



## **TO ALL MEMBERS OF THE FINANCE & GENERAL PURPOSES COMMITTEE**

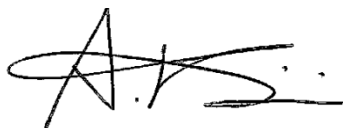
Cllr S Bird (Chairman)	Cllr G Newman
Cllr S Gallant (Vice Chairman)	Cllr D Savage
Cllr N Barber	Cllr A Smith
Cllr M Deacon	Cllr S Wiles
Cllr Jan Garfield	Cllr K Williams

You are hereby summoned to attend a meeting of the **FINANCE & GENERAL PURPOSES COMMITTEE** to be held at the **Town Hall, Felixstowe** on **Wednesday 27 March 2019** at **7.30pm** for the transaction of the following business:

### **A G E N D A**

- 1. Public Question Time**  
Up to 15 minutes set aside to enable members of the public to make representation or put questions to the Committee on any relevant matters.
- 2. Apologies**  
To receive apologies for absence.
- 3. Declarations of Interest**  
Members and officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the meeting if it becomes apparent that this may be required when a particular item or issue is considered.
- 4. Requests for Dispensation**  
Councillors with a pecuniary interest in an item on this agenda, who wish to remain, speak and/or vote during consideration of that item, may apply for a dispensation in writing to the Town Clerk prior to the meeting. Applications may also be considered at the meeting itself should the nature of the interest become apparent to a Councillor at the time of the meeting.
- 5. Confirmation of Minutes**  
To confirm the Minutes of the Finance & General Purposes Committee meeting held on 23 January 2019 as a true record. **(Pages 3-7)**
- 6. Budget Monitoring to 19 March 2019**  
To receive the budget monitoring report to 19 March 2019 and consider any actions deemed necessary. **(Pages 8-11 & Appendix A)**

- 7. Terms of Reference 2019/20**  
To review, and recommend to Council, Terms of Reference for 2019/20.  
**(Page 12 & Appendix B)**
- 8. Standing Orders 2019/20**  
To review, and recommend to Council, Standing Orders for 2019/20.  
**(Page 12 & Appendix C)**
- 9. Financial Regulations 2019/20**  
To review, and recommend to Council, Financial Regulations for 2019/20.  
**(Page 12 & Appendix D)**
- 10. General Power of Competence**  
To consider recommending the use of the General Power of Competence to the Annual Council Meeting.  
**(Pages 13-14)**
- 11. Risk Management Policy & Financial Risk Register**  
To review the Risk Management Policy & Financial Risk Register and make any recommendations to Council.  
**(Pages 15 & Appendix E)**
- 12. Complaints Procedure 2019/20**  
To review Council's Complaints Procedure for 2019/20 and make any recommendations to Council.  
**(Page 15 & Appendix F)**
- 13. Publication Scheme 2019/20**  
To review Council's and Publication Scheme for 2019/20 and make any recommendations to Council.  
**(Page 15 & Appendix G)**
- 14. Closure**  
To close proceedings and confirm the date of the next meeting scheduled for Wednesday 29 May 2019 at 7.30pm.



**Ash Tadjrishi**  
**Town Clerk**  
**22 March 2019**

For information (via email): All Town Councillors  
Local Press

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***Meetings of the Town Council and its Committees are open to the press and public who are welcome to attend.***

## **AGENDA ITEM 5: CONFIRMATION OF MINUTES**

**MINUTES** of the **FINANCE & GENERAL PURPOSES COMMITTEE** meeting held at Felixstowe Town Hall on **Wednesday 23 January 2019** at **7.30pm**

**PRESENT:** Cllr S Bird (Chairman) Cllr D Savage  
Cllr N Barber Cllr A Smith  
Cllr M Deacon Cllr S Wiles  
Cllr G Newman

**OFFICERS:** Mr A Tadjrishi (Town Clerk)  
Mrs D Frost (Deputy Town Clerk)

### **432. PUBLIC QUESTIONS**

There were none.

