

Chesham Town Council

Bill Richards
Town Clerk



Tel: 01494 774842

Fax: 01494 582908

www.chesham.gov.uk

Email: admin@chesham.gov.uk

19th March 2012

Dear Councillor

I hereby give you notice that a **meeting of the POLICY AND RESOURCES COMMITTEE** to be held in the Council Chamber, The Town Hall, Chesham, on

MONDAY 26th MARCH 2012 AT 7.30pm

when the business set out below is proposed to be transacted:

AGENDA

1. Apologies for absence.
2. Declarations of Interests
3. To receive and confirm the Minutes of the meeting of 6th February 2012.
4. To receive and consider the Minutes of:
Chesham Action Partnership of 17th January 2012.
Transition Towns Chesham of 2nd February 2012 and 1st March 2012.
5. Devolved Services Update – January & February 2012.
6. Annual Review of Standing Orders.
7. Internal Auditor's Report.
8. Forward Plan to September 2012.
9. Water Use Restrictions – implications for Council (to follow).
10. Waterfowl Management Policy.
11. Exclusion of the Public and the Press.
12. Insurance Cover.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'W. Richards'.

Bill Richards
Town Clerk

Circulation:



Chesham Town Council

continued . . .

Councillor V.M. Abraham
Councillor A.K. Bacon
Councillor Ms J. E. Bramwell
Councillor M. Fayyaz
Councillor T. Franks
Councillor D.J. Lacey

Councillor Mrs C.Littley
Councillor Mrs C.M. Michael
Councillor Mr M.W. Shaw
Councillor F.S. Wilson
Councillor P.W. Yerrell

Publication Date 19.3.12

**Chesham Action Partnership
Management Committee Meeting
Tuesday 17th January 2012 at Chesham Town Hall**

In attendance:

Martin Parkes (Chairman)	Better Chesham
Fred Wilson (Vice Chairman)	Chesham Chamber of Trade and Commerce
David Carter (Treasurer)	Chesham Society
Kathryn Graves (Secretary)	Chesham Town Council (CTC)
Merrin Molesworth	Chiltern Voice
Ken Austin	Chesham Environmental Group (CEG)
Colette Littley	CTC
Barbara Richardson	COPAG
Mora Walker	Chesham Museum
David Gardner	Chiltern District Council (CDC)
Jan Longhurst	Church2Community
Geoff Gigg	Paradigm Housing
Alison Pirouet	CTC, Jubilee Working Group
Mick Carling	Better Chesham
Irene Perrin	Shed@ThePark
Stuart Ottley	Caracol
Lucie Maldoom	Community Impact Bucks
Malcolm Godwin	Bucks Business First
Trevor James	Amersham & Wycombe College
Tom Gorsuch	
Nigel Gordon	Churches Together for Chesham
Stuart McNicoll	Nexus Community
Phil Folly	Age UK/COPAG
Tony Moody	
Stephen Low	Chiltern Credit Union
Maggi McKerron	CDC
Noel Brown	CTC, CDC, BCC

Apologies:

Martin Woolnough (Chesham Carnival), Mark Shaw (Pond Park Community Association), Andrew Edwards (CREC), Brian McCollum (Chiltern Hills Academy), Deborah Taylor (NHS Buckinghamshire), Saul Huxley (Nexus Community), Masud Ahmed (Chesham Asian Welfare), Christine Gardner (BCC), Justine Fulford (CEG).

1. Minutes of the meeting of the 15th November 2011.

The minutes of the last meeting were accepted as a correct record. There were no matters arising.

2. Proposed Chiltern Credit Union

Stephen Low (SL) outlined the purpose of a credit union and the benefits that such a union can bring to the community. Buckinghamshire is relatively unusual in that it is one of only three counties in the country that does not have complete coverage by credit unions.

At this stage, the project group are looking to raise funds, assess the level of demand and support for a union and recruit volunteers. Furthermore, if people formally undertake to join the credit union, this will help the union's credibility with funders. The project also requires organisations to help with its start up, including help with premises, service points, collection points, office equipment and general office support.

Geoff Gig (GG) said that Paradigm will nomination someone to join the project group and that it will help to verify the level of demand.

The minimum age for members is 18 and there is no requirement for a minimum level of regular savings. The amount that a member can borrow is related to the amount that they have saved. The default rate is typically low and there are no cultural groups that can't be served by the union, as they can be made Sharia compliant, etc. Typical service points are community centres, community hall offices, district council cash desks, churches and schools.

Martin Parkes (MP) said that ChAP would be happy to support the principle of the union and invited SL to return to provide an update on the progress of the project.

3. Reviewing of the ChAP Constitution

MP explained that a small working group had reviewed the constitution with a view to help it make the work of ChAP more effective. The main issue is that of voting rights and the group recommends that the sentence "Each member shall have one vote" should be moved from paragraph E.1 on Eligibility to paragraph E.3. This reflects that the general membership may vote at the AGM and day-to-day matters raised at committee meetings may be voted for by the committee. The work of the sub-group is on-going to determine what makes a group or person a member of ChAP.

4. Update on Internal Review of the CCV

(i) Economy

MP said that Better Chesham has been working on this area and a meeting has been set up to discuss the future of the High Street .

(ii) Transport

Better Chesham and the Chamber of Trade and Commerce are working in this area and have been looking at the issues surrounding the Broadway. MP appealed for any information on transport matters to be sent to ChAP.

(iii) Community

Jan Longhurst explained that she and David Gardner (DG) will be meeting later in the month to establish an action plan on how to consult with the community.

(iv) Environment

Ken Austin reported that there has been considerable progress on environmental issues in the town thanks to the large number of interested groups. As well as the natural environment, the built environment is being cared for by the Chesham Society and Chesham in Bloom. The area where we are most deficient is in encouraging enjoyment of the environment, e.g. through a tourism plan.

Noel Brown left at 3.11 pm.

There was some feeling within the meeting that it would be helpful for ChAP to meet more regularly than every 3 months and on an informal basis in order to help people to network and exchange ideas. It was noted that the constitution allows for the formation of sub-groups that could meet more regularly to cover specific topics.

The group agreed that it was important to see the progress of the projects that ChAP has supported. KA suggested that once the membership has been established, it would be useful to create an annual report from the members to look at progress and plans for the future.

Tony Moody left at 3.22 pm.

5. Future of the High Street Meeting

Mick Carling (MC) explained that the recent Mary Portas review has highlighted common concerns for high streets nationally. A meeting will be held at Chesham Town Hall on the 1st February to discuss the challenges facing the High Street and generate ideas for achievable projects. All are welcome to attend.

6. Jubilee/Olympics Celebrations

Alison Pirouet (AP) said that she is chairing a group that was set up by the Town Council to look at co-ordinating the town's celebrations for 2012. Jubilee celebrations will be taking place over the weekend of the 2-4 June, with the town's Civic Service being brought forward to the 3rd June. There will be an event down the High Street that afternoon. The 4th June will celebrate the 100 years anniversary of the open air pool and the group are planning a community concert in the park with a beacon and fireworks. There will be a number of other events taking place during the year, including a quilting project, a musical theatre event, the production of a commemorative booklet, a tea dance, street parties and walks. In July, Churches Together for Chesham are holding a free, two-day Olympic community event in Lowndes Park.

Fred Wilson and Phil Folly left at 3.45 pm.

7. Any Other Business

(i) More Than Gold

Nigel Gordon (NG) provided more information on this free park event which will take place on the 28th and 29th July. The event coincides with the opening weekend of the Olympics. The emphasis will be on young people on Saturday, with more activities for adults on Sunday. Lots of local groups will be participating and groups are free to participate in the weekend if they meet the organising criteria.

(ii) Malcolm Godwin

Malcolm (MG) explained that this would be his last meeting, as his post finishes in March. MP offered the wholehearted thanks of the group for Malcolm's input into ChAP.

8. Date of Next Meeting

The date of the next meeting will be circulated with the minutes.

The meeting closed at 3.55 pm.

**Transition Town Chesham
Minutes of meeting, Thursday 2nd February 2012, 8pm
14 Moor Road, Chesham**

Present: Julia Brammer, Julia Minnear, Sarah Czarnomski, Phil Folly
Apologies: Tabitha Neal, Jackie Campbell, Alison Phillips

1. ACKNOWLEDGEMENTS

Thanks and well done to Julia Brammer for interview with Rob Hopkins for Transition pod cast.
Thanks all TTC for pulling together on the last Green Drinks and the Tetrapak ideas for the last local produce stall!

2. FINANCE AND FUNDING

Currently we have £643.83 in the account. Membership fee of £50 was paid to the Chamber of Commerce for the next two years.
Phil attending event on community bus funding

3. WEBSITE/COMMS

Continue to FB and Twitter. Nothing else to report this month.

4. GREEN DRINKS

Next Green Drinks: Charles Ainger on low carbon energy project, Thurs 23 February

Venue: The Drawingroom is no longer available on Thursday evenings for Green Drinks. January Green Drinks was held at Chesham Town Hall at £16 per hour (7.00pm-9.00pm). Sadly we made a loss of £12. Concerns that Town Hall is too expensive and we may make a loss each month.

