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Our Ref: MD

10 June 2024

To: All Members of the Parish Council

Dear Councillor

You are hereby summoned to attend a Meeting of the Parish Council to be held at **Brook House, 18 Shobnall Road, Burton on Trent DE14 2BA** on **Monday 17 June 2024 commencing at 7.00pm** at which the business set out below will be transacted.

Yours sincerely

MDanby

Mary Danby
Clerk

Public Forum

A maximum of 15 minutes will be allocated prior to the commencement of the meeting when members of the public may put questions/comments on any matter in relation to which the Parish Council has powers or duties which affect the area.

Presentation Waldley Ltd: Land north of Shobnall Road – Proposals

AGENDA

- 1. Apologies for absence**
- 2. Declarations of Interest and Dispensations**
- 3. To consider the Minutes of the meeting held on 20 May 2024 (Enclosure 1)**
- 3. Matters arising from the previous meeting**
- 4. County and Borough Councillors' reports**
- 5. Financial matters**
 - 5.1 Schedule of payments as at 10 June 2024**

Payee	Payment Method	Gross £	VAT £	Transaction Detail
MW Cripwell Ltd	BACS	144.00	24.00	Defib inspections
SPCA	BACS	60.00	10.00	Planning training (2 No. delegates)
SLCC Enterprises	BACS	144.00	24.00	Training fee (Clerk)
HMRC	BACS	671.50	0.00	NI/PAYE 1 st qtr 2024/25
Clerk	BACS	847.25	0.00	Salary and expenses
HSBC	DD	8.00	0.00	Bank charges
Total		1,874.75	58.00	

5.2 Bank reconciliation as at 31 May 2024

	£
Current Account	75,478.99
HSBC Business Money Manager Account	30,822.00
	106,300.99

5.3 Earmarked Reserves (EMRs)

Earmarked Reserves	Opening 01/04/2024 £	Movement In funds £	Balance 31/05/2024 £
Elections	9,592.20	0.00	9,592.20
Community projects	35,225.00	0.00	35,225.00
Dallow Lock mural refurbishments	7,675.00	0.00	7,675.00
Replacement IT equipment	5,000.00	0.00	5,000.00
Speed Indication Device	5,555.00	0.00	5,555.00
Benches	9,672.00	(1,882.00)	7,790.00
Shobnall Road surveys	7,525.00	(4,023.00)	3,502.00
	80,244.20	(5,905.00)	74,339.20

5.4 Income and expenditure as at 31 May 2024 (Enclosure 2)

6. Banking arrangements

Councillors will be aware that the Parish Council holds two accounts with HSBC (Current Account and Business Money Manager Account). The council would not be covered by the Financial Services Compensation Scheme (FSCS) if financial firms fail as the combined funds held exceed £85,000.

The Clerk, who is also the council's Responsible Financial Officer, recommends that the council should spread its financial risk by opening an account another bank with instant access to enable funds to be transferred to one of the HSBC accounts as and when necessary.

The Clerk will investigate the council's options and report back to the July meeting.

7. Financial Regulations (Revised) (Enclosure 3)

8. Defibrillator request

The landlord of the Oak & Ivy public house, Wellington Street has advised that they have been considering installing a defibrillator as they have a lot of older clientele. They have requested that they be considered as a location for an automatic external defibrillator and heated cabinet under the Parish Council's planned programme for this financial year.

They feel that they are a worthy location for the defibrillator as they are situated in the middle of Wellington Street, an ideal location for the Almshouses, and there is a lot of footfall for the shops over the road and the businesses on Wellington Street Extension, as well as their many customers.

They have confirmed that they would not recharge the Parish Council for the energy costs associated with running the heated cabinet.

9. Noticeboard – Shobnall Community Centre

The window cleaner has reported that the header board on above noticeboard has begun to rust – see photos below:



What action, if any, does the Parish Council wish to be taken to address the rust?

10. Proposed installation of a bench on the canal towpath (Minute No. 105.2 (15 April 2024) refers)

The Canal & River Trust have responded as follows:

Thank you for contacting the Canal & River Trust to request the installation of a bench on our waterways.

I understand that you do not have a specific location in mind so we can speak to our operations team to ascertain if there are any issues or permissions needed to install the bench in any particular area (for example, checking what is Trust owned land, and locations that do not require any planning permissions). If you would prefer the bench to be installed somewhere specific, the best way to let us know is by providing

a [What3words](#) reference; alternatively, we will ask the local team manager to suggest appropriate locations.

Due to a number of requirements involving health and safety, legal permissions on land and other arrangements we need to make sure we have approved, the provision of benches is done through a standard process where they are requested, purchased, and installed through us.

For benches, we ask for a donation of £4000. This covers not only the cost of the bench and plaque from our approved supplier, but delivery, build and installation, any planning applications needed, and maintenance of the bench for the initial period of 4 years. The plaque measures 150mmx40mm and can be engraved with any message but please bear in mind that, whilst there is no limit on the number of characters for the plaque, the longer the message is, the smaller the font will be. If you are happy to proceed with the above, please could you confirm:

- *The desired location for the bench/if you are happy for a location to be suggested.*
- *That you are happy to make the £4000 donation and your preference on how this will be made.*

Please note that whilst we will make every effort to try and accommodate your bench request, we hope you understand that we must consider many factors, including how many benches we have already in a particular area, heritage and planning considerations and the likelihood of vandalism at a particular site.

We look forward to hearing from you.

11. Dallow Lock mural

Matt Reeves, the artist has provided the following update:

I have been chipping away at the mountain!!

I have attached development imagesmy working method with these digital pieces is to develop them tonally, in black and white then finally add a colour pass..... the non-towpath (smaller) mural composition is now complete- it needs a final detail pass - on the ducklings for instance!! It can then be tinted ready for print. I think that compositionally this mural is considerably stronger than its previous incarnation and am really pleased with how it has evolved.*

The towpath mural is being worked on in four black and white 'bites' due to its size - further details need adding before the four separate compositions are digitally 'stitched' together; the level of detail on this larger mural is significant but I've made a great deal of progress.

Please pass on my apologies to the Councillors for the considerable delay - I was able to put a lot of time in after attending the last Parish Council meeting but inevitably other scheduled work commitments pop up and divert my focus.

Please rest assured that I'm determined to get the whole project delivered this summer - my perfectionist nature prevents me from simply 'going through the motions' with these murals - I want these two pieces to stand an equal test of time to the originals.

Apart from the purchase of specialist security fixings, the 50% deposit remains intact - I haven't taken any money out for the time I have spent on the work so far - the polycarbonate and print order remain on standby for when I am satisfied with both pieces: As such, I am more than happy to return the deposit to the Parish Council as a gesture if that would allay any fears that I am dragging my heels for the sake of it!!

I want to resist putting an exact date on final delivery simply because I know I now have other work commitments through to late July and do not want to embarrass myself by crashing through another deadline. I know that these new murals will really re-vitalise the Dallow Lock site when we finally get them in.....

Please let me know if either yourself or the Councillors have any questions, queries or suggestions on the artwork attached. In many ways we are 90% there with the digital design work but I know I need to work more into the detail areas to get them over the finish line and let them really stand the test of time.

*The images will be available for Councillors to view at the meeting.

12. ESBC: Separation distance and Amenity Supplementary Planning document (SPD) – Consultation (Enclosure 4)

13. Planning matters

13.1 Planning applications

Application No.	Location	Proposal
P/2024/00489	Russell Roof Tiles Ltd Nicolson Way	Application under Section 73 to vary condition 2 (Plans) attached to the planning permission P/2022/01365 for the erection of extensions to tile manufacturing plant and siting of sand and cement silos to amend the design to construct a uniform portal frame extension in lieu of a step down to the roof
P/2024/00510	1 Bass Cottages Shobnall Road	Change of use from residential (Class C3) to a House in Multiple Occupation (HMO) (Class C4) (4 bedrooms)
P/2024/00512	12 Bass Cottages Shobnall Road	Change of use from residential (Class C3) to a House in Multiple Occupation (HMO) (Class C4) (4 bedrooms)
P/2024/00544	40 Edward Street	Retention of two flats

14. To receive questions/reports from Parish Councillors

15. Correspondence and Circulars

15.1 Staffordshire Parish Councils' Association (SPCA)

The SPCA's Bulletins have been circulated to all Councillors.

15.2 Highways England

The A38 Traffic Management Bulletins have been circulated to all Councillors.

16. Exclusion of the Press and public

Chair to move:

That under the Public Bodies (Admissions to Meetings) Act 1960 (Section 2) (and as expended by Section 100 of the Local Government Act 1972), the Press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information.

17. Quotations (Enclosure 5)

Date of next meeting

Monday 15 July 2024 commencing at 7.00pm at Brook House, 18 Shobnall Road, Burton on Trent DE14 2BA

**Minutes of a meeting of Shobnall Parish Council
held at Brook House, Shobnall Road
on Monday 20 May 2024 commencing at 7pm**

Present

Councillors Dittmer, Donlon, Hoare, Pennicott and Shilton

Also present

ESBC Councillor McKiernan
Saima Quayum and Rena Khanam, Burton Unity
Jordan Bell, Dynamic Transport Planning
Mary Danby, Clerk

Public Forum

No comments or questions were received.

