



BOVEY TRACEY TOWN COUNCIL

TOWN HALL • BOVEY TRACEY • NEWTON ABBOT • DEVON TQ13 9EG
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Office hours: 10.30am - 12.30pm Mon. Wed. & Fri.

13th March 2017

Dear Councillor,

You are hereby summoned to attend a meeting of Bovey Tracey Town Council which will be held in the Baptist Church Hall, Hind Street, Bovey Tracey on Monday 20th March 2017 at 7.00pm for the purpose of transacting the business as set out on the agenda below.

Please Note:

Under 'The Openness of Local Government Bodies Regulations 2014' this meeting has been advertised as a public meeting and as such could be filmed or recorded by broadcasters, the media or members of the public.

The public are welcome to attend this meeting. Members of the public are invited to ask questions or raise issues relevant to the work of the Council. The overall time available for this session is restricted to 15 minutes unless the Chair decides otherwise. Individual speakers are restricted to 3 minutes and are asked not to repeat points that have been made previously. It is helpful if potential contributors can make themselves known to the Town Clerk before the meeting so that the session can be programmed effectively. Public participation is not part of the formal meeting of the Council however a note will be made of matters raised and recorded within the minutes of the meeting.

There will be a period of prayer at 6.55pm prior to the meeting to which all are invited.

AGENDA

- FC.17/14. **Apologies for absence**
To **receive** apologies for inability to attend.
- FC.17/15. **Declarations of Interest and Requests for Dispensations**
To **declare** any disclosable pecuniary interests or any other interest which members may have in the following agenda items and consider any dispensation requests.
- FC.17/16. **Minutes**
To **receive** and resolve as a correct record the minutes of the Town Council meeting held on 23.1.17 (*copy enclosed).
- The meeting will go out of session***
- FC.17/17. **Report of the Chaplain to the Council**
To **receive** the report from the Chaplain to the Council

- FC.17/18. **Report of the Police**
To **receive** the Police Report
- FC.17/19. **Questions and Statements by the Public**
In accordance with Standing Order 3F, the Town Mayor will invite Members of the Public present to ask questions or make statements. Please note: questions to be submitted in writing please, to arrive at the Council Office by 12 noon on the day of this meeting. A maximum period of 3 minutes will be permitted for any person wishing to ask a question, make a statement or give evidence to the Council.
- FC.17/20. **County, District and Town Councillor Reports**
To **receive** reports from County, District and Town Ward Members
- FC.17/21. **Reports of any outside bodies**
To **hear** reports of meetings of any outside bodies including those of which the member is the Council nominated representative:
- Cllr Gribble – DALC Larger Councils
 - Cllr Gribble – Teignbridge Rural Aid Committee
 - Cllrs Allen & Leigh – TALC
 - Cllrs Ashby & Elphick – Bovey Tracey Heritage Trust
 - Cllrs Ashby, Blair, Bray & Kerswell – Bovey Tracey Exhibition Foundation Trust
 - Cllr Robillard – Bovey Tracey Information Centre Trust

The meeting will go back into session

- FC.17/22. **Recreation, Parks & Property (RP&P) Committee:**
To **receive** the Report of the meeting held on 20.2.17 (**copy enclosed*).
- FC.17/23. **Finance, Resources & General Purposes (FR&GP) Committee:**
To **receive** the Report of the meeting held on 6.3.17, the Financial Statement dated 3.3.17 and the Accounts paid up to 3.3.17 (**copies enclosed*).
- FC.17/24. **Planning Committee:**
To **receive** the Reports of the meetings held on 6.2.17, 20.2.17 & 6.3.17 (**copies enclosed*).
- FC.17/25. **The Town Mayor's Interests:**
To **receive and note** the Town Mayor's engagements/announcements. (**copy of engagements enclosed*).
- FC.17/26. **Review of Financial Regulations:**
Following FR&GP.17/08, Cllrs Gribble, Kelly and Leigh have undertaken a review of the Council's current Financial Regulations. Members are therefore requested **to consider** adopting the revised regulations (**copy enclosed*).
- FC.17/27. **Neighbourhood Plan:**
To **discuss** producing a Neighbourhood Plan (**copy of guidance enclosed*).
- FC.17/28. **Parking Issues:**
Item brought forward by Cllrs Kelly and Evans to **discuss** local on-street parking issues.

FC.17/29. Bovey Tracey Community Hospital:

To **note** that the asset owners have submitted a Section 95 Notice to the District Council confirming their intention to dispose of the asset, which has triggered the interim moratorium period (expires 4pm on 21st April 2017).

FC.17/30. Exclusion of the Public, including the Press:

To give consideration to adopting the following resolution:

That in view of the confidential nature of the business about to be transacted and pursuant to the provisions of Section 1 (2) of the Public Bodies (Admissions to Meetings) Act 1960, as amended, the public and press be temporarily excluded from the meeting for the following item:

FC.17/31. Recruitment of Grounds Maintenance Operative:

To receive a report from the Chairman of the Personnel Committee on the recruitment of a replacement Grounds Maintenance Operative.

SIGNED.....



DATE.....

14/03/17

M WELLS
TOWN CLERK

**Copies of any correspondence circulated to Councillors with this agenda, which will be considered at this meeting.*

Reminder for Members:

- You must declare the nature of any disclosable pecuniary interests (under the Localism Act 2011, this means the interests of your spouse, or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living as if you are civil partners). You must also disclose any personal interest.
- You must disclose your interest in an item whenever it becomes apparent that you have an interest in the business being considered.
- Make sure you say what your interest is, as this has to be included in the minutes. (For example, 'I have a disclosable pecuniary interest because this planning application is made by my husband's employer').
- If your interest is a disclosable pecuniary interest, you cannot participate in the discussion, cannot vote and must leave the room unless you have obtained a dispensation from the Clerk.

BOVEY TRACEY TOWN COUNCIL MEETING HELD AT THE COMMUNITY CENTRE, HEATHFIELD
ON MONDAY 23RD JANUARY 2017 AT 7PM

Present:

The Town Mayor, Cllr A Allen
The Deputy Town Mayor, Cllr Mrs A J Kerswell*

Cllr R J Ashby	Cllr G J Gribble**/*
Cllr Ms J H Blair	Cllr S P Leigh
Cllr R A Bray	Cllr Ms C O Richardson
Cllr D K Elphick	Cllr C W Robillard
Cllr M J Evans	Cllr M Tregoning

**County Cllr
*District Cllr

In attendance:

Mr M Wells - Town Clerk
Mr K Dentith - DCC
Rev K Hooke
District Cllr Mrs S Morgan
PCSO P Wilson
One member of the press
Ten members of the public

The Town Mayor, Cllr Allen, invited the Reverend Hooke to lead prayers, for those who wished to take part, before the meeting opened.

Prior to the commencement of the meeting Mr Kevin Dentith (Principal Engineer - DCC) presented an overview of planned maintenance work affecting Station Road, Bovey Tracey. He advised on the issues in relation to the proposed works to relocate existing services in order to undertake planned maintenance work in the future, whilst upgrading and future proofing services. Works commence on 23rd February and will take place in various guises and stages until the proposed completion date of 14th July.

Cllr Evans enquired about the weight restriction of the bridge and if that affects its lifespan. Mr Dentith advised that 40 ton vehicles can use the bridge. Cllr Allen asked if works could be suspended for a Town Centre event on Saturday 29th April. Mr Dentith considered that this would be possible. Cllr Mrs Kerswell thanked Mr Dentith for notifying the Town Council of the forthcoming works.

Mr Dentith then left the meeting at 7.10pm.

Cllr Gribble declared an interest in FC.17/07 & 12.

FC.17/01. Apologies for absence:

Cllr U Arnold (Leave)
Cllr E Kelly (Leave)

****Public Participation Session:**

Commenced at 7.11pm and finished at 7.35pm. (Report attached)

FC.17/02. Minutes:

The Minutes of the Town Council meeting held on 14.11.16 (*copy previously circulated) were confirmed as a true record and were duly signed by the Town Mayor.

FC.17/03. Recreation, Parks & Property (RP&P) Committee:

The Report of the meeting held on 12.12.16 (*copy previously circulated) was received and adopted.

FC.17/04. Finance, Resources & General Purposes (FR&GP) Committee:

The Report of the meeting held on 9.1.17, the Financial Statement dated 9.1.17 and the Accounts paid up to 6.1.17(*copies previously circulated) were received and adopted. Cllr Gribble enquired about the welfare of Mr Ken Abraham (Auditor). The Town Clerk advised that he had not received any further update.

FC.17/05. Planning Committee:

The Reports of the meetings held on 28.11.16, 12.12.16 & 9.1.17 (*copies previously circulated) were received and adopted.

FC.17/06. The Town Mayor's Interests:

A list of functions and activities attended by the Town Mayor was circulated to all Councillors and is included in the attached Report.

***A short adjournment took place from 7.45pm to 8.05pm to allow for questions, reports and representations by members present: from the County, District and Town Councillors (Report attached).*

FC.17/07. DCC Works - Station Road, Bovey Tracey:

Consideration was given to a request (*copy previously circulated) from DCC to approve:

- i) a licence agreement for the temporary use of the Old Thatched Inn site.
- ii) a wayleave agreement in relation to Mill Marsh Park.

Resolved:

To grant the request.

FC.17/08. Budget & Precept 2017/18:

Following item FR&GP.17/12, it was

Resolved:

- i) the adoption of the draft budget for 2017/18 as previously presented.
- ii) the setting of the precept at £199,565.00 for 2017/18. The Council Tax Support Grant of £16,400.00 will be added to this.

FC.17/09. Full Council Meeting Agenda:

Members considered a revised agenda format (*copy previously circulated) for future meetings. Following an update from the Town Clerk it was

Resolved:

To trial the revised agenda format and review following the trial.

FC.17/10. Bovey Tracey Development Trust:

Consideration was given to a request from "Bovey Futures" (*copy previously circulated).

Resolved:

To arrange a date to meet with representatives from the Trust.
Cllr Elphick stated that he fully supported the aspirations of the group.

FC.17/11. Honorary Representative of the Lord of the Manor - 2017/18:

Members considered advertising the role of Honorary Representative of the Lord of the Manor for 2017/18 and inviting nominations for consideration.

Resolved:

To advertise the role of Honorary Representative of the Lord of the Manor for 2017/18.

FC.17/12. Future of Community Services - South Devon & Torbay CCG:

Cllr Mrs Kerswell provided an update following the meeting on 20th January. Proposals made within the previous consultation material and subsequent report (which included permanently closing the hospital) are being presented to the CCG Governing Body on the 26th January 2017.

Cllr Mrs Kerswell noted that the key items that came out of the meeting is that a Health and Wellbeing Centre is proposed for the town. Two sites were being considered. Four intermediate care beds are required for the parish and these would be bought from private nursing homes. The current hospital site would require £1.5million to refurbish. The League of Friends are meeting later this month to discuss the way forward.

Cllr Gribble advised that he had also attended the meeting. He considered that the community land in Le Molay-Littry Way could be a more suitable site for a Health and Wellbeing Centre.

Cllr Robillard echoed what had been said. He noted that financial information he had requested had not been received. He considered that acute services could be provided in a community hospital. He stated that he will continue to campaign to save the hospital.

FC.17/13. General Conditions Applicable to all Grants Awarded by Bovey Tracey Town Council:

Consideration was given to the draft General Conditions (*copy previously circulated).

Resolved:

To approve the draft General Conditions.

The meeting closed at 8.25pm

Bovey Tracey Town Council

Report of the questions, reports and representations which took place during the adjournments of the Town Council meeting held on Monday 23rd January 2017.

Reports and comments from members of the public:

PCSO Paul Wilson circulated copies of a report detailing recorded crime figures which had taken place in Bovey Tracey and Heathfield during December. PCSO Wilson advised that his time is now split between Bovey Tracey and Moretonhampstead. Cllr Allen reported that seats in the mini stand at the Western Counties Football pitch have recently been vandalised.

