



# **MALVERN TOWN COUNCIL**

## **FULL COUNCIL**

### **REPORTS**

**For meeting on Thursday 23 June 2022 at 6.00 pm  
in the Council Chamber, Malvern Hills District Council, Avenue Road**

# MALVERN TOWN COUNCIL

Town Clerk  
28-30 Belle Vue Terrace  
Malvern  
Worcs  
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16 June 2022



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## MEETING OPEN TO MEMBERS OF THE PUBLIC

### To all Members of Malvern Town Council:

You are hereby summoned to attend a meeting of Malvern Town Council to be held on Thursday 23 June 2022 in the Council Chamber, Malvern Hills District Council, Avenue Road, Malvern commencing at 6.00 pm for the transaction of the business shown on the Agenda below.

A handwritten signature in black ink, appearing to read 'L. J. Blake'.

Linda Blake  
Town Clerk

No.	Agenda Item
1.	<b>Apologies for Absence</b> To note apologies for absence.
2.	<b>Declarations of Interest</b> To receive declarations of disclosable pecuniary interests and other disclosable interests.
3.	<b>Minutes of Previous Meeting</b> To receive and confirm as a correct record the Minutes of the previous Full Council meeting: ➤ 11 May 2022 (already issued)
<b>Public Participation</b> <i>The Meeting will be adjourned for public participation when the Chairman will invite members of the public to present their questions, statements or petitions submitted under the Council's Public Participation Procedure.</i>	
4.	<b>Mayor's Announcements</b> ➤ Verbal report
5.	<b>Update on Town Council Operations and Activities</b> ➤ Verbal update by the Town Clerk
6.	<b>Reports by County and District Council Representatives in Attendance</b> ➤ Verbal reports or written submissions as appropriate.
7.	<b>Town Council Ward Reports/Representatives on Outside Bodies</b> ➤ Verbal reports

<b>8.</b>	<b>Members Questions</b> <ul style="list-style-type: none"> <li>➤ The Chairman will invite members who have written in with questions to present them to Council.</li> </ul>
<b>9.</b>	<b>Notice of Motion – Malvern Pride 2022</b> <ul style="list-style-type: none"> <li>➤ Cllr Nick Houghton and Cllr Peter Smith</li> </ul>
<b>10.</b>	<b>Adoption of Councillor Code of Conduct</b> <ul style="list-style-type: none"> <li>➤ Report CL01/22 to follow</li> </ul>
<b>11.</b>	<b>Policy and Resources Committee Recommendations</b> The Chairman of Policy and Resources Committee to present any recommendations for approval by Council from the meeting held on 25 May 2022 <ul style="list-style-type: none"> <li>➤ Report CL02/22 to follow</li> </ul>
<b>12.</b>	<b>Audit Committee Recommendations</b> The Chairman of Audit Committee to present any recommendations for approval by Council from the meeting held on 8 June 2022 <ul style="list-style-type: none"> <li>➤ Report CL03/22 to follow</li> </ul>
<b>13.</b>	<b>Year End Accounts 2021/22</b> <ul style="list-style-type: none"> <li>➤ Report CL04/22 to follow</li> </ul>
<b>14.</b>	<b>Annual Governance and Accountability Return 2021/22</b> <ul style="list-style-type: none"> <li>➤ Section 1 Annual Governance Statement 2021/22</li> <li>➤ Section 2 Accounting Statements 2021/22</li> <li>➤ Annual Internal Audit Report 2021/22</li> <li>➤ Report CL05/22 to follow</li> </ul>
<b>15.</b>	<b>Planning Consultations</b> <ul style="list-style-type: none"> <li>➤ Report CL06/22 to follow</li> </ul>
<b>16.</b>	<b>Date and Time of Next Meeting</b> <ul style="list-style-type: none"> <li>➤ Thursday 4 August 2022 at 6.00 pm</li> </ul>

**UNADOPTED**

**MINUTES OF ANNUAL COUNCIL MEETING OF  
MALVERN TOWN COUNCIL**

**held in the Council Chamber, Malvern Hills District Council, Avenue Road  
on Wednesday 11 May 2022, at 6.00 pm**

**Councillors**

Present

N Houghton (Chairman)  
C Hooper (Vice Chairman)  
C Bovey  
C Fletcher  
L Lambeth  
J Leibrandt  
L Lowton  
N Mills  
D Mead  
N Morton  
J O'Donnell  
C Palmer  
P Smith  
A Stitt  
P Tuthill  
D Watkins

**Absent**

J Ashington-Carter (apologies)  
R McLaverty-Head (apologies)  
J Satterthwaite  
S Taylor (apologies)

**Also in attendance**

L Blake – Town Clerk  
C Porter – Operations Manager  
L Wall – Minute Clerk

Cllr Natalie McVey, WCC  
Member of the press  
Ten members of the public

The outgoing Mayor, Cllr Nick Houghton, opened the meeting and thanked everyone for attending.

**14. APPOINTMENT OF MAYOR**

Only one nomination for the position of Mayor of Malvern Town Council had been received.

It was **RESOLVED** that Cllr Nicholas Houghton be appointed Mayor of Malvern Town Council for 2022/23.

**15. MAYOR'S DECLARATION OF OFFICE**

The Mayor, Cllr Nick Houghton, signed the Declaration of Office, witnessed by the Town Clerk.

**16. APPOINTMENT OF DEPUTY MAYOR**

Two nominations had been received for the position of Deputy Mayor of Malvern Town Council. The Mayor informed the meeting that one candidate had now withdrawn.

It was **RESOLVED** that Cllr Clive Hooper be appointed Deputy Mayor of Malvern Town Council for 2022/23.

**17. DEPUTY MAYOR'S DECLARATION OF OFFICE**

The Deputy Mayor, Cllr Clive Hooper, signed the Declaration of Office, witnessed by the Town Clerk.

**18. APOLOGIES FOR ABSENCE**

Apologies received from Cllrs Jack Ashington-Carter, Ronan McLaverty-Head and Sharon Taylor were **NOTED**.

## UNADOPTED

### 19. **DECLARATIONS OF INTEREST**

Cllr David Mead – agenda item 18 Planning Consultations: Cllr Mead lives on the boundary of the land in planning application 21/01513/FUL, 41 Geraldine Road.

### 20. **MINUTES OF PREVIOUS MEETING**

It was **RESOLVED** that the minutes of the following meeting be approved and adopted as a correct record of the proceedings, and they were signed by the Mayor:

- Full Council meeting 13 April 2022.

### **PUBLIC PARTICIPATION**

James Yolland spoke on behalf of approximately seventy residents living with half a mile of the site in amended planning application 21/01513/FUL, 41 Geraldine Road. Ten residents attended the meeting, this number being limited due to room constraints

Whilst the residents did not object to a development and agreed there was a need for social housing, they felt the amended application did not address the problems raised previously and were frustrated by the absence of any consultation or communication by Keon Homes Limited.

The residents' group had then been in touch with Platform Housing, who would take ownership of, and manage, the development when finished. Representatives from Platform had been amenable to further discussions and said that they did not consider the most recent, amended planning application to be a final design.

A document listing the key points of contention had been circulated to councillors prior to the meeting; these were identified and summarised by Mr Yolland as follows:

Overdevelopment of the site – despite the number of houses proposed being reduced from 37 to 28, the density of housing would still be almost three times that of the local area. This would be at the detriment of the residents of the new development, the residents in the surrounding areas and the character of the local area. The amended plans are also 130% of the SWDP 13 required average housing density.

Trees – the tree survey is inadequate, contains errors and omissions and miscalculates root protection areas (RPAs). It allows for the removal of two veteran oak trees which are mentioned in records held at Malvern Museum.

Traffic analysis – the transport statement has remained largely unchanged, with no proper analysis having taken place, relying instead on estimated traffic movements based on a large, busy primary school in Birmingham. It misquotes the Worcestershire County Council's Streetscape Design Guide saying there is no need for a full detailed Transport Assessment and Travel Plan because the proposed development is not in conformity with the adopted development plan. The Transport Statement is fundamentally flawed and creates real safety issues for the users of Geraldine Road, particularly at peak times.

Safety and vulnerable residents – the area has a high proportion of elderly and vulnerable residents who have expressed concerns over their safety in the future if the development goes ahead in its current format. Residents feel there could be an opportunity for the two main communities to be joined together, and age restrictions for new residents imposed so that there is a predominant age and needs profile.

In summary, Mr Yolland urged Town Councillors to not support the application.

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***The Chairman announced that he would be altering the order of business so that agenda item 18, Planning Consultations, could be brought forward and discussed.***

Councillors agreed that the overdevelopment of the site was not acceptable and that further consultation with Platform Housing was essential, to protect vulnerable local residents and school children from The Chase School. MHDC should be involved in these discussions. It was also very important that no protected trees were removed and members looked forward to hearing comments of Mr Lewis-Farley, Tree Officer at MHDC.

It was **RESOLVED** that the Town Clerk would compose a letter on behalf of Malvern Town Council, to be scrutinised by the Mayor and Deputy Mayor prior to sending, to include the following points:

- Malvern Town Council strongly opposes the amended proposals despite a reduction in housing numbers from 37 to 28.
- Concerns about housing density, inadequate transport statements, impacts on trees and the effect on vulnerable residents should be included along with further points made in document submitted by Jude Gibson.

It was also **RESOLVED** that Cllr Hooper would attend the Southern Area Planning Committee meeting when the planning application was discussed to present the Town Council's objections.

***The Mayor then reverted to the original order of the agenda.***

Cllr Paul Tuthill announced his resignation from the Town Council and left the meeting at 6.30pm.

### 21. **MAYOR'S ANNOUNCEMENTS**

The Mayor reported that the Peaks Challenge Walk had been very successful and that Bands in the Park had now made a welcome return to Priory Park on Sunday afternoons, although volunteers were still required for stewarding duties. He was considering his choice of charity for 2022/23 and would announce it shortly.

### 22. **UPDATE ON TOWN COUNCIL OPERATIONS AND ACTIVITIES**

Demolition of Victoria Park - a prior approval application for the demolition of Victoria Park has now been submitted with an anticipated demolition date of 7 June 2022. A site notice is currently being displayed and needs to stay up for 21 days. Once this time is up MHDC will provide written confirmation of whether they grant prior approval for the demolition.

Flags - Town Council staff have been busy putting up flags and flagpoles across the town and in view of the Jubilee year, there are more this year than ever before hopefully brightening up the three centres of Great Malvern, Barnards Green and Malvern Link.

By-elections - Officers have now received the breakdown of costs for the three by-elections held last year in Chase, Pickersleigh and Dyson Perrins wards. They amount to a little under £20,000. These costs were not anticipated in the annual budget. The Town Clerk pointed out that there would be further costs following resignations at the meeting.

Peaks Walk and Health & Wellbeing Fair - despite some issues with bookings being slow on both these events, both marked a successful return after two years of cancellations. Over 65 walkers took on either the long or short walks and at present over £1700 has been raised for the DEC Ukraine Humanitarian appeal with the

## UNADOPTED

figure still rising. Cllrs Watkins and Bovey were congratulated on finishing the long walk.

The Health and Wellbeing event saw a steady flow of visitors during the day with good feedback received.

### 23. **REPORTS BY COUNTY AND DISTRICT COUNCIL REPRESENTATIVES**

**Natalie McVey County Councillor Malvern Trinity Division, District Council West Malvern** had not had many meetings to attend since the last Town Council meeting, however, she had visited two schools to discuss mental health issues, and also met with staff at The Cube. Unfortunately, the most recent Highways Officer had been moved to Worcester and a replacement was awaited. Cllr McVey was hoping to receive an explanation for this disruption which she would pass on at a later meeting. Problems with highways, drainage in West Malvern and speeding generally persisted, the latter being demonstrated by two recent serious road incidents. Cllr McVey had also made enquiries as to why the Number 44 bus service had been reduced to finishing at 5.30pm on a Saturday and not running at all on a Sunday, which was a concern.

Cllrs Beverley Nielsen and John Raine had submitted their apologies for non-attendance.

**Cllr Cynthia Palmer District Councillor, Priory Ward** informed councillors that the Malvern Hills Trust would light a beacon on Worcestershire Beacon at 9.45pm on 2 June in celebration of the Queen's Platinum Jubilee.

- The Queen's Baton Relay will pass through Malvern on 22 July as part of the relay for the Commonwealth Games.
- John Michael has been elected as new Chair of the District Council.

### 24. **TOWN COUNCIL WARD REPORTS/REPRESENTATIVES ON OUTSIDE BODIES**

There were no reports.

### 25. **MEMBERS QUESTIONS**

None.

### 26. **REVIEW OF COMMITTEES, TASK AND FINISH GROUPS AND APPOINTMENT OF MEMBERS FOR THE 2022/23 COUNCIL YEAR**

Report AC01/22 was received and accepted.

