



# Lostwithiel Town Council

## Standing Orders 2023

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## **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 Chair of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.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 original 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 Chair of the meeting, is expressed in writing to the Chair.
- 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 Chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k One or more amendments may be discussed together if the Chair 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 on 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 Chair 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 on 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 Chair of the meeting and their 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 a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the Chair 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), the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the Chair of the meeting.

## **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 Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregards the request of the Chair of the meeting to moderate or improve their conduct, any Councillor or the Chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

- c If a resolution made under standing order 2(b) is ignored, the Chair 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 premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c Public notice for a Committee meeting does not include the day on which the notice was issued or the day of the meeting.
- 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 At the Chair's discretion and with the agreement of the Council, a

member of the public may be invited to answer any questions on matters of fact relating to an item under consideration by the Council at the point on the agenda where matters are being discussed.

- g The period of time designated for public participation at a meeting in accordance with standing order 3(g) shall not exceed 15 minutes unless directed by the Chair of the meeting.
- h Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.
- i In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
- j 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 Chair of the meeting may at any time permit a person to be seated when speaking.
- k A person who speaks at a meeting shall direct their comments to the Chair of the meeting.
- l Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
- m **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.**
- n **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- o **The Chair of the Council, if present, shall preside at a meeting. If**

**the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one) if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**

- p **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors and non-Councillors with voting rights present and voting.**
- q **The Chair 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) for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.*

- r **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving to the vote and the vote will be taken in alphabetical order of those present at the meeting and eligible to vote.
- s 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 who are present and the names of Councillors who are 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 that they held interests in were being considered;

vi) if there was a public participation session; and

vii) the resolutions made.

● t **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.**

● u **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

*See standing order 5d(viii) for the quorum of a committee or sub-committee meeting.*

● v **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.

w A meeting shall only exceed a period of 2 hours at the discretion of the Chair.

x In the event of severe weather conditions or any other emergency the Clerk may, in consultation with the Chair of the Council, cancel any meeting of the Council, a committee or sub-committee, working party or steering group and shall give immediate notice of such cancellation to as many members/persons due to attend the meeting as practicable.

#### **4. Filming and recording meetings**

- a) When a meeting of the Council, its committees or sub committees is open to the public, any person, if present, may:
  - i) film, photograph or make an audio recording of a meeting;
  - ii) use any other means for enabling persons not present to see or hear proceedings at a meeting as it is taking place or later;
  - iii) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
- b) Oral reporting, commentary or broadcasting is not permitted during any part of a meeting of the Councils, its committees and sub committees.
- c) An individual must be present and able to use their equipment in order to film; photograph or audio record a meeting. There will be no opportunity to report on any part of the meeting where the Council has resolved to exclude the press and public.
- d) Disruptive behaviour
  - i) No filming, photographing or audio recording of a meeting should be carried out in such a way as to disrupt the proceedings of the meeting.
  - ii) If person(s) disregards the request of the Chair of the meeting to moderate or improve their behaviour, any Councillor or the Chair of the meeting may move that the person be instructed to cease filming, photographing or audio recording. The motion, if seconded, shall be put to the vote without discussion.
  - iii) If a resolution under standing order 4 d ii) above is ignored, the Chair of the meeting make take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

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

## **5. Committees and sub-committees**

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a 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 or other committees as may be necessary, and:
  - i) shall determine their terms of reference including the scheme of delegation and the role of the Chair and Vice Chair as ex officio members with or without voting rights;
  - 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 the Council;
  - iii) shall permit a 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 standing orders 5(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v) may, subject to standing orders 5(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee

- if the ordinary members of the committee confirm to the Proper Officer 7 days before the meeting that they are unable to attend;
- vi) shall, after it has appointed the members of a standing committee, appoint the Chair of the standing committee;
  - vii) shall permit a committee other than a standing committee, to appoint its own Chair at the first meeting of the committee;
  - viii) shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
  - ix) shall determine if the public may participate at a meeting of a committee;
  - x) 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;
  - xi) shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xii) may dissolve a committee or a sub-committee.

