

Associated Papers APC Meeting on 25th July 2016

Agenda Item 2 Councillor Dispensation

If there is an item on this agenda for which you have a pecuniary interest you will not be able to take part in any of the discussion or vote on a resolution. However, if you wish the council to consider your request for dispensation **you need to write to the Clerk ahead of the meeting** stating your reasons on why you should be given a dispensation.

Agenda Item 6 Routine Correspondence

Apart from correspondence included in agenda item no correspondence has been received since the last meeting.

Agenda Item 7 Clerk's Report

Minute	Action	Complete ✓
16/006	Wrote to James Finch re A134	
16/045	SALC notified of APC Chairman.	✓
16/049	Minutes placed on website and notes sent to magazine.	✓
16/051	SALC and AVC notified of APC representative.	✓
16/053	Letter of engagement sent to Mr White.	✓
16/057	Response sent to Babergh Alliance of Town & Parish Councils.	✓
16/059 f	Cheques sent to suppliers.	✓
16/059 g	Donation acknowledge by PCC.	✓
16/059	Annual Return sent to BDO.	✓
16/060	Planning Application response sent to BDC.	✓
16/063	Cllr Wallace booked on BDC meeting.	✓
16/064	Kiosk broken handset repaired by BT.	✓

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Agenda Item 8a Responsible Finance Officer (RFO) Report

Receipts & Payments

Date	Details	Ref	Power	Receipts	Payments
23/05/16	Assington PCC - Donation	741	LA 2001 ss 1 to 8	0.00	350.00
06/06/16	Bank Interest 7 Mar to 5 June	BS 232		1.62	0.00
15/06/16	Assington Allotments Assoc rent			180.00	0.00

Reconciliation

	Statement Date	Statement Balance	Actual Balance	Unpresented Cheques	Credits not shown	Difference
Community	30/06/16	£100.00				
Premium Accounts	30/06/16	£14,817.87	£14,382.22	£535.65	£0.00	£0.00
Cash	16/05/16	£0.00	£0.00			£0.00
		£14,917.87	£14,382.22	£535.65	£0.00	

Statement of Accounts vs Budget

	Budget	Actual	Reserves	Budget	Actual
Assets B/Forward		£10,534.70			
<u>Income</u>			<u>Expenditure</u>		
Precept	£7,568.00	£3,784.00	Clerks Salary	£2,200.00	£496.65
Grants	£331.40	£0.00	Admin	£1,300.00	£231.70
Bank Interest	£5.00	£1.62	Donations	£600.00	£350.00
Loan	£0.00	£0.00	Street Lighting	£350.00	£0.00
Other	£300.00	£270.92	Street Lighting Upgrade	£0.00	£0.00
VAT Repayment	£0.00	£874.33	Insurance	£330.00	£0.00
			Inspection	£100.00	£0.00
			P3 Scheme	£360.00	£0.00
			Licensed Footpaths	£175.00	£0.00
			Contingency	£500.00	£0.00
			Maintenance	£600.00	£0.00
			Loan Repayment	£1,417.14	£0.00
			Loan Interest	£156.18	£0.00
			Allotments / Conservation	£655.00	£5.00
			VAT Paid	£0.00	£0.00
Total	£8,204.40	£4,930.87	Total	£0.00	£8,743.32
					£1,083.35
			Assets C/Forward		£14,382.22
Total		£15,465.57	Total		£15,465.57

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Agenda Item 9f Status of planning applications

BDC Ref	Application	APC Ref	APC Response	BDC Response
B/08/00316	Enforcement Reference following APC's question re vehicular access at 8 The Gurdons		Raised	
B/15/01718	Chilton Woods	16/031b	Objected	
B/16/00448	Field 1, Barracks Road - Construction of 20m x 40m menage.	16/060a	Supported	Approved 01/06/2016
B/16/00499	Land south of 1, Woodfield - Erection of 2 no. three bedroom detached dwellings and construction of vehicular access.	16/060b	Objected	Withdrawn
B/16/00564	Pump Farm, Bures Road - Erection of a detached single storey timber building to provide teaching area.	16/060c	Supported	Approved 15/06/2016
B/16/00642	Lippitts House, The Street - Erection of single storey and two storey rear extensions.	16/060d	Supported	Approved 12/07/2016

Agenda Item 10 Maintenance of Permissive Paths, Allotments and Conservation area

Davis Gotts has undertaken, at Cllr King's request, a cut of the grass in the conservation area and around the allotments. This will cost £35 per cut and it is recommended that 4 cuts are undertaken each year. A full cut of the permissive path is still to be completed and APC will receive a cost once complete.

I forwarded the email on the 13th June 2016 regarding the footpaths consultation. Individuals and APC can respond if you wish.

