

**Swanley Town Council**  
Civic Centre, St Marys Road, Swanley, Kent, BR8 7BU  
Tel: 01322 611663  
[www.swanleytowncouncil.gov.uk](http://www.swanleytowncouncil.gov.uk)

**SUMMONS**

31<sup>st</sup> August 2017

Dear Member

You are hereby summoned to attend a meeting of the **Town Council** at the Council Chamber, **Civic Centre on Wednesday 6<sup>th</sup> September 2017 at 7:30pm** or at the conclusion of the public participation session.



Mr S Nash  
CEO / Town Clerk

**PUBLIC PARTICIPATION**

If required, the meeting will be preceded by a public participation period of up to 15 minutes at 7:30pm. Members of the public are also entitled to speak, during the meeting, on agenda items with the permission of the Chairman / Mayor

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**RECORDING (AUDIO AND / OR VIDEO OF COUNCIL MEETINGS AND USE OF SOCIAL MEDIA**

During this meeting the public are allowed to record the Committee and Officers from the front of the public seating area only, providing it does not disrupt the meeting. Any items in the exempt Part of an agenda cannot be recorded and no recording device is to be left behind. If another member of the public objects to being recorded, the person(s) recording must stop doing so until that member of the public has finished speaking. The use of social media is permitted, but all members of the public are requested to switch their mobile phone devices to silent for the duration of the meeting.

**MOBILE PHONES**

Member of the public are reminded that the use of mobile phones (other than on silent) is prohibited at Town Council and Committee meetings.

**AGENDA**

1. To receive Apologies for Absence
2. To receive Declarations of Interest
3. To approve as correct the Minutes of the Meeting held on Wednesday 5<sup>th</sup> July 2017.
4. To receive Minutes of Committees and approve recommendations contained therein

5<sup>th</sup> / 19<sup>th</sup> July 2017 – Development Control  
19<sup>th</sup> July 2017 – Policy and Finance  
19<sup>th</sup> July 2017 – Estates and Facilities

**5. INTERNAL AUDIT REPORT**

To receive the Internal Audit report (Report A)

**6. TO APPROVE MEMBERSHIP OF THE POLICY AND FINANCE COMMITTEE**

To approve Cllr Laurence Ball as a member of the Policy and Finance committee

**7. USE OF OFFICE SPACE IN CIVIC BUILDING**

To approve the use of the now empty offices by the charity Advocacy for All (Report B)

**8. DISPENSATION TO DISCUSS**

To allow the CEO to grant dispensation for councillors to speak on local issues (Report C)

**9. TICKETING SYSTEM**

To consider the introduction of a free ticketing system for STC events (Report D)

**10. Mayors Communication**

To receive such communications as the Town Mayor may desire to lay before the Council (Councillors are reminded that no decision making may take place as a result of this item)

**11. Report from County and District Councillors**

(Councillors are reminded that no decision making may take place as a result of this item)

**12. Date of next meeting – 4<sup>TH</sup> October 2017**

**13. Forthcoming Meetings – To note the following dates**

**20<sup>th</sup> September 2017 – Development Control**

**20<sup>th</sup> September 2017 – Policy and Finance**

**20<sup>th</sup> September 2017 – Personnel**

If you would like further information on any of the agenda items, please contact Mr Steve Nash, on 01322 611663 or [snash@swanleytowncouncil.gov.uk](mailto:snash@swanleytowncouncil.gov.uk)

**Council Members:**

Mayor Cllr Ball

Leader Cllr Morris

Cllr L Dyball (Deputy Mayor, LG)

Cllr C Barnes

Cllr L Gaire

Cllr S Gaire

Cllr T Searles

Cllr M Hogg

Cllr Horwood (Deputy Leader)

Cllr Halford

Cllr Scott

Cllr Willingale

Cllr J Barnes

Cllr E Komolafe

Cllr V Southern

Cllr P Darrington

LG Denotes Leadership Group

## **Swanley Town Council**

### **Year-end Internal Audit Report for the year ended 31 March 2017**

I have completed the year-end internal audit of the Council's records for the year ended 31<sup>st</sup> March 2017 and signed off the Annual Return (Annual Internal Audit Report) on 22 May 2017.

Members should be aware that my work cannot be relied upon to identify the occasional omission or insignificant error, nor do I actively seek evidence of breaches of trust or statute, neglect or fraud, which may have taken place. It is the responsibility of the Members of the Council to guard against such events, but if during the course of my audit testing such events are discovered I am duty bound to disclose such events to the Council.

I would like to take this opportunity to thank the Chief Executive Officer (CEO), Steve Nash and the RFO Steve Innes for their assistance given to me during the audit.

