



**THE VIRTUAL MEETING PROTOCOL WILL BE READ PRIOR TO THE START OF THE MEETING**

**AGENDA / BUSINESS TO BE TRANSACTED**

1. ELECTION OF CHAIRMAN

To elect the Chairman for 2020/21. The elected Chairman will then execute the Declaration of Acceptance of Office (a copy is attached to this agenda to be printed in advance of the meeting by each Councillor who wishes to be nominated for the role). It is **RECOMMENDED** that Council resolve that it is acceptable for the Town Clerk to formally add her signature to this document when collected from the new Chairman.

2. ELECTION OF VICE CHAIRMAN

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

For Councillors to declare any pecuniary or non-pecuniary interest in any items on the Agenda

5. APPROVAL OF THE MINUTES OF THE MEETING [11<sup>TH</sup> AUGUST 2020](#)

6. PUBLIC REPRESENTATIONS

7. SOUTHEND BOROUGH COUNCIL

This is an agenda item inviting Southend Borough Councillors representing Leigh Town Council areas to report matters and issues either in person or by correspondence to Leigh Town Council relevant to the Town Council's area.

8. QUESTIONS FROM COUNCILLORS (for which written notice has been received)

9. TOWN CLERK'S REPORT ([Appendix 1](#)) page 6

**ANNUAL COMMITTEES**

10. MEMBERSHIP OF COMMITTEES FOR 2020/21 AND ELECTION OF CHAIRMAN AND VICE CHAIRMAN FOR EACH COMMITTEE - **DECISION ITEM**

Nominations and elections for Committees will take place. Once the Committee is formed, nominations and elections for Chairman and Vice Chairman will take place with only those members on the Committee being able to nominate and vote for the roles:

- a) Planning, Highways & Licensing Committee
- b) Community & Culture Committee
- c) Staffing
- d) Finance & Governance Committee

11. DATES AND TIMES OF MEETINGS – **DECISION ITEM** ([Appendix 2](#)) page 11

It is **RECOMMENDED** that the dates and times of meetings as per Appendix 1 be adopted. Members are asked to note that some of the dates presented to them at Council 19<sup>th</sup> March 2019 have been revised.

The outstanding PDG meetings will be organised as follows:

- 2<sup>nd</sup> September CIL PDG
- 15<sup>th</sup> September Town Security
- 6<sup>th</sup> October Spatial Plan (Walking routes)
- 12<sup>th</sup> October Spatial Plan (New Road speeding)

12. INVITATIONS TO APPOINT CO-OPTED MEMBERS TO DESIGNATED PROJECT DEVELOPMENT GROUPS – **DECISION ITEM**

- a) Art Group
- b) Youth Group
- c) LTC Magazine Group

13. REPRESENTATIVES TO OUTSIDE BODIES – **DECISION ITEM**

To nominate Council representatives to outside bodies for 2020/21 and where appropriate reserves:

<b>OUTSIDE BODY</b>	<b>2019/20 REPRESENTATIVE</b>
Public & Passenger Transport Group	Cllr Healey
Thames Estuary Partnership	N/A any further as LTC are not members
Leigh Port Partnership	Cllr Gilson
Southend Airport Consultative Committee	Cllr Forde
EALC Larger Local Councils Forum & EALC AGM	Town Clerk although any Cllr can attend
EALC Executive Committee	Town Clerk
Southend Business Partnership	Town Clerk & Cllr C Mulroney but any Cllr can attend
Southend Standards Committee	Cllrs Bromfield & Healey
Southend Bio Diversity Committee	N/A any further as this Committee does not exist
SAVS	Cllrs Forde & Rosier
Fisheries Local Action Group	Cllrs Gilson & C Mulroney
Leigh Coastal Communities Team	Cllrs Gilson & C Mulroney
Police & Fire Conference	Chairman plus another Cllr
Veolia Community Group	Cllrs Forde & Hart
Local Community Police Meeting	Cllr Healey as Chairman & Cllr Cracknell although any Cllr can attend

Representatives will be required to report back to Council or an appropriate Committee following meetings attended.

**OTHER ANNUAL BUSINESS**

14. REVIEW AND ADOPTION OF STANDING ORDERS AND FINANCIAL REGULATIONS ([Appendix 3](#)) page 12 **DECISION ITEM**

There is only one amendment to the Financial Regulations (page 50) in line with the model regulations recommended for use by NALC. Please ignore any formatting issues as they have occurred only in the transfer of the documents to the Agenda.

15. REVIEW OF THE TERMS OF REFERENCE FOR COMMITTEES WITH REVIEW OF DELEGATION ARRANGEMENTS TO STANDING COMMITTEES AND THE TOWN CLERK ([Appendix 4](#)) page 54

16. REVIEW OF COUNCIL'S COMPLAINTS PROCEDURE – **DECISION ITEM** ([Appendix 5](#))  
page 66

It is **RECOMMENDED** that Council adopt the Complaints Procedure as laid out in Staff Handbook which is available on the website.

For noting, a revised policy will be presented to the Staffing Committee at their next meeting for resolution and recommendation to Council via F&G Committee. The policy forms part of the review undertaken by an external consultant of the Staff Handbook.

17. REVIEW OF MEMBERS' INTERESTS – **DECISION ITEM**

At the Council meeting in March, Councillors were asked to review their Declaration of Interest on the website to ensure it is current, advising the Town Clerk should a new Declaration be needed.

It is **RECOMMENDED** that all Councillors now acknowledge that their individual interests are up to date as it is a requirement for the Town Clerk to acknowledge this to Southend Borough Council.

18. REVIEW OF INVENTORY OF LAND AND ASSETS INCLUDING BUILDINGS AND OFFICE EQUIPMENT – **DECISION ITEM** ([Appendix 6](#)) page 70

It is **RECOMMENDED** that the Council review and approve the current inventory.

19. CONFIRMATION OF ARRANGEMENTS FOR INSURANCE COVER IN RESPECT OF ALL INSURED RISKS

The Town Clerk has a review meeting with the insurers annually to ensure appropriate cover is applied. The long term agreement with Zurich Insurance expires in 2023 and the Town Clerk will obtain quotes from at least 3 insurance companies. The insurance budget for 2019/20 was £6,700 based on insurance with the Council's previous provider. This was switched to Zurich at the expiration of the long term agreement at an actual cost of £3,447.91. Additionally, the Council pay SBC to insure the Leigh Community Centre. For 2019/20 this was £2,647.28

It is **RECOMMENDED** that Council confirm the arrangements. The budget for 2020/21 is £3,650 for the Council cover and £3,000 for LCC cover. No significant amendments are expected to be made at the August review.

Lines of Cover Applying:

Business Interruption (COVID-19 was not in the list of notifiable diseases)

All Risks for contents

Money & Personal Accident Assault

Public Liability £15,000,000

Hirers' Liability (this was a new feature) £5,000,000

Employers Liability £10,000,000

Libel & Slander

Fidelity Guarantee £1,000,000

Personal Accident (this was an extended feature)

Legal Expenses

Business Travel Personal Accident

20. REVIEW OF COUNCIL'S PUBLICATION SCHEME IN RESPECT OF OBLIGATIONS UNDER FREEDOM OF INFORMATION & DATA PROTECTION LEGISLATION – **DECISION ITEM** ([Appendix 7](#)) page 71

It is **RECOMMENDED** that Council review and adopt the Scheme.

21. REVIEW OF COUNCIL'S POLICY FOR DEALING WITH THE PRESS/MEDIA – **DECISION ITEM** ([Appendix 8](#)) page 77

It is **RECOMMENDED** that Council review and adopt the Procedure.

22. TO AUTHORISE PAYMENT OF ANNUAL SUBSCRIPTIONS, CONTRACTS AND LICENCES IN ACCORDANCE WITH INTERNAL FINANCIAL REGULATIONS EITHER BY VARIABLE DIRECT DEBIT, BANK TRANSFER OR CHEQUE – **DECISION ITEM** ([Appendix 9](#)) page 79

It is **RECOMMENDED** that Council confirm payment and approve the use of direct debit and bank transfer methods.

23. TO NOMINATE COUNCILLORS TO SIGN CHEQUES AND SALARY PAYMENTS ON BEHALF OF THE COUNCIL – **DECISION ITEM**

Financial Regulation 6.3 requires Council to nominate cheque signatories (at least four), any two of whom must sign each cheque and authorise staff salaries.

The current signatories for the bank account are Cllrs: Healey; Rosier; Forde; Evans; Cracknell; Mulroney and in an emergency the Town Clerk.

At the present time this is probably sufficient unless Council decides otherwise.

For the Public Sector Deposit Fund, the current signatories are Cllrs: Healey, Rosier, Cracknell and Forde.

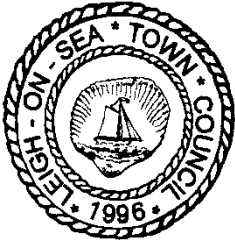
It is **RECOMMENDED** that a further two signatories be added to this.

<b>FINANCIAL</b>
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24. APPOINTMENT OF EXTERNAL AUDITORS – **DECISION ITEM** ([Appendix 10](#)) page 81

It is **RECOMMENDED** that Auditing Solutions be re-appointed as external auditors for Leigh Town Council for the year 2020/21 with the scope of work set out in Appendix 10.

**DATE OF NEXT MEETING:** Tuesday 10<sup>th</sup> November 2020 if Agenda item 11 resolved



# Leigh-on-Sea Town Council

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Chairman: Cllr Jill Healey  
Vice Chairman: Cllr Vivien Rosier  
Town Clerk: Helen Symmons *PSLCC*

**REPORT 2747/HS**

## **TOWN CLERK'S REPORT AUGUST 2020**

### **TRAINING**

#### **Staff**

Staff training is ongoing internally and through webinars and briefings. Courses undertaken have included:

- New Clerks webinar
- ACAS Employment matters returning to work
- Communication and Interpersonal skills
- CCLA investment update

### **TOWN CLERK'S DIARY**

#### EALC Executive Committee

I was unable to attend the 16<sup>th</sup> July meeting of the EALC Executive due to annual leave but just prior to the meeting, the new Chief Exec asked if my report on Governance and Democracy could be included. The report she was planning to include was just my update to the Executive that I had sent following the January meeting when we were asked to present updates, but due to the meeting being inquorate did not proceed. This report was not circulated. In preparation for the March meeting, I had completed all the actions that had been approved for Stage 1 of this work and had a report prepared. This was not requested for the Agenda. It was this report I therefore submitted to the CEO which clearly stated it had been prepared for the March meeting.

My report was not included in the July meeting but what I am aware of is that an Extra Ordinary meeting was arranged for 30<sup>th</sup> July. In that 2-week period, a working group was set up to amend the Constitution of the EALC to present to the EOM in July. I am aware that it was recommended that I be asked on to the group in view of the Chapter lead work I was undertaking for EALC on Governance and Democracy. No invite was extended to me, although I was still on annual leave. At the meeting 30<sup>th</sup> July an agenda exceeding 200 pages was presented to members a few days prior to the meeting. My report was included but rather than viewing it as the working document it should have been to lead on to Stage 2 (including reviewing of the Constitution), it was included with dismissive and personally critical comments. The hastily revised Constitution was submitted with revisions to permit the existing Chairman and Vice Chairman to continue longer than the 4 year term and to prevent Officers (i.e. Town Clerks) being representatives of their members on the Executive Committee. I have represented Southend District for 2 years and the Waltham Abbey Town Clerk was also a representative for her district although she retired in May 2020. It is my understanding that these amendments were agreed and will be presented at the AGM along with others in September 2020.

The report I presented to EALC is as follows and was based on the actions approved to be undertaken by the Executive Committee on presentation of my Part 1 Action Plan. I had assumed that a Part 2 action plan would then be devised with working groups set up to review various areas of the opportunities highlighted. I note some of these were dismissed in the EALC staff recommendations and in my opinion, an excellent opportunity to ensure a robust governance and democracy of this County Association (which is not a statutory body) to serve their members has been lost. I am unsure what was agreed in relation to the strategic work but even until the revised

constitution is in place, I shall not be representing the Southend District whilst the existing governance and democracy is in place.

