

# OUSBY PARISH COUNCIL

**Clerk: John Fleming**

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**Chairman: Cllr Chris Jones**

The Tower House  
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Tel: (01768) 881839

Minutes of the Meeting Held on Wednesday 9<sup>th</sup> January 2019  
in Melmerby Village Hall commencing at 7.30pm.

**Unapproved.**

## Apologies

County Councillor Cllr Claire Driver and District Councillor Rob Orchard

## Present

Cllrs C. Jones (Chairman), A Ivinson (Vice Chairman), D Bardsley, S Castle–Clarke, T Dixon, G Fletcher, D Kidd and N Longworth, and Locum Clerk John Fleming  
8 members of the public.

## 1/1/19 Minutes

The Chairman was authorised, unanimously, to sign the minutes of the Council Meeting held on the 28<sup>th</sup> November 2018, as a true record.

Proposed by Cllr D Bardsley

Seconded by Cllr S Castle - Clarke

## 2/1/19 Declarations of Interest

Cllr D Bardsley in respect of planning application 18/0949.

## 3/1/19 Planning Matters

### 18/0849 – Nightingale Hall, Ravenstone Manor, Melmerby

Variation of condition 2 (plans compliance) to include style and appearance of design attached to approval 14/0910.

Supported

### 18/849 (Nightingale Hall) / 848(Huntsman's Lodge)

Supported

### 18/0949 – Alocin Cottage, Melmerby – Proposed extension.

Following discussion, including an input from the applicant unanimously

Supported

Proposed by Cllr G Fletcher, seconded by Cllr A Ivinson

### 18/1004 - Field North of Helm Bar, Melmerby - Discharge of conditions

4 (surface water drainage) and 7 (materials) attached to reserved matters approval 18/0665. (For information)

No comment

### 18/1000 - Field North of Helm Bar, Melmerby - Discharge of conditions 5

(archaeology) and 6 (surface water drainage) attached to outline approval 17/0509. (For information)

No comment

## 4/1/19 Public Participation

The following points were made by Parishioners: -

With reference to the Community Governance Review and the location of the boundary line between the new Ousby and the new Melmerby Parish Councils, serious concern was raised by Parishioners on the following points: -

1. The implications in respect of the Rural Payments Agency's CPH numbers, should a farm holding move out of Ousby into Melmerby Parish.
2. It was important for the new boundary to be based, strictly, on historical records and in particular that Ousby Common be located within the new Ousby Parish.

The Chairman noted the concerns raised and assured parishioners that the points expressed would be raised, in the boundary negotiations, with Eden District Council.

## 5/1/19 County and District Councillors Reports

There were none

## 6/1/19 Finance (Incl Vat where applicable)

### 6.1/1/19 The Following Balances Were Noted as at 31/12//2018

	£
Barclays Community Account	665.33
Barclays Business Premium ME Account	16429.52
Vat Refund Due	135.00

### 6.2/1/19 The Following Accounts Were Ratified

John Fleming – Clerks Fee December 2018	218.40
Memo (Cheque101133 presented)	50.00
Bank Interest	10.36

### 6.3/1/19 The Following Payments Were Agreed

Clerks Expenses December	31.42
Melmerby Village Hall Room Hire 9 <sup>th</sup> January 2019	22.50

### 6.4/1/19 The Following Bank Transfer was Reported

Business Premium to Community Account.	500.00
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### 6.5/1/19 An Interim Set of Accounts were Presented

This was unanimously accepted and signed.

Proposed by Cllr N Longworth

Seconded by Cllr D Bardsley

## 7/1/19 Community Governance Review

### 7.1/1/19 Community Governance Review - Arrangements for Recruitment of a Clerk for Ousby Parish Council

To approve advertising and recruitment arrangements for the appointment of a Clerk to undertake the combined role of Proper Officer and Responsible Financial Officer for Ousby Parish Council with effect from May 2019 as laid out in **Appendix 1**.

#### Action :-

During discussion, it was agreed that as much of the arrangements as possible, in respect of setting up the new Council on the 14<sup>th</sup> May, should be done in advance.

It was unanimously agreed to advertise for a new Clerk and Responsible Financial Officer for the new Ousby Parish Council in the Memo and the Parish Council website; both these initiatives being at no cost.