TTC now seeking new venue for future Green Drinks:

Action ALL, to investigate the following venues and circulate feedback by email ASAP:

The George (upstairs): Phil

Blue Haze: Sarah

Chesham museum: Julia B

Temperance Hall: Tabitha

Scout Hut: Julia M

Baptist Church: Julia B

White Hill Centre:

Action Julia B: to book Town Hall as a back up for this month

Action Julia M: to organise Green Drinks this month, print posters and circulate, email text to Rob, liaise with Charles Ainger via Alison, etc.

5. MARKET UPDATE

Next Local Produce Market: Sat 25 February

Decided not to have a stall this month as not enough people present at meeting to commit

Action Phil: Speak to river association for a stall about water use

6. AOB

Safe Cycle Route demo:

Details firming up for the demo on Saturday 10 March, 10.30 kick off from Watermeadow car park. Key message: A peaceful, family friendly demonstration for a SAFE CYCLE ROUTE THROUGH CHESHAM. The aim of the event is to open a public discussion about a safe cycle route. Informal get-together in the park afterwards, bringing food/drink to share.

Action Phil: Circulate copy/info for promoting, notify police

Action Julia: Facebook/Twitter campaign

Action ALL: Help promote the demo, get on yer bikes..

Action Sarah: to ask Petras about photography

Low Carbon Chilterns Co-op (LCCC):

LCCC have applied for funding from LEAF. Alison currently at LCCC meeting, will report back at next meeting.

Community orchard:

Action Julia M: arrange initial meeting, including people from the Chorleywood community orchard

Chesham carnival:

Carnival Saturday 16 June. Green/recycled theme? Discuss our involvement at the next TTC meeting.

100th anniversary of Chesham outdoor pool:

A celebration (old fashioned fete) will be held on Saturday 5th May. TTC agreed to have a stall at the event (free).

Action Julia B: let them know we're happy to have a stall.

NEXT MEETING

Thursday 1 March 2012, Julia M's house, 14 Moor Road, Chesham. 8.00pm

Action Julia B: Email Michael H invitation to next meeting

Transition Town Chesham
Minutes of meeting, Thursday 1st March 2012, 7.30pm
14 Moor Road, Chesham

Present: Julia Brammer, Julia Minnear (Co-chair) Sarah Czarnomski, Phil Folly (Treasurer) Tabitha Neal (Co-chair), Alison Phillips (Joint Secretary)
Apologies: Jackie Campbell (Joint Secretary), Michael H (popped in)

1. ACKNOWLEDGEMENTS

Thanks to Alison & Phil for last Green Drinks.
Thanks to Julia & Kathryn Graves for the continued input to the Local Produce Market. The last one went well. We didn't have a stall, but Fairtrade did and it was a good market. There were a few new stalls, and they have booked again.

2. FINANCE AND FUNDING

Currently we have £550.73 in the account. £167.20 to pay in – totaling £717.03
Owe council £32 for Green Drinks. So balance of £685.03.

3. LOW CARBON CHILTERN CO-OP (LCCC) update:

LCCC won funding from LEAF. See attached newsletter which explains in more detail. Alison to continue to attend meetings on behalf of TTC & also two workshops in March. Alison would ideally like one other person to join her and be part of the LCCC to spread the workload and asked for people to spread the word to try to get someone else on board. Please put anyone in touch with Alison who may be interested in finding out more.

4. SAFE CYCLE ROUTE DEMO:

Saturday 10 March, 10.30 kick off from Watermeadow car park.

Key message: A peaceful, family friendly demonstration for a SAFE CYCLE ROUTE THROUGH CHESHAM.

The aim of the event is to open a public discussion about a safe cycle route. Informal get-together in the park afterwards, bringing food/drink to share.

Action Julia B – final wording to email to all

Action Phil: Circulate copy to press/info for promoting, notify police

Action Julia M: Put on website BUT agreed NOT on Twitter/Facebook as social media could attract too much/wrong attention.

Action ALL: Help promote the demo, get on yer bikes.

THRIVE event: Unfortunately as such short notice no-one can attend (17/18th March) but we need to make contact and ask for dates of other planned events in advance, so we can attend. Agreed ideally two people should attend if possible.

WEBSITE/COMMS

Julia M still updating, Phil to learn how to update too, so two people can do it. Julia M/Phil/Rob to arrange training. Alison to send Energy update ideas to Julia for website.

5. MARKET UPDATE

Next Local Produce Market: Sat 24th March

Julia had meeting with Town council about profit to date and splitting of this. Agreed 50/50 split between the Town council and TTC, but current profit (approx £2000) to be spent in part on new signage/banners/publicity including a new permanent banner on the arch near the camera shop, which will be great.

Alison had to leave the meeting 8.25pm, Phil continued with the minutes.

6. GREEN DRINKS

Next Green Drinks: Sarah was given a number of options, groups that we would like to come to Green Drinks to give a talk. She has been in contact with groups Sustains, Permaculture Association (Julia M has had training in permaculture, could give the talk) RSPB, NEF, some are unable to make it on the night others haven't as yet replied. We would also like the Chorleywood Community orchard group to give a talk. Sarah has also looked into showing DVD's, such as Black Gold, about coffee, and others, although found them to be expensive to hire. Julia B said there is a new Transition Film, and could probably be able to get a copy.

8.40 Michael Herrmann showed his face, unable to make this meeting, but hopes to be more involved in the future.

Green Drinks Venue: We have been looking for a new venue since The Drawing Room has become unavailable. Grateful to CTC for the use of the Hall but found it a bit expensive. Best option we have looked at is the White Hill Centre, several rooms to choose from, and cheaper, with a bar available. Sarah will make enquires, **ACTION** Sarah. The Green Drinks poster template would have to be changed, when we change venue. Contact Donna. Julia M, Sarah and others are able to print out posters.

6. AOB

Local Produce Market 24/03/2012: Do we have a stall or not. As it is the market before Easter decided to have a stall, an Easter theme, plenty of Ideas, and worked out time

Rota so that the stall would be manned throughout the Market.

What on Earth should we do about **Climate Change?**

Being held in Berkhamsted School, Kings Road Wednesday 14th March 7.30 for 8pm. Transition Town Berkhamsted will host a high profile panel of Nick Robins, Head of Climate Change Centre, HSBC, Martin Haigh , Strategist Shell, and Neil Copeland, Climate Reality Project, more to be revealed representing government and NGO's

Wycombe Event

Transition Town Wycombe holding an event on August Bank holiday. Local food. Do we want a stall? Didn't want to commit ourselves this early.

Tidy up Chesham: Chesham in Bloom volunteers will split into two groups on Saturday 17th March, Group one will be planting tree saplings at the top of the park. Group two will be litter picking the High St and tidying the planters in the town.

NEXT MEETING:

The question was raised that we might have a change from Thursday evening meetings, and it was decided that the next meeting would be on Wednesday 4th March at 8pm.

Meeting closed at 9.40pm

Committee on Monday 26th March 2012

Agenda Item: 5

Devolved Services Update

G2C2

Closer To Communitites Worksheet

Jan-12				
1	BARRIER CHECK - Saturday	1	MARKET SQUARE	
2	BARRIER CHECK	1	MARKET SQUARE	
3	BARRIER CHECK & END TO END WALK	2.5	END TO END WALK	Poster removal
4	BARRIER CHECK & TOWN AND BACKS	2	TOWN ROUTE	Nil to report
5	BARRIER CHECK	1	MARKET SQUARE	Poster removal
6	BARRIER CHECK	1.5	MARKET SQUARE	
7	BARRIER CHECK - Saturday	1	MARKET SQUARE	
8	BARRIER CHECK- Sunday	1	MARKET SQUARE	
9	BARRIER CHECK & END TO END WALK	2.5	END TO END WALK	Poster Removal
10	BARRIER CHECK		MARKET SQUARE	
11	BARRIER CHECK & TOWN AND BACKS	1.5	TOWN ROUTE	Removed flyers and also cleaned graffiti.
12	BARRIER CHECK		MARKET SQUARE	
13	BARRIER CHECK & END TO END WALK	3	END TO END WALK	Posters removed from car park signs
14	BARRIER CHECK - Saturday	1	MARKET SQUARE	
15	BARRIER CHECK - Saturday	1	MARKET SQUARE	
16	BARRIER CHECK & END TO END WALK	2.5	END TO END WALK	Poster removal
17	BARRIER CHECK	1	MARKET SQUARE	Poster removal
18	BARRIER CHECK	0.5	MARKET SQUARE	
19	Sick Leave			
20	Sick Leave			
21	Sick Leave			
22	Sick Leave			
23	Sick Leave			
24	Sick Leave			
25	Sick Leave			
26	Sick Leave			
27	Sick Leave			
28	Sick Leave			
29	Sick Leave			
30	BARRIER CHECK & END TO END WALK	3	END TO END WALK	Poster removal
31	BARRIER CHECK & END TO END WALK	1	END TO END WALK	More flyers taken down
	Total	27.5		