#### **Previous Audits:**

##### Interim Internal Audit 2016-17

The interim internal audit report referred to the lack of up to date agenda and minute information on the website, the Fidelity Guarantee cover, the changeover to the Sage Accounting system. The deficiencies in the website were in part due to the severe staffing issues, which the Council and CEO were dealing with. The CEO had in fact resigned and the Council had appointed a new CEO, Steve Nash to commence early January 2017.

#### **Year-end Internal Audit 2016-17:**

##### **Findings**

This visit concentrated on the year-end accounts and the requirements for the completion of the Annual Return Section 2 (Accounting Statements), the Asset Register, VAT claims and inspection of the payment arrangements including payroll. Other matters included risk management, insurance cover and service specific issues.

Following my visit there are some observations I wish to bring to Members' attention.

##### **Council Website:**

The Council's website has improved immensely in the last few months. The core agenda and minute information is now available and I like the fact that "draft" minutes are posted to the website rather than waiting until the draft is ratified by the following Meeting which could be many weeks later. In most cases the only amendments to the draft minutes are "typos" or minor re-wording.

From the 2015-16 the Annual Returns must be available for "public access" for a period of 5 years from the date of publication (as per Accounts & Audit Regulations 2015). The Council has a "Transparency" page, which includes the Annual Return information. There is also a statutory requirement to publish the details of Councillors

register of interests, more frequently referred to as Disclosable Pecuniary Interests (DPI's). These are linked to the Councillor details under the "Councillor" tab on the Home Page.

The Annual Returns must be available for "public access" for a period of 5 years from the date of publication (as per Accounts & Audit Regulations 2015). The easiest and probably the preferred means of public access is via your website.

As well as the agendas and minutes there is a lot of information about the running of the Council the Policies & Procedures tab and the Transparency tab. Service specific matters are within the Community and the Parks & Open Spaces tabs. Well Done.

### **Budgetary Control and Bookkeeping:**

The Sage Accounting system has been in place from 1 April 2016 and has been managed by MI Payroll Services who are experts on Sage accounting systems. The MI on-site Team Leader, Steve Innes has become an employee of the Council as the Council's RFO from 1 April 2017. Although new to the Annual Return process I was able to work with Mr Innes to compile the Accounting Statements from the information held within the Sage system, making sure that the entries in the relevant Boxes were comparable with the previous year entries.

One area that I specifically look at each year is the annual budget process and approval by the Council. The Council considered the 2017-18 Budget at the January 2017 meeting and approved a Precept Request of £529,899 and approximate increase of 2% (around £2 per Band D). The Precept figure was subsequently amended to £539,876 at the 8 February 2017 Meeting due to a change in the Tax Base, the % increase of 2% remained the same.

The total cash reserves at the end of March 2017 has reduced to £55,820 as per the Annual Return.

### **Payments, Payroll and Banking Arrangements:**

As well as the appointment of a new CEO and as from 1 April a new RFO, there have been other changes to the establishment reflecting the re-focusing of Swanley Banqueting and the Parks & Open Spaces. There are more changes being brought-in during 2017-18. The RFO advised me of the change in the payroll administration from Gary Sargeant to EL Direct as from 1 April 2017.

The year-end bank reconciliation was accurate reflecting the reduction in the year-end Reserves of the Council compared to the previous year. There are no large investments with other financial institutions as at 31 March 2017. The VAT claims are up to date, the last quarter to 31 March 2017 resulting in a payment to HMRC of £4,530.

### **Other Matters:**

#### Annual Return for 2016-17

When writing up this audit report I checked the Council's website to look at the Annual Return. The Return has been correctly loaded to the website as per the Regulations, but I was confused by the dates and the Minute references on Section 1 the Governance Statement and the Section 2 the Accounting Statements.

Section 1 is dated 3 May 2017 with a Minute Reference 10139 signed by the CEO and the Section 2 is dated 7 June 2017 with Minute Reference 10150 and signed by the RFO.

There is no reference to the Annual Return within the 3 May Minutes and the 7 June minutes refer to "Approval of the Annual Return Minute No. 10.

Within the Instruction Letter from PKF Littlejohn there was specific reference to the correct procedure for approving the Annual Return, which has not been followed. The procedure has not changed from the previous year 2015-16. The Council must demonstrate that it has properly taken onboard the responsibilities of individual Councillors in approving the Annual Governance Statement and subsequently approving the Accounting Statements. It will be interesting to see if PKF Littlejohn pick up this error in procedure, when they carry out their "limited assurance" review. I have forwarded my suggested agenda and minute format to the CEO and RFO for future use.

