



**Standing Orders  
and  
Financial Regulations**

**With Addendum for Virtual Meetings  
for**

**Chacewater Parish Council**

**Adopted on Friday 15<sup>th</sup> May 2020**

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*In this document the pronoun 'he' shall be taken to mean either he or she*

## 1. MEETINGS

- Mandatory for full Council meetings
  - Mandatory for committee meetings
  - Mandatory for sub-committee meetings
- a. Meetings shall not take place in premises which, at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.
  - b. When calculating the 3 clear days for notice of a meeting to Councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning shall not count.
  - c. Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
  - d. Subject to Standing Order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
  - e. The period of time which is designated for public participation in accordance with Standing Order 1(d) above, shall not exceed 5 minutes.
  - f. Subject to Standing Order 1 (e) above, each member of the public is entitled to speak once only in respect of business itemised on the agenda,

except at the Chairman's discretion and shall not speak for more than 3 minutes.

- g. In accordance with Standing Order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate.
  - h. In accordance with Standing Order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for an oral response or to an employee for a written or oral response.
  - i. A record of a public participation at a meeting shall be included in the minutes of that meeting.
  - j. A person shall raise his hand when requesting to speak.
  - k. Any person speaking at a meeting shall address his comments to the Chairman.
  - l. Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the Order of speaking.
  -  m. In accordance with Standing Order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
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  -  n. Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman (if any).
  -  o. The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside.
  -  p. Subject to Standing Order 1 (y) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
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  -  q. The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote, whether or not he gave an original vote.
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  -  r. Unless Standing Orders provide otherwise, voting on any question
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shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

- s. The minutes of a meeting shall record an accurate record of the following:
  - i. The time and place of the meeting
  - ii. The names of Councillors present
  - iii. Interests that have been declared by councillors
  - iv Whether a Councillor left the meeting when matters that they held interest in were being considered
  - v. If there was a public participation session; and
  - vi. The resolutions made
  
- t. A Councillor who has disclosable pecuniary interest or other interest set out in the Council code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.
- u. If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting, this shall be recorded in the minutes.
- v. The openness of Local Government Bodies Regulations 2014 provides that any person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a Parish Council or its committees but otherwise may (applicable to Full Council, Committees or working parties)
  - i Film, photograph or make an audio recording of a meeting
  - ii Use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
  - iii Report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting

- w. The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.
- x. An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes. (See also Standing Order 10 below.)
- y. No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 4.
- z. If a meeting is or becomes inquorate, no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- aa. Meetings shall not exceed a period of 3 hours

## **2 ORDINARY COUNCIL MEETINGS**

*See also Standing Order 1 above*

- a. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new Councillors elected take office.
- b. In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.
- c. If no other time is fixed, the annual meeting of the Council shall take place at 7pm.
- d. In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.
- e. The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council.
- f. The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- g. The Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the

Chairman of the Council at the next annual meeting of the Council.

- h. In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new chairman of the Council and must give a casting vote in the case of an equality of votes
- i. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- j. Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the Order of business shall be as follows.
  - i. In an election year, delivery by Councillors of their declarations of acceptance of office.
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees,
  - iii. Review of delegation arrangements to committees, sub-committees, employees and other local authorities.
  - iv. Review of the terms of references for committees,
  - v. Receipt of nominations to existing committees,
  - vi. Appointment of members to existing working parties
  - vii. Appointment of any new working parties, confirmation of the terms of reference, the number of members (including, if appropriate, substitute Councillors) and receipt of nominations to them.
  - viii. Review and adoption of appropriate Standing Orders and financial regulations.
  - ix. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities.
  - x. Review of representation on or work with external bodies and arrangements for reporting back.
  - xi. In a year of elections, if a Council's period of eligibility to exercise the power of well-being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.

- xii. Review of inventory of land and assets including buildings and office equipment,
- xiii. Review and confirmation of arrangements for insurance cover in respect of all insured risks.
- xiv. Review of the Council's and/or employees' memberships of other bodies.
- xv. Establishing or reviewing the Council's complaints procedure.
- xvi. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998
- xvii. Establishing or reviewing the Council's policy for dealing with the press/media.
- xviii. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead.

