



**STANDING ORDERS
AND
FINANCIAL REGULATIONS
2011**

Adopted by Full Council 17.11.08

Amended 2011



STANDING ORDERS

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STANDING ORDERS

PREFACE

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

DEFINITIONS

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

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

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

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

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

MEETINGS

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

THE STATUTORY ANNUAL MEETING

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

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

CHAIRMAN OF THE MEETING

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

PROPER OFFICER

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

To receive declarations of acceptance of office.

To receive and record notices disclosing interests at meetings.

To receive and retain plans and documents.

To sign notices or other documents on behalf of the Council

To receive copies of bylaws made by another local authority

To certify copies of bylaws made by the Council.

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

To keep proper records for all Council meetings.

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

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

QUORUM OF THE COUNCIL

8. **Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.**
9. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such day as the Chairman may fix.

10. For a quorum relating to a committee or sub-committee, please refer to Standing Order No 51.

VOTING

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

ORDER OF BUSINESS

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

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

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

- (g) to appoint committees and sub-committees
- (h) to consider the payment of any subscriptions falling to be paid annually
- (i) to inspect any deeds and trust investments in the custody of the Council as required

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

15. **At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made, or if not then received, to decide when they shall be received.**
16. In every year not later than the meeting at which the estimates for next year are settled the Council shall review the pay and conditions of service of existing employees. Standing Order No 40 must be read in conjunction with this requirement.
17. After the first business has been completed, the order of business, unless the Council otherwise decides on the grounds of urgency, shall be as follows.
 - (a) To read and consider the Minutes: provided that a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting the Minutes may be taken as read.
 - (b) After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
 - (c) To deal with business expressly required by statute to be done.**
 - (d) To dispose of business, if any, remaining from the last meeting.
 - (e) To receive such communications as the person presiding may wish to lay before the Council.
 - (f) To answer questions from Councillors, allowing a maximum time of ten minutes with a maximum time per speaker of two minutes.
 - (g) To receive and consider reports and minutes of committees.
 - (h) To receive and consider resolutions or recommendations in the order in which they have been notified.
 - (i) To authorise the sealing of documents.
 - (j) If necessary, to authorise the signing of orders for payment.

- (k) To consider resolutions or recommendations in the order of which they have been notified.
- (l) Any other business specified in the summons.
- (m) To receive any petitions and deputations submitted to the Council and to allow a petitioner the right to address the Council for a time not exceeding three minutes.
- (n) To allow members of the public to address the Council on a matter in the agenda for a time not exceeding three minutes.

URGENT BUSINESS

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

RESOLUTIONS MOVED ON NOTICE

- 19. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least seven clear days before the next meeting of the Council.
- 20. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
- 21. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- 22. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 23. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report, provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 24. Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

RESOLUTIONS MOVED WITHOUT NOTICE

25. Resolutions dealing with the following matters may be moved without notice.
- (a) To appoint a Chairman of the meeting.
 - (b) To correct the Minutes.
 - (c) To approve the Minutes.
 - (d) To alter the order of business.
 - (e) To proceed to the next business.
 - (f) To close or adjourn the debate.
 - (g) To refer a matter to a committee.
 - (h) To appoint a committee or any members thereof.
 - (i) To adopt a report.
 - (j) To authorize the sealing of documents.
 - (k) To amend a motion.
 - (l) To give leave to withdraw a resolution or an amendment.
 - (m) To extend the time limit for speeches.
 - (n) To exclude the public and press (See Order 70).
 - (o) To silence or eject from the meeting a member named for misconduct (See Order 35).
 - (p) To give the consent of the Council where such consent is required by these Standing Orders.
 - (q) To suspend any Standing Order (See Standing Order No 82, 83).
 - (r) To adjourn the meeting.

QUESTIONS

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

29. A person to whom a question has been put may decline to answer.

RULES OF DEBATE

30. No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.

31. (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- (b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- (c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- (d) No speech by a mover of a resolution shall exceed five minutes, and no other speech shall exceed three minutes except by consent of the Council.
- (e) An amendment shall be either:-
(i) to leave out words
(ii) to leave out words and insert others
(iii) to insert or add words.
- (f) An amendment shall not have the effect of negating the resolution before the Council.
- (g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- (h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- (i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding three minutes.
- (j) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- (k) A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some

material part of a former speech by him which may have been misunderstood.

