



**STANDING ORDERS**

**AND**

**FINANCIAL REGULATIONS**

**2017**

**Adopted by Full Council 15.05.2017**



## STANDING ORDERS

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## PREFACE

Some of the Standing Orders are compulsory as they are laid down in Acts of Parliament. These are printed in **bold type**. These Standing Orders cannot be altered.

## DEFINITIONS

If the words "Local Councils" are used, it means Parish and Town Councils in England and Community and Town Councils in Wales.

It is, of course, recognized that local councillors can be male or female. Therefore, wherever the masculine gender is used in this publication, this should be interpreted as also meaning the female gender, where appropriate.

Any reference to "Council" or "the Council" means Warminster Town Council. Any reference to Clerk or RFO means the Town Clerk.

The Chairman of a Town Council is entitled to use the title "Town Mayor". The title confers no additional powers on the Chairman and, in particular, has no implications for his conduct in meetings.

In the following pages the word "Chairman" includes "Town Mayor" and the word "Vice Chairman" includes "Deputy Town Mayor". In addition, where appropriate use of the word "he" is to include the meaning "she".

## MEETINGS

1. (a) Meetings of the Council shall be held in each year on such dates and times and at such places as the Council may direct.
- (b) Smoking is not permitted at any meeting of the Council.

## THE STATUTORY ANNUAL MEETING

2. (a) **In an election year the Annual Parish Council Meeting shall be held on or within 14 days following the day on which the councillors elected to take office; and**
- (b) **in a year which is not an election year the Annual Parish Council Meeting shall be held on such day in May as the Council may direct.**
3. **(England only) In addition to the statutory Annual Parish Council Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such places as the Council may direct.**

4. An extraordinary meeting of the Council may be called at any time by the Chairman of the Council.
5. Three clear days notice at least must be given before a meeting of the Council.

### **CHAIRMAN OF THE MEETING**

6. **The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**

### **PROPER OFFICER**

7. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he shall be the Clerk or nominated officer:

To receive declarations of acceptance of office.

To receive and record notices disclosing interests at meetings.

To receive and retain plans and documents.

To sign notices or other documents on behalf of the Council.

To receive copies of bylaws made by another local authority.

To certify copies of bylaws made by the Council.

To sign and issue summons to attend meetings of the Council.

To keep proper records for all Council meetings.

In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

- (a) Executive powers are delegated to the Clerk to the Council following consultation with the Chairman or Vice Chairman of the Council or committee as appropriate, for matters which require a decision before the next ordinary meeting. Action taken under this power should be reported at the next meeting of the Council.

### **QUORUM OF THE COUNCIL**

8. **The quorum for a meeting of the Council is one-third of the total number of councillors or, where more than one-third of the councillors are disqualified from acting then one-third of the remainder. In any event there must be no fewer than three members.**
9. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such day as the Chairman may fix.
10. For a quorum relating to a committee or sub-committee, please refer to Standing Order No. 51.

## VOTING

11. Members shall vote by show of hands or, if at least two members so request, by signed ballot.
12. **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**
13.
  - (a) **Subject to (b) and (c) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.**
  - (b) **If the person presiding at the Annual Meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice Chairman until the end of their term of office, he may not give an original vote in an election for Chairman.**
  - (c) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

## ORDER OF BUSINESS

14. In an election year councillors should execute Declarations of Acceptance of Office in each other's presence, or in the presence of a proper officer previously authorised by the Council to take such a declaration, before the Annual Meeting commences.

**At each Annual Parish Council Meeting the first business shall be:**

- (a) **To elect a Chairman of the Council.**
- (b) **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
- (c) **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reasons of insufficient nominations.**
- (d) **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
- (e) To elect a Vice-Chairman of the Council.
- (f) To appoint representatives to outside bodies.
- (g) To appoint committees, sub-committees and working groups.

and shall thereafter follow the order set out in the Standing Order No. 17.