### **3. PROPER OFFICER**

- a. The Council's Proper Officer shall be either (i) the clerk or such other employee as may be nominated by the Council from time to time or (ii) such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in Standing Orders.
- b. The Council's Proper Officer shall do the following.
  - i. Upon the Council having first resolved that service of summons on Councillors confirming the time, date, venue and the agenda for a meeting by delivery or post at their residences at least 3 clear days before a meeting is not expedient electronically serve on Councillors a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and a sub-committee at least 3 clear days before the meeting provided any such email contains the electronic signature and title of the Proper Officer.
  - ii. Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council



- convened by councillors is signed by them).
- iii. Subject to Standing Orders 7(a)-(d) below, include in the agenda all motions received unless a councillor has given written notice, with reasons for the withdrawal, at least 3 days before the meeting confirming his withdrawal of it and Councillors informed of the withdrawal by the Proper Officer.
  - iv. Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with Standing Order 2 (f) above.
  - v. Make available for inspection the minutes of meetings.
  - vi. Receive and retain copies of byelaws made by other local authorities.
  - vii. Receive and retain declarations of acceptance of office from Councillors.
  - viii. Retain a copy of every Councillor's register of interests and any changes to it and keep copies of the same available for inspection.
  - ix. Keep proper records required before and after meetings.
  - x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
  - xi. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
  - xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
  - xiii. Arrange for legal deeds to be signed by 2 Councillors and witnessed.
- (See also Standing Orders 15(a) and (b))
- xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
  - xv. Record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose.
  - xvi. Refer a planning application received by the Council to the members of the Council within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council.
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- xvii. Action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders.

#### **4. EXTRAORDINARY MEETINGS**

*See also Standing Order 1 above*

- a. The Chairman of the Council may convene an extraordinary meeting of the Council at any time.
- b. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.
- c. The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- d. If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 Councillors, those 2 Councillors may convene an extraordinary meeting of a committee (or a subcommittee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 2 Councillors.

#### **5. COMMITTEES**

- a. The Council may, at its annual meeting, appoint Standing committees and may, at any other time appoint such other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. may permit committees to determine the dates of their meetings;
  - iii. shall appoint and determine the term of office of Councillor members of such a committee so as to hold office no later than the next annual meeting;
  - iv. may appoint substitute Councillors to a committee whose role is to replace ordinary Councillors at a meeting of a committee if ordinary Councillors of the committee have confirmed to the

- Proper Officer 3 days before the meeting that they are unable to attend;
- v. any meeting of subcommittee, or advisory committee/working party shall send a report of such meetings before the next Parish Council meeting.
  - vi. may, in accordance with Standing Orders, dissolve a committee at any time.

## **6. WORKING PARTIES**

See also Standing Order 1 above

- a. Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by resolution of the committee,
- b. shall appoint and determine the term of office of members of such a working party for as long as the working party is required.
- c. At any general meeting of the Council, additional or replacement Councillor may be appointed to a working party.

## **7. MOTIONS REQUIRING WRITTEN NOTICE**

- a. If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman and Vice Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- b. The Proper Officer, having consulted the Chairman and Vice Chairman or Councillors pursuant to Standing Order 3(b) above, the decision of the Chairman and Vice Chairman as to whether or not to include the motion in the agenda shall be final.
- c. Every motion rejected in accordance with the Council's Standing Orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection and recorded in **the minutes**.
- d. Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

## 8. MOTIONS NOT REQUIRING WRITTEN NOTICE

Motions in respect of the following matters may be moved without written notice.

