



Padstow Town Council

STANDING ORDERS

April 2019

Amended: 23 April 2019 and adopted by full Council

Amended: 24 April 2018 and adopted by full Council

Amended: 25 April 2017 and adopted by full Council

Amended: 26 January 2016 and adopted by full Council

Amended: 30 September 2014 and adopted by full Council

Adopted by full Council on 28 October 2013

1 Meetings

The use of the term he implies he/she throughout the document

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 **The minimum three clear days for notice of a meeting does not include 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.**
-  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 either during public participation or at the invitation of the Chairman of the meeting.
- e The period of time which is designated for public participation in accordance with standing order 1(d) above shall not exceed 15 minutes. Unless directed by the Chairman of the meeting.

- 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 and shall not speak for more than 5 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 at that meeting.
- h In accordance with standing order 1(g) above, the Chairman of the meeting 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 session at a meeting shall be included in the minutes of that meeting.
- j Any person speaking at a meeting shall address his comments to the Chair
- k Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chair shall direct the order of speaking.
- **l 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.**
- **m 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).**
- **n 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 at the meeting.

-  **o Subject to model standing order 1 (u) below, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.**
-  **p The Chairman of the meeting 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. (See also standing orders 2 (i) and (j) below.)**
-  **q Unless Standing Orders provide otherwise voting on any question 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.**
-  **r The minutes of a meeting shall record the names of councillors present and absent.**
-  **s The code of conduct adopted by the Council shall apply to councillors and members of the public co-opted to serve on committees and sub committees of the Council in respect of the entire meeting.**
-  **t All interests arising from the code of conduct adopted by the Council, will be recorded in the minutes giving the existence and nature of the interest (See also standing orders 7 and 8 below.)**
-  **u No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present**

- the Quorum for Padstow Town Council shall be 4.

-  v **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.
- w Meetings shall not exceed a period of 2.5 hours.
- x At the Chairman's discretion and with the agreement of the Council, a member of the public may be invited to answer questions on a matter of fact relating to the item under consideration by the Council at that point on the agenda where the matter is being discussed.

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 6pm.**
- 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.** No meetings of Full Council will be held in August or December. Meetings will commence at 19.30pm and be held on the last Tuesday of each month unless otherwise decided at the previous meeting.

- 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 together with the signing of the Chairman's acceptance of office - if it is not signed then it should be determined when it will be signed.
- 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. 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.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new 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.**
- 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/terms of reference to committees, sub-committees, employees and other local authorities.
- iv. To appoint committees
- v. To appoint Council representatives to outside organisations
- vi. 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.
- vii. Setting the dates, times and place of ordinary meetings of the full Council & its committees for the year ahead.

3 Proper Officer

- a The Council's Proper Officer shall be the clerk or such other employee as may be 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. **Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee at least 3 clear days before the meeting.**
 - 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 (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

- iii. **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 [3(b)i] above.
- iv. **Make available for inspection the minutes of meetings.**
- v. **Receive and retain copies of byelaws made by other local authorities.**
- vi. Receive and retain declarations of acceptance of office from councillors.
- vii. Retain a copy of every councillor's register of interests and any changes to it and keep copies of the same available for inspection.
- viii. Keep proper records required before and after meetings;
- ix. 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.
- x. Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
- xi. Manage the organisation, storage of and access to information held by the Council in paper and electronic form.
- xii. Arrange for legal deeds to be signed by 2 councillors and witnessed by the Proper Officer (*See also model standing orders 16(a) and (b).*)
- xiii. 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.
- xiv. Record every planning application notified to the Council and the Council's response to the local planning authority;
- xv. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
- xvi. Have delegated authority to act in respect of any function of the Council/Committee where urgent attention is required before the next Council meeting due to health & safety reasons.. This authority to be exercised in consultation with the Chairman of the Council/Committee. This authority may not be used to decide on the following -

- Anything which is contrary to council policy
- Issuing a precept
- Determining borrowing limits
- Approving a lottery scheme
- Considering an auditor's report

Any matter dealt with under the above shall be reported back to the next Council/Committee meeting.

