accepted onto the Housing Register will have a right of appeal against that decision. Please see Appeals and Complaints Section (section 40).

4.14 Where an application to the Housing Register would not otherwise be accepted on the grounds of failing to meet the qualification criteria, as the Local Housing Authority, the Council will retain the discretion in exceptional circumstances

where it is considered necessary to dis-apply the qualification criteria and / or place the applicant in any other Band as set out in this policy.

- 4.15 Any applicant who has been excluded from the Housing Register on the grounds of failing to meet the qualification criteria will be given written notice of the decision and the reasons for it and advised of their right of appeal (see section 40).

## **5. Transitional arrangements**

- 5.1 Subject paragraphs 4.12 and 4.13, existing applicants on the Housing Register with a household income of more than £50,000 gross per annum or savings and assets (including equity in a property) of more than £200,000 or both, who have a local connection to Shropshire (as set out above), will be considered to be able to meet their housing need through the open market and placed in Band 7.

## **6. Age of Applicants**

- 6.1 Applicants will normally be at least 18 years of age. In the case of 16 and 17 year olds applicants must be care leavers or homeless / threatened with homelessness, and not deemed to be a child in need following an investigation by Social Services under section 17 of the Children Act 1989<sup>3</sup>. Applicants under the age of 18 must have a recognised support package and financial guarantor or guardian before being accepted on to the register.

## **7. Homeless Applicants**

- 7.1 Shropshire Council has a duty to secure suitable accommodation for homeless households who are eligible for assistance, in priority need, have a local connection and who are not intentionally homeless, in Council, other Registered Provider (housing associations registered by the Regulator of Social Housing) or suitable private rented accommodation. Discharge of the main homelessness duty to the private rented will be made in line with the Homelessness (Suitability of Accommodation) (England) Order 2012.
- 7.2 It is important that persons who are homeless or threatened with being made homeless seek advice from Shropshire Council, or their local council, at the earliest opportunity.

## **8. Transfer Applicants**

- 8.1 Existing tenants of Shropshire Council will be subject to the provisions of the Allocation Policy. Tenants wishing to transfer will not normally be considered for re-housing until they have been resident in their present home for one year.

## **9. Applying to the Housing Register**

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<sup>3</sup> In this instance an application will be made by Social Services on behalf of the child in needs and a support package will be in place.

- 9.1 Persons wishing to register must complete an Application Form. The application can either be completed using a paper application form or online through the Shropshire Council website. Paper applications can be printed from the website and are available by post from Shropshire Council's Customer Contact Points.
- 9.2 Applicants are advised to check carefully the full postage has been paid when sending applications or correspondence, as Shropshire Council cannot collect underpaid mail.
- 9.3 The Application will then be assessed by Shropshire Council. Applicants will receive a written response confirming whether their application has been accepted. If accepted, the applicant will be provided with written notification of the Band in which they have been placed and given a registration date.
- 9.4 Where an applicant is not satisfied with the way their application has been assessed or determined they have a right of appeal (see Section 40).

## **10. Verification**

- 10.1 On completing the Application Form applicants give permission for Shropshire Council to verify (check) the information that they have provided or will re-provide prior to any offer being made or any change of circumstance. This includes permission to contact other Council departments, for example Council Tax and Social Services, and other people or organisations such as previous and current landlords, the UK Border Agency and the police. Applicants will not be made an offer of accommodation until all information requested has been provided and verified. Appendix C lists the information applicants are required to submit to verify their housing application at both application and offer stage.
- 10.2 Shropshire Council may share information as appropriate where this is legally required and when providing nominations to housing associations and private landlords.

## **11. False statements and withholding information**

- 11.1 Ensuring all the information provided is true and accurate is the responsibility of the applicant. Verification checks will be undertaken at the point of offer to confirm the information on the application form is correct and up to date.
- 11.2 It is a criminal offence for applicants knowingly or recklessly to give false information; or to knowingly withhold information. It can carry a fine and in separate civil proceedings can lead to the loss of any accommodation let as a result of Shropshire Council relying on that false information.
- 11.3 Applicants are required to sign paper applications and certify online applications confirming the details they have given are correct to the best of their knowledge.
- 11.4 This Scheme falls within the provisions of Part VI of the Housing Act 1996. Section 171 of the Act states:



- (1) A person commits an offence if, in connection with the exercise by a local housing authority of their functions under this Part:
  - (a) they knowingly or recklessly make a statement which is false in material particular, or
  - (b) they knowingly withhold information which the authority has reasonably required them to give in connection with the exercise of those functions.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

11.5 Consequently, where Section 171 applies, Shropshire Council may bring a prosecution which if successful could result in a fine of an unlimited amount.