- i. To appoint a person to preside at a meeting,
  - ii. To approve the absences of Councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting,
  - iv. To correct an inaccuracy in the minutes of the previous meeting,
  - v. To alter the order of business on the agenda for reasons of urgency or expedience,
  - vi. To proceed to the next business on the agenda.
  - vii. To close or adjourn debate.
  - viii. To refer by formal delegation a matter to a working party or an employee.
  - ix. To appoint a working party or any Councillors (including substitutes) thereto.
  - x. To receive nominations to a working party
  - xi. To dissolve a working party
  - xii. To note the minutes of a meeting of a working party
  - xiii. To consider a report and/or recommendation made by a committee or a working party or an employee.
  - xiv. To consider a report and/or recommendation made by an employee, professional advisor, expert or consultant.
  - xv. To authorise legal deeds signed by two Councillors and witnessed. (See Standing Orders 15(a) and (b) below.)
  - xvi. To authorise the payment of monies as required.
  - xvii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
  - xviii. To extend the time limit for speeches.
  - xix. To exclude the press and public for all or part of a meeting.
  - xx. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xxi. To give the consent of the Council if such consent is required by Standing Orders.
  - xxii. To suspend any Standing Order except those which are mandatory by law.
  - xxiii. To adjourn the meeting.
  - xxiv. To appoint representatives to outside bodies and to make
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arrangements for those representatives to report back the activities of outside bodies.

xxv. To answer questions from Councillors.

## **9. RULES OF DEBATE**

- a. Items included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
  - b. Subject to Standing Orders 7(a)-(d) above, a motion shall not be considered unless it has been proposed and seconded.
  - c. A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
  - d. A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
  - e. Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
  - f. Subject to Standing Order 9(e) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately
  - g. Pursuant to Standing Order 9(e) above, the number of amendments to an original or substantive motion, which may be moved by a Councillor, is limited to one.
  - h. If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
  - i. If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
  - j. The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 1 minute.
  - k. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
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- l. Subject to Standing Orders 9(j) and (k) above, a Councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another Councillor or to make a point of order or to give a personal explanation.
- m. During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the Standing Order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- n. A point of Order shall be decided by the Chairman and his decision shall be final.
- o. With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A Councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- p. Subject to Standing Order 9(l) above, when a Councillor's motion is under debate no other motion shall be moved except:
  - i. To amend the motion.
  - ii. To proceed to the next business.
  - iii. To adjourn the debate.
  - iv. To put the motion to a vote.
  - v. To ask a person to be silent or for him to leave the meeting.
  - vi. To refer a motion to a committee or subcommittee for consideration.
  - vii. To exclude the public and press.
  - viii. To adjourn the meeting.
  - ix. To suspend any Standing Order, except those which are mandatory.
- q. In respect of Standing Order 9(p)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

## **10. CODE OF CONDUCT, DISPENSATIONS AND COMPLAINTS**

- a. All Councillors shall observe the code of conduct adopted by the Council.
  - b. Unless he has been granted a dispensation, a Councillor shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
  - c. Unless he has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
  - d. Dispensation requests shall be in writing and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
  - e. A decision as to whether to grant a dispensation shall be by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
  - f. A dispensation request shall confirm:
    - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
    - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
    - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
    - iv. an explanation as to why the dispensation is sought.
  - g. Dispensations requests shall be considered at the beginning of the meeting of the Council, or committee or a sub-committee for which the dispensation is required.
  - h. A dispensation may be granted in accordance with Standing Order 10(e) above if having regard to all relevant circumstances the following applies:
    - i. without the dispensation the number of persons prohibited from
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- participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or
- ii. granting the dispensation is in the interests of persons living in the Council's area or
- iii. it is otherwise appropriate to grant a dispensation.

## **CODE OF CONDUCT COMPLAINTS**

- i. Upon notification by the Unitary Council that it is dealing with a complaint that a Councillor or non-Councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall report this to the Council.
- j. Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take.
- k. The Council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- l. Upon notification by the Unitary Council that a Councillor has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

## **11. DRAFT AND RECORDED MINUTES**

- a. If a copy of the draft minutes of a preceding meeting has been circulated to Councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
  - b. No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in
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the minutes shall be raised in accordance with Standing Order 8(a)(iv) above.

- c. Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
  - e. "The Chairman of this meeting does not believe that the minutes of the meeting of the Chacewater Parish Council held on [date] in respect of [item number] were a correct record but his view was not upheld by the majority of Councillors present at that meeting and the minutes are confirmed as an accurate record of the proceedings."
- f. Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.

