

## MALVERN WELLS PARISH COUNCIL

Minutes of the Meeting of the **Finance & General Purposes Committee** duly convened and held in **The Committee Room, Malvern Wells Village Hall, Wells Road on Thursday 12<sup>th</sup> July, 2012 commencing at 7.30pm.**

**Attendance:** Councillor N Johnson (Chairman)  
Cllrs K Wagstaff, Mrs H Burrage, Mrs A Bradshaw, M Victory and A Hull

**In Attendance:** Mr D M Taverner (Clerk and Responsible Finance Officer)

**1 Apologies noted:** Cllr B Knibb

**Declarations of Interest for a) the Meeting and b) Any Changes to be notified to the Registers of Interests and Gifts & Hospitality:** No changes were to the register of interests were declared.

### 2 Minutes

The Minutes of the meeting of the Committee held on 25<sup>th</sup> April, 2012, having been previously circulated, were accepted and signed by the Chairman as an accurate record of that meeting.

### 3 Matters Arising from the Minutes

There were no matters arising from the approved minutes.

### 4 Consideration of:

**a) The Bank Reconciliation statement to 30<sup>th</sup> June, 2012:** The Clerk presented the figures contained in the previously circulated bank reconciliation which showed that the Council's total cash funds at 30<sup>th</sup> June, 2012 were represented by:

|  |                   |
|--|-------------------|
|  | £                 |
| Current Account                                | 100.00            |
| Business Reserve Account                       | 57,961.63         |
| Treasury Deposit Account                       | 70,000.00         |
| (less) unrepresented cheques                   | (9,383.03)        |
| Bank lodgements                                | 4,094.11          |
| Total Cash held at 30 <sup>th</sup> June, 2012 | <u>122,772.71</u> |

The Clerk advised that the new bank account with HSBC had now been opened and an initial sum would be transferred to that account to reduce the total cash held with the National Westminster bank to below a level of £85K. The level of funds with each of the Council's banks would then be monitored on a daily basis by the Clerk to ensure that total cash held, with each bank, was maintained below that level so as to maximise the protection afforded by Bank of England's deposit guarantee scheme

A sum of £50k would also be deposited in a 1 year fixed rate deposit account with National Westminster Bank.

The Clerk would be making arrangements for Cllrs Wagstaff, Bradshaw and Victory to visit the bank to finalise the deposit account opening process

**b) The Quarterly financial Report:** The Clerk presented the previously circulated quarterly report showing actual income and expenditure for the period ending 30<sup>th</sup> June, 2012.

Members noted that the financial projections for the remainder of the financial year were anticipated to give rise to a surplus of approximately £2.8K against the

2011/12 original budget. This was mainly due to savings arising from administration costs (£1.1K), County Council Grant income (£0.5k), grass cutting contract (£0.5K) and other miscellaneous savings (£0.3k).

In accordance with previously agreed Council policy it was planned that the following additions would be made in 2012/13 to the Council's Earmarked reserves to provide for future years commitments in respect of:-

|  | £k  |
|--|-----|
| Future Cemetery Land purchase                              | 3   |
| Assarts Road Playing Field drainage and new play equipment | 2   |
| St Peters Closed Churchyard                                | 5   |
| Staff Pension Gratuity                                     | 0.3 |

It was agreed that the Gas lamps refurbishment reserve should be maintained at £5k to accommodate any unexpected expenditure that might arise in respect of the refurbishment project.

## **5 Consideration of changes necessary to Council Standing orders following the adoption of the new Code of Conduct**

Following the introduction of the **Localism Act 2011** ("the Act") the National Association of Local Councils (NALC) had developed a revised model Members Code of Conduct.