#### **Policy and Resources Committee**

It was **RESOLVED** that membership of the Policy and Resources Committee be confirmed at nine members with membership as follows:

1. Cllr Ronan McLaverty-Head
2. Cllr Clive Hooper
3. Cllr Neville Mills
4. Cllr Jack Satterthwaite
5. Cllr Jack Ashington-Carter
6. Cllr Aidan Stitt
7. Cllr James O'Donnell
8. Cllr Clive Fletcher
9. Vacancy

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### **Operations and Planning Committee**

It was **RESOLVED** that membership of the Operations and Planning Committee be confirmed at ten members with membership as follows:

1. Cllr Cynthia Palmer
2. Cllr Peter Smith
3. Cllr Sharon Taylor
4. Cllr David Mead
5. Cllr Josephine Leibrandt
6. Cllr Caroline Bovey
7. Cllr Lou Lowton
8. Cllr Lynne Lambeth
9. Cllr David Watkins
10. Cllr Neil Morton

### **Audit Committee**

It was **RESOLVED** that membership of Audit Committee be confirmed at five members as follows:

1. Cllr Cynthia Palmer
2. Cllr David Watkins
3. Cllr Caroline Bovey
4. Cllr Lynne Lambeth
5. Cllr David Mead

Council should note that Policy and Resources Committee members are precluded from sitting on Audit Committee.

### **Environmental Panel**

It was **RESOLVED** to disband the Environmental Panel with immediate effect and to include all business relating to environmental matters on the Operations and Planning Committee as a standing agenda item.

### **Emergency Decision Making Group**

It was **RESOLVED** to confirm membership of the Council's Emergency Decision Making Group as:

1. Mayor
2. Deputy Mayor
3. Chairman of Policy and Resources Committee
4. Vice-Chairman of Policy and Resources Committee
5. Chairman of Operations and Planning Committee
6. Vice-Chairman of Operations and Planning Committee

The Emergency Decision Making group will be called on if an urgent and time sensitive decision needs to be made and cannot be done within the normal meeting timetable.



## UNADOPTED

Any report from a meeting of this group will be sent to the next meeting of Full Council.

### **Victoria Park Pavilion Task and Finish Group**

It was **RESOLVED** to confirm membership of the Victoria Park Pavilion Task and Finish Group at eight members as follows:

1. Cllr Clive Hooper
2. Cllr Lynne Lambeth
3. Cllr Josephine Leibrandt
4. Cllr Neville Mills
5. Cllr Cynthia Palmer
6. Cllr Peter Smith
7. Cllr Sharon Taylor
8. Cllr David Watkins

It was **NOTED** that this group is currently working on the final stages of this project.

### **Policy Review Task and Finish Group**

It was **RESOLVED** to agree continue this Task and Finish group with members as follows:

1. Cllr Aidan Stitt
2. Cllr Clive Fletcher
3. Cllr David Mead
4. Cllr Jack Ashington-Carter
5. Cllr Sharon Taylor

### **Other**

It was **RESOLVED** that all other task and finish groups be suspended, although it was noted that these can be set up at any time during the year either by Council or a committee, to carry out a specific task and report back.

### **Chairmanship**

It was **RESOLVED** that all committees and task and finish groups will elect a Chairman and Vice-Chairman at the first meeting of the new council year. Members were reminded that following a council decision, training for Chairmen and Vice-Chairmen is mandatory and must be completed as soon as is reasonable. Training is only required once in every council term and therefore any members who have already undertaken training are not required to repeat this.

## **27. APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES**

Report AC02/22 was received and accepted. It was **RESOLVED** that the appointment of representatives to outside bodies for 2022/23 be determined as below:

<b>Outside Body</b>	<b>Councillor(s) for 2022/23</b>
Malvern Hills Council for Community Action	Cllr Neville Mills

## UNADOPTED

Malvern Hills CAB Management Committee	Cllr Cynthia Palmer
Malvern Town Council/Malvern Hills District Council Liaison Group (Mayor and Deputy Mayor)	Cllr Nick Houghton Cllr Clive Hooper
County Association of Local Councils (CALC)	Cllr Clive Hooper Cllr David Mead
Malvern-Mariánské Lázně Community Partnership (MLCP)	Cllr Ronan McLaverty-Head
Malvern-Bagnères de Bigorre Twinning Association (MBTA)	Cllr Cynthia Palmer
Malvern Twinning Steering Group ((Mayor and Deputy Mayor)	Cllr Nick Houghton Cllr Clive Hooper
Malvern Hills College Task Force	Cllr Clive Hooper Cllr Lynne Lambeth
Malvern Hills Youth Action Network	Cllr Josephine Leibrandt
Malvern Hills District Youth Action Parks Group	Cllr Josephine Leibrandt

### 28. **BANK MANDATE AND PAYMENT SIGNATORIES**

Report AC03/22 was received and accepted.

It was **RESOLVED** to approve the following signatories for the management of the Town Council's bank account in accordance with legal and operations requirements and to approve internet banking schedules and to sign any cheques or other payment authorisations if they are required:

1. Mayor of Malvern Town Council, Cllr Nick Houghton
2. Deputy Mayor of Malvern Town Council, Cllr Clive Hooper
3. Cllr Lynne Lambeth
4. Cllr David Watkins
5. Cllr Peter Smith
6. Cllr Lou Lowton
7. Cllr David Mead

The following ongoing resolutions with respect to its bank accounts were **NOTED**:

- a) Two from the approved signatories in 2.1 above are required to issue instructions for any changes, modifications or additions to the Council's bank accounts.
- b) The key contact for managing the bank account and allocating user permissions is the Town Clerk.
- c) The Town Clerk (or in their absence, the Operations Manager) is fully empowered to act on behalf of the Council to ensure the smooth running of the

## UNADOPTED

Council's bank accounts, subject to all previous authorisation permissions being adhered to.

- d) Two from the seven members agreed at 2.1 above are required to sign and approve internet banking schedules and direct debit instructions before payments are made by officers.

***Member of the Press left the meeting at 7.10pm***

### 29. **PAYMENT OF ANNUAL SUBSCRIPTIONS/MEMBERSHIP OF ORGANISATIONS**

Report AC04/22 was received and accepted.

It was **RESOLVED** to approve the following subscriptions:

<b><u>Organisation</u></b>	<b><u>Estimated Cost</u></b> <b><u>2022/23</u></b>
Worcestershire CALC/NALC	£2,346
Chartered Institute of Public Finance and Accountancy	£355
Local Government Employers	£468
Institute of Cemetery Management	£95
Cotswold Line Promotion Group	£15
Caring for God's Acre	£100
Rural Market Town Group (from 1 July 2022)	£97
<b>Total</b>	<b><u>£3,476</u></b>

### 30. **ANNUAL REVIEW PROCESS**

Report AC05/22 was received and accepted.

It was **RESOLVED** to delegate a review of the following items, with any recommendations to come back to Full Council for ratification:

- Review of delegation arrangements to committees, subcommittees, staff and other local authorities – Policy and Resources Committee.
- Review of the Terms of Reference for Committees - Policy and Resources Committee.
- Review and adoption of appropriate standing orders and financial regulations - Policy and Resources Committee.
- Review of inventory of land and assets including buildings and office equipment – Operations and Planning Committee.
- Review and confirmation of arrangements for insurance cover in respect of all insured risks - Policy and Resources Committee.
- Review of the Council's Complaints Procedure - Policy and Resources Committee.

## UNADOPTED

- g) Review of the Council's policies, procedures and practices in respect of obligations under Freedom of Information and Data Protection legislation - Policy and Resources Committee.
- h) Review of the Council's policy for dealing with the press/media - Policy and Resources Committee.
- i) Review of the Council's Employment policies and procedures - Policy and Resources Committee.
- j) Review of the Council's expenditure incurred under s137 of the Local Government Act 1972 or the General Power of Competence – Policy and Resources Committee as part of the Annual Accounts.
- k) Determining the time and place of ordinary meetings of the Council up to and including the next meeting of Annual Council – next meeting of Full Council.

### 31. **PURCHASE OF REPLACEMENT JOHN DEERE MOWER**

Report AC07/22 was received and accepted.

It was **RESOLVED** to purchase a replacement John Deere mower as detailed in the report from Company B.

Company B was identified as the Tallis Amos Group.

### 32. **OPERATIONS AND PLANNING COMMITTEE RECOMMENDATIONS**

Report AC08/22 was received and accepted, and the Chairman of Operations and Planning Committee, Cllr Cynthia Palmer, presented the recommendation from the meeting held on 27 April 2022.

Minute 102 Replacement of Town Council Vehicle

It was **RESOLVED** that the purchase of a new vehicle, included in the budget for 2022/23, be delayed for twelve months, with a review taking place in six months' time as part of the budget process for 2023/24.

### 33. **VICTORIA PARK PAVILION PROJECT TASK AND FINISH GROUP**

The Town Clerk gave a verbal update on the project, and although not much had changed since the last meeting, the demolition of the existing pavilion was booked to take place at the beginning of June.

### 34. **REVIEW OF REPORTS SUBMITTED BY GRANT-RECEIVING BODIES 2020/21**

Report AC09/22 was received and noted. All organisations that received grants from Malvern Town Council in 2020/21 had submitted a report as required by the grants policy, and Councillors were urged to read these to understand how grant monies were spent and how they benefitted the residents of Malvern.

### 35. **DATE AND TIME OF NEXT MEETING**

The Town Clerk asked members to decide the venue for future Full Council meetings. After a short discussion, it was **RESOLVED** that Full council meetings would continue to be held in the District Council's chamber for the next six months.

It was agreed that the date of the next meeting would be Thursday 23 June 2022 at 6.00 pm in Malvern Hills District Council Chamber.

The meeting finished at 7.20 pm.

.....  
(Chairman)



**RESOLUTION MOVED ON NOTICE – Standing Order 9**  
**A MEETING OF MALVERN TOWN COUNCIL**  
**to be held on Thursday 23 June 2022, at 6.00 pm**  
**in the Council Chamber, Malvern Hills District Council, Avenue Road**

**NOTICE OF MOTION - MALVERN PRIDE 2022**

**Proposed Resolutions**

- 1) Malvern Town Council should support the Malvern Pride Event to be held in Priory Park on Saturday 30 July 2022 in the following ways:
  - i. Promoting the event on the Malvern Town Council website and social media.
  - ii. Flying a Rainbow flag on the Council building on Belle Vue Terrace and on the flagpole at Great Malvern Library, as agreed in the Council's approved Flag Flying Policy.
  - iii. Flying of Rainbow flags on every other flagpole in Church Street, Belle Vue Terrace and Worcester Road, this being the main part of town in respect of the Pride event being held in Priory Park (flags to be provided by Malvern Pride). Malvern Town Council Operations will change flags over on Monday 25 July and then back again on Monday 8 August.
  - iv. To avoid multiple requests, the flying of flags on the flag poles within the town will be limited to the flags listed in the Malvern Town Council Flag Flying Policy and only upon official request submitted to Full Council. For any request to be considered a physical event should be taking place in the Town during the time the request is made for.
- 2) That Members of this Council support and encourage friends, residents, and businesses to support the Malvern Pride Event.

**Background**

Malvern Pride aims to celebrate the LGBTQ+ community in and around Malvern and promote a sense of inclusivity and equality within the town. We hope that anyone identifying as LGBTQ+ will come together with their friends, families and the whole community in a spirit of celebration and acceptance to enjoy a day of festivities aimed at highlighting what joins us together rather than what might divide us. This event benefits Malvern and provides an opportunity for unity and bringing local people and local business together. The flying of the Rainbow flag clearly demonstrates the commitment Malvern Town Council and its Councillors have for inclusion and diversity.

**Financial Implication**

Estimated costs for the Operations Team to change flags over to Pride flags and then return them to Union Jacks/St George's flags is circa £500.

Proposer - Cllr Nick Houghton (Chase Ward)

Seconder – Cllr Peter Smith (Priory Ward)

15 June 2022

**A REPORT OF THE TOWN CLERK TO  
A MEETING OF MALVERN TOWN COUNCIL  
to be held on Thursday 23 June 2022 at 6.00 pm  
in the Council Chamber, Malvern Hills District Council, Avenue Road, Malvern**

**ADOPTION OF COUNCILLOR CODE OF CONDUCT**

**1. Purpose of Report**

- 1.1. For decision.

**2. Recommendation**

- 2.1. That Full Council considers and adopts the new amended version of the Code of Conduct as attached at Appendix A.

**3. Background**

- 3.1. The current Code of Conduct was adopted by Malvern Town Council on 5 February 2020.
- 3.2. In 2019 the Committee on Standards in Public Life (CSPL) produced a report based on their review of standards in local government. The conclusion was that high standards of conduct in local government are needed to protect the integrity of decision-making, maintain public confidence and safeguard local democracy. The CSPL made fifteen best practice recommendations for local authorities to consider as a benchmark of good ethical practice.
- 3.3. In 2021, the Local Government Association pursuant to the work of the CSPL produced a model code of conduct and encouraged all local authorities to adopt the model code with or without alteration. In view of this report, monitoring officers from the Worcestershire District Council and the County Council reviewed the report and considered what changes/updates were needed to bring the existing code in line with the model code.
- 3.4. The code as attached at Appendix A has now been adopted by Malvern Hills District Council with a recommendation that all parish and town councils do the same. The National Association of Local Councils also endorse this new code of conduct.