15. **At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's Code of Conduct as are required by law to be made or, if not then received, to decide when they shall be received.**

16. In every year not later than the meeting at which the estimates for next year are settled the Council shall review the pay and conditions of service of existing employees. Standing Order No. 40 must be read in conjunction with this requirement.
17. After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows.
  - (a) To read and consider the minutes: provided that a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the minutes may be taken as read.
  - (b) After consideration to approve the signature of the minutes by the person presiding as a correct record.**
  - (c) To deal with business expressly required by statute to be done.**
  - (d) To dispose of business, if any, remaining from the last meeting.
  - (e) To receive such communications as the person presiding may wish to lay before the Council.
  - (f) To answer questions from councillors, allowing a maximum time of ten minutes with a maximum time per speaker of two minutes.
  - (g) To receive and consider reports and minutes of committees.
  - (h) To receive and consider resolutions or recommendations in the order in which they have been notified.
  - (i) To authorise the sealing of documents.
  - (j) If necessary, to authorise the signing of orders for payment.
  - (k) To consider resolutions or recommendations in the order of which they have been notified.
  - (l) Any other business specified in the summons.
  - (m) To receive any petitions and deputations submitted to the Council and to allow a petitioner the right to address the Council for a time not exceeding three minutes.
  - (n) To allow members of the public to address the Council on a matter in the agenda for a time not exceeding three minutes.

## **URGENT BUSINESS**

18. A motion to vary the order of business on the grounds of urgency:
  - (a) may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded; and
  - (b) shall be put to the vote without discussion.

## **RESOLUTIONS MOVED ON NOTICE**

19. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the agenda by the Clerk or the

mover has given notice in writing of its terms and has delivered the notice to the Clerk at least seven clear days before the next meeting of the Council.

20. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
21. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
22. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
23. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report, provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
24. Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

## **RESOLUTIONS MOVED WITHOUT NOTICE**

25. Resolutions dealing with the following matters may be moved without notice.
  - (a) To appoint a Chairman of the meeting.
  - (b) To correct the minutes.
  - (c) To approve the minutes.
  - (d) To alter the order of business.
  - (e) To proceed to the next business.
  - (f) To close or adjourn the debate.
  - (g) To refer a matter to a committee.
  - (h) To appoint a committee or any members thereof.
  - (i) To adopt a report.
  - (j) To authorise the sealing of documents.
  - (k) To amend a motion.
  - (l) To give leave to withdraw a resolution or an amendment.
  - (m) To extend the time limit for speeches.
  - (n) To exclude the public and press (see Standing Order No. 70).

- (o) To silence or eject from the meeting a member named for misconduct (see Standing Order No. 35).
- (p) To give the consent of the Council where such consent is required by these Standing Orders.
- (q) To suspend any Standing Order (see Standing Order Nos 82, 83).
- (r) To adjourn the meeting.

## **QUESTIONS**

- 26. A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided one clear day's notice of the question has been given to the person to whom it is addressed.
- 27. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 28. Every question shall be put and answered without discussion.
- 29. A person to whom a question has been put may decline to answer.

## **RULES OF DEBATE**

- 30. No discussion of the minutes shall take place except upon their accuracy. Corrections to the minutes shall be made by resolution and must be initialled by the Chairman.
- 31.
  - (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
  - (b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
  - (c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
  - (d) No speech by a mover of a resolution shall exceed five minutes, and no other speech shall exceed three minutes except by consent of the Council.
  - (e) An amendment shall be either:
    - (i) to leave out words,
    - (ii) to leave out words and insert others,
    - (iii) to insert or add words.
  - (f) An amendment shall not have the effect of negating the resolution before the Council.
  - (g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.

- (h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- (i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding three minutes.
- (j) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- (k) A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- (l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- (m) When a resolution is under debate no other resolution shall be moved except the following:
  - (i) to amend the resolution
  - (ii) to proceed to the next business
  - (iii) to adjourn the debate
  - (iv) that the question be now put
  - (v) that a member named be not further heard
  - (vi) that a member named leave the meeting
  - (vii) that the resolution be referred to a committee
  - (viii) to exclude the public and press
  - (ix) to adjourn the meeting.