## **6. Ordinary Council meetings**

- 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 Councillors elected take office.**
- 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.**
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as**

**the Council decides.**

- e The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**
- f The Chair of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g The Vice-Chair of the Council, if there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair 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 Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:
  - i) In an election year, delivery by the Chair 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 Chair 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 committee;
- iv) Consideration of the recommendations made by a committee;
- v) Review of delegation arrangements to 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 5;
- 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 other 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 expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xvi) Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

## **7. Extraordinary meetings of the Council, committees and sub-committees**

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not 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 shall be signed by the two Councillors.**
- c The Chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the Chair of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee [or the sub-committee], any 2 members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

## **8. Previous resolutions**

- a A resolution shall not be reversed within six months except by a special motion, which requires written notice by at least 6 Councillors to be given to the Proper Officer in accordance with standing order 10,
- b When a motion moved pursuant to standing order 8(a) has been disposed of, no similar motion may be moved for 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 for which it is tabled 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 The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 10(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 7 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chair 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.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.



- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.
- h A written notice of motion shall not be related to any matter which may be considered under the Council's Code of Conduct, Complaints Procedure or employment policies

### **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 refer a motion to a particular committee or sub-committee;
  - v) to appoint a person to preside at a meeting;
  - vi) to change the order of business on the agenda;
  - vii) to proceed to the next business on the agenda;
  - viii) to require a written report;
  - ix) to appoint a committee or sub-committee and their members;
  - x) to extend the time limits for speaking;
  - xi) to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
  - xii) to not hear further from a Councillor or a member of the public;
  - xiii) to exclude a Councillor or member of the public for disorderly

conduct;

- xiv) to temporarily suspend the meeting;
- xv) to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi) to adjourn the meeting; or
- xvii) to close the meeting.

## **12. Management of information**

*See also standing orders 21 & 22.*

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of 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. Draft minutes**

Full Council meetings ●

Committee meetings ●

Sub-committee meetings ●

- 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).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chair of this meeting does not believe that the minutes of the meeting of the Lostwithiel Town Council held on [date] in respect of ( ) were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 13(e) and standing order 21(a) and following 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.

## **14. Code of conduct and dispensations**

*See also standing order 3(t).*

### **General**

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

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

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

### **Members and the Code of Conduct.**

- d) All Councillors and members of the public co-opted to serve on Council committees and sub-Committees shall observe the Code of Conduct adopted by the Council.
- e) All Councillors and members of the public co-opted to serve on Council committees and sub committees shall maintain a Register of Disclosable Pecuniary Interest, and must update their register by notifying the Monitoring Officer and the Clerk of any changes within 28 days.
- f) All Councillors shall undertake training in the code of conduct within 6 months of the delivery of the declaration of acceptance of office.

- g) Unless granted a dispensation, a Councillor or non-Councillor with voting rights who has registered a Disclosable Pecuniary Interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.
- h) Unless granted a dispensation, a Councillor or non-Councillor with voting rights who has registered a non-registerable interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.
- i) Where a non-registerable interest arises from the membership of an outside body as defined in 3.5a of the Councils code of conduct, a Councillor may remain in the room to address the meeting, provide a short statement and answer questions for no more than 3 minutes before leaving the room at the request of the Chair.
- j) Code of Conduct 2.6 You must record in a register of interests maintained by the Proper Officer any gifts or hospitality that you are offered or receive in connection with your official duties as a member and the source of the gift or hospitality worth £10 or over.
- k) A member of the Council may, for the purposes of his duty as a member but not otherwise, inspect any document which has been considered by a Committee or by the Council. The Proper Officer or Solicitor to the Council may decline to allow inspection of any document which is protected by other legislation or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client. All minutes kept for any Committee shall be open for the inspection of any member of the Council during office hours.

### **Dispensations**

- l) 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.
- m) A decision as to whether to grant a dispensation shall be made by a

meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.

- n) A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the dispensation relates.
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and vote.
  - iii. the date of meeting or the period (not exceeding 4 years) for which dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- o) This policy shall apply to all meetings of the Council, its committees and sub-committees.
- p) No dispensations will be awarded for any meetings where there are no minutes of the proceedings.
- q) A dispensation may be granted in accordance with standing order 14(m) 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
  - ii: is otherwise appropriate to grant a dispensation.

## **15. Code of conduct complaints**

- a) Notification of any complaint shall remain confidential to the Proper Officer of the Council until such time as the matter has been concluded, when the outcome of the complaint shall be reported to a meeting of full

Council.

- b) Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair or Vice Chair of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in this standing order, and who shall continue to act in respect of that matter as such until the complaint is resolved.
- c) Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d) The Council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- e) References to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the code of conduct by a Councillor.
- f) Upon notification by the Cornwall Council that a Councillor or non-Councillor with voting rights has breached the Council's code of conduct, the Council shall consider any recommendations and what, if any, action to take against them. Such action excludes disqualification or suspension from office and shall be limited to those sanctions recommended as part of the Decision Notice.