4 **Filming and recording meetings**

- a **Whilst a meeting of the Council, its committees or sub committees is open to the public, any person, if present, may:**
 - 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.**
- b **Oral reporting, commentary or broadcasting is not permitted during any part of a meeting of the council, its committees and sub committees.**
- c An individual must be present and able to use their equipment in order to film, photograph or audit record a meeting. There will be no opportunity to report on any part of the meeting where the council has resolved to exclude the press and public.
- d Disruptive behaviour
 - i. No filming, photographing or audio recording of a meeting should be carried out in such a way as to disrupt the proceedings of the meeting.
 - ii. If a person(s) disregard the request of the chairman of the meeting to the moderate or improve their behaviour, any councillor or the chairman of the meeting may move that the person be instructed to

cease filming, photographing or audio recording. The motion, if seconded, shall be put to the vote without discussion.

iii. If a resolution under standing order 4 dii) above is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

- e Members of the Council recording meetings are reminded of their obligations under the Council's Code of Conduct in respect of confidential matters.

5 Motions requiring written notice

- a 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.
- b In accordance with standing order 3(b)(i) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least seven clear days before the next meeting.
- c The Proper Officer may, before including a motion in the agenda received in accordance with standing order 5(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 5(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least seven clear days before the meeting.
- e If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the 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.

- f Having consulted the Chairman or councillors pursuant to standing order 5(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- g A written notice of motion shall not relate to any matter which may be considered under the Council's Code of Conduct, Complaints Procedure or employment policies.

6 Motions not requiring written notice

- a 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 dispose of business, if any, remaining from the last meeting.
 - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
 - vii. To proceed to the next business on the agenda.
 - viii. To close or adjourn debate.
 - ix. To refer by formal delegation a matter to a committee or an employee.
 - x. To appoint a committee or sub-committee or any councillors thereto.
 - xi. To receive nominations to a committee
 - xii. To dissolve a committee
 - xiii. To note the minutes of a meeting of a committee
 - xiv. To consider a report and/or recommendations made by a committee or an employee.
 - xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
 - xvi. To authorise legal deeds to be signed by two councillors and

witnessed.

(See standing orders 16(a) and (b) below.)

- 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 arrangements for those representatives to report back the activities of outside bodies.
- xxv. To answer questions from councillors.

- b If a motion falls within the terms of reference of a committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

7 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman of the meeting's direction for reasons of expedience.
- b A Councillor or member of the public co-opted to serve on Council committees and sub committees who has a non-registerable interest defined under 3.5A of the Council's Code of Conduct, may by invitation of the Chairman of the meeting, remain in the room to address the

Council to provide any information as they reasonably consider might inform the debate before leaving the room.

- c The period of time for addressing the Council under 7b) shall not exceed 5 minutes and will be at the discretion of the Chairman of the meeting.
- d If two or more Councillors wish to speak at the same time the chair shall decide on the order in which they are heard.
- e Subject to standing orders 7(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
- f Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- g A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded
- h 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.
- i Any amendment to a motion shall be either:
 - i. to leave out words;
 - ii. to add words;
 - iii. to leave out words and add other words.
- j A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- k Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting. No further

amendment to a motion shall be moved until the previous amendment has been disposed of.

- l Subject to Standing Order 7(k) above, one or more amendments may be discussed together if the Chairman of the meeting considers this expedient but shall be voted upon separately.
- m Pursuant to standing order 7(k) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- n If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman of the meeting.
- o 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.
- p The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 2 minutes.
- q 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.
- r Subject to standing orders 7(n) and (o) 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.
- s 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.

- t A point of order shall be decided by the Chairman of the meeting and his decision shall be final.
- u 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.
- v Subject to standing order 7(p) 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 sub-committee 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.
- t In respect of standing order 7(v)(iv) above, the Chairman of the meeting shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman of the meeting 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.

8 Code of conduct, complaints and Dispensations

See also model standing orders 1(d)–(i) above

General

- a The Council has adopted the Cornwall Code of Conduct for City, Community, Parish and Town Councils which will apply to all councillors and members of the public co-opted to serve on Committees and sub Committees of the Council in respect of the entire meeting.

All interests arising from the Code of Conduct adopted by the Council will be recorded in the minutes giving the existence and nature of the interest.