**4. Financial Implications**

- 4.1. None pertaining to this report.

**5. Legal Implications**

- 5.1. Local authorities are required to adopt a code of conduct which sets out the rules governing the behaviour of their members and satisfies the requirements of the Localism Act 2011.
- 5.2. If the Town Council decides not to accept this revised version, then the current code remains in place.

End

Linda Blake, Town Clerk



# **Local Government Association - Model Councillor Code of Conduct 2020**

## **Joint statement**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.



## Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

The LGA Model Councillor Code of Conduct has been reviewed by councils across Worcestershire together with Hereford & Worcester Fire Authority and slightly amended to provide a pan-Worcestershire Code. The relevant Monitoring Officers will undertake further reviews of this Code should further significant changes be recommended by the LGA.

## Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority.

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Ten Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Where you act as a representative of the Council:

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

- (b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

**As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor engaging in a political debate with other councillors you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

The robust manner in which councillors engage with each other during political debate is not appropriate when engaging with local authority employees, employees and representatives of partner organisations and those volunteering for the local authority. As strategic leaders and employers, it is expected that councillors will set a positive example to staff by treating them with politeness and courtesy at all times.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

#### **2. Bullying, harassment and discrimination**

**As a councillor:**

## **2.1 I do not bully any person.**

## **2.2 I do not harass any person.**

## **2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services. Councillors must not do anything that is likely to cause the Council to breach its public commitment to equality and fostering good relations with all communities.

Appendix D sets out additional guidance that Councillors must read alongside this Code of Conduct.

## **3. Impartiality of officers of the council**

### **As a councillor:**

### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

You must:

- (a) when reaching decisions on any matter have regard to any relevant advice provided to you by the Council's officers and in particular by the Monitoring Officer and Section 151 Officer; and
- (b) give reasons for all decisions in accordance with any statutory requirement and any reasonable additional requirements imposed by the Council.

## **4. Confidentiality and access to information**

**As a councillor:**

### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

### **4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include information relating to ongoing negotiations or personal data relating to individuals.

With regards to personal data relating to individuals, you must not do anything that is likely to cause your authority to breach Data Protection law. You must seek to ensure you are familiar with how the Data Protection Act applies to your role in handling personal data through training, and if you are not sure you should seek advice from the Monitoring Officer.

## **5. Disrepute**

**As a councillor:**

### **5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

### **As a councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

### **As a councillor:**

**7.1 I do not misuse council resources.**

**7.2 I will, when using the resources of the local authority or authorising their use by others:**

- (a) act in accordance with the local authority's requirements;**
- (b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed; and**
- (c) have regard to any applicable Local Authority Code of Publicity during elections.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

### **As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local

authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

## **Protecting your reputation and the reputation of the local authority**

### **9. Interests**

#### **As a councillor:**

##### **9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

**As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.



# Appendices

## Appendix A – The Ten Principles of Public Life

The principles are:

**Selflessness** – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and Integrity** – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should, on all occasions, avoid the appearance of such behaviour.

**Objectivity** – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** – Members should be as open as possible about their actions and those of their Authority and should be prepared to give reasons for those actions.

**Personal judgement** – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

**Duty to uphold the Law** – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship** – Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

**Leadership** – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

## Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register. The Monitoring Officer may state on the register that the councillor has an interest the details of which are withheld.

### Nonparticipation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If the interest has not already been recorded, notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.  
Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose

the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being.
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out below Table 1.

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registrable Interest or Non-Registrable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it ]

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge) — (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's

	<p>knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) ) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

### **Other Registrable Interests**

You must register as an Other Registrable Interest :

- a) any unpaid directorships
- b ) any body of which you are a member or are in a position of general control or management and to which you are not nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***

## Appendix D

This Code of Conduct must be read alongside:

ACAS Guidance "If You're Treated Unfairly at Work"  
<https://www.acas.org.uk/if-youre-treated-unfairly-at-work/being-bullied>

Equality and Human Rights Commission – Public Sector Equality Duty Guidance

**A REPORT OF THE TOWN CLERK TO  
A MEETING OF MALVERN TOWN COUNCIL  
to be held on Thursday 23 June 2022 at 6.00 pm  
in the Council Chamber, Malvern Hills District Council, Avenue Road**

**POLICY AND RESOURCES COMMITTEE RECOMMENDATIONS**

**1. Purpose of Report**

- 1.1. For decision.

**2. Recommendation**

- 2.1. Full Council is asked to consider the recommendations from the meeting of Policy and Resources Committee held on 25 May 2022 and listed below.
- 2.2. Recommendations to be presented by the Chairman of the Policy and Resources Committee or, if absent, the Vice-Chairman.

**Minute 8 Quarterly Accounts – fourth and final quarter 2021/22 January, February and March 2022**

It was **RECOMMENDED** that Council approves the Quarterly Accounts for the fourth and final quarter, ending 31 March 2022.

**3. Background**

- 3.1. At a meeting of Full Council held on 12 September 2018, it was resolved that committees would approve their own minutes for accuracy with any recommendations from committee meetings being taken separately to be accepted by Full Council before being put into effect.
- 3.2. Full Council is therefore asked to consider the recommendations listed above in 2.2 and to approve, amend or refer back to committee as appropriate.
- 3.3. Councillors are reminded that the relevant reports as considered by committees when making their recommendations can be found within the papers distributed for the meeting and these will not be reissued.
- 3.4. If any councillor has any queries relating to a recommendation, it is suggested that they raise it with either the Town Clerk or Chairman of Committee before the Council meeting.

**4. Financial Implications**

- 4.1. Please see individual committee reports.

**5. Legal Implications**

- 5.1. Please see individual committee reports for specific details.
- 5.2. Council decisions are supreme and therefore any changes to recommendations can be made with final agreement at Full Council.

End

Linda Blake, Town Clerk



**A REPORT OF THE TOWN CLERK TO  
A MEETING OF MALVERN TOWN COUNCIL  
to be held on Thursday 23 June 2022 at 6.00 pm  
in the Council Chamber, Malvern Hills District Council, Avenue Road**

**AUDIT COMMITTEE RECOMMENDATIONS**

**1. Purpose of Report**

- 1.1. For decision.

**2. Recommendation**

- 2.1. Full Council is asked to consider the recommendations from the meeting of Audit Committee held on 8 June 2022 and listed below.

- 2.2. Recommendations to be presented by the Chairman of the Audit Committee or, if absent, the Vice-Chairman.

i. **Minute 6 Annual Internal Audit Report – Financial Year Ending 31 March 2022**

It was **RECOMMENDED** that the Internal Audit Report 2021/22 of the Council's Internal Auditor be accepted and forwarded to the next meeting of Full Council for approval.

ii. **Minute 7 Review of the Effectiveness of the System of Internal Control**

It was **RECOMMENDED** that Council should note and agree that a satisfactory review of the systems of internal control had been completed during 2021/22.

**3. Background**

- 3.1. At a meeting of Full Council held on 12 September 2018, it was resolved that committees would approve their own minutes for accuracy with any recommendations from committee meetings being taken separately to be accepted by Full Council before being put into effect.
- 3.2. Full Council is therefore asked to consider the recommendations listed above in 2.2 and to approve, amend or refer back to committee as appropriate.
- 3.3. Councillors are reminded that the relevant reports as considered by committees when making their recommendations can be found within the papers distributed for the meeting and these will not be reissued.
- 3.4. If any councillor has any queries relating to a recommendation, it is suggested that they raise it with either the Town Clerk or Chairman of Committee before the Council meeting.

**4. Financial Implications**

- 4.1. Please see individual committee reports.

**5. Legal Implications**

- 5.1. Please see individual committee reports for specific details.
- 5.2. Council decisions are supreme and therefore any changes to recommendations can be made with final agreement at Full Council.

**AGENDA ITEM 12  
REPORT CL03/22**

End

Linda Blake, Town Clerk

**A REPORT OF THE TOWN CLERK TO  
A MEETING OF MALVERN TOWN COUNCIL  
to be held on Thursday 23 June 2022 at 6.00 pm  
in the Council Chamber, Malvern Hills District Council, Avenue Road, Malvern**

**YEAR END ACCOUNTS 2021/22**

**1. Purpose of Report**

- 1.1. The purpose of this report is to present to Full Council the Year End Accounts for the Financial Year 2021/22 for approval and adoption.

**2. Recommendation**

- 2.1. Council is recommended to approve and adopt the Year End Accounts for 2021/22 as attached at Appendix A.

**3. Background**

- 3.1. Although not a statutory requirement, the Town Council adopted the current Year End Accounts format in April 2010 to detail the Council's activities in a briefer format more in line with its quarterly management accounts. These accounts allow Councillors to see more detailed income and expenditure headings than those on the Annual Governance and Accountability Return Annual (AGAR). It also ensures that full and complete year end records are kept and that year end accounts are produced in a format more consistent with the quarterly format.
- 3.2. The Accounts and Audit Regulations 2015 state that a Council with gross income and/or gross expenditure over £200,000 but less than £6.5 million per annum is subject to an Intermediate Level Review by the External Auditor. The Council is required to prepare accounting statements as at 31 March 2022 along with supporting working papers. A meeting of the full authority must be held to consider, approve and sign the Annual Governance Statement and Accounting Statements (Sections 1 and 2 of the Annual Governance and Accountability Return). The AGAR along with all other information requested must be submitted to the external auditors, PKF Littlejohn LLP by 30 June 2022.
- 3.3. The Year End Accounts consist of a Summary Actual/Budget Comparison for the year, an Income and Expenditure Account, Balance Sheet and notes to the Accounts. The details from these accounts are then used to calculate the figures required to complete section 2 of the AGAR.

**4. Key Financial Implications**

- 4.1. There has been a deficit of £16,817 for the financial year ending 31 March 2022.
- 4.2. The budget for 2021/22 forecast a small surplus of £140. There has, therefore, been a deficit against budget in 2021/22 of £16,957. Councillors will note that the table below shows the variance after figures for depreciation and deferred grants have been removed and therefore adds correctly to the year-end variance of £16,957 over budget for the financial year.

Income	(£34,637) surplus
Administration	£14,606 overspend
Operations	(£5,631) underspend
Discretionary Costs	(£25,797) underspend
Special Expenditure	£17,565 overspend
Earmarked Reserves	£50,851 overspend
<b><u>Total Variance</u></b>	<b><u>£16,957 deficit</u></b>

There is an overspend against administration costs largely relating to the funding required for three by-elections during the year. General running costs of Operations has been slightly under budget during the 2021/22 financial year.

Despite lower-than-expected rental income and revenue from the cemetery, income has been boosted by the receipt of section 106 funding during the year. Discretionary costs have also led to a surplus, due to fewer than expected applications under the Council's Grants scheme as well as the need to cancel or scale back many Council events due to Covid-19.

Special Expenditure and Earmarked Reserves both demonstrate overspends which contribute to the overall deficit for the year. However, this also demonstrates the Council's return to a more normal programme of asset refurbishment and renewal. The project to install the new basketball courts was finally completed during the year, a number of projects to refurbish play areas and improve fencing took place as well as costs being incurred towards the Community Hub project at Victoria Park.

- 4.3. The surplus for the year has reduced the balance on the Council's Income and Expenditure Account from £522,117 at 31 March 2021 to £505,300 at 31 March 2022.
- 4.4. General Reserves at the Year End should equate to some 25% of the following year's annual precept in order to provide sufficient reserves pending receipt of the first instalment of that year's precept. In the Council's case, the precept for 2022/23 was increased to £701,500 and 25% of this amount is £175,375. Members should note that General Reserves at 31 March 2022 were well above the level considered as sufficient.
- 4.5. Earmarked and Special Reserves at the year-end stood at £329,249, an increase of £41,351 from 31 March 2021, due to the earmarking of funds for three projects being carried forward into the 2022/23 financial year.
- 4.6. Cash in hand and at bank amounts to £522,284, which is an increase of £85,446 from 2021. The level of long-term investments in 2021/22 remained fixed at £247,877 and includes an investment of £66,484 in the Local Authorities Properties Fund and long-term Earmarked Reserves of £181,393.

## **5. Legal Implications**

- 5.1. There is no statutory requirement for the Town Council to produce financial accounts in the full format that it does, only to submit Accounting Statements in the form required by proper practices and now known as the Annual Governance and Accountability Return. However, it is considered good practice for year-end financial accounts to be produced and submitted as these support the statutory returns required by the external audit regulations.

End.