## **12. RESCISSION OF PREVIOUS RESOLUTIONS**

- a. A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 4 Councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b. When a special motion or any other motion moved pursuant to Standing Order 11 (a) above has been disposed of, no similar motion may be moved within a further 6 months.

## **13. DISORDERLY CONDUCT**

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b. If, in the opinion of the Chairman, there has been a breach of Standing Order 13(a) above, the Chairman shall express that opinion and

thereafter any Councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forth with and without discussion.

- c. If a resolution made in accordance with Standing Order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting.

#### **14. VOTING ON APPOINTMENTS**

Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

#### **15. EXECUTION AND SEALING OF LEGAL DEEDS**

- a. A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- b. In accordance with a resolution made under Standing Order 15(a) above, any two members of the Council, may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.

#### **16. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a. Unless authorised by a resolution, no individual Councillor shall in the name of or on behalf of the Council, a committee or a sub-committee:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue Orders, instructions or directions.

## **17. CONFIDENTIAL AND SENSITIVE INFORMATION**

- a. Councillors and employees shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b. A Councillor in breach of the provisions of Standing Order 23(a) above may be removed from a committee or a subcommittee by a resolution of the Council.
- c. Subject to Standing Orders to the contrary or in respect of matters which are confidential, a Councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by Councillors.

## **18. MATTERS AFFECTING COUNCIL EMPLOYEES**

- a. If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council or committee or sub-committee has decided whether or not the press and public shall be excluded pursuant to Standing Order 1 (c) above.
  - b. Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Chairman of the Council of any absence occasioned by illness or urgency and the Chairman shall report such absence next Council meeting.
  - c. The Chairman of Council, or in his absence, the Vice Chairman shall upon a resolution conduct a review of the performance and/or appraisal of the employee and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Council
  - d. Subject to the Council's policy regarding the handling of grievance matters, the Council's Proper Officer shall contact the Chairman of Council or in his absence, the Vice-Chairman of the Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Council
  - e. Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by
-

the Proper Officer relates to the Chairman or Vice-Chairman of the Council this shall be communicated to another member of the Council.

- f. Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters.
- g. The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- h. Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i. Only persons with line management responsibilities shall have access to employee records referred to in Standing Orders 18(g) and (h) above if so justified.
- j. Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders (g) and (h) above shall be provided only to relevant employee and/or the Chairman of the Council.

## **19. FREEDOM OF INFORMATION ACT 2000**

- a. All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000.
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chairman of the Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000 including exercising the powers of the Proper Officer in respect of Freedom of Information requests set out under Standing Order 3(b)(x) above.

## **20. RELATIONS WITH THE PRESS/MEDIA**

- a. All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in
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accordance with the Council's policy in respect of dealing with the press and/or other media.

- b. In accordance with the Council's policy in respect to dealing with the press and/or other media, Councillors or employees shall not, in their official capacity, provide oral or written statements or written articles to the press or other media.

## **21. LIAISON WITH UNITARY COUNCILLORS**

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillor of the Unitary Council, representing its electoral ward.
- b. Unless the Council otherwise Orders, a copy of each letter sent to the Unitary Council shall be sent to the Unitary Councillor representing its electoral ward.

## **22. STANDING ORDERS TO BE GIVEN TO COUNCILLORS**

- a. The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor upon delivery of his first declaration of acceptance of office.
- b. In the event of Standing Orders being amended in any way, all Councillors shall be given a new copy of Standing Orders within 1 calendar month.
- c. The Chairman's decision as to the application of Standing Orders at meetings shall be final.
- d. A Councillor's failure to observe Standing Orders more than 3 times in one meeting may result in him being excluded from the meeting in accordance with Standing Orders.
- e. Any or every part of the Standing Orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- f. A motion to permanently add to or to vary or to revoke one or more of the Council's Standing Orders not mandatory by law shall not be carried unless two-thirds of the Councillors at a meeting of the Council vote in favour of the same.