## Chapter 6 Governance and Democracy

Report to Executive Committee 10<sup>th</sup> March 2020

Prepared by Helen Symmons, Executive Committee Member and Chapter Lead

Part 1

**1. Compare and contrast EALC governance & democracy to other CALCs**

All 41 county associations were researched via their websites. Key things noted:

Clear governance and democracy statements made by many CALCs

Funding often entirely from membership

Emphasis on area committees by many CALCs

Variety of representatives on outside bodies

Examples of more representative Exec Committees

**2. Compare and contrast how all members of the Exec Committee are appointed by the districts they represent**

This was unsuccessful as only 3 districts responded

The question was also asked of member councils:

Do you know who the EALC Exec Committee representatives are for your district?

Do you know how the EALC Exec Committee representatives for your district are appointed?

19 Councils responded.

17 Councils responded to both questions that they did not know

2 Councils responded to both questions that they did know

**3. Review Constitution, Standing Orders, Committee Structures, Financial Regulations, Executive Member roles**

The Financial Regulations were reviewed by the Finance Sub-Committee – copy to be provided as they have yet to be updated on the website.

I am still waiting for information requested from CEO on Executive member roles and delegated powers for the CEO

**4. Risk Review**

The Finance sub-committee have undertaken a risk review I believe and no doubt this will be presented to Exec Committee in March

**5. Review NALCs guidance and support with regard to governance & democracy within CALCs**

From contact with NALC, I have been informed that there is no governance and democracy support to county associations in how they run. NALC does not impose any rules or restrictions on how they operate. As such every single county association can be run as they like. The members of NALC and county associations are Town and Parish Councils who do have rules and restrictions imposed on them. Of note NALC and county associations do promote and encourage their members to gain a quality award thus meeting certain criteria with regard to governance and democracy within their councils. In my research, I have established that one county association is working towards achieving a Quality Standards Framework and I think this is a good example to set when wanting Town and Parish councils to sign up to achieving their own quality award.

### **Conclusion:**

The membership of the EALC is Town and Parish Councils and whilst the EALC is not a Town or Parish Council, the Executive Committee has a responsibility for the membership they represent. The members they represent have a responsibility for the residents/electorate they represent. Town and Parish Councils have to have an extremely high level of governance and democracy and this should be reflected in the governance and democracy of their representative associations.

## **Governance and Democracy SWOT analysis after Part 1 research:**

### EALC Strengths:

- More staff than any other CALC therefore has the capacity to tackle emerging agendas, deal with administration etc.
- EALC documents are fully available on EALC website e.g. minutes, constitution
- Exec Committee represented by all district associations
- Generally good attendance at meetings
- Have Governance and Democracy policies in place
- Invited to be represented on many outside bodies
- Funding from ECC

### EALC Weaknesses:

- District associations do not help direct the work of the Association via the Executive members
- Emerging agendas are often led by ECC
- Exec Chairman has the burden of being the representative on too many outside bodies
- Governance and democracy policies not reviewed annually
- Documents sometimes posted promptly to website or updated
- Key executive roles appear too burdensome
- Sub-committee and Executive committee meeting timetables not synchronised

### EALC Threats:

- Disinterest of the Executive if they do not feel fully involved in EALC decisions or agendas
- Decisions and representations made without an 'executive voice'
- Decisions not made in accordance with governance and democracy policies
- Withdrawal of ECC funding support
- EALC not being a member led body
- No continuity planning in key exec roles e.g. succession planning for vice chairs
- Governance and democracy policies outdated for the organisation EALC has become
- EALC not representative of its members

### EALC Opportunities:

- Develop a clear governance and democracy statement
- Revision of all governance and democracy policies
- Review committee structure
- Ensure role descriptions for key executive roles
- Review delegations of EALC
- Review representation to outside bodies
- Be inclusive of district agendas
- Review member representation on Executive committee to ensure fully representative
- Enable district reports to be submitted to Executive meetings
- EALC to achieve a Quality Standards Framework



**COUNCIL AND COMMITTEE DECISIONS FOLLOW UP RECORDS 2019/20**

<b>Committee</b>	<b>Minute No. and Subject</b>	<b>Completion status</b>	<b>Completion Date</b>	<b>Outcome</b>	<b>Forward Action Required</b>	<b>Responsible</b>
COUNCIL 20-11-18	82 Request to Council	RESOLVED to have a board in recognition of Town Clerks who serve the Council		Board is in progress. Maker has had surgery and recuperating		TC
COUNCIL 17-09-19	77. Defibrillator	RESOLVED to accept offer from Leigh Lions		Defibrillator box is now fitted on Strand Wharf. Awaiting appropriate signage prior to full installation	Launch date to be set with press in attendance	E&PO
COUNCIL 17-09-19	78. Execution of Legal Deed	RESOLVED		Still to be executed. TC chases solicitors frequently		TC
COUNCIL 19-11-19	92. Committees	RESOLVED new partnership working proposal with SBC subject to proposal cost terms being agreed		Meeting held with SBC. Site visit awaited and further details from SBC so a business case can be submitted	TC has chased several times on this but nothing further heard from SBC	TC
COUNCIL 19-11-19	94. CIL PDG	RESOLVED in principle subject to research		No planting included in project at present. Revisit once structure rebuilt		
COUNCIL 17-03-20	134. Social Isolation Projects	RESOLVED Social isolation projects budget £5,000 from 1 <sup>st</sup> April from Volunteer EMR		PDG arranged for 10 <sup>th</sup> August 2020	NFA under this minute	TC
COUNCIL 17-03-20	133. Councillor motion	Wished PDG to be held for Council position on airport formulated to represent the community		PDG meeting arranged for 25 <sup>th</sup> August 2020	NFA under this minute	
COUNCIL 17-03-20	135. Spatial Plan PDG	RESOLVED further PDGs for each vision project to be held			PDG delayed due to COVID-19 lockdown	
COUNCIL 30-06-20	145 & 146 Virtual Meetings	RESOLVED Policy and Standing orders appendix adopted	30-06-20	Implemented	NFA	
COUNCIL 30-06-20	152 Annual Council Meeting	RESOLVED to hold meeting	30-06-20	Meeting to be held 18 <sup>th</sup> August	NFA	

<b>Committee</b>	<b>Minute No. and Subject</b>	<b>Completion status</b>	<b>Completion Date</b>	<b>Outcome</b>	<b>Forward Action Required</b>	<b>Responsible</b>
COUNCIL 30-06-20	153. Approve expenditure	RESOLVED	30-06-20		NFA	
COUNCIL 30-06-20	154. Co-option of Cllr	RESOLVED	30-06-20	David Bowry was co-opted and to sign the Declaration of Acceptance of Office at a later date	Declaration of Acceptance of Office now signed. NFA	

[Agenda](#)

Leigh-on-Sea Town Council - Meetings timetable 2020/21 - COVID-19 AFFECTED															
Meeting	Time	Regular Date	May 2020	June	July	Aug	Sept	Oct	Nov	Dec	Jan 2021	Feb	Mar	April	May 2021
Council	7.30			30th		18th			10th		19th		23rd		25th ACM
Finance & Governance	7.30							20th Grants					2nd		4th Grants
Planning & Licensing	7.30				14th	4th	1st & 22nd	13th	3rd & 24th	15th	5th & 26th	16th	9th & 30th	20th	11th
Community	7.30				7th		29th			8th		2nd Events		27th	
Staffing	7.30						8th					23rd			
AALG	2.00								6th				2nd		
budget setting 2021/22		Annual Town Electors Meeting Friday 23rd April 2021													
Precept setting 2021/22															
Year end governance															
<a href="#">Agenda</a>															

# Leigh-on-Sea

# Town Council -

# Standing Orders

## 1. Rules of debate at meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded and a report with sufficient information to be used in the debate circulated in writing with the agenda.
- c A motion on the agenda that is not moved by its proposer or another Councillor (one of whom is a member of the Committee and present) may be treated by the Chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer, only with the consent of the seconder at the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the motion as amended becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chairman of the meeting, is expressed in writing to the Chairman.
- h A Councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairman.

- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting.
- k One or more amendments may be discussed together if the Chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A Councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the Chairman of the meeting, a Councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another Councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p 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 other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the Chairman of the meeting and his decision shall be final.
- r When a 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 that a person to be no longer heard or leaves 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; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.

- s Before an original or substantive motion is put to the vote, the Chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under Standing Order 1(r) above, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the Chairman of the meeting.
- u Any member who considers they will take longer than 5 minutes to present their views shall submit them in writing to the Proper Officer for circulation to 24 hours in advance of the meeting to enable members to consider the submission.

## 2. Disorderly conduct at meetings

- 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, any Councillor or the Chairman of the meeting may move that the person be no longer heard or shall 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) 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.

### 3. Meetings generally



- Full Council meetings
- Committee meetings
- Sub-committee meetings



- a **Meetings shall not take place in the part of the premises which at the time of the meeting is 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 **The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- ■ d **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.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above is at the Chairman's discretion and shall not exceed 15 minutes unless directed by the Chairman of the meeting.
- g Subject to standing order 3(f) above, a member of the public shall speak only once and shall not speak for more than 3 minutes unless permitted to do so by the Chairman.
- h In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman of the meeting may at any time permit a person to be seated

when speaking.


j A person who speaks at a meeting shall direct his comments to the Chairman of the meeting.


k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the meeting shall direct the order of speaking.




  l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To 'report' means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**




  m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**

  n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

 o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**

 p **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.**

   q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting.**

   r **The Chairman of a 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 standing orders 6(h) and (i) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands or, if at least two members so request, by signed ballot provided there has not been a request for a recorded vote. 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.

- t The minutes of a meeting shall include an accurate record of the following:
- i. the time and place of the meeting;
  - ii. the names of Councillors present and absent;
  - iii. interests that have been declared by Councillors and non-Councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights.
  - v. whether a Councillor or non-Councillor with voting rights left the meeting when matters in which they held relevant interests were being considered;
  - vi. if there was a public participation session;
  - vii. the resolutions made.
- and may include a brief resume of any debate at the minute taker's discretion in consultation with the Chairman and a view expressed by a Councillor on his request should be included in the minutes.



- u **A Councillor or a non-Councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**



- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**  
*See standing order 4d(vi) below for the quorum of a committee or sub-committee meeting.*



- w **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.** <sup>1</sup>
- x A meeting shall not exceed a period of 3 hours unless a motion is passed to suspend this Standing Order.

## 4. Standing Committees and sub-committees

- a **Unless the Council determines otherwise, a Standing Committee may appoint a Sub-Committee whose terms of reference and members shall be determined by**

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<sup>1</sup> For Planning, Licensing & Highways see Terms of Reference

**the Committee.**

- b The members of a Standing Committee may include non-Councillors unless it is a Committee which regulates and controls the finances of the Council.**
- c Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint Standing Committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full Council;
  - iii. shall permit a Standing Committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to the provisions of Standing Order 4b & 4c, appoint and determine the terms of office of members of such a Committee;
  - v. shall, after it has appointed the members of a committee, adjourn the meeting to allow the committee to select its Chairman;
  - vi. shall determine the place, notice requirements and quorum for a meeting of a Standing Committee and a Sub-Committee which shall be no less than three;
  - vii. shall determine if the public may participate at a meeting of a Standing Committee;
  - viii. shall determine if the public and press are permitted to attend the meetings of a Sub-Committee and also the advance public notice requirements, if any, required for the meetings of a Sub-Committee;
  - ix. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - x. may dissolve a Standing Committee.
- e The Chairman and Vice Chairman of the Council will be ex-officio members of all Standing Committees and Sub-Committees unless they signify they do not wish to serve and if so signified the place shall be filled by the election of another member.