Presentation by Burton Unity

Rena and Saima informed the council that Burton Unity was a new CIC working for, with and within the community. They are focussing on women at the moment and encouraging them to get fit and healthy, younger women and eventually the youth will be invited eventually. They are working predominantly working with BAME communities.

They said that Rounders England are based in Burton and four of their members are on the squad.

Netball is played on Tuesdays at Shobnall Leisure Complex and they currently have 20 members. A running group has been organised in conjunction with Everyone Active which is aimed at older people and which is very successful.

They are arranging another group called "Her Voice" focussed on younger people which will tackle taboo subjects such as sexual orientation, County lines, mental health, etc.

They have applied for funding from HAF and ESBC's Ward Enhancement Programme.

They were thanked for attending the meeting.

- 1. Election of Chair**
Resolved That Councillor Pennicott be elected Chair for the ensuing year.
- 2. Election of Vice Chair**
Resolved That Councillor Shilton be elected as Vice Chair for the ensuing year.
- 3. Apologies**
None, all Parish Councillors were present.
- 4. Declarations of Interest and receive written applications for dispensations under the Localism Act 2011**
None were declared.

5. Borough Councillor's report

Councillor McKiernan reported that:

- She had been elected as ESBC Mayor and as she has to remain impartial she will not attend Cabinet meetings during her term of office.
- ESBC are going to consult on the concepts for the Bass House over the summer. It is planned to open the House for the public to see the building.
- She was looking at a mural for Unity Park and funding has been secured for three days to consult with users on what they would like to see provided. She said she had visited the Park that day and found that it was covered in litter and she had asked for the contract to include that this to be cleared twice a week. Burton Unity are happy to work with Councillor McKiernan to see more people involved in the Park.
- Shobnall Fields had been nominated to receive £70,000 to improve facilities.

6. Exclusion of the Press and public

Chair to move:

That under the Public Bodies (Admissions to Meetings) Act 1960 (Section 2) (and as amended by Section 100 of the Local Government Act 1972), the Press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information.

7. Traffic Survey Report (Draft) (Minute No. 108 refers)

Jordan Bell, Dynamic Transport Planning answered Councillors queries regarding the draft report and it was agreed that the conclusion would be strengthened and draw on the key points; it was also agreed that the final traffic survey report be published together with the results of the air and noise surveys when these are available.

8. Mr Bell left the meeting and it was resolved that the meeting re-opened to the public

9. Minutes

Resolved That the Minutes of the meeting held on 15 April 2024 be approved as an accurate record.

10. Matters arising

None raised.

11. Financial matters

11.1 Schedule of payments

Payee	Payment Method	Gross £	VAT £	Transaction Detail
Clerk	BACS	12.98	2.16	Reimbursement: Picture frame (paid 23/04/2024)
Computer Lifeline	BACS	95.00	0.00	Website hosting support (annual fee)
Viking	BACS	93.22	15.54	Paper cups / stationery
MW Cripwell Ltd	BACS	4,996.72	832.79	Supply and install 2 No. defibs and cabinets; call-out fee, defib inspections (April)
Clerk	BACS	853.03	0.00	Salary and expenses
HSBC	DD	8.00	0.00	Bank charges
Staffordshire Parish Councils' Assn	BACS	728.00	0.00	Annual subscription
Kim Squires Internal Audit Services	BACS	209.90	0.00	Fee for completing Internal Audit for the year ending 31/03/2024
Dynamic Transport Planning	BACS	1724.40	287.40	Air survey (partial), Noise survey (50%)
Total		8,721.25	1,137.89	

Resolved That the above payments be approved.

11.2 Bank reconciliation as at 30 April 2024

	£
Current Account	84,133.76
HSBC Business Money Manager Account	30,822.00
	114,955.76

Resolved That the above was a true record.

11.3 Earmarked Reserves (EMRs)

Earmarked Reserves	Opening 01/04/2024 £	Movement In funds £	Balance 30/04/2024 £
Elections	9,592.20	0.00	9,592.20
Community projects	35,225.00	0.00	35,225.00
Dallow Lock mural refurbishments	7,675.00	0.00	7,675.00
Replacement IT equipment	5,000.00	0.00	5,000.00
Speed Indication Device	5,555.00	0.00	5,555.00
Benches	9,672.00	(1,882.00)	7,790.00
Shobnall Road surveys	7,525.00	(2,586.00)	4,939.00
	80,244.20	(4,468.00)	75,776.20

Resolved That the EMRs be agreed.

11.4 Receipts/payments to 30 April 2024

Agreed The report be noted.

12. Internal Audit Report for the Year Ended 31 March 2024

Councillors noted that no comments or recommendations had been made by the Internal Auditor.

Resolved That the report be noted.

13. Annual Governance and Accountability Return 2023/24 (AGAR)

13.1 Section 1 – Annual Governance Statement 2023/24

Resolved That:

13.1.1 The council prepared its accounting statements in accordance with the Accounts and Audit Regulations.

13.1.2 The council had made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.

13.1.3 The council had only done what it has the legal power to do and has complied with the Proper Practices in doing so.

13.1.4 The council had during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.

13.1.5 The council had considered and documented the financial and other risks it faces and dealt with them properly.

13.1.6 The council had 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.

13.1.7 The council had responded to matters brought to its attention by internal and external audit.

13.1.8 The council had disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.

13.1.9 The Annual Return: Section 1 - Annual Governance Statement for the year ended 31 March 2024 be approved and the Chair be authorised to sign the document.

13.2 Section 2 – Accounting Statements 2023/24

Resolved That the Annual Return: Section 2 – Accounting Statements for the year ended 31 March 2024 be approved and that the Chair be authorised to sign the document.

14. Public Rights period for 2023/24 Accounts

The Date of Announcement and the Public Rights period when members of the public may inspect the accounts are as follows:

Date of Announcement: 31 May 2024
Public Rights period: 03 June – 12 July 2024 inclusive

15. Parish Council logo

Councillors considered options for the new council logo and agreed their preferred option to be used on all future material published by the Parish Council.

16. Review of policies and documents

Resolved That no amendments were required to the following policies and documents:

- Anti-Fraud and Corruption Policy
- Information and Data Protection Policy
- Members and Officers Subsistence / Mileage Policy
- Publication Scheme
- Risk Assessment
- Standing Orders
- Statement of Internal Control and Annual Review of Effectiveness of Internal Control

17. Planning matters

17.1 Planning decisions

Resolved That the report be noted.

17.2 Planning applications

Application No.	Location	Proposal
P/2024/00467	125 Waterloo Street	Erection of a single storey front extension and pitched roof to existing building to form annexe for long term sick patient
No objection		

18. Training request

The Clerk sought permission to undertake the Principles of Internal Auditing Local Councils (PIALC) Course offered by the Society of Local Council Clerks (SLCC) at a cost of £120 plus VAT.

Resolved That the above request be authorised.

19. To receive questions from Councillors/reports

19.1 Councillor Hoare asked where the wild flowers at Shobnall Fields (before the benches) had gone?

Agreed That:

- ESBC and the Shobnall Leisure Complex be asked for information regarding the removal of the wild flowers.
- A recommendation to put to ESBC and the Shobnall Leisure Complex that wild flowers be planted by the Shobnall Fields A38 bridge as a quiet area for reflection/commemoration.

19.2 Councillor Pennicott asked that the council consider giving residents self-adhesive labels to be put on the refuse bins reminding drivers of the 30mph speed limit.

Agreed That quotation(s) for labels be sourced for consideration by the council.

20. Correspondence and Circulars

20.1 Staffordshire Parish Councils' Association (SPCA)

The SPCA's Bulletins had been circulated to all Councillors.

20.2 Highways England

The A38 Traffic Management Bulletins had been circulated to all Councillors.

20.3 Vibe2ThriveCIC

Councillors considered correspondence from Vibe2ThriveCIC firstly introducing themselves and their work and secondly requesting that the council consider funding Be Yourself & Love It workshops in the Parish.

Councillors were informed that the group had previously been advised that they would be better placed approaching the local schools and youth organisations but they had responded asking that the council consider their request.

Agreed That the council reiterate that the group should approach the local schools and youth organisations with their offer of providing a workshop(s).

