

# **KENDAL TOWN COUNCIL**

## **Standing Orders**

**The Chairman at Kendal Town Council is the Mayor and the Deputy Chairman is the Deputy Mayor.**

**The Clerk at Kendal Town Council is the Clerk and the Responsible Financial Officer the Treasurer.**

## **1. Rules of debate at meetings**

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairman of the meeting.
- a A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- b A motion on the agenda that is not moved by its proposer may be treated by the Chairman of the meeting as withdrawn.
- c If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- d An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- e 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.
- f An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chairman of the meeting, is expressed in writing to the Chairman.
- g 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.
- h If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairman.
- i Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting.
- j One or more amendments may be discussed together if the Chairman of the meeting considers this expedient but each amendment shall be voted upon separately.

- k A Councillor may not move more than one amendment to an original or substantive motion.
- l The mover of an amendment has no right of reply at the end of debate on it.
- m Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- n A member when seconding a resolution or amendment may, if s/he then declares their intention to do so, reserve their speech until a later period of the debate.
- p Unless permitted by the Chairman of the meeting, a Councillor may speak once in the debate on a motion except:
- i. to speak on an amendment moved by another Councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. in exercise of a right of reply.
- q During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- r A point of order shall be decided by the Chairman of the meeting and his decision shall be final.
- s 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 requirements.
- t Before an original or substantive motion is put to the vote, the Chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.

- u Excluding motions moved under standing order 1(s) above, 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 Chairman of the meeting.
- v The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall normally not be discussed.
- w Whenever the Chair or a member speaks during a debate all other Members shall be silent.
- x Members cannot request that an item “not be minuted”.
- y A person to whom a relevant question has been put may not be in a position to answer in the meeting but should respond in writing as soon as practicable.

## 2. Disorderly conduct at meetings

**All Members must observe the Code of Conduct which was adopted by the Council on 01/08/2016 a copy of which is annexed to these Standing Orders.**

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

## 3. Meetings generally

- Full Council meetings
- Committee meetings
- a Meetings of the Council shall be held at Kendal Town Hall at 19:30hrs on the first Monday of the month, unless there is a Bank Holiday when the meeting will be on the second Monday in the month, or at such dates and times and at such a place as the Council may direct.

- ■ b Smoking is not permitted at any meeting of the Council.
  
- c **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.**
  
- d **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.**
  
- e **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
  
- ■ f **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.**
  
- ■ g If at a 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 has decided whether or not the press and public shall be excluded.
  
- ■ h Members of the public may make representations (Council and Committees) and answer questions and give evidence (Committees only) at a meeting which they are entitled to attend in respect of the business on the agenda.
  
- i The period of time designated for public participation at a meeting in accordance with standing order 3(h) above shall not exceed 15 minutes unless directed by the Chairman of the meeting.
  
- j Subject to standing order 3(i) above, a member of the public shall not speak for more than 3 minutes.
  
- k In accordance with standing order 3(h) above, a question shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or oral response be given.

- l A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman of the meeting may at any time permit a person to be seated when speaking.
  
- ■ m A person who speaks at a meeting shall direct their comments to the Chairman of the meeting.
  
- ■ n Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the meeting shall direct the order of speaking.
  
- ■ o Photographing, recording, broadcasting or transmitting the proceedings of a meeting is permitted in accordance with The Openness of Local Government Bodies Regulations 2014 and any protocol adopted by the parish Council
  
- ■ p **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.**
  
- q **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Deputy Chairman of the Council (if any).**
  
- r **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Deputy Chairman, if present, shall preside. If both the Chairman and the Deputy Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
  
- ■ s The person presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting.
  
- ■ t **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting.**
  
- ■ u **The Chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**  
*See standing orders 5(h) and (i) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

- v **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 on to the next item of business on the agenda. Or if at least two Members so request, by a ballot.
  
- w The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of Councillors present and absent;
  - iii. interests that have been declared by Councillors and non-Councillors with voting rights;
  - iv. whether a Councillor or non-Councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - v. if there was a public participation session; and
  - vi. the resolutions made.
  - vii. No discussion of the Minutes shall take place except upon their accuracy and progress on resolutions and matters arising. Corrections to the Minutes shall be made by resolution.
  
- x **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.**
  
- y **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 4e(vii) below for the quorum of a committee.*
  
- z **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.**

## 4. Committees and sub-committees

- a **Unless the Council determines otherwise, a committee may appoint a subcommittee 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 will appoint committees as may be necessary at the meeting of the Council next after the Annual Meeting in each year to include Members and the Chair and Vice-Chair. It may at any other times appoint such other committees as are necessary and dissolve a committee.
- e The Committee:
- i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of the committee up until the date of the next annual meeting of full Council;
  - iii. shall permit a sub-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 4(b) and (c) above, appoint and determine the terms of office of Members of such a committee;
  - v. shall appoint the Vice-Chair of the committee if not already appointed by Council;
  - vi. shall permit a sub-committee to appoint its own Chairman at the first meeting of the sub-committee;
  - vii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be at least one-third of the whole number of Members of the committee are present and in no case shall the quorum of a meeting be less than three. If less than three Members or one-third of the total Membership, whichever is the greater are present at a meeting of the Planning Committee, the recommendations on planning applications shall be from the Committee not the Council;
  - viii. shall determine if the public may participate at a meeting of a committee;
  - ix. 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;
  - x. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- f A member who has proposed a resolution which has been referred to any committee of which s/he is not a member, may explain his resolution to the committee but shall not vote. Any Council member shall, unless the Council otherwise orders, be entitled to be present as a spectator at the meetings of any committee or sub-committee of which s/he is not a member.
- g The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of Members in contracts and other matters shall apply to committee and sub-committee meetings.
- h The Mayor or Deputy Mayor shall be non-voting Members of every committee.
- i Members of committees and sub-committees entitled to vote, shall vote by show of hands, or, if at least two Members so request, by ballot.
- j The Planning Committee is the sole committee with delegated powers. All decisions taken under delegated powers are to be reported to the next meeting of Council for noting. The following actions are specific to Planning Committee:



- i. The Committee Secretary shall, as soon as it is received, number and assign to a Planning Committee meeting each planning application notified to the Council. The following information shall be entered on the electronic Application Schedule:-
  - a) the number
  - b) type of application and Planning Authority reference
  - c) address of the applicant and proposed development
  - d) date by which the Planning Authority require comments;
- ii. The Application Schedule shall be attached to the Agenda for the Planning Committee.
- iii. The full planning application schedule including plans shall be made available to the Chair 7 days before the Committee meeting.
- iv. The Planning Committee recommendation for each planning application shall be recorded on the Application Schedule. For complex applications, the recommendation may be sent in a letter to the Planning Authority at the discretion of the Committee. The completed Schedule and any letters shall be sent to the Planning Authority by the specified date and a copy kept on file for 5 years. Each planning application shall be kept on file for 1 year.
- v. In the case of a very sensitive major development, the Planning Committee may decide to refer the matter on to the Council meeting, if response dates permit.
- vi. Notification of variance decision outcomes from the Planning Authority shall be reported by the Committee Secretary to the Planning Committee.

k The Council may create advisory committees, whose name, and number of Members and the bodies to be invited to nominate Members shall be specified. If formed:

- i. The Clerk shall inform the Members of each advisory committee of the terms of reference of the committee.
- ii. An advisory committee may make recommendations and give notice thereof to the Council
- iii. An advisory committee may consist wholly of persons who are not Members of the Council.