### **433. APOLOGIES FOR ABSENCE**

Apologies for absence were received from **Cllr Jan Garfield, Cllr S Gallant,** and **Cllr K Williams.**

### **434. DECLARATIONS OF INTEREST**

<b>Member(s)</b>	<b>Minute No.</b>	<b>Nature of Interest</b>
Cllr S Bird Cllr M Deacon Cllr D Savage Cllr A Smith	All	Local Non-Pecuniary (as Members of Suffolk Coastal District Council)
Cllr S Bird Cllr G Newman Cllr S Wiles	All	Local Non-Pecuniary (as a Members of Suffolk County Council)

### **435. REQUESTS FOR DISPENSATION**

There were none.

### **436. CONFIRMATION OF MINUTES**

**It was RESOLVED that the Minutes of the Finance & General Purposes Committee Meeting held on 28 November 2018 be signed by the Chairman as a true record.**

### **437. BUDGET MONITORING TO 31 DECEMBER 2018**

Committee received the budget monitoring report to 31 December 2018. A report of any variance to budget estimates for the period greater than 10% or £500 was considered.

**RESOLVED that the accounts to 31 December 2018 be noted, with no other action required at this time.**

#### **438. INVESTMENT POLICY AND STRATEGY**

Committee considered the Council's Investment Policy & Strategy for 2019/20 as presented which had been updated to reflect current investments.

It was noted that the new 3<sup>rd</sup> edition of the Statutory Guidance on Local Government Investments had been changed to reflect changes in patterns of local authority behaviour. Some local authorities are investing in non-financial assets, with the primary aim of generating profit. Others are entering into very long term investments or providing loans to local enterprises or third sector entities as part of regeneration or economic growth projects that are in line with their wider role for regeneration and place making.

Committee requested that the Investment Policy under the heading 'Investment Objectives' 2.3 be amended to state that:

*'The Department for Communities and Local Government allow a local authority to make loans to local enterprises, or third sector entities as part of regeneration or economic growth projects. Whilst this Council doesn't currently engage in such practice, it would only do so if it were prudent.'*

**It was RESOLVED that the Investment Policy & Strategy for 2019/20 be recommended to Council for adoption with as presented with the amendment to 2.3 above.**

#### **439. INSURANCE ADEQUACY REVIEW**

Committee reviewed Council's insurance provision as presented in the agenda report and were pleased to note the new quotations received as Council's current three year Long Term Agreement (LTA) ends on 31 March 2019 were significantly cheaper. Zurich who had been Council's previous insurer prior to 2013 came in with a quote of an annual premium including all motor, hired in plant and engineering of £5,742.69 + VAT on the Engineering inspection on a 3 year LTA. This saves council £2,997 from the previous year and the policy also gives increased cover as shown in the table below in bold:

	Aviva – Current insurer	Zurich
<b>Protection of physical assets</b>	Like for like	Like for like
<b>Public Liability</b>	£10,000,000	<b>£15,000,000</b>
<b>Employers Liability</b>	£10,000,000	£10,000,000
<b>Loss of cash</b>	£2,000	<b>£5,000</b>
<b>Fidelity guarantee</b>	£1,250,000	<b>£2,000,000</b>
<b>Libel and Slander</b>	£250,000	<b>£500,000</b>
<b>Office equipment</b>	£61,380	£61,380
<b>Personal accident</b>	Up to age 80 £40,000	<b>Up to age 90 £50,000/£100,000(key</b>

	£200 pw /£400 pw (key staff)	<b>staff) £200 pw /£500 10 weeks £100 thereafter</b>
<b>Assault cover</b>	Up to age 80 £10,000 £50pw/100 pw (key staff)	<b>Up to age 90 If no Personal Accident is operative Normal weekly wage or salary up to £150 per week</b>
<b>Other cover:</b>		
<b>Money in locked safes</b>	£2,000	<b>£5,000</b>
<b>Hirers Liability</b>	£2,000,000	£2,000,000
<b>Plant protection (Hired in plant)</b>	£250,000	<b>£500,000</b>
<b>Legal Expenses</b>	£100,000	<b>£200,000</b>
<b>Business Interruption</b>	£24,682 rental £51,000 additional expenditure	<b>£30,740 £100,000</b>

Members paid thanks to the Deputy Town Clerk for her work in obtaining a new insurance agreement and agreed that a new 3 year Long Term Agreement be taken out with Zurich Insurance with effect from 1 April 2019.