Agenda Item 12 Defibrillator

Please find attached report on a defibrillator for the village.

Agenda Item 13 APC's Financial Regulations and Standing Orders

NALC has made the following changes to their Model Financial Regulations on which APC has based its Financial Regulations:

- MFR 1.6 has been amended to provide for the possibility of disciplinary action in the event of breach of the Regulations, rather than a definitive statement as to gross misconduct
- MFR 6.4 has been re-written to apply more generally than merely in respect of disclosable interests.
- Incorporation of the specific requirements of The Public Contracts Regulations 2015 in MFR 11 (as explained in detail in LTN 87 and Legal Briefing L05-15 of January 2016).

The following changes to APC's Financial Regulations (copy of which is in your councillor folder) are therefore recommended for adoption:

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

- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by two members of council 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.

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 solicitors, accountants, surveyors and planning consultants;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;
 - v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with 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 Regulations¹.

- c. The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)².
- d. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.
- e. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- f. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- g. Any invitation to tender issued under this regulation shall be subject to Standing Orders 18³ and shall refer to the terms of the Bribery Act 2010.
- h. When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £2,000 and above £250 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.
- i. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j. Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.

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

² Thresholds currently applicable are:

- a. For public supply and public service contracts 209,000 Euros (£164,176)
- b. For public works contracts 5,225,000 Euros (£4,104,394)

³ Based on NALC’s model standing order 18d in Local Councils Explained © 2013 National Association of Local Councils

Because of the above change to APC's Financial Regulations, the following changes to Section 18 of APC's Standings Orders (copy of which is in your councillor folder) are recommended for adoption:

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. procurement policies (subject to standing order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than **£25,000**.

- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

- c **Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of **£25,000** shall be procured on the basis of a formal tender as summarised in standing order 18(d) below.**

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Agenda Item 14 Document Retention Periods

DOCUMENT	PAPER / ELECTRONIC	LOCATION	STANDARD MINIMUM RETENTION PERIOD	PROPOSED MINIMUM RETENTION PERIOD
Administration				
Agendas	E	Computer	3 years	3 years
Clerk's Personnel records	P	Chairman	9 months after ceasing employment	15 months after ceasing employment*
Contracts	P	File	Indefinitely	Indefinitely
Declaration of Office Chairman	P	Admin File	Term of Office plus 1 year	Term of Office plus 1 year
Declaration of Office Councillor	P	Admin File	Term of Office plus 1 year	Term of Office plus 1 year
Election documents	P	Admin File	6 months after Election	6 months after Election
Inspection Reports	P	Admin File	Indefinitely	Indefinitely
Leases	P	File	Indefinitely	Indefinitely
Newsletter	E	Computer	Indefinitely	Indefinitely
Planning Applications & Responses	E	BDC website		
Register of Interests	E	BDC website		
Routine Correspondence	P	Correspondence File	Retain as long as useful	Retain as long as useful
Routine emails	E	email account	Retain as long as useful	Retain as long as useful
Signed Minutes of Annual Parish Meeting	P	Minutes File	Indefinitely	Indefinitely
Signed Minutes of Council Meetings	P	Minutes File	Indefinitely	Indefinitely
Finance				
Annual Return	P	Accounts File by Year	Indefinitely	Indefinitely
Bank paying-in books & Cheque book stubs	P	Finance File	Last completed audit year	2 years
Bank Statements	P	Accounts File by Year	Last completed audit year	12 years
Clerk expenses	P	Accounts File by Year	6 years	12 years
Insurance policies	P	Accounts File by Year	Indefinitely	Indefinitely
Paid Invoices	P	Accounts File by Year	6 years	12 years
PAYE returns including hours paid	P	Accounts File by Year	6 years	12 years
Quotation and tenders	P	Accounts File by Year	12 years	12 years
Receipt & Payment Accounts	P	Accounts File by Year	Indefinitely	Indefinitely
Receipt Books	P	Accounts File by Year	6 years	12 years
VAT records	P	Accounts File by Year	6 years	12 years
Allotments				
Agreements	P	Allotments File	Indefinitely	Indefinitely

* To ensure that an old clerk's personnel file (including Contract of Employment) is available for a year-end audit no matter when he / she left. However, from an employer viewpoint a "personnel record" cannot be deleted lock, stock and barrel and it would be worthwhile following the Information Commissioners Office: "An employer should review the personal data it holds about an individual when that individual leaves the organisation's employment. It will need to retain enough data to enable the organisation to deal with, say, providing references or information about the individual's pension arrangements. However, personal data that is unlikely to be needed again should be removed from the organisation's records – such as the individual's emergency contact details, previous addresses, or death-in-service beneficiary details."