John Hemmings - Closer To Communities Worksheet

John Hemmings - Closer To Communities Worksheet				
Feb-12				
1	BARRIER CHECK & TOWN AND BACKS	2	TOWN ROUTE	Nil to report
2	BARRIER CHECK	1.5	MARKET SQUARE	Boards removed from near football club
3	BARRIER CHECK & END TO END WALK	2.5	END TO END WALK	
4	BARRIER CHECK - Saturday	1	MARKET SQUARE	
5	BARRIER CHECK- Sunday	1	MARKET SQUARE	
6	BARRIER CHECK & END TO END WALK	2.5	END TO END WALK	Poster emoval and removal of graffiti from road sign.
7	BARRIER CHECK	1.5	MARKET SQUARE	
8	BARRIER CHECK & TOWN AND BACKS	2	TOWN ROUTE	Poster removal and graffir removal from uppre Gladstow Road.
9	BARRIER CHECK & END TO END WALK	1	TOWN ROUTE	Nil to report
10	BARRIER CHECK & END TO END WALK	2.5	TOWN ROUTE	Nil to report - too much snow
11	BARRIER CHECK - Saturday	1.5	MARKET SQUARE	
12	BARRIER CHECK - Saturday	1	MARKET SQUARE	
13	BARRIER CHECK & END TO END WALK	2.5	END TO END WALK	Poster removal
14	BARRIER CHECK & END TO END WALK	1.5	END TO END WALK	Flyer & Graffiti removal
15	BARRIER CHECK & TOWN AND BACKS	2.5		outside Police station - Previously reported.
16	BARRIER CHECK	1.5		
17	BARRIER CHECK & END TO END WALK	2.5	END TO END WALK	
18	BARRIER CHECK - Saturday	1	MARKET SQUARE	
19	BARRIER CHECK- Sunday	1	MARKET SQUARE	
20	BARRIER CHECK & END TO END WALK	1.5	END TO END WALK	Various potholes previously reported to BCC
21	BARRIER CHECK & END TO END WALK	1.5	END TO END WALK	Nil to report
22	BARRIER CHECK & TOWN AND BACKS	2	TOWN ROUTE	
23	BARRIER CHECK	0.5	END TO END WALK	
24	BARRIER CHECK & END TO END WALK	2.5	END TO END WALK	Removal of signs
25	BARRIER CHECK - Saturday	1.5	MARKET SQUARE	
26	BARRIER CHECK - Saturday	1.5	MARKET SQUARE	
27	Sick Leave			
28	Sick Leave			
29	Sick Leave			
	Total	43.5		

AGENDA ITEM NO: 6 - ANNUAL REVIEW OF STANDING ORDERS AND FINANCIAL REGULATIONS

Reporting Officer: Bill Richards (01494 583824)

Summary

1. To carry out the annual review of the Council's Standing Orders and Financial Regulations.

Background Information

2. The internal auditor recommended that the Council should review its Standing Orders and Financial Regulations on a regular basis to ensure that they are in line with the latest changes in local government legislation and local working practices and this was agreed by this Committee on 28th November 2005.

Financial Implications

3. None pertaining to this report.

Strategic Objectives

4. Non applicable.

Equality Act Implications

5. None pertaining to this report

Detailed Consideration

6. The Council's Standing Orders and the Financial Regulations were last amended in February 2011.
7. Following the decision made at the Council Meeting of the 26th September 2011 to abolish the Performance Review Committee (Minute No. 42), reference to it as a standing committee in Standing Order 26 (a) needs to be removed.
8. As a tidying-up exercise, following the dropping of Best Value legislation for town and parish councils, 45 (z) should also be deleted.

9. For Members' information pertaining to Standing Order 33 – Interests – will almost certainly need to be revised in the next few months. With the abolition of the Standards Board for England effective from the end of this month, town and parish councils will be required to adopt a new code of conduct from the 1st July. However, it now appears that the Local Government Association (LGA) is going to lead on a model code and hopefully it will liaise with National Association of Local Councils. Councils are still awaiting the regulations to define what constitutes a 'disclosable pecuniary interest', which means the wording of any proposed new code cannot be finalised yet.
10. At a local level, all District Council monitoring officers in Buckinghamshire have met and agreed in principle that they should adopt a common code and procedures, but ultimately this is down to local Members. Such a code will be much easier to achieve if the LGA issue a model. The Standards Task and Finish Group at Chiltern District Council is keen to encourage town and parish councils to adopt a common code.
11. In respect to the Financial Regulations, there are a few tidying exercises to undertake (e.g. the changing of the 'Finance Committee' to the 'Policy and Resources Committee and adding the words 'as amended' or new reference number to the Accounts and Audit Regulations 2003 where these have changed'. Other recommended changes include:

- **change Financial regulation 3.4 to bring it in line with Standing Order 45**

Financial Regulation 3.4

The Town Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £2,500 and only after consultation with the Chairmen of the Policy & Resources Committee and appropriate Standing Committee. The Town Clerk shall report the action to the appropriate committee as soon as practicable thereafter.

Standing Order 45

The Town Clerk, in consultation with the Chairman and Vice-Chairman of the appropriate Committees, to take action deemed desirable on any matters which the Committee concerned has delegated powers but which require urgent action.

- **4.3 Accounting and Audit - Adding the words 'as far as practicable' after the word observed.**

Financial Regulation 4.3

The following principles shall be observed in connection with accounting duties:

(a)The duty of providing information, calculating, checking and recording sums due to, or from the Council, should be separated as completely as possible from the duty of collecting or dispersing them.

(b)Officers charged with the duty of examining and checking the accounts of cash transactions should not be engaged in any of those transactions.

- **6.6 Petty Cash - Change ‘Administrative Assistant’ to ‘Appropriate Person’ and increase the limit from £250 to £500 and from £50 to £100 for identifying separately any petty cash payments on the pay schedule presented to the Council**

Financial Regulation 6.6

The RFO may make arrangements to provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the Administrative Assistant with a claim for reimbursement:

- (a) *the Administrative Assistant shall maintain a petty cash float to a limit of £250 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment and an imprest system used for maintaining the float.*
 - (b) *Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.*
 - (c) *All payments from the petty cash float over £50 shall be shown separately on the schedule of the payment of money presented to the Council under Regulation 5.2.*
- **Loans and Investments 8.4 delete the words ‘and investments’ from the second sentence**

Financial Regulation 8.4

All loans and investments shall be negotiated by the RFO in the name of the Council in accordance with the Council’s investment policy as determined by the Policy & Resources Committee. Changes to loans and investments should be reported to the Policy & Resources Committee at the earliest opportunity.

- **11.1.(g) Contracts - increase the figure of £2,500 to £20,000 to bring it in line with the tender figure quoted at regulation 11 (b) (iii)**

Financial Regulation 11.1 (g)

If less than three tenders are received for contracts valued above £2,500 or if all the tenders are identical, the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.

Financial Regulation 11 (b) (iii)

where the value of the intended contract exceeds £20,000 the Town Clerk shall invite tenders from at least three firms and shall give three weeks public notice of such intention in the same manner as public notices for meetings of the Council is given and in newspapers circulating in the district as the Council shall direct

12. Should any Member require a full copy of the current Standing Orders and/or the Financial Regulations, they are asked to contact the office.

Recommendation

That the report be noted and the proposed changes be agreed.

AGENDA ITEM NO: 7 - INTERNAL AUDITOR'S REPORT

Reporting Officer: Steve Pearson (01494 583825)

Summary

1. To consider the internal auditor's report.

Background Information

2. The Accounts and Audit Regulations 2003 state that '*a relevant body shall maintain an adequate and effective system of internal audit of its accounting records and of its systems of internal control in accordance with the proper internal audit practices*'.

Financial Implications

3. The internal audit costs for 2011/12 are budgeted at £1,950.

Strategic Objectives

4. None pertaining to this report.

Equality Act Implications

5. None pertaining to this report.

Detailed Consideration

6. A copy of the internal auditor's interim update report on the 2011/12 financial year is **attached** and officers are pleased to report that no major issues have been identified warranting formal comment.
7. No new issues have been raised since the last report. The previous issue with the company changing names can be simply resolved by setting up a different company on the financial system although it is intended to move to a BACS system at some future date as mentioned in the latest update to this item.
8. A review of the standard employment contract used by the Council has been undertaken by South East Employers and they recommended including statements or paragraphs on the following:
 - Effect of legislative changes to the terms and conditions of employment
 - Recovery of monies owed to the council
 - Return of Company Property

- Medical fitness to carry out duties of the post
- Maintaining entitlement to work in the UK
- Health and Safety
- Email and Internet use
- Confidentiality
- Antifraud and Anti Corruption
- Data Protection – gaining agreement from the employee to the council holding and processing personal and sensitive personal information about them.
- Strengthening the current CRB paragraph you include and adding a paragraph about requiring disclosure of any criminal convictions etc that the employee gains while in the council's employment:

Members may recall that officers tried to devise their own Redundancy Policy but the Committee was of the view that with matters of an employment contractual nature, it would be prudent to seek professional advice. Officers therefore assume that the Committee would recommend the same on this occasion. South East Employers have quoted a price of around £350-£400 to develop a contract.