Rev Kevin Hooke:

- i) Advised that charity Lent Lunches will take place on Thursdays from 9th March until 6th April.
- ii) The Good Friday procession will take place on 14th April, commencing at Heathfield School.
- iii) Heathfield Church meets regularly and Messy Church continues - both are well attended.

Thanked the Town Council for its continued financial support to Bovey Community Care.

Mrs C King, representing Bovey Futures, a community led group, provided an update. She requested a meeting with Councillors and representatives from the group to discuss their plans and how this will relate to the Town Council.

Mr L Calder advised that the next Residents' Association meeting will take place at 7.30pm on 28th February at the Methodist Hall.

Mr P Frost advised that he is the leader of the Heathfield Community Church and also runs the Messy Church.

Mrs S Woodhouse referred to on street parking issues which, in her opinion, are created by employees of town centre businesses parking their vehicles in residential areas during the working day. Cllr Gribble advised that he has taken the issue up with PCSO Wilson and DCC.

Mr J Beech commented favourably on the improvement of Heathfield. He stated that he would like to strengthen links between Heathfield and Bovey Tracey. He referred to the vandalising of the Heathfield youth facility and considered that the Bovey Tracey youth facility should be extended to Heathfield. Cllr Gribble commented on the current DCC youth service budget and advised that the Town Council and members of the community are working to re-establish the facility in Heathfield.

Reports from County, District and Town Councillors:

DCC, TDC & Town Cllr Gribble reported on various DCC matters. He had attended various meetings concerning Tough Choices, flooding & bridge concerns, DNEA meetings, Mercer Bridge opening, land buying considerations regarding the Wray Valley Trail.

At TDC he had attended meetings relating to Moor to Sea and Teign Estuary meeting, Sports' Personality Awards event and Executive meetings. Locally he had attended the Heritage Trust AGM, Carnival Committee meeting and the Carol Service.

District Cllr Mrs Kerswell noted that she had attended Overview & Scrutiny meetings. Locally she had attended the Carol Service and had represented the Town Mayor at a service at Buckfast Abbey and the Rowcroft Service.

District Cllr Mrs Morgan congratulated Cllr Mrs Kerswell on getting the hospital asset registered. She advised that the works to demolish the public toilets in Station Road car park is slightly delayed and she confirmed that she is working to ensure that the temporary toilet facilities will be on site soon. She referred to parking issues in the town and hoped that if free limited parking goes ahead this will address some parking issues.

Cllr Leigh advised that he has attended personnel, budget and S106 sub-committee meetings and TALC meetings.

Cllr Elphick advised that he had attended a Bovey Futures meeting, Heritage Trust, Heathfield Community Centre and Heathfield Youth Group meetings.

Cllr Robillard advised that a Fairtrade Status meeting had taken place and a further meeting will take place on 15th February. He advised that he will put a proposal forward to the next FR&GP Committee to support an application for Fairtrade Status.

Cllr Ms Blair advised that she had attended the Carol Service, meetings regarding the Green Man Spring Festival, Young Citizens' Awards and has been investigating the social housing levels at Williams Gate.

Cllr Ashby advised that he had attended meetings concerning the Community Building Steering Group and visited Ivybridge Watermark Centre with stakeholders. He acknowledged the invaluable assistance that Mr Peter Hall has given on the Community Building project.

Cllr Bray had attended the interviews for architects and May Celebration meetings.

Cllr Allen (Town Mayor) advised that he attended formal and informal events, TALC meetings and Community Centre Steering Group meetings. He thanked members of the Steering Group for their efforts. He had attended a S106 meeting and Spring Festival meetings. He noted that the arrangements for the Spring Festival are progressing well and he hoped the event will be enjoyable.

The Town Mayor's Engagements:

17.11.16	St. Catherine's School visit about Spring Festival
25.11.16	Bovey Primary School draw for switch on of Christmas Lights
2.12.16	Cromwell Arms for South West in Bloom awards press photos
3.12.16	Switch on of Bovey Tracey Christmas Lights
5.12.16	Bovey Primary School visit about Spring Festival
8.12.16	St. Catherine's School, Heathfield nativity play
17.12.16	Bovey Riverside Co-op judging children's picture colourings
19.12.16	Community Carol Service PPT Church
13.1.17	Stover School visit about Spring Festival

PLANNING COMMITTEE MEETING HELD IN THE COUNCIL CHAMBER
ON MONDAY 6TH FEBRUARY 2017 AT 7PM

Present:

Cllr U. Arnold	Cllr M J Evans
Cllr R J Ashby	Cllr E Kelly
Cllr Ms J H Blair	Cllr S P Leigh
Cllr R A Bray	Cllr Ms C O Richardson
Cllr D K Elphick	Cllr M Tregoning

**County Cllr
*District Cllr

In attendance:

Mr M Wells - Town Clerk

The meeting was chaired by Cllr Tregoning

Cllr Arnold declared an interest in PL.17/06h

The Town Clerk apologised for an error in the preparation of the agenda which included two items (c) under PL.17/06.

PL.17/05 Apologies for absence:

The Town Mayor, Cllr A Allen (Personal commitment)
Cllr G J Gribble**/* (Attending another meeting)
The Deputy Town Mayor, Cllr Mrs A J Kerswell* (Attending another meeting)
Cllr C W Robillard (Personal commitment)

****Public Participation:** No members of the public were present.

PL.17/06 Consideration of Planning Applications:

DNPA Applications listed to 23.12.16: None

TDC Applications listed to 6.1.17:

- a) 16/03295/FUL Use of the ground floor as a gastro pub/restaurant with the creation of 2 additional residential flats on the first and second floor to create 3 flats in total. External alterations to create separate accesses to the two uses and balcony on rear elevation at 56 Fore Street for Mr C Boardman.
Observations: No objection.

- b) 16/03378/CLDE Certificate of Lawfulness for existing barn as built at Daffodils Barn for Mrs E Wordsworth Snook.
Observations: The Town Council made no comment on the Certificate of Lawfulness application but requests that TDC carefully considers any application and is cautious in future about enforcement on site.

DNPA Applications listed to 6.1.17:

- c) 17/0002 To reduce crown by 3m on 1-2 Sycamore at 5 St Lukes, Hawkmoor Parke for Mr G Trott.
Observations: Referred to DNPA 's Arboricultural Officer.

TDC Applications listed to 13.1.17:

- c) 16/02923/FUL Conversion of garage to living accommodation with single storey side and rear extensions at 3 Crokers Meadow for Mrs J Evans.
Observations: No objection.

- d) 17/00079/TPO Prune four oak trees at 20 Naseby Drive, Heathfield for Mrs Jodi Dawson.
Observations: Referred to TDC's Arboricultural Officer.

DNPA Applications listed to 13.1.17:
- e) 0019/17 Extension to garage and roof at Whisselwell Heights, Colehayes for Mr & Mrs R Loyd.
Observations: No objection.

TDC Applications listed to 20.1.17:
- f) 16/03180/FUL Garden shed at The Granary, Little Bovey Barn for Mr J Jones.
Observations: No objection.
- g) 17/00172/TPO Fell two Monterey cypress (T1) and (T2) at Blenheim, Brimley Road for Mr Justin Head.
Observations: Referred to TDC's Arboricultural Officer.

DNPA Applications listed to 20.1.17:
- h) 0030/17 & 0031/17 (LBC) Alterations and change of use of former threshing barn and linhay from storage and leisure use ancillary to the dwelling house to two tourism units at Bullaton Farm for Mrs C Seward.
Observations: No objection providing the relevant tourism occupation conditions apply and the unit does not become full residential.
- i) 17/0008 Fell 1-3 Sycamore at 1 Hawkmoor Parke for Mr M Symonds.
Observations: Referred to DNPA's Arboricultural Officer.

TDC Applications listed to 27.1.17:
- j) 17/00225/TPO Fell one Monterey cypress (T8) at Blenheim, Brimley Road for Mr Justin Head.
Observations: Referred to TDC's Arboricultural Officer.
- k) 16/01731/COU (Change of working hours) Change of use from B8 to mixed use classes B1, B2, B8 & Sui Generis (display & selling of vehicles) & change of working hours to 7am - 9.30pm Monday to Friday and 7am to 7pm Saturdays at Station Park, Haytor View for Mr D Pope.
Observations: The Town Council does not support the proposed change to working hours and remains consistent with its previous comments.

PL.17/07 Planning Decisions: Noted

Approvals:

a) TDC:

- i) Single storey extension to north west elevation at 3 Birchlea Close, New Park. (N/O)
ii) Outline - Dwelling in garden (all matters reserved for future consideration) at Brookfield house, Challabrook Lane. (O)
Cllr Ms Richardson requested clarification regarding the approval. The Town Clerk explained that the application is for outline permission with all matters being considered at a later date.

Refusals:

b) TDC:

- i) Non-illuminated wall mounted advertisement at Town Hall Garage, Fore Street. (O)
ii) Single storey extension to eastern elevation at Mill House, Station Road. (N/O)

c) Appeal Decision:

i) Appeal against a refusal to grant consent to undertake work to trees protected by a Tree Preservation Order at Blenheim, Brimley Road. Appeal dismissed.

The Town Council's submitted observations: No objections - N/O. Objection - O.

PL.17/08 Request to Site Compound for DCC Contractor - Mill Marsh Park:

The Town Clerk provided an update at the meeting. Members noted that Committee Chairmen have given permission to a request from DCC to arrange a compound area on the hard standing at Mill Marsh Park. The compound will be used for the storage of materials and equipment and will be secured using heras fencing.

PL.17/09 General Planning Matters brought forward by Councillors:

*(*For information only).*

Cllr Evans reported that a fence has been broken at Pottery Road roundabout. The Town Clerk will report this to DCC.

Cllr Kelly:

i) Advised that use of the pedestrian crossing has been affected by the work undertaken by the demolition of the public toilets. The Town Clerk advised that the crossing would be re-opened on completion of the works scheduled for Friday.

ii) Notified Members that following a meeting with the Architects a timeline to achieve planning consent for the Community Centre will be available at the next RP&P Committee meeting.

iii) Advised that a road sign at Drumbridges is missing. The Town Clerk has reported this to DCC Highways.

The meeting closed at 7.45pm.

RECREATION, PARKS & PROPERTY COMMITTEE MEETING HELD IN THE COUNCIL CHAMBER
HELD IN THE COUNCIL CHAMBER ON MONDAY 20TH FEBRUARY 2017 AT 7PM.

Present:

The Town Mayor, Cllr A Allen
The Deputy Town Mayor, Cllr Mrs A J Kerswell*

Cllr U Arnold	Cllr G J Gribble**/*
Cllr R J Ashby	Cllr E Kelly
Cllr Ms J H Blair	Cllr S P Leigh
Cllr R A Bray	Cllr Ms C O Richardson
Cllr D K Elphick	Cllr C W Robillard
Cllr M J Evans	

**County Cllr
*District Cllr

In attendance:

Mr M Wells - Town Clerk
One member of the press
Two members of the public

The meeting was chaired by Cllr Kelly

Cllr Gribble declared an interest in RP&P.17/12.

RP&P.17/01 Apologies for Absence:

Cllr M Tregoning (Unwell)

**Public Participation:

Mr P Beecher:

- i) Thanked the Town Clerk for arranging a meeting with Cllr Kelly and Mr Williams to meet with an officer from the Environment Agency to discuss development at the Old Thatched Inn site.
- ii) Invited Councillors to the next meeting of the Residents' Association on 28th February at the Methodist Hall.