Proposed by Cllr S Castle – Clarke, Seconded by Cllr A Ivinson.

### 7.2/1/19 Community Governance Review – Confirmation of the Arrangements for the Appointment of a Clerk and Responsible Financial Officer for Melmerby Parish Council with effect from May 2019.

The current Locum Clerk and Responsible Financial Officer confirmed that he would stay in post to cover the May meeting for the new Melmerby Parish Council and was mindful to continue after that. A final decision being made at that May meeting as to whether this arrangement was to be confirmed and formalized.

### 7.3/1/19 Community Governance Review - New Banking Arrangements for Ousby Parish Council

To approve new banking arrangements, to be accessible for the use of the new Ousby Parish Council, from April 2019 as laid out in **Appendix 2**

**Action:** - It was unanimously agreed to set up a new bank account for the new Ousby Parish Council, with four signatories and two to sign.

Proposed by Cllr S Castle – Clarke, Seconded by Cllr A Ivinson.

**7.4/1/19 Community Governance Review - New banking Arrangements for Melmerby Parish Council**

To approve new banking arrangements to be accessible for the use of Melmerby Parish Council from April 2019

**Action:** - The Melmerby Ward Councillors agreed to set up a new bank account for the new Melmerby Parish Council as from April 2019.

**7.5/1/19 Community Governance Review - Management and Retention of Ousby Parish Council Documents and Records**

To note the correct procedures for the management and retention of Ousby Parish Council documents and records in preparation for implementation of the Community Governance review in 2019 as laid out in **Appendix 3**

**Action:** - Following discussion it was unanimously agreed that a copy be taken of all data, including the E mail file, located on the existing Ousby Parish Council laptop, and that this, along with all paper documentation on file, be lodged with the archives in Carlisle.

**7.6/1/19 Community Governance Review - Confirmation of Parish Boundary between the New Ousby and New Melmerby Parish Councils**

During discussions, which included inputs from parishioners' present, it was acknowledged that there were concerns regarding the new boundary which had been proposed by EDC.

It being strongly felt that this new boundary should be based on historical records and, that in particular, Ousby Common be located within the new Ousby Parish. Concerns were also raised regarding the implications of any boundary change on the Rural Payments Agency's CPH numbers, should a farm holding move out of Ousby Parish into the new Melmerby Parish; clarification on this matter to be sought from the Rural Payments Agency.

**Action:** - It was agreed that Cllr S Castle – Clarke would undertake further research with the archives in Carlisle, to establish the exact historical division of the boundary between Ousby and Melmerby.

Cllrs S Castle – Clarke, A Ivinson and Chairman Cllr C Jones would meet with Paul Foote (EDC) to further discuss the issue, taking into account the above points, with a view to seeking a satisfactory resolution.

**7.7/1/19 Community Governance Review – Arrangements Regarding the Archiving of any paper documentation following the cessation of the old Ousby Parish Council**  
See 7.5/1/19 above.

**7.8/1/19 Community Governance Review – To confirm Laptop Computer and Projector arrangements in respect of the two new Councils, as from April 2019.**

It was unanimously confirmed that the new Ousby Parish Council would inherit the existing laptop computer and projector with the new Melmerby Parish Council purchasing a replacement laptop; grant availability to be explored with the EDC Community Fund and the NALC Transparency Fund, in order to assist with the purchase. EDC to be approached to request the provision of a projector to facilitate the viewing of planning applications by Melmerby Parish Council after May 2019.

In addition, following a data copy being taken (see 7.5/1/19), EDC computer technicians be asked to wipe clean the existing laptop before passing over to the new Ousby Parish Council.

All the above, proposed by Cllr N Longwood and Seconded by Cllr D Bardsley and unanimously agreed.

**7.9/1/19 Community Governance Review** – To set up new E Mail addresses and Web sites for the New Ousby and Melmerby Parish Councils

### **Websites**

It was unanimously decided that the two new Councils would make their own decisions over the creation of their respective website, once operational, following the May elections.

Proposed by Cllr D Bardsley and Seconded by Cllr S Castle – Clarke.

It was reported and noted, for information, that the existing website provider had quoted £550 per site to create new websites, with a £50 per year fee to retain the existing website for viewing purposes only.