Recommendation

That the report is noted and that South East Employers be engaged to develop a new standard employment contract

Chesham Town Council

Internal Audit Report 2011-12 (Interim update)

Prepared by Alistair Morrison

Stuart J Pollard

*Director
Auditing Solutions Ltd*

Background and Scope

The Accounts and Audit Regulations introduced from 1st April 2001 require all Town and Parish Councils to implement an independent internal audit examination of their Accounts and accounting processes annually. The Council complied with the requirements in terms of independence from the Council decision making process appointing Auditing Solutions Ltd to provide the function to the Council, following the retirement of their former appointed contractor.

This report sets out those areas examined during the course of our interim update visit for 2011-12, which took place on 8th February 2012 and complements the work undertaken at our first visit on 26th and 27th October 2011.

Internal Audit Approach

In undertaking programme of review work this year, we have again examined the Council's fundamental central financial control and corporate governance functions in order to provide assurance to members and electors that the systems continue to operate in accordance with best practice and approved Council procedures: we have also continued to have regard to the materiality of transactions and their susceptibility to potential misrecording or misrepresentation in the year-end Statement of Accounts.

As in previous years, we have assessed the risks associated with each financial system, based on previous experience of the extent of potential for those risks coming to fruition.

The Council has previously been subject to a full external "Code" audit with on site reviews undertaken by the external audit contractor appointed: following the change in legislation in March 2011, the Council is now, as its annual budget is below the £6.5 million threshold for compliance with the FRSSE reporting arrangements, able to elect to be subject to the "limited assurance" audit regime that requires completion of a reduced format Statement of Accounts and off site certification by the appointed external auditor of the Annual Return.

We consider it neither essential, nor cost effective, to examine every financial system annually. Consequently, we have prepared, in conjunction with the Council's RFO, a five-year strategic plan which targets each system for review at least once during the period. However, where the risk level is assessed as higher or, in accordance with the requirements of the Internal Audit Certificate in the Annual Return, systems have been designated as requiring more frequent review, they are the subject of annual review.

Overall Conclusion

We are pleased to conclude that, in the areas examined to date this year, the Council continues to have effective systems in place that should help ensure that transactions are free from material misstatement at Section 1 of the Annual Return for 2011-12. One or two issues were identified at our first visit warranting formal comment, detail of which, together with the Council's reaction / response are set out in the body of the report and further summarised in the appended Action Plan.

Detailed Report

Review of Accounting Arrangements & Bank reconciliations

Our objective here is to ensure that the accounting records are being maintained accurately and currently and that no anomalous entries appear in cashbooks or financial ledgers. To that end, we have: -

- Ensured that the financial ledger remains in balance at the present date;
- Ensured that a comprehensive and appropriate chart of accounts is in place;
- Ensured that the opening balances in the Omega accounting software for 2011-12 correspond with closing balances recorded in the certified Annual Return for 2010-11;
- Checked and agreed detail of a sample of three months transactions on both cashbooks to supporting bank statements (April, August and December 2011);
- Verified inter-account transfers between the accounts for the same three months; and
- Checked and agreed detail on periodic bank reconciliations as at 30th April, 31st August and December 2011 to ensure that no long-standing uncleared entries or other anomalous detail exist.

Conclusions

We are again pleased to record that no significant issues have been identified in this area warranting formal comment or recommendation. We shall verify the accurate reporting of year-end balances in the Accounts and Annual Return, whilst also confirming the accuracy of the year-end bank reconciliations on each account at our final visit.

Review of Corporate Governance

Our objective is to ensure that the Council has robust corporate governance documentation and processes in place, that Council and Committee meetings are conducted in accordance with the adopted Standing Orders and that no actions of a potentially unlawful nature have been or are being considered for implementation. We have undertaken the following work to date in this area: -

- The full Town Council and all its Standing Committee minutes (with the exception of Development Control) have been examined to ensure that no issues affecting the Council's financial stability either in the short, medium or long term exist, also that no legal issues are in existence whereby the Council may either be considering or have taken decisions that might result in ultra vires expenditure being incurred;
- We noted last year that the Standing Orders and Financial Regulations were reviewed and re-adopted by the Policy & Finance Committee on 13th June 2011 with minor amendments to accord with the National time table for closing the Annual Accounts and to merge the approval of Annual Subscriptions with Budget Preparation; and

- We have also previously been pleased to note that the Council has produced substantial written policies and procedures across a wide range of its working practices such as Health & Safety, Complaints, Grievance, IT Strategy and so on: examination of the current year's minutes indicate that this work has again continued in areas such as Play Area provision, Whistle Blowing and Early Retirements.

Conclusions

No significant issues have been identified in this area of our review process at present: we shall continue to review minutes and the Council's approach to governance issues at future visits.

Review of Expenditure

Our aim here is to ensure that: -

- Council resources are released in accordance with the Council's approved procedures;
- Funds are expended in accordance with approved budgets;
- Payments are supported by appropriate documentation, either in the form of an original trade invoice or other appropriate form of document confirming the payment as due and/or an acknowledgement of receipt, where no other form of invoice is available;
- An official order has been raised for all purchases and service delivery where one would be expected;
- All discounts due on goods and services supplied are identified and appropriate action taken to secure the discount;
- The correct expense codes have been applied to invoices when processed; and
- VAT has been appropriately identified and coded to the control account for periodic recovery.

We have extended our testing of a sample of payments, including those individually in excess of £3,000, together with a more random sample of each 30th cashbook transaction irrespective of value, for the financial year to date. Our test sample includes 81 invoices valued at £439,550, representing 54% of all non-pay related payments for the year to date with all the above criteria met.

Conclusions

We are pleased to record that no significant issues have been identified. However, we noted that at our first visit that two payments recorded in the cashbook bore a different payee name to that on the cheque issued. This arose as the purchase ledger supplier was set up in the name of Premier Farnell UK Ltd and subsequently changed its name to Complete Pool Controls. The other case was similar with the purchase ledger supplier set up as TS Com Ltd and the invoice coming from Iris Ticketing Ltd.

It appears that these discrepancies arise because of the way the Omega system is configured – the payment was made to the correct creditor, but the confusion that this brings could be solved if payments were made by BACS rather than a manually created cheque payment.

We also note that VAT returns continue to be submitted in a timely and accurate manner, utilising HMRC's on-line facility as per current best practice advice.

Assessment and Management of Risk

Our aim here is to ensure that the Council has put in place appropriate arrangements to identify all potential areas of risk of both a financial and health and safety nature, whilst also ensuring that appropriate arrangements exist to monitor and manage those risks identified in order to minimise the opportunity for their coming to fruition. We have therefore undertaken the following tests: -

- We noted at our previous visit that the review of risks, utilising the LCRS software, was due to be undertaken shortly: due to time constraints we have not revisited this area at this visit, but will do so at our final visit for the year;
- We also noted that a review of the Risk Management Policy and Strategy has been carried out and formally adopted by the Policy and Resources Committee in December 2011 and
- We have examined the current year's insurance policy, cover continuing to be provided by Allianz. We note that Loss of Revenue and Fidelity Guarantee cover remains at £558,000 and £700,000 respectively, whilst both Employers and Public Liability are in place at £10 million.

Conclusions

No issues arise in this area at present.

Budgetary Control and Reserves

We aim in this area of our work to ensure that the Council has appropriate procedures in place to determine its future financial requirements leading to the adoption of an approved budget and formal determination of the amount to be precepted on the District Council, that effective arrangements are in place to monitor budgetary performance throughout the financial year and that the Council has identified and retains appropriate reserve funds to meet future spending plans. To meet this objective, we have:

- Noted that the Policy and Resources Committee approved the 2012-13 precept at £828,430 in January 2012. We are pleased to note that the amount of the agreed precept has been reported and formally reported as approved in the subsequent full Council minutes; and
- Noted that the Finance Officer continues to produce sound management accounts each month, including a brief commentary on the budget variance positions where appropriate, with members formally considering these at the Policy and Resources Committee meetings, the minutes of which are subsequently approved by Full Council;

Conclusions

We are pleased to record that no issues have arisen in this area of our review process at present: we shall undertake further work in this area at our final visit, including examining the year-end budget outturn and level of retained reserves.

Review of Income

In considering the Council's income streams, we aim to ensure that robust systems are in place to ensure the identification of all income due to the Council from its various sources, to ensure that the income is invoiced in a timely manner and that effective procedures are in place to pursue recovery of any outstanding monies due to the Council. We note that, in addition to the precept, a wide variety of income streams exist, including that from the Elgiva Theatre, Moor Road swimming pool, Town Hall hire, burial and associated fees, allotments, travel tokens and bank interest. We have undertaken the following work this year:-

- With regard to burial and associated fees, the hire of the Town Hall and other facilities we note that an appropriate review of the fees and charges was undertaken as part of the budgetary process for 2011-12 (in December 2010) and has been repeated by the Policy and Resources Committee in November 2011;
- We note that officers and members continue to closely manage the position with regard to unpaid sales invoices with £13,673.29 outstanding at the end of September 2011, £10,673 of which was older than 30 days. The most significant of these invoices (£9,600) is under negotiation with Chiltern District Council with the other substantial amount paid subsequently in October;
- It was our intention to visit the Elgiva Theatre at the first interim visit for the year to discuss financial procedures and carry out appropriate testing: for operational reasons the visit was deferred to this update visit, with a "whistle stop" tour of the Theatre undertaken with the Manager, discussing the availability of Professional and Amateur productions, showing films and private hirings and the decisions available to the Manager in engaging productions and negotiating the share of income with the organisations using the facility.