- b Members must have particular regard to their obligation to record and leave the room for certain matters in which they have an interest as defined by the Code of Conduct or by relevant legislation.
- c The Council shall maintain for public inspection, a Register of Members' interests that is compliant with the Code of Conduct and with relevant legislation.

Members and the Code of Conduct

- d All councillors and members of the public co-opted to serve on Council committees and sub committees shall observe the Code of Conduct adopted by the Council.
- e All councillors and members of the public co-opted to serve on Council committees and sub committees shall maintain a Register of Disclosable Pecuniary Interests, and must update their register by notifying the Monitoring Officer and the Clerk of any changes within 28 days.
- f All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- g Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a Disclosable Pecuniary Interest in relation to

any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.

- h Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a non-registerable interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.
- i Where a non-registerable interest arises from membership of an outside body as defined in 3.5a of the Council's code of conduct, a councillor remain in the room to address the meeting, provide a short statement and answer questions for no more than three (3) minutes before leaving the room at the request of the Chairman of the meeting.
- j Councillors must not accept gifts or hospitality that you are offered or receive in connection with your official duties as a member that could be seen by the public as likely to influence your judgement in these matters.
- k A Member of the Council may, for the purposes of his duty as a member but not otherwise, inspect any document which has been considered by a Committee or by the Council. The Proper Officer or Solicitor to the Council may decline to allow inspection of any document which is protected by other legislation or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client. All Minutes kept for any Committee shall be open for the inspection of any member of the Council during office hours.

Allegations of breaches of the Code of Conduct

- l Notification of any complaint shall remain confidential to the Proper Officer of the Council until such time as the matter has been concluded, when the outcome of the complaint shall be reported to a meeting of full council.
- m Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in this standing order, who shall continue to act in respect of that matter as such until the complaint is resolved.

- n Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint
- o 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;
- p References to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a councillor.
- q **Upon notification by Cornwall Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider any recommendations and what, if any, action to take against him. Such action excludes disqualification or suspension from office and shall be limited to those sanctions recommended by the Monitoring Officer as part of the Decision Notice**

Such action excludes disqualification or suspension from office but may include removal from one or more committees of the Council or restricted access to council premises except to attend meetings.

Dispensations

- r A councillor or a member of the public co-opted to serve on a committee or sub committee who has declared a disclosable pecuniary interest or non-registerable interest in any item of business being transacted at a meeting may submit a written request for a dispensation before the start of the meeting.
- s Consideration of such written requests for dispensations shall be a standing item on the agenda.
- t The Council will not award dispensations to councillors or co-opted members of committees attending any informal meeting of the Council, its committee and sub committees where no record of the

- proceedings is made.
- u This Standing Order shall apply to all meetings of the Council, its committees and subcommittees.

9 Questions

- a A councillor may seek an answer to a question concerning any business of the Council provided 5 clear day notice of the question has been given to the Proper Officer.
- b Questions not related to items of business on the agenda for a meeting shall be passed to the Proper Officer to be added to the next agenda if a decision is required by the council or be answered by the Proper Officer as above.

10 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 the minutes shall be raised in accordance with standing order 6(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:

"The Chairman of this meeting does not believe that the minutes of the meeting of the [*relevant committee*] held on [*date*] in respect of [*minute number*] were a correct record but his view was not upheld by the majority of the [*voting members*] and the minutes are confirmed as an accurate record of the proceedings."

- e 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.

11 Disorderly conduct

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, and councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

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 seven councillors of the Council.

- 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 Voting on appointments

- a 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.
- b Councillors shall vote by show of hands or if a resolution is carried by one half of the Councillors present by ballot.

14 Expenditure

- a Any expenditure incurred by the Council shall be in accordance with the Council's financial regulations.
- b The Council's financial regulations shall be reviewed once a year.
- c The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee or to an employee.

15 Execution and sealing of legal deeds

See also standing order 6(a)(xvi) above

- 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 Committees

See also standing order 1 above

- 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 or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - iv. shall determine that any councillor attending a committee meeting but not a member of that committee shall be permitted to participate in debate at the discretion of the Chairman of the meeting, but not vote on business at that meeting during the press and public portion of the meeting. Any councillor attending a committee meeting but not a member of that committee to be excluded from the portion of the meeting which excludes the press and public (confidential business);
 - v. may in accordance with standing orders, dissolve a committee at any time.
 - vi. the maximum number on any committee shall be two-thirds of the Councillors
 - vii. Every committee shall at its first meeting after the Annual Town Council meeting shall before proceeding with any business elect a chair who will hold office until the next committee meeting

- viii. The quorum of a committee shall be half the committee members or three whichever is the greater. Numbers will be rounded up.
- ix. Chairs of committees shall in the case of an equality of votes have a second or casting vote.

17 Sub-committees

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.**

18 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 3 councillors, those 3 councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 3 councillors.

19 Advisory committees

See also standing order 1 above

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors.
- b Advisory committees and any sub-committees may consist wholly of persons who are non-councillors.

20 Accounts and Financial Statement

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's financial regulations, which shall be reviewed at least annually.
- b The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year an update of the latest committee budget figures. Including a comparison with the budget for the financial year. A Financial Statement for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before the end of May.

21 Estimates/precepts

- a The Council shall approve written estimates for the coming financial year at its meeting in the preceding November.

- b Any committee desiring to incur expenditure shall give the Responsible Financial Officer a written estimate of the expenditure recommended for the coming year by October/early November.

22 Canvassing of and recommendations by councillors

- a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this standing order to every candidate.
- b A councillor or a member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
- c This standing order shall apply to tenders as if the person making the tender were a candidate for an appointment.

23 Inspection of documents

- a 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.

24 Unauthorised activities

- a Unless authorised by a resolution, no individual councillor shall in the name 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.
 - iii. incur any expenditure on behalf of the Council or issue an instruction to incur expenditure.

25 Confidential business

- a Councillors 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 25(a) above may be removed from a committee or a sub-committee by a resolution of the Council.

26 General Power of well-being

- a Before exercising the power to promote well-being, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.
- b The Council's period of eligibility begins on the date that the resolution understanding order 25(a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- c After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power to promote well-being which was not completed before the expiry of the Council's

preceding period of eligibility referred to in standing order 25(b) above.

27 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 the Staffing 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 the handling of grievance matters, the Council's Proper officer shall contact the Chairman of the Staffing committee or in his absence, the Vice-Chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing committee or a sub- committee set up by the committee to handle disciplinary and grievance issues..
- c 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.
- d 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.
- e 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.
- f Only persons with line management responsibilities shall have access to employee records referred to in standing orders 27(d) and (e) above if so justified.

28 Responsibilities to provide information

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulation 2015**

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

30 Liaison with District and County or 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.

31 Financial Regulations

- a The Council has established Financial Regulations for the governance and management of its finances and to meet the requirements of the

audit and accountability regime in place at the time. These are attached as Part II of these Standing Orders

- b All payments by the council shall be authorised approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c The Council's proper practices will be in accordance with the most recent JPAG guidance.

32 Variation, revocation and suspension of standing orders

- a 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.
- b 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 three-quarters of the councillors at a meeting of the Council vote in favour of the same.

33 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 declaration of acceptance of office.
- b The Chairman's decision as to the application of standing orders at meetings shall be final.
- c 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.

34 Management of information

- a The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c The agenda, papers that support the agenda and the minutes of the meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

35 Responsibilities under data protection legislation

- a The Council shall appoint a Data Protection Officer**
- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**

- c The Council shall have a written policy in place for responding to and managing a personal data breach.
- d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- e The Council shall ensure that information communicated in its privacy notice(s) is in an easy accessible and available form and kept up to date.
- f The Council shall maintain a written records of its processing activities.