## 5. 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 new Councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.** This will be the 3<sup>rd</sup> Thursday in May unless authorised otherwise by Council and will be known as The Annual Meeting & Mayor Making Ceremony of Kendal Town Council.
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**

- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.** This is to include the Annual Town Assembly convened by Council and open to all electors of the town to be held on such a day between 1 March and 1 June as the Council may direct.
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Deputy Chairman (if any) of the Council.**
- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g **The Deputy Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman or Deputy Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Deputy Chairman (if any) of the Council at the annual meeting of the Council, the business of the annual meeting shall include:
- i. **In an election year, delivery by the Chairman of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
  - ii. Confirmation of the accuracy of the minutes of the last annual meeting of the Council;
- k At the meeting of the Council next after the Annual Meeting in each year the business shall include:-
- i. To appoint representatives to outside bodies.
  - ii. To appoint the Members and Chair and Vice-Chair of committees.

- I At every Council meeting other than the Annual Town Council Meeting the business shall include the following, in an order to be determined by the Chairman and Clerk.
- i. To receive such declarations of acceptance of office (if any) as are required by law to be made or, if not then received, to decide when they shall be received.
  - ii. To undertake the Rollcall and record apologies. Apologies shall be notified to the Clerk by letter, email or telephone prior to the meeting with a reason given for absence. If an apology has not been received the Rollcall shall record this. Apologies given via Councillors at the meeting shall not be accepted.
  - iii. To receive any public participation which shall be for 3 minutes per participant with a limit of 15 minutes for all contributions. There will be no questions and answers or debate. The Chair may waive any or all of these time limits at his/her discretion.
  - iv. To received declarations of interest by Members in respect of items on the agenda.
  - v. Receipt of the minutes of the last meeting of Council. After consideration to approve the signature of the Minutes by the Chair as a correct record. The Chair must sign the final page and initial all other pages.
  - vi. To receive such communications as the Chair may wish to lay before the Council, including but not limited to, presentations from invited outside bodies and Mayor's communication and announcements. Presentations shall be by invitation only and will normally be restricted to ten minutes, plus an opportunity for questions and answers.
  - vii. To receive and consider reports from Outside Bodies. Any Councillor wishing to give a report shall notify the Clerk prior to the meeting.
  - viii. To receive and consider resolutions or recommendations.
  - ix. To receive and consider reports from Officers of the Council.
  - x. To receive and consider recommendations and minutes of Committees.
  - xi. To authorise the sealing of documents.
  - xii. To take any financial matters and if necessary, to authorise the signing of orders for payment.
  - xiii. To take if necessary any public and press exclusion items (see standing order 3 f and g)
  - xiv. Any other business specified in the summons.
  - xv. By reason of special circumstances, which shall be specified in the minutes, the Chair is of the opinion that an item should be considered at the meeting as a matter of urgency, with the exception of any matters pertaining to a financial commitment.
- m Other items that may be considered include, but are not limited to,
- i. To announce at the March meeting the nominations received for the offices of Mayor and Deputy Mayor, these having been sought at the February meeting and received by the Clerk (together with seconders) by the end of February in any year;
  - ii. Review the pay and conditions of service of existing employees;
  - iii. Review of delegation arrangements to committees, staff and other local authorities;

- iv. Appointment of any new committees in accordance with standing order 4 above;
  - v. Review and adoption of appropriate standing orders and financial regulations;
  - vi. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
  - vii. Review of representation on or work with external bodies and arrangements for reporting back;
  - viii. Review of inventory of land and assets including buildings and office equipment;
  - ix. Confirmation of arrangements for insurance cover in respect of all insured risks;
  - x. Review of the Council's and/or staff subscriptions to other bodies;
  - xi. Review of the Council's complaints procedure;
  - xii. Review of the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
  - xiii. Review of the Council's policy for dealing with the press/media; and
  - xiv. Determining the time and place of ordinary meetings of the full Council up to and including the next annual meeting of full Council.
- n Any resolution [which is moved otherwise than in pursuance of a recommendation of the Audit, Grants & Charities Committee or of another committee after recommendation by the Audit, Grants & Charities Committee] and which, if carried, would, in the opinion of the Chair substantially increase the expenditure upon any service which is under the management of the Council, 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 Audit, Grants & Charities Committee shall report on the financial aspect of the matters].

## 6. Extraordinary meetings of the Council and committees and sub-committees

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.**
- c The Chairman of a committee may convene an extraordinary meeting of the committee at any time.
- d If the Chairman of a committee does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by two Members of the committee, any two Members of the committee may convene an extraordinary meeting of a committee.

## **7. Previous resolutions**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least six Councillors to be given to the Clerk in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

## **8. Voting on appointments**

- a Members shall vote by show of hands or, if at least two Members so request, by ballot. A ballot shall require Members to in secret write their vote in ink on the ballot paper supplied by the Clerk. Ballot papers that are not complete, spoiled or defaced will be disregarded. Ballot papers will be counted in private by the Clerk in the presence of another officer of the Council.
- b Where there is one candidate, the majority of votes must be given in favour. In the case of equality of votes, the Chair must give the casting vote.
- c 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.

## **9. Motions for a meeting that require written notice to be given to the Clerk**

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Clerk at least five clear days before the meeting. Clear days do not include the day of the notice, the day of the meeting or Bank Holidays.
- c The Clerk may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Clerk considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the

motion resubmits it in writing to the Clerk so that it can be understood at least five clear days before the meeting.

- e If the wording or subject of a proposed motion is considered improper, the Clerk shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f Subject to standing order 9(e) above, the decision of the Clerk as to whether or not to include the motion on the agenda shall be final.

## **10. 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 approve the Minutes.
  - iii. to move to a vote;
  - iv. to defer consideration of a motion;
  - v. to amend a motion;
  - vi. to give leave to withdraw a resolution or amendment;
  - vii. to close or adjourn the debate.
  - viii. to refer a motion to a particular committee or sub-committee;
  - ix. to appoint a person to preside at a meeting;
  - x. to change the order of business on the agenda. A motion to vary the order of business may be proposed by the Chair or by any member and, if proposed and seconded, may be put to the vote without discussion;
  - xi. to proceed to the next business on the agenda;
  - xii. to require a written report;
  - xiii. to adopt a report;
  - xiv. to authorise the sealing of documents.
  - xv. to appoint a committee and their Members;
  - xvi. to approve the granting of dispensations under the Council's Code of Conduct where a Councillor has submitted a written request to the Clerk before the meeting;
  - xvii. to give the consent of the Council where such consent is required by these Standing Orders;
  - xviii. to extend the time limits for speaking;
  - xix. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
  - xx. not to hear further from a Councillor or a member of the public;
  - xxi. to exclude a Councillor or member of the public for disorderly conduct;
  - xxii. to suspend the meeting temporarily;
  - xxiii. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
  - xxiv. to adjourn the meeting; or
  - xxv. to close a meeting.

