



NEW ROMNEY TOWN COUNCIL

STANDING ORDERS AND FINANCIAL REGULATIONS

(Identified Legal Requirements are highlighted in Bold)

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PART ONE: STANDING ORDERS

Mandatory for Full Council Meetings	*
Mandatory also for Committee Meetings	**
Mandatory also for Committee and Sub-Committee Meetings	***

ANNUAL TOWN MEETING

1. **An Annual Town Meeting will be held at such place and at such time as the Council may direct to allow the Town Council to report to the electors of the New Romney Town and New Romney Coast Wards.**

MEETINGS OF NEW ROMNEY TOWN COUNCIL

2.
 - (a) Meetings of the Council and its Standing Committees shall be held in each year on such dates and times and at such place as the Council may direct.
 - (b)* **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.**
 - (c)** **When calculating the three clear days for notice of a meeting to Councillors ~~and to the public~~, 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 shall not count.**
 - (d)** **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.**
 - (e)** **The minutes of a meeting shall record the names of Councillors present.**

THE STATUTORY ANNUAL MEETING

3.
 - (a)* **In an election year the Statutory Annual Town Council Meeting shall be held at such place as the Council may direct and 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 Statutory Annual Town Council Meeting shall be held at such place and on such day in May as the Council may direct.**
 - (c)* **If no other time is fixed, the Statutory Annual Town Council Meeting shall take place at 6pm.**

- (d)* **In addition to the Statutory Annual Town Council Meeting, at least three other ordinary meetings shall be held in each year on such dates and times and at such place as the Council may direct.**

CHAIRMAN OF MEETING

4. (a) The New Romney Town Mayor will be the Chairman of New Romney Town Council Meetings and the Deputy Town Mayor will be the Vice-Chairman.
- (b)* **The Chairman of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the Statutory Annual Town Council Meeting until his/her successor is elected at the next Statutory Annual Meeting of the Council.**
- (c)* **The Vice-Chairman of the Council, if any, unless he/she resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next Statutory Annual Meeting of the Council.**
- (d)* **At every meeting other than the Annual Statutory Meeting the first business shall be to appoint a Chairman, if the Chairman and Vice-Chairman be absent, and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.**
- (e)* **The Vice-Chairman or person presiding at a meeting will exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.**
- (f)* **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/her absence, be done by, to or before the Vice-Chairman of the Council.**
- (g)* **The Chairman of the Council, if present, shall preside at a Full Council meeting. If the Chairman is absent from a Full Council meeting, the Vice-Chairman of the Council, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a Full Council meeting, a Councillor as chosen by those Councillors present at the meeting shall preside at the meeting.**

QUORUM

- 5 (a)* **Six Members (1/3rd of Councillors) shall constitute a quorum for Full Council, but a Motion to suspend Standing Orders shall be not moved without written notice signed by eleven members (2/3rds of Councillors).**
- (b)*** **If a quorum (1/3 of Councillors but in no case less than three) is not present or if during a meeting the number of Councillors present (not**

counting those debarred by reason of a declared interest) falls below the quorum, the meeting shall be adjourned and **business shall not be transacted** at the meeting but shall be transacted at the next meeting or on such other day as the Chairman may fix.

PROPER OFFICER

6. Where a statute, regulation or order confers function or duties on the Proper Officer of the Council, he/she shall be the Clerk or, in the Clerk's absence, the Deputy Clerk as nominated by the Council to undertake the work of the Clerk when absent:-

The Proper Officer shall:

- (a) Receive declarations of acceptance of office.
- (b) Receive and record notices disclosing interests at meetings and retain a copy of every Member's record of Disclosable Pecuniary Interests.
- (c) Receive and approve dispensation requests.
- (d) Receive and retain plans and documents.
- (e) **Sign notices or other documents on behalf of the Council.**
- (f) **Receive and retain copies of byelaws made by another local authority.**
- (g) Certify copies of byelaws made by the Council.
- (h) **Issue to Councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit (provided the Councillor has consented to service by email) a signed summons to attend any meeting of the Council and its Committees, confirming the date, time, venue and agenda at least three clear days before for the meeting.**
- (i) **Give public notice in a conspicuous place of the date, time, venue and agenda of meetings of the Council and its Committees (provided that a public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).**
- (j) **Convene a meeting of Full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy, in accordance with Standing Order 6(h) and Standing Order 6(i) above.**
- (k) Keep proper records for all Council meetings.
- (l) Act as the Responsible Financial Officer (RFO) in the absence of a separately appointed RFO unless otherwise directed by the Council.
- (m) **Facilitate inspection of Minute Books by local government electors.**
- (n) **Arrange for legal deeds to be executed.**

- (o) Retain custody of the seal of the Council which shall not be used without a resolution to that effect.
- (p) Manage access to information about the Council via the publication scheme and assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation in accordance with the Council's relevant policies and procedures.
- (q) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.

VOTING

7. (a)*** **Subject to Standing Order 5(b), all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting thereon.**
- (b)* **Members shall vote by show of hands.**
- (c)* **If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**
- (d)*** (i) **Subject to (ii) and (iii) below the Chairman may give an original vote on any matter put to the vote and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.**
- (ii) **In an election year, if the current Chairman has been re-elected as a member of the Council, he/she shall preside at the Annual Meeting until a new Chairman of the Council has been elected. He/she 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.**
- In an election year, if the person presiding at the Annual Meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he/she may not give an original vote in an election of Chairman but shall give a casting vote in the case of an equality of votes.**
- (iii) **The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

ORDER OF BUSINESS: ANNUAL STATUTORY MEETING

8. **At each Statutory Annual Town Council Meeting, the first business shall be:-**

- a) **To elect a Chairman of the Council and Town Mayor for the ensuing year.**
- b) **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
- c) **To elect a Vice-Chairman of the Council and Deputy Town Mayor for the ensuing year.**
- d) **To receive the Vice-Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
- e) **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
- f) **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
- ~~g) **To re-confirm Sergeant's at Mace.**~~
- g) To appoint the Town Mayor's Chaplain.
- h) To appoint the Council's Standing Committees.
- i) To determine the date, time and venue of the next ordinary meeting of the Town Council.

... and shall thereafter follow the order set out in the Standing Order 9.

ORDER OF BUSINESS: OTHER COUNCIL MEETINGS

9. At all other Town Council meetings, after proceedings have been opened by Prayers and Apologies for Absence received, and after the first business – including Declarations of Interests, County and District Councillor Reports and the Public Participation session – has been completed, the order of business, unless the Chairman of the meeting otherwise decides on the ground of urgency, shall be as follows:
 - a) To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes shall be taken as read.
 - b) **After consideration, to approve the signature of the Minutes by the person presiding as a correct record.**
 - c) **To deal with business expressly required by statute to be done.**
 - d) To dispose of business, if any, remaining from the last meeting.

- e) To receive such reports and/or communications as the person presiding may wish to lay before the Council.
- f) To receive any such reports as the Proper Officer may wish to lay before the Council.
- g) To answer questions from Councillors.
- h) To receive and consider reports and minutes of Committees.
- i) To receive and consider financial reports and authorise payments.
- j) To receive and consider resolutions or recommendations in the order in which they have been notified.
- k) To authorise the sealing of documents.
- l) To consider any matters of a legal or sensitive nature.

URGENT BUSINESS

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

RESOLUTIONS MOVED ON NOTICE

- 11. Except as provided by these Standing Orders, no resolution may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least six clear days ~~not later than Monday in the week~~ before the next meeting of the Council. ~~Clear days do not include the day of the notice or any Sunday, Public Holiday, Bank Holiday or the day of the meeting.~~
 - a) The Clerk shall date every Notice of Motion or recommendation when received by him/her, shall number each Notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every Member of the Council.
 - b) The Clerk shall insert in the summons for every meeting all Notices of Motion or recommendation properly given in the order in which they have been received unless the Member giving a Notice of Motion has stated in writing that he/she intends to move at some later meeting or that he/she withdraws it.
 - c) If a resolution or recommendation specified in the summons is not moved, either by the member who gave notice of it or by any other member, it shall,

unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

- d) If the subject matter of a resolution comes within the province of a Committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such Committee or to such other Committee as the Council may determine for report; provided that the Chairman, if he/she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- e) Every resolution or recommendation must be relevant to some subject over which the Council has power or duties or which affects its area.
- f) If the wording or subject of a proposed Motion is considered **unclear in meaning, the Proper Officer shall reject it until it has been re-submitted in writing by the mover of the motion so that it can be understood, to the Proper Officer at least 6 clear days before the next meeting of the Council.** If the wording or subject of a proposed Motion is considered improper, the Proper Officer (Clerk) shall consult with the Chairman of the forthcoming meeting to consider whether the motion shall be included in the agenda.
- g) Subject to Standing Order 11(f) above, the decision of the Clerk as to whether or not to include the motion on the agenda shall be final.
- h) Motions rejected shall be recorded in a book for that purpose with explanations by the Proper Officer for their rejection.