Linda Blake  
Town Clerk

# **MALVERN TOWN COUNCIL**



## **STATEMENT OF ACCOUNTS** **FOR THE YEAR ENDED 31 MARCH 2022**

**MALVERN TOWN COUNCIL**  
**STATEMENT OF ACCOUNTS**  
**FOR THE YEAR ENDED 31 MARCH 2022**

**INDEX**

	Page numbers
COUNCIL INFORMATION	2 – 3
EXPLANATORY FOREWORD	4 - 5
SUMMARY BUDGET / ACTUAL COMPARISON FOR THE YEAR	6 – 7
EXPLANATIONS OF MAJOR VARIANCES	8 – 11
INCOME AND EXPENDITURE ACCOUNT	12
CONSOLIDATED BALANCE SHEET	13
NOTES TO THE FINANCIAL STATEMENTS	14 - 16

# **MALVERN TOWN COUNCIL**

**2021/2022**

## **COUNCIL INFORMATION**

The following schedule sets out details of Members of the Council during the year ended 31 March 2022.

<b>Mayor:</b>	Cllr N Houghton (appointed 26/05/21)
<b>Deputy Mayor:</b>	Cllr C Hooper (appointed 26/05/21)

### **Members of the Council**

Cllr J Ashington-Carter (elected 16 Sep 2021)	Cllr P Mewton (resigned 4 July 2021)
Cllr C Bovey	Cllr N Mills
Cllr S Charles (non-attendance 7 Oct 2021)	Cllr N Morton
Cllr J Dallow (resigned 31 July 2021)	Cllr J O'Donnell
Cllr C Fletcher (elected 16 Dec 2021)	Cllr C Palmer
Cllr C Hooper	Cllr J Satterthwaite
Cllr N Houghton	Cllr A Stitt
Cllr L Lambeth	Cllr P Smith
Cllr J Leibrandt	Cllr S Taylor
Cllr L Lowton	Cllr P Tuthill
Cllr R McLaverty-Head	Cllr D Watkins
Cllr D Mead (elected 16 Dec 2021)	

**MALVERN TOWN COUNCIL**

**2021/2022**

**COUNCIL INFORMATION**

**Accounts Prepared by**

Linda Blake ACMA CPFA

**Internal Auditor**

Duncan Edwards – DKE Audit Services

**External Auditor**

PFK Littlejohn LLP



## **MALVERN TOWN COUNCIL**

### **STATEMENT OF ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2022**

#### **EXPLANATORY FOREWORD**

The Accounts and Audit Regulations 2015 state that a Council where the higher of gross income or gross expenditure is over £200,000 but less than £6.5 million per annum is subject to an Intermediate Level Review by the External Auditor and must complete the Annual Governance and Accountability Return 2021/22 Form 3.

As a smaller authority, Malvern Town Council is required by law to:

- a) Complete the Annual Governance and Accountability Return 2021/22 Form 3. This comprises:
  - Section 1 – Annual Governance Statement 2021/22, page 4
  - Section 2 – Accounting Statements 2021/22, page 5
  - Section 3 – External Auditor Report and Certificate 2021/22, page 6
  - Annual Internal Audit Report 2021/22, page 3
- b) To prepare Accounting Statements for the year ended 31 March 2022 in the form required by proper practice.
- c) Certify the Accounting Statements.
- d) Consider and approve the Internal Audit work which has been carried out during the year and ensure the Internal Auditor completes page 3 of the AGAR.
- e) Consider the findings of the Council's review of the effectiveness of the system of Internal Control.
- f) Review the effectiveness of the Council's system of Internal Control and prepare the Annual Governance Statement.
- g) At a meeting of Full Council, sign and approve the AGAR Sections 1 and 2. At the meeting where these are approved, the Council must in the following order:
  - Approve Section 1 of the AGAR, the Annual Governance Statement.
  - Consider the Accounting Statements.
  - Approve Section 2 of the AGAR, the Accounting Statements by Resolution.
  - Ensure the Accounting Statements are signed and dated by the person presiding at the meeting at which the approval is given.
- h) Publish on a public website the approved sections of the AGAR and the completed notice of Public Rights and Publication of Unaudited Annual Governance and Accountability Return along with its accompanying notes
- i) Ensure arrangements are in place for the exercise of public rights with an inspection period of 30 working days. This will take place from Friday 1 July until Thursday 11 August 2022.

- j) Submit the approved and signed AGAR along with the list of items required for an intermediate level review to the External Auditor no later than Thursday 30 June 2022.
- k) Publish or display the certified Governance and Accountability Return by Friday 1 July 2022, including the signed external auditor report.

The Town Council still publishes its own format of accounts in addition to the AGAR. These accounts are in line with the format of the quarterly accounts subject to Year End Financial reporting adjustments and allow councillors to see more detail in the Council's Year End Accounting statements.

Council approved a simplified format for its statement of accounts in April 2010 and Malvern Town Council's financial statements for the year ended 31 March 2022 are set out in the following pages.

### **Summary Budget / Actual Comparison for the Year**

This compares current year income and expenditure with the previous year and also with the current year's budget. Explanations of the major variances are explained within the accounts.

### **The Income and Expenditure Account**

This illustrates the Council's revenue account, covering income and expenditure and allocating them across the departmental headings. Movements on the general fund are detailed at the bottom of the Consolidated Revenue Account in order to reconcile the net surplus or deficit from expenditure against services to the council's spending against council tax raised, taking into account the use of reserves built up in the past and contributions to funds and reserves.

### **The Balance Sheet**

This sets out the financial position of the Council at 31 March 2022 i.e. its assets and liabilities at that date. Local authorities are required to include capital reserves on their balance sheet which are used to account for the financing of fixed assets. These reserves do not have equivalents in other sectors.

### **Notes to the Financial Statements**

These include supporting notes on:

Fixed Assets	Long Term Investments
Stocks, Debtors and Cash in Hand and at Bank	Creditors
Borrowings	Movements in Reserves
Earmarked and Special Reserves	Staffing Structure
Section 137 Expenditure	Publicity

# **MALVERN TOWN COUNCIL 2021/22 ACCOUNTS**

## **SUMMARY BUDGET / ACTUAL COMPARISON FOR THE YEAR 2021/22**

	2021/22 Budget	2021/22 Actual	2020/21 Actual
<b><u>Gross Income</u></b>			
Rental Income	60,777	51,396	47,373
Other Administration / Event related	3,250	3,068	1,729
Allotments	5,746	5,775	5,189
Cemetery	60,000	53,880	63,900
Grounds Maintenance	8,000	7,810	8,223
Leisure and Recreation	10,129	10,948	7,311
Section 106 Grant Funding	-	50,000	-
Interest Receivable	3,000	2,662	3,900
Deferred Grants *	-	8,893	8,893
	<u>150,902</u>	<u>194,432</u>	<u>146,518</u>
<b><u>Administration</u></b>			
Paycost	214,013	216,333	213,971
Utilities	8,501	10,036	9,008
Rates	8,983	9,723	11,421
Maintenance of Buildings	14,902	10,462	9,129
Communication Costs	12,821	12,987	8,622
Insurance	20,000	17,520	18,451
Professional and Consultancy Fees	9,250	27,419	7,712
IT Expenses	6,820	8,232	7,875
Leasing	1,400	1,429	1,368
Depreciation *	-	7,408	23,750
Miscellaneous	18,815	15,970	10,886
	<u>315,505</u>	<u>337,519</u>	<u>322,193</u>
<b><u>Operations</u></b>			
Paycost	245,121	246,494	237,961
Utilities	8,946	11,117	8,024
Rates	7,823	11,352	11,352
Maintenance of Buildings	2,322	706	1,684
Communication Costs	2,200	1,797	2,089
Maintenance of Grounds	41,450	29,240	34,019
Equipment and Vehicle Running Costs	16,830	19,464	13,425
Depreciation *	-	92,304	86,080
Miscellaneous	3,231	2,122	3,747
	<u>327,923</u>	<u>414,596</u>	<u>398,381</u>
<b><u>Discretionary Costs</u></b>			
Grants, Donations and Community Projects	55,050	47,586	70,576
Events	58,325	39,992	22,003
Depreciation *	-	5,515	5,923
	<u>113,375</u>	<u>93,093</u>	<u>98,502</u>

\* These items are not currently included within the budget, but form part of the year end financial reporting adjustments.

# **MALVERN TOWN COUNCIL 2021/22 ACCOUNTS**

## **SUMMARY BUDGET / ACTUAL COMPARISON FOR THE YEAR 2021/22**

	2021/22 Budget	2021/22 Actual	2020/21 Actual
<b><u>Asset Renewal and Refurbishment</u></b>			
Litter Bins	3,000	2,159	4,000
New Car Park at Lower Howsell	-	-	2,722
Replacement of Two Springers Victoria Park Play Area	2,000	995	-
Replacement of Two Springers Lower Howsell Play Area	2,000	1,680	-
Fencing at Lower Howsell	8,000	4,095	-
Replacement Pavilion Doors at Lower Howsell	5,000	4,750	-
Replacement Fencing at Townsend Way	6,000	3,960	-
Renewal of Rope Climbing Frame Victoria Park	-	-	1,000
Refurbishment of Jamaica Crescent Play Area	8,000	-	-
Refurbishment of Bus Shelter Outside Rose Bank Gardens	15,000	-	-
Jenny Lind Fountain in Rose Bank Gardens	3,750	-	-
Installation of New Basketball Courts at Victoria Park	-	(1,757)	49,360
Victoria Park New Pavilion Project	-	13,068	2,275
Path Edging Works in Rose Bank Gardens	-	2,906	-
Works to investigate land slippage	-	9,695	-
Refurbishment of Barnards Green Bus Shelter	-	1,026	-
Refurbishment of Cemetery Lodge Kitchen	-	-	3,145
Repairs to Roof at Great Malvern Cemetery	4,000	1,000	-
Replacement Sleepers for Compost Heap at Cemetery	-	1,167	-
New IT Equipment	-	-	9,816
Refurbishment of Flats at Belle Vue Terrace	-	-	12,895
New Wood Chipper	12,000	-	-
Replacement Mowers	-	-	1,406
New Christmas Lights	-	-	1,740
Contingency Fund	10,000	-	-
<b><u>Special Expenditure</u></b>			
Early Retirement Costs	7,599	7,495	7,454
Special Expenditure Total	86,349	52,239	95,813
Gross Expenditure Total	843,152	897,447	914,889
Net Cost of Services	692,250	703,015	768,371
Add Movements to Reserves	15,000	66,580	56,536
Less Movements from Reserves	(24,500)	(25,229)	(68,256)
Reversal of Depreciation	-	(105,227)	(115,753)
Reversal of Deferred Contributions	-	8,893	8,893
Capital Financed from Revenue	-	51,675	45,600
Adjusted Net Expenditure for the Year	682,750	699,707	695,391
Precept on the District Council	682,890	682,890	682,890
<b>(Surplus) / Deficit for the year</b>	<b>(140)</b>	<b>16,817</b>	<b>12,501</b>

## MALVERN TOWN COUNCIL

### SUMMARY OF MAJOR VARIANCES - FINANCIAL YEAR 2021/22

*A Summary of the major points contributing to the variance of actual from budget for the YEAR, is as follows:*

*Comments have been made where variances are greater than 10% of the budgeted amount*

#### INCOME - surplus income is shown in brackets

##### **Rental Income**

After a refurbishment project, the middle flat to the rear of Belle Vue Terrace was let in February 2021. The tenant then moved out in July 2021 and the flat has been unoccupied since this time whilst decisions are made as to the future of the Council's ownership of Belle Vue Terrace. 5,100

The ground floor annexe to the rear of Belle Vue has also been vacant during the year as the last tenant moved out in October 2020. The annexe requires renovation works, and no income is being received whilst the future of the Belle Vue Terrace building is being considered. 4,932

##### **Cemetery Income**

It is very difficult to accurately predict the level of cemetery income each year, but in 2021/22, income has been 10% lower than anticipated, perhaps due to a move towards interment of cremated remains. 6,120

##### **Section 106 Funding**

Section 106 funding has been received in respect of the new basketball courts at Victoria Park and has been used to offset costs accordingly. (50,000)

##### **Interest Receivable**

The Council now has investments with both the Public Sector Deposit Fund and the CCLA's Property 338

Investment Fund. The effects of the Covid-19 pandemic resulted in a reduction in both dividends and interest paid, but the recent rises in interest rates has seen income begin to increase again.

