

# **Lowestoft Parish Council**

## **Inaugural Annual Meeting of the Council**

**Riverside, 4 Canning Road, Lowestoft, NR33 0EQ**  
**18:00 on 16 May 2017**

### **AGENDA BRIEFING NOTES**

#### **1. Election of Chair**

In law this must be the first business on the agenda. Stephen Baker, CEO Waveney District Council will preside for this first agenda item. The Chair is elected for one year and their office ends after they have presided for the election of the Chair in 2018.

#### **2. Chair's Declaration of Acceptance of Office**

The Chair must sign a DAO additional to the one signed as a councillor. This will be provided by the Clerk for signature at the meeting.

#### **3. Chair's Announcement on Reporting**

A statement will be provided to the Chair to read which reminds councillors and members of the public that the law permits filming, recording or other means of reporting of meetings. This will not apply to confidential items.

#### **4. To receive and consider acceptance of apologies for absence**

Generally, if the council does not accept apologies provided and a councillor is absent for six months, their position becomes automatically vacant.

The council must be quorate which is at least a third of the total number of seats on the council (7 for Lowestoft) in order to make decisions.

#### **5. Appointment of Vice-Chair**

This is optional but good practice and a common appointment to provide for a person who can automatically preside in the absence of the Chair. No additional declaration of acceptance of office is required in law.

#### **6. To receive Declarations of Acceptance of Office from councillors (and consider accepting any at a later date where not already received)**

DAOs must be received before or at the first meeting unless the council approves acceptance at a later date. To prevent councillors from being removed from office for failure to duly complete their DAOs, it is hoped that most will be signed before the meeting and this item can be used simply to note formally receipt.

## **7. Declarations of Interests and dispensations**

- a) To receive Declaration of Disclosable Pecuniary and Non-Pecuniary Interests from councillors on items on the Agenda**
- b) To receive and consider written requests for dispensations for Disclosable Pecuniary Interests**
- c) To note any dispensations previously granted**

It is essential that all councillors declare interests as required by law.

The Code of Conduct is attached with the meeting papers for a later agenda item. If adopted the Code should be retained for reference. Within the induction papers (to be given to you separately at the induction session) is provided is an Ethical Standards briefing paper, a dispensation application form, SALC dispensations guidance, guidance on registering interests, guidance on declaring interests and information of how to register your interests.

## **8. The status of the Council**

- a) To consider the adoption of the status 'Town' for the Council**
- b) To consider the adoption of the status 'Mayor' for the Chair in the event that the Council adopts 'Town' status).**

The title by which the council is known at the point of creation is 'Lowestoft Parish Council' under the Reorganisation Order. A council of this size would normally be called a 'Town Council' and the description of 'town' for Lowestoft would be understood and recognised readily. This is a matter for the Council to decide under Section 245(6) Local Government Act 1972 and it can dispose of this business at its first meeting. It should be noted that alternatives are available ('Community', 'Neighbourhood' and 'Village') but do not attract the connected mayoral option. Normally new larger councils use 'Town' but the first London council is called 'Queen's Park Community Council'.

The title 'Town' for the council confers no greater or lesser powers than any other title (excepting the option for the chair to be called a mayor). There is no provision in law for the Council to have both a Chair and a Leader, as is commonly the case at principal authority level. As a result, there is no need for there to be any undue costs associated with this role, especially as the civic regalia is now in the Council's ownership. A mayoral title for your Chair does provide the Council with an opportunity to provide a traditional robed presence at events and is in common with most Town Councils (Leiston-cum-Sizewell has historically been a notable exception). Any decision made about the status of the council can be revisited in due course if required. The title Lowestoft Parish Council will continue until any such time as another title is adopted by the council.

If the Council resolves to have the status of a town, it can also choose to adopt the title 'mayor' for the chair of the council. The 'Mayor of Lowestoft' elected from among the outgoing Charter Trustees will remain in place until the election of the chairman at the inaugural meeting of the council. The associated mayoral regalia transfers to the new council.

**9. Official handover of the civic regalia from the Lowestoft Charter Trustees to the Council**

This will take place regardless of any decisions at item 8. The current Charter Trustee appointed Mayor is Cllr Nick Webb who has been elected to the Town Council. He will formally present certain items of civic regalia to the Council Chair (or Mayor) to recognise the significant transfer from the historic Charter Trustee arrangements to the new Council.