11.6 Where false information is found to have been given, the applicant may also be disqualified from the Housing Register on the grounds of unacceptable behaviour. Where false information has resulted in the applicant obtaining accommodation, the relevant Landlord may bring possession proceedings for recovery of the property.

## **12. Worsening of Circumstances**

12.1 Applicants must not deliberately worsen their circumstances in order to obtain greater preference on the Housing Register. If an applicant is found to have deliberately worsened their circumstances they will either be placed in the Band corresponding to their circumstances at the time of their original application or may be disqualified from the Housing Register on the grounds of unacceptable behaviour.

12.2 Examples of deliberate worsening of circumstances might include:

- Selling a property that is affordable and suitable for an applicant's needs;
- Disposing or gifting assets, including property;
- Moving from a secure Assured Tenancy to insecure, overcrowded accommodation, where there is no good reason for this move; and
- Where there is evidence that it was reasonable for an applicant to have remained in their original accommodation.

12.3 Where an applicant has little or no control over their move to alternative accommodation, this will not be considered as a deliberate worsening of circumstances.

## **13. Change in Circumstances**

13.1 If an applicant's circumstances change Shropshire Council must be informed straight away or as soon as is reasonably practicable. Examples of changes include change of address or change in family size.



13.2 If an applicant's circumstances change they may cease to be eligible for inclusion on the Housing Register, and their application will be disqualified. They will be informed if this is the case and advised of any right of appeal (see Section 40).

#### 14. Statutory Requirements

14.1 Under the Housing Act 1996 Shropshire Council has to ensure that when allocating and nominating to housing accommodation **reasonable preference** is given to the following groups:

- people who are homeless within the meaning of Part 7 of the Housing Act 1996 (including those who are intentionally homeless and those not in priority need);
- people who are owed a duty by any housing authority under the Housing Act 1996 sections 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3);
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- people who need to move on medical or welfare grounds, including grounds relating to a disability; and
- people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

14.2 The Housing Act 1996 also requires that housing authorities must give **additional preference** to the following categories of applicants who fall within one or more of the reasonable preference categories and who have urgent housing needs:

- former members of the Armed Forces<sup>4</sup>
- serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service;
- bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner; and
- serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service.

14.3 Those applicants who are in the above categories and are placed in Bands 1 to 6 and are considered to have urgent housing needs will be given additional priority so that they are considered for re-housing ahead of other applicants in their respective Band.

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<sup>4</sup> Usually where the application is made within five years of discharge.

## 15. The Banding System

15.1 The Allocations Policy is based on six Bands with specific qualifying criteria (see Appendix A for more details). Each applicant's housing need and other circumstances are assessed on the information provided and the applicant is placed in the **highest** Band their circumstances allow. Within each Band applicants are ranked in date order from when they were registered into that Band.

## 16. Statement of Choice

16.1 Shropshire Council is committed to offering the greatest choice possible in the allocation of affordable housing in the county, whilst ensuring that housing is allocated to those with the greatest need.

16.2 There will be certain situations where choice cannot be offered in the allocation of housing, such as when the Council needs to make a direct let as a matter of urgency. These circumstances are detailed within the scheme.

16.3 With the exception of these limited circumstances, housing will only be allocated to applicants who apply for a specific property, and all applicants have the opportunity to bid for properties they are entitled to be considered for, having regard to household size and other eligibility criteria.

## 17. How the Scheme Operates

17.1 All properties managed by STAR Housing that become available for letting and all housing association properties where the Council has nomination rights will be advertised through choice-based lettings. Housing associations and private landlords are able to advertise other properties where nomination rights do not apply. The scheme operates on a weekly property cycle from a Wednesday to the following Tuesday. The exact rent, service charge, for sale price, tenancy type and length of tenancy will be clearly advertised on the property details.

17.2 Those applicants who have been accepted onto the Housing Register can then bid (apply) for properties that are advertised. Applicants able to apply for one property each cycle. When the bidding period has closed the advertised property will be offered to the bidder in the highest Band for whom the property is suitable and who has been within that Band for the longest period of time, unless otherwise provided by this Policy.