## **ANNEX A - FINANCIAL REGULATIONS**

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These Financial Regulations were adopted by the Council at its Meeting held on  
Friday 15<sup>th</sup> May 2020

## 1. GENERAL

- a. These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the Council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the Council's standing orders<sup>1</sup> and any individual financial regulations relating to contracts.
  - b. The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
  - c. The Council's accounting control systems must include measures:
    - i. for the timely production of accounts;
    - ii. that provide for the safe and efficient safeguarding of public money;
    - iii. to prevent and detect inaccuracy and fraud; and
    - iv. identifying the duties of officers.
  - d. These financial regulations demonstrate how the Council meets these responsibilities and requirements.
  - e. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
  - f. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
  - g. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute.
  - h. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.
  - i. The RFO:
-

- i. acts under the policy direction of the Council;
  - ii. administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;
  - iii. determines on behalf of the Council its accounting records and accounting control systems;
  - iv. ensures the accounting control systems are observed;
  - v. maintains the accounting records of the Council up to date in accordance with proper practices;
  - vi. assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
  - vii. produces financial management information as required by the Council.
- j. The accounting records determined by the RFO shall be sufficient to show and explain the Council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the Council from time to time comply with the Accounts and Audit Regulations.
- k. The accounting records determined by the RFO shall in particular contain:
  - i. entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure or receipts and payments account relate;
  - ii. a record of the assets and liabilities of the Council; and
  - iii. wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- l. The accounting control systems determined by the RFO shall include:
  - i. procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
  - ii. procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
  - iii. identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in



- relation to significant transactions;
- iv. procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the Council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
- v. measures to ensure that risk is properly managed.
- m. The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:
  - i. setting the final budget or the precept (Council tax requirement);
  - ii. approving accounting statements;
  - iii. approving an annual governance statement;
  - iv. borrowing;
  - v. writing off bad debts;
  - vii. declaring eligibility for the General Power of Competence; and
  - viii. addressing recommendations in any report from the internal or external auditors, shall be a matter for the full Council only.
- n. In addition, the Council must:
  - i. determine and keep under regular review the bank mandate for all Council bank accounts;
  - ii. approve any grant or a single commitment in excess of £5,000; and
  - iii. in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.
- o. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.  
In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in Governance and Accountability for Local Councils - a Practitioners' Guide (England) issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC

and the Society for Local Council Clerks (SLCC).

**2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)**

- a. All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.
- b. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chairman shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Council or Finance Committee.
- c. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the Council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit Regulations.
- d. The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the Council shall make available such documents and records as appear to the Council to be 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 for that purpose.
- e. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices.
- f. The internal auditor shall:
  - i. be competent and independent of the financial operations of the council;

- ii. report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
  - iii. to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - iv. have no involvement in the financial decision making, management or control of the Council.
- g. Internal or external auditors may not under any circumstances:
- i. perform any operational duties for the Council;
  - ii. initiate or approve accounting transactions; or
  - iii. direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- h. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- i. 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 statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
- J. The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from internal or external auditors.

### **3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING**

- a. The Council or working party shall review its three-year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the Council not later than the end of November each year including any proposals for revising the forecast.
- b. The RFO must each year, by no later than November, prepare detailed estimates of all receipts and payments including the use of reserves and all

sources of funding for the following financial year in the form of a budget to be considered by the Finance working group and the Council

- c. The Council shall consider annual budget proposals in relation to the Council's three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- d. The Council shall fix the precept (Council tax requirement), and relevant basic amount of Council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- e. The approved annual budget shall form the basis of financial control for the ensuing year.

#### **4. BUDGETARY CONTROL AND AUTHORITY TO SPEND**

- a. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
  - i. the Council for all items over £250
  - ii. a duly delegated committee or working group of the Council for items over £250; or  
the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below £250.
  - iv. Such authority is to be evidenced by a minute signed by the appropriate Chairman.
  - v. Contracts may not be disaggregated to avoid controls imposed by these regulations.
- b. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council, or duly delegated committee. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be

moved to other budget headings or to an earmarked reserve as appropriate ('virement').