32. A member shall stand when speaking unless permitted by the Chairman to sit on account of infirmity.

- 33. (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (b) Members shall address the Chairman. If two or more members rise, the Chairman shall call upon one of them to speak and the others shall resume their seats.
- (c) Whenever the Chairman rises during a debate all other members shall be seated and silent.

## **CLOSURE**

34. At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned”, or “that the Council do now adjourn”. If such a motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question now be put”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been

exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

## **DISORDERLY CONDUCT**

35. (a) **All members must observe the Code of Conduct which was adopted by the Council on 9<sup>th</sup> May 2016, a copy of which is annexed to these Standing Orders.**
- (b) No member shall at a meeting persistently disregard the ruling of the Chairman, willfully obstruct business, or behave irregularly, offensively, improperly or **in such a manner as to bring the Council into disrepute.**
- (c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- (d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

## **RIGHT OF REPLY**

36. The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

## **ALTERATION OF RESOLUTION**

37. A member may, with the consent of his seconder, move amendments to his own resolution.

## **RESCISSION OF PREVIOUS RESOLUTION**

38. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least three members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- (b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of the Order has been disposed of, no similar resolution may be moved within a further six months.

## **VOTING ON APPOINTMENTS**

39. When more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

## **DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

40. If at any meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded (see Standing Orders Nos 62, 63, 70).

## **RESOLUTIONS ON EXPENDITURE**

41. Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another committee after recommendation by the Finance Committee) and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon (and the Finance Committee shall report on the financial aspect of the matters).

## **EXPENDITURE**

42. **Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.**

## **SEALING OF DOCUMENTS**

43. (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- (b) Any two members of the Council named in a resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

## **COMMITTEES, SUB-COMMITTEES AND WORKING GROUPS**

44. The Council may at its Annual Meeting appoint standing committees and shall elect a Chairman and may elect a Vice-Chairman for such committees who shall hold office until the next Annual Meeting of the Council, and shall settle the programme of meetings for the committees for the year. The Council may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:
- (a) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting,
- (b) may appoint persons other than members of the Council to any committee, with the exception of the Finance and Assets Committee, and
- (c) may, subject to the provisions of Standing Order No. 25, at any time dissolve or alter the membership of a committee.

45. All elected members sitting on a committee shall be voting members.
46. Decisions made in respect of a non-financial nature may be actioned without the prior authority of either the parent committee or the full Town Council.
47. Every new committee that has been appointed after the Annual Meeting shall at its first meeting before proceeding to any other business elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.

### **Special Meeting**

48. The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of that committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

### **Sub-Committees**

49. Every committee may appoint sub-committees for purposes to be specified by the committee.
50. The Chairman and Vice Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
51. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or a sub-committee shall be one half of its members or a minimum of three elected members.
52. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Orders on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

### **Advisory Committees/Working Groups**

53.
  - (a) The Council may create advisory committees and working groups, whose name and number of members and the bodies to be invited to nominate members shall be specified.
  - (b) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee or working group.
  - (c) An advisory committee may make recommendations and give notice thereof to the Council.
  - (d) An advisory committee may consist wholly of persons who are not members of the Council.

## **Voting in Committees**

54. Members of committees, sub-committees and working groups entitled to vote shall vote by a show of hands or, if at least two members so request, by signed ballot.
55. **Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

## **Presence of Non-Members of Committees at Committee Meetings**

56. A member who has proposed a resolution which has been referred to a committee of which he is not a member may explain his resolution to the committee but shall not vote.

## **ACCOUNTS AND FINANCIAL STATEMENTS**

57. (a) Except as provided in paragraph (2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- (b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or by the proper officer for payment with the approval of the Chairman or Vice-Chairman of the Council.
- (c) All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments before the Council.
58. The Responsible Financial Officer shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

## **Estimates and Precepts**

59. (a) The Council shall approve written estimates for the coming financial year at its meeting before the end of the month of January.
- (b) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than November.