At their meeting on 20th June the Parish Council had resolved:-

- To delegate to the Finance and General Purposes Committee the ability to make any changes needed to standing orders to allow the Council to comply with procedural changes resulting from adopting the new code

It was agreed to recommend to Council that the following changes should now be made to the wording of the Council's standing orders 70 – 72 inclusively as follows:

**70** *If a member has a disclosable pecuniary interest (DPI) as defined by the Code of Conduct adopted by the Council on 20 June 2012, then s/ he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.*

**71** *That under Section 31 of the Localism Act 2011, a Member or co-opted Member who has a disclosable pecuniary interest (DPI) in a matter to be considered, or being considered, at a meeting of the Council at which that Member or co-opted Member is present and the disclosable pecuniary interest is one which the Member or co-opted Member is aware of, the Member or co-opted Member may not participate or participate further in any discussion or vote on the matter at the meeting unless he/she has first obtained a dispensation in accordance with the Council's dispensation procedure.*

*The provisions on dispensations are significantly changed by the Localism Act 2011. There are 5 circumstances in respect of which a dispensation may be granted, namely:*

*1.1 That so many members of the decision-making body have disclosable pecuniary interests in a matter that it would "impede the transaction of the business";*

*1.2 That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.;*

*1.3 That the Council considers that the dispensation is in the interests of persons living in the authority's area;*

*1.4 That, without a dispensation, no member of the Council would be able to participate on this matter; or*

*1.5 That the Council considers that it is otherwise appropriate to grant a dispensation.*

*Any grant of a dispensation must specify the duration up to a maximum of 4 years.*

*The Parish Council has determined that in respect of grounds 1.1 and 1.4 above it is considered appropriate to delegate dispensations on these grounds to the Clerk in consultation with the Monitoring Officer for determination.*

*In respect of grounds 1.2, 1.3 and 1.5 above, assessment of these grounds involve a value judgment such that it is considered appropriate that the discretion to grant dispensations on these grounds is also delegated to the Clerk after consultation with the monitoring officer.*

**72** *The Clerk will be required to compile and hold a Register of Member's DPIs, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority.*

## **6. New Play Area facilities**

The Parish Council was considering the extension of the provision for play facilities for children within the Parish both by an extension to the existing facilities at Assarts Road and by the intended development of a new play area on Peachfield Road common. An area of land on Peachfield Road Common had been identified but the Parish Council will require the consent of the Malvern Hills Conservators before any works could commence.

At their meeting on 20<sup>th</sup> June the Parish Council had agreed to:

**1.** request the Conservators to provide (a) copies of previous decisions of the Land Management Committee on comparable applications including the minutes of the meetings at which they were taken and (b) if not disclosed in such minutes a copy of the

principles/guidelines applied by the Committee in making such decisions.

2. commission further research to establish if there is any case law on the interpretation of the Malvern Hills Acts and/or the 1999 Byelaws.

3. ascertain whether the Conservators have any written guidelines or regulations governing the submission and management of applications of this nature

A meeting of the Play and Open spaces group would be called to draw up a specification for works to extend the existing Assarts Road play area and to consider the content of the legal briefing and the advice which had been provided with regard to the proposed Peachfield Road site.

A report on the financial implications of these proposals would be made by the play and open spaces group to a future meeting on the Finance & General Purposes Committee

## **7. Jubilee Fountains Garden Fencing**

It was agreed that quotations for the restoration of fencing around the Jubilee Fountain Garden should be sought. The Clerk was given delegated authority to seek appropriate quotations and to authorise any related works up to a value of £1k in accordance with Financial Regulation 11(i)

## **8 Gas lamps Refurbishment project**

The Clerk reported that 26 lamps had now been completed and work was in progress on a further 12 lamps in the contractors workshop. The refurbishment of the remaining 10 lamps had not yet been started but it was intended that work on those lamps would start before the end of June.

The contractors were aware of problems with some of the lamps which had been on full burn during the day time and steps were being taken to deal with such issues as they arose.

The Clerk advised that he had received further invoices from the contractor for payment and the relevant grant funding had been received from the District Council. Payment of the invoices for the completed lamps would now be sent to the contractor.

The target for completion of the project had now slipped to the end of August although this would continue to be closely monitored

There being no further business the meeting closed at 9.05pm

**Chairman-----**  
**Dated 18<sup>th</sup> October, 2012**

**N Johnson**