**David J Buckett CPFA DMS**

**28 July 2017**

**Swanley Town Council**  
**INTERNAL AUDIT 2016-2017**  
**AUDIT PLAN WITH COMMENTS / FINDINGS**

Area	Item	Comments / Findings Interim Audit 21 Oct & 15 Nov 2016	Comments / Findings Final Audit 22 May 2017
Previous Audits	<ul style="list-style-type: none"> <li>• Date of last External Audit Certificate</li> <li>• Comments if any</li> <li>• Publication on website.</li>   <li>• Date of last Internal Audit</li> <li>• Comments if any</li>   <li>• Review of any items outstanding from previous internal / external audit reports.</li> </ul>	<p>25 August 2016</p> <p>No comments</p> <p>Yes</p> <p>See covering report and comments below.</p>	<p>Interim Audit Report – Council Min 8 – 9 March 2017, reports on the website.</p>
Minutes	<ul style="list-style-type: none"> <li>• Scan of the minutes of the Council's meetings and the Finance Committee.</li> <li>• Localism Act 2011</li> <li>• General Power of Competence ?</li> <li>• Dispensations</li> <li>• S.40 LA&amp;A Act 2014 filming/recording</li> </ul>	<p>Yes – April to October 2016</p> <p>YES, reviewed at AGM – 11 May 2016</p> <p>YES, prior to meetings as necessary</p> <p>Agendas have a note at the foot of the agenda page alerting members of the public of the possibility of filming/recording. The Chairman of the meetings will advise all those attending the meeting before it commences.</p>	<p>Council Min 10 – 8 Feb 2017 recommended a merger of the Finance &amp; Audit Comm. with the Swanley Banqueting Comm. from 1 April 2017. Re named Policy &amp; Finance Comm.</p>
Code of Conduct/ Acceptance of Office	<ul style="list-style-type: none"> <li>• Date adopted</li> <li>• Any changes in elected/co-opted members since last Audit ?</li> <li>• DPI's complete</li> <li>• DPI's on website or weblink</li> <li>• New Governance Compliance</li> </ul>	<p>Reviewed at AGM – 11 May 2016 Code on the website linked to Ward Cllrs. page as are DPI's.</p> <p>Cllr Brookbank died in August 2016, by-election – 13 Oct. 2016 Cllr Horwood elected. Cllr Hulton-Scott resigned to be replaced in 2017.</p> <p>Yes</p> <p>Yes</p>	

<p>Standing Orders and Financial Regulations</p>	<ul style="list-style-type: none"> <li>• Have they been formally adopted and applied?</li> <li>• Have any changes been made since they were adopted or the last audit?</li> <li>• Have any changes been formally adopted by the Council?</li> <li>• Updated re Procurement Regs 2015?</li> <li>• Two signature rule still in place?</li> </ul>	<p>SO's &amp; Fin Regs. - Reviewed by Council on 11 May 2016. Both documents are on the website.</p> <p>See above</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Both docs have been reviewed since March 2017.</p> <p>Fin Regs. Min 7 – 3 May 2017</p> <p>SO's Min 6 – 7 June 2017</p>
<p>Risk Management</p>	<ul style="list-style-type: none"> <li>• Risk Assessments – Are they: <ul style="list-style-type: none"> <li>○ Carried out regularly?</li> <li>○ Adequate?</li> <li>○ Reported in the minutes?</li> </ul> </li> <li>• Insurance cover – is it: <ul style="list-style-type: none"> <li>○ Appropriate/Adequate?</li> <li>○ LTA in place?</li> <li>○ Reviewed regularly?</li> <li>○ Fidelity Guarantee Cover £ (Balances + ½ Precept)</li> </ul> </li> <li>• Internal controls – are they: <ul style="list-style-type: none"> <li>○ Documented?</li> <li>○ Adequate?</li> <li>○ Reviewed regularly?</li> <li>○ Statement of Internal Control?</li> </ul> </li> <li>• Systems and Procedures – are they: <ul style="list-style-type: none"> <li>○ Documented?</li> <li>○ Adequate?</li> <li>○ Followed?</li> <li>○ Reviewed regularly?</li> </ul> </li> </ul>	<p>Annual Review of financial and other risk areas were considered at AGM – 11 May 2016.</p> <p>Yes, impressive range of Risk Assessment Schedules covering parks and playing fields including skatepark, tree mtce. and “sharps” handing. Council employee’s complete inspections reports. – RoSPA annual inspection is done by Seagrove Inspection Services</p> <p>LTA put in place expires May 2018 with Ecclesiastical via Came &amp; Co., separate policies for vehicles fleet and boiler, electrical and plant.</p> <p>Yes</p> <p>£150,000 – This should be reviewed to at least £250,000, level provided previously. See Covering Report.</p> <p>My audit testing gave assurance that internal controls were in place and working effectively.</p> <p>The financial systems are being re-written following the introduction of the SAGE accounting package. See Covering Report</p>	<p>LRCS Risk Assessment Form &amp; Procedures – Policy &amp; Finance Min 7 – 19 April 2017 &amp; Council Min 6 - 3 May 2017</p> <p>Council to take over the Park activities from 3 April 2017, will require individual event risk assessments.</p> <p>Statement of Internal Control for y/e 31 Mar 2017. Approved Min 6 – 3 May 2017</p>