RP&P.17/02 Consideration of minutes of previous meeting held on 12.12.16: Noted

RP&P.17/03 Accounts:

The Financial Accounts paid up to 17.2.17 (*copies circulated at the meeting) were received and approved

RP&P.17/04 Tree Works - Recreation Ground:

The Town Clerk provided an update. Members noted the removal of overhanging branches at the rear of 1 & 3 Heathfield Close, in addition to the necessary removal of a field maple tree adjacent to Ashburton Road.

RP&P.17/05 Community Centre - Design Services:

Members noted the proposed timescales and schedules of work in preparation for an application for formal planning permission (*copy previously circulated).

Cllr Evans asked if the Town Council will be advised of any slippage. Cllr Kelly replied stating that the Architect will meet regularly with the Steering Group. Cllr Ashby suggested that a large notice is posted on the site hoarding advising that works will soon commence. Cllr Kelly suggested

that the Architect will create a Facebook page where regular updates will be posted and this will be promoted.

RP&P.17/06 The Local Government Boundary Commission - Electoral Review:

Members noted the final report on the new electoral arrangements for Teignbridge District Council (**copy previously circulated*).

RP&P.17/07 Community Centre Steering Group:

Members noted the previous minutes of the Community Centre Steering Group meeting of 1st February 2017 (**copy previously circulated*).

RP&P.17/08 Funlands Fun Fair, Mill Marsh Park:

Consideration was given to a request from Funlands Fun Fair to bring their Fun Fair to Mill Marsh Park to coincide with Bovey Tracey Carnival from 29th July to 6th August 2017. Funlands Fun Fair wish stay in the park for a further one week (non-operational) following Carnival Week for a suggested fee of £100.00.

Resolved:

To grant the request.

RP&P.17/09 Historic Vehicle Rally, Mill Marsh Park:

Consideration was given to a request from the Historic Transport Club to hold the 39th Historic Vehicle Rally in Mill Marsh Park on the weekend of 15th & 16th July 2017.

Resolved:

To grant the request providing there are no adverse weather conditions at the time.

RP&P.17/10 Bovey Tracey Carnival Activities, Mill Marsh Park:

Consideration was given to a request from the Carnival secretary to use Mill Marsh Park on 29th July (Picnic in the Park), 5th August (fireworks) and 6th August (Sunday Funday).

Resolved:

To grant the request.

RP&P.17/11 South West in Bloom Competition 2017:

Consideration was given to entering Bovey Tracey town into the Pennant Category of the South West in Bloom 2017 Competition. If approved, to nominate a lead Councillor to prepare and submit an application and judging route in conjunction with the Town Clerk.

Resolved:

To enter once again and for Cllr Tregoning and the Town Clerk to prepare the application. In the absence of Cllr Tregoning, it was agreed that Cllr Ms Blair will be a reserve if Cllr Tregoning is unavailable.

RP&P.17/12 Heathfield Youth Cabins (Sparkworld Site):

Consideration was given to the submission of a planning application for the removal or variation of a condition following grant of planning "change of

use". The Town Clerk explained that the Planning Condition had expired on 31st July 2015.

Resolved:

To re-apply for an extension to the existing change of use or request the removal of the Planning Condition.

RP&P.17/13 Heritage Centre - Lease Agreement:

Consideration was given to an amendment to the current lease agreement (**copy previously circulated*). The Town Clerk provided an update. A discussion took place around a reciprocal breach clause for both parties.

Resolved:

To proceed, for the purpose of the museum accreditation, as proposed. However, the Committee Chairman and the Town Clerk will discuss separately the possibility of a notice period that the Heritage Trust should consider giving to the Town Council in the event that they wish to terminate the agreement.

RP&P.17/14 Interpretation Board - Chudleigh Knighton Heath:

Consideration was given to a request from Hennock Parish Council to site an interpretation board adjacent to the "Ant Trail" at Chudleigh Knighton Heath (**copy previously circulated*).

Resolved:

To support the request.

RP&P.17/15 Use of Bullands Field - Green Man Spring Festival:

Consideration was given to a request for the use of Bullands Field on Saturday 29th April 2017 for Festival exhibitor parking.

Resolved:

To grant the request.

RP&P.17/16 Use of Bullands Field - Devon Sharks:

Consideration was given to a request (**copy previously circulated*) on behalf Devon Sharks for the use of Bullands Field. Following discussion it was

Resolved:

To grant the request for a trial of one year.

RP&P.17/17 Williams Gate Development - Commemorative Opportunity:

Consideration was given to a request (**copy previously circulated*) in relation to the potential to organise some form of commemorative/welcoming event. It was suggested that Bovis Homes should organise the event as main beneficiaries. Cllr Evans agreed to liaise, on behalf of the Town Council, with Mr Mark Bailey and report back.

RP&P.17/18 South West Regional Conference:

Consideration was given to any interest in attending the Local Councils Association's South West Conference on Thursday 16th March 2017 at a cost of £60.00 per delegate (**programme previously circulated*). It was agreed the Town Clerk will attend.

RP&P.17/19 Matters brought forward by the Town Clerk & Councillors: (*for information*)

Cllr Robillard advised that Fairtrade Fortnight commences on 19th March and various events will take place. An item will be placed on the FR&GP Committee meeting agenda for 6th March to further consider applying to renew the Town's Fairtrade status.

Cllr Allen:

- i) Referred to the Green Man Spring Festival to be held on 29th April and requested support from Councillors leading up to the event and on the day. Cllr Robillard agreed to help with promotion/banners etc.
- ii) Advised that the Town Mayor's dinner will provisionally take place on Friday 5th May at either the House of Marbles or Home Farm Café. Cllr Allen requested Councillors to advise the Town Clerk of their availability.

The meeting closed at 7.38pm.

PLANNING COMMITTEE MEETING HELD IN THE COUNCIL CHAMBER
ON MONDAY 20TH FEBRUARY 2017 AT 7.40pm

Present:

The Town Mayor, Cllr A Allen
The Deputy Town Mayor, Cllr Mrs A J Kerswell*

Cllr U Arnold	Cllr G J Gribble**/*
Cllr R J Ashby	Cllr E Kelly
Cllr Ms J H Blair	Cllr S P Leigh
Cllr R A Bray	Cllr Ms C O Richardson
Cllr D K Elphick	Cllr C W Robillard
Cllr M J Evans	

**County Cllr
*District Cllr

In attendance:

Mr M Wells - Town Clerk

The meeting was chaired by Cllr Ms Blair.

Cllr Gribble declared an interest in PL.17/11b. Cllr Arnold declared an interest in PL.17/11d.

PL.17/10 Apologies for absence:

Cllr M Tregoning (Unwell)

****Public Participation:** No members of the public were present.

PL.17/11 Consideration of Planning Applications:

DNPA Applications listed to 27.1.17: None

TDC Applications listed to 3.2.17:

- a) 16/01580/AGR Agricultural storage building at Bovey Heath Farm Field off A382 for Mr Collett.

Observations: The Town Council considers that the proposed access to this site must be a key consideration and therefore is unable to reach a view without considering both together. The Town Council notes that the proposal indicates the floor levels being raised by 250mm whereas the flood risk assessment suggests a minimum of 300mm.

DNPA Applications listed to 3.2.17:

- b) 0066/17 Construction of agricultural dwelling with garage at Higher Elsford for Mr A West.

Observations: The Town Council does not support this application as it considers that the access is poor and also doubts are raised as to whether the applicant is farming the land directly.

TDC Applications listed to 10.2.17:

- c) 17 /00252/FUL Erection of single storey front extension at 2 Brow Hill, Heathfield for Mr P Flory

Observations: The Town Council does not support this application as it considers that the proposal would result in an unsympathetic development.

Cllr Arnold left the Council Chamber at 7.50pm.

- d) 17/00316/FUL Single storey side extension to existing veterinary practice at Mill House, Station Road for Moorgate Veterinary Surgeons.
Observations: No objection.

Cllr Arnold returned to the Council Chamber at 7.55pm.

- e) 17/00320/FUL Demolition of existing front and rear elements and erection of front and rear extensions to include new integral garage with storage over and remodelling of main roof at Moorland View, Bradley Road for Mr J Perry.

Observations: No objection.

- f) 17/00345/TPO Fell one oak at 38 Musket Road, Heathfield for Mr Marcus Ward.

Observations: Referred to TDC's Arboricultural Officer.

Application Withdrawn: Noted.

- g) 16/02923/FUL Conversion of garage to living accommodation with single storey side and rear extensions at 3 Crokers Meadow for Mrs J Evans.

PL.17/12 Planning Decisions: Noted.

- a) Appeal Decision: (DNPA Application)

i) Appeal against a refusal to grant consent for the creation of a new access onto highway at land at Brimley Lane, Higher Brimley. Appeal dismissed. (O)

The Town Council's submitted observations: No objections - N/O. Objection - O.

PL.17/13 General Planning Matters brought forward by Councillors:
(For information only).

Cllr Kelly reported that following comments from a previous Planning Committee meeting he had visited the Blenheim site and confirmed that the trees subject to an application to remove were still visible on the site.

Cllr Mrs Kerswell noted with interest that the applicant of the Bovey Heath Farm field application resides at a caravan site in Shaldon.

The meeting closed at 8.15pm.

FINANCE, RESOURCES & GENERAL PURPOSES COMMITTEE MEETING
HELD IN THE COUNCIL CHAMBER ON MONDAY 6TH MARCH 2017 AT 7PM.

Present:

The Town Mayor, Cllr A Allen

Cllr U Arnold
Cllr R J Ashby
Cllr Ms J H Blair
Cllr R A Bray
Cllr D K Elphick
Cllr M J Evans

Cllr G J Gribble**/*
Cllr E Kelly
Cllr S P Leigh
Cllr Ms C O Richardson
Cllr C W Robillard

**County Cllr

In attendance:

Mr M Wells - Town Clerk
Mrs L Warren
Mr J Midgely - Chairman of Bovey Tracey Youth Action
Mrs M Johnson - Manager of Bovey Tracey Youth Cafe

The meeting was chaired by Cllr Gribble

Cllr Robillard joined the meeting at 7.04pm.

Prior to the commencement of the meeting Mr J Midgely (Chairman of Bovey Tracey Youth Action) and Mrs Johnson (Manager of Bovey Tracey Youth Café) presented an update to Members of the group's current financial position. Cllr Gribble, on behalf of the Town Council, thanked Mr Midgely and Mrs Johnson for the contribution the Youth Café provides for the young people of the parish. Mr Midgely and Mrs Johnson then left the Council Chamber at 7.15pm.

Cllr Gribble declared an interest in FR&GP.17/24, 17/25 & 17/35.

FR&GP.17/19 Apologies for absence:

The Deputy Town Mayor, Cllr Mrs A J Kerswell* (Leave)
Cllr M Tregoning (Unwell)

****Public Participation:**

Mr P Beecher (Residents' Association) thanked the Town Mayor, Councillors and Town Clerk for attending a recent meeting of the Residents' Association.

FR&GP.17/20 Consideration of minutes of previous FR&GP Committee meeting held on 9.1.17:
Noted.

FR&GP.17/21 Accounts & Financial Statement:

The Accounts & Financial Statement dated 3.3.17 (**copies circulated at the meeting*) were received. The Financial Statement was adopted and the accounts were approved for payment.

FR&GP.17/22 Fees & Charges 2017/18:

Consideration was given to a review of the current fees and charges (**copy previously circulated*). Following discussion it was

Resolved:

i) Cemetery fees: To remain unchanged.

- ii) Allotment fees: To remain unchanged. Members of the proposed Allotment Association together with the Town Clerk and Chair of Recreation, Parks and Property Committee to undertake a review during the year.
- iii) Christmas Lights and Trees: Requested contributions to remain unchanged.
- iv) Town Centre hanging Baskets/boxes: To increase the charge to £25.00 per basket/box.
- v) Gravedigger fees: To review when requested and therefore to remain as currently set out.