## **INTERESTS (ENGLAND)**

60. **As defined by the Code of Conduct adopted by the Council on 9<sup>th</sup> May 2017 (as annexed in these Standing Orders), if a member has a pecuniary interest, or the pecuniary interest is that of his spouse, civil partner or someone with whom he is living as a spouse or civil partner, then he shall declare such**

**interest to the Principal Authority's Monitoring Officer within 28 days of taking office. In addition a member should notify the Monitoring Officer of any disclosable pecuniary or non-pecuniary interests that the Principal Authority has decided should be included in the register. If an interest has not been entered onto the Principal Authority's register a member must disclose the interest to any meeting of the authority at which he is present where he has a disclosable interest in any matter being considered and where the matter is not of a sensitive interest. Following such disclosure a member must notify the Monitoring Officer of the interest within 28 days of the date of disclosure.**

- 61. Unless dispensation has been granted a member may not participate in any discussion of, vote on, or discharge any function related to any matter in which they have a pecuniary interest as defined by regulations made by the Secretary of State. They must also observe the restrictions the authority places on involvement in matters where they have a pecuniary or non-pecuniary interest as defined by the authority.**
- 62. Members should supply the necessary information for the compilation of a register of members' interests in accordance with agreement reached with the Monitoring Officer of the Principal Authority and/or as required by statute. This register will be available online.**
63. If a candidate for any appointment under the Council is to his knowledge related to any member or to the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where a relationship to a member is disclosed Standing Orders Nos 60, 61, 62 shall apply as appropriate.
64. The Clerk shall make known the purpose of Standing Order No. 62 to every candidate.

#### **CANVASSING OF AND RECOMMENDATION BY MEMBERS**

65. (a) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of the Standing Order to every candidate.
  - (b) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
66. Standing Orders Nos 63 and 65 shall apply to tenders as if the person making the tender were a candidate for an appointment.

## INSPECTION OF DOCUMENTS

67. A member may for the purpose of his duty as such (but not otherwise), inspect any document in the possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
68. **All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

## UNAUTHORISED ACTIVITIES

69. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:
- (a) inspect any lands or premises which the Council has a right or duty to inspect; or
  - (b) issue orders, instructions or directions;
- unless illful ed to do so by the Council or the relevant committee or sub-committee.

## ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

70. **The public shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude** the public by means of the following resolution: "That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw."
71. The Council shall state the special reason for exclusion. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.
72. "Representatives of an organisation offer in support of their views approved minutes from their meeting where the item was discussed. Additionally the Council may wish to have sight of any constitution that gives authority to the representative speaker." *This is to be considered a guideline.*
73. At all meetings of the Council the Chairman may, at his discretion and at a convenient time in the transaction of the business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.
74. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. The Openness of Local Government Bodies regulation 2014 permits any person (including the press) who attends a council (or committee) meeting to report on the proceedings of the meeting. A person may not orally report or comment about a meeting as it takes place but otherwise may:
- (a) film, photograph or make an audio recording of a meeting;
  - (b) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;

- (c) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.

75. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

### **CONFIDENTIAL BUSINESS**

- 76. (a) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
- (b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

### **LIAISON WITH UNITARY COUNTY COUNCILLORS**

- 77. A summons and agenda for each meeting shall be sent together with an invitation to attend to the Unitary Councillor for the County division.
- 78. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the Unitary Council shall be transmitted to the Unitary Councillor for the division as the case may require.

### **PLANNING APPLICATIONS**

- 79. The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:
  - (a) the date on which it was received;
  - (b) the name of the applicant;
  - (c) the place to which it relates;
  - (d) a summary of the nature of the application.

### **80. FINANCIAL MATTERS**

The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

- (a) Such Regulations shall include detailed arrangements for the following:
  - (i) the accounting records and systems of internal control;
  - (ii) the assessment and management of risks faced by the Council;
  - (iii) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
  - (iv) the financial reporting requirements of members and local electors;
  - (v) procurement policies (subject to (b) below) including the setting of values for different procedures where the contract has an estimated value less than £25,000.