## **16. Proper Officer**

- a The Proper Officer shall be either (i) the 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 shall:
  - i) **at least three clear days before a meeting of the Council, a**

**committee** or a sub-committee,

- **serve on Councillors by delivery 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) for the meaning of clear days for a meeting of a full Council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*

- ii) subject to standing order 10, include on the agenda all motions in the order received unless a Councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it;
- iii) **convene a meeting of the Council for the election of a new Chair 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) hold acceptance of office forms from Councillors;
- vii) hold a copy of every Councillor's register of interests;
- viii) assist with responding to requests made under 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;
- 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 of, storage of, access to, security of 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 24);*
  - xiii) arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
  - xiv) record every planning application notified to the Council and the Council's response to the local planning authority on a spreadsheet for such purpose;
  - xv) contact every member of the Council by email when the Town Council is asked to consider a planning application under Cornwall Council's 5 Day Protocol.
  - xvi) manage access to information about the Council via the publication scheme; and
  - xvii) retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.  
*(see also standing order 24).*

## **17. Responsible Financial Officer**

When the Responsible Financial Officer is absent, the Council will appoint a member to an unpaid post to undertake the work of the Responsible Officer if required until a temporary/locum clerk can be appointed.

## **18. 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”.
- 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 as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i) the Council’s receipts and payments (or income and expenditure) for each quarter;
  - ii) the Council’s aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii) the balances held at the end of the quarter being reported an
  - iv) 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 (or income and expenditure) for the last quarter and the year to date for information; and
  - ii) to the Council the accounting statements for the year in the form of Section 1 of the annual governance and 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 apply the form of accounts determined by the Council (receipts and payments, or 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 14 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 30 June.

## **19. Financial controls and procurement**

The Council has established Financial Regulations for the governance and management of its finances and to meet the requirements of the audit and accountability regime in place at the time. These are attached as Part II of these Standing Orders.

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

## **20. Handling staff matters**

- a A matter personal to a member of staff that is being considered by a meeting of Council or the Staffing Committee is subject to standing order 12.
- b Subject to the Council's policies regarding the handling of performance, capability, sickness, absence, disciplinary matters, the Council's most senior staff member (or other member of staff) shall contact the Chair of the Staffing Committee or in their absence the Vice Chair of the Staffing Committee in respect of an informal or formal matter and this shall be reported back and progressed by resolution of the Staffing Committee in accordance with its terms of reference.
- c The Chair of Staffing Committee or in their absence, the Vice-Chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of the town clerk. 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 member of staff or other members of staff shall contact the Chair of the Staffing Committee or in their absence, the Vice-Chair 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 in accordance with its terms of reference.
- e Subject to the Council's policies regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk/RFO relates to the Chair or Vice-Chair 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 Staffing Committee in accordance with its terms of reference
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 12(a), the Council will identify two persons with line management responsibilities who may have access to staff records referred to in standing order 20(f)

## **21. Responsibilities to provide information**

*See also standing order 12 & 22.*

- 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.**

## **22. Responsibilities under data protection legislation**

(Below is not an exclusive list).

*See also standing order 12 & 21.*

- a **The Council shall appoint a Data Protection Officer.**
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

## **23. Relations with the press/media**

- a 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.

## **24. Execution and sealing of legal deeds**

*See also standing orders 16(b)(xii) and (xvii).*

- a A legal deed shall not be executed on behalf of the Council unless

authorised by a resolution.

- b **Subject to standing order 24(a), 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 three Councillors who shall sign the deed as witnesses.**

*The above is applicable to a Council with a common seal.*

## **25. Communicating with district and county or unitary Councillors**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward Councillor(s) of the District and County Council OR Unitary Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of all relevant correspondence sent to the Unitary Council shall be sent to the divisional Councillor(s) representing the area of the Council.
- c) At the Chair's discretion and with the approval of the Council, a divisional member may be invited to speak during any item on the agenda to make a short statement and answer any questions.

## **26. Restrictions on Councillor activities**

- a. Unless duly authorised 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. Or
  - iii) incur any expenditure on behalf of the Council or issue an instruction to incur expenditure.

## **27. Standing orders generally**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal 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 or legal requirements, shall be proposed by a special motion, the written notice by at least 6 Councillors to be given to the Proper Officer in accordance with standing order 8.
- c The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible.
- d The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

Adopted by Lostwithiel Town Council on 28 June 2022.

Appendix 1.



# **Lostwithiel Town Council**

## **Financial Regulations**

**Last reviewed: 02 March 2021**



These Financial Regulations were adopted by Lostwithiel Town Council at its Meeting held 02 March 2021.