## 5. Project Development<sup>2</sup> Groups

- a) Every Standing Committee shall have a PDG (a discussion and not a decision making group) comprising the members of the Standing Committee to be chaired by the Chairman of the Standing Committee which shall meet and discuss matters relating to the Standing Committee and prepare reports and recommendations to the Standing Committee. These groups are not open to the public or press.
- b) Notice of a PDG is to be given to ALL Councillors preferably two weeks in advance of the proposed meeting date. Meetings will be held at the Town Council's offices.
- c) PDG's may co-opt members, not necessarily Councillors, either on an annual basis or for specific meetings. Any Councillor may attend and speak at any PDG meeting, even if not a member of that PDG.
- d) The Proper Officer or an appropriate officer will attend PDG meetings
- e) Each meeting of a PDG will produce a written report for the Agenda of the next meeting of the relevant Standing Committee. The Proper Officer or appropriate officer will produce the report.
- f) If the PDG requires action to be taken, it will make a recommendation to the relevant Standing Committee. That recommendation will be typed in bold within the report of the meeting, as in 5(a) above.
- g) In the event that there is a disagreement over PDG recommendations, or whether another person is co-opted, it will be decided by a vote of those members present, with the Chairman of the PDG having a casting vote.
- h) No power can be delegated to a PDG, (Council can only delegate power to Standing Committees, Sub-Committees or officers of the Council)
- i) The views of PDGs are advisory only but can aid in any decision making of Standing Committees and officers with delegated authority.

## 6. Ordinary Council meetings

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<sup>2</sup> Full Council Minute 48/2016

- i. Each Committee will have a PDG which can meet at any time but preferably with 2 weeks' notice.
- ii. The PDG will comprise all members of the Committee if they wish to attend. It will be chaired by the parent Committee Chairman unless the Chairman wishes to relinquish the chair to another member who may be a more appropriate chair for the specific subject matter that the PDG was discussing.
- iii. All other members of the Council can attend and co-option of non-Councillors applies.
- iv. If a project requires more research within the PDG and some members are willing to do this then it may be undertaken independently, meeting together if they wish. The Town Clerk and PDG Chairman should be advised. The research is then to be brought back to the PDG for wider discussion and possible recommendations.

It was noted that it already exists that at any time Councillors can undertake independent research and recommendations to a Committee without formal regulations and over prescriptive procedures. The new Committee administration system introduced last year was an example of this.

The Council DID NOT RESOLVE the proposal put forward by Cllr Fraser.

The Council RESOLVED the recommendation of P&RC and approved the revised Standing Orders and Terms of Reference as resolved by the Committee with the interpretation as in this minute.

- 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 6.00 pm.**
- 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.** Additional meetings of the Council shall normally take place on Tuesdays as per the timetable approved annually at the Annual Council Meeting.
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman of the Council.**
- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chairman of the Council, if there is one, 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 annual 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 shall 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 annual 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 shall 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 (if any) of the Council at the Annual Council Meeting, the business of that meeting shall include:
  - l. **In an election year, delivery by the Chairman of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**

- II. Confirmation of the accuracy of the minutes of the last meeting of the Council;
- III. Receipt of the minutes of the last meeting of a Standing committee;
- IV. Consideration of the recommendations made by a Standing committee;
- V. Review of delegation arrangements to Standing Committees, Sub-Committees, staff and other local authorities;
- VI. Review of the terms of reference for committees;
- VII. Appointment of members to existing committees;
- VIII. Appointment of any new committees in accordance with standing order 4 above;
- IX. Review and adoption of appropriate standing orders and financial regulations;
- X. Review of arrangements, (including legal agreements), with other local authorities; not-for-profit bodies and businesses.
- XI. Review of representation on or work with external bodies and arrangements for reporting back;
- XII. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- XIII. Review of inventory of land and assets including buildings and office equipment;
- XIV. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- XV. Review of the Council's and/or staff subscriptions to other bodies;
- XVI. Review of the Council's complaints procedure;
- XVII. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (see also standing orders 12, 25 and 26);
- XVIII. Review of the Council's policy for dealing with the press/media; and
- XIX. Determination of the time and place of ordinary meetings of the Council and committees up to and including the next annual meeting of full Council.

## **7. Extraordinary meetings of the Council and Standing Committees and Sub-Committees**

- 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 seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary**

**meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.**

- c The Chairman of a Standing Committee [or a Sub-Committee] may convene an extraordinary meeting of the Standing Committee [or the Sub-Committee] at any time.
- d If the Chairman of a Standing Committee or a Sub-Committee does not or refuses to call an extraordinary meeting within 7 clear working days of having been requested by to do so by two members of the committee or the sub-committee, any two members of the Standing Committee or Sub-Committee may convene an extraordinary meeting of a Standing Committee and a Sub-Committee. The public notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.

## **8. Previous resolutions**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least six Councillors to be given to the Proper Officer in accordance with standing order 10 below, or by a motion moved in pursuance of the recommendation of a Standing Committee or a Sub-Committee.
- b When a motion moved pursuant to standing order 8(a) above has been disposed of, no similar motion may be moved within a further six months.

## **9. Voting on appointments**

- a Where more than two 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. A tie in votes may be settled by the casting vote exercisable by the Chairman of the meeting.

## **10. Motions for a meeting that require written notice to be given to the Proper Officer**

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

- c A motion may not go direct to Council, unless the Proper Officer and the Chairman agree that the matter is of such urgency that it cannot go through the committee process.
- d The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- e If the Proper Officer considers the wording of a motion received in accordance with standing order 10(b) 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 so that it can be understood at least 5 clear days before the meeting.
- f If the wording or subject of a proposed motion is considered 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 in the agenda or rejected.
- g The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- h Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- i Motions rejected shall be recorded in a book for that purpose with the explanation by the Proper Officer for their rejection.

## 11. Motions at a meeting that do not require written notice

- a The following motions may be moved at a meeting without written notice to the Proper Officer;
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to determine matters arising from the consideration of reports from officers, Standing Committees or Sub-Committees which are included in the agenda;
  - v. to refer a motion to a particular Standing Committee or Sub-Committee;
  - vi. to appoint a person to preside at a meeting;
  - vii. to change the order of business on the agenda;
  - viii. to proceed to the next business on the agenda;
  - ix. to require a written report;
  - x. to appoint a Standing Committee or Sub-Committee and their members;
  - xi. to extend the time limits for speaking;
  - xii. to exclude the press and public from a meeting in respect of confidential or other

- information which is prejudicial to the public interest;
- xiii. to not hear further from a Councillor or a member of the public;
  - xiv. to exclude a Councillor or member of the public for disorderly conduct;
  - xv. to temporarily suspend the meeting;
  - xvi. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
  - xvii. to adjourn the meeting; or
  - xviii. to close a meeting.

## 12. Management of Information

*See also standing order 25*

- a **The Council shall have in place and keep under review, technical and organisation 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 a 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.**

## 13. Questions

- e A Councillor may seek an answer to a question concerning any business of the Council provided 5 clear days' notice of the question has been given to the Proper Officer.
- f Questions not related to items of business on the agenda for a meeting shall only be asked during the agenda item 'Questions From Councillors'.
- g Every question shall be put and answered without discussion.

## 14. Handling confidential or sensitive information

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special



reasons would not be in the public interest.

- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.
- c When a meeting is convened to discuss items under SO 24(a) all matters discussed shall be confidential to the members at the meeting and shall not be disclosed to any other Councillor, Staff Member or the public, any disclosure will constitute a breach of confidentiality.

## 15. Draft minutes

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 11(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, 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 ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting 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, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## 16. Code of conduct and dispensations

*See also standing order 3(t) above.*

- a All Councillors and non-Councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the

matter in which he had the interest.

- c Unless he has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by a meeting of the Council or Standing Committee or sub-committee for which the dispensation is required and that decision is final.
- f A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 15(d) and (e) above, dispensation requests shall be considered at the beginning of the meeting of the Council, or Standing Committee or sub-committee for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 15(f) above if having regard to all relevant circumstances the following applies:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area or**
  - iii. **it is otherwise appropriate to grant a dispensation.**

## 17. Code of conduct complaints

- a Upon notification by the Unitary Council that it is dealing with a complaint that a Councillor or non-Councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 14 above, report this to the Council.
- b Where the notification in standing order 17(a) above relates to a complaint made by

the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 17(d) below].

- c The Council may:
- i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the Unitary Council that a Councillor or non-Councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

## 18. Proper Officer

- a The Proper Officer shall be either (i) the town clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer of the Council is under a statutory duty to carry out all the functions required by law of a local authority's Proper Officer. The Proper Officer is totally responsible for ensuring that the instructions of the Council in connection with its functions as a Local Authority are carried out.

The Proper Officer is expected to advise the Council on, and assist in the formation of, overall policies to be followed and to implement constructively all decisions. The Proper Officer is accountable to the Council, not to any individual or group of Councillors, for the effective management of all its resources and will report to the Council as and when required or its Standing Committees.

- c The Proper Officer shall:
- i. **at least three clear days before a meeting of the Council, a Standing Committee or a Sub-Committee**
    - **serve on Councillors by deliver or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit a signed summons, confirming the time, place and the agenda (provided the Councillor has consented to service by email), and.**
    - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**

*See standing order 3(b) above for the meaning of clear days for a meeting of a full Council and standing order 3 (c) above for a meeting of a committee.*

- ii. subject to standing order 10 above, include on the agenda all motions in the order received unless a Councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;
- 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;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. retain acceptance of office forms from Councillors;
- vii. retain a copy of every Councillor's register of interests;
- viii. assist with responding to requests made under the freedom of Information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if one appointed);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980)
- xii. arrange for legal deeds to be executed;  
*See also standing order 27 below.*
- xiii. arrange or manage 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 in a book for such purpose;
- xv. refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman of the Planning, Licensing and Highways Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of Planning, Licensing and Highways Committee;
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council which shall not be used without a resolution to that effect.  
*See also standing order 27 below.*

## 19. Responsible Financial Officer

- a The Council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

## 20. Accounts and accounting statements

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).

- 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 Responsible Financial Officer shall supply to each Councillor bi-monthly a statement to summarise:
  - i. the Council's receipts and payments made since those approved at the previous meeting;
  - ii. the Council's aggregate income and expenditure for the year to date;
  - iii. the balances currently held at the end of the period being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each Councillor with a statement summarising the Council's receipts and payments for the period since those approved at the previous meeting and the year to date for information; and
  - ii. to the full Council the accounting statements for the year in the form of Section 2 of the annual governance & accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (income & expenditure) for the year to 31 March. A completed draft annual governance & accountability return shall be presented to all Councillors at least 3 days prior to anticipated approval by the Council. The annual governance & accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

## 21. Financial controls and procurement

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of

purpose.

- c **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 20 (f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
  - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one Councillor after the deadline for submission of tenders has passed;
  - vi. Tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f **A public contract regulated by the Public Contracts Regulations 2018 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU) shall comply with relevant procurement procedures and other requirements in the public Contracts Regulations 2015 which include advertising the contact opportunity on the Contracts Finder website and in OJEU**
- g **A public contract in connection with the supply of gas, heat electricity , drinking water, transport services or postal series to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply**

**with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

## **22. Canvassing of and recommendations by Councillors**

- a. Canvassing Councillors or the members of a Standing Committee or Sub-Committee, directly or indirectly, for appointment 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 Standing Committee or Sub-Committee shall not solicit a person for appointment 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. Handling staff matters**

- a. A matter personal to a member of staff that is being considered by meeting of the Staffing Committee or Council is subject to standing order 13 above.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chairman of the Staffing Committee or, if he is not available, the vice-Chairman of the Staffing Committee of absence occasioned by illness or other reason and that person shall report such absence to the Personnel sub-committee at its next meeting.
- c. The Staffing Committee upon resolution shall appoint an Appraisal Panel of 3 members to conduct a review of the performance and annual appraisal of the work of the Town Clerk and RFO. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Staffing Committee.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee shall contact the Chairman of the Staffing Committee or in his absence, the vice-Chairman of the Staffing Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing Committee.
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by Town Clerk relates to the Chairman or vice-Chairman of the Staffing Committee, this shall be communicated to another member of the Staffing Committee, which shall be reported back and progressed by

resolution of the Personnel sub-committee.