- (l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- (m) When a resolution is under debate no other resolution shall be moved except the following:
 - (i) to amend the resolution
 - (ii) to proceed to the next business
 - (iii) to adjourn the debate
 - (iv) that the question be now put
 - (v) that a member named be not further heard
 - (vi) that a member named leave the meeting
 - (vii) that the resolution be referred to a committee
 - (viii) to exclude the public and press
 - (ix) to adjourn the meeting.

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

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

CLOSURE

34. At the end of any speech a member may, without comment, move “that the question be now put”, that the debate be now adjourned”, or “that the Council do now adjourn”. If such motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question now be put”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the movers’ right of reply at the resumption.

DISORDERLY CONDUCT

- 35. (a) **All members must observe the Code of Conduct which was adopted by the Council on 14th May 2007, a copy of which is annexed to these Standing Orders.**

- (b) No member shall at a meeting persistently disregard the ruling of the Chairman, willfully obstruct business, or behave irregularly, offensively, improperly or **in such a manner as to bring the Council into disrepute.**
- (c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board (England) or the Local Commissioner (Wales).**
- (d) If either of the motions mentioned in paragraph (c) is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

RIGHT OF REPLY

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

ALTERATION OF RESOLUTION

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

RESCISSION OF PREVIOUS RESOLUTION

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

VOTING ON APPOINTMENTS

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

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

40. If at any meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Orders No 62, 63, 70)

RESOLUTIONS ON EXPENDITURE

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

EXPENDITURE

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

SEALING OF DOCUMENTS

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

COMMITTEES AND SUB-COMMITTEES

44. The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:
- (a) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting,
- (b) may appoint persons other than members of the Council to any Committee, and
- (c) may, subject to the provisions of Standing Order No 25, at any time dissolve or alter the membership of committee.
45. The Chairman and Vice-Chairman ex officio shall be voting members of every committee.

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

Special Meeting

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

Sub-Committees

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

Advisory Committees/Working Groups

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

Voting in Committees

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

Presence of non-members of committees at committee meetings

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

ACCOUNTS AND FINANCIAL STATEMENTS

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

Estimates and Precepts

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

INTERESTS (ENGLAND)

- 60. If a member has a personal interest as defined by the Code of Conduct adopted by the Council on (14th May 2007) then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
- 61. If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.**
- 62. The Clerk may be required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**
63. If a candidate for any appointment under the Council is to his knowledge related to any member or to the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed Standing Orders No 60, 61, 62 shall apply as appropriate.
64. The Clerk shall make known the purpose of Standing Order No 62 to every candidate.

CANVASSING OF AND RECOMMENDATION BY MEMBERS

65. (a) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of the Standing Order to every candidate.
 - (b) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
66. Standing Orders No 63 and 65 shall apply to tenders as if the person making the tender were a candidate for an appointment.

INSPECTION OF DOCUMENTS

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

UNAUTHORISED ACTIVITIES

69. No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:

- (a) inspect any lands or premises which the Council has a right or duty to inspect; or
- (b) issue orders, instructions or directions;

unless authorised to do so by the Council or the relevant committee or sub-committee.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

70. **The public shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude** the public by means of the following resolution: "That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw."

71. The Council shall state the special reason for exclusion. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.

72. "Representatives of an organisation offer in support of their views approved minutes from their meeting where the item was discussed. Additionally the Council may wish to have sight of any constitution that gives authority to the representative speaker."
This is to be considered a guideline.

73. At all meetings of the Council the Chairman may, at his discretion and at a convenient time in the transaction of the business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.

74. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.

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

CONFIDENTIAL BUSINESS

76. (a) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.