All resolutions must be proposed and seconded and then put to the majority vote.

## 11. Handling confidential or sensitive information

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.
- c Any member in breach of the provisions of paragraph (b) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

## 12. Draft minutes

- a If the draft minutes of a preceding meeting have been served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, there will be included a paragraph in the following terms or to the same effect:

“The Chairman of this meeting does not believe that the minutes of the meeting of the [title] held on [date] in respect of [minute number] were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

# 13. Code of conduct and dispensations

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

- a All Councillors and non-Councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Councillors who have applied for, and been granted, a dispensation to speak or vote on an item of business on the agenda in which they have a disclosable pecuniary interest may speak or vote on the item in accordance with the terms of the dispensation granted by the Council but not otherwise.
- d Councillors with other registrable interests relevant to an item on business on the agenda shall disclose such interests at the start of the meeting. Councillors may speak on the matter but may not vote. Councillors do not need to leave the meeting but may do so if they so wish.
- e **Dispensation requests shall be in writing and submitted to the Clerk** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- f A decision as to whether to grant a dispensation shall be made by a meeting of the Council and that decision is final.
- g A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- h **A dispensation may be granted in accordance with standing order 13(f) above if having regard to all relevant circumstances the following applies:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area or**



- iii. **it is otherwise appropriate to grant a dispensation.**

## 14. Code of conduct complaints

- a Upon notification by the District or Unitary Council that it is dealing with a complaint that a Councillor or non-Councillor with voting rights has breached the Council's code of conduct, the Clerk shall, subject to standing order 11 above, report this to the Council.
- b Where the notification in standing order 14(a) above relates to a complaint made by the Clerk, the Clerk shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Clerk in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(h) below.
- c Where a notification relates to a complaint made by an employee (not being the Clerk) the Clerk shall ensure that the employee in question does not deal with any aspect of the complaint.
- d References in standing order 14 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.
- e The subject matter of referrals from the District Council shall be confidential and, insofar as it is possible to do so by law, the Council shall take steps to maintain confidentiality.
- f Standing order 14(e) above should not be taken to prohibit the Council from disclosing information to Members and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law. Nor shall it prevent the Council from giving publicity to the Councillor's breach of the code of conduct if it considers that that is an appropriate response to the District Council's recommendation.
- g 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;
- h **Upon notification by the District or Unitary Council that a Councillor or non-Councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**
- i If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, s/he and the person to whom s/he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any

such disclosure. Where a relationship to a member is disclosed, Standing Order 13 shall apply as appropriate. The Clerk shall make known the purpose of this Standing Order to every candidate.

- j 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 purpose of this sub-paragraph of this Standing Order to every candidate.
- k 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.
- l Standing Orders 14(j) and 14(k) shall apply to tenders as if the person making the tender were a candidate for an appointment.

## 15. 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 Clerk when the Clerk is absent.
- b The Clerk shall:
  - i. At least three clear days before a meeting of the Council and a committee serve on Councillors a summons, by email, confirming the time, place and the agenda. Councillors are required to register an email address with the Clerk for the purposes of receiving such summons, and the Clerk's responsibilities in this regard will have been discharged when the email is despatched to the registered address. Where an email address is not available, the summons will be delivered to the normal postal address.  
*See standing order 3(d) above for the meaning of clear days for a meeting of a full Council and standing order 3 (e) above for a meeting of a committee.*
  - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the Council or a meeting of a committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);**  
*See standing order 3(d) above for the meaning of clear days for a meeting of a full Council and standing order 3(e) above for a meeting of a committee.*
  - iii. subject to standing order 9 above, include on the agenda all motions in the order received unless a Councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;
  - iv. **convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
  - v. facilitate inspection of the minute file by local government electors during normal office hours;

- vi. a member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied with a copy;
  - vii. **receive and retain copies of byelaws made by other local authorities** and to certify copies of byelaws made by the Council;
  - viii. retain acceptance of office forms from Councillors;
  - ix. retain a copy of every Councillor's register of interests;
  - ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's policies and procedures relating to the same;
  - x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
  - xi. manage the organisation, storage of, access to and destruction of information held by the Council in paper and electronic form;
  - xii. arrange for legal deeds to be executed; *See also standing order 21 below.*
  - xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
  - xiv. to have delegated responsibility to authorise expenditure up to and including £1,500 (excluding VAT) and up to and including £3,000 (excluding VAT) with the approval of the Mayor or Deputy Mayor;
  - xv. manage access to information about the Council via the publication scheme; and
  - xvi. retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect. *See also standing order 21 below.*
- c Executive powers are delegated to the Clerk 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.

## 16. Responsible Financial Officer

- a The Council shall appoint a Responsible Financial Officer to meet the requirements of Section 151 of the Local Government Act 1972.
- b The Responsible Financial Officer shall be referred to as the Town Treasurer and shall be responsible for the financial administration of the Council.
- c The Council shall appoint an appropriate Officer to undertake the duties of the Responsible Financial Officer when the Treasurer is absent.

## 17. Accounts and accounting statements

- a The Council shall approve and maintain Financial Regulations to govern the conduct of its financial management.
- b Members and Officers of the Council shall be required to comply with the provisions of Financial Regulations. The Regulations have the same authority as these Standing

Orders, save that the Orders take precedence in the event of any inconsistency between the two.

- c Financial Regulations shall include, but not be limited to, provisions and controls relating to:
- i. Annual Estimates
  - ii. Reserves and Balances
  - iii. Budgetary Control
  - iv. Accounting
  - v. Banking
  - vi. Authorisation of Expenditure
  - vii. Investments and Loans
  - viii. Income
  - ix. Procurement
  - x. Contracts
  - xi. Insurance
  - xii. Risk Management
  - xiii. Internal and External Audit.
- d All payments by the Council shall be authorised, approved and paid in accordance with legislation, proper practices and Financial Regulations. The underlying principle is that each payment, other than minor purchases made by petty cash, shall be authorised by two Councillors who are approved bank account signatories.
- e Subject to the relevant Financial Regulation, Committees may approve expenditure from their approved budget without recourse to Council, however proposals for additional expenditure which exceeds their budget must be referred to Council for approval.