- c. Unspent provisions in the revenue or capital budgets for completed projects shall be carried forward to a subsequent year, unless otherwise determined by the Council.
- d. The salary budgets are to be reviewed at least annually in November for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- e. In cases of extreme risk to the delivery of Council services, the clerk may authorise revenue expenditure on behalf of the Council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500. The Clerk shall report such action to the chairman as soon as possible and to the Council as soon as practicable thereafter.
- f. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.
- g. All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- h. The RFO shall regularly provide the Council with a statement of receipts and payments to date.
- i. Changes in earmarked reserves shall be approved by Council as part of the budgetary control process.

## **5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS**

- a. The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
  - b. The RFO shall prepare a schedule of payments requiring authorisation,
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forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to council. The council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

- c. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.
- d. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available Council or Finance working group.
- e. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
  - i. If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Clerk and RFO 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
  - ii. An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of Council or
  - iii. fund transfers within the Councils 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.

- f. For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which Council may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of Council.
- g. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- h. In respect of grants a duly authorised committee shall approve expenditure within any limits set by Council at least every two years.
- i. If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to Council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the Council at least every two years.
- j. If thought appropriate by the Council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- k. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the Council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Internal Auditor in a sealed dated envelope. This envelope may not be opened other than in the presence of two other Councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the Council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.

- l. No employee or Councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or a duly delegated committee.
- m. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- n. The Council, and any members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.
- o. Where internet banking arrangements are made with any bank, the Clerk / RFO shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify a number of Councillors who will be authorised to approve transactions on those accounts.
- p. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for Council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- q. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Clerk and Chairman or Vice-Chairman. A programme of regular checks of standing data with suppliers will be followed.
- r. Any Debit Card issued for use will be specifically restricted to the Clerk and will also be restricted to a single transaction maximum value of £250 unless authorised by Council or finance committee in writing before any order is placed.
- s. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Council Finance Committee. Transactions and purchases made will be reported to the finance committee and authority for topping-up shall be at the discretion of the finance committee.
- t. The Council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk / RFO (for example for postage or minor stationery items) shall be refunded on a



regular basis, at least quarterly.

## **6. PAYMENT OF SALARIES**

- a. As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council, or duly delegated committee.
- b. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available Council meeting, as set out in these regulations above.
- c. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council and in accordance with any policy statement approved by Council. Any Revenue or Capital Grant in excess of £250 shall before payment, be subject to ratification by resolution of the Council.
- d. Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- e. The Council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.
- f. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by the Chairman and Vice Chairman

## **7. INSTRUCTIONS FOR THE MAKING OF PAYMENTS**

- a. The Council will make safe and efficient arrangements for the making of its
-

payments.

- b. Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- c. All payments shall be affected by cheque or other instructions to the Council's bankers, or otherwise, in accordance with a resolution of Council or Finance Committee
- d. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to Council or committee shall be signed by one member of Council, and countersigned by the Clerk, in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.
- e. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- f. Cheques or orders for payment shall not normally be presented for signature other than at a Council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the Council or Finance Committee at the next convenient meeting.
- g. If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to Council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the Council at least every two years.
- h. If thought appropriate by the Council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to Council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the Finance committee.

- i. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
  - i by any Councillor who can demonstrate a need to know;
  - ii by the internal auditor;
  - iii by the external auditor; or
  - iv by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- j. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- k. Before employing interim staff, the Council must consider a full business case.
- l. Payment of salaries are monthly, and deductions for income tax are to be paid to HMRC

## **8. LOANS AND INVESTMENTS**

- a. All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full Council.
- b. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.
- c. The Council will arrange with the Council's banks and investment providers for the sending of a copy of each statement of account to the Chairman of

- the Council at the same time as one is issued to the Clerk or RFO.
- d. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
  - e. The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.
  - f. All investments of money under the control of the Council shall be in the name of the Council.
  - g. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
  - h. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

## **9. INCOME**

- a. The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- b. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- c. The Council will review all fees and charges at least annually, following a report of the Clerk.
- d. Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- e. All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- f. The origin of each receipt shall be entered on the paying-in slip.
- g. Personal cheques shall not be cashed out of money held on behalf of the Council.
- h. The RFO shall promptly complete any VAT Return that is required. Any

repayment claims due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

- i. Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- j. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the Council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any Council meeting (see also Regulation 16 below).