- (b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

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

PLANNING APPLICATIONS

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

80. FINANCIAL MATTERS

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

- (a) Such Regulations shall include detailed arrangements for the following:
 - (i) the accounting records and systems of internal control;
 - (ii) the assessment and management of risks faced by the Council;
 - (iii) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;
 - (iv) the financial reporting requirements of members and local electors;
 - (v) procurement policies (subject to (b) below) including the setting of values for different procedures where the contract has an estimated value less than £25,000.
- (b) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised in (c) below.
- (c) Any formal tender process shall comprise the following steps:
 - (i) a public notice of intention to place a contract to be placed in a local newspaper;
 - (ii) a specification of the goods, materials, services and execution of works shall be drawn up;

- (iii) tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;
 - (iv) tenders submitted are to be opened, after stated closing date and time, by the Clerk and at least one member of Council;
 - (v) tenders are then to be assessed and reported to the appropriate meeting of Council or committee.
- (d) The Council, nor any committee, is not bound to accept the lowest tender, estimate or quote. Any tender notice shall contain a reference to the Standing Orders No 60, 61 and 62.
- (e) The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

{Council is reminded that the European Union Public Sector Procurement Rules are likely to apply to contracts with a value in excess of £140,000 and advice should be sought at this level}

CODE OF CONDUCT ON COMPLAINTS

81. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Standards Board (England) or Commission (Wales) for consideration.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

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

STANDING ORDERS TO BE GIVEN TO MEMBERS

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

FINANCIAL REGULATIONS

1. GENERAL

These Financial Regulations were adopted by the Council at its Meeting held on 17th November 2008.

- 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. The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of financial control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk and for the prevention and detection of fraud and corruption. These financial regulations are designed to demonstrate how the Council meets these responsibilities.
- 1.2 The Responsible Financial Officer (RFO) is a statutory office and shall be appointed by the Council. [The Clerk has been appointed as RFO for this Council and these regulations will apply accordingly.] The RFO, acting under the policy direction of the Council, shall administer the Council's financial affairs in accordance with proper practices. The RFO shall determine on behalf of the Council its accounting records, and accounting control systems. The RFO shall ensure that the accounting control systems are observed and that the accounting records of the Council are maintained and kept up to date in accordance with proper practices.
- 1.3 The RFO shall produce financial management information as required by the Council.
- 1.4 At least once a year, prior to approving the Annual Return, the Council shall conduct a review of the effectiveness of its system of internal control which shall be in accordance with proper practices.

2. ANNUAL ESTIMATES

- 2.1 Each committee shall formulate and submit proposals to the Council in respect of revenue and capital including the use of reserves and sources of funding for the following financial year not later than the end of November each year.
- 2.2 Detailed estimates of all receipts and payments for the year shall be prepared by the RFO.
- 2.3 The Council shall review the budget not later than the end of January each year and shall fix the precept to be levied for the ensuing financial year. The RFO shall supply each member with a copy of the approved budget.
- 2.4 The annual budgets shall form the basis of financial control for the ensuing year.

- 2.5 The Council shall prepare and shall have regard to a three year forecast of Revenue and Capital Receipts and payments which may be prepared at the same time as the annual budget.

3. BUDGETARY CONTROL

- 3.1 Expenditure on revenue items may be incurred up to the amounts included for that class of expenditure in the approved budget.
- 3.2 No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate.
- 3.3 The RFO shall regularly provide the 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.
- 3.4 The RFO may incur expenditure on behalf of the Council which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of [£500]. The RFO shall report the action to the Council as soon as practicable thereafter.
- 3.5 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless placed in an earmarked reserve by resolution of the Council.
- 3.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- 3.7 All capital works shall be administered in accordance with the Council's Standing Orders and financial regulations relating to contracts.
- 3.8 The bar stock must be reconciled on a monthly basis and an outside valuer employed to value the year end stock.

4. ACCOUNTING AND AUDIT

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations 2003 and 2006 and any subsequent amendments thereto.
- 4.2 The RFO shall complete the annual financial statements of the Council, including the Council's Annual Return, as soon as practicable after the end of the financial year and shall submit them and report thereon to the Council.