## **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 contained in Standing Orders providing procedural guidance for Members and Officers. Financial Regulations must be observed in conjunction with the Council's standing orders.

1.2. The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.

1.3. The Council's accounting control systems must include measures:

- for the timely production of accounts;
- that provide for the safe and efficient safeguarding of public money;
- to prevent and detect inaccuracy and fraud; and
- identifying the duties of Officers.

1.4. These Financial Regulations demonstrate how the Council meets these responsibilities and requirements.

1.5. At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with Proper practices.

- 1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute.
- 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. The Clerk has been appointed as RFO for this Council and these regulations will apply accordingly.
- 1.9. The 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 current Accounts and Audit Regulations.

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 not submitted to the Council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
- measures to ensure that risk is Properly managed.

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

- setting the final budget or the precept (Council tax requirement);

- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors, shall be a matter for the full Council only.

1.14. In addition, the Council must:

- determine and keep under regular review the bank mandate for all Council bank accounts;
- approve any grant or a single commitment in excess of £5,000; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee (if applicable) 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, Internal Checkers 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 as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Council.
- 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 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 (if any) 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 not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.5 The approved annual budget shall form the basis of financial control for the ensuing year.

### **4. Budgetary Control and Authority to Spend**

- 4.1 Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
  - the Council Committees in accordance with Financial Regulation 19.1

- the clerk in accordance with Financial Regulation 4.6
  - the Clerk for minor repairs/variations to Council agreed contracts subject to maximum value of £3,000
  - the Clerk for the appointment of pest control operators for rats & moles to a maximum value of £300 per month without prior reference to the Council.
  - the Clerk to spend up to £250 monthly on stationery, stamps and general office costs without the prior approval of Council.
  - the Clerk, in conjunction with Chair of Council or Chair of the appropriate committee, for any items below £500. (Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chair.)
- 4.2 No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council, or duly delegated committee. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3 Council Committees (if any) in accordance with their individual terms of reference can incur expenditure up to the amounts included in the approved budget.
- 4.4 Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.5 The salary budgets are to be reviewed at least annually in November for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chair of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.



- 4.6 In cases of extreme risk to the delivery of Council services, the clerk may authorise revenue expenditure on behalf of the Council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £3000. The Clerk shall report such action to the Chairman as soon as possible and to the Council as soon as practicable thereafter.
- 4.7 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.
- 4.8 All capital works shall be administered in accordance with the Council's standing orders and Financial Regulations relating to contracts.
- 4.9 The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose, "material" shall be in excess of £100 or 15% of the budget.
- 4.10 Changes in earmarked reserves shall be approved by Council as part of the budgetary control process.
- 4.11 Contracts may not be disaggregated to avoid controls imposed by these regulations.

## **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 shall prepare a schedule of payments requiring authorisation, forming part of the Agenda and together with the relevant invoices present the schedule to Council. The Council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Council. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3 All invoices for payment shall be examined, verified and certified by the 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. A random selection of invoices shall be examined by the cheque signatories.
- 5.4 The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available Council meeting.
- 5.5 The Clerk shall have delegated authority to authorise the payment of items only if a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Clerk certifies that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of Council.
- 5.6 For each financial year the 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 [,or a duly authorised committee,] may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of Council [or Finance Committee].

- 5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by three members on each and every occasion when payment is authorised thus controlling the risk of duplicated payments being authorised and / or made.
- 5.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by Council and in accordance with any policy statement approved by Council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the Council.
- 5.9. Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 5.10. The Council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.
- 5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

## **6. Instructions for The Making of Payments**

- 6.1 The Council will make safe and efficient arrangements for the making of its payments.
- 6.2 Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Clerk shall give instruction that a payment shall be made.
- 6.3 All payments shall be effected by cheque or other instructions to the Council's bankers, or otherwise, in accordance with a resolution of Council.
- 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 three members of Council in accordance with a resolution instructing that payment.

If a member 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.

A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question

- 6.5 To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6 Cheques or orders for payment shall not normally be presented for signature other than at a Council meeting. Any signatures obtained away

from such meetings shall be reported to the Council 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 three members and any payments are reported to Council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the Council at least every two years.
- 6.8 If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS or Bankers Standing Order methods provided that the instructions for each payment are signed, or otherwise evidenced, by three authorised bank signatories are retained and any payments are reported to Council as made. The approval of the use of BACS or CHAPS or Bankers 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 three 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 Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the Council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chair of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of three other Councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available

meeting of the Council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.