Conclusions

No significant areas of concern have been identified in this area, although we note the concerns over a deposit of £100 on a hall hire in October 2011 made by cheque that was subsequently "stopped" by the drawer's bank. The Council are presently considering what action to take on this deposit: we are pleased to note the decision to only accept deposits in the form of cash in the future. We also note that a 3-year agreement has been approved from June 2011 with the Elgiva catering concessionaire.

We understood at a previous visit that officers had produced interim costings for the implementation of a debit card facility at the Pool and considered that advantages would accrue from of an improved secure service for the public, together with the accompanying reduction in the level of cash handled, which should more than compensate for the expenditure outlay. We note that this facility is now in place at the Pool/Gym facility and that consideration is being given to introducing a similar facility at the Town Hall where other income is collected at the Reception desk.

Petty Cash Account

We are required, as part of the Internal Audit Certificate in the Annual return to assess the adequacy of controls in place over the operation of petty cash accounts at the Council. We examined the operation of the Town Hall's petty cash account at our first interim visit checking detail of transactions in October 2011.

Conclusions

We noted the inclusion of a few fairly high value purchases (£60 to £70), which we consider should not be strictly treated as petty cash. We suggested at our first interim visit that, subject to the introduction of appropriate and effective controls, consideration be given to the acquisition and use of a company credit card, which would undoubtedly assist in ensuring that best value could be obtained by making purchases through the internet. We are pleased to note approval for the acquisition of one card by the Policy & Resources Committee at its February 2012 meeting and will monitor its usage at future visits.

R1. Consideration should be given to the acquisition of a company credit card to assist in higher value purchases through the internet, etc thereby ensuring that best value options are sought and achieved. The Council would also need to ensure that effective controls with finite financial limits put in place on the use of such a card. Reported to Policy & Resources Committee 6/2/12 and determined to initially acquire one credit card.

Salaries and Wages

In examining the Council's payroll function, we aim to confirm that extant legislation is being appropriately observed as regards adherence to the requirements of HM Revenue and Customs (HMRC) in the deduction and payment over of income tax and NI contributions, together with meeting the requirements of the local government pension scheme. To meet that objective, we have examined the payroll procedures in place and the physical payments made to staff in June 2011, as detailed below, by reference to that month's payroll documentation produced on the bespoke payroll software in use by the Council. This work included: -

- Ensuring that the Council had approved employee pay rates for the financial year and that these have been duly and accurately applied;
- Checking to ensure that appropriate tax codes are being applied;
- Checking to ensure that national insurance deductions were being computed accurately depending on whether the employee was a member of the pension scheme or not;
- Checking that the revised scales of superannuation deductions, based on the LGPS salary bandings as recently further updated in April 2011, were being applied where appropriate;
- Checking to ensure that all hourly paid staff had been paid in accordance with their timesheets and that these had been approved accordingly by the appropriate line manager; and

- Checking that payment of Tax, NIC and Superannuation deductions is made to HMRC and the County Council in a timely and accurate manner.

Conclusions and recommendation

No matters arise warranting formal comment or recommendation in this area at present. We understand that employment contracts are still due for review and update and shall revisit this area at our next visit, particularly for those members who have been in post for some time.

- R2. ***The Council should ensure that employment contracts are updated routinely to reflect accurately employees' current working terms and conditions. This is being actioned accordingly with a copy sent to South East Employers for their opinion.***

Investments and Loans

Our objectives here are to ensure that the Council is "investing" surplus funds, be they held temporarily or on a longer term basis in appropriate banking and investment institutions, that an appropriate investment policy is in place and that the Council is obtaining the best rate of return on any such investments made and that interest earned is brought to account correctly and appropriately in the accounting records.

- We are pleased to note that the Council's annual investment strategy was appropriately reconsidered and adopted for 2011-12 by the Policy and Resources Committee at its meeting in February 2011;
- We have further reviewed transactions for the financial year to date on the term "investments" placed in Treasury deposits by reference to the Lloyds TSB transaction notifications, also verifying the appropriate and timely receipt of interest earned on the deposits by reference to the relevant receiving bank account statements; and
- We have checked and agreed detail of the instalment repayment of the two loans outstanding with the PWLB on 30th September 2011 to the cashbooks and with the PWLB notification "demand",

Conclusion

No issues arise in this area of our review process: we shall extend our testing to cover the remainder of the financial year at future visits, also ensuring the appropriate and accurate disclosure of the year-end asset and liability balances in these areas.

Rec. Recommendation No.

Response

Review of Income

R1 Consideration should be given to the acquisition of a company credit card to assist in higher value purchases through the internet, etc thereby ensuring that best value options are sought and achieved. The Council would also need to ensure that effective controls with finite financial limits put in place on the use of such a card.

Reported to Policy & Resources Committee 6/2/12. Decided to initially acquire one credit card.

Review of Salaries and Wages

R2 The Council should ensure that employment contracts are updated routinely to reflect accurately employees' current working terms and conditions.

This is being actioned accordingly with a copy sent to South East Employers for their opinion.

AGENDA ITEM NO: 8 - FORWARD PLAN

Reporting Officer: Bill Richards (01494 583824)

Summary

1. To consider and note a Forward Plan.

Background Information

2. The Town Clerk has, until recently, held regular meetings with the Chairmen of the standing Committees and the Mayor. However it has been suggested that, due to the difficulties of getting the Chairmen together, a Forward Plan may be a better approach.

Financial Implications

3. None pertaining to this report.

Strategic Objectives

4. Non applicable.

Equality Act Implications

5. None pertaining to this report

Detailed Consideration

6. **The forward plan**

A forward plan is proposed to be published every six months to cover significant milestones, events and projects in the cycle of the Council.

7. **Contents of the forward plan**

The forward plan includes information about –

- (a) any key decisions that are due to be made in the next six months;
- (b) major events or activities planned during this period;
- (c) timetable for any capital works;
- (d) arrangements for any consultation on proposed projects if appropriate;
- (e) which Committee meetings, projects/decisions are to be considered.

8. **Contacts**

Each item in the forward plan gives the name of the person to be contacted for further information, together with that person's contact details.

9. **Forward plan as from 1 April 2012**

The following is a summary of the projects/policies/decisions that are proposed to be take place during the period of six months commencing on 1 April 2012.

	Subject	Date / period	Committee, if decision is required	Contact
1.	Locking of Skatepark for BST	April 1 st		Steve Pearson
2.	Erection of Performance Area Canopy, Lowndes Park for summer	May 1 st		Bob Ayres
3.	Opening of Open Air Pool & 100 th Anniversary Celebrations	Late April & 5 th May		Danny Essex
4.	Annual Town Meeting	10 May		Bill Richards
5.	Election of Mayor/Deputy Mayor 2012-13	14 May	Council	Bill Richards
6.	Annual Report/Out-turn	May	Council - June	Steve Pearson
7.	Annual Return (accounts)	June	Council - June	Steve Pearson
8.	Annual Performance Plan	June	Council - June	Kathryn Graves
9.	Distribution of 'Town Guide'	June		Kathryn Graves
10.	Green Flag Judging	May/June		Bob Ayres/Kathryn Graves
11.	Chesham in Bloom Judging	July		Kathryn Graves
12.	Adoption of New Code of Conduct	End of July	P & R – July	Bill Richards
13.	Completion of Marketing Review	End of July	Council – September	Bill Richards/Kathryn Graves
14.	1 st Quarter Performance Indicators		P & R - July	Kathryn Graves
15.	Smoke Free Policy Review		P & R - July	Kathryn Graves
16.	Health & Safety Policy Review		P & R - July	Kathryn Graves
17.	Use of Newsletter for consultation on budgets	August/September	P & R - July	Bill Richards/Kathryn Graves
18.	Elgiva closedown and maintenance programme including foyer upgrade	August	Rec & Arts – June (Foyer)	Mark Barnes
19.	Deadline for Donation Applications	September 30 th		Steve Pearson

Recommendation

That the Forward Plan be noted, subject to any comments Members may wish to make.

AGENDA ITEM NO: 9 – DROUGHT AND WATER USE RESTRICTIONS

Reporting Officer: Kathryn Graves (01494 583798)

Summary

1. To provide information on the recently announced drought and water use restrictions.

Background Information

2. DEFRA announced that the South East of England was officially in a state of drought on the 21st February 2012, following a year of exceptionally dry conditions.
3. The upper sections of the River Chess, including Meades Water Gardens, have been dry since June 2011. The Chess is now dry as far as Lord's Mill.

Financial Implications

4. Some additional officer time will be spent on watering plant displays during the summer months.

Strategic Objectives

5. The provision of floral displays is in line with Strategic Objective 1, '*To enable residents to enjoy high-quality social, recreational, and cultural facilities within the town and to seek the continuing improvement and development of these facilities in accordance with the desires expressed by the residents*'. Sustainable water use is in line with the Council's Environmental Policy.