Date of next meeting

Monday 17 June 2024 commencing at 7.00pm at Brook House, 18 Shobnall Road, Burton on Trent DE14 2BA

The meeting closed at 8.40pm

Signed

Date

Detailed Receipts & Payments by Budget Heading 31/05/2024

Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
<u>100 Income</u>							
1076 Precept	19,723	39,445	19,723			50.0%	
1077 Council Tax Support Grant	1,049	2,098	1,049			50.0%	
1090 Interest Received	0	400	400			0.0%	
Income :- Receipts	20,772	41,943	21,172			49.5%	0
Net Receipts	20,772	41,943	21,172				
<u>110 Employee Costs</u>							
4000 Clerk's Salary	1,555	12,012	10,457		10,457	12.9%	
4010 Employer's NI	0	330	330		330	0.0%	
4025 Staff Mileage & Benefits	64	100	36		36	63.9%	
4030 Use of Home as Office	22	134	112		112	16.6%	
4055 Staff: Other Expenses	8	0	(8)		(8)	0.0%	
Employee Costs :- Indirect Payments	1,649	12,576	10,927	0	10,927	13.1%	0
Net Payments	(1,649)	(12,576)	(10,927)				
<u>120 Annual Running Costs</u>							
4200 Highway Lighting: Maint. Costs	0	40	40		40	0.0%	
4210 Subscriptions & Memberships	837	805	(32)		(32)	104.0%	
4230 Computer Lifeline	0	410	410		410	0.0%	
4235 RBS Accounts support	192	192	0		0	100.0%	
4240 Website	95	100	5		5	95.0%	
4250 IT Software	124	250	126		126	49.4%	
4260 Insurance	0	450	450		450	0.0%	
4270 Audit Fees	210	480	270		270	43.7%	
4280 Payroll Services	0	110	110		110	0.0%	
4290 Data Protection fee	0	35	35		35	0.0%	
Annual Running Costs :- Indirect Payments	1,458	2,872	1,414	0	1,414	50.8%	0
Net Payments	(1,458)	(2,872)	(1,414)				
<u>130 Administration Expenses</u>							
4300 Printing & Stationery	196	300	104		104	65.2%	
4303 Council mobile	30	195	165		165	15.5%	
4305 Publications	0	200	200		200	0.0%	
4310 Postage	73	400	327		327	18.4%	
4320 Room Hire	0	275	275		275	0.0%	
4330 Refreshments	4	50	46		46	7.1%	
4340 Training & Conference	0	625	625		625	0.0%	

Enclosure 2

Detailed Receipts & Payments by Budget Heading 31/05/2024

Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
4350 Bank Charges	16	100	84		84	16.0%	
4360 s137 Grant Aid	0	6,000	6,000		6,000	0.0%	
4990 Sundries	11	200	189		189	5.4%	
Administration Expenses :- Indirect Payments	330	8,345	8,015	0	8,015	4.0%	0
Net Payments	(330)	(8,345)	(8,015)				
<u>145 Defibrillators</u>							
4450 Defibrillators	3,986	7,300	3,314		3,314	54.6%	
4456 Defibrillators R&M	120	2,880	2,760		2,760	4.2%	
4457 Defibrillators - call outs	58	270	213		213	21.3%	
4458 Replacements pads/batteries	0	500	500		500	0.0%	
Defibrillators :- Indirect Payments	4,164	10,950	6,786	0	6,786	38.0%	0
Net Payments	(4,164)	(10,950)	(6,786)				
<u>147 Noticeboards</u>							
4500 Noticeboards	25	0	(25)		(25)	0.0%	
4505 Noticeboards R&M	0	50	50		50	0.0%	
Noticeboards :- Indirect Payments	25	50	25	0	25	50.0%	0
Net Payments	(25)	(50)	(25)				
<u>149 Dallow Lock mural</u>							
4600 Cleaning mural/noticeboard	100	200	100		100	50.0%	
4601 Mural R&M	0	500	500		500	0.0%	
Dallow Lock mural :- Indirect Payments	100	700	600	0	600	14.3%	0
Net Payments	(100)	(700)	(600)				
<u>150 Projects</u>							
4703 Replacement bleed control kits	0	200	200		200	0.0%	
4995 Contingency	0	5,000	5,000		5,000	0.0%	
5400 Project Work	5,905	1,250	(4,655)		(4,655)	472.4%	5,905
Projects :- Indirect Payments	5,905	6,450	545	0	545	91.6%	5,905
Net Payments	(5,905)	(6,450)	(545)				
6000 plus Transfer from EMR	5,905						
Movement to/(from) Gen Reserve	0						

Enclosure 2

Detailed Receipts & Payments by Budget Heading 31/05/2024

Cost Centre Report

	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% Spent	Transfer to/from EMR
<u>999 VAT Data</u>							
115 VAT on Receipts	2,426	0	(2,426)			0.0%	
VAT Data :- Receipts	<u>2,426</u>	<u>0</u>	<u>(2,426)</u>				<u>0</u>
515 VAT on Payments	2,119	0	(2,119)		(2,119)	0.0%	
VAT Data :- Indirect Payments	<u>2,119</u>	<u>0</u>	<u>(2,119)</u>	<u>0</u>	<u>(2,119)</u>		<u>0</u>
Net Receipts over Payments	<u>307</u>	<u>0</u>	<u>(307)</u>				
Grand Totals:- Receipts	23,198	41,943	18,745			55.3%	
Payments	15,749	41,943	26,194	0	26,194	37.5%	
Net Receipts over Payments	<u>7,448</u>	<u>0</u>	<u>(7,448)</u>				
plus Transfer from EMR	5,905						
Movement to/(from) Gen Reserve	<u>13,353</u>						

**SHOBNALL PARISH COUNCIL
FINANCIAL REGULATIONS**

Contents

1. General	2
2. Risk management and internal control.....	3
3. Accounts and audit.....	3
4. Budget and precept.....	5
5. Procurement	6
6. Banking and payments	7
7. Electronic payments.....	8
8. Cheque payments.....	9
9. Payment of salaries and allowances	10
10. Loans and investments.....	10
11. Income.....	11
12. Payments under contracts for building or other construction works.....	11
13. Assets, properties and estates	12
14. Insurance.....	12
15. Suspension and revision of Financial Regulations.....	12
Appendix 1: Tender process	14

These Financial Regulations were adopted by the council at its meeting held on 17 June 2024.

1. General

1.1 These Financial Regulations govern the financial management of the council and may only be amended or varied by resolution of the council. They are one of the council's governing documents and shall be observed in conjunction with the council's Standing Orders.

1.2 Councillors are expected to follow these Regulations and not to entice employees to breach them. Failure to follow these Regulations brings the office of councillor into disrepute.

1.3 Wilful breach of these Regulations by an employee may result in disciplinary proceedings.

1.4 In these Financial Regulations:

- 'Accounts and Audit Regulations' means the Regulations issued under Sections 32, 43(2) and 46 of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force, unless otherwise specified.
- "Approve" refers to an online action, allowing an electronic transaction to take place.
- "Authorise" refers to a decision by the council, or a committee or an officer, to allow something to happen.
- 'Proper practices' means those set out in *The Practitioners' Guide*.
- *Practitioners' Guide* refers to the guide issued by the Joint Panel on Accountability and Governance (JPAG) and published by NALC in England or Governance and Accountability for Local Councils in Wales – A Practitioners Guide jointly published by One Voice Wales and the Society of Local Council Clerks in Wales.
- 'Must' and **bold text** refer to a statutory obligation the council cannot change.
- 'Shall' refers to a non-statutory instruction by the council to its councillors and staff.

1.5 The Responsible Financial Officer (RFO) holds a statutory office, appointed by the council. The Clerk has been appointed as RFO and these Regulations apply accordingly. The RFO:

- acts under the policy direction of the council;
- administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
- determines on behalf of the council its accounting records and control systems;
- ensures the accounting control systems are observed;
- ensures the accounting records are kept up to date;
- seeks economy, efficiency and effectiveness in the use of council resources; and
- produces financial management information as required by the council.

1.6 **The council must not delegate any decision regarding:**

- **setting the final budget or the precept (council tax requirement);**
- **the outcome of a review of the effectiveness of its internal controls**
- **approving accounting statements;**
- **approving an annual governance statement;**
- **borrowing;**
- **declaring eligibility for the General Power of Competence; and**
- **addressing recommendations from the internal or external auditors**

1.7 In addition, the council shall:

- determine and regularly review the bank mandate for all council bank accounts;
- authorise any grant or single commitment in excess of £1,000; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees.

2. Risk management and internal control

2.1 The council must ensure that it has a sound system of internal control, which delivers effective financial, operational and risk management.

2.2 The Clerk shall prepare, for approval by the council, a risk management policy covering all activities of the council. This policy and consequential risk management arrangements shall be reviewed by the council at least annually.

2.3 When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration by the council.

2.4 At least once a year, the council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.

2.5 The accounting control systems determined by the RFO must include measures to:

- ensure that risk is appropriately managed;
- ensure the prompt, accurate recording of financial transactions;
- prevent and detect inaccuracy or fraud; and
- allow the reconstitution of any lost records;
- identify the duties of officers dealing with transactions and
- ensure division of responsibilities.

2.6 At least once in each quarter, and at each financial year end, a member other than the Chair or a cheque signatory shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign and date the reconciliations and the original bank statements (or similar document) as evidence of this. This activity, including any exceptions, shall be reported to and noted by the council.

2.7 Regular back-up copies shall be made of the records on any council computer and stored either online or in a separate location from the computer. The council shall put measures in place to ensure that the ability to access any council computer is not lost if an employee leaves or is incapacitated for any reason.