RESOLUTIONS MOVED WITHOUT NOTICE

12. Resolutions dealing with the following matters may be moved without notice:

- (a) To appoint a Chairman of the meeting.
- (b) To correct an inaccuracy in the Draft Minutes.
- (c) To approve the Minutes.
- (d) To alter the order of business.
- (e) To proceed to the next business.
- (f) To close or adjourn the debate.
- (g) To refer a matter to a Committee.
- (h) To appoint a Committee or any Members thereof.
- (i) To adopt a report.
- (j) To authorise the sealing of documents.
- (k) To amend a Motion.
- (l) To give leave to withdraw a Motion or an amendment.
- (m) To extend the time limit for speeches.
- (n) To consider other than in Committee a question affecting an employee of the Council.
- (o) To exclude the press.
- (p) To exclude the public.
- (q) To exclude the public and press.
- (r) To silence or eject from the meeting a Council Member or member of the public named for disorderly conduct.

- (s) To give the consent of the Council where such consent is required by these Standing Orders.
- (t) **To suspend any Standing Order except those which are mandatory by law.**
- (u) To adjourn the meeting.

PUBLIC PARTICIPATION

13. A nominal 15 minute session within the agenda of all Council Meetings will be available:
- a) To allow any elector to address the meeting, make representations, answer questions or give evidence relating to any business to be transacted, for up to a maximum of 3 minutes.
 - b) In accordance with Section 5(3) of the adopted code of conduct, to allow members of the Council who have an 'Other Significant Interest' in relation to any item of business to be transacted at that meeting to make representations, answer questions or give evidence relating to the business to be transacted, for up to a maximum of 3 minutes. An elector or a member of Council with an 'Other Significant Interest' in business to be transacted in closed session are not entitled to make representations, answer questions or give evidence during this session.
 - c) At Full Council Meetings electors may speak on any topic or issue which has a bearing on any one or more inhabitants of either of the Wards of New Romney, regardless of the Council's power or lack of power, to act upon the topic or issue addressed.
 - d) Electors may only speak on a topic or issue which falls within the terms of reference of the standing/sub-committee during that standing/sub-committee's public participation session.
 - e) Electors wishing to speak at a meeting shall direct their comments/questions to the Chairman of the meeting.
 - f) Electors should not expect any immediate response but if the Council can respond immediately it will do so.
 - g) Electors shall, on request, be entitled to know, in general terms, whether the Town Council has power to act upon the topic or issue which they have, or will, address.
 - h) Electors should not make insulting or offensive remarks to, or about, any person or identifiable group of persons, nor should anyone use intemperate language.
 - i) If unable to make any immediate response to the addresses of the electors, the Chairman of the meeting will consider whether to:

- (i) Propose that a topic or issue addressed by an elector be placed on the next agenda of the Town Council.
- (ii) Propose that a topic or issue addressed by an elector be referred to a standing committee of the Town Council.
- (iii) Direct that a written or oral response will be provided at a later date.

QUESTIONS

- 14. a) A Member may ask the Chairman any question concerning the business of the Council, providing that three days clear notice has been given.
- b) No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- c) A Member, with or without notice, may ask the Chairman of a Committee any question upon the proceedings of the Committee then before the Council, if the question is put before the Council's consideration of those proceedings is finished.
- d) Every question shall be put and answered without discussion.
- e) A person to whom a question has been put may decline to answer.

RULES OF DEBATE

- 15. a) No discussion shall take place upon the Minutes except upon their accuracy.
- b) Corrections to the Minutes shall be made by resolution at time of approval and recorded in the subsequent meeting minutes.
- c) A resolution or amendment shall not be discussed unless it has been proposed and seconded.
- d) A Member, when seconding a resolution or amendment, may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.
- e) A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a question of order.
- f) No speech shall exceed three minutes, except by consent of the Chairman of the meeting.
- g) An amendment shall be either:
 - i) To leave out words.
 - ii) To leave out words and insert or add others.
 - iii) To insert or add words.

- h) An amendment shall not have the effect of negating the Motion before the Council.
- i) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- j) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- k) The mover of a resolution or of an amendment shall have a right of reply.
- l) A Member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or on an amendment, or on a point of order, or in personal explanation, or to move the closure.
- m) A Member may rise to make a point of order or a personal explanation. A personal explanation shall be confined to some material part of a former speech by him/her which may have been misunderstood. A Member rising for these purposes shall be heard forthwith.
- n) A Motion or amendment may be withdrawn by the proposer without the consent of the Council, which shall be signified without discussion and no Member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused. If a Motion has been seconded, it may be withdrawn by the Proposer only with the consent of the Seconder.
- o) When a resolution is under debate no other resolution shall be moved except the following:
 - i) To amend the resolution.
 - ii) To proceed to the next business.
 - iii) To adjourn the debate.
 - iv) That the question be now put.
 - v) That a Member named be not further heard.
 - vi) That a Member named leaves the meeting.
 - vii) That the resolution be referred to a Committee.
 - viii) To exclude the public or the press or both.
 - ix) To adjourn the meeting.
 - x) To suspend a particular Standing Order except any which reflects mandatory, statutory or legal requirements (indicated in bold type).
- p) A Member shall raise their hand to signify their wish to speak.
- q) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- r) Members shall address the Chairman.

- s) If two or more Members raise their hands, the Chairman shall call upon one of them to speak and the others shall lower their hands until the speaker has concluded their speech or explanation or the Chairman has directed the speaker to conclude their speech or explanation.
- t) Whenever a Member speaks during a debate all other Members shall remain seated and silent.
- u) Whenever the Chairman speaks or stands all Members will remain seated and silent.

CLOSURE

- 16. At the end of any speech a Member may, without comment, move 'that the question be now put, that the debate be now adjourned', or 'that the Council do now adjourn'. If such Motion is seconded and if the Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), he/she shall forthwith put the Motion. If the Motion 'that the question be now put' is carried, he/she shall call upon the mover to exercise or waive his/her right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

DISORDERLY CONDUCT

- 17. a) **All members must observe the Code of Conduct which has been adopted by the Council, a copy of which is annexed to these Standing Orders.**
- b) In respect of the entire meeting, no Member shall misconduct himself/herself at a Town Council meeting by persistently disregarding the ruling of the Chairman, by wilfully obstructing business or by behaving irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into disrepute, contempt or ridicule. If this Standing Order is ignored, the Chairman shall request such person(s) to moderate or improve their conduct.
- c) If, in the opinion of a Member, another Member has broken the provisions of paragraph b) of this Order and has disregarded the request of the Chairman to moderate or improve their conduct, the Chairman shall express that opinion to the Council and thereafter any Member may move that the Member named be no longer heard or that the Member named do leave the meeting and the Motion, if seconded, shall be put forthwith and without discussion. (There is no longer a duty for a Member to report another Member for a suspected breach of the Code of Conduct).

- d) If either of the Motions mentioned in paragraph c) are disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.
- e) Any unacceptable comment (as deemed unacceptable by the relevant Council Officer and agreed to be so by the relevant Meeting Chairman*) is made about or directed at any Council Officer by any Councillor during the course of any formal meeting of the Council or any of its Committees, Sub-Committees or Working Parties will result in an immediate motion being put by the relevant Meeting Chairman* that said Councillor 'be no longer heard' and this action being formally recorded in the meeting minutes. Any subsequent recurrence of the above behaviour shall result in an immediate motion being put by the Meeting Chairman to suspend the meeting for a defined period. Thereafter, any recurrence of that behaviour SHALL result in an immediate motion being put by the Meeting Chairman to close the meeting and defer all remaining business to a future meeting.