17.3 In the event that the bidder does not want to accept the property then it will be offered to the bidder in the same Band who has been waiting the second longest and then so on. Only when bidders in the highest Band have been considered, will the those in the next highest Band be offered the property.

17.4 When a property is allocated, notification will be given on the Shropshire Council website identifying the Band of the successful applicant and their registration date.

## **18. Bedroom entitlement**

- 18.1 Where possible, adverts will show the number of bedrooms available and number of people they are suitable for to enable eligibility to be exactly matched, for example, three bedroom five persons. Adverts will also show if any restrictions apply to the type of household that can apply.
- 18.2 Those applying for properties should ensure their income, including housing and welfare benefits, is sufficient to fully cover all the rent and charges associated with the accommodation.
- 18.3 The number of bedrooms required for each household is calculated in accordance with age, sex, marital status composition and the relationship of the members to one another. A separate bedroom is required for each married or cohabitating couple, for any other person aged 16 years or over, for each pair of children aged 0 to 15 years of the same sex, and for each pair of children under 10 years of the same or opposite sex. If that is not possible, he or she is counted as requiring a separate bedroom, as is any unpaired child under the age of 10 years. Additional bedroom/s required because of a medical condition/s will be considered as part of the medical assessment procedure.
- 18.4 Appendix D gives examples of what size and type of property an applicant can usually expect to be offered, therefore, should bid for.

## **19. Supported accommodation**

- 19.1 Applicants can indicate whether they want to be considered for supported accommodation on the application form but will usually be offered one only if they meet the following criteria:
- Older persons' sheltered or independent living accommodation – applicants aged 55 or over with support needs. Applicants will be expected to sign-up to a support package.
  - Older persons' extra care sheltered accommodation – applicants aged 55 or over with support and/or care needs. Applicants require a referral from a social care manager to be considered for this type of housing. Applicants will be expected to sign-up to a support and care package.
  - Other supported housing - applicants must meet the requirements set out in each scheme's eligibility criteria. Applicants will usually require a referral from a social care manager to be considered for this type of housing. Applicants will be expected to sign-up to a support and / or care package as appropriate.
- 19.2 Bungalows will usually only be offered to applicants who have poor health and/or a disability who require accommodation on one level.
- 19.3 Other properties may be designated, for a limited period of time, for applicants who fall into a particular age category to ensure the continued sustainability of a

particular block or area of housing. These may be subject to local lettings policies (see below).

## **20. Support / Care Packages**

20.1 Some applicants (such as care leavers, and people with serious mental illness, dementia, or learning disabilities) will only be eligible for an offer of accommodation once it is confirmed that they have a recognised support/care package in place. This support/care package need not be provided through Social Services, but could include other forms of support, for example from family or friends. The support/care package will be reconfirmed before an offer of accommodation is made to ensure that applicants are supported to live successfully in their new home.

## **21. Advice and assistance**

21.1 Shropshire Council is unable to provide personal appointments. However, staff are able to signpost applicants to other sources of advice and assistance including those of dedicated teams and organisations throughout Shropshire. In particular, assistance will be provided to anyone who may have difficulty participating due to disability, learning disability, illness, age, not speaking English as a first language, or any other reason that might make it harder for them to fully participate within the scheme. Where applicants are unable to submit bids themselves an assisted bidding process can be offered.

## **22. Information about the Allocation Policy and Scheme**

22.1 Anyone who wishes is entitled to a free summary of the Allocation Policy and Scheme, which can be obtained from Shropshire Council. A copy of this document is available to be downloaded from the Shropshire Council website.

22.2 Applicants to the Housing Register are also entitled to request details of information that has been used to assess their application. Requests must be submitting in writing.

22.3 When each property advertised has been successfully allocated, the banding and registration date of the successful applicant will be made available on the website. This information should be sufficient for applicants to determine their prospects of success in obtaining housing, and to estimate how long they are likely to have to wait to obtain such housing.

## **23. Local lettings plans and policies**

23.1 Local Letting Plans are usually introduced to:

- Balance communities to achieve stainable neighbourhoods;
- Deliver specific local strategic outcomes; and
- Due to planning conditions.

23.2 Affordable housing dwellings may be subject to special planning conditions or legal restrictions applied through Section 106 of the Town and Country Planning Act 1990 (as amended) specifying local occupancy or employment conditions on who is able to live in the accommodation. These conditions are usually found in rural settlements and aim to ensure that applicants on the Housing Register who have a local connection with a specific parish or defined area are given priority for rehousing, over and above those who do not have that connection. Each Section 106 document will set out the specific detail of the Local Lettings Policy.