##### **Deferred Grants**

This item is not included in the annual budget and is an adjustment required in the Year End Accounts. (8,893)

#### COSTS - Expenditure below budget and therefore causing a surplus is shown in brackets

#### ADMINISTRATION

##### **Utility Charges at Belle Vue Building**

Electricity charges at Belle Vue Terrace have been 34% higher than the budgeted level. This is due to the national increase in utility costs but also due to the requirement to pay costs for the rear annexe and middle flat whilst they have been empty. 1,470

##### **Rates**

Although there were no increases in business rates within the Council occupied areas of Belle Vue Terrace, there has been a requirement to pay Council tax for the middle flat whilst it has been vacant. 916

##### **Cleaning**

There has been an underspend against cleaning contract costs. Cleaning hours have been slightly reduced during the year based on operational needs and building usage. (2,156)

##### **Maintenance of Belle Vue Terrace Buildings**

Maintenance works on the Belle Vue Terrace building have been kept to a minimum during the year whilst the Town Council decides whether to retain the building or to sell it. (1,840)

##### **Insurance**

The Council's Insurance contract renewed in August 2021 with very little change to the premium. There have been no claims requiring an excess payment and a loyalty rebate has also been received, costs have therefore been under the level expected. (2,480)

##### **Elections**

Three by-elections have been called and held during the financial year, resulting in costs not anticipated within the original budget. 19,619

##### **IT Expenses**

An overspend against IT expenses has been caused by the switch to a new IT contractor alongside the need to update the Council's IT systems. These exact costs were not known when the budget was set. 1,350

##### **Mayoral Allowance**

The Mayoral allowance was increased to £5,000 as part of the 2018/19 budget. Costs in the year have been low. This may be due to fewer civic events being held, due to some ongoing concerns about Covid-19 but even in the final quarter when they did return to normal, only one small expense claim was submitted. (3,943)

##### **Depreciation**

This item is currently not included in the budget and forms part of the year end adjustments. 7,408

# MALVERN TOWN COUNCIL

## SUMMARY OF MAJOR VARIANCES - FINANCIAL YEAR 2021/22

*COSTS - Expenditure below budget and therefore causing a surplus is shown in brackets*

### OPERATIONS

#### **Utilities**

The 2021/22 budget had anticipated that utility costs at Victoria Park would be at a minimum level whilst the new building was being constructed, however charges for water drainage /runoff are still applicable and are still being billed. This has resulted in an overspend for the year. 3,940

Water charges at allotment sites continue to be lower than budget, linked to the water now being turned off during the winter months. (763)

#### **Rates**

The 2021/22 budget had anticipated that NNDR would only be payable for a small part of the year for Victoria Park Pavilion due to plans to build a new community hub. Unfortunately this project has been delayed and as a result, NNDR payments are still due. 3,630

#### **Maintenance of Buildings**

Repair and maintenance costs have been low at all sports pavilions. Pavilions have returned to use in the 2021/22 season, but with very few sports teams using Council pitches, their usage has been low resulting in low repair costs. (931)

Repair costs to cemetery buildings have also been lower than expected in the budget. (465)

#### **Communication Costs**

Line rental and other telephone costs have been very low for the year. (429)

### **MAINTENANCE OF GROUNDS**

#### **Memorial Project**

A budget was included in 2021/22 for a memorial project connected to the Covid-19 pandemic however no ideas or works have been actioned and this now represents a budget saving. (2,500)

#### **Tree Maintenance / Surgery**

A budget is available to ensure that tree works can be carried out as and when required, however works in the 2021/22 financial year have been less than anticipated. (2,460)

#### **Play Area Maintenance**

Expenditure has been below budget. Regular inspections of all play areas take place to identify any works that are required and these are then actioned. Costs may be being reduced by the ongoing asset refurbishment programme which is scheduled annually and ensures that equipment is regularly updated at Town Council play areas. (4,322)

#### **Pitch Maintenance**

Due to the very low usage of all football pitches during the last two football seasons, very limited maintenance has been required to keep the pitches to the necessary standard. (1,133)

#### **Gas Lamps**

Works have been undertaken as required during the year by the Council's gas lamp contractor but two members of operational staff are trained in day to day maintenance and this has reduced costs. (455)

#### **Bus Shelter Maintenance**

Works to bus shelters have been undertaken as required but these have been completed by Town Council staff with only a small amount of consumables being required. (468)

### **EQUIPMENT RUNNING COSTS**

#### **Machinery**

There has been an overspend against repairs to operational machinery during the year. Machinery has been serviced and repaired as necessary throughout the year, but additional costs have been incurred for essential repairs to mowers. 518

#### **Vehicles**

Urgent repair works to the Ford Transit truck have been required during the year and this has resulted in a large overspend against budget. 1,686

#### **Depreciation**

This item is currently not included in the budget and forms part of the year end adjustments. 92,304

#### **Other Costs - Organists Fees**

The cemetery chapel was only reopened after Covid-19 in early 2022, so organist bookings have been low for the financial year as a whole. (380)

#### **Other Costs - Security at Victoria Park**

The pavilion building has been empty throughout the year and therefore alarm costs have been reduced. (355)

# MALVERN TOWN COUNCIL

## SUMMARY OF MAJOR VARIANCES - FINANCIAL YEAR 2021/22

*COSTS - Expenditure below budget and therefore causing a surplus is shown in brackets*

### DISCRETIONARY COSTS

#### **Small and Large Grants**

The budget for grants in 2021/22 was £28,000. Grants were awarded over two rounds during the financial year, but there were underspends of £2,813 against large grants and £7,630 against small grants. (10,443)

#### **Emergency Grant**

An emergency grant was awarded to the Malvern Hills Foodbank during the year. In line with Council policy, there is no budget allocated for emergency grants and funding is taken out of reserves when required. 2,500

#### **Events**

Due to the ongoing effects of the Covid-19 pandemic and the wish of many to respect social distancing, a number of Council events were either cancelled or reduced in scale leading to reduced expenditure. This included the following;

Bands in the Park and Alternative Bands in the Park	(8,213)
Christmas Light Switch On	(1,665)
Chairman's Charity Walk and other Charity Events	(2,500)
Armed Forces Day Event	(3,500)
Malvern in Bloom and Heart of England in Bloom	(2,325)

#### **Depreciation**

This item is currently not included in the budget and forms part of the year end adjustments. 5,515

### ASSET REFURBISHMENT / RENEWAL

#### **Litter Bins**

5 Derby recycling bins were purchased during the year. Only five were purchased initially as part of a trial to see if the recycling scheme would be followed and therefore be effective. (841)

#### **Victoria Park - replacement of two springers**

The original budget for new play equipment at Victoria Park was £2,000. Costs were just under half of the budgeted amount. (1,005)

#### **Lower Howsell - replacement of two springers**

The original budget for new play equipment at Victoria Park was £2,000, savings have therefore been achieved. (320)

#### **Fencing at Lower Howsell**

Fencing works were completed at Lower Howsell with budget savings being achieved due to a slight amendment in the project specification based on operational needs. (3,905)

#### **Replacement Fencing at Townsend Way**

Expenditure on this project is below budget due to a slight amendment in the project specification based on operational needs for the site. (2,040)

#### **Refurbishment of Jamaica Crescent Play Area**

Although included in the budget for 2021/22, the cost of the play area refurbishment was capitalised as part of the Year End Accounting Process. (8,000)

#### **Refurbishment of Bus Shelter outside of Rose Bank Gardens**

Expenditure on this project has now been earmarked and carried forward into the 2022/23 financial year due to delays in sourcing a suitable contractor for this specialised work. (15,000)

#### **Jenny Lind Fountain in Rose Bank Gardens**

Due to contractor delays, works will now be completed in the 2022/23 financial year. (3,750)

#### **Installation of New Basketball Courts at Victoria Park**

This project has now been completed with Section 106 monies received, capitalisation of the surfacing and equipment and a reversal from reserves to match storage costs covered by the contractors. (1,757)

#### **Victoria Park - New Pavilion Project**

Costs have been incurred for the first stages of the project to build a new Community Hub at Victoria Park. This includes completion of the surveys required for the planning application and the disconnection of the gas supply to the current pavilion. 13,068

#### **Path Edging Works in Rose Bank Gardens**

An earmarked reserve was created to carry these funds forward from the previous year, therefore the project costs have been covered by a release from this reserve. 2,906

#### **Works to investigate Land Slippage**

Investigatory works have taken place during the year in respect of the slippage of land in Rose Bank Gardens. 9,695

## MALVERN TOWN COUNCIL

### SUMMARY OF MAJOR VARIANCES - FINANCIAL YEAR 2021/22

*COSTS - Expenditure below budget and therefore causing a surplus is shown in brackets*

**Refurbishment of Barnards Green Bus Shelter**

Due to issues with planning permission, this project had been carried forward from the 2020/21 financial year. 1,026  
Works have been completed, but costs have been significantly reduced as most of the work was carried out by Town Council operational staff. A release of the monies earmarked, but no longer required has been made at Year End.

**Repairs to Roof at Great Malvern Cemetery**

Works have been completed with significant savings against budget. (3,000)

**Replacement Sleepers for Compost Pit at Great Malvern Cemetery**

Following Council approval, sleepers were replaced in the composting area at Great Malvern Cemetery. 1,167  
This was not included in the original budget, but was approved by Council during the year.

**New Wood Chipper**

Although included in the budget for 2021/22, the cost of the wood chipper was capitalised as part of the Year End Accounting Process. (12,000)

**Contingency Fund**

Although included in the budget for 2021/22, Council have not agreed any specific use for the contingency fund in 2021/22 (10,000)

<b>Budget 2021/22</b>	<b>(140)</b>
<b>Year End Deficit</b>	<b>16,817</b>
<b>Variance against Budget</b>	<b>16,957</b>



# MALVERN TOWN COUNCIL 2021/22 ACCOUNTS

## INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31 MARCH 2022

Cost of Services	2022			2021
	Gross expend- iture £	Gross income £	Net expend- iture £	Net expend- iture £
Cemetery	126,012	53,880	72,132	70,707
Allotments	16,905	5,775	11,130	12,194
Maintenance of other Town Council grounds	190,948	57,810	133,138	138,015
Leisure and recreation services	148,047	10,948	137,099	187,729
Miscellaneous services	15,793	-	15,793	28,021
Other services provided to the public	138,767	3,030	135,737	101,631
Administration - Corporate and democratic support	172,397	51,434	120,963	154,119
Administration - Professional support	40,992	-	40,992	18,172
Grants to local bodies	47,586	-	47,586	70,576
<b>NET COST OF SERVICES</b>	<b>897,447</b>	<b>182,877</b>	<b>714,570</b>	<b>781,164</b>
Interest, deferred grants and investment income			(11,555)	(12,793)
<b>NET OPERATING EXPENDITURE</b>			<b>703,015</b>	<b>768,371</b>
<b>Precept on District Council</b>			(682,890)	(682,890)
<b>(SURPLUS) / DEFICIT FOR THE YEAR</b>			<b>20,125</b>	<b>85,481</b>
<u>Reconciliation of Items for Movement on General Fund</u>				
Removal of depreciation and deferred contributions to avoid impact on precept			(96,334)	(106,860)
Movement on Earmarked Reserves			41,351	(11,720)
Capital Financed from Revenue			51,675	45,600
Removal of Income from Sale of Land to Reserves			-	-
<b>Deficit for the Year Ended 31 March 2022 after movements on General Fund</b>			<b>16,817</b>	<b>12,501</b>

**MALVERN TOWN COUNCIL 2021/22 ACCOUNTS**  
**CONSOLIDATED BALANCE SHEET AS AT 31 MARCH 2022**

	Notes	2022 £	2021 £
<b>FIXED ASSETS</b>	<b>1</b>		
Operational assets			
Land and buildings		1,721,347	1,650,834
Plant, vehicles and equipment		110,590	86,155
Infrastructure		-	-
Non-operational assets		-	-
		<u>1,831,937</u>	<u>1,736,989</u>
Long Term Investments	2	247,877	247,877
<b>CURRENT ASSETS</b>			
Stocks	3	-	-
VAT recoverable		11,232	7,732
Debtors	4	10,489	7,295
Payments in advance		8,944	33,116
Cash in hand and at bank	5	<u>552,284</u>	<u>466,838</u>
		<u>582,949</u>	<u>514,981</u>
<b>CURRENT LIABILITIES</b>			
Creditors	6	(123,694)	(70,605)
Receipts in advance		(5,630)	(5,535)
Short term borrowing	7	-	-
		<u>(129,324)</u>	<u>(76,140)</u>
<b>TOTAL ASSETS LESS CURRENT LIABILITIES</b>		2,533,439	2,423,707
<b>LONG TERM BORROWING</b>	7	-	-
<b>DEFERRED GRANTS AND CONTRIBUTIONS</b>		(104,570)	(113,463)
<b>TOTAL ASSETS LESS LIABILITIES</b>		<u>2,428,869</u>	<u>2,310,244</u>
<b>REPRESENTED BY:</b>			
Fixed asset restatement account	8	1,321,192	1,301,192
Capital financing account	8	273,128	199,037
Earmarked and special reserves	9	329,249	287,898
Balance on income and expenditure account		505,300	522,117
		<u>2,428,869</u>	<u>2,310,244</u>

These financial statements were approved by the Council on 23 June 2022 and signed on its behalf:

.....  
Town Mayor

.....  
Town Clerk

# MALVERN TOWN COUNCIL 2021/22 ACCOUNTS

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2022

### 1. FIXED ASSETS

#### 1.1 Movements in fixed assets

	Operational property £	Vehicles, plant & machinery £	Infra- structure £	Totals 2022 £	2021 £
<b>Cost</b>					
At 1 April 2021	1,830,489	614,061	8,608	2,453,158	2,497,691
Additions	-	61,425	-	61,425	50,790
Revaluation	20,000	-	-	20,000	(73,211)
Disposals	-	-	-	-	(22,112)
At 31 March 2022	<u>1,850,489</u>	<u>675,486</u>	<u>8,608</u>	<u>2,534,583</u>	<u>2,453,158</u>
<b>Depreciation</b>					
At 1 April 2021	179,654	527,906	8,608	716,168	886,709
Charge in year	68,238	36,990	-	105,228	115,753
Revaluation	-	-	-	-	-
Eliminated on disposals / revaluation	(118,750)	-	-	(118,750)	(286,292)
At 31 March 2022	<u>129,142</u>	<u>564,896</u>	<u>8,608</u>	<u>702,646</u>	<u>716,168</u>
<b>Net Book Value</b>					
At 31 March 2022	<u>1,721,347</u>	<u>110,590</u>	<u>-</u>	<u>1,831,937</u>	<u>1,736,989</u>
At 31 March 2021	<u>1,650,835</u>	<u>86,155</u>	<u>-</u>	<u>1,736,989</u>	<u>1,610,983</u>

#### 1.2. Valuation of fixed assets

The Code of Practice on Local Authority Accounting in Great Britain requires that all assets are re-valued at least once every five years.