*Chairman shall also be taken to mean Vice-Chairman in such circumstance as any unacceptable comment might be made about or directed at any Council Officer by the Chairman of the Meeting.

RIGHT OF REPLY

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

ALTERATION OF RESOLUTION

- 19. A Member may, with the consent of his/her seconder, move amendments to his/her own resolution.

RESCISSION OF PREVIOUS RESOLUTION

- 20.
 - a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution the written notice whereof bears the name of at least SIX Members of the Council **and is given to the Proper Officer in accordance with Standing Order 11**, or by a resolution moved in pursuance of the report or recommendation of a Committee or, in light of new or additional information, a report of the Proper Officer.
 - b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

VOTING ON APPOINTMENTS

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

A tie in votes may be settled by the casting vote exercisable by the Chairman of the meeting.

- b) In the case of voting on appointments, voting by a show of hands may be replaced with a ballot (paper vote), provided that the name of the Councillor voting is recorded on the paper vote.

MANAGEMENT OF EMPLOYEES OF THE COUNCIL AND DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

22. a) In every year, not later than the meeting at which the budgets for next year are settled, the Council shall review the pay and conditions of service of existing employees. See b) below.
- b) 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 (as the case may be) has decided whether or not the public shall be excluded. (See Standing Order No 36).
- c) A matter personal to a member of staff that is being considered by a meeting of the Council or the Council's Personnel Committee or other Committee shall not be discussed except in closed session and is subject to Standing Order 38 (Management of Information).
- d) Any Officer or Councillor responsible for all or part of staff management processes shall treat as confidential the written records of all meetings relating to performance, capabilities, absence, grievance or disciplinary matters.
- e) Only any Officer with Line Management responsibilities (Town Clerk and Deputy Town Clerk) shall have access to staff records referred to in Standing Order 22(d) above.

RESOLUTIONS ON EXPENDITURE

23. Any resolution (which is moved otherwise than in pursuance of a recommendation of the F&GP Committee or of another Committee after recommendation by the F&GP Committee or in pursuance of recommendations made within an appropriately detailed finance report / business plan submitted by the Town Clerk and/or RFO (Responsible Finance Officer) and which, if carried, would, in the

opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any Committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any Committee affected by it shall consider whether it desires to report thereon, (and the F&GP Committee shall report on the financial aspect of the matters).

SEALING OF DOCUMENTS

24. (a) A document shall not be sealed / **legal deed shall not be executed** on behalf of the Council unless it's sealing has been authorised by a resolution.
- (b) **The Council's Common seal shall alone be used for sealing deeds required by law. It shall be applied by the Proper Officer in the presence of two Members who shall sign the document / deed as witnesses.**

ELECTRONIC FORMS OF COMMUNICATION

25. Emails, including any attached documents, used as an electronic form of business communication regarding any / all formal business of the Town Council are accepted by the Council to be authentic – whether or not a scanned / electronic signature is included therein - provided that the origin of such communication is evident.

The Town Council will not conduct formal business via any other means of electronic communication (SMS messaging, mobile phone applications, social media etc) albeit that it will routinely use social media and the Town Council website to disseminate information to the general public.

COMMITTEES

26. The Council may, at the Annual Meeting, appoint Standing Committees and may, at any other time, appoint such other Committees as necessary but subject to any statutory provision in that behalf –
- (a) Membership of each and every existing Standing Committee shall be approved annually at the statutory 'Annual Meeting of the Town Council' (subject to membership of the Personnel Committee being deferred to the first Ordinary meeting of the Council if the maximum permitted membership requires that a vote is necessary to determine the makeup of the Personnel Committee). Any application for Committee membership shall thereafter be considered at an appropriate ordinary meeting of the relevant Committee, having been listed as an agenda item for that meeting.
- (b) Shall not appoint any Member of a Committee so as to hold office later than the next Annual Meeting.

- (c) May at any time dissolve or alter the membership of a Committee.
- (d) **May appoint persons other than members of the Council to any Committee unless it is a committee that regulates and controls the finances of the Council. Unless the Council determines otherwise, all of the members of an Advisory Committee and any Sub-Committee of the Advisory Committee may be non-Councillors.**
- (e) Every Standing Committee shall observe the Terms of Reference agreed by the Council.
- (f) Except where ordered by the Council, in the case of a Committee, the quorum of a Committee shall be one-half of its members. Nominated Substitutes shall be permitted for meetings where the quorum is not met.
- (g) The Standing Orders on rules of debate (except those parts relating to speaking more than once) and the Standing Order on interests of Members in contracts and other matters shall apply to Committee meetings.
- (h) The Chairman and Vice-Chairman of Council shall be Members of every Standing Committee unless they signify that they do not wish to serve, except in the case of the Personnel Committee, membership of which is restricted in numbers in accordance with its Terms of Reference due to the special and confidential nature of its business.
- (i) A Chairman and Vice-Chairman of each Town Council Committee (Chairman alone in the case of the Personnel Committee) shall, in the first instance, be appointed by the relevant Committee at the first ordinary meeting of that Committee in each Civic Year and selected from the relevant approved Committee Membership.

Should any vacancy in respect of Committee Chairman or Vice-Chairman arise for any reason during the civic year, a replacement shall then be appointed by the relevant Committee at its next ordinary meeting before proceeding to any other business and noting the requirements of the adopted Leadership Policy.

- (j) Members shall vote by show of hands and, if a Committee Member so requests, there shall be a recorded vote.
- (k) **Chairman of Committees shall in any case of an equality of votes, have a second or casting vote.**

ESPECIAL MEETINGS AND EXTRAORDINARY MEETINGS

- 27. (a) The Chairman of the Council or of a Committee may summon a special meeting of the Council or relevant Committee at any time. A special meeting shall also be summoned on the requisition, in writing, of not less than half of the Members of that Committee. The summons shall set out the business to

be considered at the special meeting and no other business shall be transacted at that meeting.

- (b) **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- (c) **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested **in writing** to do so by two Councillors, **those any two** Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, date, venue and agenda for such a meeting must be signed by the two Councillors.**

SUB-COMMITTEES

28. ~~Every Committee may recommend appointment of a Sub-Committee(s) for purposes to be specified by the Committee.~~

Unless the Council determines otherwise, any Committee may appoint a Sub-Committee whose Terms of Reference and Members shall be determined by the Committee.

- (a) No Member of a Sub-Committee will be appointed so as to hold office later than the next Annual Meeting.
- (b) Every Committee may at any time ~~recommend dissolving or altering~~ **dissolve or alter** the composition of the membership of a Sub-Committee.
- (c) Every Committee may ~~recommend the appointment of~~ **appoint** persons other than members of the Council to a Sub-Committee.
- (d) Every Sub-Committee shall observe the Terms of Reference agreed by the ~~Council~~ **Committee**.
- (e) Except where ordered by the Council, the quorum of a Sub-Committee shall be one-half of its members. Nominated Substitutes shall be permitted for meetings where the quorum is not met.
- (f) The Standing Orders on rules of debate (except those parts relating to speaking more than once) and the Standing Order on interests of Members in contracts and other matters shall apply to Sub-Committee meetings.
- (g) The Chairman and Vice-Chairman of the Committee shall be Members of every Sub-Committee appointed by it unless they signify that they do not wish to serve.
- (h) Every Sub-Committee shall, at its first meeting, before proceeding to any other business, elect a Chairman and Vice-Chairman who both shall hold office until the next Annual Meeting of the Council.

- (i) Members shall vote by show of hands and, if a Sub-Committee Member so requests, there shall be a recorded vote.
- (j) **Chairmen of Sub-Committees shall in any case of an equality of votes, have a second or casting vote.**

ADVISORY COMMITTEES AND WORKING PARTIES

29. The Council may create Advisory Committees and Working Parties with or without recommendation from a Standing Committee whose name and number of members and the bodies to be invited to nominate members, shall be specified.
- (a) The Clerk shall inform the members of each Advisory Committee or Working Party of the Terms of Reference of that Advisory Committee or Working Party.
 - (b) An Advisory Committee or Working Party may make recommendations and give notice thereof to the Parent Standing Committee and thus to Council.
 - (c) **Unless the Council determines otherwise, an Advisory Committee or Working Party may consist wholly or partly of persons who are not members of the Council.**
 - (d) Every Advisory Committee or Working Party shall observe the Terms of Reference agreed by the Council.