23.3 Where a Local Letting Plan or Policy is in place, priority will normally be given to applicants who directly meet the criteria of the Plan. Details of each Local Letting Plan or Policy will be available on request from the Council. Advertisements for properties included in the Local Letting Plan will specify the required criteria.

#### **24. Letting privately rented accommodation**

24.1 Private landlords (this does not include housing associations registered with the Regulator of Social Housing) who offer affordable housing to households on the Housing Register may use additional criteria when selecting prospective tenants. The use of a Private Landlord's Letting Plan must be agreed with Shropshire Council and referred to in the property advertisement. The Plan must also be available to applicants on request.

#### **25. Sensitive lets**

25.1 Shropshire Council and its ALMO, STAR Housing, may from time to time identify specific properties for Sensitive Let. This means specific criteria will be applied to individual homes to achieve wider objectives. Where a Sensitive Let is identified, priority may be given to applicants who directly meet the required criteria. Advertisements for properties defined as Sensitive Lets will specify the required criteria.

#### **26. Direct lets**

26.1 Shropshire Council and its ALMO, STAR Housing, may from time to time need to make a Direct Let of a property to an applicant in exceptional or urgent circumstances, for example to facilitate or maintain essential support arrangements, or for an applicant who has very specific housing requirements. Properties identified for a Direct Let will be advertised in the normal way but will not be available for bids.

#### **27. Adapted properties**

27.1 Properties which have been adapted to meet the needs of people with disabilities will be identified when advertised. Priority will normally be given to people requiring the adaptations provided.

## **28. Offers of accommodation**

- 28.1 Applicants have a responsibility to ensure their contact details are up to date including, change of address, contact telephone numbers and email addresses. Shropshire Council publishes a list of supporting information required at point of offer which applicants are expected to have available immediately for verification. In most instances offers of accommodation will be made by telephone and applicants will be given three working days to respond. If applicants do not respond within this timescale, the offer may be withdrawn.
- 28.2 Where the offer of accommodation is to an applicant where a statutory homeless duty is owed by Shropshire Council, they will be given three working days for applicants to respond. If no response is received the Landlord will notify the Housing Options Team and agree whether to withdraw the offer.
- 28.3 Those applicants, with the exception of those with a homeless duty, who have refused or have failed to make contact on four or more occasions within a twelve-month period when suitable offers of accommodation have been made through the Allocation Scheme, will be deferred and therefore be declined further offers for a period of up to six months. The Council will write to the applicant and inform them of the reason as to why they have been deferred.
- 28.4 Landlords will make formal offers of accommodation in writing, either by letter or email.

## **29. Medical assessment procedure**

- 29.1 Shropshire Council will assess and verify medical need/s which are directly affected by the applicant's accommodation and where a move to more suitable accommodation is needed.
- 29.2 Information is taken from the application with any supporting evidence to determine if there is a medical need and the level of this need. In exceptional circumstances, an independent medical assessment may be sought.

## **30. Joint applications**

- 30.1 Joint applications can be made by:
- A married couple;
  - A civil partnership couple;
  - Partners (including same sex couples)<sup>5</sup>;
  - A parent with a child aged 21 years or over; and
  - Siblings.
- 30.2 Where a sole application becomes a joint application, the original or earliest registration date of the two will apply. Should the parties of the joint application

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<sup>5</sup> This does not include friends.



then wish to separate their applications, the respective dates at which they each separately joined will then apply.

30.3 Notwithstanding the above joint applications, joint tenancies will not usually be issued to parent and a child aged 21 years or over or to siblings.

### **31. People in prison**

31.1 Applications will be accepted from those currently in prison provided eligibility and qualification criteria are met. Shropshire Council works with a range of agencies to prepare people for release from prison and to prevent homelessness. While preparation for release may begin sometime prior to release, applicants should be mindful that bids made one month or more before the release date will not normally be considered.

31.2 Upon release an update application will be required and if applicable liaison with any support workers and agencies.

31.3 Emergency cases will be referred to Shropshire Council's Housing Options Team.

### **32. Pregnancy**

32.1 Where a household member is pregnant, the pregnancy will only be considered once a medical certificate such as a MATB1 is received. Until the birth and the sex of the child or children can be confirmed the bedroom entitlement assumption will be set at the minimum number according to the above criteria.