Budgetary Controls	<ul style="list-style-type: none"> <li>• Is the annual budgeting process reported and approved by the Council? <ul style="list-style-type: none"> <li>○ Budget/Precept amounts minuted?</li> </ul> </li> <li>• Is the actual performance against the budgets reported to the Council during the year ? <ul style="list-style-type: none"> <li>○ Compare with Fin Regs?</li> </ul> </li> <li>• Are significant variances explained in sufficient detail?</li> </ul>	<p>Yes, there is no budgetary information on the website at the moment, but this is being retrieved following a loss of data.</p> <p>First 2017-18 Budget discussion scheduled for Dec., the Finance &amp; Audit Committee will be reviewing the final recommendation on 9 Jan. 2017</p> <p>The Finance &amp; Audit Committee receives a report on income &amp; expenditure compared to Budget. The latest reports are produced from the SAGE accounts.</p>	<p>Full Council on 11 Jan 2017 resolved to agree a 2% increase to the Annual Precept to £529,899 (Min. 10119 – 11 Jan 2017). The Precept figure was subsequently amended due to a change in the Tax Base , the new Precept is £539,867 (Min 7 – 8 Feb 2017).</p>
<p>Section 137 expenditure</p> <p><b>£7.42 FOR 2016-17</b> (£7.36 FOR 2015-16)</p>	<ul style="list-style-type: none"> <li>• What is the cash limit for the year?</li> <li>• Is a separate account/analysis kept?</li> <li>• Has the cash limit been exceeded?</li> <li>• Have the spending powers been properly used and Minuted?</li> </ul>	<p>Used for annual poppy donation and local charities</p>	
Book-keeping	<ul style="list-style-type: none"> <li>• Cashbook - is it: <ul style="list-style-type: none"> <li>○ Fit for purpose?</li> <li>○ Up to date?</li> <li>○ Arithmetically correct?</li> <li>○ Balanced regularly?</li> </ul> </li> </ul>	<p>Rialtas Business Systems (RBS) accounting package was replaced with SAGE as from 1 April 2016 with the support of MI Payroll Services, which is on-going. The Accounting situation is heavily reliant on the support on MI Payroll Services. See covering report.</p> <p>Yes Yes Yes</p>	<p>SAGE from 1 April 2017</p>



Petty Cash	<ul style="list-style-type: none"> <li>• Has the amount of petty cash float been agreed?</li> <li>• Are all petty cash entries recorded?</li> </ul>	Various floats held at the function venues, TIC and Civic Office.	Fin Regs 6.20 refers to corporate credit cards and petty cash.  RFO has a petty cash float of £250
Payroll	<ul style="list-style-type: none"> <li>• Are payments made from petty cash fully supported by receipts / VAT invoices?</li> <li>• Are petty cash reimbursements signed for?</li> <li>• Is petty cash reimbursement carried out regularly?</li> <li>• Is petty cash balance independently checked regularly?</li> <li>• <b>Who is on the payroll and are contracts of employment in place?</b></li> <li>• Who is the RFO?</li> <li>• Have there been any changes to the establishment during the year?</li> <li>• <b>Have there been any changes to individual contracts during the year?</b></li> <li>• Have new appointments and changes to contracts been approved and minuted?</li> <li>• Do salaries paid agree with those approved by the Council?</li> <li>• Have any ad-hoc payments or benefits been appropriately approved?</li> <li>• <b>Have PAYE/NIC requirements been properly applied and accounted for?</b></li> <li>• <b>Payroll outsourced?</b></li> <li>• <b>WORKPLACE PENSION IN PLACE?</b></li> </ul>	<p>To be covered during the year-end Audit as the level and number of floats required is to be reviewed.</p> <p>See covering report.</p> <p>Chief Executive Officer</p> <p>Yes, see above</p> <p>Yes</p> <p>Variable Standing Order arrangement in place, amount reported by CEO and approved by Council.</p> <p>The payroll function is outsourced to a local company Gary Sargeant, although there have been issues over the quality of the payroll reports received.</p> <p>The Council contributes to the LGPS.</p>	<p>New CEO Steve Nash commenced Jan 2017.</p> <p>New RFO Steve Innes from April 2017, who had previously been working as a contractor.</p> <p>Democratic Services Officer – Barbara Playfoot</p> <p>Estates Manager – Dan Sutton</p> <p>Civic Manager – Toni Roast</p> <p>The new organisational chart is available on the website.</p> <p>The staff car loan scheme has been scrapped – Min 10120 – 11 Jan 2017 Long-service scheme revoked from 1 April 2017 – Min 4 – 8 Mar 20017</p> <p>EL Direct will be the new payroll administrator for the Council from 1 April 2017.</p>