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE OR SUB-COMMITTEE MEETINGS

30. (a) A Member who has proposed a Motion which has been referred to any committee of which he/she is not a Member may explain his/her Motion to the committee but shall not vote.
- (b) Any Council Member shall, unless the Council has otherwise ordered, be entitled to be present as a spectator at the meetings of any Committee, Sub-Committee, Advisory Committee or Working Party of which he/she is not a member. No Council Member that is not a Member of a Committee or Sub-Committee is permitted to remain as a spectator during closed (confidential) session but are instead subject to Standing Order 36 along with members of the public and press.

INTERESTS

31. All Council Members are bound by the provisions of the Code of Conduct which has been adopted by the Town Council. The Code of Conduct identifies three types of interest; Disclosable Pecuniary Interest, Other Significant Interest, Other Personal Interest. See Appendix 1 which includes definitions of interests.

A Councillor or Non-Councillor with voting rights who has a DPI (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/her right to participate and vote on that matter.

- (a) If a member has a Personal Interest as defined by the Code of Conduct (see Appendix 1) then he/she shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest, as required. An interest arising from the Code of Conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting, shall be recorded in the minutes.
- (b) If a member who has declared a Personal Interest then considers the interest to be a 'Disclosable Pecuniary Interest' or an 'Other Significant Interest', he/she must withdraw from the room or chamber during consideration of the item to which the interest relates. In the case of an 'Other Significant Interest', he/she is able to address the meeting during the Public Participation session. (See Public Participation.)
- (c) Declaration of a 'Disclosable Pecuniary Interest' or an 'Other Significant Interest' should be recorded by the Town Clerk and the Member shall, unless an exemption applies or a dispensation has been issued, withdraw from the meeting; he/she must not seek to influence a decision about the matter. In the case of an 'Other Significant Interest', he/she is able to address the meeting during the Public Participation session. (See Public Participation.)
- (d) **Dispensation requests shall be made in writing and submitted to the Proper Officer** as soon as possible before the meeting for which the dispensation is required.
- (e) Dispensation to Participate in a meeting of the Town Council may be granted by the Town Clerk, on behalf of the Town Council. The decision of the Proper Officer is final.
- (f) **A dispensation may be granted in accordance with Standing Order 31(e) 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.**

MINUTES OF COUNCIL, COMMITTEE AND SUB-COMMITTEE MEETINGS

32. The minutes of a meeting of Full Council, a Council Committee or Sub-Committee shall include an accurate record of the following:
- the time and place of the meeting;
 - the names of councillors who are present and the names of councillors who are absent;
 - interests that have been declared by councillors and non-councillors with voting rights;
 - the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - if there was a public participation session; and
 - the resolutions made.

CANDIDATES FOR COUNCIL APPOINTMENTS

33. If a candidate for any appointment under the Council is to his/her knowledge related to any member of or the holder of any office under the Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Clerk. Any candidate who fails to do so shall be disqualified from 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 31 shall apply as appropriate. The Clerk shall make known the purpose of this Standing Order to every candidate.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

34. (a) Canvassing of Members of the Council or of any Committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Town Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
- (b) A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but nevertheless, a Member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

INSPECTION OF DOCUMENTS

35. A Member may, for the purposes of his/her 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 for the like purpose with a copy, except in such case as the document relates to Town Council

Personnel and, as such, is restricted to inspection by current Members of the Personnel Committee only, notwithstanding that any information contained therein which is protected under the Data Protection Act shall be excluded from such inspection.

- (a) **All Minutes kept by the Council and by any Committee, Sub-Committee, Advisory Committee or Working Party shall be open for the inspection of any Member of the Council.**
- (b) The Minutes of the Council, Committee or Sub-Committee shall be open to inspection by any local government elector of the parish without charge.

UNAUTHORISED ACTIVITIES

36. (a) No Member of the Council or of any Committee or Sub-Committee shall in the name of, or on behalf of, the Council:
- (i) Inspect any lands or premises which the Council has a right or duty to inspect;
 - (ii) Issue orders, instructions, directions or approach outside bodies; unless authorised to do so by the Council.
- (b) A register of Council or Standing Committee Authorities granted to Councillors by the Full Council for identified purposes shall be kept and reaffirmed annually. See Appendix 1(vi)(a).

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

37. (a)** **Meetings shall be open to the public and/or press 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.**
- (b) **The exclusion of the public and/or press from part or all of a meeting shall be by a resolution which shall give reasons for their exclusion:**

“That in view of the ‘special and confidential nature of the business about to be transacted, it is advisable in the public interest that the

*Press
Public
Public and Press*

be temporarily excluded and they are instructed to withdraw.”

- (c)** **The Clerk shall afford to the Press reasonable facilities for taking their report of all or part of any proceedings at which they are entitled to be present.**

- (d)** **A member of the Press or Public who attends a Council meeting is Permitted to report on the Meeting whilst it is open to the public. To report means to:**
- **film, photograph or make an audio recording of the meeting;**
 - **use any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later;**
 - **report or provide oral or written commentary about the Meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- (e)** **A person present at a meeting may not provide an oral report or oral Commentary about a meeting as it takes place without permission.**
- (f) If a member of the public interrupts the proceedings at any meeting the Chairman may, after warning, order that he/she be removed from the Council Chamber or that the part of the Chamber open to the public be cleared.

MANAGEMENT OF INFORMATION AND CONFIDENTIAL BUSINESS

38. (a) **The Council shall have in place and keep under review technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- (b) **The Council shall have in place and keep under review policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information shall be retained or if this is not possible the criteria used to determine that period (eg the Limitation Act 1980).**
- (c) **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- (d) **Councillors, staff, the Council's contractors and agents shall not disclose to any person not a member of the Council confidential information or personal data without legal justification.**
- (e) Any Member in breach of the provisions of paragraph (d) of this Standing Order may be removed from any Committee, Sub-Committee, Advisory Committee or Working Party of the Council by the Council.

RESPONSIBILITIES TO PROVIDE INFORMATION

39. (a) **In accordance with Freedom of Information legislation, the Council shall publish information in accordance with its Publication Scheme and respond to requests for information held by the Council.**

- (b) **The Council shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

40. (See also Standing Order 37)

Responsibilities include but are not limited to the following:

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

GENERAL POWER OF COMPETENCE

41. (a) **Before exercising the General Power of Competence, a meeting of the Full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.**
- (b) **The Council's period of eligibility begins on the date that the resolution under Standing Order 40 (a) above was made and expires on the day before the Statutory Annual Meeting of the Council that takes place in a year of ordinary elections.**
- (c) **After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the Power of General Competence which was not completed before the expiry of the Council's preceding period of eligibility referred to in Standing Order 40 (b) above.**

PLANNING APPLICATIONS

42. (a) The clerk shall, as soon as it is received, ensure that a record of the following particulars of every planning application is notified to the Council:

- (i) The date on which it was received.
 - (ii) The name of the applicant.
 - (iii) The place to which it relates.
- (b) The Clerk shall refer every planning application received to the Chairman of the Planning Committee or, in the Chairman's absence, to the Vice-Chairman.

LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

43. (a) A Schedule of Town Council Meetings shall be supplied to the District Councillors for the Town and Coast Wards of New Romney annually at the start of each Civic Year.
The District Councillors shall be requested annually at the start of each Civic Year to provide monthly in the last week of each calendar month, in order that the report be published with the ensuing meeting agenda for Full Council, an electronic report detailing activities they have been engaged in and meetings attended *in their capacity as a District Councillor* for the benefit of New Romney and/or its residents and details of any activities of the District Council that are relevant to or may have an impact on or be beneficial to New Romney and/or its residents.
An agenda for each Full Council meeting shall be sent, together with an invitation to attend, to the District Councillors for the Town and Coast Wards.
- (b) A Schedule of Town Council Meetings shall be supplied to the County Councillor for the Division annually at the start of each Civic Year.
The County Councillor shall be requested annually at the start of each Civic Year to provide monthly in the last week of each calendar month, in order that the report be published with the ensuing meeting agenda for Full Council, an electronic report detailing activities they have been engaged in and meetings attended *in their capacity as a County Councillor* for the benefit of New Romney and/or its residents and details of any activities of the County Council that are relevant to or may have an impact on or be beneficial to New Romney and/or its residents.
An agenda for each Full Council meeting shall be sent, together with an invitation to attend, to the County Councillor for the Division.