Advice to be sought as to whether it was necessary for the **existing website** to be retained, as all information on it would be easily accessible from the Carlisle Archives

### **E Mail Addresses.**

It was confirmed that the existing E Mail address, [ousbyparish@hotmail.co.uk](mailto:ousbyparish@hotmail.co.uk) be closed on the 31<sup>st</sup> March 2019 and erased from the server. To ensure communication continuity, new E Mail addresses would be created for each of the new Councils, to be operational from the 1<sup>st</sup> April 2019.

## **8/1/19 Data Protection Issues**

**8.1/1/19 Course Wednesday 12<sup>th</sup> December** – It was confirmed that this was attended by Cllrs C Jones and D Bardsley along with the Clerk.

**8.2/1/19 GDPR Procedures** – It was reported that CALC had produced a series of updated GDPR documents, specifically tailored to the need of Parish Councils; these being available for adoption by the new Councils in the future, should they so wish.

## **9/1/19 Highways and Land Matters**

**9.1/1/19 Ousby Parish Blocked Drains** – In hand with Highways

**9.2/1/199 Road White Lining – Melmerby** – This was still hand with Highways and it was asked that a site visit be arranged in order to progress the matter.

**9.3/1/19 Blocked Gullies – Melmerby** – In hand with Highways

**9.4/1/19 Survey of Trees on Parish Land** – Reported that this was in hand in Ousby.

**9.5/1/19 Spring Cottage – Pothole** on the north side of Melmerby Village  
Reported that work had been completed.

**9.5/1/19 Bridge Terrace, Melmerby** – The surface was breaking up to the Ousby/south side of the bridge over the beck. Reported that the problem had been partially repaired but not to a satisfactory level. To report the position to Highways.

**9.5/1/19 Fox Inn Car Park** – A gully was still overflowing at this location. Reported, though, that drains at the Shire had been attended to.

**9.6/1/19 Shire Hall to Shire Farm Area** – Road drainage problems were reported. Agreed to request a site visit from Highways to investigate the problem.

## **10/1/19 Correspondence**

The following was noted: -

**10.1/1/19 Royal Garden Party** at Buckingham Palace on 21 May 2019 –  
Action: - Agreed to nominate Cllr T Dixon

**10.2/1/19 Suicide is Everyone's Business** – Suicide Safer Eden –  
30<sup>th</sup> January 2019 7pm Bough Memorial Hall

**10.2/1/19 Suicide Alertness** – Living Matters training sessions at Cumbria Fire HQ, Penrith  
Monday 21 January 2019 9:30 to 12:30 or Thursday 24 January 2019 9:30 to 12:30pm

**10.3/1/19 VCSE Health and Wellbeing Fund 2019-20:**

Children and Young People's Mental Health

Information pack for voluntary, community and social enterprise (VCSE) sector organisations. (28 pages)

**10.4/1/19 Highways England – A66 Eden Valley** – The public are invited to complete the following survey in connection with the recent highway's improvements made to the A66. [www.surveymonkey.co.uk/r/a66edenvalley](http://www.surveymonkey.co.uk/r/a66edenvalley),

**10.5/1/19 CALC Developing Your Skills Programme.** January to July 2019, previously circulated, was tabled

**10.6/1/19 Mental Health Awareness Training (Level 1)**

Wednesday 16 January 2019 9.30am – 1pm Penrith Rugby Union Football Club

**10.7/1/19 Comex2000** - Fibre Optics Installation ( For information totally dedicated to and financed by 'Facebook' ) –Reported that this installation would pass through Melmerby in the near future. Comex 2000 would be sending a letter to residents

**10.8/1/19 Crime Commissioner – Taxation Survey.** Noted that a survey had been initiated in order to gauge public opinion on the proposal to increase the Council Tax to cover increased policing.

**11/1/19 Councilor Matters**

There were none.

**12/1/19 Date of Future meeting**

Wednesday 6th March at 7.30pm 2019 in Ousby Community Centre.

Meeting closed at 9.20pm.

Signed \_\_\_\_\_

Date \_\_\_\_\_

## Appendix 1

### Agenda Item No. 7.1/1/19

#### OUSBY PARISH COUNCIL: MEETING 9 JANUARY 2019

#### Community governance review – arrangements for recruitment of a clerk for Ousby parish council

##### 1. Purpose of the report

1.1 This report requests that councillors approve advertising and recruitment arrangements for the appointment of a clerk to undertake the combined role of Proper Officer and Responsible Financial Officer for Ousby parish council with effect from May 2019.