Equality Act Implications

6. None pertaining to this report.

Detailed Consideration

7. Veolia Water Central, the company which provides Chesham with mains water, has announced that it will introduce water use restrictions (commonly referred to as a hosepipe ban) from the 5th April 2012.
8. The full water use restrictions are **attached**.

9. The restrictions relate to the use of mains water through hosepipes, including anything designed, adapted or used to have the same purpose as a hosepipe such as sprinklers and irrigation systems (excluding drip irrigation systems). Whilst these restrictions are largely aimed at residential users, there are implications for the Town Council.
10. The Elgiva has a hosepipe, but the Elgiva Manager has confirmed that it will not be used during the restrictions.
11. The town centre hanging baskets and tiered planters are provided and maintained by Simon Collins Plant Display and Maintenance. Watering uses mains water supplied via a tank through a hosepipe with a watering lance attached. To conserve water, watering is only carried out when required; water retaining crystals are incorporated into the compost which also contains a wetting agent; and plant varieties requiring high levels of water are not used. Veolia Water Central stated that these displays could not be watered using a hosepipe, despite the fact that this is carried out by a commercial operation. Your officers have liaised with Mr Collins and asked him to confirm this with Veolia Water Central as, if correct, this will have significant implications for the viability of the displays and Mr Collins' business.
12. The Parks and Premises team water the town's other floral displays, i.e. at the cemetery, in the park, in the Red Lion Street gardens and at the war memorial using a water bowser. The bowser is filled with mains water using a hosepipe. It will not be possible to use the hosepipe to fill the bowser from the 5th April. The Friends of Lowndes Park, Friends of Chesham Cemetery and some of your officers have offered to assist with watering these areas using buckets. The logistics of this are currently being assessed by your Parks and Premises Manager.
13. Fairs and circuses visiting Nashleigh Hill Recreation Ground require access to mains water via a hosepipe for their domestic use. This is permitted under the water use restrictions.
14. Chesham Moor Gym & Swim clean surfaces, such as pool-side and the changing rooms, with buckets of water and are therefore unaffected. The hanging baskets were previously watered by hosepipe, but this will be done by bucket from the 5th April.
15. The Town Council holds two abstraction licences from the Environment Agency, one for supplying the open air pool at Chesham Moor Gym & Swim and one for maintaining the water level in Skottowes Pond in Lowndes Park. As these are not mains water supplies, the use of these sources is not covered by the current water use restrictions. However, the Environment Agency can use Section 57 of the Water Resources Act 1991 to impose restrictions on their use. Licence holders will be warned in advance of restrictions being imposed. It should be noted that due to a problem with back flow, water is not being abstracted from the bore hole at Chesham Moor Gym & Swim and mains water is currently used to fill the pool.
16. If conditions worsen, Veolia Central will be able to introduce further restrictions, which may include: filling or maintaining a non-domestic swimming pool and cleaning non-domestic premises with a hosepipe. However, swimming pools that

are open to the public are exempt from this restriction and cleaning required for health or safety reasons is also exempt. Veolia Water Central would release the details of further restrictions in advance of their introduction.

17. The use of harvested rainwater with a hosepipe is exempt from the water use restrictions. Your officers suggest that investigating the costs and logistics of installing rainwater harvesting systems on Council buildings would be a sensible long-term investment that would make the Council more resilient to drought conditions as well as acting as an example of best environmental practice.

Recommendation

That the report be noted.

Water-use restrictions explained

The water-use restriction categories for the Temporary Use Ban are listed below. These restrictions will come into effect from **Thursday 5 April 2012 until further notice**.

Thank you for your support at this important time.

1. **watering a garden using a hosepipe** (except the watering of a field of play to be used for a national or international sporting event);
2. **cleaning a private motor-vehicle using a hosepipe**;
3. **watering plants on domestic or other non-commercial premises using a hosepipe** (except by persons who are registered disabled and/or are of extreme frailty, conditional in each case upon prior written approval and the terms and conditions set out in the Exceptions Policy published on the Veolia Water website);
4. **cleaning a private leisure boat using a hosepipe**;
5. **filling or maintaining a domestic swimming or paddling pool**;
6. **drawing water, using a hosepipe, for domestic recreational use**;
7. **filling or maintaining a domestic pond using a hosepipe**;
8. **filling or maintaining an ornamental fountain**;
9. **cleaning walls, or windows, of domestic premises using a hosepipe**;
10. **cleaning paths or patios using a hosepipe**; and
11. **cleaning other artificial outdoor surfaces using a hosepipe**.

The following information applies to each activity:

Legislation:

All eleven activities are covered by the Water Industry Act 1991 section 76 as amended by the FWMA 2010 (i.e. temporary water use bans).

“Using a hosepipe”

The Water Use (Temporary Bans) Order 2010 provides the definition of “using a hosepipe” in relation to the Water Industry Act 1991 as including:

- a) Drawing relevant water through a hosepipe from a container and applying it for the purpose; and
- b) Filling or partly filling a container with relevant water by means of a hosepipe and applying it for the purpose.

A reference to a hosepipe includes anything designed, adapted or used for the same purpose as a hosepipe (Section 76A(5) of the Water Industry Act 1991).

“Relevant water” refers to mains water i.e. supplied by the water undertaker; it does not include water supplied before the water use restriction was implemented.

Watering a garden using a hosepipe (except the watering of a field of play to be used for a national or international sporting event)

Definitions

The category of activity under the temporary water use ban powers is “**watering a garden using a hosepipe (except the watering of a field of play to be used for a national or international sporting event)**”.

Gardens

The Water Use (Temporary Bans) Order 2010 provides the definition of “a garden” as **including**:

- a) a park;
- b) gardens open to the public;
- c) a lawn;
- d) a grass verge;
- e) an area of grass used for sport or recreation;
- f) an allotment garden;
- g) any area of an allotment used for non-commercial purposes;
- h) any other green space.

“A garden” does **not include** the following:

- a) agricultural land;
- b) other land used in the course of a business for the purposes of growing, for sale or commercial use, any crops, fruit, vegetables or other plants;
- c) land used for the purposes of a National Plant Collection;
- d) a temporary garden or flower display;
- e) plants (including plant organs, seeds, crops and trees) which are in an outdoor pot or in the ground, under cover.

“**Allotment gardens**” are defined in section 22(1) of the Allotments Act 1922.

“**Agricultural land**” is as defined in section 109(1) of the Agriculture Act 1947.

“**National Plant Collection**” means a plant collection which is part of the National Council for the Conservation of Plants and Gardens’ National Plant Collection scheme.

“**Outdoor pot**” means a pot or other container that is outdoors or under cover.

“**Under cover**” means in a greenhouse or outbuilding or under a permanent canopy.

“**Temporary garden or flower display**” means those at a show or exhibition; and on public display for a period not exceeding 7 days.

“**Grow**” includes cultivate or propagate.

Messages

Customers may water their gardens:

- By hand, using a bucket or watering can.
- With greywater through a hosepipe.
- Using rainwater from a water butt by hand or through a hosepipe.

The Turf Growers Association advises that established turf (>28 days old) does not require watering.

Storage tanks

Water drawn from the mains supply into tanks (other than hand held receptacles) for subsequent use for watering private gardens, lawns and landscaped areas via a hosepipe is not permitted.

Sports Pitches

Watering areas of grass used for sport or recreation using a hosepipe are covered by the ban (except the watering of a field of play to be used for a national or international sporting event). This includes all sports pitches or similar such as cricket and football pitches, bowling greens, horseracing tracks and golf courses. It applies to both publicly and privately owned facilities; both can be large users of water but some may have private water supplies for watering sports pitches. Sports pitches can still be watered using other sources of water.

Exceptions

A statutory exception exists in The Water Use (Temporary Bans) Order 2010 for the watering of gardens in respect of **health or safety**. This includes:

- a) removing or minimising any risk to human or animal health or safety; and
- b) preventing or controlling the spread of causative agents of disease.

Cleaning a private motor-vehicle using a hosepipe

Definition

The category of activity under the temporary water use ban powers is “**cleaning a private motor-vehicle using a hosepipe**”.

The Water Use (Temporary Bans) Order 2010 defines “**a private motor-vehicle**” as:

- a) a mechanically propelled vehicle designed, constructed or adapted for use on roads; or
- b) a trailer designed, constructed or adapted for attachment to a vehicle falling under (a).

The definition **does not include**:

- i) a public service vehicle, as defined in section 1 of the Public Passenger Vehicles Act 1981; and
- ii) a goods vehicle, as defined in section 192 of the Road Traffic Act 1988.

Interpretation

Taxis and minicabs are not public service vehicles and are subject to the ban.

Messages

- Customers can still wash their cars (including lights and windows) by hand using water from a bucket.
- Customers can use commercial carwashes (that don't use a hosepipe or similar apparatus), for example at garages.
- Customers can wash their cars with a hosepipe connected to a rainwater or greywater source (e.g. bathwater diverted to a receptacle for subsequent use).

Storage tanks

Water drawn from the mains supply into tanks (other than hand held receptacles) for subsequent use for vehicle washing via a hosepipe is not permitted.