FR&GP.17/23 Grant - Bovey Tracey Youth Action:

Consideration was given to a review of the current grant (£7500 p.a.). Following discussion it was

Resolved:

To continue to provide an annual grant of £7500 for the 2017/18 financial year. To undertake a review at the end of the financial year.

FR&GP.17/24 Investing in Devon Grant:

Members noted that an additional £10,000.00 has been awarded to the Community Centre Development following an application to DCC.

FR&GP.17/25 Capital Budget:

Consideration was given to the following virements from the Town Council's operational business account to the capital account earmarked for capital costs in relation to the Community Centre development.

£40,000.00 (2016/17 PSQL advance contribution)
£10,000.00 (Investing in Devon grant)

Resolved:

To make the virements as set out above.

FR&GP.17/26 Repairs/Maintenance - Heathfield Youth Cabins:

Consideration was given to the following quotations for internal repairs and maintenance work following vandalism:

Quotation A: £1,750+VAT
Quotation B: £1,560+VAT
Quotation C: £3,050+VAT

Resolved:

To accept Quotation B in the sum of £1,560+VAT (*Power to spend: LGA 1972 s111*)

FR&GP.17/27 Proposed Reduction in Police Community Support Officers (PCSOs):

Following the recent announcement from Devon and Cornwall Constabulary that PCSOs are likely to be reduced by half (360 to 180) Members considered action as appropriate. Following discussion it was

Resolved:

To write to the Police and Crime Commissioner for Devon and Cornwall expressing the Town Council's regret at the proposed reduction of PCSOs and concern regarding the impact this will have on the parish.

FR&GP.17/28 Dartmoor Demon:

Members noted that the Dartmoor Demon cycle ride will take place on Saturday 29th April, passing through Bovey Tracey.

FR&GP.17/29 Provision of Services Agreement for the Cleaning of Public Toilets at the Recreation Ground:

The current service agreement for the cleaning and provision of consumables for the public toilets at the Recreation Ground is due to expire on 31st March 2017.

Members noted that due to the proposed increase in charges from the Contractor, alternative quotations will be sourced. The current contractor will continue to service this site for the interim period.

FR&GP.17/30 Summer Watering - Hanging Basket & Troughs - 2017:

Consideration was given to the following quotations for the watering of the town's hanging baskets and troughs between 1st week in June to 30th September 2017.

Quotation A: £9,600+VAT
Quotation B: £11,148.43+VAT
Quotation C: £6,000+VAT

Resolved:

To accept Quotation C in the sum of £6,000+VAT. (Power to spend: LGA 1972 s141)

FR&GP.17/31 Elector Fund - 2016/17:

Members noted that applications for the following Elector Fund grants had been successful:

£2,210.00 - Hire of temporary toilet facilities (Station Road).
£2,560.00 - Play area improvements (Mill Marsh Park)
£1,750.00 - Heathfield Youth Facility (Repairs/maintenance)

FR&GP.17/32 Meeting Schedule 2017/18:

Consideration was given to adopting the proposed meeting schedule (*copy enclosed) for all the meetings of the Town Council for the period from 8th May 2017.

Resolved:

To adopt the meeting schedule for 2017/18.

FR&GP.17/33 Electronic Delivery of Meeting Summons:

The Local Government (Electronic Communications) (England) order 2015 allows for the delivery of Summons to Council meetings to be delivered by email subject to the consent of individual Councillors. Members considered adopting this practice. If adopted, a consent form (*copy

previously circulated) must be completed and submitted to the Town Clerk for those wishing to change from the current delivery method.

Resolved:

To trial the electronic delivery of meeting summons for those Councillors who wish to receive communications by this method.

FR&GP.17/34 Fairtrade Status Renewal:

Cllr Robillard provided an update. Consideration was given to passing the following resolution in respect of Bovey Tracey's renewal status as a Fairtrade town:

Bovey Tracey Town Council supports a strategy to facilitate the promotion and purchase of products with the Fairtrade mark and will:

- *Contribute to the efforts to increase sales of products with the Fairtrade mark.
- *Offer Fairtrade marked food and drinks where possible and make them available for internal meetings.
- *Seek to encourage local retailers to provide Fairtrade marked options for customers.
- *Support the local Steering Group in its endeavours to increase awareness of Fairtrade among people and businesses.
- *Support the initiative in the media when opportunities arise.

Resolved:

To support the Fairtrade Status renewal as set out above.

FR&GP.17/35 S106 - Wray Valley Trail:

Consideration was given to a request from Teignbridge District Council to approve a spend of £10,000.00 from the S106 Open Space contributions as partnership funding to extend a section of the Wray Valley Trail to better serve the parish of Bovey Tracey

Resolved:

To approve the spend of £10,000.00 as set out above.

Members noted the current S106 financial levels (**copy previously circulated*).

FR&GP.17/36 NHS - Acute Services Review:

Members noted correspondence (**copy previously circulated*) received from the NHS in Devon in relation to work on a five-year health and care services plan (Sustainability and Transformation Plan). Following discussion it was

Resolved:

To request the Town Clerk, in conjunction with the Communications Group, to write to New Devon CCG and South Devon and Torbay CCG expressing the Town Council's concerns regarding the timescales set out for the review and stating that it considers more time should be taken to undertake an in-depth review of the acute services. The letter to be copied to all Devon Members of Parliament and the local press.

FR&GP.17/37 Fly a Flag for the Commonwealth - 13th March 2017:

Consideration was given to an invitation from Bruno Peak (Commonwealth Pageantmaster) to take part in the "Fly a Flag for the Commonwealth" Celebrations, by flying the Commonwealth Flag from the Town Hall on Monday 13th March 2017.

Resolved:

To fly the Commonwealth Flag on 13th March providing this meets with the approval of the landlords.

FR&GP.17/38 Matters brought forward by Councillors: (for information only).

Cllr Allen (Town Mayor):

i) Noted that the new wall at Station Road Car Park looked attractive and enhanced the area.

ii) Referred to the commercial agent's advertisement sign at The Riverside and reported that it obstructs the visibility of motorists leaving the car park.

Cllr Evans advised that following the Town Council's decision to name the roads at the Bovis Homes development after those who lost their lives in WW1, he had met with Mr Mark Bailey concerning a proposed commemoration event. He reported that it is planned to hold a short ceremony on Friday 22nd September - the 100year anniversary of Pte. Frederick Daymond's death.

Cllr Ms Richardson referred to the entrance to The Riverside and enquired about providing an alternative access.

Members of the public and press left the Council Chamber at 8.15pm.

FR&GP.17/39 Exclusion of the Public, including the Press:

The following was resolved:

That in view of the confidential nature of the business about to be transacted and pursuant to the provisions of Section 1 (2) of the Public Bodies (Admission to Meetings) Act 1960, as amended, the public and press be temporarily excluded from the meeting for the following item:

Item FR&GP.17/40 - Grounds Maintenance Operative.

FR&GP.17/40 Grounds Maintenance Operative:

Members noted a letter of resignation (**copy previously circulated*). The Town Clerk and Cllr Kelly (Chairman of the Personnel Committee) provided an update on the current recruitment process.

Cllr Allen (Town Mayor) confirmed that the annual Mayoral Dinner will take place on 5th May at the House of Marbles.

The meeting closed at 8.20pm.

Accounts paid up to 17.2.17

		£
9.1.17	Equiptest Ltd	396.00
"	Total Cleaning Services	195.00
"	M Wells	130.27
"	Arnolds	16.12
"	Clare Beresford	27.00
"	M I Davey	280.00
"	Glasdon UK Ltd	340.42
"	Newton Abbot Security Trust	500.00
"	S W Water Ltd	635.66
"	Total Event Hire Ltd	35.28
"	PHS Group	246.48
30.1.17	Glasdon UK Ltd	48.20
"	Diversified Business Communications UK Ltd	186.00
"	Brimley Post Office & General Stores	165.00
"	EMS Waste Services Ltd	196.80
"	Terence Morgan	100.00
"	South West Grounds Maintenance	1800.00
"	Bovey Tracey Youth Action	625.00
"	S W Water Ltd	14.52
"	1 st Office Equipment Ltd	229.97
"	P J Bevans	64.08
"	Devon & Cornwall Newspapers Ltd	216.00
9.2.17	Newton Abbot Security Trust	500.00
"	K R & H E Harvey	819.00
"	Clare Beresford	45.00
"	Devon & Cornwall Newspapers Ltd	216.00
"	Teignbridge District Council	97.50
"	Viking	38.72
"	Teignbridge District Council	21.00
"	Tozers LLP	1800.00
"	Bovey Tracey Youth Action	625.00
"	Alan Lewis	240.00
		<u>10850.02</u>

Payroll

13207.86

Direct Debits

23.1.17	Elitetele.com	54.14
"	EE Phone	32.20
1.2.17	Aviva	580.70
"	Pulse8broadband	22.00
8.2.17	UK Fuels Ltd	61.42
10.2.17	British Gas	180.02
		<u>930.48</u>

Accounts paid up to 3rd March 2017

		£
20.2.17	Mole Valley Farmers Ltd	44.78
"	A R Allen	500.00
"	Total Cleaning Services	465.00
"	L Southern	50.00
"	Fenland Leisure Products Ltd	71.40
"	PHS Group	246.48
27.2.17	N Brock	942.00
"	Clare Beresford	<u>36.00</u>
		<u>2355.66</u>

Direct Debits

21.2.17	EE Phone	32.20
28.2.17	Elitetele.com	50.26
1.3.17	Pulse8broadband	22.00
"	Aviva	<u>580.70</u>
		<u>685.16</u>

Financial Statement 3rd March 2017

Accounts to be paid

	£
N Brock	314.00
Devon Association of Local Councils	<u>72.00</u>
	<u>386.00</u>
General Account:	8,293.26
Accounts to be paid:	<u>386.00</u>
	7,907.26
Business Bank Instant Account:	230,363.92
Business Bank Instant Account:	<u>260,107.81</u>
	<u>498,378.99</u>

PLANNING COMMITTEE MEETING HELD IN THE COUNCIL CHAMBER
ON MONDAY 6TH MARCH 2017 AT 8.20pm

Present:

The Town Mayor, Cllr A Allen

Cllr U Arnold	Cllr G J Gribble**/*
Cllr R J Ashby	Cllr E Kelly
Cllr Ms J H Blair	Cllr S P Leigh
Cllr R A Bray	Cllr C W Robillard
Cllr D K Elphick	
Cllr M J Evans	

** County Cllr
*District Cllr

In attendance:

Mr M Wells - Town Clerk
Mrs L Warren

The meeting was chaired by Cllr Ms Blair

Cllr Gribble declared an interest in PL.17/15d, e & h.
Members noted that item PL.17/15h is an application submitted by the Town Council and will therefore not offer an observation.

PL.17/14 Apologies for absence:

The Deputy Town Mayor, Cllr Mrs A J Kerswell* (Leave)
Cllr Ms C O Richardson (Personal commitment)
Cllr M Tregoning (Unwell)

**Public Participation: No members of the public were present.

PL.17/15 Consideration of Planning Applications:

DNPA Applications listed to 10.2.17: None

TDC Applications listed to 17.2.17:

- a) 17/00167/FUL Erection of timber framed combined stable block and outbuilding including formation of access track at field on Manaton Road for Mrs J Brand.
Observations: The Town Council does not support this application as our interpretation of the plans appears to highlight inconsistent information.
- b) 17/00407/TPO Crown lift to main forks one oak (941 on submitted plan) and crown reduce by 3-4m one oak (942 on submitted plan) at Units 1-3, Blue Water House for Mr C P Simons.
Observations: Referred to TDC's arboricultural officer.
- c) 17/00420/TPO Crown lift four beech trees to give 2m vertical clearance from roof and fell two Scots pine at land at rear of Greywalls, Newton Road for Charteroak Estates Ltd.
Observations: Referred to TDC's arboricultural officer.