CODE OF CONDUCT ON COMPLAINTS

44. (a) The Council shall deal with complaints of maladministration allegedly committed by the Council or by any Officer or Member in such manner as adopted by the Council except for those complaints which should be properly directed to the District Council Monitoring Officer for consideration.
- (b) Upon notification by the District Council that is dealing with a complaint that a Councillor or Non-Councillor with voting rights has breached the Council's Code of Conduct, the Proper Officer shall, subject to Standing Order 37 (d) above, report this to the Council.

- (c) Where the notification in Standing Order 43 (a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of the Council of this fact and the Deputy Town Clerk or another Officer in his/her absence shall be nominated by the Chairman to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, is to be taken in accordance with Standing Order 43 (e) below.
- (d) The Council may:
 - (i) provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - (ii) seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
- (e) **Upon notification by the District 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/her.**

Such action excludes disqualification or suspension from Office.

APPLICATION, VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- 45.**
- (a) **Any or every part of the Standing Orders **except those that incorporate mandatory or legal requirements** (printed in *bold type*) may be suspended by resolution in relation to any specific item of business.**
 - (b) A resolution made by a Member permanently to add, vary or revoke a Standing Order **(except any that incorporate mandatory or legal requirements)** shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
 - (c) **The decision of the Chairman of a meeting as to the application of Standing Orders at the meeting shall be final.**

REVISION OF STANDING ORDERS

- 46. It shall be the duty of the Council to review the Standing Orders of the Council. This should be undertaken annually to ensure that they are up to date and to confirm they remain correct. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirements for a consequential amendment to these Standing Orders.**

STANDING ORDERS TO BE GIVEN TO MEMBERS

47. A copy of these Standing Orders shall be given to each Member of the Town Council by the Clerk upon delivery to him/her of the Members Declaration of Acceptance of Office and written undertaking to observe the latest code of conduct adopted by the Council.

PART TWO: FINANCIAL REGULATIONS

GENERAL FINANCIAL MATTERS

1. These Financial Regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial Regulations are one of the Council's three governing policy documents providing procedural guidance for Members and Officers. Financial Regulations must be observed in conjunction with the Council's Standing Orders and any individual Financial Regulations relating to contracts.

The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of financial control which facilitates the effective exercise of the Council's functions, including the arrangements for the timely production of accounts, the safe and efficient safeguarding of public money, the management of risk and prevention and detection of fraud and corruption. These Financial Regulations are designed to demonstrate how the Council meets these responsibilities and to identify the duties of its Officers.

- (a) **The Council's financial regulations may make provision for the payment of money in exercise of any of the Council's functions to be delegated to a Committee, Sub-Committee or to an employee.**
- (b) The Responsible Financial Officer is a statutory office and is appointed by the Council. The Council has appointed an RFO for this Council separate to the appointment of Town Clerk and these regulations will apply accordingly. The RFO, acting under the policy direction of the Council, shall administer the Council's financial affairs in accordance with all Acts, Regulations and proper practices. The RFO shall consult and advise the Council of its accounting records and accounting control systems. The RFO shall ensure that the accounting control systems are observed and that the accounting records of the Council are maintained and kept up to date in accordance with proper practices. The RFO shall also assist the Council to secure economy, efficiency and effectiveness in the use of its resources.
- (c) The RFO shall produce financial management information as required by the Council.
- (d) **At least once a year, prior to approving the annual return, the Council shall conduct a review of the effectiveness of its system of internal control which shall be in accordance with proper practices.**
- (e) **The accounting records determined by the RFO shall be sufficient to show and explain the Council's transactions and to disclose its financial position with reasonable accuracy at any time. The records shall also be sufficient** to enable the RFO to ensure that any income and expenditure account and statement of balances or record of receipts and payments and additional information, as the case may be, or management information prepared for the Council from time to time comply with the Accounts and Audit Regulations.

(f) The accounting records determined by the RFO shall, in particular, contain:

- Entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure or receipts and payments account relate.
- A record of the assets and liabilities of the Council.
- Wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.

And shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return (AGAR).

(g) The accounting control systems determined by the RFO **shall must** include **measures to:**

- **Ensure the prompt, accurate recording of financial transactions**
~~that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible.~~
- **Prevent and detect inaccuracies and fraud and allow the ability to reconstruct any lost records.**
- **Identify the duties of Officers dealing with financial transactions and ensure division of responsibilities of those Officers ~~in~~ relation to significant transactions.**
- Ensure that uncollectable amounts, including any bad debt, are not submitted to the Council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records
- **Ensure that risk is properly managed.**

(h) The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular, any decision regarding any of the following matters shall be a matter for the Full Council only:

- **Setting the final budget or the precept (council tax requirement)**
- **Approving the outcome of a review of the effectiveness of its internal controls**
- **Approving accounting statements**
- **Approving an annual governance statement**
- **Borrowing**
- ~~Writing off bad debts~~
- **Declaring eligibility for the General Power of Competence**

- **Addressing recommendations in any report from the internal or external auditors**

(i) In addition, the Council must:

- Determine and keep under regular review the Bank Mandate for all Council bank accounts
- Approve any grant in excess of £5,000 or any single commitment in excess of £25,000
- In respect of the annual salary for any employee, have regard to resolutions or recommendations about annual salaries of employees made by the Personnel Committee in accordance with its terms of reference.

(j) Reference to the Accounts and Audit Regulations shall mean the Regulations issued under the provisions of Section 27 of the Audit Commission Act 1998 or any superseding legislation and then in force, unless otherwise specified.

(k) The term 'proper practice' or proper practices' shall refer to guidance issued in the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England) which is issued by the Joint Practitioners Advisory Group (JPAG) and available from the NALC and SLCC websites.

ANNUAL ~~ESTIMATES (Budget)~~ BUDGET AND PRECEPT

2. (a) **Before setting a Precept, the Council must calculate its council tax requirement for each financial year by preparing and approving a budget, in accordance with the Local Government Finance Act 1992 or succeeding legislation.**
- (b) Each Committee shall formulate and submit proposals to the Council in respect of revenue and capital including the use of reserves and sources of funding for the following financial year not later than the end of ~~November-~~ **December** each year.
- (c) **Budgets for salaries, including employer contributions shall be reviewed at least annually by the Personnel Committee for the following financial year. Salary implications shall then be taken into account when considering the draft budgets of the Council and its committees.**
- (d) Detailed estimates of all receipts and payments, including the use of reserves and all sources of funding for the year, shall be prepared each year jointly by the RFO and each Committee Chairman in the form of a budget to be considered and agreed by the respective Committees and, thereafter, recommended to Full Council for approval.

- (e) **The Council shall review Committee budget recommendations and approve a written estimate of the budget for the ensuing financial year** not later than the end of January each year and by no later than the end of January each year shall also fix the Precept and relevant basic amount of Council Tax to be levied for the ensuing financial year. **The RFO shall issue the precept to the billing authority no later than February each year** and shall supply each member with a copy of the approved budget.
- (f) The annual budgets shall form the basis of financial control for the ensuing year.
- (g) Unspent budgets shall not be carried forward to a subsequent year. With the formal approval of the Council, the unspent element of any budget may be transferred into a ring-fenced reserve fund for an identified purpose or project.
- (h) **Any Member with council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government Finance Act 1992 and must disclose at the start of the meeting that Section 106 applies to them.**
- (i) Any addition to or withdrawal from a ring-fenced reserve fund shall be agreed by the Council or the Finance & General Purposes Committee.

BUDGETARY CONTROL

3. (a) Expenditure on revenue items may be incurred up to the amounts included for that class of expenditure in the approved budget. Authority for such expenditure is to be determined by:
- The Council for all items over £25,000
 - The Council or a duly delegated Committee of the Council for items over £5,000.00 and up to and including £25,000.00
 - The Clerk or Deputy Clerk/RFO, in conjunction with the Chairman of the Council or appropriate duly delegated Committee for items over £2,000.00 and up to and including £5,000.00
 - The Clerk or Deputy Clerk/RFO for items up to and including £2,000.00

Such authority is to be evidenced by a minute reference or by an authorisation slip duly signed by the Clerk.