- 4.3 The RFO shall complete the Accounts of the Council contained in the Annual Return (as supplied by the auditor appointed from time to time by the Audit Commission) and for submitting the Annual Return for approval and authorisation by the Council within the timescales set by the Accounts and Audit Regulations 2003 and 2006 and any subsequent amendments thereto, or set by the auditor.
- 4.4 The RFO shall be responsible for ensuring that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with Regulation 5 of the Accounts and Audit Regulations 2003 and 2006 and any subsequent amendments thereto. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or internal auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor what he considers necessary for that purpose.
- 4.5 The Internal Auditor shall carry out the work required by the RFO, or by the Council, with a view to satisfactory completion of the Internal Auditor's Report section of the Annual Return as compiled annually by the Audit Commission. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing on a regular basis with a minimum of one annual report in respect of each financial year.
- 4.6 The RFO shall make arrangements for the opportunity for inspection of the accounts, books and vouchers required by the Audit Commission Act 1998 section 15 and the Accounts and Audit Regulations 2003 and 2006 and any subsequent amendments thereto.
- 4.7 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

5. BANKING ARRANGEMENTS AND CHEQUES

- 5.1 The Council's banking arrangements, shall be made by the RFO and approved by the Council. They shall be regularly reviewed for efficiency.
- 5.2 A schedule of the payments made since the last meeting shall be laid before the meeting, such payments being authorised by the RFO and certified as to correctness by two councillors. If the schedule is in order it shall be authorised by a resolution of the meeting and shall be signed by the Chairman of the meeting. Cheques drawn on the bank account shall be signed by two members of Council.
- 5.3 Emergency powers can be given to the Clerk and the HR Committee to act in concert in the event of a significantly enhanced indication of risk attaching to the Council's bank to transfer the Council's funds to another institution quickly should the Dewey Committee deem it necessary or prudent to do so.

6. PAYMENT OF ACCOUNTS

- 6.1 All payments shall be effected by cheque or other order drawn on the Council's bankers.

- 6.2 All invoices for payment shall be examined, verified and certified by the RFO. The RFO shall satisfy himself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.
- 6.3 The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The RFO shall take all steps to settle all invoices submitted, and which are in order.
- 6.4 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 RFO certifies that there is no dispute or other reason to delay payment, the RFO may (notwithstanding para 6.3) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of Council.
- 6.5 (a) The RFO shall maintain a petty cash float of [£250] for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
- (b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
- (c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to Council under 77/5.2.

7. PAYMENT OF SALARIES

- 7.1 The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salaries shall be as agreed by Council.
- 7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, National Insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to and ratified by the next available Council meeting.

8. LOANS AND INVESTMENTS

- 8.1 All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.2 The Council's Investment Policy shall be in accordance with the Trustee Act 2000 and shall be reviewed on a regular basis (at least annually).
- 8.3 All investments of money under the control of the Council shall be in the name of the Council.

- 8.4 All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

9. INCOME

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

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1 An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2 Order books, if appropriate, 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 is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.

10.4 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 these regulations shall not apply to contracts which relate to items (i) to (vi) below:
 - (i) for the supply of gas, electricity, water, sewerage and telephone services;
 - (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
 - (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - (v) for additional audit work of the External Auditor up to an estimated value of £250 (in excess of this sum the RFO shall act after consultation with the Chairman and Vice Chairman 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 £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 RFO shall invite tenders from at least three firms to be taken from the appropriate approved list.
- (c) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- (d) Such invitation to tender shall state the general nature of the intended contract and the RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the RFO in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

- (e) All sealed tenders shall be opened at the same time on the prescribed date by the RFO in the presence of at least one member of Council.
- (f) 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.
- (g) When it is to enter into a contract less than £20,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the RFO shall obtain three quotations (priced descriptions of the proposed supply); where the value is below £1,000 and above £100 the RFO shall strive to obtain three estimates. Otherwise, Financial Regulation 10.3 shall apply.
- (h) The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

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 installments, 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 RFO 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 RFO shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Regulation 4(3)(b) of the Accounts and Audit Regulations 1996 as amended.
- 14.2 No property shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £50.

15. INSURANCE

- 15.1 Following an annual risk assessment, the RFO shall effect all insurances and negotiate all claims on the Council's insurers
- 15.2 The RFO shall note and report all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 15.3 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 15.4 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.
- 15.5 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

16. CHARITIES

- 16.1 Where the Council is sole 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 RFO shall prepare and promote risk management policy statements in respect of all activities of the Council.
- 17.2 When considering any new activity the RFO shall prepare a draft Risk Management policy for the activity and shall bring a draft addressing the legal and financial liabilities and Risk Management issues that arise to Council for consideration and, if thought appropriate, adoption.

18. 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.