- f Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g In accordance with standing order 13 a, persons with line management responsibilities shall have access to staff records referred to in standing order 24 f

## 24. Responsibilities to provide information

*See also standing order 27*

- 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) Regulations 2015**

## 25. Responsibilities under data protection legislation

(Below is not an exclusive list)

*See also Standing order 11*

- a **The Council may 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 easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**



## 26. Relations with the press/media

Requests from the press or other media for an oral or written comment or statement from the Council, its Councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

## 27. Execution and sealing of legal deeds

*See also standing orders 18(c)(xi) and (xvi) above.*

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 27(a) above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two Councillors who shall sign the deed as witnesses.**

## 28. Communicating with Unitary Councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward Councillor(s) of the Unitary Council (Principal Authority – PA) representing the area of the Council.
- b If the Council so orders, a copy of each letter sent to the PA shall be sent to the PA Councillor representing its electoral ward.
- c Any decision taken by the Council or a Standing Committee which requires contact with the PA shall be effected by the Town Clerk or his nominated officer.
- d Contact by Councillors with PA officers, unless authorised by the Council or a Standing Committee, shall be restricted to information and clarification only.

## 29. Restrictions on Councillor activities

- a. Unless authorised by a resolution, no Councillor shall:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

## 30. Delegation

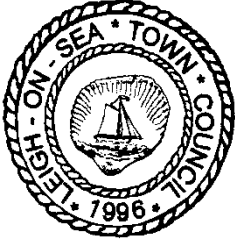
- a. Where the next scheduled meeting of the Council is after the date when the Council is requested to either reply to a consultation document, or to nominate a representative to an outside body, the power to act shall be delegated to the appropriate Standing Committee. Where a decision is required before the committee can be convened then the power to act shall be delegated to the Proper Officer in consultation with either the Chairman or Vice-Chairman of Council and either the Chairman or Vice-Chairman of the appropriate Standing Committee.
- b. Power shall be delegated to the Proper Officer in consultation with the Chairman and Vice-Chairman of Planning, Licensing and Highways Committee to negotiate with licensing applicants and/or their agents, and to rescind or amend the decision of the Planning, Licensing and Highways Committee in the light of new information, satisfactory reassurances, undertakings or explanations in writing. All such decisions are to be reported to the next meeting of P,L&HC
- c. In the event that a Standing Committee or Sub-Committee meeting is not quorate, power shall be delegated to the Proper Officer to respond to any consultations, and take decisions, up to the limit of the power of that Standing Committee or Sub-Committee, including responding to planning applications, in consultation with those Standing Committee or Sub-Committee members present. The Proper Officer to report any such decisions or actions to the next ordinary meeting of the committee or sub-committee.
- d. When carrying out their duties under delegated authority granted to them by the Council officers will act within the parameters set by the Council's standing orders and financial regulations.

## 31. Standing orders generally

- a. All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 3 Councillors to be given to the Proper Officer in accordance with standing order 10 above.
- c. The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible after he has delivered his acceptance of office form.

- d The decision of the Chairman of a meeting as to the application of standing orders at the meeting shall be final.

**Reviewed and adopted by Council May 2019**



# Leigh-on-Sea Town Council



Appendix - Amendment to the Standing Orders  
during the COVID-19 Lockdown as per

THE LOCAL AUTHORITIES AND POLICE AND CRIME PANELS  
(CORONAVIRUS) (FLEXIBILITY OF LOCAL AUTHORITY AND POLICE AND CRIME PANEL  
MEETINGS) (ENGLAND AND WALES) REGULATIONS 2020

## **ITEM 3 - MEETINGS GENERALLY**

**NEW STANDING ORDER** - Meetings shall take place at a time and date as the Council shall determine. LAPCP Regulations 2020 Part 2 Reg 4(a)

**NEW STANDING ORDER** – The Council may alter the frequency, move or cancel such meetings. LAPCP Regulations 2020 Part 2 Reg 4(a)

**NEW STANDING ORDER** - A meeting of a local authority is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a “place” where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

LAPCP Regulations 2020 Part 2 Reg 5 (1)

**NEW STANDING ORDER** – Members (including members of the public) in remote attendance attends the meeting at any time if all of the conditions in subsection are satisfied:

**(a)** to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,

**(b)** to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and

**(c)** to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

LAPCP Regulations 2020 Part 2 Reg 5 (2) (3) & (4)

**REVISED STANDING ORDER ITEM 3 D** - 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.

Member and public access to documents and remote access of public and press to a local authority meeting to enable them to attend or participate in that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming. LAPCP Regulations 2020 Part 2 Reg 6(b) (c)

**NEW STANDING ORDER** - A meeting being “open to the public” includes access to the meeting through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person;

LAPCP Regulations 2020 Part 2 Reg 13(a)

**NEW STANDING ORDER** - Being “present” at a meeting includes access through remote means mentioned in paragraph (a) above.”

LAPCP Regulations 2020 Part 2 Reg 13(b)

**REVISED STANDING ORDER ITEM 3 i** – A person shall notify the meeting when requesting to speak by means of .... (e.g. electronically raising a hand).

**REVISED STANDING ORDER ITEM 3 S** - Unless standing orders provide otherwise, voting on a question shall be by a show of hands. or, Members to verbally announce their vote each in turn, or, By a show of hand on the screen

LAPCP Regulations 2020 Part 2 Reg 6(a)

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 their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

#### **ITEM 5 – PROJECT DEVELOPMENT GROUPS**

**REVISED STANDING ORDER ITEM 5B** – Notice of a PDG is to be given to ALL Councillors preferably one week in advance of the proposed meeting date. Meetings will be held through remote means. Members in remote attendance attends the meeting at any time if the following condition is satisfied:

(a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance.

#### **ITEM 6 - ORDINARY COUNCIL MEETINGS**

**REVISED STANDING ORDER ITEM 6 B** - In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.

This no longer applies until May 2021

LAPCP Regulations 2020 Part 6 (c)

#### **ITEM 15 – DRAFT MINUTES**

**REVISED STANDING ORDER ITEM 15 C** - The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the Council at the next available meeting of the Council in person and stand as an accurate record of the meeting to which the minutes relate.

**REVISED STANDING ORDER ITEM 15 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, at the next available meeting of the Council in person

“The chairman of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

#### **ITEM 18 – PROPER OFFICER**

**REVISED STANDING ORDER ITEM 15 Ci, BULLET POINT 2** - Publish on the website of the Council, the public notice of the time, place and agenda. LAPCP Regulations 2020 Part 1 Reg 13 (a)

#### **ITEM 20 - ACCOUNTS AND ACCOUNTING STATEMENTS**

**REVISED STANDING ORDER ITEM 20 E** - The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the

Council (income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 3 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 31 August.

Reviewed: 2020

Next Review: As soon as the legislation changes

**LEIGH-ON-SEA TOWN COUNCIL**

**FINANCIAL REGULATIONS**

*Reviewed and Adopted*

**Definitions**

Councillor – means a duly elected person and any person co-opted to act as a Councillor.

Member means a duly elected or Co-opted Councillor.

Delegated Officer means any officer of the Council delegated to act by the Town Clerk in a particular capacity on the Town Clerk's behalf.

These Financial Regulations were reviewed, revised and adopted by the Council at its Meeting held on 14th May 2019

## 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. All staff must take care to operate within these Regulations. Breaches could lead to the Council's actions being called into question by auditors or members of the public and to challenges concerning the legality of those actions. Wilful breaches which seriously damage the Council's reputation, or lead to financial gain for the officer concerned could be construed as gross misconduct. Other breaches may result in disciplinary action.
- 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 Town Clerk has been appointed as RFO for this Council and these regulations will apply accordingly.
- 1.9. The RFO;
  - acts under the policy direction of the Council;
  - administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;
  - determines on behalf of the Council its accounting records and 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 RFO shall be sufficient to show and explain the Council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the Council from time to time comply with the Accounts and Audit Regulations<sup>3</sup>.
- 1.11. The accounting records determined by the RFO 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 RFO 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 submitted to the Council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
  - 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, which shall be a matter for the full Council only.
- 1.14. In addition the Council must:

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<sup>3</sup> Accounts and Audit (England) Regulations 2015

- determine and keep under regular review the bank mandate for all Council bank accounts;
- approve any grant or a single commitment in excess of £5,000; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by Staffing 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 RFO 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 RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Council's Finance & Governance Committee.
- 2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the Council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit Regulations.
- 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 RFO, 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 RFO shall make arrangements for the exercise of electors’ rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by the Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
- 2.10. The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from internal or external auditors.

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

- 3.1. Each 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 November each year including any proposals for revising the forecast.
- 3.2. The RFO must each year, by no later than December, 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 relevant 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 as soon as possible following confirmation from the Principal Authority of the tax base and grant monies and not later than the end of February. The RFO 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 as approved by Council. This authority is to be determined by:
- The Council for all items over £5,000 unless pre-authorised in the budget

- A duly delegated Committee of the Council for items over £2,500 but below £5,001 unless pre-authorised in the budget
- The Clerk, in conjunction with Chairman of Council or Chairman of the appropriate Committee, for any items exceeding £1,000 but below £2,500 unless pre-authorised in the budget;
- The Clerk for items below £1,000

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 standing committee. During the budget year and with the approval of Council and Finance & Governance Committee or if so delegated, a standing committee having considered fully the implications for public services, unspent sums 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 the Council or relevant committee. The RFO 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 Town Clerk in consultation with all Committee Chairmen (a quorum being acceptable to make a decision) may authorise revenue expenditure on behalf of the Council which in his/her 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 £5,000. The Clerk shall report such action to the appropriate Standing Committee 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 RFO shall regularly provide the Council with a statement of receipts and payments to date under each budget head, 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 £500 or 20% 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 RFO 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 RFO/Delegated Officer shall prepare a schedule of payments made during the reporting period, requiring authorisation, forming part of the agenda for the meeting (invoices are available for viewing if requested) and present the schedule to Council [or F&G committee].

The Council / Committee shall review the schedule for compliance and, having satisfied itself shall retrospectively authorise payment by a resolution of the Council or P&R 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) must be summarised to remove public access to any personal information.

- 5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.
- 5.4. The ARFO/delegated officer shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to report all invoices submitted, and which are in order, at the next available Finance & Governance Committee Meeting.
- 5.5. The Town Clerk/RFO 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 Town Clerk/RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of Finance & Governance 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 Finance & Governance; or
  - c) fund transfers within the Council's banking arrangements up to the sum of £100,000, provided that a list of such payments shall be submitted to the next appropriate meeting of Finance & Governance Committee.
- 5.6. For each financial year the Town Clerk/RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like) for which Council, may authorise payment for the year provided that the requirements of Regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of Council or Finance & Governance Committee when they arise in the financial year.
- 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 Town Clerk or RFO 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 duly authorised Councillors in accordance with a resolution instructing that payment. If a Councillor who is also a bank signatory has declared a disclosable pecuniary interest, or has any other interest, in the matter in respect of which the payment is being made, that Councillor shall be required to consider Standing Orders, and thereby determine whether it is appropriate and / or permissible to be a signatory to the transaction 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 be reported to the Policy and Resources Committee at the next convenient meeting.
- 6.7. If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable Direct Debit provided that the instructions are signed by two Councillors 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 Council, payment for certain items (principally Salaries) may be made by Banker's Standing Order provided that the instructions are signed, or otherwise evidenced by two Councillors are retained and any payments are reported to Council as made. The approval of the use of a Banker's Standing Order shall be renewed by resolution of the Council at least every two years.
- 6.9. If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories are retained and any payments are reported to Council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the Council at least every two years.
- 6.10. If thought appropriate by the Council payment for certain items may be made by internet banking transfer provided evidence is retained showing which Councillors 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 which shall be 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 Councillors immediately and formally to the

next available meeting of the Council. This will not be required for a Councillor'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 RFO shall be appointed as the Service Administrator. The Bank Mandate approved by the Council shall identify a number of Councillors who will be authorised to approve transactions on those accounts. 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 two Councillors. 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 RFO or delegated officer and will also be restricted to a single transaction maximum value of £1000 unless authorised by Council or Finance & Governance 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 & Governance Committee. Transactions and purchases made will be reported to the Finance & Governance Committee and authority for topping-up shall be at the discretion of the Finance & Governance Committee.
- 6.20. Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the RFO or delegated officer 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 to incur Council expenses without prior written authorisation from the RFO and shall be only used for payment of pre-authorised Council expenditure up to a limit of £100.
- 6.21. The RFO 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 a petty cash float of £200 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.

## **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.
- 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 Finance & Governance 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. 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.



- 8.4. The Council shall consider the need for an Investment Strategy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy shall be reviewed by the Council at least every four years.
- 8.5. All investments of money under the control of the Council shall be in the name of the Council.
- 8.6. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.7. 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 RFO or delegated officer.
- 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 at least annually, following a report of the Town 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 RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary and at least weekly.
- 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/Delegated Officer 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 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.
- 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 in excess of £250 for 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 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 (l) below.
- 10.4. A member may not issue an official order or make any contract on behalf of the Council.
- 10.5. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

## 11. CONTRACTS

- 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;~~ **legal professionals acting in disputes;**
    - 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 Town Clerk/RFO shall act after consultation with the Chairman and Vice Chairman of Council); and
    - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
  - b. Where the Council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ('the Regulations') which is valued at £25,000 or more, the Council shall comply with the relevant requirements of the Regulations.<sup>4</sup>
  - c. The full requirements of the Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed threshold in the Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time).<sup>5</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.

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<sup>4</sup> The Regulations require the Council to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts.

<sup>5</sup> Thresholds currently applicable are:

- a. For public supply and public service contracts £164,176
- b. For public works contracts £4,104,394

- e. Such invitation to tender shall state the general nature of the intended contract and the Town 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 Town Clerk in the presence of at least one member of Council.
- g. If less than three tenders are received for contracts above £25,000 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.
- h. Any invitation to tender issued under this Regulation shall be subject to Standing Order 19, and shall refer to the terms of the Bribery Act 2010.
- i. 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 Town Clerk/RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £1,000 and above £100 the Town Clerk/RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.
- j. The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- k. 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.
- l. The European Union Procurement Directive shall apply and the terms of the Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2006 including thresholds shall be followed.

## **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 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 or delegated standing committee and Town 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 Facilities Manger shall be responsible for the care and custody of stores and equipment of the Community Centre excluding the requirements of the Council Offices which shall be the responsibility of the Town Clerk or duly Delegated Officer.
- 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 or Delegated Officer 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 RFO shall ensure a record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 14.2. No tangible moveable asset 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 asset 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. 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 17), the RFO or Delegated Officer shall effect all insurances and negotiate all claims on the Council's insurers.
- 15.2. The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 15.3. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Council or appropriate delegated standing committee at the next available meeting.

- 15.4. All 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. RISK MANAGEMENT**

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

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

- 17.1. It shall be the duty of the Council to review the Financial Regulations of the Council annually. The Town 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.
- 17.2. The Council may, by resolution, if duly notified in accordance with Standing Orders Section 10, 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. Such resolution must be passed by two thirds of those present at the Council meeting.

\* \* \*



## **LEIGH-ON-SEA TOWN COUNCIL**

### **Terms of Reference and Scheme of Delegation Council**

Finance & Governance Committee

Staffing Committee

Community Committee

Planning, Highways & Licensing Committee

Officer Delegations

**ADOPTED NOVEMBER 2018  
WITH EFFECT FROM MAY 2019  
REVIEW DATE MAY 2020**

# **COUNCIL**

## **TERMS OF REFERENCE**

Membership shall comprise all members of the Council.

No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three with one officer in attendance. The Lead Officer is the Town Clerk.

A Chairman and Vice Chairman shall be elected at the Annual Council Meeting and in accordance with Standing Orders shall be ex officio members of all Committees in addition to the stated numbers below.

## **MATTERS TO BE DEALT WITH SOLELY BY THE COUNCIL**

1. To raise loans and to set the town precept.
2. Approval of the Annual Return and Audit of Accounts
3. Adopting or changing all policies including Standing Orders, Financial Regulations and the Scheme of Delegation
4. To have the power of incurring capital expenditure not specifically included in the Council's approved estimate of expenditure
5. Appointment and dissolution of Standing Committees and appointment of members on those committees
6. Dates of meetings of the Council.
7. Appointing or nominating Council representatives to outside bodies.
8. Filling of vacancies occurring on any Committee of the Council during the Council year
9. The appointment to or co-option on a Committee of a person (on a strictly non-voting basis) who is not a member of the Council or the Committee
10. Authorising the taking of legal action by the Council.
11. The appointment and dismissal of the Town Clerk.
12. To manage and review the Council's assets.
13. To negotiate the transfer or management of assets from other bodies as enabled by legislation.
14. Strategic and visionary planning
15. All other matters which must, by law, be reserved to the Council

## **COMMITTEE TERMS OF REFERENCE AND SCHEME OF DELEGATIONS**

Committees may exercise delegated functions on behalf of the Council under the following terms of reference, subject to:

- a) The Council's approved Budget and Financial Regulations
- b) Any previous minuted decision of the Council
- c) Any matters reserved to the Council by law

Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council.

The Council and each Committee is authorised to establish Task and Finish Groups and to appoint advisers as and when necessary to assist in its work. The work of a Task and Finish Group will be decided upon at the time it is formed by means of a Minute detailing the terms of reference. Each Task and Finish Group will report back with recommendations to the Council or the Committee that formed it.

Project Discussion Groups can be called by the Council and each Committee and are covered by Standing Order 5

# **FINANCE & GOVERNANCE committee**

## **TERMS OF REFERENCE**

### **Membership shall comprise 7 Councillors:**

The quorum of the Committee shall be three members with one officer in attendance. The Lead Officer is the Town Clerk.

The Chairman and Vice Chairman shall be elected at the Annual Council Meeting by the members of the Finance & Governance Committee.

Note: The Chairman and Vice Chairman of Finance & Governance are required in accordance with the Council's Risk Register to undertake compliance checks. Therefore the positions must be held by Councillors willing to do this.

### **PURPOSE**

To develop, monitor and review Council policies and functions and review the Council's accounts and finances.

### **SCHEME OF DELEGATION**

**The Finance & Governance Committee shall be delegated to make decisions on behalf of the Council in the following matters:**

1. To be responsible for allocating and controlling the financial resources of the Council
2. To advise the Council on any policy changes in the Council's management or administrative procedures
3. To consider the financial estimates of the Council and recommend the precept to be levied
4. To be responsible for the Council's Revenue and Capital Budget and the works scheduled therein
5. To be responsible for the collection of all revenue, the renewal of loans and insurance
6. To be responsible for the banking, financial and accounting methods adopted by the Council
7. To consider the delegation of appropriate services to the Council from other authorities
8. To deal with Grant Aid Award applications
9. To manage health and safety policy and issues
10. All matters relating to internal and external audit. To ensure that an adequate and effective system of internal controls is in place to secure the integrity of finances and any other information, including effective systems of risk management and consideration of an action on all reports emanating from the internal and external auditors.
11. To negotiate any changes to existing lease agreements, and negotiate terms for all new lease agreements
12. To develop policy and arrangements for partnerships with all external bodies
13. To oversee preparations for any external relationships for emergency planning and community safety
14. Any other matter which may be delegated to it by the Council from time to time



# **STAFFING committee**

## **TERMS OF REFERENCE**

Membership shall comprise 5 Councillors.

The quorum of the Committee shall be three members with one officer in attendance. The Lead officer is the Town Clerk.

The Chairman and Vice Chairman shall be elected at the Annual Council Meeting by the members of the Staffing Committee.

The Committee shall meet at least once a year in accordance with Financial Regulation 4.4 and where there is a staffing necessity.

## **PURPOSE**

To consider and deal with all matters affecting staffing issues except where the overall staffing budget will be exceeded. In such cases the Committee will make a recommendation to the Finance & Governance Committee.

## **SCHEME OF DELEGATION**

To deal under delegated powers to resolve personnel issues, including contracts of employment, pay scales, redundancy, grievances and disciplinary matters.

The Town Clerk shall be responsible for the day to day management of staff under delegated authority

The Staffing Committee shall be delegated to make decisions on behalf of the Council in the following matters:

1. To establish and keep under review the staffing structure and make recommendations to the Council.
2. To draft, implement, review, monitor and revise policies for staff
3. To review staff salaries and terms of conditions and make recommendations to Council.
4. To oversee execution of new employment contracts and changes to contracts
5. To keep under review staff working conditions and health and safety at work for all Council employees
6. To monitor and address regular or sustained staff absence
7. To appoint from its membership a recruitment panel of three when necessary for the appointment and dismissal of a Town Clerk making recommendations to Council
8. To appoint three members, who are not on the Staffing Committee when necessary to act as a disciplinary panel as set out in the Staff Handbook and as an appeals panel in the case of any appeal against disciplinary action taken by the Town Clerk.
9. To appoint from its membership three members when necessary to hear any formal grievance made by the Town Clerk and any appeal by other staff against the outcome of a grievance investigation undertaken by the Town Clerk.
10. To appoint an appraisal panel of three members for the Town Clerk's appraisal process as defined.
11. Any other matter which may be delegated by Council from time to time

## **FINANCE**

1. Submit an annual proposed budget to Finance & Governance Committee.
2. Comply with the Council's Financial Regulations

# **COMMUNITY & CULTURE COMMITTEE**

## **TERMS OF REFERENCE**

### **Membership shall comprise 7 Councillors:**

The quorum of the Committee shall be three members with one officer in attendance. The Lead Officer shall be the Town Clerk through delegation to the Events & Projects Officer and Bookings & Administrative Assistant with support from the Facilities Manager.

The Chairman and Vice Chairman shall be elected at the Annual Council Meeting by the members of the Community Committee.

### **PURPOSE**

To consider and develop all leisure, foreshore and environmental matters relating to the Council's business. Responsibility for all Council premises and assets and for supporting the operation of the Leigh Community Centre (LCC) and considering their further development and the development of other facilities.

### **SCHEME OF DELEGATION**

**The Community & Culture Committee shall be delegated to make decisions on behalf of the Council in the following matters:**

#### **Environment**

All matters pertaining to the environment including:

- Waste and refuse issues in the Town
- Heritage and public spaces

#### **Allotments**

Oversee the administration, management and maintenance of the allotments and Allotment Societies (under their service agreements) which will be managed by the Town Clerk under delegated powers.

#### **Leigh community centre**

1. Oversee the management of LCC by Officers with delegated authority in all operational matters.
2. To receive reports and recommendations from liaison groups such as the Arts Group including the Art Wall and Artist in Residence programme.

#### **Community Facilities**

1. Overseeing the management, administration and provision of assets including:
  - Skatepark
  - Strand Wharf
  - Paddling Pool
  - Street furniture

#### **FINANCE**

1. Submit an annual proposed budget to Finance & Governance Committee.
2. Comply with the Council's Financial Regulations.

### Other activities

Such other activities which are pertinent to its role including:

1. Supporting appropriate officers (under delegated powers) in the arrangement and organisation of the Farmers' Markets.
2. Supporting appropriate officers (under delegated powers) in the arrangement of the Council's events programme and promotion of events in Leigh organised by other voluntary and community groups
3. Supporting appropriate officers (under delegated powers) in the arrangement and organisation of the Community Transport Programme
4. The consideration of funding other organisations to provide services such as a first aid post, school crossing etc.
5. Liaison, joint programmes, partnerships etc. with other local authorities and bodies e.g. Special Constables Scheme
6. Receive reports from any Council appointed representative to other bodies relevant to the Committee.
7. To formulate proposals for major projects for consideration by Finance & Governance Committee
8. Any other matter which may be delegated by Council from time to time.

# **PLANNING, HIGHWAYS & LICENSING** **COMMITTEE**

## **TERMS OF REFERENCE**

**Membership shall comprise 7 Councillors.**

The quorum of the Committee shall be three members with one officer in attendance. The Lead Officer is the Assistant Proper Officer

Any member of the Committee when unable to attend may send a substitute member of Council who shall have full voting rights.

Where a meeting is not quorate, Standing Order 30 applies.

The Chairman and Vice Chairman shall be elected at the Annual Council Meeting by the members of PH&L Committee.

## **PURPOSE**

To make observations where appropriate on all planning applications within the Council area and Government and Borough Council planning consultations and to make site visits where necessary.

To make observations on any Licensing application within the Council area the Committee thinks appropriate.

To make observations on any relevant Highway issue referred from or being discussed by the Highway Authority.