Restrictions apply to water drawn from the mains supply after the statutory notice has been given. So water drawn into a container prior to that date may be used for washing cars, regardless of whether that use involves a hosepipe.

Exceptions

None

Watering plants on domestic or other non-commercial premises using a hosepipe (except by persons who are registered disabled and/or are of extreme frailty, conditional in each case upon prior written approval and the terms and conditions set out in the Exceptions Policy published on the relevant company website)

Definitions

The category of activity under the temporary water use ban powers is “**watering plants on domestic or other non-commercial premises using a hosepipe** (except by persons who are registered disabled and/or are of extreme frailty, conditional in each case upon prior written approval and the terms and conditions set out in the Exceptions Policy published on the relevant company website)”.

The definition applies only to the watering of plants which are in an **outdoor pot or in the ground, under cover**.

It **does not include** watering plants:

- i) grown or kept for sale or commercial use, or
- ii) that are part of a National Collection or temporary garden or flower display (see Figure 5.1 for definitions).

“**Domestic or other non-commercial premises**” means

a) any land, building or other structure used or enjoyed in connection with the use of any of the following which is used principally as a dwelling:

- i) a building or part of a building;
- ii) a caravan;
- iii) a boat; or

b) any land or premises which is not used principally for the purposes of a business.

“**Plants**” includes plant organs, seeds, crops and trees.

“**Grow**” includes cultivate or propagate.

Messages

Customers may water their gardens:

- By hand, using a bucket or watering can.
- With greywater through a hosepipe.
- Using rainwater from a water butt by hand or through a hosepipe.

Storage tanks

Water drawn from the mains supply into tanks (other than hand held receptacles) for subsequent use for watering private gardens, lawns and landscaped areas via a hosepipe is not permitted.

Exceptions

None

Cleaning a private leisure boat using a hosepipe

Definitions

The category of activity under the temporary water use ban powers is “**cleaning a private leisure boat using a hosepipe**”.

“**Private leisure boat**” means a vessel or other thing, other than a seaplane, which is designed, constructed or adapted to move through, in, on or over water.

The definition does **not** refer to such vessels:

- a) used in the course of a business; or
- b) made available or accessible to the public.

The definition of the activity **does not include**:

- a) cleaning of any area of a private leisure boat which, except for doors or windows, is enclosed by a roof and walls; and
- b) using a hosepipe to clean a private leisure boat for **health or safety** reasons.

Interpretation:

The definition extends to small watercraft such as canoes, kayaks, jet skis etc. In naval terms, a boat is small enough to be carried on another vessel (a ship). Ships and other large vessels such as cruise liners are normally used for commercial purposes so do not come under this definition.

Messages

Customers may wash such boats and vessels by hand, using a bucket.

Exceptions

A statutory exception exists in The Water Use (Temporary Bans) Order 2010 for the cleaning of private leisure boats in respect of **health or safety**. This includes:

- a) removing or minimising any risk to human or animal health or safety; and
- b) preventing or controlling the spread of causative agents of disease.

Biosecurity concerns associated with the reduced washing of boat hulls, such as the introduction of non-native species to the UK, are therefore covered under this exception.

Filling or maintaining a domestic swimming or paddling pool

Definitions

The category of activity under the temporary water use ban powers is “**filling or maintaining a domestic swimming or paddling pool**”.

The Water Use (Temporary Bans) Order 2010 defines **domestic swimming or paddling pool** as a swimming or paddling pool, other than a pool that is being used for the purposes of a business, which is:

- a) in a building or part of a building used principally as a dwelling; or
- b) on any land or in any building that is used or enjoyed in connection with (a).

The definition **excludes** filling or maintaining a pool:

- a) where necessary in the course of its construction;
- b) using a hand-held container filled with water drawn directly from a tap;
- c) that is designed, constructed or adapted for use in the course of a programme of medical treatment;
- d) used for the purpose of decontaminating animals from infections or disease;
- e) used in the course of a programme of veterinary treatment;
- f) in which fish or other aquatic animals are being reared or kept in captivity.

Interpretation:

No minimum size is specified. The restriction includes permanent and temporary facilities and whole or partial filling.

Messages

Customers may fill swimming and paddling pools by hand, using a bucket.

Customers may choose to use a public swimming pool as an alternative to a private pool. Public pools are not covered by this restriction.

Use of alternative water sources, including rainwater, is permitted.

Backwashing of swimming pool filters is not covered by these restrictions; it is the topping up of the pool to replace lost water that is covered.

Exceptions

A number of statutory exceptions are defined for this activity (see definitions above).

<p><i>Drawing water, using a hosepipe, for domestic recreational use</i></p>
<p>Definitions</p>
<p>The Water Use (Temporary Bans) Order 2010 states that this activity refers to “drawing water, using a hosepipe, to operate water slides or other recreational equipment”.</p> <p>“Domestic recreational use” means:</p> <ul style="list-style-type: none"> a) recreational use in connection with a domestic swimming or paddling pool (see full definition in Figure 5.6); or b) recreational use on land that is used or enjoyed in connection with a building, or part of a building, used principally as a dwelling, other than for the purposes of a business. <p>Interpretation: This includes both slides designed to be used with water and any temporary or “ad-hoc” water slides or sprinklers. It includes recreational use for both children and adults.</p>
<p>Messages</p>
<p>Customers may use a bucket to fill similar recreational equipment, for example to enable children to play. Filling of recreational toys directly from a tap is not included.</p> <p>Many Local Authorities have recreational facilities for children in particular as part of their parks. These are not domestic recreational facilities.</p>
<p>Exceptions</p>
<p>None</p>

Filling or maintaining a domestic pond using a hosepipe

Definitions

“**Domestic ponds**” are defined by the Water Use (Temporary Bans) Order 2010 as a pond, including a swimming pond, on land that is used in connection with a building, or part of a building, used principally as a dwelling; and is not being used for the purposes of a business.

The activity **does not include** filling or maintaining a pond in which fish or other aquatic animals are being reared or kept in captivity.

Interpretation:

This includes both man-made and natural ponds of any size, whether indoor or outdoor and includes ornamental ponds.

The activity covers both the filling and the topping up of these ponds.

Messages

All ponds can be filled by the use of buckets.

The use of rainwater or other alternative (non-potable) sources is permitted.

Exceptions

Ponds in which fish and other aquatic animals are kept are exempt from this activity (see above for definition).

Filling or maintaining an ornamental fountain

Definitions

The category of activity under the temporary water use ban powers is “**filling or maintaining an ornamental fountain**”.

The Water Use (Temporary Bans) Order 2010 defines an “**ornamental fountain**” as including a cascade or any other display of moving water.

This does **not include** filling or maintaining an ornamental fountain which is in or near a fish pond and whose purpose is to supply sufficient oxygen to the water in the pond in order to keep the fish healthy.

Interpretation:

This includes filling by any means including permanent plumbing, and is not limited to use of a hosepipe.

Any water fountain or artificial cascade that serves a purpose that is primarily decorative are covered by the ban. This includes sculptures that have a water component.

This applies to fountains and cascades that are privately owned and those that are publicly owned. It also applies equally to features that recycle water and those that do not.

Messages

Companies may wish to encourage owners to display signs explaining that the fountain/cascade has been turned off because of the drought.

Exceptions

Fountains in which fish and other aquatic animals are kept are exempt from this activity (see above for definition).

Cleaning walls, or windows, of domestic premises using a hosepipe

Definitions

The category of activity under the temporary water use ban powers is “**cleaning walls, or windows, of domestic premises using a hosepipe**”.

The Water Use (Temporary Bans) Order 2010 defines this category as applying only to the cleaning of the **external walls or windows of domestic premises**.

The definition **excludes** cleaning activities for **health or safety** reasons.

“**Domestic premises**” under this activity means:

- a) a building used principally as a dwelling or dwellings;
- b) a garage, shed, outbuilding or other building or structure used or enjoyed in connection with a building used principally as a dwelling; or
- c) a wall or other means of enclosure within the curtilage of a building used principally as a dwelling.

Interpretation:

This relates to all domestic building structures, whether they are permanent or temporary. Non-domestic roofs are not included in the ban, other than with respect to sky-light or similar windows. Domestic roofs are specifically covered under the Water Use (Temporary Bans) Order 2010 activity of ‘cleaning other artificial outdoor surfaces using a hosepipe’.

Messages

Customers may clean building walls and windows by hand, using a bucket.

If a building can be cleaned by permanent plumbing then it is still a permitted activity.

Storage tanks

Restrictions apply to water drawn from the mains supply after the statutory notice has been given. So water drawn into a container prior to that date may be used for cleaning the exterior of buildings.

Greywater and rainwater may be used to clean walls or windows.

Water fed poles are frequently used by window cleaners and are within the definition of ‘anything designed, adapted or used to serve the same purpose as a hosepipe’. These systems use de-ionised water. Where mains water is the source used to create this de-ionised water, this activity is restricted.

Exceptions

A statutory exception exists in The Water Use (Temporary Bans) Order 2010 for the cleaning of domestic walls or windows in respect of **health or safety**. This includes:

- a) removing or minimising any risk to human or animal health or safety; and
- b) preventing or controlling the spread of causative agents of disease.