**It was RESOLVED that:**

- i. the arrangements for insurance cover in respect of all insured risks be recommended to Council and confirmed as adequate for 2019-20; and,**
- ii. a new 3 year Long Term Agreement be taken out with Zurich Insurance with effect from 1 April 2019.**

#### **440. MAYOR AND COUNCILLOR ALLOWANCES 2019/20**

Committee considered the report on the Mayor and Councillor Allowances 2019/2020 and the Members' Expenses Policy.

Members agreed that a Basic Members Allowance should not be introduced and that Town Councillors should continue to receive no remuneration for the office.

At the previous meeting, Committee requested that recommendations for the Mayor's Allowance will be brought to the next meeting for consideration (*Minute #367 of 2018/19 refers*).

The Town Clerk presented a report exploring three different approaches. Committee discussed in depth and recommend the following amendments to the Mayor's Allowance:

1. **Move as much of the recurring activities/known expenditure as appropriate from the Mayoral Allowance to the Civic Events budget.**  
Reason for recommendation: By moving any recurring activities/known expenditure from the Mayoral allowance to Civic Events budget, VAT can be reclaimed.
  
2. **Increase the Members Expenses budget and enable the Mayor (and Deputy Mayor when appropriate) to claim for approved travel/receipted expenditure in accordance with HMRC guidance.**  
Reason for recommendation: Keeping travel/receipted expenses for the Mayor within the expenses budget provides oversight and assurance with HMRC and will be met by a commensurate reduction in the Mayoral Allowance.
  
3. **Reduce the Mayoral Allowance commensurate to 1 and 2 above and pay subject to PAYE via Council's payroll system.**  
Reason for recommendation: The reduction of the allowance gives greater assurance that Council expenditure is being efficiently managed. Whilst it is likely that the allowance would be spent on otherwise tax-deductible expenditure, paying via PAYE offers Council simple assurance that the Mayoral Allowance is compliant with HMRC guidance. It also follows that by reducing the allowance, the level of tax incurred will be minimised.

**It was RECOMMENDED to Council that:**

- i. **Felixstowe Town Council does not seek to introduce a Basic Allowance for its Members, and the office of Town Councillor is to remain unpaid;**
  
- ii. **the Civic Events budget 2019/20 be increased by £2,000 to be used for any recurring Mayoral activities/Civic Events and known expenditure which would normally come from the Mayoral allowance in order that VAT can be reclaimed where appropriate;**
  
- iii. **the Members Expenses budget 2019/20 be increased by £1,000 to enable the Mayor to claim for travel/receipted expenditure in accordance with HMRC guidance; and,**
  
- iv. **the Mayor's Allowance for 2019/20 be reduced to £3,000 for the purpose of defraying other costs associated with the office of Mayor, with payment made following approval at Annual Council, on the basis of PAYE through the Council's payroll system; and,**
  
- v. **the Members' Expenses Policy be developed to become a Members' Allowances & Expenses Policy on the basis of incorporating the above recommendations and additionally enabling the Mayor (and Deputy Mayor as required) to be reimbursed for tax-deductible out-of-pocket expenses.**

#### **441. FELIXSTOWE PROM TRAFFIC ORDER CONSULTATION**

Committee considered the report on the Felixstowe Prom Traffic Order Consultation and the Suffolk County Council order and were pleased to note that events such as the annual car rally, and events at the Hut could apply for a licence to enable vehicles on the Prom. Members discussed the need for adequate signage such as 'Authorised vehicles only'.

**It was RESOLVED that the Town Clerk responds to the consultation, noting that Felixstowe Town Council welcomes the Felixstowe Prom Traffic Order subject to adequate provision of signage.**

#### **442. ACTION PLAN WORKING GROUP UPDATE**

In preparation towards the full review of the Council's Business Plan in 2019-20, Members considered a draft Action Plan which had been streamlined to concentrate on more strategic issues. It was noted that this had been based on input from the Action Plan Working group.

**It was RESOLVED that the new style Action Plan be recommended to Council for adoption.**

#### **443. CLOSURE**

The meeting was closed at 8.50pm. The next meeting was noted as being scheduled for Wednesday 27 March 2019 at 7.30pm.