<p>Payments</p>	<ul style="list-style-type: none"> <li>• Are all payments recorded and supported by appropriate documentation?</li> <li>• Are payments minuted?</li> <li>• Review of DD's and SO's ?</li> <li>• Has VAT been identified, recorded and reclaimed?</li> <li>• Are items above a de minimus amount purchased competitively?</li> <li>• Have internal control procedures been adhered to?</li> <li>• Contracts: <ul style="list-style-type: none"> <li>○ What contracts exist?</li> <li>○ Compliance with SO's</li> <li>○ Have any new contracts or contract variations/extensions been awarded in the year?</li> <li>○ Procedures adopted for letting of contracts</li> <li>○ Have contract payments been made in accordance with the contract document?</li> </ul> </li> </ul>	<p>Based on random tests carried out – Yes</p> <p>Payment schedules are presented to Council</p> <p>Most payments are still paid by cheque, although an increasing proportion are paid via BACs and there are a lot of DD's set-up.</p> <p>Yes - VAT is reclaimed quarterly, 1<sup>st</sup> Qtr = £32,082 and 2<sup>nd</sup> Qtr = £23,110. Good procedures in place.</p> <p>Based on tests carried out – Yes</p> <p>Based on tests carried out – Yes</p> <p>Numerous contracts in place from the obvious utility supplies including telecoms and IT services, to suppliers to Swanley Banqueting.</p> <p>Based on tests carried out – Yes</p>	<p>Repeat random testing carried out. No errors found.</p>
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Receipts	<ul style="list-style-type: none"> <li>• Are all receipts recorded correctly?</li> <li>• Are all receipts promptly banked?</li> <li>• Precept, CTSG and Sect 136 payments</li> <li>• Are internal controls of cash adequate?</li> <li>• Are invoicing arrangements adequate?</li> </ul>	<p>Sample invoices were checked and the trail into Sage verified, see comments below re future invoicing.</p> <p>Not checked at this interim audit</p> <p>Not checked at this interim audit</p> <p>The Rendez-Vous invoicing system used by Swanley Banqueting is to be replaced by a Sage invoicing system, which will interface with the Sage Accounts system.</p>	<p>Precept 2016-17 = £519,509</p> <p>Other Receipts totalled £1,326,764 includes some short-term investment income.</p>
Bank reconciliation	<ul style="list-style-type: none"> <li>• What current/deposit accounts exist?</li> <li>• FSCS aware and compliant?</li> <li>• Are bank reconciliations regularly carried out for each account?</li> <li>• Level of Balances to Precept ratio</li> <li>• Are the cheque counterfoils, paying-in books and bank statements adequately referenced?</li> <li>• When was the last review of the banking arrangements?</li> <li>• Internet Banking/Corporate Card ?</li> <li>• Signature review (Two signatures required?)</li> <li>• Any PWLB loans ?</li> </ul>	<p>Barclays current a/c as at 30 Sept 2016 = £419,327 includes the 2<sup>nd</sup> instalment of Precept.</p> <p>Aware from previous Reports, the investment with Darlington BS has been repaid.</p> <p>Yes</p> <p>Internet banking to be considered to replace the cheque payments</p> <p>Yes</p> <p>Yes, various payment dates.</p>	<p>The Council has experienced issues with Barclays to change the signatories on the bank mandate. This is not an unusual scenario, many of my clients have suffered long delays to mandate changes.</p> <p>Barclaycard used by Steve Nash, but the Statement refers to a card issued to Julie Pilbeam the previous Clerk. (see comment above)</p> <p>Outstanding sum as at 31 March 2017 = £68,155</p>