##### 2. Recommendations

2.1 Councillors approve the proposals for advertising the post of clerk to Ousby parish council at zero cost in February 2019 and implementation of accepted recruitment and selection procedures so that the post can be filled with effect from May 2019.

##### 3. Background

3.1 Eden District Council's community governance review approved the establishment of a new Ousby parish council with effect from the May 2019 elections.

3.2 To ensure the new parish council can function immediately after the elections in May 2019, it is important to have a clerk in place to undertake the combined role of Proper Officer and Responsible Financial Officer for Ousby parish council.

3.3 The current locum parish clerk was recruited on a temporary basis in accordance with the terms agreed in March 2018 (minute C120/03/18) to provide administrative support to Ousby parish council until the establishment of a new parish council in 2019. It is therefore not anticipated that TUPE legislation will apply at the end of the existing parish council administration period and there will be a vacancy.

3.4 Accepted local authority recruitment procedures embrace several necessary elements before an appointment offer can be made, including review of the job description and person specification, advertisement of the vacancy, provision of an application pack to prospective candidates, assessment of applications and interview by a selection committee. The whole process can often take up to three months to complete.

3.5 In May 2019, the five new Ousby parish councillors will need to be able to accept their election to office and immediately start to fulfil their responsibilities. With only three months remaining in this financial year and two scheduled parish council meetings, it is important to ensure there will be appropriate administrative support in place to allow them to do this.

3.6 Ousby ward councillors therefore request approval to advertise the role of clerk to Ousby parish council on village notice boards, on the parish council website, on the CALC website and in the Memo from 1 February 2019 using the following text:

**OUSBY PARISH COUNCIL – A clerk will be required for the parish council with effect from May 2019. Would any person interested in this important position please contact Andrew Ivinson (Vice-chairperson), Sandwick Farm, Ousby CA10 1QB tel: 01768 881343 or email: [andrew@sandwickshorthorns.co.uk](mailto:andrew@sandwickshorthorns.co.uk) before Thursday 14 February 2019 for further information.**

3.7 While Ousby ward councillors will place a copy of the advert on the village notice boards and contact CALC for the advert to be placed on their website, the clerk is requested to forward the advert to the Memo in time for the February 2019 copy deadline and also place the advert on the parish council website.

3.8 In the meantime, Ousby ward councillors will review the NALC model job description, person specification and application form, inserting the name of Ousby parish council and the Vice-chairperson's contact details, as appropriate. These documents will together comprise the application pack that will be provided in response to expressions of interest.

3.9 The application deadline will be Thursday 28 February 2019, allowing interested persons two weeks to submit their completed application forms. A further two weeks will be allocated for candidate selection and interviews prior to a provisional offer of appointment by Ousby ward councillors.

##### 4. Finance

4.1 There will be no cost incurred for advertising the clerk vacancy on village notice boards, on the parish council website and on the CALC website.

4.2 There will be no cost incurred for placing the advertisement in the Memo because the annual subscription for 2018/19 includes space in each monthly issue.

## 5. Options

5.1 Councillors may choose to approve the proposal to advertise the post of clerk for Ousby parish council in February 2019, to prepare an application pack and follow accepted recruitment and selection procedures so that a provisional offer of employment can be made for a job commencement in May 2019.

5.2 Councillors may choose not to approve the proposal to advertise the post of clerk to Ousby parish council and follow accepted recruitment and selection procedures. However if councillors choose this option, they need to be aware that this will result in recruitment delays. With no clerk in post, the newly elected parish councillors would be unable to function at a time when effective and professional administrative support is crucial for acceptance of office and the establishment of the new parish council.

## 6. Conclusion

6.1 The new community governance arrangements authorised by Eden District Council for the residents of Ousby and Melmerby will be implemented after the parish elections in early May 2019. This means there are three months remaining within this financial year to prepare for the administrative changes and two scheduled parish council meetings.

6.2 It is incumbent on current members of Ousby parish council to agree timely, appropriate and sensible arrangements that will facilitate a smooth transition to the two new parish councils and ensure both new parish councils are functioning immediately after the May 2019 elections. Approval of these recruitment proposals, including advertisements during early February 2019 for the role of clerk to Ousby parish council will contribute to this aim.