DNPA Applications listed to 17.2.17:

- d) 0271/14 Amended scheme for a single storey extension, first floor extension over garage, two-storey side/rear extension, new detached garage and extended gravel drive (resubmission of 0168/14 at Lingham for Mr R Smith.
Observations: No objection.

- e) 0088/17 Variation of condition 4 of 0271/14 to allow the use of plain tiles at Linghaven for Mr R Smith.
Observations: No objection.

TDC Applications listed to 24.2.17:

- f) 17/00369/FUL Erection of a detached dwelling at 17 Heathfield Close for Mr G Moore, Bramley Homes (SW) Ltd.
Observations: The Town Council does not support this application as it considers the proposal would result in the overdevelopment of a site visible from a main road.
- g) 17/00391/FUL New detached double garage at Laurels End, Avenue Road for Mrs S Langmead.
Observations: No objection.
- h) 17/00489/VAR Variation of condition 2 on planning permission 12/01779/VAR to allow the use of the site and portable cabins for a further three years for youth facilities at land at Cannon Road/Battle Road, Heathfield Industrial Estate for Bovey Tracey Town Council.
Observations: Noted.

PL.17/16 Planning Decisions: Noted

Approvals:

a) TDC: None

b) DNPA:

- i) Reduce crown by 3m on 1-2 Sycamore at 5 St Lukes, Hawkmoor. (Referred)
ii) Fell 1-3 Sycamore at 1 Hawkmoor Parke. (Referred)

The Town Council's submitted observations: No objections - N/O. Objection - 0.

PL.17/17 General Planning Matters brought forward by Councillors:

(For information only).

Cllr Kelly referred to parking issues on the residential roads of Heathfield and requested that an item be placed on a future agenda for further discussion.

Cllr Evans referred to parking issues in Pottery Road including on street parking advertisements and requested that an item be placed on a future agenda for further discussion.

The meeting closed at 8.45pm.

BOVEY TRACEY TOWN COUNCIL

MY MAYORAL ENGAGEMENTS 2016/17

PERIOD 20 JAN TO 15 MAR 2017

- 20 JAN: MEETING WITH BOVEY ACTIVITIES TRUST SINGERS ABOUT SPRING FESTIVAL
- 25 JAN: VIP RECEPTION AT DEVONSHIRE HOMES BOVEY TRACEY
- 30 JAN: MEETING WITH BOVEY COMMUNITY CHOIR ABOUT SPRING FESTIVAL
- 08 FEB: PHOTO SHOOT WITH ARCHITECT ON SITE AT NEW COMMUNITY CENTRE
- 27 FEB: MEETING WITH HEAD OF SCHOOL ST CATHERINE'S HEATHFIELD
- 28 FEB: PRESS PHOTO SHOOT WITH VIV STYLES AT HERITAGE CENTRE
- 10 MAR: YOUNG CITIZENS AWARD SELECTION PANEL

TONY ALLEN

Bovey Tracey Town Council
FINANCIAL REGULATIONS



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Amendment History

Section	Detail	Approval Date
Original	Initial Version	
Review	Reviewed (FR&GP)	7 th September 2015
Re-adopted		21 st September 2015
Review	Reviewed (FR&GP)	6 th March 2017
Re-adopted		

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 ~~A~~ breach of these Regulations by an employee is ~~gross misconduct.~~ 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 Regulations¹.
- 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

¹ In England - Accounts and Audit (England) Regulations 2011/817
In Wales - Accounts and Audit (Wales) Regulations 2005/368

- 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~~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 ~~power of well-being~~; 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~~addition, the council must:

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

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), ~~or *Governance and Accountability for Local Councils in Wales— A Practitioners' Guide*, available from the websites of One Voice Wales (OVW) and SLCC as appropriate.~~

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 (or a cheque signatory) 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's Finance, Resources & General Purposes Committee.
- 2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.
- 2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.
- 2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.
- 2.6. The internal auditor shall:
 - be competent and independent of the financial operations of the council;
 - report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
 - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - 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. Each committee (if appropriate) 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 to the council not later than the end of November each year including any proposals for revising the forecast.
- 3.2. The RFO must each year, by no later than January, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the Finance, Resources and General Purposes Committee and 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 £5,000;
 - a duly delegated committee of the council for items over £500; or
 - the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below £500.

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

Contracts may not be disaggregated to avoid controls imposed by these regulations.

- 4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council, or duly delegated committee. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. The salary budgets are to be reviewed at least annually in November for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.5. In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £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 regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to

the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose, "material" shall be in excess of [£100] or [15%] of the budget.

- 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 the Finance, Resources and General Purposes Committee. The committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Finance, Resources and General Purposes Committee. The approved schedule shall be ruled off and 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 Finance, Resources and General Purposes Committee Meeting.
- 5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
- a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of the Finance, Resources and General Purposes Committee;

- b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of the Finance, Resources and General Purposes Committee.
 - c) fund transfers within the councils banking arrangements up to the sum of £20,000, provided that a list of such payments shall be submitted to the next appropriate meeting of the Finance, Resources and General Purposes Committee.
- 5.6. For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council (,or a duly authorised committee,) may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of the Finance, Resources and General Purposes Committee.
- 5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- 5.8. In respect of grants a duly authorised committee 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.
- 5.9.5.10. The Council will aim to rotate the duties of members in these regulations so that onerous duties are shared out as evenly as possible over time.
- 5.10.5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 6.1. The council will make safe and efficient arrangements for the making of its payments.
- 6.2. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.

- 6.3. All payments shall be effected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of Council [or duly delegated Committee].
- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by three members of council and countersigned by the Clerk, in accordance with a resolution instructing that payment. ~~If a~~ member who is ~~also~~ 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. ~~has declared a disclosable pecuniary interest, or has any other interest, in the matter in respect of which the payment is being made, that Councillor shall be required to consider Standing Orders, and thereby determine whether it is appropriate and / or permissible to be a signatory to the transaction in question.~~
- 6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. Cheques or orders for payment shall not normally be presented for signature other than at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the Finance, Resources and General Purposes Committee at the next convenient meeting.
- 6.7. If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable Direct Debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable Direct Debit shall be renewed by resolution of the council at least every two years.
- 6.8. If thought appropriate by the council, payment for certain items (principally Salaries) may be made by Banker's Standing Order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to council as made. The approval of the use of a Banker's Standing Order shall be renewed by resolution of the council at least every two years.
- 6.9. If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by three authorised bank signatories are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
- 6.10. The council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk ~~for~~ /RFO} (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

7. PAYMENT OF SALARIES

- 7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.
- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available council meeting, as set out in these regulations above.
- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the council.
- 7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
- a) by any councillor who can demonstrate a need to know;
 - b) by the internal auditor;
 - c) by the external auditor; or
 - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 7.6. An effective system of personal performance management should be maintained for the senior officers.
- 7.7. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.
- 7.8. Before employing interim staff the council must consider a full business case.

8. LOANS AND INVESTMENTS

- 8.1. All borrowings shall be effected 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 will be made available on request to any Councillor.
- 8.4. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with council policy.
- 8.5. The council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 8.6. All investments of money under the control of the council shall be in the name of the council.
- 8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.8. Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. INCOME

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

- 9.3. The council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.
- 9.5. All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.
- 9.6. The origin of each receipt shall be entered on the paying-in slip.
- 9.7. Personal cheques shall not be cashed out of money held on behalf of the council.
- 9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting, (see also Regulation 16 below).

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2. Order books shall be controlled by the RFO.
- 10.3. All members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11 (l) 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 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 it is intended to enter into a contract exceeding £60,000 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 shall invite tenders from at least three firms to be taken from the appropriate approved list.~~
- c. 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 relevant requirements of the Regulations (e.g. 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).

- b.d. 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 (e.g. Thresholds currently applicable are: a) For public supply and public service contracts £164,176 and b) For public works contracts £4,104,394).
- e.e. 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.
- d.f. 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.
- e.g. 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.
- f.h. ~~If less than three tenders are received for contracts above £60,000 or if all the tenders are identical the council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.~~
- g.i. Any invitation to tender issued under this regulation shall be subject to Standing Order 18d of the Model Standing Orders –and shall refer to the terms of the Bribery Act 2010.
- h.j. When it is to enter into a contract of less than £6025,000 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 £3,000 and above £100 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.
- i.k. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j.l. 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.

~~k. The European Union Procurement Directive shall apply and the terms of the Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2006 including thresholds shall be followed.~~

12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS (PUBLIC WORKS CONTRACTS)

- 12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the council.
- 12.3. Any variation to a contract or addition to or omission from a contract must be approved by the council and Clerk to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.]

13. STORES AND EQUIPMENT

- 13.1. ___The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2. ___Delivery Notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 13.3. Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14. ASSETS, PROPERTIES AND ESTATES

- 14.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted,

rents payable and purpose for which held in accordance with Accounts and Audit Regulations.

- 14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £500.
- 14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law, In each case a Report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as Planning Permissions and Covenants), –together with a proper business case (including an adequate level of consultation with the electorate).
- 14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a Report in writing shall be provided to council in respect of valuation and surveyed condition (including matters such as Planning Permissions and Covenants) of the property –together with a proper business case (including an adequate level of consultation with the electorate).
- 14.5. Subject only to the limit set in Reg. 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 Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers.
- 15.2. The RFO shall give prompt notification of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 15.3. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.
- 15.5. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined [annually] by the council, or duly delegated committee.

16. RISK MANAGEMENT

- 16.1. The council is responsible for putting in place appropriate 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. ~~having regard to the size of the organisation, for the management of risk. Such arrangements shall be reviewed by the council at least annually.~~
- 16.2. When considering any new activity, the RFO (where appropriate) –shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

17. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 17.1. 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.
- 17.2. 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.

Neighbourhood planning

A simple guide for councillors



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This publication has been prepared for PAS by URS Infrastructure & Environment UK, Ltd.

Summary

Neighbourhood plans are a fundamentally new tool to give communities more control over the type, location, size, pace and design of development in their area. They were introduced under the Localism Act 2011 as part of a suite of new community rights.

Town and parish councils and communities all over the country have either started developing neighbourhood plans or applied to their local authority for designation of neighbourhood areas or forums. These plans, developed by a parish council or neighbourhood forum, become part of the development plan for the area once passed by an examiner and ratified by the community through a referendum. Planning application decisions in those neighbourhoods will then be made taking into account the policies set out in these very important plans. Having good, clear, useful plans can help build community confidence that new development will suit their needs, encourage investment in community infrastructure and underpin the strategic policies of your local plan.

It's more than likely that communities in your area are waking up to this new opportunity. So there is good reason for you as a local authority member to understand the process and be ready to support and advise your parishes, town councils or neighbourhood forums.

This guide is to help you:

- understand the basics of neighbourhood planning;
- think about what this means for your community; and
- think about your role as a councillor at all stages of neighbourhood planning.

It has been formatted to allow you to go straight to the section that deals with the issues and concerns that fit where your communities are in the neighbourhood planning process. The advice is based on practical issues and questions raised by councillors at PAS events and draws on up to date examples of live neighbourhood plans. Go to:

- **Section 2** - If your ward, parish or town is considering Neighbourhood Planning and applying for designation
- **Section 3** - If your parish town or neighbourhood forum is designated, gathering evidence, writing a plan
- **Section 4** - If your parish or town or neighbourhood forum is preparing for publication, submission, examination or referendum.
- **Section 5** - if you want signposts to further information.

1. Introduction

Why neighbourhood planning?

Neighbourhood planning provides a statutory right for local people and businesses to plan for the future of their places in a sustainable and fair way. Crucially, it is designed to enable local people and communities to strongly influence how development will occur locally. Neighbourhood planning has the potential to:

- give communities a bigger say over the type, location, size, pace and design of development coming forward (including infrastructure, housing and commercial development)
- tackle long term trends or challenges affecting communities
- foster progressive relationships between communities, developers and local authorities
- provide neighbourhoods with more influence on delivery and implementation.