- (b) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as outlined in (c) below.
- I Any formal tender process shall comprise the following steps:
  - (i) a public notice of intention to place a contract to be placed in a local newspaper;
  - (ii) a specification of the goods, materials, services and execution of works shall be drawn up;
  - (iii) tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
  - (iv) tenders submitted are to be opened, after stated closing date and time, by the Clerk and at least one member of Council;
  - (v) tenders are then to be assessed and reported to the appropriate meeting of Council or committee.
- (d) The Council, nor any committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders Nos 60, 61 and 62.
- (e) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

(The Council is reminded that the European Union Public Sector Procurement Rules Part A are likely to apply to contracts with a value in excess of £173,934, the current threshold until January 2014, and advice should be sought at this level.)

## **CODE OF CONDUCT ON COMPLAINTS**

- 81. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Monitoring Officer of the Principal Authority for consideration.

## **VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

- 82. Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.
- 83. A resolution permanently to add, vary, or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## **STANDING ORDERS TO BE GIVEN TO MEMBERS**

- 84. A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

# FINANCIAL REGULATIONS

## 1. GENERAL

- 1.1 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 and any individual financial regulations relating to contracts.
- 1.2 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.
- 1.3 The Council's accounting control systems must include measures:
  - for the timely production of accounts;
  - that provide for the safe and efficient safeguarding of public money;
  - to prevent and detect inaccuracy and fraud; and
  - identifying the duties of officers.
- 1.4 These financial regulations demonstrate how the Council meets these responsibilities and requirements.
- 1.5 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.
- 1.6 Deliberate or illful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7 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.
- 1.8 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.
- 1.9 The Clerk:
  - acts under the policy direction of the Council;
  - administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;
  - determines on behalf of the Council its accounting records and accounting control systems;
  - ensures the accounting control systems are observed;
  - maintains the accounting records of the Council up to date in accordance with proper practices;
  - assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
  - produces financial management information as required by the Council.

- 1.10 The accounting records determined by the Clerk shall be sufficient to show and explain the Council's transactions and to enable the Clerk 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 (England) Regulations.
- 1.11 The accounting records determined by the Clerk shall in particular contain:
- 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;
  - a record of the assets and liabilities of the Council; and
  - 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.
- 1.12 The accounting control systems determined by the Clerk shall include:
- procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
  - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
  - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
  - 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 Clerk and that the approvals are shown in the accounting records; and
  - measures to ensure that risk is properly managed.
- 1.13 The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:
- setting the final budget or the precept (council tax requirement);
  - approving accounting statements;
  - approving an annual governance statement;
  - borrowing;
  - writing off bad debts;
  - declaring eligibility for the General Power of Competence; and
  - addressing recommendations in any report from the internal or external auditors,
- shall be a matter for the Full Council only.
- 1.14 In addition the Council must:
- determine and keep under regular review the bank mandate for all Council bank accounts;
  - approve any grant or a single commitment in excess of £2,000; and
  - 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.

- 1.15 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)**

- 2.1 All accounting procedures and financial records of the Council shall be determined by the Clerk in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.
- 2.2 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 Clerk. 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's Finance and Assets Committee.
- 2.3 The Clerk 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.
- 2.4 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 Clerk, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.
- 2.5 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.
- 2.6 The internal auditor shall:
- be competent and independent of the financial operations of the Council;
  - report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
  - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - have no involvement in the financial decision making, management or control of the Council.
- 2.7 Internal or external auditors may not under any circumstances:
- perform any operational duties for the Council;
  - initiate or approve accounting transactions; or

- direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

2.8 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.

2.9 The Clerk 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.

2.10 The Clerk 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**

3.1 The Town Development Committee 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 September each year including any proposals for revising the forecast.

3.2 The Clerk 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 and Assets Committee and the Council.

3.3 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.

3.4 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 Clerk shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.