## **SCHEME OF DELEGATION**

**The Planning, Highways & Licensing Committee shall be delegated to make decisions on behalf of the Council in the following matters:**

### **PLANNING**

1. Exercise the Town Council's statutory right to be notified of and comment on planning, listed buildings, conservation area and tree applications
2. Represent the community of Leigh on major planning issues and to encourage participation in decision making.
3. Consider the environmental impact of planning proposals
4. Make representations either in writing or by attendance by a nominated officer or member at planning appeals if required.
5. Make observations on any planning consultation.

### **HIGHWAYS**

1. Consider Traffic Regulation Orders.
2. Respond to any consultations or matters on traffic and transport affecting the Council area.
3. Make representations either in writing or by attendance by a nominated officer or member at Highway appeals if required.
4. Consider matters pertaining to traffic management/road safety in the Council area.

### **Licensing**

1. Make observations on any relevant Licensing application.

2. Agree nominations to represent the views of the Council at licensing hearings if required.

### **FINANCE**

1. Submit an annual proposed budget to Finance & Governance Committee.

### **Other activities**

1. Receive reports from any Council appointed representative to other bodies relevant to the Committee.
2. Any other matter which may be delegated by Council from time to time.

# **Scheme of Delegation to the Town Clerk**

## **INTRODUCTION**

The powers and duties set out in this scheme are delegated to the Town Clerk. The Town Clerk may delegate these duties and powers to other Officers within the Council.

The Town Clerk is also the Council's Responsible Financial Officer and the Proper Officer and responsible for the management of the organisation.

### **Extent of Delegation**

- The delegations in this Scheme are subject to any limitations imposed by law, the budget and the Council's Standing Orders and Financial Regulations.
- The Town Clerk may do anything pursuant to the delegated power or duty, which it would be lawful for the Council to do including anything reasonably implied or incidental to that power or duty.
- Provided that such authorisation is not prohibited by statute the Town Clerk to whom a power, duty or function is delegated may authorise another Officer to exercise that power, duty or function, subject to:
  - Such authorisations being in writing
  - Only being given to an Officer below the delegating officer in the organisational structure
  - Only being given where there is significant administrative convenience in doing so
  - The Officer authorised by the Town Clerk acting in the name of the Town Clerk
  - Such authorisation not being prohibited by statute.
- A delegation to a subordinate Officer shall not prevent the Town Clerk from exercising the same power or duty at the same time.
- The Town Clerk may withdraw delegated power from an Officer for such period of time as he/she considers appropriate
- As part of this Scheme, the Town Clerk is authorised to change the designations of an Officer as and when appropriate and without reference to the Council.

### **General Matters**

The Town Clerk is authorised to:

- Sign, or where appropriate, have sealed on behalf of the Council, any Orders, Deeds or Documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the Council
- Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council
- Institute and appear in any legal proceedings authorised by the Council
- To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Leigh-on-Sea)
- Alter the date or time of a Council or Committee meeting in consultation with the Chairman of Council or Chairman of the Committee.
- To decide arrangements for the closure of the Council offices and Community Centre in the Christmas/New Year period in consultation with the Chairman of Council
- Deal with day to day matters relating to the use of office accommodation space
- Negotiate and enter into contractual arrangements for artistes and promoters in relation to events held in Leigh-on-Sea organized by the Council and programmes of entertainment
- Manage all the Council's current services
- To act as the Council's Designated Officer for the purposes of the Freedom of Information Act 2000
- To apply for planning consent for the carrying out of development by the Council
- To manage, monitor and review the Council's internal control procedures and policies with recommendation where appropriate to Council or Committee

### Financial Matters

The Town Clerk is authorised to:

- Be the RFO for the purposes of Section 151 of the Local Government Act 1972
- Operate the Council's banking arrangements
- Prepare a draft budget for consideration by Committees and the Council
- Prepare the final accounts for each financial year
- Incur expenditure up to a maximum of £1,000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and requirement of the Council's Financial Regulations
- Pay all accounts properly incurred
- Pay all subscriptions to organisations to which the Council belongs
- To collect all income due to the Council, including appropriate interest and costs
- Make all necessary arrangements for the provision of an internal and external audit service for the Council
- Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate
- Incur expenditure on revenue items within the approved estimate and budgets under the Council's control
- Incur expenditure on capital schemes within the Council's approved capital programme
- Use the Repairs and Maintenance Budgets for the maintenance, replacement or repair of existing plant, equipment and buildings
- Enter into leasing and contract hire agreements for the acquisition of equipment on such terms as are considered appropriate.
- Accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:
  - The cost not exceeding the amount approved estimate
  - The tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation
  - All the requirements of the Council's Financial Regulations being complied with
- Compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations
- Carry out virement of sums between cost centres in accordance with the Council's Financial Regulations
- Manage investments and raise and repay loans as appropriate and obtain such other sources of credit as are required in accordance with the Financial Regulations
- Authorise action for the recovery of debts
- Maintain a Register of Assets and Inventory of Equipment
- Determine the Town Council's insurance requirements on the Council's behalf
- Make all necessary arrangements for the Council's insurances
- To write off debts of up to £75 where the sum is considered irrecoverable

### Staffing Matters

The Town clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:

- Advising Council on proper terms and conditions of employment and levels of staffing.
- Appointments to posts including apprentices and temporary staff
- Preparation of the job description and person specification
- Administering staff recruitment
- The approval of individual salary gradings within any job grading structure approved by the Council
- Paying wages and salaries in accordance with agreed contracts
- Management of staff performance
- Control of discipline and performance, including the power of suspension

- Exercise of disciplinary and grievance procedures in accordance with the Council's procedures
- Determine approved duties for the payment of travel expenses to Members and Officers where they represent the Council outside of the Council area
- Approve payment of overtime
- Agree minor variations to the condition of employment
- Implement and monitor the arrangement for annual leave, TOIL (time off in lieu), flexi time, sickness absence, maternity and paternity leave in accordance with the Council's policies
- Authorise training in line with the Council's policies
- The approval of financial allowances to staff for travelling and subsistence
- Authorise the provision of uniforms or protective clothing
- Negotiate settlements on behalf of the Council for the Staffing Committee to agree in relation to any proceedings in an Employment Tribunal
- Agree to premature retirement on the ground of duly certified ill health in accordance with Council's procedures
- Terminate employment during probation
- Commission legal and professional advice on staffing matters

#### Property Matters

The Town Clerk is given authority to manage the land and property of the Council including:

- The granting or refusal of the Council's consent under the terms of any lease, licence or tenancy
- The granting or refusal of easements, wayleaves and licences over Council land
- Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land
- Directing the custody of Council property and documents in accordance with the provisions of the Local Government Act 1972 s.226
- Exercising responsibility for the safe custody and maintenance of the civic regalia
- Conduct rent reviews
- To make applications for all statutory consents necessitated by an approved Council proposal or development
- To place architectural, quantity surveying, civil engineering and other similar specialist work with outside agencies within the appropriate fee scale and the Council's relevant estimates, Standing orders and Financial Regulations
- To appoint the Principal Contractor and Planning Supervisors for the purposes of the Construction (Design and Management) Regulations.
- To requisition off site services in respect of any construction contract approved by the Council

#### Urgency

The Town Clerk is authorized subject to Financial Regulations, to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council or relevant Committee. The Chairman of the Council and the Chairman of any relevant Committee are to be consulted where possible before such action is taken.

#### Emergency Planning

The Town Clerk is authorised to implement the Council's Business Continuity Action Plan or assist with the implementation of the Borough Emergency Plan and to incur any necessary expenditure. Any such action is to be reported to the next meeting of the Council or relevant Committee. The Chairman of the Council and the Chairman of any relevant Committee are to be consulted where possible before such action is taken.

#### Procedural

The Town Clerk can:

- Authorise Officers to exercise statutory powers of entry and inspection for the purposes of any function under the Council's control
- Serve requests for information as to ownership and other interest in land for the purposes of any function under the Council's control



- Appoint consultants and other professionals to carry out any function and provide any service under the Council's control

#### Health and Safety at Work Act 1974

To oversee the discharge of the Council's responsibilities under the Act

#### Legal Proceedings

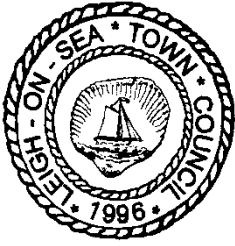
The Town Clerk is authorised to:

- To instruct solicitors, Counsel or agents to act on behalf of the Council as required
- Subject to prior consultation with the Chairman of Council and/or relevant Committee Chairman, to take and defend proceedings in any court or tribunal
- Seek injunctions and commence proceedings for the purpose of:
  - Enforcement in accordance with the Council's policies
  - Recovering money due to the Council
  - Recovering or otherwise preserving possession of the Council's land or property
  - Defending the interests of the Council
- Appealing against a decision affecting the interests of the Council and responding to appeals against action taken by the Council
- Represent the Council at Court or any Tribunal or to make arrangements for appropriate representation
- Negotiate and settle the terms of documents to give effect to a decision of the Council or any of the Committees or of any Officer acting under delegated powers
- Apply the affixing of the Common Seal of the Council to documents in accordance with Standing Orders
- Be the responsible Officer for the co-ordination and operation for the legal requirements under General Data Protection Regulations (GDPR) and the Freedom of Information Act 2000
- Serve Requisitions for Information

#### Services

The Town Clerk is authorised to control and manage the following day to day services of the Council within the agreed annual budgets and subject to Council policies and procedures:

- Farmers' Market
- Community Transport
- Events and activities programme
- Christmas Lighting scheme and hanging basket decorations
- Allotments sites
- Leigh Community Centre
- Strand Wharf
- Skate Park
- Paddling Pool
- Street Furniture
- Volunteer Programme
- Community Specials Programme
- Website and social media
- Council publications
- Public consultations
- Electoral Matters
- Member Training
- IT and Communication systems
- Any other day to day service the Council may implement



# Leigh-on-Sea Town Council

71-73 Elm Road, Leigh-on-Sea, Essex SS9 1SP - Tel: 01702 716288  
[council@leighonseatowncouncil.gov.uk](mailto:council@leighonseatowncouncil.gov.uk) [www.leighonseatowncouncil.gov.uk](http://www.leighonseatowncouncil.gov.uk)



## COMPLAINT'S PROCEDURE (SECTION 10 OF STAFF HANDBOOK)

**ADOPTED 2015 as part of Staff Handbook**

**REVIEW 2020 will be held at Staffing Committee 8<sup>th</sup> September**

### 10. Complaints

#### 12.3 Introduction

The following Code of Practice in Handling Complaints is based on a model code promoted by the National Association of Local Councils.

These paragraphs i.e. Chapter 10 can be given out to members of the public on request.

From time-to-time members of the public have complaints about the Council's administration or procedures. Local Councils as corporate bodies are not subject to the jurisdiction of the Local Government Ombudsman and there are no provisions for another body to which complaints can be referred. Therefore it is recommended for transparency in local government, and for the benefit of good local administration, that a standard procedure is adopted for considering complaints.

Leigh-on-Sea Town Council will do its utmost to settle complaints and satisfy complainants in the interest of the good reputation of the Council, and to ensure that the complainant feels their grievance has been fully considered, taken seriously and acted upon accordingly.

#### 12.3 Information for the Complainant

It is hoped that any complaints can be satisfactorily resolved at a local level but complainants should bear in mind that even if a complaint is upheld, the Council does not have the authority to formally discipline a Councillor for breach of the Code of Members Conduct.

For complaints about Councillors, the complainant is welcome and encouraged to contact the Town Clerk or the Chairman of the Council to discuss matters informally prior to deciding whether to officially register a complaint. All Councillors are required to observe and act within the parameters of the Members Model Code of Conduct.

The Monitoring Officer acts for the Standards Committee of Southend Borough Council which has responsibility for all Town Councillors within their district, as well as the Borough Councillors. Complaints in respect of Councillors and for breaches of

the Model Code of Conduct should be directed to the Monitoring Officer.

The provisions of the Data Protection Act 1998 as well as the Freedom of Information Act 2000 must be borne in mind in dealing with all complaints.

What is deemed not to be a complaint?

- Dissatisfaction of a decision of the Council
- Comments either commendatory or critical where the complainant does not wish to take the matter further
- Matters relating to formal consultation exercises such as planning and licensing applications and local plans.
- Concerns regarding matters which are the responsibility of another body
- Criticisms of a policy adopted by the Council

### **12.3 Procedure**

All complaints will be deemed to be 'Informal Complaints' unless a written complaint expressly states 'Formal Complaint'.