## 18. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of Council or the Management committee is subject to standing order 11 above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chairman of the Management committee or, if he is not available, the vice-Chairman of the Management committee of absence occasioned by illness or other reason and that person shall report such absence to the Management committee-at its next meeting.
- c The Chairman of the Management committee or in his absence, the vice-Chairman shall upon a resolution conduct a review of the performance of the work of the employee. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Management committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman of the Management committee or in his absence, the vice-Chairman in respect of an informal

or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Management committee.

- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the employee relates to the Chairman or vice-Chairman of the Management committee, this shall be communicated to another member of the Management committee, which shall be reported back and progressed by resolution of the Management committee.
- f Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected.
- h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 18(f) and (g) above if so justified.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 18(f) and (g) above shall be provided only to the line manager and/or the Chairman of the Council or the Management committee.
- j If not otherwise involved, the Clerk and Chairman of the Council are to be kept informed.

## **19. Requests for information**

- a Requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Clerk to the Chairman of the Management committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.
- c All email correspondence relating to Town Council business by Members is to be copied to the Clerk.
- d All official Town Council correspondence on letter headed paper is to be sent by the Clerk or Treasurer. In the absence of the Clerk, correspondence can be sent from the Chairman of the Council on letter headed paper with the agreement of one other Councillor who is a member of the Management committee.

## 20. Relations with the press/media

- a Requests from the press or other media for an official oral or written comment or statement from the Council, its Councillors or staff shall be handled by the Clerk. Such engagement may be delegated by the Clerk to other officers or Councillors as appropriate.

## 21. Execution and sealing of legal deeds

*See also standing orders 15(b)(xii) and (xvi) above.*

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 21(a) above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Clerk in the presence of two Councillors who shall sign the deed as witnesses.**

## 22. 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 representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward Councillor(s) representing the area of the Council.

## 23. Restrictions on Councillor activities

- a Unless authorised by a resolution by Council or the relevant committee, 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.

## 24. Standing orders generally

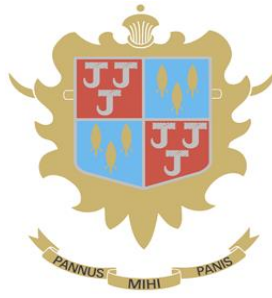
- a All or part of a standing order, except one that incorporates mandatory statutory requirements (bold type), may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least two Councillors to be given to the Clerk in accordance with standing order 9 above.
- c The Clerk shall provide a copy of the Council's standing orders to a Councillor as soon as possible after he has delivered his acceptance of office form and on request thereafter.
- d The decision of the Chairman of a meeting as to the application of standing orders at the meeting shall be final.

**Adopted 05/09/2016.**

## **ANNEX 1**

### **KENDAL TOWN COUNCIL CODE OF CONDUCT ADOPTED 01/08/2016**





## **CODE OF CONDUCT**

### **FOR MEMBERS AND CO-OPTED MEMBERS OF KENDAL TOWN COUNCIL**

1. Kendal Town Council ("The Council") has adopted the following code dealing with the conduct that is expected of Members and co-opted Members of the Council ("Members") when they are acting in that capacity as required by section 27 of the Localism Act 2011 ("the Act").
2. The Council has a statutory duty under the Act to promote and maintain high standards of conduct by Members and the Code sets out the standards that the Council expects Members to observe.
3. The Code is not intended to be an exhaustive list of all the obligations that are placed on Members. It is the responsibility of individual Members to comply with the provisions of the Code as well as such other legal obligations as may apply to them from time to time. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to 5 years.
4. The code is intended to be consistent with the seven principles as attached to this code and applies whenever a person is acting in his/her capacity as a Member of the Council or co-opted member in the conduct of the Council's business or acting as a representative of the Council.
5. When acting in your capacity as a Member
  - (1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend, a close associate, an employer or a business carried on by you.
  - (2) You must not place yourself under a financial or other obligation to outside individuals or organisations that may influence you in the performance of your official duties.
  - (3) You must not disclose any information given to you as a Member in breach of any confidence.
  - (4) You must not bring your office or your Council into disrepute.

- (5) You must treat others with respect and promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their sex, race, age, religion, gender, sexual orientation or disability. You should respect the impartiality and integrity of the Council's statutory officers and its other employees.
- (6) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits on merit.
- (7) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- (8) You must be as open as possible about your decisions and actions and the decisions and actions of your Council and should be prepared to give reasons for those decisions and actions.
- (9) You must declare any private interests, both disclosable pecuniary interests and any other registrable interests, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner which conforms with the procedures set out below.
- (10) You must ensure, when using or authorising the use by others of the resources of your Council, that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Council Code of Publicity made under the Local Government Act 1986.
- (11) You must promote and support high standards of conduct when serving in your office.

## **Registering and declaring disclosable pecuniary and other registrable interests**

- (1) You must, within 28 days of taking office as a member or co-opted member, notify your Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. These interests and those at (2) below are shown attached to this code.
- (2) In addition, you must, within 28 days of taking office as a member or co-opted member, notify your Council's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which your Council has decided should be included in the register.
- (3) If an interest has not been entered onto the Council's register, then the member must disclose the interest to any meeting of the Council at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest' as described by the Localism Act 2011.
- (4) Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.
- (5) Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your Council.

## **SEVEN GENERAL PRINCIPLES OF CONDUCT**

### **Selflessness**

1. Holders of public office should act solely in terms of the public interest.

### **Integrity**

2. Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve an interests and relationships.

### **Objectivity**

3. Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Accountability**

4. Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

5. Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Honesty**

6. Holders of public office should be truthful.

### **Leadership**

7. Holders of public office should promote and support these principles by leadership and by example, and should act in a way that secures or preserves public confidence.

## PECUNIARY AND OTHER REGISTRABLE INTERESTS

### DISCLOSABLE PECUNIARY INTERESTS (as defined by regulations)

*These are interests if it is of a description specified in regulations made by the Secretary of State and either it is your interest or the interest of your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following description (referred to as “M” hereafter)-.*

1. **Details of any employment, office, trade, profession or vocation carried on for profit or gain.**
2. **Details of any payment or provision of any other financial benefit (other than from the relevant Council) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. (This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.**
3. **Details of any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Council –**
  - (a) **under which goods or services are to be provided or works are to be executed; and**
  - (b) **which has not been fully discharged.**
4. **Details of any beneficial interest in land which is within the area of the relevant Council.**
5. **Details of any licence (alone or jointly with others) to occupy land in the area of the relevant Council for a month or longer.**
6. **Details of any tenancy where (to M’s knowledge) –**
  - (a) **The landlord is the relevant Council; and**
  - (b) **The tenant is a body in which the relevant person has a beneficial interest.**
7. **Details of any beneficial interest in securities of a body where**
  - (a) **That body (to M’s knowledge) has a place of business or land in the area of the relevant Council; and**
  - (b) **Either –**
    - (i) **The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or**
    - (ii) **If that share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.**