3.5 The approved annual budget shall form the basis of financial control for the ensuing year.

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

4.1 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:

- the Council for all items over £5,000;
- a duly delegated committee of the Council for items over £500; or
- the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below £500.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chairman.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

4.2 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').

- 4.3 Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4 The salary budgets are to be reviewed at least annually in October 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 Clerk will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.5 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.
- 4.6 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.
- 4.7 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- 4.8 The Clerk shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose 'material' shall be in excess of 10% of the budget.
- 4.9 Changes in earmarked reserves shall be approved by Council as part of the budgetary control process.

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

- 5.1 The Council's banking arrangements, including the bank mandate, shall be made by the Clerk and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2 The Clerk shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to the Finance and Assets Committee. The Committee shall review the schedule for compliance and having satisfied itself shall authorise payment by a resolution of the Finance and Assets Committee. 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.
- 5.3 All invoices for payment shall be examined, verified and certified by the Clerk 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.

- 5.4 The Clerk shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The Clerk shall take all steps to pay all invoices submitted, and which are in order, at the next available Finance and Assets Committee meeting.
- 5.5 The Clerk shall have delegated authority to authorise the payment of items only in the following circumstances:
- a) 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 certifies 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 the Finance and Assets Committee;
  - b) 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 the Finance and Assets Committee; or
  - c) Fund transfers within the Council's banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of the Finance and Assets Committee.
- 5.6 For each financial year the Clerk 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 the Finance and Assets Committee 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 the Finance and Assets Committee.
- 5.7 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.
- 5.8 In respect of grants a duly authorised committee shall approve expenditure within any limits set by Council and in accordance with any policy statement approved by Council. Any Revenue or Capital Grant in excess of £5,000 shall, before payment, be subject to ratification by resolution of the Council.
- 5.9 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.
- 5.10 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.
- 5.11 Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a member.

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

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

- 6.2 Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Clerk shall give instruction that a payment shall be made.
- 6.3 All payments shall be effected by cheque or other instructions to the Council's bankers, or otherwise, in accordance with a resolution of Council or duly delegated committee.
- 6.4 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 two members of Council 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.
- 6.5 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.
- 6.6 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 Finance and Assets Committee at the next convenient meeting.
- 6.7 If thought appropriate by the Finance and Assets Committee, 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.
- 6.8 If thought appropriate by the Finance and Assets Committee, 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 the Finance and Assets Committee as made. The approval of the use of a banker's standing order shall be renewed by resolution of the Council at least every two years.
- 6.9 If thought appropriate by the Finance and Assets Committee, 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 the Finance and Assets Committee as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the Council at least every two years.
- 6.10 If thought appropriate by the Finance and Assets Committee, payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 6.11 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 Chairman of Council 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.

- 6.12 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.
- 6.13 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.
- 6.14 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.
- 6.15 Where internet banking arrangements are made with any bank, the Clerk 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. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.16 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.
- 6.17 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 a member. A programme of regular checks of standing data with suppliers will be followed.
- 6.18 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 £500 unless authorised by Council or Finance and Assets Committee in writing before any order is placed.
- 6.19 A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Finance and Assets Committee. Transactions and purchases made will be reported to the Finance and Assets Committee and authority for topping-up shall be at the discretion of the Finance and Assets Committee.
- 6.20 Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Clerk and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.
- 6.21 The Clerk may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the Clerk with a claim for reimbursement.
  - a) The Clerk shall maintain a petty cash float of £250 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
  - b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.

- c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to the Finance and Assets Committee under 5.2 above.

## **7. PAYMENT OF SALARIES**

- 7.1 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.
- 7.2 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.
- 7.3 No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the HR Committee.
- 7.4 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:
  - a) by any councillor who can demonstrate a need to know;
  - b) by the internal auditor;
  - c) by the external auditor; or
  - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 7.5 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.
- 7.6 An effective system of personal performance management should be maintained for the senior officers.
- 7.7 Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 7.8 Before employing interim staff the Council must consider a full business case.