PADSTOW TOWN COUNCIL - FINANCIAL REGULATIONS

These Financial Regulations were adopted by the Full Council at its Meeting held on the 24th September 2019

1. GENERAL

- 1.1a The conduct of the affairs of the Council is governed by the statutes, statutory instrument and proper practice for parish and town councils and standing orders of the Council. These regulations should therefore be read in conjunction with those and any other policies or procedures referred to in this document. Any contract or grant condition entered into by the Council that imposes additional conditions shall also have precedence over these regulations.
- 1.1b These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. 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 financial control, which facilitates the effective exercise of the council's functions, including arrangements for the management of risk and for the prevention and detection of fraud and corruption. These financial regulations are designed to demonstrate how the council meets these responsibilities.
- 1.2 The Responsible Financial Officer (RFO) is a statutory office and shall be appointed by the council. The Accountant has been appointed as RFO for this council and these regulations will apply accordingly. The RFO, acting under the policy direction of the Finance and General Purposes Committee, shall administer the Council's financial affairs in accordance with proper practices. The RFO shall determine on behalf of the council its accounting records, and accounting control systems. The RFO shall ensure that the accounting control systems are observed and that the accounting records of the council are maintained and kept up to date in accordance with proper practices.
- 1.3 The RFO shall produce financial management information as required by the council.
- 1.4 At least once a year, prior to approving the annual return, the council shall conduct a review of the effectiveness of its system of internal control, which shall be in accordance with proper practices.
- 1.5 In these financial regulations, references to the Accounts and Audit Regulations shall mean latest regulations issued and currently in force.

- 1.6 In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in Governance and Accountability in local Councils in England and Wales – a Practitioners' Guide which is published jointly by NALC and SLCC and updated from time to time.
- 1.7 The RFO and Town Clerk are responsible for ensuring that all payments are legal and within the powers of the Council.
- 1.8a The Council must approve the setting up of and any changes to accounts with banks or other financial institutions.
- 1.8b The Council must approve entry into a 'pooling' or 'sweep' arrangement whereby the bank periodically aggregates the council's various balance via automatic transfers.
- 1.8c If held, corporate credit card accounts must be set up to operate within defined limits and cleared monthly by direct debit from the main bank account.
- 1.9a Those with direct responsibility for money must undertake appropriate training from time to time.
- 1.9b The Council has considered Appendix 10 of Governance and Accountability 2014 and has addressed the segregation of duties that relate to all aspects of the Council's control of money. It has ensured that, where weaknesses exist, compensating controls have been put in place to address those weaknesses and is therefore confident that, so far as practical, it has addressed the security of money and risk of fraud, theft or error in relation to its monetary transactions.
- Councillors who have been assigned scrutiny roles in managing the Council's money are committed to doing so diligently and ensuring they have the appropriate training and updating in the area for which they have responsibility. The Council is committed to supporting such training.
- The Council will annually review the arrangements for managing money.
- 1.10 Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.11 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.

1.12 The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- a) setting the final budget or the precept (council tax requirement)
- b) approving accounting statements
- c) approving an annual governance statement
- d) borrowing
- e) writing off bad debts
- f) declaring eligibility for the General Power of Competence; and
- g) addressing recommendations in any report from the internal or external auditors,

shall be a matter for Full Council only.

2. ANNUAL ESTIMATES (BUDGET)

- 2.1 Each Committee shall formulate and submit proposals to the Finance & General Purposes Committee in respect of revenue and capital including the use of reserves and all sources of funding for the following financial year not later than the 31st October each year.
- 2.2 Detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the year shall be prepared each year by the RFO in the form of a budget to be considered by the F & GP committee.
- 2.3 The F & GP committee shall review the budget each year during November and recommend to Council the Precept to be levied for the ensuing financial year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved budget.
- 2.4 The annual budgets shall form the basis of financial control for the ensuing year.

3 BUDGETARY CONTROL

- 3.1 Expenditure on revenue items may be incurred up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
 - a) the Council for all items over £15,000

b) a duly delegated committee of the Council for items over £10,000

c) the Clerk or RFO with the Chairman of the Council or the Chairman of the Finance Committee or Chairman of the Committee, for any items below £10,000 but greater than £5000.