3. Accounts and audit

3.1 All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.

- 3.2 **The accounting records determined by the RFO must be sufficient to explain the council's transactions and to disclose its financial position with reasonable accuracy at any time. In particular, they must contain:**
- **day-to-day entries of all sums of money received and expended by the council and the matters to which they relate;**
 - **a record of the assets and liabilities of the council**
- 3.3 The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return.
- 3.4 The RFO shall complete and certify the annual Accounting Statements of the council contained in the Annual Governance and Accountability Return in accordance with proper practices, as soon as practicable after the end of the financial year. Having certified the Accounting Statements, the RFO shall submit them (with any related documents) to the council, within the timescales required by the Accounts and Audit Regulations.
- 3.5 **The council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.**
- 3.6 **Any officer or member of the council must make available such documents and records as the internal or external auditor consider necessary for the purpose of the audit** and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary.
- 3.7 The internal auditor shall be appointed by the council and shall carry out their work to evaluate the effectiveness of the council's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.
- 3.8 The council shall ensure that the internal auditor:
- is competent and independent of the financial operations of the council;
 - reports to council in writing, or in person, on a regular basis with a minimum of one written report during each financial year;
 - can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - has no involvement in the management or control of the council
- 3.9 Internal or external auditors may not under any circumstances:
- perform any operational duties for the council;
 - initiate or approve accounting transactions;
 - provide financial, legal or other advice including in relation to any future transactions; or
 - direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

- 3.10 For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as described in The Practitioners Guide.
- 3.11 The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts, including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and documents required by the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.
- 3.12 The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

4. Budget and precept

- 4.1 **Before setting a precept, the council must calculate its council tax England requirement for each financial year by preparing and approving a budget, in accordance with The Local Government Finance Act 1992 or succeeding legislation.**
- 4.2 Budgets for salaries and wages, including employer contributions shall be reviewed by the council at least annually in December for the following financial year and the final version shall be evidenced by a hard copy schedule signed by the Clerk and the Chair of the Council.
- 4.3 No later than December each year, the RFO shall prepare a draft budget with detailed estimates of all receipts and payments for the following financial year taking account of the lifespan of assets and cost implications of repair or replacement.
- 4.4 Unspent budgets for completed projects shall not be carried forward to a subsequent year. Unspent funds for partially completed projects may only be carried forward (by placing them in an earmarked reserve) with the formal approval of the full council.
- 4.5 The draft budget, including any recommendations for the use or accumulation of reserves, shall be considered by the council.
- 4.6 Having considered the proposed budget, the council shall determine its council tax requirement by setting a budget. The council shall set a precept for this amount no later than the end of January for the ensuing financial year.
- 4.7 **Any member with council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government Finance Act 1992 and must and must disclose at the start of the meeting that Section 106 applies to them.**
- 4.8 The RFO shall **issue the precept to the billing authority no later than the end of January** and supply each member with a copy of the agreed annual budget.
- 4.9 The agreed budget provides a basis for monitoring progress during the year by comparing actual spending and income against what was planned.
- 4.10 Any addition to, or withdrawal from, any earmarked reserve shall be agreed by the council.

5. Procurement

- 5.1 **Members and officers are responsible for obtaining value for money at all times.** Any officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices from several suppliers.
- 5.2 The RFO should verify the lawful nature of any proposed purchase before it is made and in the case of new or infrequent purchases, should ensure that the legal power being used is reported to the meeting at which the order is authorised and also recorded in the minutes.
- 5.3 Every contract shall comply with these the council's Standing Orders and these Financial Regulations and no exceptions shall be made, except in an emergency.
- 5.4 **For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Public Contracts Regulations 2015 or any superseding legislation ("the Legislation"), must be followed in respect of the tendering, award and notification of that contract.**
- 5.5 Where the estimated value is below the Government threshold, the council shall (with the exception of items listed in paragraph 5.12) obtain prices as follows:
- 5.6 For contracts estimated to exceed £30,000 including VAT, the Clerk shall advertise an open invitation for tenders in compliance with any relevant provisions of the Legislation. Tenders shall be invited in accordance with Appendix 1.
- 5.7 **For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation¹ regarding the advertising of contract opportunities and the publication of notices about the award of contracts.**
- 5.8 For contracts greater than £1,000 excluding VAT the Clerk shall seek at least three fixed-price quotes;
- 5.9 Where the value is between £500 and £1,000 excluding VAT, the Clerk shall try to obtain three estimates which might include evidence of online prices, or recent prices from regular suppliers.
- 5.10 For smaller purchases the Clerk shall seek to achieve value for money.
- 5.11 **Contracts must not be split into smaller lots to avoid compliance with these rules.**
- 5.12 The requirement to obtain competitive prices in these Regulations need not apply to contracts that relate to items (i) to (iv) below:
- i. specialist services, such as legal professionals acting in disputes;

¹ The Regulations require councils to use the Contracts Finder website if they advertise contract opportunities and also to publicise the award of contracts over £30,000 including VAT, regardless of whether they were advertised.

- ii. repairs to, or parts for, existing machinery or equipment;
- iii. works, goods or services that constitute an extension of an existing contract;
- iv. goods or services that are only available from one supplier or are sold at a fixed price.

5.13 When applications are made to waive this financial Regulation to enable a price to be negotiated without competition, the reason should be set out in a recommendation to the council. Avoidance of competition is not a valid reason.

5.14 The council shall not be obliged to accept the lowest or any tender, quote or estimate.

5.15 Individual purchases within an agreed budget for that type of expenditure may be authorised by:

- the Clerk under delegated authority, for any items below £500 excluding VAT;
- the Clerk, in consultation with the Chair of the Council for any items below £1,000 excluding VAT,
- the council for all items over £1,000.

Such authorisation must be supported by a minute (in the case of council decisions) or other auditable evidence trail.

5.16 No individual member, or informal group of councillors may issue an official order unless instructed to do so in advance by a resolution of the council or make any contract on behalf of the council.

5.17 No expenditure may be authorised that will exceed the budget for that type of expenditure other than by resolution of the council except in an emergency.

5.18 In cases of serious risk to the delivery of council services or to public safety on council premises, the Clerk may authorise expenditure of up to £500 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Clerk shall report such action to the Chair as soon as possible and to the council as soon as practicable thereafter.

5.19 No expenditure shall be authorised, no contract entered into or tender accepted in relation to any major project, unless the council is satisfied that the necessary funds are available and that where a loan is required, Government borrowing approval has been obtained first.

5.20 An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.

5.21 Any ordering system can be misused and access to them shall be controlled by the RFO.

6. Banking and payments

- 6.1 The council's banking arrangements, including the bank mandate, shall be made by the RFO and authorised by the council. The council has resolved to bank with HSBC and ???. The arrangements shall be reviewed for security and efficiency.
- 6.2 The council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error.
- 6.3 Following authorisation the council or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- 6.4 All invoices for payment should be examined for arithmetical accuracy, analysed to the appropriate expenditure heading and verified to confirm that the work, goods or services were received, checked and represent expenditure previously authorised by the council before being certified by the RFO.
- 6.5 Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of employment) may be summarised to avoid disclosing any personal information.
- 6.6 All payments shall be made by online banking/cheque, in accordance with a resolution of the council or a delegated decision by an officer, unless the council resolves to use a different payment method.
- 6.7 The Clerk and RFO shall have delegated authority to authorise payments in the following circumstances:
 - i. Any payments of up to £500 excluding VAT, within an agreed budget.
 - ii. Payments of up to £500 excluding VAT in cases of serious risk to the delivery of council services or to public safety on council premises.
 - iii. Any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998 or to comply with contractual terms, where the due date for payment is before the next scheduled meeting of the council, where the Clerk certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council.
 - iv. Fund transfers within the council's banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.
- 6.8 The RFO shall present a schedule of payments requiring authorisation, forming part of the agenda for the meeting, together with the relevant invoices, to the council . The council shall review the schedule for compliance and, having satisfied itself, shall authorise payment by resolution. The authorised schedule shall be initialled immediately below the last item by the person chairing the meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of that meeting.

7. Electronic payments

- 7.1 Where internet banking arrangements are made with any bank, the Clerk shall be appointed as the Service Administrator. The bank mandate agreed by the council shall identify a minimum of two councillors who will be authorised to approve transactions on those accounts.
 - 7.2 No employee or councillor shall disclose any PIN or password, relevant to the council or its banking, to anyone not authorised in writing by the council.
 - 7.3 At least one councillor shall check the payment details against the invoices before approving each payment to be made using the online banking system.
 - 7.4 A full list of all payments made in a month shall be provided to the next council meeting and included in the minutes.
 - 7.5 With the approval of the council in each case, regular payments (such as gas, electricity, telephone, broadband, water, National Non-Domestic Rates, refuse collection, pension contributions and HMRC payments) may be made by variable direct debit, provided that the instructions are signed by two authorised councillors. The approval of the use of each variable direct debit shall be reviewed by the council at least every two years.
 - 7.6 Payment may be made by BACS or CHAPS by resolution of the council provided that each payment is approved online by two authorised bank signatories, evidence is retained and any payments are reported to the council at the next meeting. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
 - 7.7 If thought appropriate by the council, regular payments of fixed sums may be made by banker's standing order, provided that the instructions are signed by two councillors, evidence of this is retained and any payments are reported to council when made. The approval of the use of a banker's standing order shall be reviewed by the council at least every two years.
 - 7.8 Account details for suppliers may only be changed upon written notification by the supplier verified by the Clerk. This is a potential area for fraud and the individuals involved should ensure that any change is genuine. Data held should be checked with suppliers every two years.
 - 7.9 Members and officers shall ensure that any computer used for the council's financial business has adequate security, with anti-virus, anti-spyware and firewall software installed and regularly updated.
 - 7.10 Remembered password facilities should not be used on any computer used for council banking.
- 8. Cheque payments**
- 8.1 Cheques or orders for payment in accordance with a resolution or delegated decision shall be signed by two councillors.