Neighbourhood plans may not propose less development than the local plan (or core strategy), but they can propose more homes or businesses or alternative sites or higher design standards for buildings and the public realm. In short they have an intensely local focus and can be as ambitious or modest as the community decides. Groups already well into their planning process have found their plans and the debate around them has galvanised their neighbourhoods and brought people together, opening up lines of communication on important local issues.

Neighbourhood planning tools

Neighbourhood planning is optional but if 'made' (adopted) by the local authority, neighbourhood plans will form part of the statutory development plan for your area. As such, these neighbourhood plan policies will take precedence over the Local Plan in determining planning permission for local (non-strategic) development. This makes it a far-reaching activity and a very appropriate one for a councillor to get involved in; even if you may have felt a bit removed from planning in the past or have been put off planning by the perceived complexity, controversy or jargon.

Groups pursuing neighbourhood planning can use any combination of the following tools to achieve their vision and objectives:

- **Neighbourhood development plans.** These usually set out a vision for an area or site and provide planning policies for the use and development of land. Though some may be similar to a Local Plan they will be about neighbourhood rather than district-wide issues.
- **Neighbourhood development orders.** These grant planning permission for specified forms developments agreed by the neighbourhood. They could be used, for example, for certain types of household extensions, shop fronts, or 'green energy' proposals. Where one is in place there would be no need for an applicant to apply to the local authority for planning permission.

- **Community right to build orders.** These are similar to a neighbourhood development orders though smaller in scale. Appropriately constituted community groups can grant planning permission for new buildings they want to see go ahead, without the need to apply to the local authority for permission once a community right to build order is in place.

Bodies responsible for neighbourhood planning

There are three main groups that can conduct neighbourhood planning. The type of group will depend on whether the area is parished or not.

- **Parish and town councils** - In a neighbourhood which contains all or part of the administrative area of a town or parish council, the town or parish council has lead responsibility for neighbourhood planning.
- **Neighbourhood forums** - In non-parished areas a neighbourhood forum will need to be formed and designated by the local authority. There can only be one forum per neighbourhood area. The forum must satisfy a range of criteria, such as having a board/steering group broadly reflective of the neighbourhood/community including residents and businesses. A forum must have a minimum membership of 21 and the involvement of at least one councillor is expected. The local authority consults with the community and then needs to agree to its formation and the area boundary (see Section 2).
- **Other Community Organisations** - Any community organisation can develop a Community Right to Build Order in an area provided they meet the conditions set out in the regulations. It does not need to be designated by the LPA in order for it to develop a Community Right to Build Order in a designated neighbourhood area.

Businesses, investors, developers and other commercial organisations can and are taking the lead in some neighbourhood areas. They can set up their own forums or sponsor a neighbourhood forum and its activity. Business forums still need to apply to be designated as neighbourhood forums. These arrangements may be particularly effective in areas that are predominantly commercial in character.

In many areas civic forums are already in place. Civic forums historically have brought together community groups, local interests and service providers to help shape the community activities and environment in the area. They are recognised by their local authority and community and regularly play a role in kick-starting neighbourhood planning. If a civic forum is interested in becoming a Neighbourhood Forum you may need to work to help them explore whether neighbourhood planning represents the best option to address their local issues.

The boundaries, make-up, and structure of the parish council, neighbourhood forum or business forum have to be proposed to the local authority. For all groups thinking of undertaking neighbourhood planning, group representation and area boundaries can be contentious and councillors can help those involved to understand the implications of, for example wanting to include or exclude particular areas. Involving a councillor early on will help the neighbourhood group to:

- reduce potential opposition or stalling processes
- reduce the amount of time required to understand and access the fundamentals of neighbourhood planning (i.e. set up, paperwork etc.)
- understand the planning constraints (e.g. protecting areas – green belts, character/natural assets, commercial land and property) and opportunities locally.

Support and funding for groups

Direct support is available to groups under the Supporting Communities in Neighbourhood Planning Programme, administered by a consortium led by Locality/RTPI Planning Aid on behalf of Government. Groups can apply for grant support under the programme. Other resources for neighbourhood planning activities may come from:

- cash reserves owned by the group
- grants from local authorities
- sponsorship from local businesses, developers or landowners (but groups will need to carefully consider how this might be perceived)

In all cases you can help to highlight the group's requirements and assist them in leveraging in support or additional resource through help on formal application processes or discussions with the local authority and other stakeholders.

Many groups have attracted the voluntary support of local urban designers, architects, planners, environmentalists and business owners who can bring very relevant skills to the core group.

Where such skills are not available in the group but a need is identified, consultants with specialist skills might need to be bought in (such as for help with evidence, engagement, environmental assessments, policy drafting etc.) Your experience of commissioning services will be invaluable for groups unaccustomed to writing a brief or tendering for specialist services. It's important that you advise groups not to commission consultants too early. In liaison with the local authority, you will be in a good position to advise on what groups can conceivably do on their own without external professional/technical help.

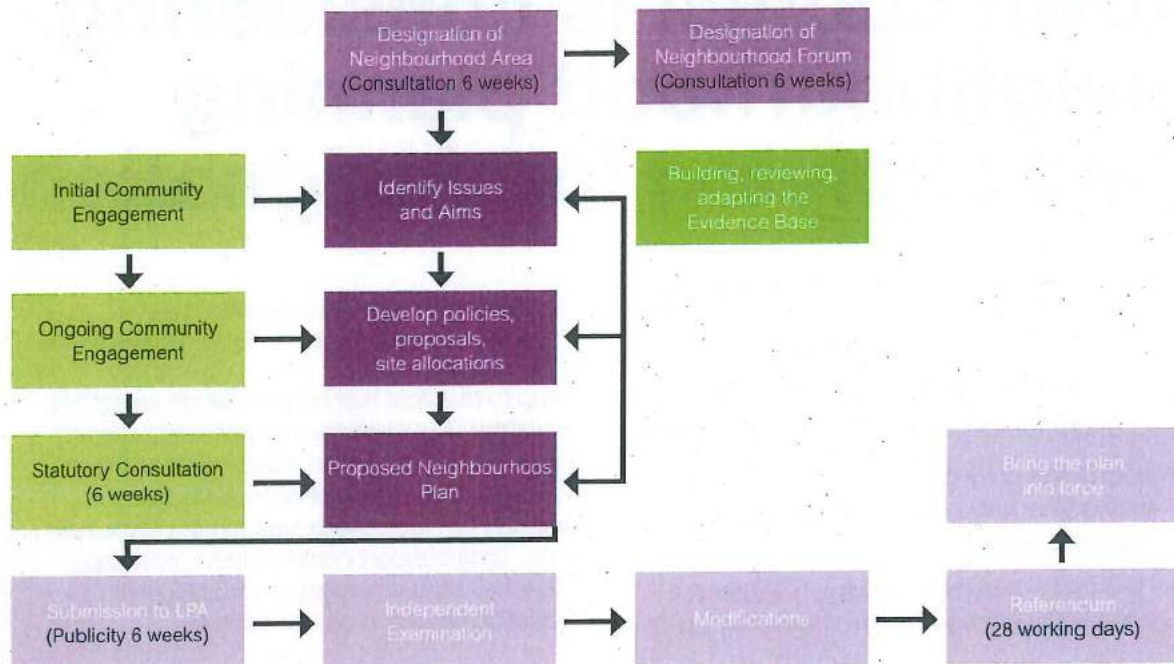
The neighbourhood planning process

There is a formal process for neighbourhood planning set out in the neighbourhood planning regulations¹. A summary of the process (with the key regulatory requirements highlighted in red) is shown opposite.

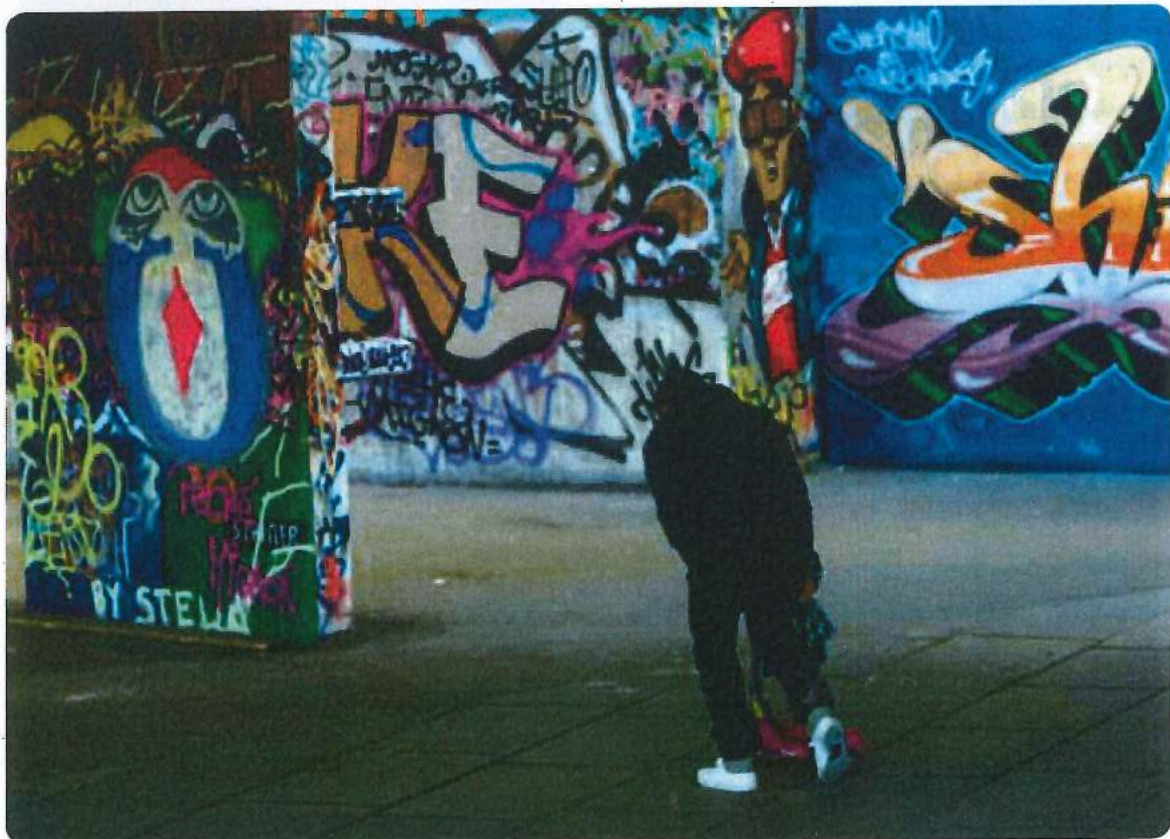
Sources such as the Planning Advisory Service (PAS) website, Locality, the Department for Communities and Local Government (DCLG) and the Royal Town Planning Institute (RTPI) provide a lot more detail on these key steps in the process (see the 'Useful links and resources' section for further information).

¹ <http://www.legislation.gov.uk/ukxi/2012/637/contents/made>

Figure 1 Neighbourhood planning process (Source: Locality²)



2 - <http://locality.org.uk/wp-content/uploads/Roadmap-worksheets-map-May-13.pdf>



2. If your ward, parish or town council is considering neighbourhood planning and applying for designation

You will need to be able to:

- encourage and inform communities wanting to undertake neighbourhood planning;
- understand and explain the general process
- help community groups to think about what they can achieve using neighbourhood planning rights
- help find support on funding, resources, community engagement and capacity building
- help the steering group or forum members to work on their applications to become designated forums and to establish neighbourhood areas
- mediate where overlapping boundaries/ areas exist
- liaise between the parish/town council/ neighbourhood forum and the local authority.