### **33. Access to children**

33.1 In the case of divorced or separated parents / guardians, a child will typically be expected to reside with one parent / guardian as their main residence. Unless otherwise stated in a legal document, the other parent / guardian will not receive any bedroom entitlement for access visits.

### **34. Fostering and adoption**

34.1 Where a household has formal evidence that, subject to a suitable property becoming available, approval would be given to foster or adopt a child or children, subject to confirmation from a Social Worker, each child would usually be entitled to a separate bedroom. Verification of fostering and/or adoption arrangements will be carried out at point of offer of accommodation.

### **35. University / full-time study away from home**

35.1 Household members studying away from home in full-time courses will be considered in bedroom entitlement unless they are the main applicant.

### **36. Overnight carers**



36.1 Where a household has formal evidence that an overnight carer or team of carers is needed three or more nights per normal week, a carer shall be included in the bedroom eligibility calculation.

### **37. Applications from employees, board members, councillors and their relatives**

37.1 Applications are monitored carefully to ensure that all allocations are made in line with this policy and no favour is given to those with close links to Shropshire Council, STAR Housing or housing associations with housing stock in Shropshire.

### **38. Property adverts**

38.1 Available properties are published each week. The scheme operates on a weekly property cycle from a Wednesday to the following Tuesday with applicants able to bid (apply) for one property each cycle.

38.2 Those applicants with email addresses will be sent a weekly link to available properties. Those applicants who have no internet access, with no one able to bid on their behalf, can request that the Council undertakes bidding on their behalf.

### **39. Equal Opportunities Statement**

39.1 Shropshire Council believes that it is a fundamental right for everyone to be treated fairly, with respect and dignity; in the implementation of this policy it will ensure that this right is promoted and upheld.

### **40. Appeals and complaints**

40.1 Any applicant to Shropshire Council's Housing Register has a right to make an appeal if they disagree with a decision made by the Council, such as disqualifying them from registration, the banding awarded and / or make a complaint if they believe Shropshire Council has done acted incorrectly.

40.2 For decisions made by Shropshire Council the applicant should appeal / complain in writing to the Head of Housing, Resettlement and Independent Living. An applicant can also appoint an advocate and, once appointed, Shropshire Council will deal directly with that advocate.

40.3 There are two stages to the appeal / complaints process:

#### **Stage 1**

The appeal must be made in writing within 21 calendar days of the date of the decision letter, stating the grounds for the appeal. The appeal will be considered by the Head of Housing, Resettlement and Independent Living or nominated representative, and a decision will normally be given within 21 calendar days. In complex cases it may not be possible to give a decision in 21 days and may take longer. Where this is the case the applicant will be notified in writing prior to expiry of the 21 day period.

## **Stage 2**

If the applicant is unhappy with the decision made by the Head of Housing, Resettlement and Independent Living they may request that a further review be carried out by the Director of People or their nominated representative. This request must be made in writing within 7 days. Again, a decision will normally be given in 21 days, subject to extension where necessary.

40.4 If still unhappy with the outcome of the appeal, the applicant may make a complaint to the Local Government Ombudsman.

40.5 A copy of the full appeals and complaints procedure is available from Shropshire Council.

40.6 Where an offer of accommodation has been made to discharge the main homelessness duty, this will be subject to a different review process.

## **41. Monitoring and Review**

41.1 Shropshire Council monitors all allocations and reports this in a 'Quarterly Monitoring and Statistics Report' which is published and available to download from the Shropshire Council website.

## **Appendix A: Bandings**

All qualifying applicants will be allocated to one of the following Bands according to their particular circumstances.

### **Band 1:**

#### ***Band 1A***

Homeless households who are owed the main duty and are currently accommodated in emergency accommodation and other emergency cases:

- Households who are homeless and are owed the main duty including when they have become homeless or the Relief Duty has come to an end and they have been assessed as being eligible for assistance, unintentionally homeless, in priority need and have local connection and are currently accommodated in emergency accommodation provided by the Council.
- Other households in emergency housing need where the authority has a statutory duty to provide housing.

#### ***Band 1B***

Homeless households who are owed the main duty and where Council tenants need to move due to major works or demolition:

- Households who are homeless and are owed the main duty including when they have become homeless or the Relief Duty has come to an end and they have been assessed as being eligible for assistance, unintentionally homeless, in priority need and have local connection.
- Where Shropshire Council require tenants to move to alternative accommodation to allow major works to be undertaken (such as modernisation or demolition).