**10. To adopt the Code of Conduct for the Council**

As at Item 7, the Code of Conduct information papers have been included in the induction packs and the Code is provided with the Agenda for consideration. The Council is required in law to adopt a Code of Conduct. Councillors failing to comply with the Code, in some circumstances, risk an investigation for breach of the Code by the local Standards Committee/being prosecuted for a criminal offence. The Code is based on the Suffolk Code in use in the great majority of local councils across Suffolk and as developed and agreed by the principal authority Monitoring Officers and Suffolk Association of Local Councils.

**11. To note the process for co-option of councillors to fill the following vacancies:**

- a) Gunton - 1 vacancy**
- b) Pakefield – 2 vacancies**
- c) St Margaret’s – 1 vacancy**

The Clerk will ensure the vacancies are advertised to invite eligible candidates to stand. The Council will decide who is co-opted by a vote at its next meeting. Candidates can be invited to attend the meeting to speak with councillors and to provide a short written piece (in advance) to help councillors to make a decision. The Council does not have to co-opt any of the candidates who put their name forward. Any candidate has to obtain an absolute majority of the votes cast in order to be co-opted as a councillor. The cooption will be on the next meeting agenda.

**12. To consider the formation of the following Committees, their membership and terms of reference:**

- a) Finance & Governance Committee**
- b) Personnel Committee (and Sub-Committee)**
- c) Planning & Environment Committee**
- d) New Council Implementation Committee**

The structure for the council’s decision-making is essential to its effective operation. As the council is newly-formed, any initial decision on how to conduct its business could be reviewed as need arises (and, as with other councils, will do so annually as a matter of good practice). The terms of reference drafts for consideration are provided with the agenda and the council will need to decide who to appoint.

**13. To consider and agree Council Representation on other Bodies**

This item will be used to note that the Council has requested that bodies on which the Charter Trustees are represented will advise whether the person appointed from the Charter Trustees to their body, continues in their own right or whether a replacement will be requested from the Town Council. Full responses are awaiting

and this matter will need to be carried forward to the next agenda, where it will be considered alongside any additional requests from bodies outside of the Charter Trustee arrangements. A briefing paper provided by WDC is within the agenda papers.

**14. To confirm the appointment of the Town Clerk (Proper Officer) and Responsible Financial Officer under interim arrangements with Suffolk Association of Local Councils**

The Council must have a Proper Officer and Responsible Financial Officer in law and WDC ensured suitable arrangements were in place through Suffolk Association of Local Councils (SALC). These arrangements to transfer to the Town Council and this item provides the Council with the opportunity to confirm its appointment of the required officers, through the arrangement with SALC.

**15. To determine the arrangements for the appointment of a permanent Town Clerk (Proper Officer) and Responsible Financial Officer**

If the council appoints a Personnel Committee, the terms of reference for this Committee provide for the to handle the recruitment process. However, key decisions about salary budget and the actual appointment of the Clerk would be by recommendation to Full Council.

**16. To consider adoption of the following governance documents:**

**a. Complaints Procedure**

Deals with complaints against the corporate body.

**b. Data Protection Policy**

**c. Document Retention Policy**

**d. Equality and Diversity Policy**

**e. Financial Regulations**

A briefing paper on Standing Orders will be provided within the induction papers. Councils must have rules governing contracts and wider rules on financial matters are essential for safeguarding public money. It is important that councillors note the roles, responsibilities and safeguards within the document.

**f. Freedom of Information Model Publication Scheme and Availability Schedule**

**g. Grant Awarding Policy**

**h. Health and Safety Policy**

**i. Investment Policy**

This is an essential policy to underpin the Council's banking, including savings account arrangements.