- 8.2 A signatory having a family or business relationship with the beneficiary of a payment shall not, under normal circumstances, be a signatory to that payment.
- 8.3 To indicate agreement of the details on the cheque with the counterfoil and the invoice or similar documentation, the signatories shall also initial the cheque counterfoil and invoice.
- 8.4 Cheques or orders for payment shall not normally be presented for signature other than at, or immediately before or after a council meeting. Any signatures obtained away from council meetings shall be reported to the council at the next convenient meeting.

9. Payment of salaries and allowances

- 9.1 **As an employer, the council must make arrangements to comply with the statutory requirements of PAYE legislation.**
- 9.2 **Councillors allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment.**
- 9.3 Salary rates shall be agreed by the council. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the council .
- 9.4 Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts.
- 9.5 Deductions from salary shall be paid to the relevant bodies within the required timescales, provided that each payment is reported, as set out in these Regulations above.
- 9.6 Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a payroll control account or other separate confidential record, with the total of such payments each calendar month reported in the cashbook. Payroll reports will be reviewed by [the finance committee] to ensure that the correct payments have been made.
- 9.7 Any termination payments shall be supported by a report to the council, setting out a clear business case. Termination payments shall only be authorised by the full council.
- 9.8 Before employing interim staff, the council must consider a full business case.

10. Loans and investments

- 10.1 Any application for Government approval to borrow money and subsequent arrangements for a loan must be authorised by the full council and recorded in the minutes. All borrowing shall be in the name of the council, after obtaining any necessary approval.
- 10.2 Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase, Leasing of tangible assets or loans to be repaid

within the financial year) must be authorised by the full council, following a written report on the value for money of the proposed transaction.

10.3 The council shall consider the requirement for an Investment Strategy and Policy in accordance with Statutory Guidance on Local Government Investments, which must be written in accordance with relevant Regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.

10.4 All investment of money under the control of the council shall be in the name of the council.

10.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

10.6 Payments in respect of short-term or long-term investments, including transfers between bank accounts held in the same bank, shall be made in accordance with these Regulations.

11. Income

11.1 The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.

11.2 The council will review all fees and charges for work done, services provided, or goods sold at least annually as part of the budget-setting process. The RFO shall be responsible for the collection of all amounts due to the council.

11.3 Any sums found to be irrecoverable and any bad debts shall be reported to the council by the RFO and shall be written off in the year. The council's approval shall be shown in the accounting records.

11.4 All sums received on behalf of the council shall be deposited intact with the council's bankers, with such frequency as the RFO considers necessary. The origin of each receipt shall clearly be recorded on the paying-in slip or other record.

11.5 Personal cheques shall not be cashed out of money held on behalf of the council.

11.6 Any repayment claim under section 33 of the VAT Act 1994 shall be made quarterly where the claim exceeds £100 and at least annually at the end of the financial year.

12. Payments under contracts for building or other construction works

12.1 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments, which shall be made within the time specified in the contract based on signed certificates from the architect or other consultant engaged to supervise the works.

12.2 Any variation of, addition to or omission from a contract must be authorised by the Clerk to the contractor in writing, with the council being informed where the final cost is likely to exceed the contract sum by 5% or more, or likely to exceed the budget available.

13. Assets, properties and estates

- 13.1 The Clerk shall make arrangements for the safe custody of all title deeds and Land Registry Certificates of properties held by the council.
- 13.2 The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date, with a record of all properties held by the council, their location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held, in accordance with Accounts and Audit Regulations.
- 13.3 The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.
- 13.4 No interest in land shall be purchased or otherwise acquired, sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a written report shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate where required by law).
- 14.5 No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, except where the estimated value of any one item does not exceed £100. In each case a written report shall be provided to council with a full business case.

14. Insurance

- 14.1 Following the annual risk assessment (per Regulation 2.2) the RFO shall keep a record of all insurances effected by the council and the property and risks covered, reviewing these annually before the renewal date in conjunction with the council's review of risk management.
- 14.2 The Clerk shall give prompt notification of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 14.3 The RFO shall be notified of any loss, liability, damage or event likely to lead to a claim, and shall report these to the council at the next available meeting. The RFO shall negotiate all claims on the council's insurers.
- 14.4 All appropriate councillors and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council.

15. Suspension and revision of Financial Regulations

- 15.1 The council shall review these Financial Regulations annually and following any change of Clerk or RFO. The Clerk shall monitor changes in legislation or proper practices and advise the council of any need to amend these Financial Regulations.

- 15.2 The council may, by resolution duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations, provided that reasons for the suspension are recorded and that an assessment of the risks arising has been presented to all councillors. Suspension does not disapply any legislation or permit the council to act unlawfully.
- 15.3 The council may temporarily amend these Financial Regulations by a duly notified resolution, to cope with periods of absence, local government reorganisation, national restrictions or other exceptional circumstances.

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Appendix 1: Tender process

1. Any invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
2. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post, unless an electronic tendering process has been agreed by the council.
3. Where a postal process is used, each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
4. Where an electronic tendering process is used, the council shall use a specific email address that will be monitored to ensure that nobody accesses any tender before the expiry of the deadline for submission.
5. Any invitation to tender issued under this Regulation shall be subject to Standing Order [insert reference of the council's relevant standing order] and shall refer to the terms of the Bribery Act 2010.
6. Where the council does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

Separation Distances and Amenity SPD



1. Purpose of document

- 1.1 The purpose of this document is to improve the overall spacing standards for new residential developments to ensure that existing and future residents have a good level of amenity and privacy to enjoy the place where they live.
- 1.2 This document is intended to ensure developers provide sufficient amenity and privacy for existing and future residents across East Staffordshire.
- 1.3 The provision of adequate space between dwellings is an important element in achieving a high standard of design and layout and provides:
- adequate daylight and sunlight to rooms and rear gardens;
 - reasonable privacy for dwellings within their proposed layout and to protect the privacy of existing dwellings;
 - a satisfactory level of outlook, within new development and in relation to existing development;
 - a reasonable area of private amenity space to allow such uses as drying washing, gardening and children's play, together with space for garden sheds, greenhouses and future adaptations to the dwelling;
- 1.4 This SPD is intended to ensure retention of amenity in all aspects of development, and ensure that by addressing one issue others are not compromised.
- 1.5 This SPD has been in place since 2019 however following a review it was considered that there are many circumstances where additional guidance is required to assess the impact of development on existing properties. As a result several changes are proposed with regards to the use of the '45 degree' code and also the introduction of the '25 degree code'. The changes are highlighted throughout the document.
- 1.6 This revised SPD is subject to a 6 week consultation from Friday 7th June Friday 19th July. All consultation responses will be considered and reported to Members. If accepted, the revised Separation Distance and Amenity SPD, together with any proposed changes, will be adopted for use in determining planning applications.

2. When is this SPD applicable

- 2.1 This document will be used to ensure adequate separation and amenity standards are provided with regard to all new dwellings and extensions, post adoption. The guide also applies where new dwellings or extensions are proposed adjacent or opposing existing older properties to ensure that existing resident's standards or separation and amenity are protected and retained.
- 2.2 The SPD does not apply to proposals which are permitted development, as such proposals are outside the control of the Local Planning Authority.
- 2.3 Guidance on what developments are considered permitted development ie do not require planning permission can be found on the Planning portal Website below,

https://www.planningportal.co.uk/info/200125/do_you_need_permission

3. Policy

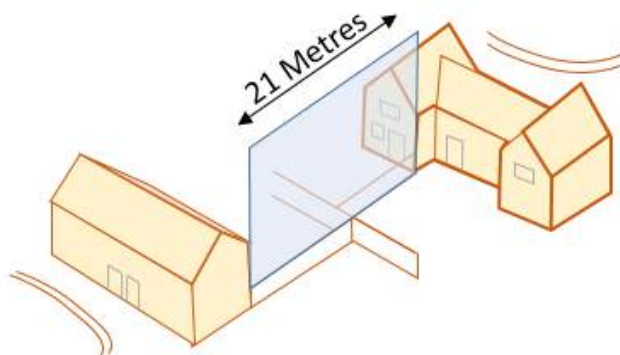
- 3.1 This SPD supports the application of Local Plan Policy SP24 “High Quality Design” and Policy DP3 “Design of New Residential Development, Extensions and Curtilage Buildings” and this document builds on the above policies and seeks to provide greater clarity to developers and residents as to what standards are required to be met in terms of proposals for new housing and extensions.
- 3.2 You are advised to discuss your proposal with the Council at an early stage. Formal pre-application discussions can help avoid problems and delays once an application is submitted. Further information, including the Pre-application Advice service and charges for this, is available on the Council’s website.