## **10. ORDERS FOR WORK, GOODS AND SERVICES**

- a. 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.
- b. Order books shall be controlled by the RFO.
- c. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below.
- d. A member may not issue an official order or make any contract on behalf of the Council.
- e. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

## 11. CONTRACTS

### **Procedures as to contracts are as follows:**

- a. Every contract shall comply with these Financial Regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
    - i. for the supply of gas, electricity, water, sewerage and telephone services
    - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
    - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
    - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
    - v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of Council); and
    - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
  
  - b. Where the Council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 (“the Regulations”) which is valued at £25,000 or more, the Council shall comply with the relevant requirements of the Regulations<sup>1</sup>.
  
  - c. The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time).
-

- d. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- e. Such 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. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. 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.
- f. 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.
- g. Any invitation to tender issued under this regulation shall be subject to Standing Orders, and shall refer to the terms of the Bribery Act 2010.
- h. When it is to enter into a contract of less than £40,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.
- i. Where it is intended to enter into a contract exceeding £40,000 in value for the supply of goods, or materials, or for the execution of works, or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms to be taken from the appropriate approved list.
- j. If less than three tenders are received for contracts above £40,000 or if all the tenders are identical, the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- k. The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- l. Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the

Council requires further pricing, provided that the specification does not change, 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.

- m. The European Union Procurement Directive shall apply and the terms of the Public Contracts Regulations 2006 and the Utilities Contracts Regulations 2006 including thresholds shall be followed.

*1 The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts<sup>2</sup>*

## **12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS (PUBLIC WORKS CONTRACTS)**

- a. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- b. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- c. Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

## **13. STORES AND EQUIPMENT**

- a. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- b. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.



- c. Stocks shall be kept at the minimum levels consistent with operational requirements.
- d. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

#### **14. ASSETS, PROPERTIES AND ESTATES**

- a. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The RFO shall ensure a record is maintained of all properties held by the Council, recording the 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.
- b. 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, save where the estimated value of any one item of tangible movable property does not exceed £250.
- c. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law. In each case a report in writing 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).
- d. No real property (interests in land) shall be purchased or acquired without the authority of the full Council. In each case a report in writing 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).
- e. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority

of the full Council. In each case a report in writing shall be provided to Council with a full business case.

- f. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. 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.

## **15. INSURANCE**

- a. Following the annual risk assessment (per Regulation 17), the RFO shall affect all insurances and negotiate all claims on the Council's insurers in consultation with the Clerk.
- b. The Clerk shall give prompt notification to the Internal Auditor of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- c. The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- d. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Council at the next available meeting.
- e. All appropriate members 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, or duly delegated committee.

## **16. CHARITIES**

Where the Council is sole managing trustee of a charitable body the Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.

**17. RISK MANAGEMENT**

- a. The Council is responsible for putting in place arrangements for the management of risk. The Clerk / RFO shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council at least annually.
- b. When considering any new activity, the Clerk / RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

**18. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS**

- a. It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these Financial Regulations.
- b. The Council may, by resolution of the Council 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 drawn up and presented in advance to all members of Council

## **ANNEX B**

### **REMOTE MEETINGS PROTOCOL AND PROCEDURES**

These regulations remain in force until 7<sup>th</sup> May, 2021 or earlier if repealed, and require a number of temporary changes to Standing Orders.

|           |  |           |
|-----------|--|-----------|
| <b>1</b>  | <b>GENERAL</b>   | <b>45</b> |
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| <b>3</b>  | <b>ACCESS TO INFORMATION</b>                                   | <b>45</b> |
| <b>4</b>  | <b>REMOTE ACCESS TO MEETINGS</b>                               | <b>45</b> |
| <b>5</b>  | <b>COUNCILLORS IN REMOTE ATTENDANCE</b>                        | <b>46</b> |
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| <b>8</b>  | <b>CODE OF CONDUCT - COUNCILLORS EXCLUDED FROM THE MEETING</b> | <b>47</b> |
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## **1 GENERAL**

This Protocol and Procedures should be read in conjunction with the Council's standing orders.