**j. Media Policy**

**k. Member-Officer Protocol**

**l. Public Participation Protocol**

**m. Reporting at Meetings Policy**

**n. Risk Assessment and Management Policy and Corporate Risk Assessment**

*A copy of the draft for consideration is provided with agenda and will be provided with your hard copy of the first meeting papers to be provided at the induction.*

*This document will need to be reviewed and expanded as the council's management of assets, insurance, banking and operational issues develop.*

**o. Standing Orders**

*A copy of the draft for consideration is provided with agenda. A briefing paper on Standing Orders will be provided within the induction papers. The decision is to adopt the Standing Orders and make the two additional itemised decisions listed.*

**p. Training and Development Policy and initial programme**

*A copy of the draft policy for consideration is provided.*

*The programme provided will cover the initial three sessions only and is as previously provided. Records of all training will be maintained for each councillor and officer.*

**17. To resolve that the Council is an eligible council and will use the General Power of Competence**

The Council is entitled to use the GPOC and this helps broaden its powers and reduce the risk of acting ultra vires.

**18. Finance:**

- a. To note the Council's budget
- b. To note the expenditure to date
- c. To note the income to date (Charter Trustees reserve balance £9,480 against original budget expectation of £7,543)

All of the above items are connected with the budget documents provided with the agenda.

- d. To consider delegating responsibility for the determination of the financial accounting software to the Responsible Financial Officer and set the budget limit.

A recommendation will be provided with a guide price.

- e. To note registration with the Information Commissioner's Office as a Data Controller and authorise the related payment of £35.

Councils have to be registered in law.

- f. To note the subscription to Suffolk Association of Local Councils to 31 March 2018 (includes payment to the National Association of Local Councils)

Provided within the SALC support arrangements. All councillors will be provided with their website password. Advice support through the Clerk and Chair. Training and information services provided to the whole Council.

- g. To note the Reorganisation Order and adopt the assets of the Council and associated contractual transfers
- h. To note the Asset Transfer Paper provided by Waveney District Council
- i. To note the ongoing contract and other arrangements for asset management
- j. To note relevant leaseback arrangements for assets under the Reorganisation Order
- k. To note the need to confirm arrangements for the ongoing maintenance of buildings

There is a contract connected with this item which needs to be considered in the later confidential session.

- l. To note the need to consider extending the loan agreement for the Lowestoft Porcelain Collection and to consider the recommendation from Waveney District Council that the Council give their authority to delegate the consideration of and signing of a new loan agreement to 2 members of the council / 1 member and the Clerk, with a view that a new agreement will be signed before the 31st May 2017

This delegation is sought owing to the timescale, importance and lack of availability of the agreement by the time of the meeting.

- m. To note and agree the Council's insurance arrangements, including the mandatory insurance cover and note further action needed to ensure ongoing cover

The commercially sensitive aspects of the contracts for insurance will be considered in the later confidential session.

- n. To agree that Unity Trust should be the appointed bankers for the Council
- o. To approve internet banking with Unity Trust
- p. To agree to the establishment of a short-term savings account with the Debt Management Office
- q. To agree the process for determining recommendations to Council on permanent savings account arrangements.

This could be through a recommendation from the Finance and Governance Committee working with the RFO.

- r. To note and agree officer support to the RFO

In the absence of permanent RFO arrangements, the Council has this option in order to provide financial support needed for the interim RFO.

- s. To appoint the Clerk/Responsible Financial Officer and the supporting finance officer, as administrative signatories and to appoint up to 4 councillor payment signatories
- t. To note progress with the VAT registration
- u. To note the availability of s.106 funding for play area improvement in Normanston

This will be dealt with in relation to the contractual arrangements within the confidential session.

- v. To consider the adoption of councillor allowances at £100 per councillor

**19. To receive public and councillor questions/comments for future consideration and receive any written District and County Council and Police reports**

**20. To note the arrangements for the Annual Meeting of the Electors**

**21. To note programmed meetings and agree the future meetings schedule**

**22. Date of next Council Meeting**

**23. Items for the next Agenda**

**24. To resolve that under the Public Bodies (Admission to Meetings) Act 1960, the public be excluded from the Meeting on the grounds that publicity would be**

**prejudicial to public interest by reason of the confidential nature of the business to be transacted, namely contractual matters:**

- a) To consider contract proposals for the management of assets
- b) To consider contract proposals for s.106 expenditure by Waveney District Council
- c) To consider the transferred contract for interim clerking support
- d) To consider contract arrangements for financial support
- e) To consider the contract arrangements for insurance