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

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

- 3.2 No expenditure may be incurred that will exceed the amount provided, in excess of £2000, in the revenue budget for that class of expenditure. 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.
- 3.3 The RFO shall regularly provide the F & GP committee 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 twice a year.
- 3.4 The RFO or Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1000. The Clerk shall report the action to the Council as soon as practicable thereafter.
- 3.5 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless placed in an earmarked reserve by resolution of the council.
- 3.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the F & GP committee is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- 3.7 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- 3.8 Virements – The budget control level for committee expenditure be defined as expenditure on staff, expenditure on other revenue activities, capital expenditure. Provided that overall expenditure is

contained within approved totals for these sections of the budget the budget may be adjusted by the RFO with approval of the Clerk without reference to the Committee. A virement may be made by a budget holding committee without reference to F&GP where the RFO confirms the adjustment does not result in any identified ongoing increased contractual obligation to the Council in future years. The F & GP committee shall consider all other virements. The F&GP committee may approve virements that do not impact on future years or require the use of additional reserves which shall be determined by the Council.

4. ACCOUNTING AND AUDIT

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- 4.2 The RFO shall complete the annual financial statements of the Council, including the council's annual return, as soon as practicable after the end of the financial year and shall submit them and report thereon to the Council.
- 4.3 The RFO shall complete the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time) and shall submit the Annual Governance and Accountability Return for approval and authorisation by the Council within the timescales set by the Accounts and Audit Regulations.
- 4.4 The RFO shall ensure that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with proper practices. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.
- 4.5 The Internal Auditor shall be appointed by and shall carry out the work required by the council in accordance with proper practices. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing, or in person, on a regular basis with a minimum of one annual written report in respect of each financial year. In order to demonstrate objectivity and independence, the internal auditor shall be free from any conflicts of interest and have no involvement in the financial decision-making, management or control of the council.

- 4.6 The RFO shall make arrangements for the opportunity for statutory inspection of the accounts, books, and vouchers and for the display or publication of any Notices and statements of account required.
- 4.7 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

5. BANKING ARRANGEMENTS AND CHEQUES

- 5.1 The Council's banking arrangements, including the Bank Mandate, shall be made by the RFO and approved by the Council. They shall be regularly reviewed for efficiency.
- 5.2 A schedule of the payments required, forming part of the Agenda for the Meeting, shall be prepared by the RFO and, together with the relevant invoices, be presented to Council. If the schedule is in order it shall be authorised by a resolution of the Council and shall be signed by 2 Councillors who are bank signatories. If more appropriate the detail may be shown in the Minutes of the Meeting.
- 5.3 Payments drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 or in accordance with paragraph 6.4 shall be signed by two members of Council, and where practicable one of these members will be the Chairman of the Finance Committee.
- 5.3 Bank reconciliations for all bank accounts shall be performed at least monthly and initialled as correct by the Chairman of the Finance Committee or Town Clerk.
- 5.4 The Council must approve every bank mandate, the list of authorised signatures for each account, the limits of authority for each account signature and any amendments to mandates.
- 5.5 The Chairman of Finance, Town Clerk and RFO can arrange short-term investment of funds on interest bearing deposit accounts with either Lloyds or Barclays bank in the name of Padstow Town Council. All the transfers of funds from one of the Council's deposit accounts must be made either into another of the Council's existing deposit accounts or into the Council's main current account. The closing of an existing account or the setting up of a new account must be approved by Council.

6 PAYMENT OF ACCOUNTS

- 6.1 When payments have been approved by the Council and the Accounts Outstanding & Addendum to the Accounts Outstanding signed by 2 Councillors who are bank signatories, then payments can be made using online banking or cheques
- 6.1a Urgent payment requisitions must be signed by 2 Councillors, if payments are required between meetings and may be paid using online banking or cheque.
- 6.2 All invoices for payment shall be examined, verified and certified by the RFO. The RFO shall satisfy him/herself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.
- 6.3 The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The RFO shall take all steps to settle all invoices submitted, and which are in order, at the next available Council Meeting.
- 6.4a 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, the RFO may (notwithstanding para 6.3) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of Council.
- 6.4b The RFO shall input the amounts payable on the online banking website, the payments will then be authorised separately by the Town Clerk. No individual can make online payments, the bank mandate details separate authorisation is required.
- 6.4c Online payments that are greater than £5,000 will be checked against the payment schedules, by the Chairman of Finance when the bank reconciliations are checked and initialled.
- 6.4d Two Officers or Members must approve any changes to supplier bank details, with documentary evidence retained of both the change implemented and who authorised it.
- 6.5 The RFO or 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 RFO with a claim for reimbursement:
 - a) The RFO shall maintain an appropriate petty cash float 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 Council under 5.2 above.