A valuation of the Council's Offices on Belle Vue Terrace was carried out by the Valuation Agency as at 1 April 2021, the next valuation is therefore due on 1 April 2026.

The Council's Operational Properties were valued as at 1 April 2020 by the Valuation Agency. These properties therefore next become due for valuation on 1 April 2025.

#### 1.3. Note on Rose Bank Gardens

The Council began a 99 year lease of Rose Bank Gardens on 15 February 2012. CIPFA SORP states that Community Assets should be included at their historical cost which is nil as the gardens were gifted to Malvern Hills District Council (the lessor) and are being leased on a peppercorn rent. Therefore a nil value has been assumed.

### 2. LONG TERM INVESTMENTS

2022

2021

Long term investments represent the funds held by the Council in a Local Authorities Property Fund as well as Earmarked Reserves which are held on a long term basis.

Local Authorities Property Fund	66,484	66,484
Long Term Earmarked Reserves	181,393	181,393
	<u>247,877</u>	<u>247,877</u>

### 3. STOCKS

The Council has resolved that stocks with a value of less than £2,500 are not material to the accounts. There is, accordingly, no stock shown in the balance sheet.

### 4. DEBTORS

An analysis of debtors is as follows:

	2022	2021
Interest receivable on investments and bank accounts	701	665
Sundry debtors	9,788	6,630
	<u>10,489</u>	<u>7,295</u>

# MALVERN TOWN COUNCIL 2021/22 ACCOUNTS

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2022

### 5. CASH IN HAND AND AT BANK

	2022	2021
Current Account	475,157	389,507
Public Sector Deposit Account	258,516	258,516
less Long Term Earmarked Reserves	(181,393)	(181,393)
Petty Cash	68	208
Unity Credit Card	(64)	-
Cheques Received not Banked	-	-
	<u>552,284</u>	<u>466,838</u>

### 6. CREDITORS

	2022	2021
An analysis of creditors is as follows:		
HM Revenue & Customs	11,941	8,794
Creditors	67,174	27,489
Accruals	44,579	34,322
	<u>123,694</u>	<u>70,605</u>

### 7. BORROWINGS

At 31 March 2022, the Council had no loans outstanding.

### 8. STATEMENT OF TOTAL MOVEMENT IN RESERVES

	Capital accounts Fixed asset restatement £	Capital financing £	Revenue reserves General £	Earmarked and special £	Totals 2022 £	2021 £
Balance at 1 April 2021	(1,301,192)	(199,037)	(522,117)	(287,898)	(2,310,244)	(2,310,244)
Net (surplus)/deficit for year	-	-	16,817	-	16,817	12,501
Disposal of fixed assets	-	-	-	-	-	-
Revaluation / Impairment	(20,000)	(118,750)	-	-	(138,750)	(190,969)
Release of retentions	-	-	-	-	-	-
Movements on EM reserves	-	-	-	(41,351)	(41,351)	11,720
Net depreciation of fixed assets	-	96,334	-	-	96,334	106,860
Financing of fixed assets	-	(51,675)	-	-	(51,675)	(45,600)
Balance at 31 March 2022	<u>(1,321,192)</u>	<u>(273,128)</u>	<u>(505,300)</u>	<u>(329,249)</u>	<u>(2,428,869)</u>	<u>(2,310,244)</u>

### 9. EARMARKED AND SPECIAL RESERVES

The Council has adopted, as a key element of its financial strategy, a policy of developing reserve funds against future known or anticipated commitments. The policy includes a recognition of the need to maintain assets in a fit and proper condition such that their value, both operational and financial, will remain the same over time.

The reserves also include two perpetuity funds: that is funds where the capital amount is required to be maintained intact and invested, with the income generated being applied for maintenance purposes. In one case, the fund is in respect of a section 106 payment from Malvern Hills District Council.

A Vehicle and Machinery Reserve also exists to smooth the impact of the purchase of these larger items against the annual precept. Funds are built up annually and then released only when Vehicles and or Machinery are required.

Details of movements on individual reserves are set out below:

	Year ended 31 March 2022			
Name of Reserve	Balance as at 1 April 2021 £	Addition to reserves £	Contributions from reserves £	Balance as at 31 March 2022 £
Elections	6,810	2,500	-	9,310
Cemetery extension	16,659	-	-	16,659
Asset Repair and Development Reserve	640	49,080	(13,229)	36,491
Events and Grants	12,500	-	-	12,500
Vehicle and Machinery Replacement Fund	49,889	15,000	(12,000)	52,889
Allotment Reserve	50,000	-	-	50,000
Capital Receipts Reserve	48,250	-	-	48,250
CIL Reserve - Brookfarm Drive	36,666	-	-	36,666
Graves perpetuity	5,284	-	-	5,284
Townsend Way - s106 perpetuity	61,200	-	-	61,200
	<u>287,898</u>	<u>66,580</u>	<u>(25,229)</u>	<u>329,249</u>

# MALVERN TOWN COUNCIL 2021/22 ACCOUNTS

## NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2022

### 10. STAFFING STRUCTURE

The Council's approved and actual establishment at the year end was:

	2022	2021
Operations management	1.0	1.0
Operations Staff	8.0	8.0
Total Operations Staff	9.0	9.0
Administrative and Corporate support	3.6	3.6
Town Clerk	1.0	1.0
Total numbers:	13.6	13.6
Full time equivalents	13.6	13.6

### 11 SECTION 137 EXPENDITURE

Section 137 of the Local Government Act 1972 (as amended) enables the Council to spend, in any single year, up to a specified product per head for each registered elector in Malvern Town, on activities and projects which are not authorised specifically by any other statute. All such expenditure must be declared by the Council to be for the benefit of all or some of the inhabitants of the Town.

	2022	2021
Annual product per head	8.41	8.32
Number of registered electors	22,864	22,864
Maximum permissible amount under section 137	192,286	190,228
Expenditure during the year comprised the following:		
Remembrance Observation	409	19
Other grants and donations	20,667	41,639
Citizen's Advice Bureau Grant	16,000	15,500
Community Action Grant	10,900	10,900
	47,976	48,631

### 12. PUBLICITY

The Local Government Act 1986 requires the Council to disclose expenditure on publicity. Gross expenditure on publicity and advertising during the year was as follows:

	2022	2021
Public consultation	1,901	-
Council Newsletter	3,147	1,522
Covid-19 Information	-	1,906
Statutory and public notices	413	687
Availability of grants	610	612
Events Publicity	630	-
Employment Vacancies	-	665
	6,701	5,392

**A REPORT OF THE TOWN CLERK TO  
A MEETING OF MALVERN TOWN COUNCIL  
to be held on Thursday 23 June 2022 at 6.00 pm  
in the Council Chamber, Malvern Hills District Council, Avenue Road, Malvern**

**ANNUAL GOVERNANCE AND ACCOUNTABILITY RETURN 2021/22**

**1. Purpose of Report**

- 1.1. The purpose of this report is to present to Full Council the Statutory Annual Governance and Accountability Return Form 3 (AGAR) for 2021/22, as attached at Appendix A.

**2. Recommendation**

- 2.1. Council is recommended to consider and approve Section 1 of the AGAR – Annual Governance Statement 2021/22 and ensure it is signed and dated by the Chairman and Town Clerk.
- 2.2. Council is recommended to consider and approve Section 2 of the AGAR – Accounting Statements 2021/22, approve the Accounting Statements by resolution and ensure they are signed and dated by the Chairman.
- 2.3. Council is recommended to note the Annual Internal Audit Report 2021/22 as page 3 of the AGAR.
- 2.4. Council should agree that the fully completed AGAR for 2021/22 will be submitted with the appropriate supporting information to the external auditor no later than Thursday 30 June 2022. Sections 1 and 2 of the AGAR along with the Notice of the period for the exercise of public rights and a declaration that the accounts are as yet unaudited must also be published on the Town Council website by Thursday 30 June 2022.

**3. Background**

- 3.1. Malvern Town Council has gross income and/or gross expenditure over £200,000 but less than £6.5 million per annum and is therefore subject to an Intermediate Level Review by the External Auditor. PKF Littlejohn LLP has been appointed by Public Sector Audit Appointments Limited as the Town Council's Auditors under the Local Audit and Accountability Act 2014 to carry out the external audit review.
- 3.2. Malvern Town Council is required to prepare Accounting Statements for the year ended 31 March 2022 in the form required by proper practices and a meeting of the Full Authority must be held to consider, approve and sign the Annual Governance Statement and the Accounting Statements in order (sections 1 and 2 of the Annual Return).
- 3.3. The Town Clerk has agreed with PKF Littlejohn LLP that the AGAR and list of required intermediate level review documents will be submitted no later than Thursday 30 June 2022.
- 3.4. Arrangements are also in place for the exercise of public rights and accounts inspection period and the Town Clerk will make the appropriate arrangements to ensure that this is done in the period 1 July until 11 August 2022. The notice to be displayed is attached at Appendix B.
- 3.5. The publication date for final audited accounts which must be published on the Town Council website is Friday 30 September 2022.

**4. Key Financial Implications**

- 4.1. Council is asked to note that the Accounting Statements for 2021/22 do not show any major variances from the previous financial year and that the Council continues to be a secure financial position with adequate reserves.

**5. Legal Implications**

- 5.1. The Accounts and Audit Regulations state that all smaller authorities, where either the higher of gross income or gross expenditure exceeded £200,000 but did not exceed £6.5 million per annum, are subject to a Smaller Authorities Limited Assurance Review by the External Auditor and must submit an Annual Governance and Accountability Return – Part 3.
- 5.2. As a smaller authority, the Town Council is required by law to:
- a) Carry out a review of the effectiveness of the Council's system of internal control and prepare the Annual Governance Statement, Section 1 of the AGAR. The Annual Governance Statement should be approved by resolution and signed in advance of approving the accounting statements.
  - b) Prepare Accounting Statements for the year ended 31 March 2022 in the form required by proper practices. In the case of Malvern Town Council, this is the AGAR, Section 2.
  - c) At a meeting of Full Council, to sign and approve the AGAR Section 2. At the meeting where these are approved, the Council must in the following order:
    - Consider the Accounting Statements
    - Approve the Accounting Statements by Resolution
    - Ensure the Accounting Statements are signed and dated by the person presiding at the meeting at which the approval is given
  - d) Consider the Internal Audit work that has been done during the year and ensure the Internal Auditor completes page 3 of the AGAR. This has been done under Agenda Item 12 at this meeting.
  - e) Publish on a public website the approved sections of the AGAR and the completed notice of Public Rights and Publication of Unaudited Annual Governance and Accountability Return along with its accompanying notes.
  - f) Make arrangements for the exercise of public rights and publish the Notice of Public Rights and Publication of unaudited Annual Governance and Accountability return and sections one and two of the Annual Return the day before the statutory 30-day period for the public to inspect the accounts begins. The chosen period for the Exercise of Public Rights will be Friday 1 July until Thursday 11 August 2022 providing that the AGAR has been approved by Council before this period.
  - g) Submit the approved and signed AGAR along with the list of items required for an intermediate level review to the External Auditor no later than Thursday 30 June 2022.
  - h) Publish or display the certified Annual Return by Friday 30 September 2022 including the signed external auditor report.