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## AGENDA ITEM 6: BUDGET MONITORING TO 19 MARCH 2018

A summary Income & Expenditure Report to 19 March 2019 is shown below with a detailed report provided at **Appendix A**.

19/03/2019 11:10 Month No: 12	Felixstowe Town Council Summary Income & Expenditure by Budget Heading 19/03/2019 Committee Report	Page 1					
	Actual Last Year	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent
<b><u>Finance &amp; General Purposes</u></b>							
Income	593,476	569,818	564,967	(4,851)			100.9%
Expenditure	252,788	237,302	265,081	27,779	0	27,779	89.5%
Movement to/(from) Gen Reserve	340,688	332,516					
<b><u>Assets &amp; Services</u></b>							
Income	150,786	128,920	113,222	(15,698)			113.9%
Expenditure	246,839	218,512	263,066	44,554	0	44,554	83.1%
Movement to/(from) Gen Reserve	(96,053)	(89,592)					
<b><u>Civic &amp; Community</u></b>							
Income	13,808	15,005	14,242	(763)			105.4%
Expenditure	122,702	111,950	128,958	17,008	0	17,008	86.8%
Movement to/(from) Gen Reserve	(108,894)	(96,946)					
<hr/>							
Grand Totals:- Income	758,070	713,743	692,431	(21,312)			103.1%
Expenditure	622,329	567,764	657,105	89,341	0	89,341	86.4%
Net Income over Expenditure	135,741	145,978	35,326	(110,652)			
Movement to/(from) Gen Reserve	135,741	145,978					

In accordance with Council's Financial Regulations, Committee is to receive explanations of Material Variances for expenditure in excess of the estimated budget of 10% or £500, whichever is the lesser. As the Council's budgets are not produced on a phased basis, the expectation is, being eleven and a half months in to the year, for overall expenditure to be around 95.8%, with an explanation for any items overspent by £500 or 10% or over this level (i.e. 105.4%). Total expenditure for the first eleven and a half months stood at 86.4%. Explanatory notes and any recommended action for individual qualifying items in the accompanying **Appendix A** are as follows:



<b>Cost Centre 101 - Administration</b>
<p><b>4461 External Audit (117.2%)</b>  Non-budgeted CIL income received during 2017-18 contributed took Council in to the auditor's next income banding fee level.  <b>Recommendation: No Action - Increased budget for 2019-20.</b></p>
<b>Cost Centre 201 - Town Hall</b>
<p><b>4120 Gas (138.8%)</b>  Gas bill February over estimated taken by Direct Debit, £240.65 refund due. March bill still to receive.  <b>Recommendation: Monitor during 2019/20.</b></p>
<p><b>4170 Repairs and Maintenance (116.8%)</b>  Expected overspend due to new Fire Extinguishers and stair-riser repairs. Reported to Assets &amp; Services (Min #321 ii 2018/19 refers) and approved subject to not exceeding the total overall Repairs and Maintenance budget.  <b>Recommendation: No action required.</b></p>
<b>Cost Centre 202 – Walton Community Hall</b>
<p><b>4122 Electricity (110.7%)</b>  Smart meter now fitted and electricity being monitored. Investigations currently being made into why the electricity bills are so high. Total currently 11 months – billed quarterly next bill due April.  <b>Recommendation: Monitor during 2019/20.</b></p>
<b>Cost Centre 204 – Cemetery</b>
<p><b>1130 Memorials (79%)</b>  Further £550 (15.45%) invoiced, awaiting payment.  <b>Recommendation: Continue to monitor.</b></p>
<p><b>1140 Upkeep of Grave Spaces (76.9%)</b>  Decrease in upkeep of graves 2018/19.  <b>Recommendation: Monitor during 2019/20.</b></p>
<b>Cost Centre 205 – Allotment</b>
<p><b>4115 Water and Sewerage (158.1 %)</b>  Higher than expected water bills due to earlier underestimated bills and extraordinary dry hot summer. Reported to Assets &amp; Services (<i>Min #327 2018/19 refers, and also reported to FSALG Allotment Association.</i>)  <b>Recommendation: Monitor during 2019/20.</b></p>
<b>Cost Centre 301 – Civic &amp; Community</b>
<p><b>1810 Donations &amp; Sponsorship (86.3%)</b>  Sponsorship and Pitch fees for ice rink 2018.  <b>Recommendation: No further action</b></p>

Projections have been updated to provide an estimate of the expected year end position. At the previous Financial Year end 31<sup>st</sup> March 2018, Council held total reserves of £1,042,759. This was represented by General Reserves of £356,823 and Earmarked Reserves of £685,936.