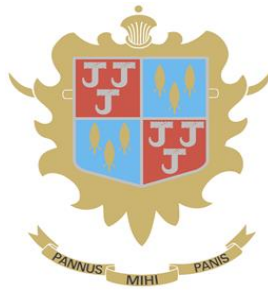
## **OTHER REGISTRABLE INTERESTS**

*These interests are what the Council has determined should be entered into the Council's register of interests*

- 8. Details of any body of which you are a member, or in a position of general control or management, and to which you are appointed or nominated to by the Council.**
- 9. Details of any body of which you are a member, or in a position of general control or management, and which-**
  - (a) Exercises function of a public nature;**
  - (b) Is directed towards charitable purposes; or**
  - (c) Is a body which includes as one of its principal purposes influencing public opinion or policy (this includes political parties or trade unions).**
- 10. Details of any persons from whom you have received a gift or hospitality with an estimated value of at least £50. (You must register any gifts or hospitality worth £50 or over that you receive personally in connection with your official duties).**

## **ANNEX 2**

### **KENDAL TOWN COUNCIL FINANCIAL REGULATIONS ADOPTED 05/09/2016**



# FINANCIAL REGULATIONS

## 1. GENERAL

### Status

- 1.1. These Financial Regulations complement Standing Orders. The Regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council.
- 1.2. The Town Treasurer is responsible for issuing advice and guidance to underpin the Financial Regulations. Councillors and Officers of the Council and anyone acting on its behalf are required to follow these Regulations and that advice.
- 1.3. Failure to comply with the requirements of the Financial Regulations may, if appropriate, lead to action being taken against Officers under the Council's Disciplinary Procedure and against Councillors by South Lakeland District Council Standards Committee.

### Responsibilities

- 1.4. 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, including arrangements for the management of risk and for the prevention and detection of fraud and corruption.
- 1.5. The Council is required by legislation to appoint a Responsible Financial Officer (RFO); this role is fulfilled by the Treasurer. The Treasurer is personally responsible for the financial administration and stewardship of the Town Council's affairs and has specific statutory duties.
- 1.6. The Treasurer is responsible for:
  - a) The administration of the Council's financial affairs in accordance with proper practices.
  - b) Setting financial management standards, including accounting records and control systems, and monitoring compliance with them.



- c) Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.
- d) Providing financial management information.
- e) Preparing the draft revenue budget.
- f) Treasury management.
- g) Reporting on the robustness of estimates made for the purposes of preparing budgets and the adequacy of the proposed financial reserves.
- h) Maintaining an effective Internal Audit service.
- i) Ensuring that there are sound arrangements for the provision of External Audit.

## **Governance**

- 1.7. Financial management is an integral part of good governance. The Council is required to ensure that it has a sound system of internal control which:
- facilitates the effective exercise of its functions and the achievement of its aims and objectives;
  - ensures that the financial and operational management of the authority is effective; and
  - includes effective arrangements for the management of risk.
- 1.8. The Council's accounting control systems shall include measures:
- for the timely production of accounts;
  - which ensure the separation of duties;
  - that provide for the safe and efficient safeguarding of public money;
  - to prevent and detect inaccuracy and fraud; and
  - which identify the duties of Officers.
- 1.9. At least once a year, the Council shall review of the effectiveness of its system of internal control which must be in accordance with proper practices. This involves identifying the internal control framework and assessing the performance of those controls and the sources of assurance to evidence the review. Following this review, the Council shall prepare and approve an Annual Governance Statement which forms part of the Annual Return.

## **Proper Practices**

- 1.10. Accounting practices are derived from relevant legislation, including the Local Government Act 1972 and the Local Audit and Accountability Act 2014. The Council is required to comply with the Accounts and Audit Regulations issued under the provisions of the 2014 Act or any superseding legislation.
- 1.11. Specific and detailed mandatory guidance is the form of 'proper practice' or 'proper practices' as issued in Governance and Accountability for Local Councils - a

Practitioners' Guide (England) issued by the Joint Practitioners Advisory Group (JPAG).

### **Matters reserved for full Council**

- 1.12. 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 the annual governance statement;
  - investments or 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.
- 1.13. In addition the Council shall:
- determine and keep under regular review the bank mandate for all of its bank accounts;
  - approve any single payment in excess of £3,000 (excluding VAT); and
  - determine the annual salaries and terms and conditions of employment of its employees.

## **2. ANNUAL ESTIMATES (BUDGET)**

- 2.1. The Council shall agree a timetable of tasks related to the preparation of its annual budget. Within that timetable, each Committee of the Council shall consider the adequacy of its estimated expenditure, proposals for variations in expenditure and the income to be raised from its fees and charges, identifying one-off items separately from recurring commitments.
- 2.2. The Treasurer shall each year, by no later than November, prepare detailed estimates of all expenditure and income, including changes in reserves, consistent with the Council's policies, and all sources of funding for the following financial year in the form of a budget to be considered by the Council. The Treasurer shall also report to Council on the robustness of the estimates and the adequacy of the proposed reserves.
- 2.3. The Council shall approve its budget and determine the precept (Council tax requirement), and its relevant basic amount of Council tax to be levied for the following financial year not later than by the end of January each year. The Treasurer shall issue the precept to the billing authority in the format required by it and shall supply each Councillor with a copy of the approved annual budget, identifying service budgets within each Committee.

- 2.4. The approved annual budget shall form the basis of financial control for the ensuing year, unless that budget is varied by a specific resolution of the Council.

### **3. RESERVES AND WORKING BALANCES**

- 3.1. The Council shall maintain sufficient resources in its reserves and working balances to enable it to manage risk, meet future planned expenditure and for the purpose of cash flow.
- 3.2. The power to establish financial reserves is restricted to Council, which shall determine the purpose, financial limits and individual transactions relating to each reserve.
- 3.3. The Treasurer is responsible for preparing annually, for Council approval, a policy for the management of reserves and for advising Council, as part of the annual budget process, on the adequacy of its reserves.

### **4. BUDGETARY CONTROL**

- 4.1. Subject to compliance with contract procedures, Committees have delegated authority to incur revenue expenditure on items up to the amounts included for that class of expenditure in the approved budget. However Committees are required to forego that delegation and seek approval from Council where they intend to commit expenditure on a materially different aspect of service, a new initiative, one that might be considered to be sensitive or contentious and/or where an ongoing financial commitment is created.
- 4.2. Subject to the provisions of Regulation 4.5 for urgent expenditure, a Committee may not incur expenditure that will exceed the amount provided in its revenue budget for that class of expenditure, unless it relates to an exceptional commitment, in which case the Committee is required to seek prior approval for additional funding (a "supplementary estimate") from Council. Such supplementary estimates are to be allocated from the budgeted contingency provision or, if exhausted, from the General Fund working balance, and are limited to genuinely inescapable items of expenditure such as:
  - contractual claims, court and litigation costs;
  - health and safety items representing a risk to "life and limb";
  - additional costs arising from tender exercises; and
  - new legislative responsibilities.
- 4.3. During the budget year and with the approval of Council, having considered fully the implications for its corporate finances, unspent and available amounts may be transferred to other budget headings or to an earmarked reserve as appropriate.
- 4.4. At the end of each quarter, the Treasurer shall provide the Council with a statement of income and expenditure to date on each budget heading, compared to the expected portion of the budget for the period, and identifying explanations for all significant

variances from budget. The Treasurer will also provide each Committee with budgetary control statements on a regular basis as agreed by the Committee.