End.  
Linda Blake  
Town Clerk

# Annual Governance and Accountability Return 2021/22 Form 3

**To be completed by Local Councils, Internal Drainage Boards and other Smaller Authorities\*:**

- where the higher of gross income or gross expenditure exceeded £25,000 but did not exceed £6.5 million; or
- where the higher of gross income or gross expenditure was £25,000 or less but that:
  - are unable to certify themselves as exempt (fee payable); or
  - have requested a limited assurance review (fee payable)

## Guidance notes on completing Form 3 of the Annual Governance and Accountability Return 2021/22

1. Every smaller authority in England that either received gross income or incurred gross expenditure exceeding £25,000 **must** complete Form 3 of the Annual Governance and Accountability Return at the end of each financial year in accordance with *Proper Practices*.
2. **The Annual Governance and Accountability Return is made up of three parts, pages 3 to 6:**
  - The **Annual Internal Audit Report** **must** be completed by the authority's internal auditor.
  - **Sections 1 and 2** **must** be completed and approved by the authority.
  - **Section 3** is completed by the external auditor and will be returned to the authority.
3. The authority **must** approve Section 1, Annual Governance Statement, before approving Section 2, Accounting Statements, and both **must** be approved and published on the authority website/webpage **before 1 July 2022**.
4. An authority with either gross income or gross expenditure exceeding £25,000 or an authority with neither income nor expenditure exceeding £25,000, but which is unable to certify itself as exempt, or is requesting a limited assurance review, **must** return to the external auditor by email or post (not both) **no later than 30 June 2022**. Reminder letters will incur a charge of £40 +VAT:
  - the Annual Governance and Accountability Return Sections 1 and 2, together with
  - a bank reconciliation as at 31 March 2022
  - an explanation of any significant year on year variances in the accounting statements
  - notification of the commencement date of the period for the exercise of public rights
  - Annual Internal Audit Report 2021/22

Unless requested, do not send any additional documents to your external auditor. Your external auditor will ask for any additional documents needed.

Once the external auditor has completed the limited assurance review and is able to give an opinion, the Annual Governance and Accountability **Section 1, Section 2 and Section 3 – External Auditor Report and Certificate** will be returned to the authority by email or post.

## Publication Requirements

Under the Accounts and Audit Regulations 2015, authorities must publish the following information on the authority website/webpage:

Before 1 July 2022 authorities **must** publish:

- Notice of the **period** for the exercise of public rights and a declaration that the accounting statements are as yet unaudited;
- **Section 1 - Annual Governance Statement 2021/22**, approved and signed, page 4
- **Section 2 - Accounting Statements 2021/22**, approved and signed, page 5

Not later than 30 September 2022 authorities **must** publish:

- Notice of conclusion of audit
- **Section 3 - External Auditor Report and Certificate**
- **Sections 1 and 2 of AGAR** including any amendments as a result of the limited assurance review.

It is recommended as best practice, to avoid any potential confusion by local electors and interested parties, that you also publish the Annual Internal Audit Report, page 3.

The Annual Governance and Accountability Return constitutes the annual return referred to in the Accounts and Audit Regulations 2015. Throughout, the words 'external auditor' have the same meaning as the words 'local auditor' in the Accounts and Audit Regulations 2015.

\*for a complete list of bodies that may be smaller authorities refer to schedule 2 to the Local Audit and Accountability Act 2014.



## Guidance notes on completing Form 3 of the Annual Governance and Accountability Return (AGAR) 2021/22

- The authority **must** comply with *Proper Practices* in completing Sections 1 and 2 of this AGAR. *Proper Practices* are found in the *Practitioners' Guide\** which is updated from time to time and contains everything needed to prepare successfully for the financial year-end and the subsequent work by the external auditor.
- Make sure that the AGAR is complete (no highlighted boxes left empty), and is properly signed and dated. If the AGAR contains unapproved or unexplained amendments, it may be returned and additional costs will be incurred.
- The authority **should** receive and note the Annual Internal Audit Report before approving the Annual Governance Statement and the accounts.
- Use the **checklist** provided below to review the AGAR for completeness before returning it to the external auditor by email or post (not both) no later than 30 June 2022.
- The Annual Governance Statement (Section 1) must be approved on the same day or before the Accounting Statements (Section 2) and evidenced by the agenda or minute references.
- The Responsible Financial Officer (RFO) must certify the accounts (Section 2) before they are presented to the authority for approval. The authority must in this order; consider, approve and sign the accounts.
- The RFO is required to commence the public rights period as soon as practical after the date of the AGAR approval.
- Do not send the external auditor any information not specifically requested. However, **you must inform your external auditor about any change of Clerk, Responsible Financial Officer or Chairman, and provide relevant authority owned generic email addresses and telephone numbers.**
- Make sure that the copy of the bank reconciliation to be sent to your external auditor with the AGAR covers all the bank accounts. If the authority holds any short-term investments, note their value on the bank reconciliation. The external auditor must be able to agree the bank reconciliation to Box 8 on the accounting statements (**Section 2, page 5**). An explanation **must** be provided of any difference between Box 7 and Box 8. More help on bank reconciliation is available in the *Practitioners' Guide\**.
- Explain fully significant variances in the accounting statements on **page 5**. Do not just send a copy of the detailed accounting records instead of this explanation. The external auditor wants to know that you understand the reasons for all variances. Include complete numerical and narrative analysis to support the full variance.
- If the external auditor has to review unsolicited information, or receives an incomplete bank reconciliation, or variances are not fully explained, additional costs may be incurred.
- Make sure that the accounting statements add up and that the balance carried forward from the previous year (Box 7 of 2021) equals the balance brought forward in the current year (Box 1 of 2022).
- The Responsible Financial Officer (RFO), on behalf of the authority, **must** set the commencement date for the exercise of public rights of 30 consecutive working days which **must** include the first ten working days of July.
- The authority **must** publish on the authority website/webpage the information required by Regulation 15 (2), Accounts and Audit Regulations 2015, including the period for the exercise of public rights and the name and address of the external auditor **before 1 July 2022**.

Completion checklist – 'No' answers mean you may not have met requirements		Yes	No
All sections	Have all highlighted boxes have been completed?		
	Has all additional information requested, including <b>the dates set for the period for the exercise of public rights</b> , been provided for the external auditor?		
Internal Audit Report	Have all highlighted boxes been completed by the internal auditor and explanations provided?		
Section 1	For any statement to which the response is 'no', has an explanation been published?		
Section 2	Has the authority's approval of the accounting statements been confirmed by the signature of the Chairman of the approval meeting?		
	Has an explanation of significant variations been published where required?		
	Has the bank reconciliation as at <b>31 March 2022</b> been reconciled to Box 8?		
	Has an explanation of any difference between Box 7 and Box 8 been provided?		
Sections 1 and 2	Trust funds – have all disclosures been made if the authority as a body corporate is a sole managing trustee? <b>NB:</b> do not send trust accounting statements unless requested.		

*\* Governance and Accountability for Smaller Authorities in England – a Practitioners' Guide to Proper Practices.* can be downloaded from [www.nalc.gov.uk](http://www.nalc.gov.uk) or from [www.ada.org.uk](http://www.ada.org.uk)

# Annual Internal Audit Report 2021/22

## Malvern Town Council

<https://www.malverntowncouncil.org/>

During the financial year ended 31 March 2022, this authority's internal auditor acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with the relevant procedures and controls in operation and obtained appropriate evidence from the authority.

The internal audit for 2021/22 has been carried out in accordance with this authority's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of this authority.

Internal control objective	Yes	No*	Not covered**
A. Appropriate accounting records have been properly kept throughout the financial year.	✓		
B. This authority complied with its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.	✓		
C. This authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.	✓		
D. The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.	✓		
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.	✓		
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.	✓		
G. Salaries to employees and allowances to members were paid in accordance with this authority's approvals, and PAYE and NI requirements were properly applied.	✓		
H. Asset and investments registers were complete and accurate and properly maintained.	✓		
I. Periodic bank account reconciliations were properly carried out during the year.	✓		
J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.	✓		
K. If the authority certified itself as exempt from a limited assurance review in 2020/21, it met the exemption criteria and correctly declared itself exempt. (If the authority had a limited assurance review of its 2020/21 AGAR tick "not covered")			✓
L. The authority publishes information on a free to access website/webpage up to date at the time of the internal audit in accordance with any relevant transparency code requirements			✓
M. The authority, during the previous year (2020-21) correctly provided for the period for the exercise of public rights as required by the Accounts and Audit Regulations (evidenced by the notice published on the website and/or authority approved minutes confirming the dates set).	✓		
N. The authority has complied with the publication requirements for 2020/21 AGAR (see AGAR Page 1 Guidance Notes).	✓		
O. (For local councils only) Trust funds (including charitable) – The council met its responsibilities as a trustee.	Yes	No	Not applicable
			✓

For any other risk areas identified by this authority adequate controls existed (list any other risk areas on separate sheets if needed).

Date(s) internal audit undertaken

08/02/2022

07/03/2022

07/04/2022

Name of person who carried out the internal audit

Duncan Edwards (DKE Audit Services)

Signature of person who carried out the internal audit



Date

25/05/2022

\*If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

\*\*Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned; or, if coverage is not required, the annual internal audit report must explain why not (add separate sheets if needed).



## Section 1 – Annual Governance Statement 2021/22

We acknowledge as the members of:

### MALVERN TOWN COUNCIL

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2022, that:

	Agreed		
	Yes	No*	
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✓		prepared its accounting statements in accordance with the Accounts and Audit Regulations.
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.	✓		has only done what it has the legal power to do and has complied with Proper Practices in doing so.
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓		during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		considered and documented the financial and other risks it faces and dealt with them properly.
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✓		arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.
7. We took appropriate action on all matters raised in reports from internal and external audit.	✓		responded to matters brought to its attention by internal and external audit.
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.	✓		disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	N/A
			✓

\*Please provide explanations to the external auditor on a separate sheet for each 'No' response and describe how the authority will address the weaknesses identified. These sheets must be published with the Annual Governance Statement.

This Annual Governance Statement was approved at a meeting of the authority on:

23/06/2022

and recorded as minute reference:

Signed by the Chairman and Clerk of the meeting where approval was given:

Chairman

Clerk

<https://www.malverntowncouncil.org/>

## Section 2 – Accounting Statements 2021/22 for

### MALVERN TOWN COUNCIL

	Year ending		Notes and guidance	
	31 March 2021 £	31 March 2022 £	Please round all figures to nearest £1. Do not leave any boxes blank and report £0 or Nil balances. All figures must agree to underlying financial records.	
1. Balances brought forward	468,249	438,841	Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.	
2. (+) Precept or Rates and Levies	682,890	682,890	Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.	
3. (+) Total other receipts	137,625	185,539	Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.	
4. (-) Staff costs	456,999	463,650	Total expenditure or payments made to and on behalf of all employees. Include gross salaries and wages, employers NI contributions, employers pension contributions, gratuities and severance payments.	
5. (-) Loan interest/capital repayments	0	0	Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).	
6. (-) All other payments	392,924	389,995	Total expenditure or payments as recorded in the cash-book less staff costs (line 4) and loan interest/capital repayments (line 5).	
7. (=) Balances carried forward	438,841	453,625	Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).	
8. Total value of cash and short term investments	466,838	552,284	The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – To agree with bank reconciliation.	
9. Total fixed assets plus long term investments and assets	2,576,798	2,609,545	The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.	
10. Total borrowings	0	0	The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).	
11. (For Local Councils Only) Disclosure note re Trust funds (including charitable)	Yes	No	N/A	The Council, as a body corporate, acts as sole trustee for and is responsible for managing Trust funds or assets.
			✓	N.B. The figures in the accounting statements above do not include any Trust transactions.

I certify that for the year ended 31 March 2022 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

Signed by Responsible Financial Officer before being presented to the authority for approval



Date 20/06/2022

I confirm that these Accounting Statements were approved by this authority on this date:

23/06/2022

as recorded in minute reference:

Signed by Chairman of the meeting where the Accounting Statements were approved

## Section 3 – External Auditor’s Report and Certificate 2021/22

In respect of

MALVERN TOWN COUNCIL

### 1 Respective responsibilities of the auditor and the authority

Our **responsibility** as auditors to complete a **limited assurance review** is set out by the National Audit Office (NAO). A limited assurance review is **not a full statutory audit**, it does not constitute an audit **carried** out in accordance with International Standards on Auditing (UK & Ireland) and hence it **does not provide** the same level of assurance that such an audit would. The UK **Government** has determined that a lower level of assurance than that provided by a full statutory audit is **appropriate** for **those** local public bodies with the lowest levels of spending.

Under a limited assurance review, the auditor is **responsible** for reviewing **Sections** 1 and 2 of the Annual **Governance** and Accountability **Return** in **accordance** with NAO Auditor Guidance Note 02 (AGN 02) as issued by the NAO on behalf of the Comptroller and Auditor General. AGN 02 is available from the NAO website – <https://www.nao.org.uk/code-audit-practice/guidance-and-information-for-auditors/>.

This authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The authority prepares an Annual Governance and Accountability Return in accordance with *Proper Practices* which:

- summarises the accounting records for the year ended 31 March 2022; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

### 2 External auditor’s limited assurance opinion 2021/22

(Except for the matters reported below)\* on the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return, in our opinion the information in Sections 1 and 2 of the Annual Governance and Accountability Return is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met. (\*delete as appropriate).

(continue on a separate sheet if required)

Other matters not affecting our opinion which we draw to the attention of the authority:

(continue on a separate sheet if required)

### 3 External auditor certificate 2021/22

We certify/do not certify\* that we have completed our review of Sections 1 and 2 of the Annual Governance and Accountability Return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2022.