4. Spacing standards

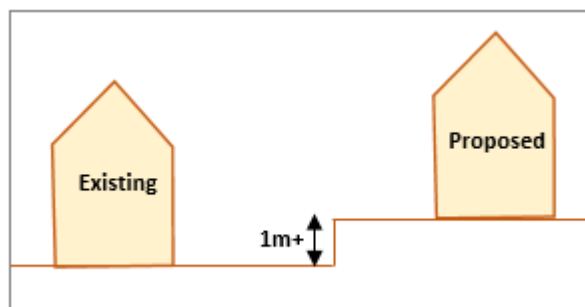
- 4.1 New housing developments should ensure a layout and design that provides high standards of privacy and outlook for both existing and proposed residents. Proposals should avoid the following in order to encourage high levels of amenity and privacy:
1. Siting new dwellings close to existing properties such that overlooking of existing windows and gardens occurs, significantly reducing existing levels of amenity.
 2. Significant overbearing impacts on existing properties and their private amenity space.
 3. The intensification of vehicular and pedestrian activity close to the boundary with existing residential properties or their gardens.
- 4.2 The external Spacing standards set out below will be expected and are intended to ensure that adequate separation distances, privacy and amenity are retained and provided as a result of new development.

External Separation Standards

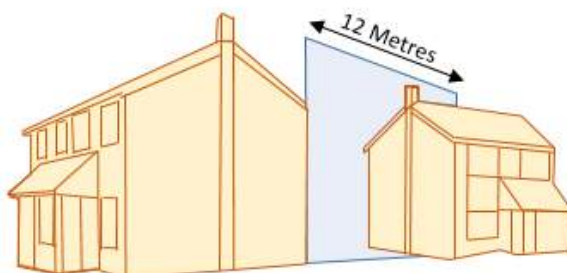
- 4.3 The minimum back to back distance between habitable rooms should be 21 metres where dwellings are of the same number of storeys. **This standard will also apply in circumstances where there are windows on the side elevation in back to side scenarios.**



- 4.4 Where dwellings differ in scale or finished floor level by a metre or greater the back to back distance should be increased in separation by 2 metres for each additional 1 metre of elevation.



- 4.5 Separation to front elevations where level and or scale differences are apparent should also be increased however this would be on a 1 metre per 1 metre of elevation basis, as it is considered that frontages are of a less private nature than rear facades, however this will protect outlook and prevent any significant overbearing impact.
- 4.6 Cross sections are therefore required to be provided to demonstrate levels, separation and this relationship. This includes where residential development is proposed adjacent to existing residents and land levels differ.
- 4.7 Proposed walls without habitable windows such as blank gable side elevations opposing habitable principle elevations should be a minimum of 12 metres apart where dwellings are of the same number of storeys.



- 4.8 Where differing in scale the separation distance should be increased by 2 metres for each additional storey.

NOTE – Where developments offer only minimum separation the Local Planning Authority will remove permitted development rights for extensions and alterations to ensure they retain control over future extensions which would necessitate the requirement for planning approval, in order to ensure that adequate separation and privacy is retained and further guidance is available in this document..

NOTE – It should be noted that the separation distances between habitable windows also applies to apartment blocks and that where apartment blocks are proposed adjacent to residential dwellings.

Overlooking and Over-shadowing in new development

- 4.9 Loss of light, overlooking and overshadowing to neighbouring occupiers are important considerations in designing new development, especially in respect of extensions to existing buildings. In designing a new development or extension to a building or a dwelling house, care needs to be taken to safeguard the daylight to adjacent residential properties

and protect them from overshadowing. The quality of daylight received by properties adjoining development sites can be severely restricted by buildings or extensions which are too close to the boundary or project too far into rear gardens.

4.10 Overshadowing is an issue created by the form and location of buildings. In most cases design details cannot alter the impact of the development on its neighbours. Overlooking is different in that design can help avoid potential problems such as the positioning of windows etc.

4.11 The East Staffordshire Local Plan contains policies which ensure that new development does not result in a material loss of light to principal windows of adjacent dwellings. In order to assess the impact of development on the existing light amenity enjoyed by neighbours, the Council will make use of the 45 Degree Check and the 25 Degree Check. The check aims to provide a reasonable balance between the wishes of those who would like to build and the light amenity enjoyed by the neighbouring occupiers. The Council will require the 45 Degree check to be shown on proposed plans as set out in local validation criteria.

When it is used

4.12 The 45 Degree Check will be taken from the nearest front or rear window at ground floor level which would be affected by the development. The window must be the main source of light to a 'habitable room'. Habitable rooms include Kitchens, living rooms, dining rooms and bedrooms. Non habitable rooms include bathrooms, halls and landings, utility rooms and garages.

How it is used

4.13 New development should not normally cross the line of a 45 degree angle drawn (in the horizontal plane) from the mid-point of the nearest ground floor habitable room window in the adjoining property to the new development. The mid-point of a window is usually measured both from a horizontal axis, taking the mid-point of the vertical axis as being 2m above ground floor level. For example, a window 3m wide would have its mid-point plotted at 2m on the vertical axis and 1.5m on the horizontal axis.

4.14 For large rooms, it may be considered that there is more than one principal window (e.g where a room extends from the back to the front of a house and there are windows on both the front and rear elevation). Appropriate allowances may be made if there is more than one source of light serving a neighbouring habitable room.

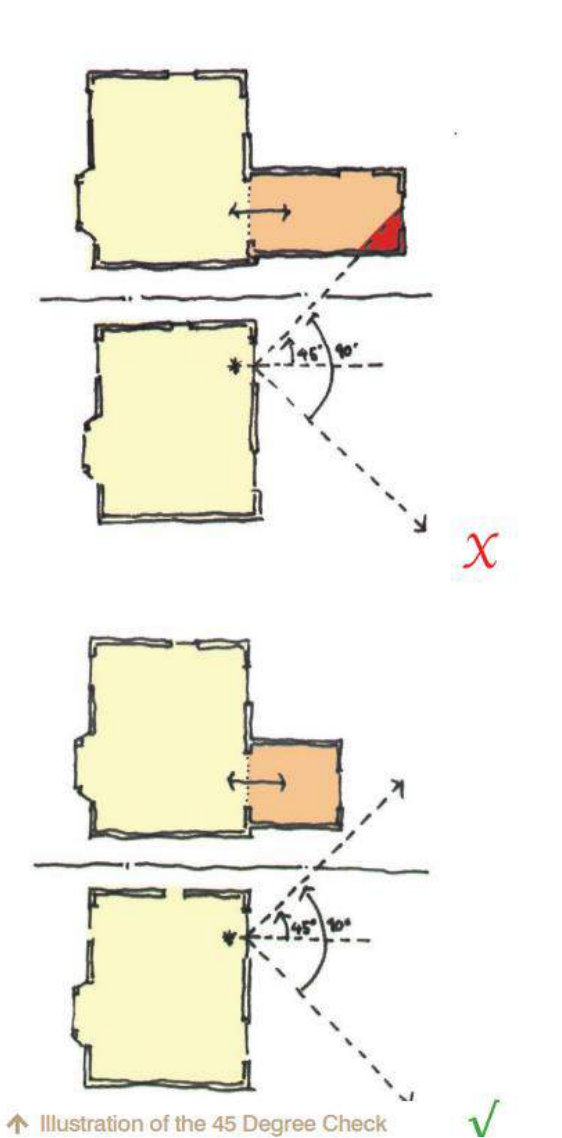
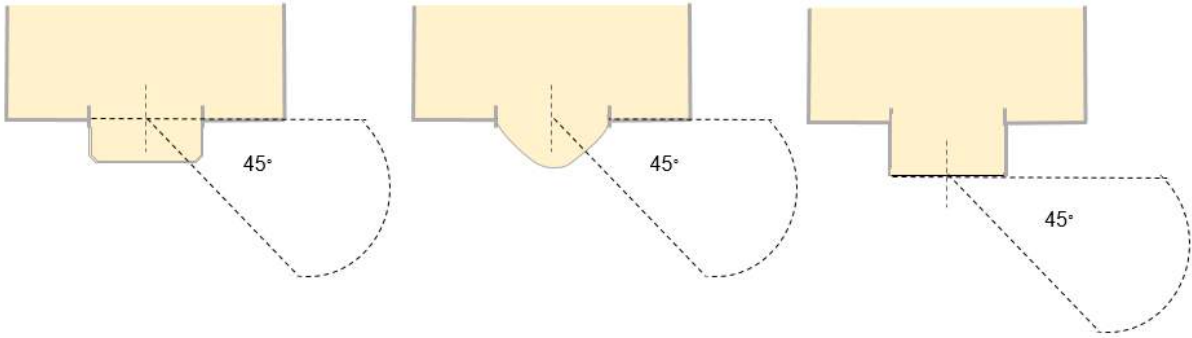
4.15 It will not normally be acceptable to design an extension with splayed corners, asymmetrical roof etc to avoid breaching the 45 Degree Line, as this leads to poor design.