- 4.5. The Clerk may incur expenditure on behalf of the Council, which is necessary to carry out any repair, replacement or other work, which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to limits of:
- up to £1,500 (excluding VAT); and
  - up to £3,000 (excluding VAT) in consultation with the Mayor or Deputy Mayor.

The Clerk shall report the action to the Council as soon as practicable thereafter.

- 4.6. All underspendings at year-end (apart from those already specifically identified within one of the Town Council's earmarked Funds) will automatically be transferred to the General Fund working balance.
- 4.7. No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving such expenditure unless the Council is satisfied that the necessary funds are available and any revenue consequences arising from such expenditure have been accepted by the Council.

## **5. ACCOUNTING**

- 5.1. All accounting procedures and financial records of the Council shall be determined by the Treasurer in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.
- 5.2. On a regular basis, at least once in each quarter, and at each financial year end, the Chairman of the Audit, Grants and Charities Committee shall review and verify the bank reconciliations (for all accounts) produced by the Treasurer. The Chairman shall sign the reconciliations and the original bank statement (or similar document) as evidence of verification. Any exception shall be reported to the next meeting of the Audit, Grants and Charities Committee.
- 5.3. The Council's accounting records shall be sufficient to show and explain its transactions and to enable the Treasurer to ensure that the income and expenditure account, statement of balances and all management information prepared for the Council comply with the Accounts and Audit Regulations and proper practices.
- 5.4. The accounting records determined by the Treasurer shall, in particular, contain:
- entries of all sums of money received and expended by the Council and their purpose within the income and expenditure account;
  - sufficient information to identify VAT, income tax, national insurance, superannuation and other statutory transactions;
  - a record of the assets and liabilities of the Council; and
  - details of the Council's income and expenditure sufficient to support claims made for any contribution, grant or subsidy.

- 5.5. Regular back-up copies of the accounting records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 5.6. The accounting control systems determined by the Treasurer 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 the division of responsibilities of those Officers in relation to significant transactions;
  - procedures to ensure that uncollectable amounts, including any bad debts, are only submitted to the Council for approval to be written off with the agreement of the Treasurer and that the approvals are shown in the accounting records; and
  - measures to ensure that risk is properly managed.
- 5.7. The Treasurer shall complete the annual accounts and any supporting documents relating to 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 to the Council within the timescales set by the Accounts and Audit Regulations.

## **6. BANKING ARRANGEMENTS**

- 6.1. The Council's banking arrangements, including the Bank Mandate, shall be managed by the Treasurer and approved by the Council. They shall be reviewed periodically for security and efficiency.
- 6.2. The Council shall designate selected Councillors and the Treasurer as authorised bank account signatories. These will be specified in the bank mandate and shall only be amended by resolution of Council.
- 6.3. In addition to its current account, the Council may operate an interest-bearing reserve account to accommodate surplus funds not required for daily cash flow purposes. The method of operation of this account shall be agreed by the Council, including the facility for automatic transfers between it and the current account.
- 6.4. The Treasurer shall regularly and promptly reconcile the Council's bank accounts to its financial accounts and make those reconciliations available for scrutiny as required.
- 6.5. The Council may utilise a procurement card linked to its bank account for purchases which cannot be made on a credit basis. The card shall be kept securely, issued on request to appropriate Officers and its use controlled by the Treasurer and monitored by reference to the transactions on the account, which shall be subject to automatic payment in full each month.

## **7. AUTHORISATION AND PAYMENT OF ACCOUNTS**

### **General**

- 7.1. The Council shall make secure and efficient arrangements for the making of its payments.
- 7.2. Councillors 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.
- 7.3. A Councillor who is a bank account signatory should not be a signatory to a payment where they have a family or business relationship with the beneficiary of the payment.
- 7.4. With the exception of minor purchases from petty cash, all authorisation and payment of accounts shall be made by online bank transfer, direct debit/standing order, cheque or other order drawn on the Council's bankers, and follow the provisions of these Regulations.

### **Approval**

- 7.5. The procedure for the approval of invoices or other demands for payments shall incorporate separation of duties and be as follows:
  - Each invoice shall be examined by an appropriate Officer for arithmetical accuracy and to confirm that the related works, goods or services have been received and are satisfactory.
  - The Clerk, and in her/his absence, the Treasurer, shall approve payment of invoices up to a value of £1,500 (excluding VAT).
  - The Clerk, with the agreement of the Mayor or Deputy Mayor, shall approve the payment of invoices over £1,500 and up to a value of £3,000 (excluding VAT).
  - Larger value invoices and all grant payments are to be approved by Council.
  - Items of payroll related expenditure shall not need specific approval regardless of the amount as these payments are approved by the issue of contracts of employment.
  - All controls are to be evidenced by initialling the invoice.

### **Payment**

- 7.6. The following process shall apply to the authorisation of the payment of approved invoices:
  - Each invoice shall be signed by two Councillors who are authorised bank account signatories.
  - Payment by online transfer shall be made by the Treasurer and subsequently checked by the Town Clerk to ensure that the payee and the amount paid is the same as that shown on the invoice.

- Two Councillors who are bank account signatories shall sign each cheque payment.
- The Treasurer shall mark each invoice to indicate that it has been paid and allocate the expenditure to the relevant budget heading.
- Appropriate payments may be made by variable Direct Debit, in which case the instruction to the Council's bankers shall be signed by two Councillors who are account signatories.

## **Reporting**

- 7.7. At the end of each month, the Treasurer shall prepare a schedule with details of all payments made during the month from the Council's bank accounts and present it for formal approval to the next available Council meeting. An extract of the monthly schedule shall be published on the Council's website to comply with the statutory transparency arrangements.

## **8. PETTY CASH**

- 8.1. The Council operates a petty cash float for Officers to meet minor operational and other expenses:
- vouchers for payments made shall be forwarded to the Treasurer with a claim for reimbursement;
  - income received shall not be paid into the petty cash float but must be banked separately;
  - payments to maintain the petty cash float shall be identified separately on the monthly schedule of payments presented to Council.
- 8.2. The Treasurer shall prepare a quarterly schedule of all petty cash payments and present it to Council for approval.

## **9. PAYMENT OF SALARIES**

- 9.1. The Council shall determine the posts on its establishment and their terms and conditions of service, including salary scales. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council.
- 9.2. The Treasurer shall make arrangements to calculate and pay salaries and to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with conditions of service, payroll records and the rules of PAYE and National Insurance currently operating.
- 9.3. Payment of net salaries and payment of associated deductions shall be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, with each aggregate payment being reported to Council in the monthly payment schedule.

- 9.4. A separate, confidential record shall be kept of each payment of net salary and statutory/discretionary deductions. This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than by:
- a) any Councillor who can demonstrate a need to know;
  - b) the Internal or External Auditor; or
  - c) any person authorised under the Local Audit and Accountability Act 2014 or any superseding legislation.
- 9.5. An effective system of personal performance management shall be maintained for all employees, including pay progression where appropriate.
- 9.6. Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.

## **10. INVESTMENTS AND LOANS**

- 10.1. The Council shall approve an Investment Policy to govern the investment of surplus funds. The Policy shall be in accordance with relevant regulations, proper practices and guidance and shall be reviewed by the Council at least annually.
- 10.2. 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.
- 10.3. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (eg 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.
- 10.4. All investments of money under the control of the Council shall be in the name of the Council and shall be subject to strict controls similar to those applying to its bank accounts.
- 10.5. All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan, shall only be approved by full Council.
- 10.6. All investment certificates and related documents shall be retained securely by the Treasurer.

## **11. INCOME**

- 11.1. The collection and banking of all sums due to the Council shall be the responsibility of and under the supervision of the Treasurer.
- 11.2. The Council will review and agree all fees and charges annually, following a report of the Clerk or the Treasurer.



- 11.3. All sums received on behalf of the Council shall be banked intact as directed by the Treasurer and deposited with such frequency as he/she considers necessary. The origin of each receipt shall be entered on the paying-in slip.
- 11.4. No significant sums of cash are regularly received by the Council; allotment rents are either paid direct into the Council's bank account or are paid by cheque.
- 11.5. Personal cheques shall not be cashed out of any money held on behalf of the Council.
- 11.6. Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the accounts for the year.

## **12. VALUE ADDED TAX (VAT)**

- 12.1. The Treasurer shall be responsible for all arrangements for the recording, payment and recovery of VAT.
- 12.2. All expenditure subject to VAT shall be supported by a proper VAT invoice or receipt.
- 12.3. The Treasurer shall complete any VAT Return that is required. Claims for the recovery of VAT incurred shall be made at least annually, coinciding with the financial year end.

## **13. PROCUREMENT OF GOODS AND SERVICES**

### **General**

- 13.1. All Councillors and Officers of the Council are responsible for ensuring that its procurements obtain best value for money and are conducted in a manner which is transparent, open and fair, with an appropriate element of competition.
- 13.2. A Councillor may not issue an official order or make any contract on behalf of the Council.
- 13.3. The Treasurer 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 Treasurer shall ensure that the statutory authority being used is recorded by the Council.
- 13.4. All procurements shall comply with these Financial Regulations. No exceptions shall be made other than in an emergency, provided that this regulation need not apply to the supply of the following:
  - a) gas, electricity, water, sewerage and telephone services;
  - b) specialist professional services such as solicitors, accountants, surveyors and planning consultants, where the identity of the person providing the service is of paramount importance;
  - c) work, goods or materials which consist of repairs to or parts for existing machinery, equipment or plant;

- d) work, goods or materials which constitute an extension of an existing contract by the Council;
- e) additional audit work imposed by the External Auditor; or
- f) goods or materials which are proprietary articles and/or are only sold at a fixed price.

### Financial Limits

13.5. The method of procurement shall be dependent on the estimated value of the proposed supply, as follows:

Value (excluding VAT)	Minimum Requirement	
Up to £250	Obtain one verbal quotation or use of market tested framework	Record and retain quotations.  Document any inability to obtain required number.
Over £250 and up to £1,500	Obtain one written quotation or use of market tested framework	
Over £1,500 and up to £10,000	Obtain three written quotations	
Over £10,000 and below £25,000	Advertise open tender on Council's website. Issue invitations to at least three potential tenderers.	Follow Contract procedures as set out in the next Regulation.
£25,000 and over	Advertise open tender on Council's website and Contracts Finder Issue invitations to at least three potential tenderers.	Endeavour to obtain three tenders.  Seek advice on tenders over £100,000.

13.6. The Council shall not be obliged to accept the lowest or any tender, quotation or estimate; these shall be assessed on the basis of price, suitability and quality so that the Council obtains the economically most advantageous supply.

## 14. CONTRACT PROCEDURES

14.1. These procedures apply to all procurements where the value of the supply of goods or services exceeds £10,000 over the life of the contract, which are to be offered by open tender. Supplies should not be disaggregated to avoid these requirements.

- 14.2. All opportunities to tender for supplies shall be advertised on the Council's website;
- Where the supply is valued at £25,000 or more, the Council shall also comply with the requirements of the Public Contracts Regulations 2015, including publication of tenders on the Contracts Finder.
  - Where the supply is valued at £100,000, advice should be sought on possible implications of EU legislation.

- 14.3. The invitation to tender shall contain:
- a) a specification of the supply;
  - b) the terms of the proposed contract;
  - c) insurance and reference requirements;
  - d) reference to Standing Orders 14 (j), (k) and (l) and the Bribery Act 2010;
  - e) details of the tender deadline and return conditions;
  - f) the basis of evaluating tenders;
  - g) a form of tender; and
  - h) a non-collusion certificate.
- 14.4. Any clarification given in response to a particular tenderer's questions shall be copied to all invited tenderers and to those expressing an interest in tendering.
- 14.5. Tenders shall be addressed to the Clerk or Treasurer, as required, and submitted to the Council in a sealed envelope which does not identify the sender. Envelopes shall remain sealed and held securely until the specified time for opening.
- 14.6. Correctly addressed tenders received by the stated deadline shall be opened at the same time by the Clerk or Treasurer, in the presence of at least one Councillor of Council. Late, incorrectly addressed or incomplete tenders shall be returned to the tenderer. Each tender shall be signed by the opening persons and a record kept of all tenders, again signed by the openers.
- 14.7. The Council shall select an appropriate evaluation mechanism for tenders, usually a blend of quality and price. A small panel, comprising the Clerk or Treasurer, at least one Councillor and, if appropriate, another Officer, shall score each tender against these criteria and document the results. Additionally, the panel shall confirm that it believes that the preferred tenderer has the ability, capability and financial standing to deliver the contract. This evaluation shall form the basis of a recommendation to the relevant Committee of the preferred contractor.
- 14.8. The Committee's selection of a preferred contractor shall be subject to approval by the Council, after which a formal written contract shall be signed by the Clerk on behalf of the Council.
- 14.9. Where it is proposed to waive Financial Regulations to enable a price to be negotiated without competition, the reason shall be clearly stated in a recommendation to the Council.