#### **110.4 Informal Complaints**

Complaints may be given orally or in writing to any Officer or Councillor. Where the complaint is about the Town Clerk, the complaint should be notified to the Chairman of the Council.

The complainant should be offered a copy of the Council's Complaints Procedure for Handling Complaints at this stage.

It is hoped that the complaint can be dealt with at an informal local level in consultation with the employee to whom it refers. The response should be given to the complainant within 3 days.

If after receiving the response, the complainant remains unhappy, they can escalate the matter to a Formal Complaint.

In the event of a seemingly serial facetious, vexatious or malicious complaint from a member of the public, the Council should consider taking legal advice before writing any letters to the complainant.

#### **210.4 Formal Complaints**

If the complainant feels very strongly about a matter, they may lodge a Formal Complaint with the Council and this should be submitted in writing to the Town Clerk. Where the complaint is about the Town Clerk, the complaint should be notified to the Chairman of the Council.

The letter must state that a Formal Complaint is being made and include the following information:

- Name, address, and telephone number of the complainant
- Who is the complaint about or the full nature of what the complaint is about
- How the issue has affected the complainant

- Copies of any relevant documents
- Details of third parties and their involvement
- What action the complainant believes might resolve the complaint

Receipt of the letter will be acknowledged within 2 working days and the complainant advised that the Town Clerk will investigate the complaint and respond within 10 working days. The complainant should be offered a copy of the Council's Code of Practice for Handling Complaints and a meeting with the complainant may be considered appropriate at this stage.

Any complaint about a Council employee will normally be dealt with as an employment matter in accordance with the employee's Contract of Employment and, if appropriate, by the Council's disciplinary and capability procedures.

#### **310.4 Complaints Committee**

If the complainant feels that the matter has not been resolved fully after lodging a Formal Complaint to the Town Clerk then they may request in writing that the Complaints Committee be convened to consider the complaint.

On receipt of the written complaint, the Town Clerk will acknowledge the letter and advise that the Complaints Committee will call a meeting to discuss the complaint within 15 working days of receipt of the letter.

The Complaints Committee comprises of the Chairman, the Vice Chairman and the Chairman of the Personnel Sub-Committee. The Town Clerk will also be in attendance to represent the Council. If any of the aforementioned are involved in the complaint investigation they will be excluded from the Complaints Committee and another Councillor may be delegated in their place.

The complainant will be notified of the date of the meeting and asked for their comments, evidence and documentation in writing prior to the meeting. They, or their representative, will be able to address the Committee however must leave the room whilst the Committee considers the complaint and its decision and response. The Committee must establish at its meeting whether there is a factual basis to the complaint and, if so, what action should then be taken.

Once a decision has been made the complainant will be advised verbally and within 5 working days, the recommendations of the Committee will be sent in writing to the complainant.

The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The complainant will be advised in writing of this delay. The advice will be considered and the complaint dealt with at the next appropriate meeting.

#### **410.4 Appeals**

The Council will appoint a separate Appeal Panel to whom a complainant may appeal against the decision of the Complaints Committee. The membership of the Appeal Panel will not include any member of the Complaints Committee, nor any Councillor

involved in the original complaint.

Requests to refer the decision of the Complaints Committee to the Appeal Panel must be made in writing to either the Town Clerk or Chairman of the Council within 10 working days of receipt of the decision letter.

An appeal hearing will be arranged within 20 working days of receipt of the appeal letter. A meeting of the appeal Panel will convene to investigate the whole complaint again. The Appeal Panel must follow the same procedure outlined in this document.

The Chairman will respond in writing within 15 working days. This decision is final and there is no further right of appeal. However, where all parties agree that there would be some merit in referring the matter to a third party for advice, conciliation or arbitration, arrangements will then be made to find a mutually acceptable third party.

### **12.3 Recording of Complaints**

For future reference and in the interest of continually improving the Council's service, also for the sake of transparency of the Council), when complaints have been dealt with under the Complaints Procedure, it will be recorded by the Town Clerk. The name of the complainant will be reported only if they have given their consent to be mentioned. The record should note the nature of the complaint, the reasons for the decisions made and what actions might need to be taken in the future (if any).

[Agenda](#)

At 31<sup>st</sup> March 2020 the following assets were held:

Computers	£ 10,820.56*
Notice Boards	£ 4512.11*
Chairman's Insignia (Donated by Mr. T. Hatton)	£ 1,500.00**
Christmas Lights	£ 43,563.47*
Infrastructure on allotments	£ 20,314.82*
Seats	£ 1,932.00*
Bins	£ 1,778.00*
Bollards	£ 7,017.63*
Skate Park Lighting	£ 7,866.65*
Leigh Sign	£ 2,220.00*
Lift in Community Centre	£ 32,887.00*
Allotments -	
Marshall Close	£ 1.00***
Manchester Drive	£ 1.00***
Leigh	£ 1.00***
Youth Facility	£280,000.00****
Strand Wharf	£130,000.00*****

\* The basis of valuation of these assets is purchase value.

\*\* Insignia at Insurance value.

\*\*\* Nominal value, not purchased, transferred from Southend B.C.

\*\*\*\* Not insured by resolution of Council 14<sup>th</sup> October 2009. Value added at suggestion of auditor when acquired.

\*\*\*\*\* Valued at cost of landscaping

Value of other assets not required to be individually identified £59,307.18

[Agenda](#)

# LEIGH-ON-SEA TOWN COUNCIL

## FREEDOM OF INFORMATION ACT PUBLICATION SCHEME

Information published	How the information can be obtained	Cost
<p><b>Class 1 - Who we are and what we do</b> (Organisational information, structures, locations and contacts)</p> <p>This will be current information only.</p>		
Who's who on the Council and its Committees	Website Hard copy on request	Free 5p per A4 sheet
Contact details for Town Clerk and Council members (named contacts and council email address)	Website Hard copy on request	Free 5p per A4 sheet
Location of main Council office and accessibility details	Website There is full disabled access throughout the building	Free
Staffing structure	Website Hard copy on request	Free 5p per A4 sheet
<p><b>Class 2 – What we spend and how we spend it</b> (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)</p> <p>Current and previous financial year as a minimum</p>		
Annual return form and report by auditor	Website Hard copy on request	Free 5p per A4 sheet

Finalised budget	Website Hard copy on request	Free 5p per A4 sheet
Precept	Website Hard copy on request	Free 5p per A4 sheet
Borrowing Approval letter	Not currently available as no borrowing	
Financial Standing Orders and Regulations	Website Hard copy on request	Free 5p per A4 sheet
Grants given and received	Website Hard copy on request	Free 5p per A4 sheet
List of current contracts awarded and value of contract	Available electronically by request Hard copy on request	Free  5p per A4 sheet
Members' allowances and expenses	There are no members' allowances. Details of expenses available electronically by request Hard copy on request	Free   5p per A4 sheet
<b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)		
Current and previous year as a minimum		
Parish Plan (current and previous year as a minimum)	'Vision for Leigh' publication available as a hard copy on request. Strategic Plan 2019-2023 available as a hard copy on request or accessible via website Action plan on website.	5p per A4 sheet



	Hard copy on request.	
Annual Report to Town Electors' Meeting (current and previous year as a minimum)	Website Hard copy on request	Free 5p per A4 sheet
Quality status	Website Hard copy on request	Free 5p per A4 sheet
Local charters drawn up in accordance with DCLG guidelines	Not available	
<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions)  Current and previous council year as a minimum		Free 5p per A4 sheet
Timetable of meetings (Council and any committee/sub-committee meetings and parish meetings)	Website Hard copy on request	Free 5p per A4 sheet
Agendas of meetings (as above)	Website Hard copy on request LTC noticeboards	Free 5p per A4 sheet
Minutes of meetings (as above) – this will exclude information that is properly regarded as private to the meeting.	Website Hard copy on request	Free 5p per A4 sheet
Reports presented to council meetings – this will exclude information that is properly regarded as private to the meeting.	Website Hard copy on request	Free 5p per A4 sheet
Responses to consultation papers	Website Hard copy on request	Free 5p per A4 sheet
Responses to planning applications	Website Hard copy on request	Free 5p per A4 sheet
Bye-laws	Not available	
<b>Class 5 – Our policies and procedures</b> (Current written protocols, policies and procedures for delivering our services and responsibilities)		Free 5p per A4

Current information only		sheet
<p>Policies and procedures for the conduct of council business</p> <p>Procedural standing orders Committee and sub-committee terms of reference Delegated authority in respect of officers Code of Conduct Policy statements</p>	<p>Website Hard copy on request</p>	<p>Free 5p per A4 sheet</p>
<p>Policies and procedures for the provision of services and about the employment of staff:</p> <p>Internal policies relating to the delivery of services Staff Handbook including Equality and diversity policy Health and safety policy Recruitment policies (including current vacancies) Policies and procedures for handling requests for information Complaints procedures (including those covering requests for information and operating the publication scheme)</p>	<p>Website Hard copy on request</p>	<p>Free 5p per A4 sheet</p>
Records management policies (records retention, destruction and archive)	Hard copy on request	
Data protection and Information Security policies including privacy notices	<p>Website Hard copy on request</p>	<p>Free 5p per A4 sheet</p>
Schedule of charges (for the publication of information)	<p>Website Hard copy on request</p>	<p>Free 5p per A4 sheet</p>
<p><b>Class 6 – Lists and Registers</b></p> <p>Currently maintained lists and registers only</p>	(hard copy or website; some information may only be available by inspection)	
Any publicly available register or list (if any are held)	<p>Where applicable Hard copy on request</p>	<p>Free 5p per A4 sheet</p>

Assets register	Website within annual supporting accounts information Hard copy on request	Free 5p per A4 sheet
Disclosure log (indicating the information that has been provided in response to requests)	Hard copy on request	5p per A4 sheet
Register of members' interests	Website Hard copy on request	Free 5p per A4 sheet
Register of gifts and hospitality	Only available for inspection by visiting the Town Council Office	
<p><b>Class 7 – The services we offer</b> (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)  Current information only</p>		
Allotments	Website Hard copy on request	Free 5p per A4 sheet
Burial grounds and closed churchyards	Not applicable	
Community centres and village halls	Electronically by request Hard copy on request	Free 5p per A4 sheet
Parks, playing fields and recreational facilities	Electronically by request Hard copy on request	Free 5p per A4 sheet
Seating, litter bins, clocks, notice boards, memorials and lighting	Electronically by request Hard copy on request	Free 5p per A4 sheet
Markets	Electronically by request Hard copy on request	Free 5p per A4 sheet
Public conveniences	Not applicable	
Agency agreements	Electronically by request Hard copy on request	Free 5p per sheet
Services for which the council is entitled to recover a fee, together with those fees (e.g. burial	Not applicable	

fees)		
<b>Additional Information available</b>		
Town magazine – LTC News	Delivered to LTC electors Website Available LCC	Free
Links to Local Organisations	Website	

Information will be published if it is available/when it becomes available.

### Contact details:

**Town Clerk**

**Leigh-on-Sea Town Council**

**Tel: 01702 716288**

**Email: [council@leighonseatowncouncil.gov.uk](mailto:council@leighonseatowncouncil.gov.uk)**

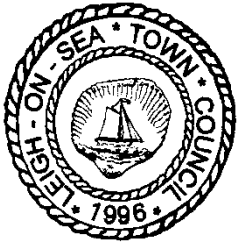
**Website: [www.leighonseatowncouncil.gov.uk](http://www.leighonseatowncouncil.gov.uk)**

### SCHEDULE OF CHARGES

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying @ p. per sheet (black & white)	Actual cost 5p per sheet
	Postage	Actual cost of Royal Mail standard 2 <sup>nd</sup> class

Document reviewed: ACM May 2019

Date to be reviewed: ACM May 2020



# Leigh-on-Sea Town Council

71-73 Elm Road, Leigh-on-Sea, Essex SS9 1SP - Tel: 01702 716288  
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## PRESS & MEDIA POLICY

### 1 INTRODUCTION

- 1.1 The purpose of this policy is to define the roles and responsibilities within Leigh-on-Sea Town Council (known as “the Council”) for working with the press and media (known as “the media”) and deals with the day-to-day relationship between the Council and the media.
- 1.2 It is not the intention of this policy to curb freedom of speech or to enforce strict rules and regulations. Rather, it provides guidance on how to deal with issues that may arise when dealing with the media.