Approved transfers from the General Fund to Earmarked Reserves on 1<sup>st</sup> April 2018 resulted in a starting position for 2018/19 of General Reserves of £305,639 and Earmarked Reserves of £737,120.

2018/19 income and expenditure has been projected to result in a budget surplus outturn of around £70,980. It is therefore estimated that the General Fund position as at 31 March 2019 will be around £376,619.

The projected outturn for Council's Earmarked Reserves at 31 March 2019 is estimated to be £619,408. This equates to a starting position of £737,120, less Council-approved net spending of £113,655 to date for various projects.

The projected outturn for the current year with a comparison against the Financial Year ending 2017/18 is shown in the Reserves and Balances table below:

<b>900</b>	<b>Earmarked Reserves</b>	<b>Closing Balance at 31 March 2018</b>	<b>Balance at 1 April 2018 after GF transfers</b>	<b>Estimated outturn position at 31 March 2019</b>
9010	Election Expenses	8,862	14,862	14,862
9015	Enhancement & Promotional	1,941	1,941	1,941
9025	Asset Repairs & Replacement	19,532	22,532	15,032
9030	IT Replacement Fund	3,117	3,117	3,117
9040	Cemetery Projects	149,922	169,922	164,436
9050	Broadway House	61,020	63,520	59,106
9055	Walton Community Hall	62,500	65,000	65,000
9065	Town Hall Maintenance	104,242	104,242	77,187
9070	Play Equipment	27,000	27,000	0
9075	Community Fund	156,821	164,005	152,672
9085	CCTV	42,000	42,000	42,000
9090	Staffing Reserve	10,375	20,375	20,375
9095	Armed Forces Weekend Legacy	10,796	10,796	3,680
9100	Community Infrastructure Levy	27,808	27,808	4,057
	<b>Earmarked Reserves</b>	<b>685,936</b>	<b>737,120</b>	<b>623,465</b>
	<b>General Fund Balance</b>	<b>356,823</b>	<b>305,639</b>	<b>376,619</b>
	<b>TOTAL BALANCE</b>	<b>1,042,759</b>	<b>1,042,759</b>	<b>1,000,084</b>

Committee will therefore note that the final outturn balance for Council's accounts at 31 March 2019 is estimated to be **£1,000,084**. This figure is subject to change as the accounts are finalised and is provided as an indication only at this time.

On 1<sup>st</sup> April 2019 transfers to/between Earmarked Reserves will be actioned as per the budget approved by Council on 9 January. The net result of this will be £51,027 transferred in to Earmarked Reserves from the General Fund and rebalancing of Earmarked Reserves as shown in the table below:

<b>900</b>	<b>Earmarked Reserves</b>	<b>Est. closing Balances at 31 March 2019</b>	<b>Est. Balances at 1 April 2019 after GF transfers</b>
9010	Election Expenses	14,862	20,862
9015	Enhancement & Promotional	1,941	1,941
9025	Asset Repairs & Replacement	15,032	18,032
9030	IT Replacement Fund	3,117	3,117
9040	Cemetery Projects	164,436	184,436
9050	Broadway House	59,106	61,606
9055	Walton Community Hall	65,000	67,500
9065	Town Hall Maintenance	77,187	83,956
9070	Play Equipment	0	0
9075	Community Fund	152,672	154,699
9085	CCTV	42,000	42,000
9090	Staffing Reserve	20,375	30,375
9095	Armed Forces Weekend Legacy	3,680	3,680
9100	Community Infrastructure Levy	4,057	4,057
	<b>Total Earmarked Reserves</b>	<b>623,465</b>	<b>674,492</b>
	<b>General Fund Balance</b>	<b>376,619</b>	<b>325,592</b>
	<b>TOTAL BALANCE</b>	<b>1,000,084</b>	<b>1,000,084</b>

**Committee is requested to receive the Accounts to 20 March 2019 and note the Reserves and Balances outturn estimate report to 31 March 2019.**

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## **AGENDA ITEM 7: TERMS OF REFERENCE 2019/20**

Terms of Reference for Council and its committees are reviewed at least once annually and are due for review by this Committee prior to adoption by Annual Council in May.