## **15. CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS (PUBLIC WORKS CONTRACTS)**

- 15.1. This regulation, in addition to the contract procedures set out above, applies to public works contracts:

- a) The contract shall be in an appropriate form which recognises respective responsibilities and protects the Council's interests;
- b) The Council shall appoint a suitably qualified supervising officer for the contract;
- c) Payments on account of the contract sum shall be made within the time specified in the contract by the Treasurer upon authorised certificates of the supervising officer (subject to any specified retention);
- d) Any variation to a contract shall be approved by the Council and notified by the Clerk to the contractor in writing;
- e) 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; and
- f) The final instalment shall not be paid to the contractor until any defects have been remedied satisfactorily and the final account agreed by the Treasurer.

## **16. ASSETS AND PROPERTY**

- 16.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The Treasurer 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.
- 16.2. No 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, except where the estimated value of any one item does not exceed £1,000. Where required by Council, a full business case should be prepared.
- 16.3. No real property (interests in land) shall be purchased or acquired, 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).
- 16.4. The Treasurer shall ensure that an appropriate and accurate Register of Assets, including heritage items and equipment, is maintained and kept up to date. The continued existence of tangible assets shown in the Register shall be verified by an annual sample audit of heritage items, undertaken by a suitably accredited external officer.

## **17. SECURITY**

- 17.1. Councillors and Officers are responsible for maintaining proper security at all times for buildings, heritage assets, furniture, equipment, etc under their control.

- 17.2. Councillors and Officers responsible for keys to safes and offices shall arrange the safe custody of those keys at all times and shall report any loss of those keys to the Clerk immediately.
- 17.3. The Clerk shall be responsible for maintaining proper security and privacy of all information and data held, whether in electronic or hard copy form.
- 17.4. The security of personal possessions in the workplace is the responsibility of the owner and the Council will accept no responsibility for the security of any items not needed for its services.

## **18. INSURANCE**

- 18.1. The Treasurer shall keep a record of all insurances effected by the Council. Following the annual review of the Council's risk management arrangements and its risk assessments, the Treasurer shall arrange and maintain adequate insurance cover for its property and risks.
- 18.2. The Treasurer shall be notified of any loss, liability or damage or of any event likely to lead to a claim, and shall report these as appropriate to the Council at the next available meeting. The Treasurer, in consultation with the Clerk, shall negotiate all claims on the Council's insurers.
- 18.3. The Clerk shall give prompt notification to the Treasurer of all new risks, assets or vehicles, which require to be insured and of any alterations affecting existing insurances.
- 18.4. All Councillors and Officers of the Council shall be included in a suitable fidelity guarantee insurance that shall cover the maximum risk exposure as determined by the Council.
- 18.5. No indemnities shall be given to any person or organisation without the express approval of the Council.

## **19. EXTERNAL FUNDING AND PARTNERSHIP ARRANGEMENTS**

- 19.1. Before entering into any proposed external funding or partnership arrangements, the Clerk or Treasurer shall ensure that the proposal will further the Council's objectives and that all relevant risks have been assessed and taken into account, including the need for any suitable insurance cover.
- 19.2. Where the Council seeks and secures external funding, Officers shall ensure that the key conditions of that funding are understood and met, that any match funding required can be met from its budgets and that claims or requests for funding are submitted promptly.
- 19.3. Before entering into partnership arrangements, Officers shall ensure that roles and responsibilities are clearly defined, that expenditure and income are properly controlled and that the partnership has sound governance arrangements.

## **20. RISK MANAGEMENT**

- 20.1. The Council is responsible for putting in place arrangements for the management of risk. The Treasurer shall prepare, for approval by the Council, risk management policy statements and assessments 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.
- 20.2. When implementing any new activity, the Treasurer shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

## **21. AUDIT ARRANGEMENTS**

### **Internal Audit**

- 21.1. Acting on behalf of the Council, the Treasurer 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.
- 21.2. Any Councillor or Officer of the Council shall make available such documents and records necessary for the purpose of the audit and shall supply the Treasurer or Internal Auditor with such information and explanation as the Council considers necessary for that purpose.
- 21.3. The Internal Auditor shall be appointed by the Council and carry out the work in relation to internal controls required by the Council in accordance with proper practices.
- 21.4. The Internal Auditor shall:
  - be competent and independent of the financial operations of the Council;
  - report to Council in writing, or in person, as required, 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.
- 21.5. The Internal Auditor may not under any circumstances:
  - perform any operational duties for the Council;
  - initiate or approve accounting transactions; or
  - direct the activities of any Council Officer, except to the extent that such employees have been appropriately assigned to assist the Internal Auditor.
- 21.6. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the meaning described in proper practices.

21.7. The Treasurer shall, at least annually, review the adequacy and effectiveness of the internal audit arrangements and report the results of the review to Council for approval.

### **External Audit**

21.8. The Council shall ensure that a competent External Auditor is appointed in accordance with relevant legislation and any sector-specific procurement arrangements.

21.9. The Treasurer shall submit to the External Auditor, to the relevant timescale, the Annual Return and all supporting information as requested or required by proper practices.

21.10. The Treasurer shall make arrangements for the exercise of electors' rights in relation to the Council's accounts, including the opportunity to inspect its accounts, books, and vouchers and shall display or publish any notices and statements of account required by the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.

### **Reporting**

21.11. The Treasurer 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 nature.

## **22. IRREGULARITIES**

22.1. Where a Councillor or Officer identifies any matter which involves, or is thought to involve, a financial irregularity affecting the expenditure, income or assets of the Council, or any suspected irregularity in the exercise of its duties, he/she shall immediately notify the Clerk or Treasurer, as appropriate, who will take appropriate action to investigate the circumstances.

22.2. Irregularities include, but are not limited to, fraud, theft, corruption and bribery.

## **23. VALUE ADDED TAX (VAT)**

23.1. The Treasurer shall be responsible for all arrangements for the recording, payment and recovery of VAT.

23.2. All expenditure subject to VAT shall be supported by a proper VAT invoice or receipt.

23.3. The Treasurer shall complete any VAT Return that is required and make claims for the recovery of VAT incurred at least annually, coinciding with the financial year end.

## **24. CHARITIES**

- 24.1. Where the Council is sole trustee of a Charitable body, the Treasurer 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 Treasurer shall arrange for any Audit, or Independent Examination, as may be required by Charity Law or any Governing Document.
- 24.2. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Payments from that account shall be authorised by the Council acting as its trustee.

## **25. REVISION OF FINANCIAL REGULATIONS**

- 25.1. It shall be the duty of the Council to review its Financial Regulations from time to time, normally at the mid-term of each elected Council, ie every four years. The Clerk and Treasurer shall, at least annually, review the Regulations for fitness of purpose and make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to the Regulations.

## **26. SUSPENSION OF FINANCIAL REGULATIONS**

- 26.1. In the event of it being impractical to apply any of these Regulations in any particular circumstance, the Treasurer, in consultation with the Clerk and Chairman of the Audit, Grants and Charities Committee, is authorised to waive compliance, subject to reporting any major departures to the next meeting of Council.