Where households are homeless and owed the main duty Shropshire Council's Housing Options Team will bid on applicants' behalf for each suitable property that becomes available. When a successful bid is made for a property the applicant will be notified of this and, subject to rights of review under Part VII of the Housing Act 1996 (as amended), this will constitute an offer of housing under Part VI as a discharge of the Council's homelessness duty.

### **Band 2:**

Homeless households who are owed the Relief Duty, urgent medical need, hospital discharge; care leavers, serious disrepair and persons who are fleeing domestic abuse or other forms of violence or harm:

- Applicants who are homeless and are owed the Relief Duty and would be owed or likely to be owed the Main duty when the Relief Duty came to an end, because they are or are likely to be in priority need and unintentionally homeless.

- Urgent medical need where the applicant's (or member of their household who is moving with them) condition is currently directly affected by their accommodation and an urgent move is needed to have a positive effect on their medical condition, or where as a result of their condition their current accommodation is not suitable to their needs. An investigation will be carried out. For Urgent Medical Need it is generally expected that the property cannot reasonably be occupied as the applicant is either unable to use or has serious difficulty using an essential part of the property, for example, the WC.
- Applicants who have been released from hospital and cannot return to the property. Severity of medical illness does not determine the housing banding. Medical evidence will be required.
- Where a young person who has been looked after, fostered or accommodated by the Local Authority, is engaging fully with support provided, a duty to rehouse accepted by Shropshire Council and deemed to be within 6 months of being ready for independent living.
- Serious disrepair refers to the condition of the current accommodation. This will apply where the Council has deemed the applicant's home to have the presence of Category 1 Hazards, Bands A - C under the Housing Health & Safety Rating System and these Hazards cannot be resolved or reduced to a Category 2 Hazard with 6 months.
- Applicants who are fleeing domestic abuse or other forms of violence or harm. All applications will be taken seriously and will be fully assessed in conjunction with partner agencies and landlords.

Unless specified otherwise in this policy, Band 2 will normally be valid for eight weeks from date of award. If accommodation has not been secured in this period there will be a review carried out. If no suitable properties have become available during the period time in Band 2 will be extended for a further period, usually six weeks. If the applicant has been bidding for suitable properties but has not been successful, the status may be extended. If however, the applicant has failed to bid for properties, or has been bidding for unsuitable properties, the reasons for this will be determined and if there are valid reasons the time in Band 2 may be extended, but where there are insufficient reasons, the Band will be withdrawn and the applicant will be reassessed accordingly.

### **Band 3:**

Resettlement, homelessness prevention, serious medical need, use and occupation, over-crowding, under-occupation and members of the armed forces to be discharged within six months:

- Resettlement - applicants have been assessed as ready to move from hostel or other temporary supported accommodation into settled accommodation. Where appropriate, arrangements will be made for tenancy support.
- Applicants who are threatened with homelessness and are owed the Prevention Duty and would be likely to be owed the Main duty if both the Prevention Duty and any Relief Duty that followed on were to end

unsuccessfully and they would be, or would likely to be, found to be in priority need and unintentionally homeless.

- Serious medical need will apply where the applicant's (or member of their household who is moving with them) condition is currently directly affected by their accommodation and a move is needed to have a positive effect on their condition, or where as a result of their condition their current accommodation is detrimental to health and wellbeing. An investigation will be carried out.
- Use and occupation - following the death of the tenant, occupiers of Council dwellings who either do not have succession rights or a non-statutory succession cannot be granted as the current property would be under-occupied or considered unsuitable. Following notice served by a tenant and an assignment cannot be granted to the remaining occupants.
- Overcrowding – assessments will be based on the bedroom entitlement at Appendix D. Lodgers will be not be included in the assessment.
- Under-occupation by one or more bedrooms by a tenant of a Registered Provider where the property is in Shropshire.
- Where a member of the British Armed Forces is going to be discharged within 6 months or has been discharged but been unsuccessful in finding permanent suitable accommodation. If part of a couple separating, this criterion would not apply to their ex-partner's application. Those that have been dishonourably discharged will be considered individually based upon the circumstances and reasons for the discharge.