Councillors of Ousby ward: Sue Castle-Clarke, Thomas Dixon, Andrew Ivinson and David Kidd  
19 December 2018

## **Appendix 2**

### **Agenda Item No. 7.3/1/19**

#### **OUSBY PARISH COUNCIL: MEETING 9 JANUARY 2019**

#### **Community governance review – new banking arrangements for Ousby parish council**

##### 1. Purpose of the report

1.1 This report requests that councillors approve new banking arrangements to be accessible for the use of Ousby parish council from April 2019.

##### 2. Recommendations

2.1 Councillors approve the proposal to open a new current account and a new business account at Barclays Bank in Penrith to be accessible for the use of Ousby parish council from 1 April 2019, with any two of the current four ward councillors as signatories.

##### 3. Background

3.1 Eden District Council's community governance review approved the establishment of a new Ousby parish council with effect from the May 2019 elections.

3.2 To ensure the new parish council can function immediately after the elections in May 2019, it is important to have banking arrangements in place for receipt of the 2019/20 precept funding from Eden District Council and also for receipt of an agreed share of the existing parish council's reserves.

3.3 Previous experience has illustrated that banking procedures are not always straightforward to implement and the process of opening new accounts can take 6-8 weeks to complete. With only three months remaining in this financial year and two scheduled parish council meetings, it is important to initiate the process for opening new bank accounts for Ousby parish council as soon as possible.

3.4 To open a new parish council bank account, proof of authorisation is required in the form of approved minutes, including confirmation of named signatories.

3.5 Ousby ward councillors therefore request approval to be granted at this January 2019 meeting for the clerk to open one new current account and one new business account at Barclays Bank in Penrith in the name of Ousby parish council and for the signatories to be any two of the four current ward councillors so that the recorded resolution can be approved in March 2019.

##### 4. Finance

4.1 There will be no cost incurred for approving the proposal for the clerk to open one new current account and one new business account at Barclays Bank in Penrith in the name of Ousby parish council and for the signatories to be any two of the four current ward councillors.

4.2 There could be unnecessary additional costs incurred if new banking arrangements are not in place that allow Ousby parish council to function effectively after the May 2019 elections.

##### 5. Options

5.1 Councillors may choose to approve the proposal to open a new current account and a new business account at Barclays Bank in Penrith to be accessible for the use of Ousby parish council from 1 April 2019 and for the signatories to be any two of the four current ward councillors.

5.2 Councillors may choose not to approve the proposal to open a new current account and a new business account at Barclays Bank in Penrith for the use of Ousby parish council from 1 April 2019. However if councillors choose this option, they need to be aware that this will block the new council from functioning effectively and could result in unnecessary additional costs for delayed payments to creditors.

##### 6. Conclusion

6.1 The new community governance arrangements authorised by Eden District Council for the residents of Ousby and Melmerby will be implemented after the parish elections in early May 2019. This means there are three months remaining within this financial year to prepare for the administrative changes and two scheduled parish council meetings.

6.2 It is incumbent on current members of Ousby parish council to agree timely, appropriate and sensible arrangements that will facilitate a smooth transition to the two new parish councils and ensure both new parish councils are functioning immediately after the May 2019 elections. Approval of this proposal for the opening of new accounts at Barclays Bank in Penrith for the use of Ousby parish council from 1 April 2019 with any two of the four current ward councillors as signatories will contribute to this aim.

Councillors of Ousby ward: Sue Castle-Clarke, Thomas Dixon, Andrew Ivinson and David Kidd

19 December 2018



## **Appendix 3**

### **Agenda Item No. 7.5/1/19**

#### **OUSBY PARISH COUNCIL: MEETING 9 JANUARY 2019**

#### **Community governance review – management and retention of Ousby parish council documents and records**

##### 1. Purpose of the report

1.1 This report makes councillors aware of the correct procedures for management and retention of Ousby parish council records in preparation for implementation of the community governance review in 2019.

##### 2. Recommendations

2.1 Councillors note details of the requirements for compliance with the Freedom of Information Act 2000 publication scheme, accepted financial governance procedures and HMRC tax legislation.