Assets and Asset Register (AR)	<ul style="list-style-type: none"> <li>• Are all the material assets owned by the Council recorded in an AR ?</li> <li>• Is the AR up to date?</li> <li>• Basis of Asset Values?</li> <li>• Are investments recorded?</li> <li>• Are the valuations regularly reviewed?</li> <li>• Does the AR show the insurance values ?</li> <li>• Digital Photographic evidence?</li> <li>• Is there a separate Inventory List of low value items (e.g. below the insurance excess levels) ?</li> </ul>	<p>Yes, the planned proposal to sell "The Woodlands" facility fell through, to be re-marketed.</p> <p>Yes, as at 31 Mar 2016,</p> <p>At cost or Proxy value and Nominal values where applicable.</p> <p>n/a</p> <p>No</p> <p>Yes</p> <p>Estates Manager has full inventory of everything with asset ID numbers</p>	<p>The Asset Register needs to be reviewed by the Council annually usually done as part of the Annual Return process (to verify Box 9 in Section 2 the Accounting Statements).</p> <p>The CEO has been given authority to dispose of various pieces of equipment, although some of these items are do not form part of the Asset Register. Min 9 – 8 Feb 2017</p>
Year-end procedures Inc. Annual Return	<ul style="list-style-type: none"> <li>• Does the Annual Return Statement of Accounts agree with the cashbook?</li> <li>• Is there an audit trail from the financial records to the accounts?</li> <li>• Have debtors and creditors been properly recorded?</li> <li>• Date of approval of Annual Return</li> <li>• Annual Return posted on website ?</li> <li>• New governance compliance regime - refer to new Practitioners' Guide 2016</li> </ul>	<p>Year end procedures to be checked at final audit</p> <p>Yes</p> <p>2015-16 AR posted as required by new Regs.</p>	<p>The Annual Return figures and supporting paers were checked with Steve Innes, the first time he has prepared an Annual Return. As RFO he will be signing off the Section of the Annual Return for 2016-17.</p> <p><b>Post Audit Note:-</b> I checked the Council's website regarding the Annual Return and the Notice of Public Rights, which have been correctly loaded onto the Council's website. However, I am confused by the dates and Minute references put on Section 1 &amp; 2. <b>See attached Report.</b></p>

<p>Additional tests – (as necessary)</p>	<ul style="list-style-type: none"> <li>• Computer systems: <ul style="list-style-type: none"> <li>○ The procedures for the backing up of computerised records</li> <li>○ Council owned PC/laptop ?</li> </ul> </li> <li>• Record keeping and the arrangements in place to store previous year's accounts etc.</li> <li>• Annual review of the effectiveness of Internal Audit inc. Appointment of IIA</li> <li>• Annual Statement of Internal Control</li> <li>• Website host and Webmaster</li> <li>• Website functionality/ up to date?</li> <li>• TRANSPARENCY CODE compliant ?</li> </ul>	<p>Data back-up automated</p> <p>Part owned, part leased hardware and software, including printing facilities and cash registers, included on inventory list.</p> <p>2015-16, approved by the Finance &amp; Audit Committee – 16 June 2016</p> <p>Transparency Code webpage set-up includes staff structure, Strategic Plan 2016, pre-audit Annual Return and Annual Report for 2015-16</p>	<p>The new website has been designed and maintained by TLC Online, who are responsible for the more complex "cut &amp; paste" changes along with much of the design. Certain In-house staff have access to allow them to do the simpler changes/updates etc..</p>
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**Report to Full Council  
Use of Office Space in Civic Building**

**1. Introduction**

Since the reorganisation of STC staffing last year and the significant downsizing of the administration staff within the Civic Building, the town council now finds itself with some available space. Over the last 2 months the CEO has been re-arranging the staff accommodation so that all staff are now located on the recreation field side of the building and that they have sufficient space to work from. The redundant larger office and down stairs office now provides an opportunity for rental which could create valuable income for the town council. A tenant has already been identified and is willing to pay commercial rates for the space with a view to occupying the office in November of this year. Subject to some changes which are outlined below the CEO is recommending approval be given.

**2. Basic Fees**

- a) Annual Rental £20,400 pa
- b) 4 month deposit £6800
- c) All costs in preparing the building for extended use
- d) Any additional liability costs

**3. Physical Changes**

- a) Upper internal doors are reversed and changed into fire doors x2.
- b) Hatchway is sealed into place with no ability to open
- c) Attic space is made lockable and only accessible by STC
- d) Lift to be repaired for use (STC)
- e) All unrequired equipment removed from offices
- f) Swipe system addition to corridor door by steps
- g) Install additional fire exit signs

**4. Access Changes**

- a) Swipe card restriction to tenant Mon-Fri 9am-5pm
- b) Phone transfer option with separate billing
- c) Broadband option with separate billing or separate system TBC
- d) New doorbells and signs
- e) Allocation of kitchen space/equipment for welfare

**5. Additional charges above rental**

- a) Energy Bills
- b) Phone Use
- c) Cleaning
- d) Welfare
- e) Postal charges
- f) Cost for swipe cards
- g) Other cost associated with the actions of the tenant (i.e. breaking window etc)
- h) Potential sale of existing office equipment

## **6. Procedural Changes**

There will need to be some procedural documentation drawn up including:

- Opening and closing of the building
- Restrictive use
- Tenant liability cover
- Emergency evacuation procedures
- Booking in and out scheme updated
- Fire regulations
- Fire inspection and report

## **7. Options for Rental**

It is possible to carry out this rental through a Lease Agreement, Tenancy at Will or a License to Occupy. The first two provide the tenant with security of tenure with the later providing the owner with the ability to terminate with short notice.