As instructed by Council at its meeting of 13 March 2019, Committee is to make provisions for the consideration for appropriate highway matters within the scope of the Planning & Environment Committee's Terms of Reference (*Min. #530ii of 2019/20 refers*). It is also suggested that this Finance & General Purposes Committee be renamed the Finance & Governance Committee to further clarify its function since the Council's governance review in 2015.

In addition to reviewing the scope of the committees, Councillors may wish to consider their membership numbers and the resultant quorum required. For example, a current '10 Member' committee requires a minimum of four Members to attend for it to be quorate, whereas the quorum for an '8 Member' committee (half the Town Council) would be three. An indication of the frequency and business of the committees' meetings has also been added to the Terms of Reference document for information.

A possible draft Terms of Reference for the Municipal Year 2019/20 is attached at **Appendix B** with key changes highlighted for consideration.

**Committee is requested to review and recommend to Annual Council, Terms of Reference for 2019/20.**

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## **AGENDA ITEM 8: STANDING ORDERS 2019/20**

Council's Standing Orders are reviewed at least once annually and approved for adoption by Annual Council each year. Draft Standing Orders for 2019/20 are attached at **Appendix C** for review with minor amendments tracked.

**Committee is requested to review and recommend to Annual Council, Standing Orders for 2019/20.**

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## **AGENDA ITEM 9: FINANCIAL REGULATIONS 2019/20**

Council's Financial Regulations are reviewed at least once annually and approved for adoption by Annual Council each year. Draft Financial Regulations for 2018/19 are attached at **Appendix D** for review.

In line with item 6.8 the approval of the use of BACS or CHAPS shall be renewed by resolution of the Council at least every two years, this was agreed by resolution at Annual Council 2018 (*Minute #585 2017/18 F&GP and Minute #13 2018/19 refers*).

**Committee is requested to review and recommend to Annual Council, Financial Regulations for 2019/20**

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## **AGENDA ITEM 10: GENERAL POWER OF COMPETENCE**

Town and parish councils' powers are constrained to specific and appropriate legislation. This means that before undertaking anything Members must be satisfied that the Town Council has the power (under a specified statute) to do that activity.

Outside of these specified powers, Section 137 of the Local Government Act 1972 permits expenditure up to certain limits for "purposes not otherwise authorised". For example, the Town Council commits Occasional Grants expenditure under Section 137.

Expenditure under the Local Government Act (s137) is limited and has to be budgeted for separately. Expenditure is restricted in that it cannot be used to give money to individuals and the amounts must be commensurate with a benefit to the local community. Section 137 is also a power of last resort, i.e. it should only be used if no other power is available.

Despite the wide range of powers, town and parish councils are always at risk of being challenged, especially if they undertake a new or unusual activity. To address this and to enable parish and town councils to do more in their communities, a "General Power of Competence" was included in the Localism Act 2011 (Part 1, Chapter 1, ss 1-8). This power was brought into force by SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012 in April 2012.

The intention of the legislation was to remove the need for eligible local authorities to identify specific powers to undertake an activity and reduce the risk of legal challenge. It is stated in the above Statutory Instrument that:

*"The Government's intention in providing eligible parish councils with the general power of competency is to better enable them to take on their enhanced role and allow them to do things they have previously been unable to do under existing powers".*

A council that is eligible to use the General Power of Competence can no longer use Section 137 as a power for taking action for the benefit of the area. However, The General Power of Competence enables eligible councils to have "the power to do anything that individuals generally may do" as long as they are not prevented from doing so by other laws. It is intended to be the power of first, not last, resort. The eligible council need ask itself if an individual is allowed to do it. If the answer is "yes", then a town council is normally permitted to act in the same way. Examples of how the legislation might be used include: running a community shop or post office; lending or investing money; establishing a company or co-operative society to trade and engage in commercial activity; establishing a company to provide services such as local transport; or providing grants to individuals.

The General Power of Competence cannot be used to circumvent a restriction in an existing specific power and other existing duties remain in place, including any procedural and financial duties and compliance with relevant existing legislation (e.g. employment law, health and safety, equality legislation and duties relating to data protection and freedom of information).