## **8. LOANS AND INVESTMENTS**

- 8.1 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.
- 8.2 Any financial arrangement which does not require formal borrowing approval from the Secretary of State (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.

- 8.3 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.
- 8.4 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.
- 8.5 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.
- 8.6 All investments of money under the control of the Council shall be in the name of the Council.
- 8.7 All investment certificates and other documents relating thereto shall be retained in the custody of the Clerk.
- 8.8 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**

- 9.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the Clerk.
- 9.2 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 Clerk and the Clerk shall be responsible for the collection of all accounts due to the Council.
- 9.3 The Council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- 9.5 All sums received on behalf of the Council shall be banked intact as directed by the Clerk. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the Clerk considers necessary.
- 9.6 The origin of each receipt shall be entered on the paying-in slip.
- 9.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8 The Clerk shall promptly complete any VAT return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9 Where any significant sums of cash are regularly received by the Council, the Clerk 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.
- 9.10 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**

- 10.1 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.
- 10.2 Order books shall be controlled by the Clerk.
- 10.3 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.
- 10.4 A member may not issue an official order or make any contract on behalf of the Council.
- 10.5 The Clerk 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 Clerk 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**

- 11.1 Procedures as to contracts are laid down 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 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>

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<sup>1</sup> 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.  
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- 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).<sup>2</sup>
- 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 Order 80, and shall refer to the terms of the Bribery Act 2010.
- h. When it is to enter into a contract of less than £25,000 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 obtain three quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the Clerk shall strive to obtain three estimates. Otherwise, Regulation 10.3 above shall apply.
- i. The Council shall not be obliged to accept the lowest of any tender, quote or estimate.
- j. 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.

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

- 12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the Clerk 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).
- 12.2 Where contracts provide for payment by instalments the Clerk shall maintain a record of all such payments. In any case where it is estimated that the total cost of work

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<sup>2</sup> Thresholds currently applicable are:

- a. For public supply and public service contracts 209,000 Euros (£164,176)
- b. For public works contracts 5,225,000 Euros (£4,104,394)

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.

- 12.3 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**

- 13.1 The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2 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.
- 13.3 Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4 The Clerk shall be responsible for periodic checks of stocks and stores at least annually.

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

- 14.1 The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The Clerk 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.
- 14.2 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.
- 14.3 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).
- 14.4 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).
- 14.5 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.
- 14.6 The Clerk 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**

- 15.1 Following the annual risk assessment (per Financial Regulation 17), the Clerk shall effect all insurances and negotiate all claims on the Council's insurers.
- 15.2 The Clerk shall make a record of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 15.3 The Clerk shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 15.4 The Clerk 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.
- 15.5 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**

- 16.1 Where the Council is sole managing trustee of a charitable body the Clerk 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 shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.

## **17. RISK MANAGEMENT**

- 17.1 The Council is responsible for putting in place arrangements for the management of risk. The Clerk 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.
- 17.2 When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

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

- 18.1 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.
- 18.2 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.



# Elected Members Code of Conduct

## 1. Conduct

- 1.1 You are a member or co-opted member of Warminster Town Council and hence you shall have regard to the following principles – **selflessness, integrity, objectivity, accountability, openness, honesty and leadership.**
- 1.2 You must promote and support high standards of conduct when serving in your public post, in particular as characterized by the following requirements, by leadership and example.
- 1.3 Accordingly, when acting in your capacity as a member or co-opted member:
  - (a) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
  - (b) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
  - (c) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
  - (d) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
  - (e) You must be as open as possible about your decisions and actions and the decisions and actions of your authority, and should be prepared to give reasons for those decisions and actions.
  - (f) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties, and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below
  - (g) You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

## 2. Registering and Declaring Pecuniary and Non-Pecuniary Interests

- 2.1 You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living as a husband or wife, or as if you were civil partners.
- 2.2 If an interest has not been entered onto the authority's register you must disclose the interest to any meeting of the authority at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a sensitive interest.

- 2.3 Following any disclosure of an interest which is not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
- 2.4 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

Adopted 9<sup>th</sup> May 2016