It is proposed that the License to Occupy be granted for a period of 3 years with a 2 month notice to quit clause giving STC the ability to re-occupy the offices if the need arises. .

The current potential tenant is aware of this intention and is happy to comply.

## **Conclusion**

The potential tenant is also a registered charity which supports local residents across the area and this would appear a very worthwhile use of a currently redundant space within the building. The additional income provided will help STC in moving forward existing programmes of repair and replacement and provides some real sustainable income for a period that could be beyond the 3 years suggested. Along with new rentals for the boxing club at The Olympic (£4056pa) and Rugby Club at The Park (£2400pa) all council departments should see an improved income stream.

**DISPENSATIONS PROCEDURE –  
FULL COUNCIL 6<sup>th</sup> SEPTEMBER 2017**

**REPORT C**

**1. Introduction**

Town and Parish Councils are now responsible for determining requests for a dispensation by a town or parish councillor under Section 33 of Localism Act 2011.

This is because they are a “relevant authority” under section 27(6) (d) of the Act.

This report explains:-

- (a) the purpose and effect of dispensations
- (b) the procedure for requesting dispensations
- (c) the criteria which are applied in determining dispensation requests
- (d) the terms of dispensations

**2. Purpose and effect of Dispensations**

In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited because they have a Disclosable Pecuniary Interest. Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.

Section 31(4) of the Localism Act states that dispensations may allow the Councillor:

- (a) to participate, or participate further, in any discussion of the matter at the meeting(s); and/or
- (b) to participate in any vote, or further vote, taken on the matter at the meeting(s).  
If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held.

**Please note: If a town or parish councillor participates in a meeting where he/she has a Disclosable Pecuniary Interest and he/she does not have a dispensation, they may be committing a criminal offence under s34 Localism Act 2011.**

**3. Process for making requests**

Any Councillor who wishes to apply for a dispensation must fully complete a Dispensation Request form and submit it to the proper officer of the town/parish council (ie. the Town Clerk/CEO) as soon as possible before the meeting which the dispensation is required. Applications may also be made at the town/parish council meeting itself (if town/parish councils have a standing item on the agenda to deal with dispensation requests) and the nature of the interest has only become apparent to a councillor at the meeting itself.



Suggested wording for a new standing agenda item on declaration of interests and dispensations is as follows:

#### **Declarations of interest and dispensations**

2.1 To receive declarations of interest from councillors on items on the agenda

2.2 To receive written requests for dispensations for disclosable pecuniary interests (if any)

2.3 To grant any requests for dispensation as appropriate

A request for dispensation must be made on an individual basis.

#### **4. Consideration by the Town Council**

The Town Council can either delegate to the town/parish clerk the authority to grant dispensations or reserve such decisions for the full parish council. If the parish council decides to delegate this role to the town / parish clerk then it will need to make a formal resolution to this effect, on the lines of:

**“RESOLVE that the Council delegates the power to grant dispensations to the Clerk. The power rests with the relevant authority under section 33(1) of the Localism Act 2011 and the basis is set out under section 33(2). ”**

The town / parish clerk or the town / parish council may grant a dispensation to a councillor who has a Disclosable Pecuniary Interest to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter (as per para. 2 above) if they consider that:

- (a) so many members of the decision-making body have disclosable pecuniary interests that it would impede the transaction of the business (ie. the meeting would be inquorate); or
- (b) the authority considers that the dispensation is in the interests of persons living in the authority’s area; or
- (c) it is otherwise appropriate to grant a dispensation.

The town / parish council may wish to extend the provisions of the above paragraph to apply in the same way in the case of a “non-disclosable pecuniary interest” or a “non-pecuniary interest”, as defined in the Code of Conduct, but this is at the discretion of the council.

The terms of any dispensation shall be in accordance with paragraph 6.

The town / parish clerk or parish council should formally notify the Councillor of their decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the decision.

## **5. Criteria for Determination of Requests**

In reaching a decision on a request for a dispensation the town/parish council or the town/parish clerk (as appropriate) will take into account:

- a) the nature of the Councillor's prejudicial interest
- (b) the need to maintain public confidence in the conduct of the Council's Business
- (d) the possible outcome of the proposed vote
- (e) the need for efficient and effective conduct of the Council's business
- (f) any other relevant circumstances.

## **6. Terms of Dispensations**

Dispensations may be granted:

- (a) for one meeting; or
- (b) for a period not exceeding 4 years.

## **7. Disclosure of Decision**

Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates.

A copy of the dispensation will be kept with the Register of Councillors' Interests.

# SWANLEY TOWN COUNCIL COUNCILLOR'S REQUEST FOR DISPENSATION

**Councillors Name** .....

Councillors seeking dispensations under Section 33 of the Localism Act 2011 may do so using this Form.