Role of the local authority

A local authority must take decisions at all key stages in the neighbourhood planning process and provide advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan or order³. In the early stages the local authority will have to:

- provide technical advice/support to groups thinking of preparing neighbourhood plans
- publish valid applications on their website and consult for 6 weeks on the proposals
- agree and formally designate a neighbourhood area, in both parished and non-parished areas

³ Paragraph 3 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

- agree and formally designate the neighbourhood forum in non-parished area.

It's up to the local authority to decide what they are willing to put into their advice and support role. An early meeting to discuss expectations is a good idea. Councils are offered financial support from the government to undertake this work. Their support could include providing evidence to the emerging group, help with facilitation or advice on consultation.

Designating a forum and area in non-parished areas requires separate applications from the prospective group to the local planning authority. If proposals come forward for overlapping areas the local authority, including councillors, will need to arbitrate, and decide which boundary is most appropriate in planning terms. Similarly, the local authority may have to make a decision about the right forum if more than one application is made. One of the most helpful elements of support councils can offer communities in the early stages is to ensure that the processes for considering designation applications facilitate an early decision. Many communities report that enthusiasm ebbs away if there is a long delay before the area or forum designation is given.

Getting established

The first few weeks of a neighbourhood group's development are a particularly critical phase. If you express your willingness, you will be one of the first ports of call for communities wanting to prepare neighbourhood development plans. You will need to think about how you can assist the burgeoning group whilst also balancing district-wide matters. Where previously you have helped residents to respond to planning applications or comment on a draft Local Plan you now

have the opportunity to work pro-actively with your constituents from the start to make a plan for themselves.

In this phase, there is an opportunity to bring together people who don't normally work together – different community interests for example and also other interests like landowners or active developers in the neighbourhood. Your rôle here can be about enabling, mediating and managing expectations. Whilst the ownership of the plan is in the hands of the community, your input will be invaluable. Sometimes neighbourhood groups will have come together because of opposition to proposed developments, the quality of past development, proposed planning strategies or the effect of national policy. Your role here will be to explain where higher level policies are coming from and signposting the national and local plan policies, explaining the reasons for strategic decisions taken by the council and mediating to find a consensus and a collaborative way forward.

By encouraging early discussions with service providers, you will be able to help groups to think about new ways to bring in resources to their area through providing sites and managed growth, for services to operate from more effectively and to gain contributions from developers to local infrastructure. You will be able to help local people to understand the impact of reductions to local budgets and loss of grant funding for local services.

Facilitating an initial meeting and getting the right people together

For both forums and parish councils it's a good idea to include a variety of individuals and groups on a widely representative steering group or wider working groups (perhaps including newer residents, children, businesses, service providers, national and local builders, non-profit housing groups, people on waiting list, the homeless, self-builders and retailers). If a forum isn't comfortable with any particular interests being

directly involved on the core group/steering group, then they should be encouraged to set up a wider reference or working group. The important thing is not to leave liaison with interested local bodies until the formal consultation phase when attitudes have become entrenched.

Neighbourhood planning presents a unique opportunity to bring together people who don't normally work together and who may even be suspicious of each other. Rather than plunging headlong into a long neighbourhood planning process, open meeting may help groups to assess the pros and cons of doing a neighbourhood plan and reveal interested parties not previously considered. It can also help to tease out the likely issues arising from any area boundary put forward at designation. Councillors can help to facilitate the discussion helping those involved to focus on:

- what they want to achieve as an outcome for their area
- what they need to do to achieve this
- what evidence they might use to define the neighbourhood boundary and the implications of a boundary (forums only)
- the local conditions including strategic policies and local geography and character
- the opportunities for involving partners in the project.

Taking the group on guided tours of the proposed area can be extremely worthwhile for teasing out the really big issues or opportunities. As local experts you can contribute to these discussions and tours given your insight and appreciation of historical planning/infrastructure issues.

There may be circumstances where a neighbourhood plan (or order) is not the answer to addressing a neighbourhood issue, the scoping phase and initial meeting should explore this further. For example, if whole scale change or regeneration is needed, then an area action plan or masterplan might be a more suitable route. Similarly if the issues were solely about character and design, a Village Design Statement might be more appropriate. Talking to the planning officers about this to discuss all of

the options available for the community will be necessary at this early stage.

Agreeing the neighbourhood area

Neighbourhood boundaries don't always conveniently follow local authority ward boundaries. People often identify their neighbourhood boundaries based on their own experiences and perceptions of the place they live in. These neighbourhood boundaries are often dynamic, changing over time. Councillors need to be particularly sensitive to calls for

alternative boundaries to the ward boundary. Setting an area boundary can become a highly politicised process. It is also important to realise that a local authority can consult on a boundary separately and before it consults on the forum that proposes to lead the process.

The Government has provided guidance on the National Planning Practice Guidance website to assist members for this sensitive area of neighbourhood planning⁴.

⁴ <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/what-is-the-neighbourhood-planning-process/what-is-the-process-for-designating-a-neighbourhood-area>

Issues to consider	
Where to begin	Perceived boundaries might depend on the logic of the character of the area, street patterns, landscape, catchment areas of services, natural features (rivers, canals, and/or green areas) and prevalent social networks.
Negotiation and Agreement	Negotiating and agreeing the perceived boundaries with the local authority and local interests, is required to build consensus early on. If conducted openly, it has the potential to strengthen relationships between all those involved.
Justification	The group will need to justify and explain clearly how and why the boundaries have been defined. This might be supported by a local neighbourhood identity survey or a web based questionnaire.
Data / Evidence base	Perceived boundaries rarely match ward boundaries. Finding appropriate statistics will require desk research, local surveys and statistical techniques to extrapolate data. The practicality of data collection should be considered.
Engagement and consultation	Finding out how different people understand, identify with and use their neighbourhood can not only promote the initiative, but avoid charges that the neighbourhood has been carved up wrongly by failing to take account of the views of social groups who may not be represented on the forum.

Figure 2 Factors to consider when setting a boundary

White City Community in West London. In 2011 residents initiated a Neighbourhood Forum that could act as a sounding board for local development proposals and planning frameworks. The Forum is one of 12 Cabinet Office 'Neighbourhood Community Budgeting' pilots and also has 'Big Local' lottery funding. In 2013, the Forum started to explore a more proactive approach to planning through neighbourhood planning. After gathering evidence for a proposed boundary, a half-day 'scoping' workshop was held. This brought together the local authority, 4 national developers, local land owners, businesses, local politicians and forum members to understand the neighbourhood planning process, identify roles and responsibilities, share opinions on neighbourhood plan area options and to share views. In particular they considered how the neighbourhood plan might fit with Local Area Framework for strategic sites. The four developers have expressed support for the initiative and the local authority has welcomed an application for designation. In short a potentially difficult clash between a developing neighbourhood plan and masterplans for specific strategic sites has been avoided and all parties now have a much better idea of how they might work together.

Questions to ask

If you are helping your parish, ward or neighbourhood to weigh up the pros and cons of doing a neighbourhood plan or order or discussing appropriate neighbourhood areas there are a number of questions to consider:

- Who needs to be round the table?
- What commitment can people offer?
- What skills are needed that might be available locally (e.g. architects, urban designers, meeting organisers, local developers, website developers, planners, printers)?
- What help is available from the local authority, the national DCLG funded programme, voluntary sector and national and local consultancy firms specialising in planning?
- Will an initial 'scoping phase' or community meeting be useful to save time upfront?
- What role will you play for the group?
- Are specific neighbourhood level policies required over and above the Local Plan to tackle historical planning issues?



3. If your parish, town or neighbourhood forum is gathering evidence, writing the plan and conducting engagement

You will need to be able to:

- help to promote the plan proposals and working groups within the wider community and urge people to comment on draft plan proposals as they materialise
- feed in surgery issues & broader policy discussions from a district level
- connect communities, local business, residents, schools, service providers
- mediate conflicts between stakeholders on draft policy proposals
- liaise with local authority officers over evidence/information requirements
- manage community expectations of what a neighbourhood plan can and can't do
- help to identify resources and 'settle in' those providing technical, policy and process support from outside.

Role of the local authority

This phase will mostly see the local authority perform their "advice and assist" role. The local authority must also publicise formal consultations.

The degree of day to day support a local authority feels it is able to offer varies widely and councillors can play a valuable role by helping both parties agree what would be a reasonable level of support based on local resources. Councillors can make use of network contacts to help ensure that colleagues on district and county councils

are engaged and able to provide advice and discussion of issues such as housing and education. If the neighbourhood group first draws up a list of what evidence and information they can provide themselves, discussions with the local authority can help find the gaps and identify where the LPA can help out. This may include:

- existing data and maps for the neighbourhood area
- identification of key local strategic policies from the Local Plan
- advice on relevant national policies/guidance
- key contacts and stakeholders (including contacts for the county and statutory consultees e.g. Environment Agency, English Heritage or Health and Safety Executive)
- venue availability and help with administration and community engagement activities
- technical support (e.g. communications, desktop publishing and policy drafting input) and officer availability for neighbourhood forums or more informal working groups.

Helping groups move from visioning to a draft plan

You will be able to help groups as they progress from setting out a high-level vision and objectives in the beginning through to evidence collection and then on to developing policies/proposals for the draft neighbourhood plan.

Neighbourhood groups have to make sure that the emerging plan or order is capable of meeting the basic conditions and other legal tests. These are the key considerations that the examiner will be testing before the plan can go forward to referendum. The basic conditions are that the proposed plan or order:

1. has regard to national policies and advice contained in guidance
2. has special regard to the desirability of preserving any heritage assets
3. has special regard to the desirability of preserving or enhancing the character or appearance of any conservation area
4. contributes to the achievement of sustainable development
5. general conformity with the strategic policies contained in the development plan
6. does not breach, and is otherwise compatible with, EU obligations (e.g. Strategic Environmental Assessment⁵)
7. prescribed conditions are met and prescribed matters have been complied (legal and regulatory).

The Independent Examiners of the most advanced neighbourhood plans have emphasised the importance of the local information collected and how that has influenced the vision, themes and policies. Evidence needs to be robust and to demonstrate the needs of the community in an objective way. Local information counts as evidence in the same way that Census material does. However, it needs to be collected in a transparent and fair way, making sure of the widest practical coverage of the community and that a project website or surveys are not loaded. Evidence needs to be analysed carefully and should inform the key themes and priorities. All the decisions relating to that analysis should be carefully recorded in minutes. Councillors can help to ensure that a group develops a diligent process that cannot be criticised later.

5 <http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/does-a-neighbourhood-plan-require-a-sustainability-appraisal/>

Councillors can also help groups to consider the range of development options for their area. If the LPA have advised you that Strategic Environmental Assessment (SEA) is necessary, this process can itself be very helpful since 'optioneering' is integrated into the assessment. However, even if one isn't needed, debating formal options with a wide variety of stakeholders can really help to ensure the proposals eventually put forward in the plan are deliverable and capable of meeting the basic conditions at examination.

Neighbourhood policies will need to be practical and useable for development management officers making decisions on planning applications. Councillors with experience of planning committee will have a good appreciation of how policy wording is used to make planning decisions and scrutinised at appeal hearings.

Resolving differences between neighbourhood and local plan policies

As a local councillor you can help to ensure the group thinks about the interface between the emerging neighbourhood plan and any adopted or emerging Local Plan. If there is no up to date adopted local plan already in place, then this is an opportunity for constructive dialogue, sharing evidence and information and for the community to influence the thinking behind the draft local plan.

If the local plan is in place then it might be a question of resolving policy tensions between more strategic and neighbourhood policies. These dedicated working meetings are best chaired by a local councillor or independent facilitator. DCLG draft practice guidance 2013 provides more detail about how to approach the question of whether neighbourhood plan policies are in general conformity with the local plan's strategic policies. This could include thinking about whether the proposed local plans are based on greater detail of the local character.