- (b) No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure, other than by resolution of the Council or duly delegated Committee. During the budget year and with the approval of the Council, having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate (virement).

- (c) The RFO shall regularly provide the Council with a statement of income and expenditure to date under each head of the budgets, comparing actual income and expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least quarterly and shall show explanations of material variances. For this purpose, 'material' shall mean variances in excess of ~~£2,000.00~~ £5,000.00
- (d) The salary budgets are to be reviewed via the Personnel Committee at least annually by no later than the end of November for the following financial year and such review shall be evidenced by the formal minutes of the annual Personnel Committee budget meeting. If relevant, the RFO will inform Committees of any changes impacting on their budget requirements for the coming year in good time.
- (e) Nothing in these Financial Regulations shall prevent expenditure being incurred on behalf of the Council which is, in the Clerk's judgement, necessary to meet immediate needs created by a sudden emergency, including in cases of extreme risk to the delivery of Council services or on the grounds of extreme risk to the fabric of the Town Council's historic buildings or risk to health and safety, whether there is budget provision or not. Costs up to £2,000.00 shall be authorised by the Proper Officer (Clerk) and reported to the Finance & General Purposes Committee or Full Council at the next appropriate meeting and formal approval of cost allocation sought. Costs over £2,000.00 shall be authorised by the Clerk after consultation with the Mayor, or Deputy Mayor in the absence of the Mayor, and with any other specialist with whom the Mayor chooses to consult. Such action shall be reported to the Chairman of the appropriate Committee for information and then to Finance and General Purposes Committee or the Council at the next appropriate meeting and formal approval of cost centre allocation sought.
- (f) Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless placed in an earmarked Reserve Account by resolution of the Council.
- (g) No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- (h) All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

ACCOUNTING AND AUDIT

- 4. (a) All accounting procedures and financial records of the Council shall be implemented by the RFO in accordance with the Accounts and Audit Regulations.
- (b) The RFO shall arrange for completion of the annual financial statements of the Council, including the Council's annual return, as soon as practicable

after the end of the financial year and shall submit them and report upon them to the Council, as set by the Accounts and Audit Regulations, appropriate guidance and proper practices.

- (c) The RFO shall arrange for completion of the Accounts of the Council contained in the Annual Return and shall submit the Annual Return for approval and authorisation by the Council within the timescales set by the Accounts and Audit Regulations. (The Council's Current Internal Control Procedures are attached in Appendix 2(i)(a) and 2(i)(b) to these Council Standing Orders and Financial Regulations).
- (d) **The Council shall ensure that there is adequate and effective system of internal audit of its accounting records and of its system of internal controls, in accordance with proper practices. Any officer or member of the Council shall make available such documents or records of the Council which ~~appear to the Council are considered by the internal or external auditor~~ to be necessary for the purpose of the audit** and shall, as directed by the Council, supply the RFO, Internal Auditor or External Auditor with such information and explanation as the Council considers necessary for that purpose.
- (e) The Internal Auditor shall be appointed by and shall carry out the work required by the Council in relation to internal controls in accordance with proper practices. The Internal Auditor, who shall be competent and independent of the financial operations of the Council, shall report to the Council in writing, or in person, on a regular basis with a minimum of one annual written report in respect of each financial year. In order to demonstrate competence, objectivity and independence, the Internal Auditor shall 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.
- (f) Internal or External Auditors may not under any circumstance:
 - * Perform any operational duties for the Council
 - * Initiate or approve accounting transactions
 - * Provide financial, legal or other advice including in relation to any future transactions
 - * Direct the activities of any Council employee, except to the extent that such employee have been appropriately assigned to the assist the Auditor.
- (g) The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts, including providing opportunity for inspection of the accounts, books and vouchers and for the display or publication of any Notices and statement of accounts required by the ~~Audit Commission Act—1998-Local Audit and Accountability Act 2014~~ or any superseding legislation and the Accounts and Audit Regulations.

- (h) The RFO shall, as soon as practicable, bring to the attention of all Councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.
- (i) On a regular basis, at least once in each quarter and at each financial year end, a Member other than the Chairman or cheque signatory shall be appointed to verify bank reconciliations (for all accounts) issued by the RFO. The Member shall sign the reconciliations and the original bank statement (or similar document) as evidence of verification. This activity on conclusion shall be reported, including any exceptions, to and noted by the Council or Finance and General Purposes Committee.

PAYMENT OF ACCOUNTS

- 5. (a) All payments shall be effected by cheque, **online banking** or other instruction drawn on the Council's bankers, or otherwise, in accordance with a resolution of the Council or duly delegated Committee or Officer.
- (b) All invoices for payment shall be examined, verified and certified by a signature of the Clerk or RFO. The Clerk / RFO shall satisfy himself/herself that the work, goods or services to which the invoice relates have been received, carried out, examined and represent expenditure authorised by the Council, a duly delegated Committee or the Clerk in accordance with Regulation 3(a) and (e) above or with Regulation 5(c), (d) or (e) below.
- (c) The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The Clerk/RFO shall have delegated authority to, having first certified that there is no dispute or other reason to delay payment, take all appropriate steps to arrange settlement of all invoices submitted and which are in order – including all those invoices which relate to previously authorised expenditure in accordance with Financial Regulation 3(a) and where payment is necessary to avoid a charge of interest under the late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of the Council – and report all payments made at the next available Council Meeting via the monthly schedule of payments and receipts.
- (d) For each financial year, the Clerk/RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty or obligation (such as but not exclusively, salaries, PAYE and NI, Superannuation Fund, regular maintenance contracts and the like) for which the Council shall authorise payment for the year, provided that Regulation 3 (Budgetary Control) is adhered to, provided also that details of such payments made shall be reported to the next appropriate meeting via the monthly schedule of payments and receipts.
- (e) The Clerk/RFO shall have delegated authority to authorise payment of items in the following circumstances:

- * An expenditure item authorised under Regulation 5(d) above (continuing contracts and obligations), provided that details of such payments are submitted to the Council at the next appropriate Council meeting
 - * Routine fund transfers within the Council banking arrangements up to the sum of £75,000.00, provided that details of such transfers are submitted to the Council at the next appropriate Council meeting.
- (f) Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
 - (g) The RFO shall maintain as petty cash a float of £500 maximum for the purpose of paying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
 - (h) Income received must not be paid into the petty cash float but must be separately banked, as provided for elsewhere in these regulations.
 - (i) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to the Council.
 - (j) The Clerk / RFO shall arrange for payment of utility services and any non-domestic rates by Standing Orders or by variable Direct Debit, where deemed by the Clerk / RFO to be appropriate, provided that the instructions are signed by two authorised Councillors and counter-signed by the Clerk / RFO and any payments are reported to Council as made.
 - (k) The Clerk/RFO shall arrange for payment of certain items by BACS or CHAPS methods, where deemed appropriate by the Clerk/RFO, provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised Councillors and counter-signed by the Clerk, are retained and any payments are reported to the Council as made.
 - (l) The Clerk/RFO shall arrange for payment of certain items by internet banking transfer, provided that evidence is retained showing which two Members, together with the Clerk (as Service Administrator), approved the payment.
 - (m) Where a computer requires use of a Personal Identification Number (PIN) or other password(s) for access to Council records on that computer, a note shall be made of the PIN and/or password(s) and shall be handed in a dated envelope, which is sealed with the Town Seal, to the Chairman of the Council to be retained in the locked Town Hall strong-room to which the Chairman has access. This envelope may be not opened other than in the presence of two other Councillors. After the envelope has been opened, in any circumstances, the PIN and/or password(s) shall be changed as soon as practicable. The fact that the envelope has been opened, in whatever circumstances, shall be reported to all Members of the Council immediately and then formally at the next available meeting of the Council. This will not

be required for a Member's personal computer used only for remote authorisation of bank payments.