The matter for which dispensation is sought (refer to agenda item number if appropriate)	
Details of your interest in that business	
Date of meeting or time period (up to 4 years) for which dispensation is sought	
Dispensation requested to: participate, or participate further, in any <b>discussion</b> of that business	Yes / No
Dispensation requested to: participate in any vote, or further <b>vote</b> , taken on that business	Yes / No
<b>REASON(S) FOR DISPENSATION</b>	
33(2)(a) without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business	Yes / No
33(2)(c) the dispensation is in the interests of persons living in the council's area	Yes / No
33(2)(e) that it is otherwise appropriate to grant a dispensation  Reason :	Yes / No

**Signature:** ..... **Date:** .....

DECISION :	
Dispensation given: YES / NO	Length of Dispensation : .....
Date: .....	Minute Number: .....
Signed: .....	Clerk to the Council

**Recommendation: That the town council delegates the responsibility to grant dispensations to the CEO**

### **Introduction**

The need to produce an Emergency Plan for all types of events and activities has long been in place, but these plans have not kept pace with the changes in legislation or with current events relating to terrorist activities. While there is no desire to hinder access to any local resident of Swanley there is a definite need to comply with legislation to ensure we are covered by our insurance policies. Where STC fails to comply or consider the risks of its activities it is quite possible that insurers could withdraw cover and leave STC in a very serious financial position.

### **Legal Requirements**

Listed below are a few of the laws we must comply with in order to carry out our activities in a legal way. In addition to those listed there are numerous other STC policies and procedures and detailed requirements that have to be followed.

- Health and Safety at Work Act
- Employment Law
- Licensing Laws
- Highways Act

### **Licensing Laws**

Events and activities provided by STC are varied and while those taking place inside Venues are well practised and licensed with appropriate Premises Licences the outdoor events such as 1812, Armed Forces Day, Firework Display, Christmas Lights require constant updating and renewal.

### **Licensing Authority**

Sevenoaks District Council are the licensing authority for this area and there is an established SAG (Special Activities Group) which meets regularly to discuss events taking place around the district. The group is comprised of representatives from the Police, Ambulance, Fire Brigade, Safety Partnership, Environmental Officer, Highways Officers and Emergency Planning Officers. Each of the group members could prevent an event from going ahead if there were concerns over public safety or potential environmental impact.

### **Recent Concerns**

When applying for a license for the 1812 event this year there were some concerns highlighted that need to be addressed and which also affect other events in the town calendar. These were:

- a. No previous information had been provided about events in Swanley
- b. No contact had been made with key officers (Ambulance Service, Emergency Planning)
- c. Without a ticket system the number of people attending is not known

Points a and b have now been resolved with contacts made and events diarised for the future. Point c requires addressing as there are requirements which could have financial implications to STC.

## **Some Requirements**

When determining the size of an event and the number of people attending there is a requirement for certain ratios to be followed to ensure security and the welfare of those attending. These include:

Toilets:	Men	= 1 toilet to 100
	Women	= 1 toilet to 50
	Disabled	= 1 toilet to 50
Water:	An outdoor event lasting more than 4 hours should have free water Available on site upon request	
Security:	1 x Security Guard to 250 people	
Stewards:	Appropriate to the responsibility involved	

**Scenario:** Event of 5000 people would require 75 toilets (£40 each = £3000) 20 security staff (£300 per hour) and around 40 stewards (many of our own staff cover this role). The cost of these items alone would have been £4500

## **Site Capacity**

Both Swanley Park and the Recreation Ground are capable of holding up to 20,000 people and if the Licensing Authority choose to use this measure in issuing the License this would add significant financial costs to all events. The cost for the same items would then rise to £18,000.

## **Free Tickets**

If STC were to provide Free tickets to its residents and neighbouring residents which were available before the event, STC could then assure the Licensing Authority that numbers were being controlled in a more responsible way. Being a ticketed event and advertised as such would reduce any confrontation by people turning up without a ticket while still allowing staff to let people into the event up to the agreed number.

In addition, as these events continue to grow in size and attendance councillors may wish to consider charging people from outside the area for attending and so help to offset the costs of putting on annual events. Comments on social media prior to the 1812 night demonstrated that people attended from outside of Swanley coming from as far as Folkestone, Maidstone, Bromley and Orpington.

## **Conclusion**

Issuing free tickets will allow STC to control number more effectively without confrontation at the gates.

It will allow numbers to be controlled more effectively giving more confidence to the Licensing Authority and reduce liability on STC.

Should councillors consider charging non-residents in the future then a mechanism for doing this would already be in place.

It will increase interaction between residents and Swanley Town Council staff

It would provide STC with an opportunity to increase Corporate Sponsorship for events.

**Recommendation: That a Free Ticketing System is introduced for the Firework Display in November**