Importance of the formal engagement stages

Neighbourhood Planning groups need to adopt a high standard of engagement and take many different parties along with them. Without this, there is a risk they will lose at referendum. Councillors can play a role in encouraging engagement locally by:

- encouraging networking to initiate conversations between the different interest groups
- identifying the people/groups and their issues and finding ways of engaging with them
- introducing delivery agents (e.g. developers, infrastructure providers) to groups
- advising groups on who they could do business with in order to further their objectives.

Engaging developers and landowners early on in a constructive way will help to mitigate the risk of opposition in the later stages and make sure that the plan is deliverable. Gaining feedback on draft plans is an important part of this task and a key piece of the evidence base alongside technical studies/appraisals. Examiners will be keen to see if the plan has evolved in response to feedback received from stakeholders. It cannot be overstated how important effective engagement is to the process. You will have many local contacts and relationships and can encourage people to be constructively involved in the discussions right from the start.

Denmead Parish Council in Hampshire has been developing a neighbourhood plan since 2011. After conducting a series of 'marmite' questions on likes and dislikes and holding a community workshop on sustainability, the group commissioned consultants to undertake a broad evidence gathering exercise focusing on the parish's natural, social and economic character and strengths. From this a series of challenges and opportunities were identified which fed into a series of 10 'Core Principles' and key themes such as 'Preserving Village Identity'; 'Moving Around Sustainably'; 'Strengthening the Shopping and Retail Offer'. The intent of each potential policy within a given theme was then drafted which was related to the local plan strategic policies, some of which were found not to go far enough and which also had very little local detail or application. For the final stage a planning consultant was commissioned to help them draft the detailed policies and the draft plan in discussion with the LPA planners.

Questions to ask

- Is the emerging plan written in a clear accessible way?
e.g. Strategic Environmental Assessment, Habitats Regulation Assessment
- Are there any tensions with the Local Plan?
- How is engagement and more formal consultation work being conducted and recorded (e.g. is the group preparing a 'Consultation Statement')?
- Are objector's comments being taken seriously and dealt with in a transparent/ logical way?
- Has the group undertaken the correct processes for any supporting evidence?
- Has the group taken an evidence led approach to its emerging proposals?
- Is the group ready to proceed to publication?

4. If your ward, parish or town is preparing for publication, submission, examination or referendum

You will need to be able to:

- promote the plan within the wider community and local areas, drawing in businesses and initiating discussions with developers to ensure community ambitions are understood
- facilitate between differing views around table (i.e. diversity of interests, competing communities, cynicism), going beyond the 'usual people', identifying and showing community benefits and reasons to get involved, addressing apathy and 'no change' attitudes
- talk to active landowners and developers as they come forward and help to resolve any disputes
- getting out the vote and encouraging continued joined up approaches to communication assist the neighbourhood group in making the transition from plan-making to implementation and delivery (Parish Councils cannot lobby directly for a yes vote. Parishes can set up an ad-hoc yes campaign which councillors can join⁶).

Role of the local authority

Once a draft neighbourhood plan or order is written, the group must publicise and consult on the plan or order for a minimum of six weeks, and invite stakeholders and the community to make representations.

Following this stage the plan and all supporting documentation is submitted to the local authority.

The local authority needs to:

- satisfy itself that the draft plan or order complies with all the relevant statutory requirements
- pay for and arrange for the plan or order to be checked by an independent examiner
- take a formal view on whether the "basic conditions" are satisfied after the examiners report is received
- pay for and arrange the referendum (if the plan passes examination)
- publicise the neighbourhood plan and bring it into force (if ratified at the referendum).

Publication

How a group responds to formal representations is important and Councillors will have a role here in helping groups to deal with representations in a fair, transparent and recorded manner.

"Locality" and others provide a 'health check' for groups who feel their draft plans are ready for the final formal consultation (the publication stage prior to submission) to see if all the documents are in order and the plan meets the basic conditions. Their findings may reflect concerns of the local authority and councillors can play an important role in helping groups to interpret the advice and decide whether they are really ready for the final push. At this stage you will also need to help publicise the draft plan amongst colleagues, residents and other local stakeholders. This may be the last formal consultation on the emerging plan and so it's important all views are heard.

⁶ <http://www.legislation.gov.uk/ukxi/2012/2031/contents/made>

Once a plan/order reaches the publication stage it gains material weight in planning terms⁷. Prior to the publicity period a neighbourhood plan/order will carry very little weight.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a neighbourhood plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

Submission

Checking a submitted plan can be quite an involved process. During this period before submission, there should have been a constructive dialogue with the officers in the LPA in order to resolve any concerns about the deliverability of proposed policies and other matters. Once the plan has been submitted the LPA has a role in checking that the legislative tests have been met.

Groups must prepare a statement explaining how the proposed neighbourhood plan or order meets the basic conditions and also a consultation statement setting out all their engagement activities undertaken. You will be able to help prepare these statements to help the groups prepare for examination and subsequent hearing.

Examination

The examiner will assess if the plan/order complies with the basic conditions e.g. European obligations, conformity with

local plan/national policies etc. To help them assess the plan or order against these conditions the examiner will be looking at the content of the plan/order, the submitted evidence base, the basic conditions statement and consultation statement. It's important to recognise that this process is not like a

Local Plan's examination in public or an inquiry or appeal hearing for a planning application. The independent examination is a less formal format in so far as that the examiner may decide that he does not need a hearing, but can consider the issues through written submissions. The examiner can also decide that he will only want to hear submissions in regard to one or more issues – the others being considered on written representations.. However, the neighbourhood groups will still require your help to prepare for the examination and you can pass on your knowledge and experience of formal hearing procedures.

Referendum

Leading up to the referendum councillors can play an important role in encouraging people to participate in the referendum and making constituents aware of the key policies within the submitted plan and what they mean for the neighbourhood. Local authority members need to be wary of rules regarding campaigning in the run up to the referendum⁸. Councils need to maintain an even handed approach in both statements and publications. The neighbourhood referendum regulations stipulate restrictions on campaign material and expenses to reduce any undue influence in the referendum.

Members themselves will also take care as to how their actions could be perceived in the sensitive period running up to a referendum. This will include both campaigning within an action group and also potentially in commenting

⁷ <http://planningguidance.planningportal.gov.uk/blog/guidance/determining-a-planning-application/how-must-decisions-on-applications-for-planning-permission-be-made/>

⁸ Code of Recommended Practice on Local Authority Publicity https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5670/1878324.pdf

on a planning application where this may be perceived as the local authority or Town and parish council supporting a campaign for or against the neighbourhood plan.

Usually the referendum will ask for support from those living in the designated neighbourhood area. But, the examiner can recommend that the referendum can go beyond the plan area if its impacts will be felt more widely.

If the plan is supported by over 50 per cent of those who vote, the plan or order is then 'made' (brought into force) by the local authority. In Business Areas where two separate referenda will be held in parallel. The first will be for residents and a second referendum will be held for businesses (or more specifically non-domestic rate payers). Each business will have one vote. In this instance the outcome of the business and residents' referenda will be considered separately. If both are in favour of the Neighbourhood Plan it will be adopted. If both reject the Neighbourhood Plan it won't be adopted. Where the two outcomes conflict with each other the decision about whether or not to adopt the Neighbourhood Plan will rest with the local planning authority. Local planning authorities should 'make' the plan promptly following the announcement of the referendum result⁹.

Delivery and implementation

The process of making (bringing into force) a neighbourhood plan is only the beginning. It will require support and continued care to deliver its goals. For neighbourhood planning to really take off, the energy and enthusiasm of the town/parish council or neighbourhood/business forum and wider community needs to be directed into implementation projects working with developers, landowners, service providers, utility companies and local businesses. Some qualifying bodies have already decided they want to carry on and work with their local planning authority to actively implement their plan. For Councillors there may be a continued role of oversight and, particularly as priorities and needs change over time.

A big opportunity will be utilising the 25 per cent neighbourhood element of the Community Infrastructure Levy funds made available to groups where their plan that is 'made'. Moving forward, the group could transition from plan-making focus to infrastructure delivery focus. Councillors can help groups to understand the local authority approach to capital spending, asset management and CIL spending. By doing so the group may be able to utilise your insight to get the best value from neighbourhood CIL spending in order to deliver the neighbourhood vision and objectives.

⁹ <http://www.legislation.gov.uk/ukdsi/2012/9780111525050/regulation/5>

Following a successful referendum, the **Upper Eden Neighbourhood Plan** was made. The key lessons learned, according to the Council leader, were as follows:

- Making a good start in the process creating an accurate profile of the area using robust data and including assisting the steering group with interpretation
- Instilling realism is an important role for Councillors communicating what can and can't be done with land and the physical environment, to influence but not control change in the neighbourhood
- Avoiding 'motherhood and apple pie' – Councillors should encourage ambitious plans to be worthwhile whilst avoiding repetition of national or district policy
- Ensuring the steering group has firm roots within the community and a broad agenda with regular consultation to ascertain what sites are available and acceptable to the community

The success of Upper Eden and interest from Parish Councils for the next tranche of plans has prompted the Council to hire a neighbourhood planning officer to support the production of neighbourhood plans.

Questions to ask

- Has engagement been proportionate to the scale and complexity of the plan?
- Has the plan been the subject of appropriate pre-submission consultation and publicity?
- Are draft policies appropriately justified with a clear rationale?
- Are there any obvious conflicts with national/local policy?
- Are there any issues around compatibility with human rights or EU obligations is there a clear explanation of the ways the plan contributes to sustainable development?
- Are the draft policies clear/unambiguous and do they reflect the community's aspirations?
- Are discussions taking place with the electoral services team on holding the referendum?
- Is there a plan for bringing the plan/order into force taking account of committee cycles?
- What role does the community want to play in future implementation of plans?

Useful links and resources

Planning Advisory Service

Further support for councillors is available from the Planning Advisory Service website. This includes a number of downloadable briefings to help councillors understand and respond to neighbourhood planning. The Planning Advisory Service provides sector led advice, and peer support, learning events and online resources to help local authorities understand and respond to planning reform. PAS are part of the Local Government Association.

www.pas.gov.uk

Locality

Locality and their partners, including the Royal Town Planning Institute, are delivering the Supporting Communities and Neighbourhoods in Planning Programme. The new £9.5m programme of expert support and funding to help communities across England to create neighbourhood plans was launched in May 2013. Locality has also produced 'The Neighbourhood Planning Roadmap Guide' to help groups navigate the world of neighbourhood planning. In addition, they have a Neighbourhood planning knowledge hub, an online space for people to exchange advice and ask questions about neighbourhood planning. Visit the online neighbourhood planning hub.

<http://locality.org.uk>

Royal Town Planning Institute

The RTPI has compiled a number of tools for neighbourhood planning, with examples provided by members, as part of their work around the Localism Act. Planning Aid England is extensively involved in Neighbourhood

Planning and is advising a number of communities on the concept. It is part of the consortium led by Locality.

<http://www.ourneighbourhoodplanning.org.uk>

<http://www.rtpi.org.uk>

Department for Communities and Local Government

Below are links to the relevant legislation, regulations and guidance in relation to neighbourhood planning. At the time of publication, the National Planning Practice Guidance is in a test/consultation form on the NPPG website. The draft NPPG website includes both the National Planning Policy Framework and the most up to date guidance for neighbourhood planning including advice on prematurity.

<https://www.gov.uk/government/topics/planning-and-building>

<http://planningguidance.planningportal.gov.uk/>

<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

<http://www.legislation.gov.uk/uksi/2012/637/made>

<https://www.gov.uk/government/policies/giving-communities-more-power-in-planning-local-development/supporting-pages/community-infrastructure-levy>

<http://www.legislation.gov.uk/uksi/2012/2031/contents/made>

DCLG have a quick guide 'You've got the Power', which discusses the full suite of community rights <https://www.gov.uk/government/publications/youve-got-the-power-a-quick-and-simple-guide-to-community-rights>



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