- 6.11 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.
- 6.12 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.
- 6.13 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.
- 6.14 Where internet banking arrangements are made with any bank, the Clerk shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify a number of Councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.15 Access to any internet banking accounts will be directly to the access page 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.
- 6.16 Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Clerk and three members. A programme of regular checks of standing data with suppliers will be followed.

- 6.17 Any Debit Card issued for use will be specifically restricted to the Clerk and will also be restricted to a single transaction maximum value of £500 unless authorised by Council in writing before any order is placed.
- 6.18 A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Council. Transactions and purchases made will be reported to the Council and authority for topping-up shall be at the discretion of the Council.
- 6.19 Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Clerk and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.
- 6.20 The Council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

## **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, National Insurance and Pension legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE, National Insurance & Pension contributions currently operating, and salary rates shall be as agreed by Council.
- 7.2 Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available Council meeting, as set out in these regulations above.

- 7.3 No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council.
- 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.
- 7.6 Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 7.7 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. 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. Similarly, all investments of money under the control of the Council shall be in the name of the Council.
- 8.4 The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, Proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the Clerk.
- 8.6. 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.

- 9.2 The Council will review all fees and charges at least annually, following a report of the Clerk.
- 9.3 Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- 9.4 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 9.5. The origin of each receipt shall be entered on the paying-in slip.
- 9.6 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.7 The RFO shall promptly complete any VAT Return that is required. Any repayment claims due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.8 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

## **10. Orders for Work, Goods and Services**

- 10.1 An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained. Order books shall be controlled by the RFO.

- 10.2 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 below.
- 10.3 A member may not issue an official order or make any contract on behalf of the Council.
- 10.4 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 Where the Council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 (“the Regulations”) which is valued at £25,000 or more, the Council shall comply with the relevant requirements of the Regulations<sup>1</sup>.

The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)<sup>2</sup>.

- 11.2 Procedures as to contracts are laid down as follows:

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

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

a) For public supply and public service contracts 209,000 Euros (£181,302)

b) For public works contracts 5,225,000 Euros (£4,551,413)

- 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 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 Clerk shall act after consultation with the Chair and Vice Chair of Council);
  - vi) for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
- b) Where it is intended to enter into a contract exceeding £21,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms.
- c) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- d) Any invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically

marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

- e) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least two members of Council.
- f) If less than three tenders are received for contracts above £21,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- g) Any invitation to tender issued under this regulation shall be subject to Standing Orders and shall refer to the terms of the Bribery Act 2010.
- h) When it is to enter into a contract of less than £21,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £7,000) and above £3,000 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (2) above shall apply.
- i) The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j) Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

## **12. Payments Under Contracts for Building or other Construction Works**

- 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 of 5% or more a report shall be submitted to the Council.
- 12.3 Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

### **13. Stores and Equipment**

- 13.1 The Officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2 Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 13.3 Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4 The RFO shall be responsible for periodic checks of stocks and stores at least annually.

## **14. Assets, Properties and Estates**

- 14.1 The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of Properties 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 Property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable Property does not exceed £50.
- 14.3 No real Property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, in each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the Property (including matters such as planning permissions and covenants) together with a Proper business case (including an adequate level of consultation with the electorate).
- 14.4 No real Property (interests in land) shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the Property (including matters such as planning permissions and covenants) together with a Proper business case (including an adequate level of consultation with the electorate).
- 14.5 Subject only to the limit set in Reg. 14.2 above, no tangible moveable Property shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council with a full business case.

14.6 The 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 clerk 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 at the next available meeting.

15.4 All appropriate members and employees of the Council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

## **16. Charities**

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



## **17. Risk Management**

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

## **18. Suspension and Revision of Financial Regulations**

- 18.1. It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Clerk/RFO shall make arrangements to monitor changes in legislation or Proper practices and shall advise the Council of any requirement for a consequential amendment to these Financial Regulations.
- 18.2. The Council may, by resolution of the Council duly notified prior to the relevant meeting of Council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of Council.

## **19. Lostwithiel Specific Financial Regulations**

- 19.1 In accordance with Lostwithiel Town Council's Committee Terms of Reference these Financial Regulations shall incorporate the following:

Each Committee has the delegated power to manage the budget and spending for those elements of the budget which relate to their area of operation without reference to full Council. These elements of the budget will be agreed by full Council at the start of each new financial year. All spending must be in accordance with the Council's Standing Orders and Financial Regulations and only for the purposes intended. No element of any budget can be overspent, or any changes made between budgets, or reserves released without the authorisation of full Council.