The Regulations made under s78 of Coronavirus Act 2020 apply and where there is a conflict between these and any other adopted standing orders or legislation, these Remote Meetings Procedures take precedence in relation to any remote meeting.

## **2. ANNUAL MEETING**

- a The requirement to hold an Annual Meeting of the Council is to be disregarded and prior to 7<sup>th</sup> May, 2021 may only take place
  - i. where called by the Chair or
  - ii. following a resolution calling for an annual meeting being passed at an ordinary or extra ordinary meeting of the Council.

## **3. ACCESS TO INFORMATION**

- a Where a document is required to be 'open to inspection' this shall include published on the website of the Council.
- b Where a document is required to be published and made available at the Council's offices, this shall include published on the website of the Council.
- c Where there is a requirement to publish information including public notices, agendas, minutes, background papers and written reports, this shall include published on the website of the Council.

## **4. REMOTE ACCESS TO MEETINGS**

- a. The definition of meeting within the Council's standing orders is amended so that
  - i 'place' includes where a meeting is held, or to be held in more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers
  - ii 'open to the public' includes access to the meeting by remote means including video conferencing, live webcasting and

interactive streaming

- iii where a meeting is accessible to the public through remote means, the meeting is open to the public whether or not members of the public are able to attend the meeting in person.
- b. If the Council becomes aware that the its technology has failed, and the meeting is no longer accessible to the public, the meeting shall be adjourned.
- c. If public access cannot be restored within a reasonable period, the remaining business shall be deferred to a future meeting.

## **5. COUNCILLORS IN REMOTE ATTENDANCE**

- a. A Councillor in remote attendance is present and counted for the purposes of the quorum when they can:
  - i hear and where practicable see other members of the Council
  - ii hear and where practicable see members of the public wishing to participate during the public session of the meeting or as invited by the Chairman
- b. A Councillor in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance at 4 a) are not met.
- c. Subject to 4 b) the Chairman may if appropriate;
  - i. adjourn the meeting to permit conditions for remote attendance to be re-established
  - ii. count the number of Councillors in attendance for the purpose of the quorum

## **6. REMOTE ATTENDANCE BY MEMBERS OF THE PUBLIC**

- a. A member of the public is in remote attendance when they can:
  - i. hear and where practicable see and so be heard and where practicable seen by a Quorum of members of the Council at the meeting
  - ii. hear and where practicable see and so be heard and where practicable seen by other members of the public attending the meeting including those wishing to speak during the public session or as invited by the

Chairman

- b. A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance at 5 a) are not met.
- c. Subject to 5 b) the Chairman may if appropriate
  - i. adjourn the meeting to permit conditions for remote attendance to be re-established
  - ii. vary the order of the agenda or complete the remaining business of the meeting in the absence of the member of the public in remote attendance.

## **7. REMOTE VOTING**

Unless a recorded vote is demanded, the Chair will take the vote by:

- a. confirmation of the meeting that there is agreement or
- b. a roll call and the number of votes for or against the motion or amendment or abstaining will be recorded.

## **8. CODE OF CONDUCT – COUNCILLORS EXCLUDED FROM THE MEETING**

Where a Councillor is required to leave the room as a requirement of the Council's code of conduct, the means of remote attendance and access will be severed whilst any discussion or vote take place.

## **9. EXCLUSION OF THE PRESS AND PUBLIC**

Where the council has resolved to exclude the press and public from any part of the meeting, due to the confidentiality of the business to be discussed then

- a. The means of remote attendance and access to the meeting by members of the press and public will be severed
- b. Each Councillor present shall declare that there are no other persons present who are not entitled to be (hearing or seeing), and/or recording the meeting.