### 2 KEYS AIMS

- 2.1 The Council is accountable to the local community for its actions and this can only be achieved through effective two-way communications. The media – press, radio, TV, internet – are crucially important in conveying information to the community so the Council must maintain positive, constructive media relations and work with them to increase public awareness of the services and facilities provided by the Council and to explain the reasons for particular policies and priorities.
- 2.2 It is important that the media have access to Officers and Members and to background information to assist them in giving accurate information to the public. To balance this, the Council will defend itself from any unfounded criticism and will ensure that the public are properly informed of all the relevant facts using other channels of communication if necessary.

### 3 THE LEGAL FRAMEWORK

- 3.1 The law governing communications in local authorities can be found in the Local Government Acts 1986 and 1988. The Council must also have regard to the Government’s Code of Recommended Practice on Local Authority Publicity.
- 3.2 The Town Council’s Standing Orders should be adhered to.

### 4 CONTACT WITH THE MEDIA

- 4.1 Officers and Members should always have due regard for the long-term reputation of the Council in all their dealings with the media.
- 4.2 Confidential documents, exempt Minutes, reports, papers and private correspondence should not be leaked to the media. If such leaks do occur, an investigation will take place to establish who was responsible and appropriate action taken.
- 4.3 When the media wish to discuss an issue that is, or is likely to be subject to legal proceedings then advice should be taken from the Council’s solicitor before any response is made.
- 4.4 There are a number of personal privacy issues for Officers and Members that must be handled carefully and sensitively. These include the release of personal information; disciplinary procedures and long-term sickness absences that are affecting service provision. In all these and similar situations advice must be taken from the Town Clerk before any response is made to the media.

- 4.5 When responding to approaches from the media, the Town Clerk or Officers authorised by the Town Clerk, Chairman or the Chairman of Committees are authorised to make contact with the media.
- 4.6 Statements made by the Chairman or the Chairman of Committees and authorised Officers should reflect the Council's opinion.
- 4.7 Other Councillors can talk to the media but must ensure that it is clear that the opinions given were their own and not necessarily those of the Council.
- 4.8 There are occasions when it is appropriate for the Council to submit a letter, for example to explain important policies or to correct factual errors in letters submitted by other correspondents. Such letter should be kept brief and balance in tone and correspondence should not be drawn out over several weeks. All correspondence must come from the Town Clerk.

## **5 ATTENDANCE OF MEDIA AT COUNCIL OR COMMITTEE MEETINGS**

- 5.1 The Local Government Act 1972 requires that all agendas, reports and minutes are sent to the media on request.
- 5.2 The media are encouraged to attend Council and Committee meetings and seating and workspace will be made available.

## **7 PRESS RELEASES**

- 7.1 The purpose of a press release is to make the media aware of a potential story, to provide important public information or to explain the Council's position on a particular issue. It is the responsibility of all Officers and Members to look for opportunities where the issuing of a press release may be beneficial.
- 7.2 Any Officer or Member may draft a press release, however they must all be shown to the Town Clerk in order to ensure that the principles outlined in section three (Legal Framework) are adhered to, that there is consistency of style across the Council and that the use of the press release can be monitored.

**ADOPTED MAY 2019**  
**REVIEW DATE MAY 2020**

**Approval required for the following Annual Commitments 2020-2021****Subscriptions**

<b>Name/Reason</b>	<b>Frequency/Payment Type</b>	<b>Annual Spend</b>
EALC & NALC - Local Council Review Subscription	Annually/Cheque	£17.00
EALC & NALC – Affiliation fee	Annually/Cheque	£1893.45
National Society of Allotments - Subscription	Annually/Cheque	£55.00
Royal Mail Group Ltd	Annually/Cheque	£99.50
SLCC – Clerk Affiliation	Annually/Cheque	£336.00

**Annual Contracts/Agreements**

<b>Name/Reason</b>	<b>Frequency/Payment Type</b>	<b>Annual Spend</b>
Secom – Security Alarm CC	Annually/Cheque	£413.03
Meyer Fire Prot- Fire Alarm CC	Annually /Cheque	£460.00
Meyer Fire Prot – Extinguisher Service	Annually/Cheque	£170.00
Quantum Services-Lift maintenance contract	Annually/Cheque	£555.00
Edge IT Systems – Facilities & Finance systems	Annually/Cheque	£1892.70
Auditing Solutions – Internal Audit	Twice Yearly/Cheque	£1335.00
PKF Littlejohn – External Audit	Annually/Cheque	£1300.00
Greenworks Washrooms – Washroom services	Annually/Cheque	£1215.00
Phoenix Water Coolers	Annually/Cheque	£160.00
RCH Heating & Plumbing – Boiler service	Annually/Cheque	£500.00
DOTS – IT and Back-up services	Monthly/DD	£2400.00
FP Mailing – Franking Machine service agreement	Annually/Cheque	£396.00
James Todd & Co - Payroll processing	Monthly/Cheque	£1012.20
CF Corporate – Photocopier lease	Quarterly/Direct Debit	£1845.00
CF Corporate – Sokoni software	Quarterly/Direct Debit	£1320.00
Aylesford Electrical Contractors Ltd- Leigh Lights	Annually/Cheque	£9150.00
Phuse Media website hosting LCC & LTC	Annually/Cheque	£240.00
LOSALGA- ASA agreement	Quarterly/Bank Transfer	£1600.00
MDAS –ASA agreement	Quarterly/Bank Transfer	£3000.00
Marshall Close – ASA agreement	Quarterly/Bank Transfer	£500.00
Southend Borough Council – Hedge cutting allotments	Annually/Cheque	£900.00
Southend Borough Council- Grass cutting skate park	Annually/Cheque	£450.00
Wren Electrical Ltd – Electrical condition report	Every 3 years/Cheque	£2500.00
Zurich Insurance	Annually/Cheque	£3475.24
Blake Contractors – LCC CCTV	Annually/Bank Transfer	£90.00
BT Payphones – Red Telephone Box	Annually/Cheque	£300.00

**Licences**

<b>Name/Reason</b>	<b>Frequency/Payment Type</b>	<b>Annual Spend</b>
PRS & PPL – Music licences	Annually/Cheque	£1350.00
Southend BC- Wedding licence	Every 3 years/Cheque	£600.00

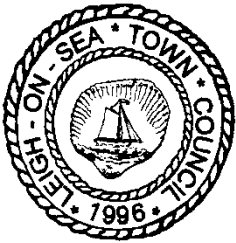
**Approval required for the use of variable direct debits as follows**

**Regular Direct Debits**

<b>Name</b>	<b>Reason</b>	<b>Average Annual Spend</b>
Biffa	Waste/Bins CC & Skate Park	£2934.48
Southend BC	Business Rates	£8101.50 (waived at present)
Wave	Sewage fee Comm Centre & water rates at LCC and allotments	£5403.81
BT	Broadband, line rental & call chgs	£4312.21
SSE	Gas &Electricity at LCC Electricity at Skate Park & Strand Wharf	£11043.44
Wessex Leasing	Hand Drier leasing	£461.76
Global Payments	Card payment processing	£605.30
DOTS	Photocopying costs	£732.49
Francotyp Postalia	Postage on franking machine	£1300.00
ICO	Information Commissioner	£45.00
HMRC	Vat payments	Variable

[Agenda](#)





# Leigh-on-Sea Town Council

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Auditing Solutions Ltd

Scope of work for Internal Audit 2020/21

## Review of Accounts and Accounting Arrangements

Please check that the accounting records are being maintained accurately and currently and that no anomalous entries appear in cashbooks or financial ledgers. Including:-

- That an appropriate nominal ledger coding structure is in place,
- That regular, monthly bank reconciliations are undertaken on all accounts.

## Review of Corporate Governance

Ensure that the Council has robust Corporate Governance documentation in place; that Council and Committee meetings are conducted in accordance with the adopted Standing Orders and that no actions of a potentially unlawful nature have been or are being considered for implementation.

Further check the Council's reviews of Standing Orders and Financial Regulations during the year, and that appropriate internal control measures are in place together with an updated Financial Risk Assessment.

## Review of Purchasing and Payment Procedures

Perform test checks to confirm that each payment is:

- Supported by a trade invoice or other appropriate form of supporting documentation;
- Supported by an official order, where appropriate;
- Supported by proper quotations and / or a formal tender process, where applicable under the terms of the Council's Financial Regulations;
- Posted accurately to the Edge software nominal ledger expenditure headings;
- Authorised as seen by members during the course of the cheque approval process and subsequently summarised for adoption by Full Council; and
- The VAT is calculated and recorded to the VAT control account for subsequent recovery and has been actioned correctly.

## Assessment and Management of Risk

Review the adequacy of the Council's risk assessment register for all principal areas of the Council's activities and confirm that a formal "strategy" was adopted by the Full Council;

Examine the current year's insurance schedules.

## Budgetary Control and Reserves

Ensure that the Council has appropriate procedures in place to determine its future financial requirements leading to the adoption of an approved budget and formal determination of the amount to be precepted on the local Unitary Authority, that effective arrangements are in place to monitor budgetary performance throughout the financial year and that the Council has identified and retains appropriate reserve funds to meet future spending plans.

## Review of Income

Perform test checks to confirm that income due to the Council is identified, invoiced (where applicable) and recovered at the appropriate rate and within a reasonable time scale: and ensuring that it is banked promptly in accordance with the Council's Financial Regulations.

Ensure that the schedules of Council's fees and charges are reviewed and adopted annually;

## Petty Cash Account

Review the petty cash account and confirm that the required check by the Chair or the Vice Chair of P&RC is performed at least three times per year.

Check that the payment transactions are entered into the Edge Paid Expenditure reports in the same manner as other cheque payments with full details of the payee and goods with VAT separately recorded for periodic recovery.

### **Salaries and Wages**

Confirm that extant legislation is being appropriately observed as regards adherence to the Employee Rights Act 1998 and the requirements of HM Revenue and Customs (HMRC) legislation as regards the deduction and payment over of income tax and NI contributions, together with meeting the requirements of the local government pension scheme, as further amended with effect from 1<sup>st</sup> April 2014, as regards employee contribution bandings, the inclusion of overtime as pensionable pay and actual salary rates forming the basis for banding determination instead of WTEs. In particular:-

- Ensure that the Council reviews and approves pay scales for staff annually;
- Agree the amounts paid to employees by reference to the approved pay scale on the NJC annual schedule of rates payable, where applicable, or to the individuals' letters of annual amendment where not paid on those scales, examining a sample of all those salary payments made in one month;
- Ensure that Tax and National Insurance deductions for all employees have been made applying the appropriate PAYE code and NI Table;
- Check that the correct superannuation percentage deductions are being applied where applicable;
- Check and agree the net payments to staff from copy payslips to the cashbooks;
- Check and agree the payment over of deductions to HMRC and Essex County Council from copy payroll reports to cashbooks and have, as part of the supplier payments testing noted earlier, summarised the month by month total payments with explanations obtained for any variances arising therein; and

### **Asset Registers**

Ensure that an appropriate register of buildings, land, plant and equipment owned by the Council is maintained.

Ensure that, in accord with the revised Practitioners' guidance in this area, the asset values have not been subject to either depreciation or "insurance policy inflation" and verify the overall value therein to the disclosure at Box 9, Section 1 of the Annual Return.

### **Investments and Loans**

Ensure that the Council is "investing" surplus funds, be they held temporarily or on a longer term basis in appropriate banking and investment institutions, that an appropriate investment policy is in place, that the Council is obtaining the best rate of return on any such investments made, that interest earned is brought to account correctly and appropriately in the accounting records and that any loan repayments due to or payable by the Council are transacted in accordance with appropriate loan agreements.

### **Statement of Accounts and Annual Return**

Verify the accuracy of detail in the Annual Statement of Accounts, as produced initially by the Edge accounting software, but also supplemented by more formal supporting Income & Expenditure and Balance Sheet statements prepared by the Clerk and Finance Officer, to the underlying records and other documentation.