4.16 If neighbours submit joint planning applications for extensions which are of the same size and to be built at the same time, the extensions may be allowed, even if separately they would have breached the 45 Degree Code. In these cases, neighbours must confirm in writing that the extensions would be built at the same time. The 45 Degree Check would be applied in the normal way to any other neighbouring dwellings which may be affected.

4.17 Bay/ Bow Windows- If the neighbouring property has a bow or bay window, the measurement is taken from the mid point at the back of the window where it joins the main wall of the house or flat. However, if the bay has solid brick sides which extend the full

height of the window opening, then the measurement is taken from the glazed part of the window itself as shown below.

4.18 If the neighbouring property has a conservatory, or an extension mainly made from glass, the 45 Degree line is taken from the original window opening in the wall of the house where the conservatory has been added.



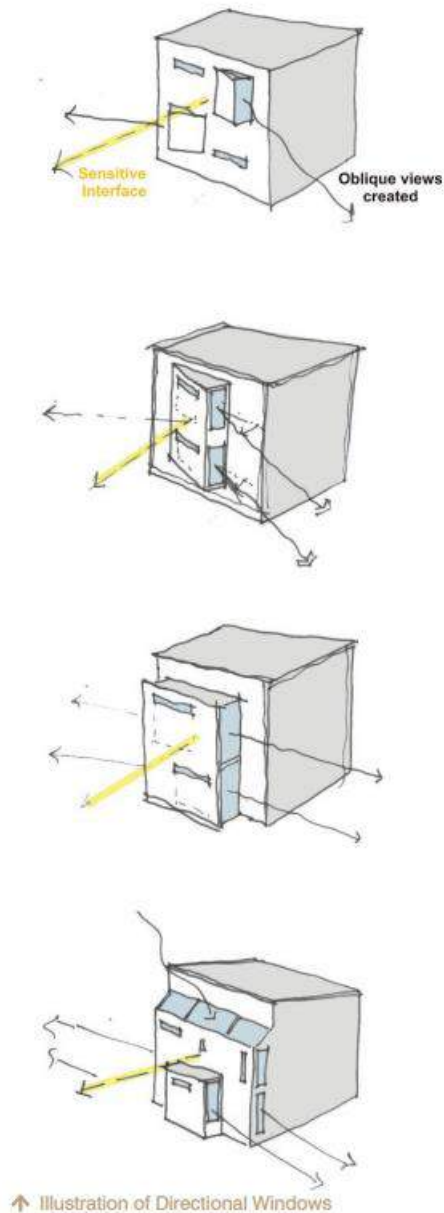
Site Considerations

4.19 The 45 Degree Check should be applied carefully, and is simple to apply in most cases. However, each application is assessed on its own merits and the following circumstances may be taken into consideration:

- If the ground levels are different between properties. This may either improve or worsen the effect of a new development and appropriate allowances must be made.
- The distance between the new development/ building and the neighbouring property should also be given consideration. The greater the distance the less the effect there may be on the neighbours light and outlook.
- If there is a solid intervening feature, such as a boundary wall, permanent outbuilding or some other kind of solid screen between the properties, this should be given consideration. If the new development/ building is not significantly larger than the wall then it may be acceptable.
- A daylight assessment using the 25 degree calculation which demonstrates that sufficient light will remain available to neighbouring occupiers may be given consideration in the determination of a planning application.

4.20 Innovative and careful design can help to overcome potential problems and the Council promotes a design led approach to this issue. The following techniques will help to avoid potential problems of overlooking

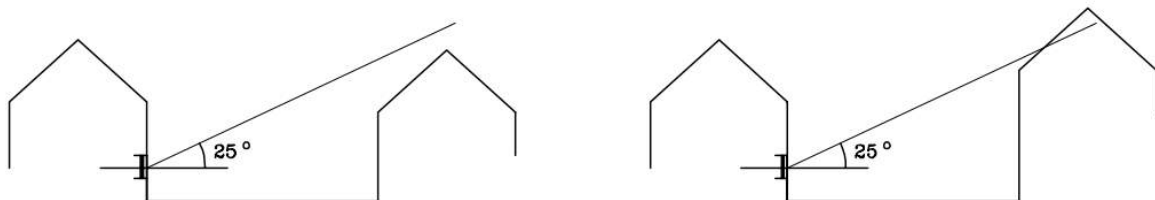
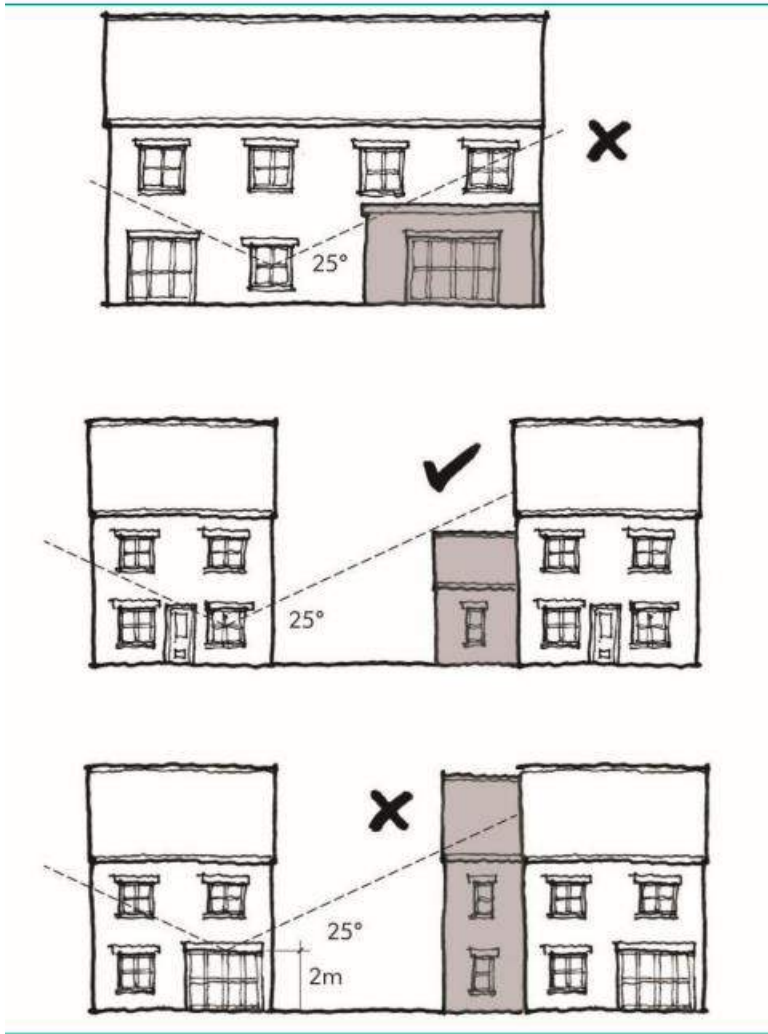
- Assess and record all existing windows and private amenity spaces associated with neighbouring buildings and properties and the implications of these for the new development.
- Ensure the form of the new building responds to the challenge of the site and the adjacent buildings to create appropriate separation between new and existing, considering the 45 degree check;
- Use directional windows where the orientation of windows is controlled within the wall of the building to avoid direct overlooking and sensitive interfaces. Directional windows can create architectural features both internally and externally;
- Use high and low windows within a room where 'strips' of glazing towards the top and bottom of the room space replace standard (mid) height windows on sensitive interfaces. The aim is to avoid windows at or close to 'eye level' either when standing or sitting within the space;
- Use roof windows to light a room from above and avoid the need for windows within walls. This is generally more suitable for smaller rooms in residential developments, such as bathrooms, but can work effectively alongside other high- level windows in larger nonresidential spaces, such as galleries, leisure, education and commercial developments; and
- Use opaque glazing where necessary to limit views out of (and into) rooms. This approach should not be used for large and prominent windows, or as a cheaper alternative to architectural design solutions.



4.21 If the proposal does not allow for the 45 degree assessment to be made, or if after carrying out the 45 degree test, it is found that a development crosses the 45 degree line, it does not automatically mean that it is unacceptable. In these cases, a second test is to be used to check whether the development would be so close and high in relation to neighbours' windows that it would cause unacceptable loss of light.

4.22 This time the line from the mid-point of the habitable room window is drawn in the vertical plane. If the top of the new development would cross the line of a 25 degree angle above horizontal, the development will normally cause excessive loss of light and be unacceptable subject to other considerations as outlined below:

- The availability of alternative sources of natural light to the affected room(s). e.g are there other windows serving the room;
- The size and function of the room, e.g are they habitable rooms
- other buildings or features in the area which may, for example, already cause loss of light and overshadowing;
- the orientation of the building; and
- the design and character of the property and nearby properties.