#### **Band 4:**

Need to give or receive support, moderate medical need, disrepair, overcrowding, excessive travel and homelessness:

- Give or receive support from close family members and / or move closer to local facilities. Where having a move would result in serious detriment.
- Moderate medical need where the applicant's (or member of their household who is moving with them) condition is currently directly affected by their accommodation and a move is needed to have a positive effect on their condition, or where as a result of their condition their current accommodation is not suitable to their needs
- Disrepair where the Council has deemed the applicant's home to have the Presence of Category 2 Hazards, Band D under the Housing Health & Safety Rating System.
- Excessive travel, where applicants in, or due to be in, permanent full-time employment (20+ hours per week) are subject to excessive travel (over 1 hour each way).
- Homeless is where the Council accepts a household is homeless but to whom it does not owe a duty to secure settled accommodation because they are not considered to be in priority need or because they are intentionally homeless.

**Band 5:**

Sharing essential facilities, forced to live apart, above ground floor flat with child or pregnant, and key workers:

- Sharing essential facilities such as bathroom, toilet or kitchen with a separate household<sup>6</sup>.
- Family forced to live apart, where the family that has previously lived together find themselves in circumstances where it is impractical to reside in the same house due to financial, work or other commitments.
- The applicant has a child under ten or is pregnant and lives in a first floor flat or above.
- The applicant is considered by the Council to be a key worker.

**Band 6:**

Following a financial and need assessment, applicant would not be able to purchase or rent market priced housing within Shropshire which is suitable for their needs.

**Band 7:**

Following a financial and need assessment, applicants who would be able to purchase or rent market priced housing within Shropshire which is suitable for their needs.

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<sup>6</sup> Where the households sharing essential facilities are parents and their adult children this does not apply

## Appendix B: Glossary and definition of terms

<b>Allocation Policy and Scheme</b>	This explains the rules that determine how Shropshire Council allocate and nominates to affordable housing properties.
<b>Affordable Housing</b>	Affordable housing comprises social and affordable rented accommodation and low-cost home ownership products [see NPPF]
<b>Affordable Rents</b>	Affordable rents set at up to 80% of local open market rents.
<b>Bidding for a Property</b>	The applicant's way of expressing an interest in being re-housed in that property
<b>Choice-Based Lettings</b>	More commonly known as CBL. A process used to advertise available properties and asking applicants to choose for themselves the properties they would like to be considered for.
<b>Community Benefit</b>	An allocation used to promote the best interests of the local community, detailing how the eligibility for a property departs from the standard criteria within the Allocation Policy.
<b>Direct Let</b>	Used in urgent situations where the Council directly allocates or nominates to a property.
<b>Housing Register</b>	The list of all those registered with Shropshire Council for affordable housing.
<b>Key worker</b>	Someone whose role provides an essential service deemed crucial to the economy and wellbeing of society, including, but not limited to, emergency responders and operators of critical infrastructure.
<b>Local Letting Plans</b>	Specifies how the qualification and eligibility for a property departs from the standard criteria within the Allocation Policy.
<b>Main Duty</b>	Where a homeless household is found by the local housing authority to be eligible for assistance, homeless but not intentionally so, in priority need and with a local connection they are owed the main duty of an offer of suitable accommodation.
<b>Prevention Duty</b>	If a homeless household is eligible for assistance and threatened with homelessness within 56 days, the local housing authority is required to work with them to prevent them becoming homeless.



<b>Registered Providers</b>	Housing organisations that are registered with the Regulator of Social Housing. Local authorities who own social housing stock are Registered Providers. Private Registered Providers are usually called Housing Associations.
<b>Relief Duty</b>	If a homeless household is eligible for assistance and is homeless, regardless of priority need, the local authority is required to take reasonable steps assist the household to obtain accommodation, this duty could last for up to 56 days.
<b>Sensitive Let</b>	Used for specific properties in the best interests of the local community.
<b>Section 21 Notice</b>	A formal document giving two months' notice on an Assured Shorthold Tenancy to vacate a property.
<b>Section 106 Agreement</b>	Some properties may be restricted under agreements pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), imposing conditions on who is eligible to be allocated / nominated, such as including a local connection requirement to a specific parish or area.
<b>Shared Ownership</b>	Where a person buys a proportion of a new home and pays rent on the remaining portion.
<b>Statutory Homeless</b>	A term that refers to people or families to whom a local housing authority has a duty to make an offer of suitable accommodation – this could be a council or housing association property or a twelve-month tenancy of private rented accommodation.