- (n) No Councillor or employee shall disclose any PIN or password(s) relevant to the working of the Council or its bank accounts to any person not authorised in writing by the Council.
- (o) Regular back-up copies of Council records on any computer shall be made via a cloud storage service for the computer in question.
- (p) The Council and any Members using computers for the Council's financial business shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.
- (q) Where internet banking arrangements are made with any bank, the Clerk and RFO shall be appointed as the Service Administrator(s). The bank mandate approved by the Council shall identify a number of Councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be made by the administrator alone or by the Service Administrator with a stated number of approvals.
- (r) Access to any internet banking accounts will be directly to the access page (which may be saved under 'favourites') and not through any search engine or via an e-mail link. Remembered or saved passwords must not be used on any computer used for Council banking work. Breach of this regulation will be treated as a very serious matter under these regulations.
- (s) Changes to account details of suppliers which are used for internet banking may only be changed on receipt of written hard-copy notification by the supplier and supported by hard-copy authority for change signed by the Clerk. A programme of regular checks of standing data with suppliers will be followed.
- (t) Any corporate debit card issued for use by the Town Council for withdrawal of petty cash will be specifically restricted to the Clerk / RFO and Deputy Clerk and will be restricted to a single transaction maximum value of £1,000.00 and a monthly limit of £3,000.00 unless payment represents expenditure authorised by resolution of the Council prior to any order being placed.
- (u) Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Clerk / RFO and the Deputy Town Clerk, when appropriate to do so, and shall be subject to a single transaction limit of £2,000.00 and a monthly limit of £5,000.00 and automatic payment in full at each month-end. Personal credit or debit cards of members of staff shall not be used under any circumstances.

BANKING ARRANGEMENTS, CHEQUES AND PAYMENTS

6. (a) The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council. They shall be annually reviewed for safety and efficiency.
- (b) The Council will make safe and efficient arrangements for the making of its payments. **Wherever possible, two people shall be involved in any payment, for example, by dual online authorisation or dual cheque signing. Even where a purchase has been authorised, payment must also be authorised and only authorised payments shall leave the Council's bank.**
- (c) For all payments that represent authorised expenditure in accordance with either Regulations 3(a) or (e) above or Regulation 5(c), (d) or (e) above, and taking full account of Regulation 3 (Budgetary Control), the Clerk shall give instruction that a payment shall be made.
- (d) After the Clerk / RFO is satisfied that all is in order and has given instruction that a payment shall be made, all payments, including cheques, bank transfers, standing orders and BACS / CHAPS transactions, drawn on the bank account shall be signed by two members of the Council and counter-signed by the Clerk, Deputy Clerk or RFO.
- (e) **Blank cheques shall NOT be signed by any Councillor.**
- (f) To indicate agreement of the details shown on the cheque or order for payment with the invoice or similar documentation, the signatories shall each initial the invoice or documentation and the cheque counterfoil following authorisation for payment by the Clerk, Deputy Clerk or RFO.
- (g) Signatories for payments shall be any two Authorised Councillors from a list of five Authorised Councillors, together with the counter-signature of the Clerk (or in the Clerk's absence, the Deputy Clerk or RFO). This list shall be reviewed annually by the Council. If a Member who is also a bank signatory has declared a disclosable pecuniary interest or has any other interest in the matter in respect of which payment is being made, that Councillor shall be required to consider Standing Orders and, thereby, determine whether it is appropriate and/or permissible to be a signatory to the transaction in question.
- (h) A schedule of payments made, forming part of the Agenda for the Meeting, shall be prepared by the RFO and presented to the Council. If the schedule is in order it shall be received and approved by a resolution of the Council and shall be initialled by the Chairman of the Meeting. If more appropriate the detail may be shown in the Minutes of the Meeting. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

PAYMENT OF SALARIES

7. (a) **As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. Councillor Allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment. (NB: New Romney Town Council does not pay Councillor allowances.)** The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salaries shall be as agreed by the Council or duly delegated Committee.
- (b) Payments for salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, shall be made in accordance with the payroll records and on or by the appropriate dates stipulated in employment contracts, provided that each payment is reported to and ratified by the next available Council Meeting.
- (c) No changes shall be made to any employee's pay, emoluments or terms and conditions of employment without the prior consent of the Personnel Committee and within the limits of the budget set for that purpose.
- (d) Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded using employee reference numbers only. Specific personal salary information relating to each employee number is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
- By any Councillor who is a member of the Personnel Committee and can demonstrate a need to know
 - By the Internal Auditor
 - By the External Auditor
 - By any person authorised under the Audit Commission Act 1998 or any superseding legislation
- (e) The total of such payments in each calendar month shall be reported with all other payments as may be required under these Financial Regulations to ensure that only payments due for the period have actually been paid.
- (f) An effective system of staff performance management shall be maintained.

LOANS AND INVESTMENTS

8. (a) 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.
- (b) The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.

- (c) All investments of money under the control of the Council shall be in the name of the Council.
- (d) Any borrowing arrangement that does not require formal borrowing approval from the Secretary of State (such as hire purchase or leasing of tangible assets) shall be approved by the Council as to terms and purpose. In each case a report in writing shall be provided to the Council in respect of value for money for the proposed transaction.
- (e) ~~Any application for Government borrowing approval and subsequent arrangements for a loan must be approved by Full Council and recorded in the minutes.~~ 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 the Council as to terms and purpose. The terms and conditions of borrowings shall be reviewed by the Council annually. The application for borrowing approval and subsequent arrangements for the loan shall only be approved by Full Council.~~
- (f) ~~All investments shall be in the name of the Council and all investment certificates and other documents relating thereto shall be retained for the Council in the custody of the RFO.~~
- (g) Payments in respect of short or long term investments, including transfers between bank accounts held in the same bank or branch, shall be made in accordance with Regulations 5 (Payment of Accounts) and 6 (Banking Arrangements, Cheques and Payments).

INCOME

- 9. (a) The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- (b) Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually, during the Budget preparation cycle, by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- (c) The Council will review all fees and charges annually, during the Budget preparation cycle, following a report from the Clerk/RFO/relevant Committee.
- (d) Any sums found to be irrecoverable and any bad debts shall be reported to the Council ~~by the RFO~~ and shall be written off in the year.
- (e) All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers, with such frequency as the RFO considers necessary.
- (f) The origin of each receipt shall be entered on the paying-in slip.
- (g) Personal cheques shall not be cashed out of money held on behalf of the Council.

- (h) The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 Section 33 shall be made at least annually coinciding with the financial year end.
- (i) Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as sequentially numbered receipts and that appropriate care is taken in security and safety of individuals banking such cash.

ORDERS FOR WORKS, GOODS AND SERVICES

10. (a) An official order or letter / email shall be issued for all work, goods and services **exceeding a value of £250.00 excluding VAT** unless a formal contract is to be prepared or an official order would be inappropriate **(for instance where goods or services are purchased online and an order summary / invoice is provided)**. Copies of orders shall be retained.
- (b) Order books shall be controlled by the RFO.
- (c) **All Members and Officers are responsible for obtaining value for money at all times.** An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by seeking three or more quotations or estimates from appropriate suppliers, ~~subject to any de minimus provisions in Regulation 55 below.~~
- (d) A Member may not issue an official order or make any contract on behalf of the Council.
- (e) The RFO shall verify the lawful nature of any proposed purchase before the issue of any order and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

TENDERING POLICY

11. ~~Where, in the opinion of the Chairman and Vice-Chairman of the Committee/Full Council concerned, the supply of goods, materials, services and execution of works are likely to exceed £100,000.00 a formal tendering procedure should be entered into and all tenders received thus to be entered in the Minutes of the appropriate Committee or Full Council.~~

For any contract estimated to exceed [£150,000.00] including VAT, the Clerk shall, under normal circumstances, seek formal tenders from at least three suppliers OR, if deemed more appropriate by the Clerk, and agreed by

resolution of the Council, advertise an open invitation for tenders for tenders in compliance with any relevant provisions of the Legislation.