Also, if another authority already has a statutory duty to provide a service (e.g. education, social service, highways, footpaths, rights of way), it remains their duty to provide it. Nonetheless, eligible town councils could use the General Power of Competence to support these activities, provided that it was not expressly forbidden from so doing. Whilst councils are encouraged to be innovative, they should be aware of the risks of being challenged, their trading activities damaging other local enterprises and damage to the council's reputation and loss of public money if a project or investment goes wrong.

There are three conditions for eligibility that are set out in the Statutory Instrument:

- i. Resolution: A resolution must be passed at a full meeting of the Council that it meets the criteria for eligibility relating to the electoral mandate and relevant training of the clerk.
- ii. Electoral Mandate: At the time the resolution is passed, at least two thirds of the council must hold office as a result of being declared elected (i.e. not co-opted). For Felixstowe Town Council this would necessitate 11 of 16 of its Councillors being elected.
- iii. Qualified Clerk: At the time that the resolution is passed, the Town Clerk must hold a recognised professional qualification such as the Certificate in Local Council Administration (CiLCA)

Having decided at a full meeting of the Council that it meets the criteria for eligibility at that particular time, a resolution to this effect must be clearly written in the minutes.

Council is required to revisit that decision and make a new resolution at every 'relevant' annual meeting to confirm that it still meets the criteria (if it does). A 'relevant' annual meeting is the annual meeting of the Council after the next ordinary election has taken place. The next 'relevant' date for Felixstowe Town Council is therefore 15 May 2019. Eligibility remains in place until the next 'relevant' annual meeting even if the conditions of the eligibility criteria have changed. If the council loses its qualified clerk or has insufficient elected councillors it must also record its ineligibility at the next 'relevant' meeting. There is no requirement for Members to be trained in the General Power of Competence.

Felixstowe Town Council satisfies the eligibility conditions above as the Town Clerk holds the relevant CiLCA qualification and all of its councillors were elected. At the Annual Council Meeting of 15 May 2019 it is anticipated that the Council will remain eligible for the General Power of Competence.

**Members of the Finance & General Purposes Committee are therefore requested to consider this report and a recommendation that the Council pass the following resolution at the Annual Council Meeting of 15 May 2019:**

**“The Town Council resolves from 15 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence)(Prescribed Conditions) Order 2012, to adopt the General Power of Competence.”**

## **AGENDA ITEM 11: RISK MANAGEMENT POLICY & FINANCIAL RISK REGISTER**

Council is required to review its Risk Management Policy and Financial Risk Register on an annual basis. Recommended amendments proposed to the Risk Management Policy and Financial Risk Register are shown tracked at **Appendix E** for review which has also been updated to show the increased insurance cover which will take effect from 1 April 2019.

Councils are also required, at least once a year, to conduct, in accordance with proper practices, a review of the effectiveness of internal audit. Council is required to sign the annual governance statement (on the annual return submitted to the external auditor) to evidence that this review has been undertaken. The Clerk will bring a report on the effectiveness of internal audit to Committee in May for a recommendation to Council in June.

**Committee is requested to review the updated Risk Management Policy and recommend to Council for adoption.**

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## **AGENDA ITEM 12: COMPLAINTS PROCEDURE**

Council is to review its Complaints Procedure annually. The procedure provided at **Appendix F** adopted by Council is presented for review and onward recommendation to Council without amendment.

**Committee is requested to review the Complaints Procedure and recommend to Council for adoption.**

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## **AGENDA ITEM 13: FREEDOM OF INFORMATION AND PUBLICATION SCHEME**

Under the Freedom of Information Act 2000, it is the duty of every public authority to adopt and maintain a Publication Scheme. Local authorities must produce and publish the method by which specific information will be available so that it can be easily identified by members of the public.

The Information Commissioner's Office (ICO) provides a model publication scheme (version 1.2, 2015 is the current version), which the Council adopted in 2016 alongside an updated schedule of information available from Felixstowe Town Council within the scheme.

The model scheme and a schedule of information available is provided at **Appendix G**. No changes are currently proposed.

**Committee is requested to consider the model publication scheme and recommend to Council for approval without change for 2019/20.**