4.23 To assist in some circumstances applicants may be required to provide a daylight assessment.

Amenity Standards

4.24 Private garden spaces are an essential component of high quality design, and a key to the creation of a sustainable residential environment, in terms of contributing to liveability, recreation and health, to urban greening, and the preservation or enhancement of local biodiversity. Garden spaces should be sufficient to accommodate most household activities and at the same time be adequate to offer visual delight, receive some sunshine, and encourage plant growth.

4.25 Private rear gardens of proposed dwellings should be a minimum of 50 sq. metres in area for two bedroom properties, with at least an additional 10 sq. metres for each additional bedroom.

Size of property	Minimum Garden Size (Sq. m)
1 or 2 bedroom house	50
3 bedroom house	60
4 bedroom	70
5 bedroom +	80
Apartments/flats	10 per unit

4.26 New apartments/ flats should achieve communal amenity areas with 10 square metres per unit, this excludes apartment developments resulting from conversions as generally they do not have sufficient space to facilitate this.

4.27 All shared amenity and play space must have an identified body to manage and maintain the space in accordance with an agreed management plan.

4.28 Where rear gardens have publicly accessible routes to side and/ or rear boundaries in the form of pedestrian routes, highways etc. the level of privacy afforded to the garden space is reduced due to activity in close proximity and potential overlooking. Developers should be mindful to design residential layouts with private amenity spaces which offer a high level of privacy for end users.

4.29 Rear gardens should be a minimum of 10 metres in length. A reduced distance maybe acceptable for layouts where dwellings are able to meet the garden size requirement with a reduced length and retain a strong level of privacy for instance where there is no opposing property or garden or where bungalows are proposed which are land hungry and dictate a wider plot or in rural areas where the character of surrounding properties provides a particular circumstance. It is for the applicant to justify the approach to the local planning authority.

4.30 A garden length of 10 metres with a dwelling width of 5 metres will meet the 50 sq. metre requirement.

4.31 Appropriate sized gardens are essential in offering appropriate living conditions, and also to factor in future adaptability of properties to suit the properties users. Gardens of inadequate size fail to facilitate the potential for introduction of outbuildings or allow the properties to be extended in line with permitted development rights.

4.32 It should be noted that developments which result in gardens built up to a higher level relative to other residents or their gardens will not be supported as this would result in an

unacceptable impact on amenity and privacy. Developers should ensure that layout and/ or engineering solutions are provided to negate significant level differences between gardens.

NOTE – private gardens are considered for the most part to be rear gardens. Areas rear of the front elevation will only be considered as private where a front garden is also proposed which sets the properties frontage back from the public highway and offers a greater degree of privacy to the side.

Frontage landscaping/gardens

- 4.33 Frontage landscaping provide a buffer to the front of the frontage of properties and breaks up the space from the highway and offers a more visually appealing and softer landscape. Front gardens offer some degree of landscaped boundary to the frontage is a welcome feature, and where this is undertaken to a high standard improves the overall layout of developments significantly. Developments incorporating frontage gardens or grassed areas will be viewed more positively.

Outlook and Amenity

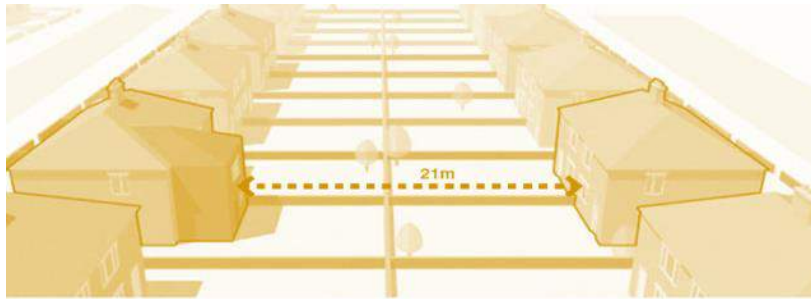
- 4.34 Proposals that put forward unusual design solutions such as obscure glazing and high level windows to principle elevations or habitable windows to one elevation only with limited or no outlook are unlikely to be acceptable and highlight that a layout should be altered to offer a more comprehensive solution to the sites constraints. The aforementioned methods may only be incorporated to non-habitable or secondary windows.

Design of residential parking and garaging

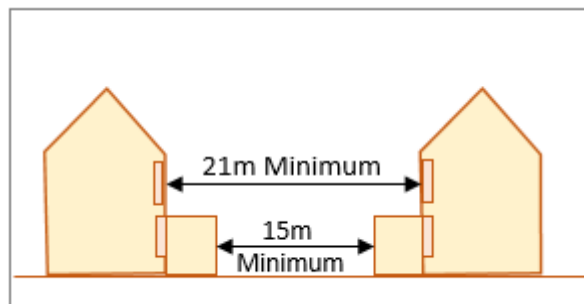
- 4.35 Details of parking requirements are covered within the Parking SPD.
- 4.36 Driveways should be a minimum of 3.2 metres wide to allow doors to be opened and closed. Where developments incorporate a specific parking area bays should be a minimum of 2.4 metres wide, car doors can still be opened as cars do not fill the whole bay which allows additional space either side, which isn't the case for domestic driveways.
- 4.37 Developments should seek to avoid a proliferation of frontage parking, and should seek to avoid this by breaking up street frontages with drives to the sides and landscaped front gardens.
- 4.38 Garages should be a minimum of 6 metre by 3 metres internally to be considered as a single parking space.

5. Extensions and Future adaptations

- 5.1 Where a minimum separation distance exists the ability of future occupiers to adapt and extend properties will as a result be restricted as for instance a two storey extension would then break the above identified separation distance. However single storey extensions may well be feasible where adequate private garden space is retained.
- 5.2 These separation distances apply to adaptations of existing dwellings, where 2 storey extensions are proposed as per the below, first floor elevations will be expected to meet the 21 metre rule.



5.3 A separation distance of 21 metres will be expected at first floor level however where sufficient garden space remains a single storey extension of 3 metres to each opposing property is feasible which would retain 15 metres (indicated by the arrow) between ground floors as extended, i.e. 7.5 metres of garden length to the rear of each property.



5.4 Principal habitable windows are defined as windows serving living rooms, play rooms, dining rooms, kitchens and bedrooms. A primary window is the main or only window to which light illuminates the identified room. Less weight is given to secondary windows due to the existence of the primary source of light. Landing windows are not considered to be principal windows.

6. Internal Spacing Standards

6.1 Internal spacing is also essential in ensuring that new dwellings provide room sizes which meet their function and are useable in a manner that is fit for their intended use.

6.2 The minimum standards for internal spaces set out in the table below have been derived from a comparative analysis of a range of sources including detailed research and minimum space standards adopted by a number of local authorities and Technical Housing Standards – nationally described space standard March 2015.

6.3 The aim of prescribing a minimum standard is to ensure adequate amenity for end users of the rooms. To further ensure this is achievable rooms should avoid unusual shapes to achieve a minimum area which would render them dysfunctional in layout, as such the below standards should also be met.

Technical requirements

- a) A dwelling with two or more bedrooms has at least one double or twin bedroom
- b) A single bedroom should be at least 2.2 metres wide.
- c) Double or twin bedrooms should be a minimum of 3 metres in length and 2.6 metres wide. With single bedrooms 2 metres in width as a minimum.
- d) Ceiling heights should be a minimum of 2.3 metres
- e) Living rooms should have a width or length of at least 3.2 metre

Table outlining internal spacing standards:-

Dwelling Size	Studio 1 person	1 bed 1 person	1 bed 2 person	2 bed 3 person	3 bed 4 person	4 bed 5 person or more
Double bedroom		12	12	12	12	12
Single Bedroom			7.5	7.5	7.5	7.5
Living Room		13	13	13	15	15
Living/ Dining		16	16	17	18	19
Kitchen		13	9	11	13	13

Open Plan combined Kitchen/ Dining/ Living		24	24	27	30	33
Bathroom/ Wc combined	3.5	3.5	3.5	3.5	3.5	3.5
Storage	1.5	2.5	3.5	3.75	4.5	5.5
Overall Floor Area	33 sq m	46 sq m	47 sq m	62 sq m	77 sq m	93 sq m

Other Considerations: Right to Light Legislation

- 6.4 The right to light is a legal right which one property may acquire over the land of another. If a structure is erected which reduces the light to an unobstructed property to below sufficient levels, this right is infringed. A right to light can come into existence if it has been enjoyed uninterrupted for 20 years or more, granted by deed, or registered under the Rights of Light Act 1959.
- 6.5 Planning permission does not override a legal right to light. There also may be instances where development built under permitted development rights compromises light levels to an existing window.
- 6.6 In both instances, where a right to light is claimed, this is a matter of property law, rather than planning law. It will therefore be for the parties affected to seek a legal remedy separate from the planning application process. The Council will have no role or interest in any private dispute arising and it will be for the owner or occupier affected to seek a legal remedy. Impact on right to light will not therefore justify a reason to refuse planning permission