## **Appendix C: List of information required to verify an offer of accommodation**

### **Local Connection**

A copy of one of the following documents either from the applicant or from the close relative must be provided:

- Council tax bill
- Employment or contract of employment details
- Tenancy agreement

Without the documentation shown above, your local connection will not be verified.

### **Identification**

- Passport sized photograph of applicant
- Original or certified copy of birth certificate or passport for applicant and for each household member included on the applicant's application
- Where applicable, proof of name change via Deed Poll
- Where applicable, original or certified copy of Marriage certificate

### **Housing**

- A copy of Tenancy agreement
- A copy of Licence agreement
- A letter from friend or relative confirming the applicant's living arrangements - (letter should state date when the applicant moved in and number of bedrooms to which they have access)
- A current valuation of the applicant's home
- A copy of the applicant's latest mortgage statement
- Confirmation of Tied accommodation

### **Income**

A copy of award letter or bank statements showing the following amounts:

- Employment Support Allowance
- Income Support
- Child Benefit
- Child Tax Credit
- Working Tax Credit
- Incapacity benefit
- DLA
- Carer's allowance

- Pension credit
- State Pension
- Occupational Pension
- Last 3 months or 5 weeks of payslips for each employment
- A copy of self-employed accounts

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## Appendix D: Size and type of properties eligibility criteria

It is expected that for working age applicants the size of property for which they are entitled is in line with the DWP bedroom standard, however if applicants can demonstrate that they are able to pay rent with or without recourse to Housing Benefit, they may be considered for a property with an additional bedroom, this being subject to availability.

If a person named on an application as being part of the household is aged 16 or over they are classed as a person who is not a child and, therefore, as needing their own bedroom.

Households will usually be able to choose the floor level on which they want to live (depending on property type) unless there is an assessed need for a particular floor level. For example, if priority for ground floor accommodation is recommended on medical grounds.

The criteria listed below will usually be used when deciding what property is suitable for a household.

Household	Properties usually considered suitable
Single person of working age <sup>7</sup>	Room in shared house, bedsit or 1 bedroom flat
Single person over working age	Bedsit, 1 or 2 <sup>8</sup> bedroom flat or bungalow
Couple both of working age	1 bedroom flat
Couple with one or both over working age	1 or 2 bedroom flat or bungalow
Pregnant woman with no other children	1 or 2 bedroom flat, maisonette or house
Family with one child	2 bedroom flat, maisonette or house
Family with two children aged under 10	2 bedroom flat, maisonette or house
Family with two children aged under 16 of the same sex	2 bedroom flat, maisonette or house
Family with two children of different sex, where one or both children are aged 10 or over	3 bedroom flat, maisonette or house
Family with three children	3 bedroom flat, maisonette or house
Family with four children	3 or 4 <sup>9</sup> bedroom flat, maisonette or house
Family with five or more children	4 or 5 <sup>10</sup> bedroom house
Household needing 2 bedrooms where all are adults	2 bedroom flat or maisonette

<sup>7</sup> Working age includes anyone who is under the State Pension Credit age at the time

<sup>8</sup> Usually only following agreement from Social Services

<sup>9</sup> Depending on age and sex of children

<sup>10</sup> Depending on age and sex of children

**Appendix E: List of Local Lettings Plans and Policies**

Hanley Lane, Bayston Hill  
Oak Meadow, Bishops Castle  
Chapel Close, Bomere Heath  
Rastick Close, Bridgnorth  
Tasley Area, Bridgnorth  
Wenlock Rise, Bridgnorth  
Love Lane, Cleobury  
Shrewsbury Road, Cockshut  
Brook Close, Condover  
The Leasowes, Ford  
Bearcroft, Hinstock  
Warren Court, Market Drayton  
Orchid Meadow, Minsterley  
Callaughton Lane, Much Wenlock  
Castle Fields, Oswestry  
Plas Ffynnon Way, Oswestry  
Willow Gate, Castle Street, Oswestry  
Wingate Way, Park Hall, Oswestry  
Thomas Beddoes, Shifnal  
Battlefields, Shrewsbury  
Sweetlake Meadow, Shrewsbury  
White Lodge, The Mount, Shrewsbury  
Bower Farm, St Martins  
Church Farm, Tilstock  
Round Meadow, Wem  
Saxon Fields, Wem  
Pipegate, Woore