The **tendering** procedure to be as follows:

- (a) Written specifications to be drawn up and a minimum of three contractors, which may be from a list approved by County or District Council, to be invited to submit tenders. **All invitations to tender shall also refer to the terms of the Bribery Act 2010.**
- (b) Such invitations to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
- (c) **Where a postal tendering process is used**, the 'Invitation to Tender' shall, in addition, state that tenders must be addressed to the Town Clerk in the ordinary course of post and shall specify a date on which tenders need to be received by the Town Council. This shall be known as the 'Tender Due Date'. **Where an electronic tendering process is used, the Council shall provide a specific email address that will be monitored to ensure that no person accesses any tender before the expiry of the deadline for submission. Use of an electronic tendering process must first be approved by resolution of the Council.**
- (d) Each tendering firm shall be allocated a unique number allocated by the Town Council. Tenderers must ensure this tender number appears on the outside of the envelope containing a tender(s) or amendment(s) thereto.
- (e) The tenders to be submitted in sealed envelopes, appropriately endorsed, and all to be opened on the 'Tender Due Date' in the presence of the Town Clerk and the Mayor or Chairman of the appropriate Committee.
- (f) The tenders are then to be assessed by the Town Council Capital Projects Team (consisting of the Town Clerk, RFO and Deputy Town Clerk) **or, if deemed appropriate, an independent professional consultant**, and reports made to the appropriate meeting of Council or Committee.
- (g) Canvassing of Members or of any Committee, directly or indirectly, in regard to a submitter of any tender being put before the Council or that Committee, shall disqualify that tender from being considered.
- (h) A Member of the Council shall not solicit for any submitter of a Tender being considered by the Council or a Committee.
- (i) If less than three tenders are received for contracts above **£150,000.00** in value or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (j) In the event of only one tender being received for specified works, two options are available:

- (i) the tender is accepted by Full Council;
- OR
- (ii) the matter is referred back to the appropriate Committee/Full Council for further consideration.
- (k) Should it occur that the Council does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, then, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.
 - (l) Before a tender is submitted to the Council for consideration, the Town Council Capital Projects Team (consisting of the Town Clerk, RFO and Deputy Town Clerk) **or, where applicable, independent, professional consultant** shall ensure that all terms and conditions of the tender have been accepted by the Tenderer and that any items of contention or rejection have been resolved to the satisfaction of both parties.
 - (m) If the terms and conditions of the Invitation to Tender have been altered or amended in any way or re-negotiation of the terms and conditions of Tender with the Tenderer has taken place and both parties wish to proceed, the Council shall issue a Contract to reflect these changes. Both parties shall sign and date the Contract before it is implemented.
 - (n) Typically, a contract for goods and/or services in excess of **£150,000.00** must include:
 - (i) A schedule of requirement (work/goods to be supplied/service(s) to be provided)
 - (ii) Period of time/completion date required
 - (iii) Location/area of work etc
 - (iv) Special conditions appertaining to work/goods/services, ie facilities available, access to premises, storage of tools, etc
 - (v) Health and safety requirements
 - (vi) Public Liability Insurance required
 - (vii) Maintenance/aftercare/guarantees
 - (viii) Inspection/acceptance (by the Council)
 - (ix) Price
 - (x) Payment terms
 - (xi) Retention terms, if applicable

CONTRACTS

- 12. (a) Contracts shall comply with these Financial Regulations, and no exceptions shall be made other than in an emergency in accordance with Regulation 3 (e), provided that this Regulation need not apply to contracts with relate to items (i) to (vi) below:

- (i) for the supply of gas, electricity, water, sewage and telephone services;
 - (ii) for specialist services including but not limited to those that are provided by solicitors, accountants, architects, surveyors and planning consultants;
 - (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - (v) for additional audit work of the external Auditor
 - (vi) for goods or materials proposed to be purchased which are a proprietary article and/or are only sold at a fixed price.
- (b) When applications are made to waive Standing Orders relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to / resolution of the Council.
- (c) When it is to enter into a contract less than **£150,000.00** and above £5,000.00 in value and a tendering procedure is not considered appropriate, for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialists services as are excepted in para 12 (a) above, the Clerk shall seek three written quotations; where the value is below £5,000.00 and above £2,000.00 the Clerk shall strive to seek three verbal estimates which are to be recorded in writing. Otherwise, Regulation 10 (c) above shall apply.
- (d) **Where the Council intends to procure a public supply contract, public service contract or public works contract as defined by the Public Contracts Regulations 2023 ('the Regulations') which is valued at ~~£25,000.00 or more~~, estimated to be in excess of £30,000.00 inclusive of VAT, the Council shall comply with the relevant requirements of the Regulations. Legislation regarding the publication of invitations and notices.**

In such instance:

- The Contracts Finder website shall be used to advertise contract opportunities, **if an open tendering process is to be utilised.**
- Procedures for awarding of new contracts shall be set out on the Contracts Finder website, **if an open tendering process is to be utilised.**
- The award of new contracts shall be published on the Contract Finders website **in all instances where the contract value exceeds £30,000.00 including VAT.**

~~(e) The full requirements of the Regulations, as applicable, shall be followed in respect of the tendering and award of any public supply contract, public service contract or public works contract which exceeds thresholds in the Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time*).~~

(e) For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Procurement Act 2023 and the Procurement Regulations 2024 or any superseding legislation ('the Legislation') must be followed in respect of tendering, award and notification of that contract.

*currently £214,904.00 inc VAT in respect of public supply and public service contracts and £5,372,609.00 inc VAT in respect of public works contracts.

(f) The Council, or any Committee, is not obliged to accept the lowest of any tender, quote or estimate, but must consider value for money and fitness for purpose.

(f) **Contracts must not be split to avoid compliance with these rules.**

PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

13. (a) Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- (b) Where contracts provide payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of the 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.
- (c) **Except whereby any contract variation is approved on behalf of the Town Council by a Project Management Consultant appointed by the Council,** any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk to the Contractor in writing. **In any case,** the Council being informed where the final cost is likely to exceed the financial provision.

STORES AND EQUIPMENT

14. (a) Town Council staff shall be responsible for the care and custody of stores and equipment in their work area and shall report any loss, damage or defect to the RFO.

- (b) Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order, quality and condition at the time of delivery. Where checking of a delivery is not permitted prior to signature, goods must be signed for as unchecked.
- (c) Stocks shall be maintained at the minimum levels consistent with operational requirements.
- (d) The RFO shall be responsible for periodic checks of stocks and stores at least annually.

ASSETS, PROPERTIES AND ESTATES

15. (a) The Clerk shall make all appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with the Accounts and Audit Regulations.
- (b) No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item or tangible moveable property does not exceed ~~£2,000.00~~ £5,000.00.
- (c) No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Full Council, together with any other consents required by law. In each case, a report in writing shall be provided to the 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).
- (d) No real property (interests in land) shall be purchased or acquired without the authority of the Full Council. In each case, a report in writing shall be provided to the 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).
- (e) The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

INSURANCE

16. (a) Following the annual risk assessment, the RFO shall effect all insurances and negotiate any claims with the Council's insurers.

- (b) The ~~RFO Clerk~~ shall give prompt notification to ~~Council~~ the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurance.
- (c) The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- (d) The RFO shall be notified of any loss, liability or damage or any event likely to lead to a claim and shall report these to Council at the next available meeting. ~~The RFO shall negotiate all claims on the Council's insurers in consultation with the Clerk.~~
- (e) All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

RISK MANAGEMENT

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

CHARITIES

- 18. (a) Where the Council is the sole trustee of a charitable body the RFO shall ensure that separate accounts are kept of the funds held on charitable trust and separate financial reports made in such form as shall be appropriate, in accordance with charity law and legislation or as determined by the Charity Commission. The RFO shall arrange for any audit or independent examination as may be required by charity law or any governing document.
- (b) Any income arising which is the property of a charitable trust shall be paid into a charity bank account. Instructions for the payment of funds due from the charitable trust to the Council (to meet expenditure already incurred by the authority) will be given by the managing trustees of the charity meeting separately from any Council meeting.

REVISION OF FINANCIAL REGULATIONS

- 19. (a) The Council's financial regulations shall be reviewed annually.
- (b) The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these Financial Regulations.

- (c) The Council may, by resolution duly notified prior to the relevant Council meeting, suspend any part of these Financial Regulations, provided that reasons for the suspension are recorded and an assessment of the risk has been presented to all Members. Suspension does not disapply any legislation or permit the Council to act unlawfully.
- (d) The Council may, by duly notified resolution, temporarily amend any part of these Financial Regulations to cope with periods of extended absence, local government reorganisation, national restrictions or other exceptional circumstance.

BREACH OF FINANCIAL REGULATIONS

- 20. (a) Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- (e) Members of the Council are expected to follow all instructions within these Regulations and not to entice or coerce employees into breaching them. Failure by any Member to follow the instructions herein brings the office of Councillor into disrepute and may give rise to submission of a Code of Conduct complaint.