Payment for utility supplies (energy, telephone and water) PAYE, VAT, Cornwall Council and suppliers may be made by variable Direct Debit or payment by Internet Banking provided that the approval is signed by two Councillors who are bank signatories and any payments are reported to council as made. The approval of the use of a variable Direct Debit and Internet Banking shall be renewed by resolution of the council at least every year.

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 salaries shall be as agreed by Council.

7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions, may be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that the total payment is reported to and ratified by the next available Council Meeting.

8 LOANS AND INVESTMENTS

8.1 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.

8.2 The council shall implement an Investment Policy which, shall be in accordance with relevant regulations, proper practices and guidance. This Policy shall be reviewed annually.

8.3 All investments of money under the control of the Council shall be in the name of the Council.

8.4 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 terms and conditions of borrowings shall be reviewed at least annually.

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

9 INCOME

- 9.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 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 RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 9.3 The Council will review all fees and charges annually, following a report of the Clerk.
- 9.31 Invoice payment is due within 14 days of the invoice date. Interest may be charged at a rate of 8% above base per annum if payment is not received within 30 days of the invoice date, in accordance with 'The Late Payment of Commercial Debts (Interest) Act 1998', at the discretion of the RFO.

Customers with outstanding accounts at 90 days may be taken to the Small Claims Court or passed to the Council's solicitors to deal with, following a final seven day warning letter, at the discretion of the RFO.

Accounts outstanding at 90 days will be notified to the Finance and General Purposes Committee and/or Full Council.

- 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 RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO 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 RFO shall promptly complete any VAT Return that is required.

- 9.9 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.

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 made or an official order would be inappropriate as decided by the RFO. Copies of orders shall be retained.
- 10.2 Order books shall be controlled by the RFO.
- 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 (I) below.

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 these regulations shall 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.

- (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
- (b) Where it is intended to enter into a contract exceeding £75,000 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 RFO or Clerk shall invite tenders from at least three firms.
- (c) 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.
- (d) 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 RFO 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.

Contracts will comply with the Public Contracts Regulations 2015 and the Council will ensure that all contracts with an expected value of over £25,000 net are advertised on Contracts Finder.

- (e) All sealed tenders shall be opened at the same time on the prescribed date by the RFO in the presence of the Chairman of Finance and one other member of the F & GP committee, if the Chairman is unavailable another member of F & GP will be present.
- (f) If less than three tenders are received for contracts above £75,000 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.
- (g) When it is to enter into a contract less than £75,000 and more than £10,000 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 seek not less than 3 quotations (priced descriptions of the proposed supply); where the value is below £10,000 and above £2000 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.
- (h) The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

(i) The successful tenderers for major capital contracts will be asked to provide the guarantee of an insurance company bond or other suitable insolvency cover approved by the Council in a sum normally equal to 10% of the tender sum.

12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

- 12.1 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).
- 12.2 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 by 10% 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 Members of staff 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 RFO 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 owned by the Council. The RFO shall ensure a record is maintained of all properties owned 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 property shall be 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 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

- 15.1 Following the annual risk assessment (per Financial Regulation 16), the RFO or Town Clerk shall effect all insurances and negotiate all claims on the Council's insurers.
- 15.2 The Clerk shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 15.3 The RFO or Town 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 RFO or Town 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 employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

16 RISK MANAGEMENT

- 16.1 The council is responsible for putting in place arrangements for the management of risk. The Clerk with the RFO shall organise, 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.

- 16.2 When considering any new activity, the Clerk with the RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.
- 16.3** Access to computer software containing financial information will be password protected. The passwords will be individual to members of staff or members of the Council and will be changed on a regular basis.
- 16.4 All staff and members using computers for the Council's financial business shall ensure that anti-virus, anti-spyware, firewall and automatic updates are used, together with a high level of security.

17 REVISION OF FINANCIAL REGULATIONS

- 17.1 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.

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