\*We do not certify completion because:

External Auditor Name

External Auditor Signature

Date

## APPENDIX B

Smaller authority name: **MALVERN TOWN COUNCIL**

### NOTICE OF PUBLIC RIGHTS AND PUBLICATION OF UNAUDITED ANNUAL GOVERNANCE & ACCOUNTABILITY RETURN

ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2022

Local Audit and Accountability Act 2014 Sections 26 and 27  
The Accounts and Audit Regulations 2015 (SI 2015/234)

NOTICE	NOTES
<p><b>1. Date of announcement (a)      30 June 2022</b></p> <p><b>2. Each year the smaller authority's Annual Governance and Accountability Return (AGAR) needs to be reviewed by an external auditor appointed by Smaller Authorities' Audit Appointments Ltd. The unaudited AGAR has been published with this notice. As it has yet to be reviewed by the appointed auditor, it is subject to change as a result of that review.</b></p> <p><b>Any person interested has the right to inspect and make copies of the accounting records for the financial year to which the audit relates and all books, deeds, contracts, bills, vouchers, receipts and other documents relating to those records must be made available for inspection by any person interested. For the year ended 31 March 2022, these documents will be available on reasonable notice by application to:</b></p> <p style="padding-left: 40px;">(b) Linda Blake, Town Clerk. Malvern Town Council, 28-30 Belle Vue Terrace, Malvern, WR14 4PZ Telephone - 01684 566667 Email - lblake@malvern-tc.org.uk</p> <p>commencing on (c)   <b>Friday 1 July 2022</b></p> <p>and ending on (d)   <b>Thursday 11 August 2022</b></p> <p><b>3. Local government electors and their representatives also have:</b></p> <ul style="list-style-type: none"> <li>• The opportunity to question the appointed auditor about the accounting records; and</li> <li>• The right to make an objection which concerns a matter in respect of which the appointed auditor could either make a public interest report or apply to the court for a declaration that an item of account is unlawful. Written notice of an objection must first be given to the auditor and a copy sent to the smaller authority.</li> </ul> <p>The appointed auditor can be contacted at the address in paragraph 4 below for this purpose between the above dates only.</p> <p><b>4. The smaller authority's AGAR is subject to review by the appointed auditor under the provisions of the Local Audit and Accountability Act 2014, the Accounts and Audit Regulations 2015 and the NAO's Code of Audit Practice 2015. The appointed auditor is:</b></p> <p style="padding-left: 40px;"><b>PKF Littlejohn LLP (Ref: SBA Team)</b> <b>15 Westferry Circus</b> <b>Canary Wharf</b> <b>London E14 4HD</b> <b>(sba@pkf-l.com)</b></p> <p><b>5. This announcement is made by (e) Linda Blake, Town Clerk and RFO</b></p>	<p>(a) Insert date of placing of the notice which must be not less than 1 day before the date in (c) below</p> <p>(b) Insert name, position and address/telephone number/ email address, as appropriate, of the Clerk or other person to which any person may apply to inspect the accounts</p> <p>(c) Insert date, which must be at least 1 day after the date of announcement in (a) above and at least 30 working days before the date appointed in (d) below</p> <p>(d) The inspection period between (c) and (d) must be 30 working days inclusive and must include the first 10 working days of July.</p> <p>(e) Insert name and position of person placing the notice – this person must be the responsible financial officer for the smaller authority</p>

### LOCAL AUTHORITY ACCOUNTS: A SUMMARY OF YOUR RIGHTS

Please note that this summary applies to all relevant smaller authorities, including local councils, internal drainage boards and 'other' smaller authorities.

#### The basic position

The Local Audit and Accountability Act 2014 (the Act) governs the work of auditors appointed to smaller authorities. This summary explains the provisions contained in Sections 26 and 27 of the Act. The Act and the Accounts and Audit Regulations 2015 also cover the duties, responsibilities and rights of smaller authorities, other organisations and the public concerning the accounts being audited.

As a local elector, or an interested person, you have certain legal rights in respect of the accounting records of smaller authorities. As an interested person you can inspect accounting records and related documents. If you are a local government elector for the area to which the accounts relate you can also ask questions about the accounts and object to them. You do not have to pay directly for exercising your rights. However, any resulting costs incurred by the smaller authority form part of its running costs. Therefore, indirectly, local residents pay for the cost of you exercising your rights through their council tax.

#### The right to inspect the accounting records

Any interested person can inspect the accounting records, which includes but is not limited to local electors. You can inspect the accounting records for the financial year to which the audit relates and all books, deeds, contracts, bills, vouchers, receipts and other documents relating to those records. You can copy all, or part, of these records or documents. Your inspection must be about the accounts, or relate to an item in the accounts. You cannot, for example, inspect or copy documents unrelated to the accounts, or that include personal information (Section 26 (6) – (10) of the Act explains what is meant by personal information). You cannot inspect information which is protected by commercial confidentiality. This is information which would prejudice commercial confidentiality if it was released to the public and there is not, set against this, a very strong reason in the public interest why it should nevertheless be disclosed.

When smaller authorities have finished preparing accounts for the financial year and approved them, they must publish them (including on a website). There must be a 30 working day period, called the 'period for the exercise of public rights', during which you can exercise your statutory right to inspect the accounting records. Smaller authorities must tell the public, including advertising this on their website, that the accounting records and related documents are available to inspect. By arrangement you will then have 30 working days to inspect and make copies of the accounting records. You may have to pay a copying charge. The 30 working day period must include a common period of inspection during which all smaller authorities' accounting records are available to inspect. This will be 1-14 July 2022 for 2021/22 accounts. The advertisement must set out the dates of the period for the exercise of public rights, how you can communicate to the smaller authority that you wish to inspect the accounting records and related documents, the name and address of the auditor, and the relevant legislation that governs the inspection of accounts and objections.

#### The right to ask the auditor questions about the accounting records

**You should first ask your smaller authority** about the accounting records, since they hold all the details. If you are a local elector, your right to ask questions of the external auditor is enshrined in law. However, while the auditor will answer your questions where possible, they are not always obliged to do so. For example, the question might be better answered by another organisation, require investigation beyond the auditor's remit, or involve disproportionate cost (which is borne by the local taxpayer). Give your smaller authority the opportunity first to explain anything in the accounting records that you are unsure about. If you are not satisfied with their explanation, you can question the external auditor about the accounting records.

The law limits the time available for you formally to ask questions. This must be done in the period for the exercise of public rights, so let the external auditor know your concern as soon as possible. The advertisement or notice that tells you the accounting records are available to inspect will also give the



## APPENDIX B

period for the exercise of public rights during which you may ask the auditor questions, which here means formally asking questions under the Act. You can ask someone to represent you when asking the external auditor questions.

Before you ask the external auditor any questions, inspect the accounting records fully, so you know what they contain. Please remember that you cannot formally ask questions, under the Act, after the end of the period for the exercise of public rights. You may ask your smaller authority other questions about their accounts for any year, at any time. But these are not questions under the Act.

You can ask the external auditor questions about an item in the accounting records for the financial year being audited. However, your right to ask the external auditor questions is limited. The external auditor can only answer 'what' questions, not 'why' questions. The external auditor cannot answer questions about policies, finances, procedures or anything else unless it is directly relevant to an item in the accounting records. Remember that your questions must always be about facts, not opinions. To avoid misunderstanding, we recommend that you always put your questions in writing.

### The right to make objections at audit

You have inspected the accounting records and asked your questions of the smaller authority. Now you may wish to object to the accounts on the basis that an item in them is in your view unlawful or there are matters of wider concern arising from the smaller authority's finances. A local government elector can ask the external auditor to apply to the High Court for a declaration that an item of account is unlawful, or to issue a report on matters which are in the public interest. You must tell the external auditor which specific item in the accounts you object to and why you think the item is unlawful, or why you think that a public interest report should be made about it. You must provide the external auditor with the evidence you have to support your objection. Disagreeing with income or spending does not make it unlawful. To object to the accounts you must write to the external auditor stating you want to make an objection, including the information and evidence below and you must send a copy to the smaller authority. The notice must include:

- confirmation that you are an elector in the smaller authority's area;
- why you are objecting to the accounts and the facts on which you rely;
- details of any item in the accounts that you think is unlawful; and
- details of any matter about which you think the external auditor should make a public interest report.

Other than it must be in writing, there is no set format for objecting. You can only ask the external auditor to act within the powers available under the [Local Audit and Accountability Act 2014](#).

### A final word

You may not use this 'right to object' to make a personal complaint or claim against your smaller authority. You should take such complaints to your local Citizens' Advice Bureau, local Law Centre or to your solicitor. Smaller authorities, and so local taxpayers, meet the costs of dealing with questions and objections. In deciding whether to take your objection forward, one of a series of factors the auditor must take into account is the cost that will be involved, they will only continue with the objection if it is in the public interest to do so. They may also decide not to consider an objection if they think that it is frivolous or vexatious, or if it repeats an objection already considered. If you appeal to the courts against an auditor's decision not to apply to the courts for a declaration that an item of account is unlawful, you will have to pay for the action yourself.

For more detailed guidance on public rights and the special powers of auditors, copies of the publication [Local authority accounts: A guide to your rights](#) are available from the NAO website.

If you wish to contact your authority's appointed external auditor please write to the address in paragraph 4 of the *Notice of Public Rights and Publication of Unaudited Annual Governance & Accountability Return*.



**A REPORT OF THE TOWN CLERK TO  
THE ANNUAL MEETING OF MALVERN TOWN COUNCIL  
to be held on Thursday 23 June 2022 at 6.00 pm  
in the Council Chamber, Malvern Hills District Council, Avenue Road, Malvern**

**PLANNING CONSULTATIONS**

**1. Purpose of Report**

- 1.1. For comment as necessary.

**2. Recommendation**

- 2.1. The Council is recommended to note and comment on:
- i. Specific planning applications raised by Ward members, Officers or requested by members of the public.
  - ii. Any major planning applications currently being considered.
  - iii. Any 'live' planning applications as circulated on the weekly planning lists and on the planning application log attached at Appendix A.
- 2.2. A Councillor can be nominated to speak on behalf of the Town Council at MHDC's Southern Area Planning Committee where relevant.

**3. Background**

- 3.1. A list of planning applications is sent to members each week. Following a change in the Council's policy dating from December 2013, members are now asked to consider both major and minor applications and comment as appropriate.
- 3.2. No specific planning applications have been raised by ward members, but it should be noted that following the Council's objection to 21/01513/FUL, 41 Geraldine Road, amended/additional information has been received.
- 3.3. Other 'live' applications from the planning log can be raised by Committee members at the meeting. Full details of the applications are available by clicking on the relevant link below.
- 3.4. Members are asked to look at details of any planning applications for discussion before the meeting to allow an expeditious decision-making process.
- 3.5. Members are reminded that the Town Council is a consultee in the planning process and the comments that Council makes will go forward to the District Council as part of the planning application process. Therefore, comments should relate to material planning considerations so that they will be properly considered.
- 3.6. If a Councillor is nominated to speak at an MHDC SAPC meeting, Town Council Officers will await the application being listed on an agenda and will register the Councillor to speak through the agreed procedure.

**4. Financial Implications**

- 4.1. None pertaining to this report.

**5.     Legal Implications**

5.1.   None pertaining to this report.

End

Linda Blake, Town Clerk

**AGENDA ITEM 15**  
**REPORT CL06/22**

<b>Application Number</b>	<b>Location</b>	<b>Ward</b>	<b>Description</b>	<b>Applicant</b>	<b>Comments by</b>
<a href="#">M/22/00720/HP</a>	35 Bredon Grove, Malvern, WR14 3JR	Chase	Replace existing UPVC window with a new UPVC bay window	Mr Keith Middleton	29/06/2022
<a href="#">M/22/00618/HP</a>	69 Lower Howsell Road, Malvern, WR14 1DP	Link	Demolition of single-storey extension and erection of two-storey extension	Mr & Mrs M Crote	29/06/2022
<a href="#">21/01747/FUL</a>	333 Worcester Road, Malvern, WR14 1AN	Link	Proposed 2no 1-bedroom flats above the ground floor takeaway - ADDITIONAL INFORMATION RECEIVED - reduction in proposed number of new flats (from 4 to 2), and associated changes in internal design	Mrs Tina Tinkutse	30/06/2022
<a href="#">M/22/00824/ADV</a>	Elgar Court Care Home, 35 St Andrews Road, Malvern, WR14 3PS	Chase	Installation of five post mounted directional signs, one wall mounted directional sign and one set of individual letters	Mr D Barchester	08/07/2022
<a href="#">21/01513/FUL</a>	41 Geraldine Road, Malvern	Chase	Demolition of all existing buildings and erection of 28 dwellings (Use Class C3) for 100% affordable housing including access, parking, landscaping including open space, retention of TPO trees, and all associated works. Additional information received – amended/additional information in respect of tree retention and protection. <ul style="list-style-type: none"> <li>• 101-332 001 AD proposed site layout</li> <li>• BS5837 – Malvern Tree Survey and Arboricultural Impact V3 (June 2022)</li> <li>• BS5837 – Tree Protection Plan – REV C</li> <li>• Re-consultation Document June 2022</li> </ul> Comments only on additional information/amendments as described above.	Keon Homes Ltd & Platform Housing Group Ltd	27/06/22