2.2 Councillors support the clerk in ensuring the requirements are fully met as part of the preparations for implementation of the community governance review in 2019.

##### 3. Background

3.1 There are specified minimum retention periods for certain records and documents that enable local authorities, including parish councils, to comply with the Freedom of Information Act 2000 publication scheme, financial governance procedures and HMRC tax legislation – please refer to the list at appendix 1.

3.2 It is important that parish councils comply with these record and document requirements to mitigate against the risks involved, should any legal or commercial claims be made at a future date. If records and documents are lost or destroyed, it would prove unnecessarily difficult or impossible to defend against such claims.

3.3 Some of the listed documents were previously only produced in hard copy format. These hard copies were reviewed and transferred at regular intervals to CCC archive services for safe keeping.

3.4 Since May 2016, the majority of parish council documents and records have been produced, scanned and stored in electronic format on the parish council's Lenovo B51 laptop (asset register item 70), with regular back-up copies made by the various parish clerks in case of IT technical difficulties.

3.5 It is important that the documents and records of Ousby parish council held electronically since May 2016 are retained for future reference and the benefit of both Ousby and Melmerby parish councils after May 2019.

##### 4. Finance

4.1 There is no cost involved with CCC archive services continuing to store hard copies of Ousby parish council documents and records that have already been transferred to them for safe keeping.

4.2 There is no cost involved with retaining the listed documents and records produced, scanned and stored electronically on Ousby parish council's Lenovo B51 laptop since May 2016.

##### 5. Options

5.1 Councillors may choose to support the clerk in ensuring the document and record retention requirements are fully met as part of the preparations for implementation of the community governance review in 2019.

5.2 Councillors may choose to ignore the specific requirements for management and retention of Ousby parish council documents and records. However if councillors choose this option, they need to be aware that there could be difficulties with closure of the 2018/19 year-end accounts and the final audit for Ousby parish council. There could also be unnecessary difficulties defending against any legal or commercial claims at a future date.

##### 6. Conclusion

6.1 The new community governance arrangements authorised by Eden District Council for the residents of Ousby and Melmerby will be implemented after the parish elections in early May 2019. This means there are three months remaining within this financial year to prepare for the administrative changes and two scheduled parish council meetings.

6.2 It is incumbent on current members of Ousby parish council to agree timely, appropriate and sensible arrangements that will facilitate a smooth transition to the two new parish councils and ensure both new parish councils are functioning immediately after the May 2019 elections. Compliance with accepted requirements for the retention of specific parish council documents and records will contribute to this aim.

Councillors of Ousby ward: Sue Castle-Clarke, Thomas Dixon, Andrew Ivinson and David Kidd  
19 December 2018

<b>Appendix 1 Document/record</b>	<b>Minimum retention period</b>	<b>Reason</b>
Minute books	Indefinite	Historical records - archive
Receipt and payment details	Indefinite	Financial governance & archive
Fees and charges	6 years	Financial governance
Annual audited accounts	Indefinite	Financial governance, HMRC – VAT, PAYE & archive
Receipt books	6 years	HMRC - VAT
Bank statements	Last completed audit year	Financial governance & audit
Bank paying-in books	Last completed audit year	Financial governance & audit
Cheque book stubs	Last completed audit year	Financial governance & audit
Quotations and tenders	6 years	Limitations Act 1980 as amended
Paid invoices	6 years	HMRC - VAT
Paid cheques	6 years	Limitations Act 1980 as amended
Sundry debtors	6 years	HMRC - VAT
VAT details	6 years	HMRC - VAT
Petty cash details	6 years	HMRC – VAT & Limitations ACT 1980 as amended
Time sheets	Last completed audit year	Audit & working time regulations
Salary & wages records	12 years	Employment regulations, superannuation & HMRC - PAYE
Employer's liability insurance	Indefinite	Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) & management records
Health & safety documents	21 years	Limitations Act 1980 as amended & employer/management records
Investment records	Indefinite	Financial governance & audit
Title deeds, leases, agreements, service contracts	Indefinite	Financial governance & audit
Members allowances/gift registers	6 years	Limitations Act 1980 as amended & HMRC
Details of specific council projects eg. purchase & installation of children's' play equipment, fencing etc	Indefinite	Financial governance & audit, archive, HMRC – VAT, Limitations Act 1980 as amended