Cleaning paths or patios using a hosepipe

Definitions

The category of activity under the temporary water use ban powers is “**cleaning paths or patios using a hosepipe**”.

The definition **excludes** cleaning paths or patios using a hosepipe for **health or safety** reasons.

Interpretation:

This includes the cleaning by hosepipe of all paths or patios regardless of who is undertaking the cleaning and whether they are domestic or commercial. This would include paths and patios made of any material such as concrete, paving slabs, stones, permeable paving etc.

Messages

Customers can sweep paths or patios and they may wash them by hand using a bucket.

Exceptions

A statutory exception exists in The Water Use (Temporary Bans) Order 2010 for the cleaning of paths and patios in respect of **health or safety**. This includes:

- a) removing or minimising any risk to human or animal health or safety; and
- b) preventing or controlling the spread of causative agents of disease.

Cleaning other artificial outdoor surfaces using a hosepipe

Definitions

The category of activity under the temporary water use ban powers is “**cleaning other artificial outdoor surfaces using a hosepipe**”.

The definition **excludes** cleaning an outdoor surface using a hosepipe for **health or safety** reasons.

“**Artificial outdoor surface**” means any of the following:

- a) any area outdoors which is paved or laid with hard or artificial material;
- b) timber decking;
- c) a quay;
- d) a trailer designed, constructed or adapted to launch boats or other vessels or craft into water, other than a private motor-vehicle (see Figure 5.2);
- e) the roof of any domestic premises.

“**Quay**” includes jetty, pontoon, wharf and slipway.

Interpretation:

This includes the cleaning by hosepipe of all exterior surfaces, regardless of who is undertaking the cleaning and whether they are domestic or commercial.

This includes driveways (both domestic and non-domestic); and marine infrastructure such as pontoons and slipways, whether fixed permanently in position or floating.

Messages

Customers can sweep outdoor surfaces and they may wash them by hand using a bucket.

Exceptions

A statutory exception exists in The Water Use (Temporary Bans) Order 2010 for the cleaning of artificial outdoor surfaces using a hosepipe in respect of **health or safety**. This includes:

- a) removing or minimising any risk to human or animal health or safety; and
- b) preventing or controlling the spread of causative agents of disease.

AGENDA ITEM NO: 10 – REVIEW OF WATERFOWL MANAGEMENT POLICY

Reporting Officer: Kathryn Graves (01494 583798)

Summary

1. To review the Town Council's Waterfowl Management Policy.

Background Information

2. The Waterfowl Management Policy was introduced in 2008 to address the overpopulation of waterfowl in Lowndes Park. The Green Flag judges had highlighted the need to manage the population in their Spring 2007 assessment of the park.
3. The Waterfowl Management Policy was devised following guidance from DEFRA and Natural England.
4. The Town Council's policies are revised on a four year cycle.

Financial Implications

5. As detailed within the report.

Strategic Objectives

6. Accords with strategic objective 1 – *'To enable residents to enjoy high-quality social, recreational, and cultural facilities within the town and to seek the continuing improvement and development of these facilities in accordance with the desires expressed by the residents.'*

Equality Act Implications

7. None pertaining to this report.

Detailed Consideration

8. Lowndes Park continues to be the only Council land where there is a need to manage the waterfowl population. The population is being managed in accordance with the management policy. One of the main problems has been the large number of domestic Embden Geese that had been abandoned in the park. These geese were breeding successfully and displaying aggressive behaviour to some park visitors (a consequence of regular feeding by humans and intense competition for this food as a consequence of the high population density). The

majority of these geese have been re-homed and it is believed that those remaining are all of the same gender and therefore unable to breed.

9. The main cause of the waterfowl overpopulation is the persistent feeding of the birds by the public, which can cause the birds health problems. This also results in excessive waterfowl defecation on the paths surrounding Skottowes Pond. This is the most commonly raised problem in the 2012 Lowndes Park Visitor Survey. The Town Council has invested in a mechanical sweeper to regularly remove the excrement from the paths. It is intended to focus efforts on educating the public about the problems caused by feeding the waterfowl. This will include the installation of permanent signage in the Lower Park during 2012.
10. The existing Waterfowl Management Policy, **attached**, is felt to be satisfactory and it is not proposed to make any changes to it at this time.

Recommendation

**That the report Waterfowl Management Policy be adopted for a further
four years.**



Bill Richards
Town Clerk



CHESHAM TOWN COUNCIL

WATERFOWL MANAGEMENT POLICY

STATEMENT OF PURPOSE

Waterfowl populations, both wild and domestic, are present on Chesham Town Council land in permanent and transitory communities. Whilst waterfowl can be a valuable addition to local biodiversity and provide amenity value, overly dense populations can cause habitat degradation and environmental health problems. Equally, human interaction with waterfowl populations can have a negative impact on bird health. It is important to ensure that the waterfowl populations on council land are monitored and managed to ensure a balance between their recreational value, the well-being of the environment they populate and the health and safety of both humans and waterfowl.

POLICY COVERAGE

This policy applies to any Chesham Town Council land where waterfowl are present. Waterfowl refers to any bird that spends much of its life on or around bodies of water and includes both domestic and wild birds.

LEGAL REQUIREMENTS

The Natural Environment and Rural Communities Act (2006)

A public authority must, in exercising its functions, have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

The Wildlife and Countryside Act (1981)

It is an offence to capture, kill or injure any wild bird, or to damage or take their nests or eggs. There are exceptions to this act which are relevant to this policy.

POLICY STATEMENT

Chesham Town Council acknowledges the benefit of healthy waterfowl populations in its green spaces in terms of their wildlife value and the enjoyment that they provide to visitors to open spaces. The Town Council also recognises that overly-



dense populations of waterfowl can cause the following problems on its land:

- Grazing of and damage to ornamental plants, turf and aquatic plants
- Trampling of ornamental plants and turf, leading to unsightly areas of mud and droppings
- Fouling of footpaths, causing slippery surfaces with public safety implications
- Accumulation of droppings, causing environmental health concerns
- Large quantities of droppings entering water bodies which can increase nutrient loading, promoting toxic algal blooms and low oxygen levels in the water
- Aggressive behaviour towards humans and other birds
- Damage to wildlife habitats by trampling nesting sites of other birds and by destruction of waterside habitats which can lead to river bank erosion

Department for Environment, Food and Rural Affairs (DEFRA) guidance states that attempts to resolve over-population problems by reducing or eliminating populations alone are usually unsuccessful. Chesham Town Council is therefore committed to taking an integrated approach to managing waterfowl populations. In each case, the management approach will be tailored to the specific site and the species of birds involved.

DEFRA guidance stresses that a build-up of bird numbers in urban environments is usually the result of a readily accessible food supply and that effective long-term management is dependent on the ability to eliminate or reduce this. In addition, a bread-based diet can lead to permanent health problems for waterfowl, such as the condition Angel Wing. Supplies of bread and other foodstuffs also attracts vermin to sites with associated environmental health problems. Therefore, reducing the accessibility of supplementary food that does not form part of a natural diet will be central to our management approach.

General Waterfowl Management

There are a number of ways of identifying problems associated with waterfowl. These include direct monitoring of numbers, reports from experts visiting the park (e.g. Green Flag judges), observation of problems associated with high bird numbers and complaints from the public. Chesham Town Council will consider all such reports in the management of its waterfowl populations.

When an overly-dense population exists or where there are specific problems associated with the presence of birds, e.g. aggressive behaviour towards humans, Chesham Town Council will firstly identify the species involved and whether the birds are wild or domestic as this will determine the courses of action available.

The first course of action to reduce over-population will be to discourage the public from



feeding waterfowl. This will be achieved through information in the media, council communications and by displaying posters at affected sites. Reasons will be clearly explained to engender public support.

Site factors attracting the waterfowl will be identified. Where feasible and appropriate, habitat management techniques will be implemented to reduce the attractiveness of the site to the problem waterfowl, e.g. planting marginal vegetation to deter Canada Geese.

Other methods of non-destructive control may be considered. These include behaviour modification techniques, e.g. using visual or acoustic scarers, and exclusion techniques, e.g. fencing.

In the specific situation where birds are nesting at a site which can be accessed by the public and there is the risk of aggressive behaviour towards the public, signs will be erected advising the public to keep away from nesting birds.

Domestic Waterfowl

The Council will attempt to re-home domestic waterfowl that have been abandoned on Council land.

If non-lethal control methods and re-homing do not provide adequate population control, the Council will consider directly reducing the domestic waterfowl population, e.g. by egg control methods.

Wild Waterfowl

Whilst The Wildlife and Countryside Act (1981) makes it an offence to capture, kill or injure any wild bird, or to damage or take their nests or eggs, there are exceptions to this act. Therefore, should non-lethal control methods be ineffective or impracticable, the Council may consider implementing lethal methods of control. Any such control would take place subject to the conditions of a general licence or, if required, subject to the conditions of an individual licence obtained from Natural England.

POLICY REVIEW

Chesham Town Council is committed to reviewing its policies and making improvements where possible. This policy will be reviewed after four years.

Adopted:

