

**MINUTES OF THE MAY ANNUAL COUNCIL MEETING**  
**OF BIRCHWOOD TOWN COUNCIL,**  
**HELD AT BIRCHWOOD YOUTH AND COMMUNITY CENTRE**  
**ON TUESDAY 18<sup>TH</sup> MAY 2021, 6PM**

**Present:** Councillor Reeves in the Chair  
Councillors Allen, Bowden, Brereton, Dempsey, Ellis, Evans, Scott, Sheridan  
and Simcock

Clerk – Mrs. F. McDonald  
Deputy Clerk/Deputy RFO – Mrs C. Caddock

1 resident

**Apologies:** Business and Finance Officer - Mr. G. Crowe (health)

Prior to the start of the meeting, Councillors had signed their Declaration of Acceptance of Office in the presence of, and witnessed by, the Clerk.

042/21-22 **APPOINTMENT OF CHAIR 2021/2022**

Councillor Reeves welcomed everyone to the meeting. He stated that it was good to see so many new faces.

This being the Annual Council Meeting, Councillor Reeves then called for nominations for the office of Chair for the next municipal year.

It was **proposed** by Councillor Ellis and **seconded** by Councillor Evans that Councillor Bowden be nominated for the office of Chair.

There were no other nominations for the office of Chair of the Council.

**RESOLVED:** unanimously that Councillor Bowden be appointed Chair for the municipal year 2021/2022.

Councillor Bowden accepted the appointment and signed the Declaration of Acceptance of Office in the presence of the Clerk.

**Councillor Bowden in the Chair**

On accepting the office of Chair, Councillor Bowden thanked Members for their support.

043/21-22 **APPOINTMENT OF VICE CHAIR**

Councillor Bowden then called for nominations for the office of Vice Chair for the municipal year 2021/2022.

It was **proposed** by Councillor Reeves and **seconded** by Councillor Evans that Councillor Ellis be nominated for the office of Vice Chair.

There were no other nominations for the office of Vice Chair of the Council.

**RESOLVED:** unanimously that Councillor Ellis be appointed Vice Chair for the municipal year 2021/2022.

#### 044/21-22 APPOINTMENT OF LEADER OF THE COUNCIL

This is a position that Birchwood Town Council chooses to elect a Member to. The role and function of the Leader is set out in the Council's Standing Orders, regarding appointments.

Councillor Bowden called for nominations for the office of Leader of the Council for the municipal year 2021/2022.

It was **proposed** by Councillor Ellis and **seconded** by Councillor Dempsey that Councillor Reeves be nominated as Leader of the Council.

There were no other nominations for the position of Leader of the Council.

**RESOLVED:** unanimously that Councillor Reeves be appointed Leader of the Council for the municipal year 2021/2022.

#### 045/21-22 CODE OF CONDUCT FOR MEMBERS

All Members have a duty to abide by the official national guidelines regarding the Local Authorities (Model Code of Conduct) Order 2007 (S1 No 1159) which came into effect on the 3<sup>rd</sup> May 2007.

The Model Code of Conduct has recently been updated, and three options had been circulated to Members in their papers for their consideration.

Members expressed their preference to adopt the same Code of Conduct also adopted by Warrington Borough Council on 10<sup>th</sup> May 2021. This was released by the Local Government Association (LGA) in April 2021 and adopted by WBC with only slight amendments regarding the 'declaration of other interests'.

The purpose of the Code is to promote and maintain high standards of conduct. The Code has been adopted under section 27 of the Localism Act 2011 and is based on the following core principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It sets out general obligations about the standards of conduct expected of members and co-opted members of the Council, together with provisions about registering and declaring interests. It can be viewed on the Town Council's website: <https://www.birchwoodtowncouncil.org.uk/council/code-of-conduct>

Members were requested to formally record their adoption of the Code of Conduct to operate for the period May 2021 – May 2022.

It was **unanimously resolved:** that the Town Council formally record its adoption of the Code of Conduct, as described above

#### 046/21-22 STANDING ORDERS 2021/2022

The Clerk stated that there are two small changes proposed to the Standing Orders last adopted in May 2019. These are: on page 3, item 12 (h) – to clarify that when a notification is received regarding the renewal of annual subscriptions, that it be considered at the next meeting following receipt by the office (*page 37 of this document*), and on page 14, item 70 (a) – to note the adoption of the new Model Code of Conduct (*page 47 of this document*).

The Clerk requested that Members consider formally adopting the Standing Orders May 2021 document, with the above amendments. (See pages 34 to 47 below.)

It was **proposed** by Councillor Ellis, **seconded** by Councillor Evans and unanimously **resolved** to formally adopt the Standing Orders, amended as detailed above.

047/21-22 **FINANCIAL REGULATIONS 2021/2022**

The Clerk asked Members to note some proposed minor changes and also some updates included; in order to follow our internal auditor's guidance. These were highlighted in red in the copies circulated to Members in their papers. (See pages 49 to 64 below.)

The Clerk asked Members to consider formally adopting this new Financial Regulations document.

It was **proposed** by Councillor Reeves, **seconded** by Councillor Ellis and **unanimously resolved** to formally adopt the amended Financial Regulations, which had been copied to Members in their papers.

048/21-22 **APPOINTMENT OF THE COUNCIL'S SUB-COMMITTEES – 2021/2022**

Councillors discussed the appointments to sub-committees and Members were asked if they wished to be considered for any particular committee.

It was **resolved**: that there would be four sub-committees for 2021/2022 as follows:

1. Finance, Audit and Personnel
2. Youth, Leisure, Community and Environment
3. Policy, Strategy and Engagement
4. Climate Change

It was **resolved**: that the appointments to the four sub-committees are:

- |       |   |  |
|-------|---|--|
| (i)   | Finance, Audit and Personnel<br>Sub-committee               | All Members  |
| (ii)  | Youth, Leisure, Community, and<br>Environment Sub-committee | Still to be decided  |
| (iii) | Policy, Strategy and Engagement<br>Sub-committee            | All Members  |
| (iv)  | Climate Change  | Councillor Ellis<br>Councillor Dempsey<br>Others still to be decided |

The Clerk's office will email new Members, once their Councillor email accounts have been set up, to enquire whether any others wish to join sub-committees (ii) and (iv) above.

**Action** Clerk's office to contact new Members regarding the above.

049/21-22 **APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES:**

Councillors discussed the appointment of representatives to outside bodies and **resolved that**: the representatives on outside bodies 2021/2022 would be as follows:

- (a) **Your Housing Group**  
Councillor Scott
- (b) **Police Representative**  
Councillor Evans

(c) **Friends of Birchwood Forest Park**

Councillor Evans  
Councillor Simcock

(d) **Risley Moss**

Councillor Evans

(e) **Oakwood Community Association**

Councillor Brereton

(f) **Birchwood Carnival Committee**

Councillor Reeves  
Others to be decided

(k) **Warrington Rights of Way Forum**

Councillor Evans

The Clerk will email new Members, once their Councillor email accounts have been set up, to enquire whether any others wish to join the Carnival Committee, which usually meets in an afternoon.

**Action** Clerk's office to contact new Members regarding the Carnival Committee.

**Code of Conduct – Declaration of Interests**

The Chair reminded members of their responsibility to declare any personal interest or prejudicial interest which they have in any item of business on the agenda, no later than when the item is reached.

050/21-22 **PUBLIC PARTICIPATION**

(a) **Police Monthly Update**

There was no Police presence at tonight's meeting, as we had requested that PCSO Titans not attend, to reduce the number of people in the meeting room (due to Covid-safety restrictions). However, he had emailed a report to the Council, which was circulated to Members, and if Members have any follow-up questions from the report, he is happy to receive them via email. The report is as follows:

**Report to Birchwood Parish Council**

*The following comprises the Police Report for the month of May 2021 to date. Also included are incidents from the period of April 2021 not covered by the previous report.*

- *There have been two reported burglaries of a dwelling. In both incidents, the offender had gained entry through an open window. In one of these incidents, a tablet, phone and laptop were stolen, and a bicycle and phone in the other. Inquiries are ongoing for both.*
- *There has been one reported incident in which two suspects attempted to gain entry to a property. It is suspected that this was done with the intention to cause physical harm to the occupant.*

- *There have been three complaints received of suspected drug-dealing taking place on Oakwood Park.*
- *There has been one report of criminal damage to a property in which the victim's window was smashed with a brick. This is believed by the victim to be related to an ongoing case of harassment.*
- *There has been one report of criminal damage to a vehicle in which a stone was thrown at the victim's vehicle by a youth.*
- *There have been four reports of assault by beating. Three of the reports are of altercations between youths, and another in which a male was assaulted by a group of youths at the train station.*
- *There have been eight reported low-value shopliftings.*
- *There has been one report of fraud, which involves the theft and fraudulent use of a bank card.*
- *During this month, four road traffic offences (driving whilst intoxicated, driving without insurance, driving without a license and failing to stop after a road traffic collision) have been identified and pursued by proactive Police patrols.*
- *A member of the public approached an officer on patrol to bring to their attention three youths with an air rifle. Subsequent investigation has identified that the youths had been carrying an air rifle in public and aiming it at shop fronts. Enquiries are ongoing.*
- *Four reports have been received of youth antisocial behaviour.*
- *There is continuing ASB taking place at Risley Moss after hours, with Park Rangers complaining of litter, damage to birdwatching hides and drug paraphernalia being left behind.*
- *With further easing of lockdown restrictions and fine weather, Warrington has seen a large spike in youth ASB in the form of large gatherings and drinking in parks. There have been two incidents on Woolston Park, one on Paddington Meadows and one on Bennet's Recreation Ground in which in excess of 50 youths were present, drinking and littering, and causing nuisance to other users of the parks. Birchwood does not appear to be a target for this behaviour, however youths from the area have been identified as attending these gatherings.*
- *A male from the Birchwood area . . . remains wanted by Cheshire Police for aggravated burglary.*

A discussion took place regarding security concerns at Risley Moss.

**Action** For the Clerk's office to express the Town Council's concerns about the ongoing antisocial behaviour taking place at Risley Moss, to the Borough Council, and to enquire whether additional security measures could be put in place.

(b) **Residents' Queries**

As the resident present did not have any questions for the Council, the Chair closed the Public Participation item.

051 /21-22 **APRIL ANNUAL TOWN MEETING MINUTES**

Councillor Ellis **proposed**, Councillor Reeves **seconded** and it was **resolved** that: The Minutes of the Annual Town Meeting held on 27<sup>th</sup> April 2021 be approved as an accurate record and signed by the Chair.

052 /21-22 **APRIL COUNCIL MEETING MINUTES**

Councillor Reeves **proposed**, Councillor Ellis **seconded** and it was **resolved** that: The Minutes of the Town Council Meeting held on 27<sup>th</sup> April 2021 be approved as an accurate record and signed by the Chair.

053/21-22 **KNIFE CRIME INITIATIVE**

The Clerk reported that our Senior Maintenance Team Operative joined PCSO Titans recently to undertake a 'sweep' for discarded or hidden knives around Oakwood Local Park, as part of the Knife Crime Week initiative organised by Cheshire Constabulary.

There were no knives or bladed instruments found in the area.

054/21-22 **YOUR HOUSING GROUP (YHG) – UPDATE**

The Clerk reported that she and our Senior Maintenance Operative met representatives of YHG and its contractors on site to show them the actual areas where flytipping was in situ on YHG land, mainly following coppicing work.

They visited several locations, and the waste was removed the same day.

055/21-22 **MANAGEMENT OF ROADSIDE VERGES**

The Clerk said that, WBC will prepare the areas for wildflowers in the next few weeks. This has been delayed slightly due to the inclement weather. Once that has been done, several areas currently being grass cut, will be left to grow 'wild' to encourage natural flowering and biodiversity.

056/21-22 **LEACROFT ROAD LITTER**

At the March 2021 meeting, the Clerk informed Members that we had reported a significant amount of litter on Leacroft Road, asking that WBC contacts the landowners to clear their land, where it is privately owned.

Members had been surprised by the reply we received, which basically passed the problem back to BTC and the residents.

Councillor Bowden has spoken to WBC Officers about the matter and asked them to take appropriate action.

At tonight's meeting, Councillor Bowden advised that this remains ongoing.

057/21-22 **ACCESS ISSUES – WARRINGTON ROAD TO BIRCHWOOD PARK**

At the March meeting Members were copied into an email sent to WBC, and also copied to Birchwood Park, regarding pedestrian/buggy/wheelchair access, notably a lack of dropped kerbs on a journey from Warrington Road and Busy Nought to Fives nursery on the business park.

We contacted WBC, copying in Birchwood Park, regarding the concerns raised by the resident, and also asked who has responsibility for the roads and footpaths in the Business Park.

We are still awaiting a reply.

058/21-22 **ACCESS ISSUES – BIRCHWOOD RAILWAY STATION**

At the April meeting, it was reported that various emails have been exchanged between Councillor Bowden and WBC, and the office and WBC re: Birchwood Railway Station Footbridge, and accessibility issues across the tracks for people using the footpath on the Liverpool line side of the station.

Councillor Bowden confirmed there were conditions placed on the building of the new bridge including full mobility access and access from the footpath through the station. This needs to be investigated further going forward.

There is nothing further to report at this point in time.

059/21-22 **REGISTERING WITH THE INFORMATION COMMISSIONER’S OFFICE (ICO)**

The Clerk said we understand that individual Councillors should register with the Information Commissioner’s Office (ICO) as Data Controllers in their own right, if they are holding information about communications with residents on any digital devices; mobile phones, computers, etc.

This should be free for Councillors as they are an elected member of a Parish Council. This registration only applies to their Town Council work.

If Councillors process any information, other than exercising their function as an elected representative, they will have to pay the ICO separately.

The Town Council, as a body, is registered with the ICO.

Under GDPR regulations, Councillors can share information about residents’ queries with the Town Council Officers, without having to ask permission from the resident. If Councillors wish to pass queries onto other organisations/groups, they must ask the resident for written permission to do so.

It is good practice to keep the office ‘in the loop’ about any queries being dealt with by an individual Councillor, so that if residents then contact the office directly, Officers are aware of the query/concern, and can act/advise the resident accordingly, and also keep the specific Councillor updated.

**Action** Individual Councillors to register with the ICO. A link will be circulated by the Clerk’s office on Councillors’ email accounts are set up.

060/21-22 **ABANDONED TROLLEYS**

The Town Council has been advised that the Cartronics system has now been reinstated at the shopping centre, which should lock the wheels of Asda trolleys, preventing them from being taking off the shopping centre site.

Any that do get taken beyond the confines of the shopping centre can be reported to James Coates, the local Trolley Angels Team Leader and a Keep Britain Tidy Ambassador. Any complaints, reports and photos of abandoned trollies can be emailed directly to him on: [TrolleyAngels@aol.com](mailto:TrolleyAngels@aol.com)

Aldi and Home Bargains trolleys can still be reported to Trolleywise via their app.

## NEW ITEMS RAISED UNDER THE CLERK'S REPORT TO THE COUNCIL

### 061/21-22 BIRCHWOOD TOWN COUNCIL

- (a) Casual Vacancy - Following the local Parish elections, Birchwood Town Council has one vacant seat, in the Gorse Covert Ward.

The Town Council has a Co-option Policy in place (copied to Members in their papers).

However, Councillor Bowden explained that as it is so close to the elections, the Town Council can currently co-opt without advertising the vacancy.

The Clerk said that Electoral Services at Warrington Borough Council (WBC) has advised that the seat is open for co-option.

The Chair stated that he has had discussions with an ex-Councillor, who is not a member of a political party, who indicated that he would consider co-option.

The Chair called for any other nominations for potential co-optees.

As there were no other names put forward for co-option, it was **unanimously resolved** that Town Council is happy to co-opt the ex-Councillor.

**Action** Clerk's office to contact the ex-Councillor to ascertain if he is still willing / able to be co-opted to the Council.

- (b) It was noted that a recently elected Councillor for the Locking Stumps Ward was not present at the meeting and had not given apologies.

The Clerk advised that two sets of papers had been hand delivered to their home address, including the papers for tonight's meeting, and that we had not received any communication. Other than a home address, we do not have any other contact details.

**Action** Clerk's office to contact Electoral Services and the Monitoring Officer at WBC for advice.

- (c) Training – Cheshire Association of Local Councils (ChALC) has agreed to deliver a training course for Birchwood Town Councillors, remotely, which would cover items that new Councillors need to know, and act as a 'refresher' for those who have already served as Councillors. A timetable for ChALC training had been copied to Members in their papers.

The Clerk suggested that Councillors might also wish to undertake some training in the Code of Conduct and Planning matters – both of which had been offered by WBC.

Several Members indicated an interest in undertaking a number of training courses.

**Action** It was **resolved** that the Clerk's office would circulate information and options, once the Councillors' email addresses were set up.

- (d) Members received a note of thanks from a resident (this has been passed on to the maintenance team).

### 062/21-22 WARRINGTON BOROUGH COUNCIL

- (a) Received – Details of the Model Code of Conduct adopted by WBC on 10<sup>th</sup> May 2021. (See also 046/21-22 above.)

- (b) Sent/received – various emails / online reports re: leaf litter and fallen branches along footpath from Lowes Farm subway to the bridge over the expressway (chased twice), blocked gully on Nelson Road, and damaged utility covers (now repaired). Other matters, such as an informal 'crazy paving' path that has appeared in part of Gorse Covert, and a damaged road sign at Mallard Lane have been chased up.



063/21-22 **YOUR HOUSING GROUP**

- (a) Members received the notes from a meeting held with YHG representatives on 31st March 2021.
- (b) Members noted that, following a phone call from a resident, a tree matter, from last year, has been chased up with YHG.

064/21-22 **MISCELLANEOUS CORRESPONDENCE**

- (a) Received – Various update/information emails from Warrington Voluntary Action.
- (b) Received – Various LGC e-briefings
- (c) Received / sent – email correspondence with a resident regarding allotments.

065/21-22 **CHESHIRE POLICE**

- (a) Received - the Police Report (see 050/21-22 (a) above).
- (b) No other correspondence with the Police was received / sent prior to the publication of the Clerk's Report

066/21-22 **CHESHIRE ASSOCIATION OF LOCAL COUNCILS (CHALC), NATIONAL ASSOCIATION OF LOCAL COUNCILS (NALC), SOCIETY OF LOCAL COUNCIL CLERKS (SLCC)**

- (a) Received – NALC Chief Executive's Bulletins, and various other bulletins and updates; including an announcement following the recent High Court Judgement on remote meetings, which currently have to be held face-to-face again.
- (b) Received – ChALC weekly e-bulletins with various attachments, details of training sessions, etc.
- (c) Received – from SLCC – news updates, training information, details of conferences, etc.

067/21-22 **PUBLICATIONS RECEIVED**

Various LGC magazines and e-mail briefings, Clerks & Councils Direct – May 2021, and The Clerk – May 2021.

068/21-22 **MEMBERS' REFERRALS MADE VIA THE CLERK PRIOR TO THE MEETING FOR CONSIDERATION AT THIS COUNCIL MEETING**

There were no Members' referrals made via the Clerk, and with the approval of the Chair, at the time of publishing the Clerk's Report.

069/21-22 **CURRENT PLANNING APPLICATIONS FOR COMMENT AND OBSERVATION AND OTHER RELATED PLANNING ISSUES**

- (a) **Warrington Borough Council**

**Development Management Committee (DMC):**

Members noted that the May DMC is scheduled to take place on 26th May 2021. Papers for the meeting were not available at the time of publishing the Clerk's Report.

(b) **Enforcement Cases**

Lists of enforcement cases recently opened/closed have been received.

(c) **Planning Decisions**

- (i) Application No. 2021/38590 Stanford House, Garrett Field Birchwood Park, WA3 7BH. (Major) Proposed external alterations as part of a programme of comprehensive refurbishments at Birchwood Park. **Approved with conditions.**
- (ii) Application No. 2021/38868 Stanford House, Garrett Field Birchwood Park, WA3 7BH. Proposed 3 x Totem signs and 2 x Halo illuminated brand logo signs. **Approved with conditions.**
- (iii) Application No. 2021/38974 30 Applecross Close, Birchwood, WA3 6UX. Proposed single storey side and rear extension. **Approved with conditions.**
- (iv) Application No. 2021/38864 39 Inglewood Close, Birchwood, WA3 6UJ. Proposed double storey side extension. **Approved with conditions.**
- (v) Application No. 2021/38932 410 Birchwood Boulevard, WA3 7WD. Proposed high level company logo signage, panel mounted to existing external brickwork wall. **Approved with conditions.**
- (vi) Application No. 2021/38848 19 Kelsall Close Birchwood, WA3 6LZ. Proposed single storey extensions to front and side elevations along with conversion of the garage to a habitable room – Alternative to planning consent 2018/33723. **Approved with conditions.**

(d) **Planning Applications**

*All plans can be viewed via:*

[http://www.warrington.gov.uk/home/transport\\_planning\\_and\\_environment/Planning/Se-arch\\_planning\\_applications/](http://www.warrington.gov.uk/home/transport_planning_and_environment/Planning/Se-arch_planning_applications/)

Certain applications are not Planning Applications; therefore there is no statutory opportunity to allow 21 days for comments, e.g: Non material amendment applications, Lawful development certificates (S192) and 28 day prior approval/determination applications. These types of applications are received for information only.

For the benefit of new Members, the Chair stated that it is the Town Council's role, as a statutory consultee, to represent the views of the community in planning matters.

The Town Council does not usually get involved with any domestic planning applications, unless specifically requested to by a resident.

On occasions where there is a contentious application, or one that might affect the residential community in some way, the Town Council will, where necessary, seek the views of the community, and may request to present a case at Development Management Meetings.

Where the community is divided in opinion, the Council will seek to consider fairly and in a balanced way, what the best interests of the community are.

- (i) Application No. 2021/39253 6 Aspull Close, Birchwood, WA3 7NE. Proposed single storey front extensions.

- (ii) Application No. 2021/39308 Unit NU10 Birchwood Shopping Centre, WA3 7PG. Lawful Development Certificate – proposed conversion of approximately 55% of Unit NU10 into a specialist Orthodontic dental practice and retain the remaining 45% as a sublet retail unit.
- (iii) Application No. 2021/39258 66 Bramshill Close, Birchwood, WA3 6TZ. Proposed two storey side extension.
- (iv) Application No. 2021/39361 19, Kinsale Drive, Birchwood, WA3 6LX. Proposed single storey front extension.
- (v) Application No. 2021/39381 696, Warrington Road, Birchwood, WA3 6AU. Proposed single storey rear extension, single storey front porch extension and two storey side extension.

Members did not have comments or objections to make regarding the above applications at this time.

#### 070/21-22 **ACTION PLAN UPDATE**

Councillor D. Ellis stated that he has updated the Action Plan as far as he can up to its current position. The document as it now stands is a good base to carry forward for the new Council to review and to repeat the exercise – to create a new plan to work to for the next three years.

The Clerk said that she is reviewing the document and adding additional update information where applicable. She will circulate it to all Members once their new emails have been set up.

Councillor Ellis suggested that a Policy, Strategy and Engagement working party or sub-committee (all Councillors are members of this sub-committee) meeting be set up soon, to start work on a new Action Plan.

This was agreed by all Members present.

**Action** Clerk's office to circulate the document as soon as possible.

**Action** For a Policy, Strategy and Engagement working party / sub-committee meeting to be set up to discuss the plan as soon as possible.

**This part of the meeting concluded at 6.50 pm.**

**Standing Orders and Financial Regulations follow this page:**

**BIRCHWOOD TOWN COUNCIL**

**STANDING ORDERS FOR THE COUNCIL**

May 2021

**BIRCHWOOD TOWN COUNCIL**  
**STANDING ORDERS**  
**EFFECTIVE FROM MAY 2021**

**MEETINGS**

1. (a) Meetings of the Council shall be held at 6.00 p.m. unless the Council otherwise decides at a previous meeting.  
  
(b) Recording of meetings  
  
On 6<sup>th</sup> August 2014 the Public Bodies (Admission to Meetings) Act 1960 ('the 1960 Act') was amended. Until 5 August 2014, the 1960 Act provided that members of the public had no statutory right to film, take photographs or record full council or committee meetings without the Council's prior written consent.  
  
On 6 August 2014, the 1960 Act was amended by the Openness of Local Government Bodies Regulations 2014 ("the 2014 Regulations"). The amended 1960 Act provides that a person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a Parish Council or its committees but otherwise may:
  - i) film, photograph or make an audio recording of a meeting;
  - ii) use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later;
  - iii) report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.
2. The Statutory Annual Meeting shall usually\* be held on the fourth Tuesday in May **except** in an election year when it must take place within fourteen days after the day on which Councillors (known as Members in Council Meetings) are elected to take office. Councillors actually 'take office' three days after the election day.  
  
\* In the event of extraordinary circumstances, such as a health pandemic, this meeting may be postponed and/or held remotely, if authorised by emergency government legislation.
3. The other statutory meetings shall usually\* be held on the fourth Tuesday of each month, unless resolved otherwise (except August, when the Council is usually in recess) and December. The date of the December meeting will be agreed at either the October/November Council meeting.  
  
\* In the event of extraordinary circumstances, such as a health pandemic, this meeting may be postponed and/or held remotely, if authorised by emergency government legislation.
4. All Sub-committee meetings/dates as required will be agreed at the monthly Council meeting.

**CHAIR OF MEETING**

5. The person presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the Meeting.

## PROPER OFFICER

6. Where a statute, regulation or legal order confers functions or duties on the proper officer of the Council in the following cases. It will normally be the Clerk or, as designated, the Deputy Clerk and/or the Business and Finance Officer to deal with the following matters:-
  - (a) To receive declarations of acceptance of office.
  - (b) To receive and record notices disclosing pecuniary interests.
  - (c) To receive and retain plans and documents.
  - (d) To sign notices or other documents on behalf of the Council.
  - (e) To receive copies of byelaws made by the Borough Council.
  - (f) To certify copies of byelaws made by the Council.
  - (g) To sign summonses to attend meetings of the Council.

In any other case the **proper officer** shall be the person nominated by the Council and, in default of nomination, the Clerk/Deputy Clerk/Business and Finance Officer.

## QUORUM

7. Four members shall constitute a quorum for Council meetings. Half of the nominated members designated shall constitute a quorum for a sub-committee; unless a sub-committee has over eight members, when four members shall constitute a quorum. (See also paragraph 48.)
8. If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared pecuniary interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chair may fix.

## VOTING

9. Members shall vote by show of hands, or, if at least two members so request, by signed ballot.
10. If a member so requires, the Clerk/Deputy Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.
11.
  - (a) Subject to (b) and (c) below the Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though no original vote was made
  - (b) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chair and Vice-Chair until the end of their term of office they may not give an original vote in an election for Chair.
  - (c) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chair.

## ORDER OF BUSINESS

*(In an election year Councillors should execute Declarations of Acceptance of Office in each others' presence, or in the presence of a proper officer previously authorised by the Council to take such declaration, before the annual meeting commences).*

12. At each Annual Meeting the first business shall be

(a) To elect a Chair.

A Chair may not serve for more than two consecutive years without a break in service and the position being filled by nomination at the appropriate Annual meeting normally held in May each year.

(b) To receive the Chair's declaration of acceptance of office or, if not then received, to decide when it shall be received.

(c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.

(d) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.

(e) To elect a Vice-Chair.

(f) To elect a Leader of the Council (\* see note below).

(g) To appoint committees.

**(h) To consider the payment of any annual subscriptions, at the next available meeting from when notifications for renewal are received by the office.**

(i) To inspect any deeds and trust instruments in the custody of the council: and shall thereafter follow the order set out in Standing Order 15

\* The nomination of the appointment of a Leader of the Council (if made) is an honorary appointment made by the Members of the majority party of the Council. These Members will seek guidance from the Leader on general policy and objectives of the majority Council Members prior to and in between Council meetings.

The post of Leader, whilst having an important status, does not replace the procedural and statutory status of the formal appointment of the Council Chair during that person's year of office.

In the absence of the formal Chair and Vice-Chair, the person holding the post of Leader of the Council, is voted as Chair for the meeting. That person will have all the statutory and voting provisions as available to the Council Chair.

13. At every meeting other than the Annual Meeting the first business shall be to appoint a Chair if the Chair and Vice-Chair be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.
14. In every year not later than the meeting at which the estimates for next year are settled the Council shall review the pay and conditions of service of existing employees (See Standing Order 38, below).
15. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-
  - (a) To allow public participation for the presentation, by a resident, of any items they wish to bring as an issue to the Council (a time limit of 5 minutes will apply to each resident's issue) and to allow for the Police to give their monthly update report. There will be a maximum time of 30 minutes allowed for recess.
  - (b) 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 may be taken as read.
  - (c) To receive the monthly Police report and action plan.
  - (d) After consideration to approve the signature of the Minutes by the person presiding as a correct record.
  - (e) To deal with business expressly required by statute or regulator e.g. Code of Conduct, Declarations of Interest, issues regarding the Complaints Procedure to be done.
  - (f) To dispose of business, if any, remaining from the last meeting.
  - (g) To receive such communications as the person presiding may wish to lay before the Council.
  - (h) To answer questions from Members (via a Member's referral which should be submitted to the Chair for approval in time for it to then be confirmed to the Clerk/Deputy Clerk in order to be included in the Council papers; which are circulated 4 clear working days prior to the Council meeting).
  - (i) To receive and consider reports and minutes of committees.
  - (j) To receive and consider reports from officers of the Council.
  - (k) To authorise the sealing of documents.
  - (l) To authorise the signing of orders for payment. (This will be unnecessary if there is a Finance Committee).
  - (m) To consider resolutions or recommendations in the order in which they have been notified.
  - (n) Any other business specified in the summons.



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

#### **RESOLUTIONS MOVED ON NOTICE**

17. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk/Deputy Clerk or Business and Finance Officer or the mover has given notice in writing of its terms and has delivered the notice to the Clerk/Deputy Clerk or Business and Finance Officer (at least 5 clear days) before the next meeting of the Council.
18. The Clerk/Deputy Clerk or Business and Finance Officer shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
19. The Clerk/Deputy Clerk or Business and Finance Officer 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 intends to move at some later meeting or that he withdraws it.
20. 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.
21. 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 Chair, considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
22. Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

#### **RESOLUTIONS MOVED WITHOUT NOTICE**

23. Resolutions dealing with the following matters may be moved without notice:-
  - (a) To appoint a Chair of the meeting.
  - (b) To correct the Minutes.
  - (c) To approve the Minutes.
  - (d) To alter the order of business.
  - (e) To proceed to the next business.
  - (f) To close or adjourn the debate.
  - (g) To refer a matter to a committee.
  - (h) To appoint a committee or any members thereof.
  - (i) To adopt a report.
  - (j) To authorise the sealing of documents.
  - (k) To amend a motion.
  - (l) To give leave to withdraw a resolution or an amendment.
  - (m) To extend the time limit for speeches (10 minute maximum – see rules of debate para 29 (d)).

- (n) To exclude the public. (See Order 63 below).
- (o) To silence or eject from the meeting a member named for misconduct. (See Order 33 below).
- (p) To invite a member having an interest in the subject matter under debate to remain. (See Order 54 below).
- (q) To give the consent of the Council where such consent is required by these Standing Orders.
- (r) To suspend any Standing Order. (See Order 71 below).
- (s) To adjourn the meeting.

## **QUESTIONS**

- 24. A member may ask the Chair or the Clerk/Deputy Clerk/Business and Finance Officer any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.
- 25. No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- 26. Every question shall be put and answered without discussion.
- 27. A person to whom a question has been put may decline to answer.

## **RULES OF DEBATE**

- 28. No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chair.
- 29.
  - (a) A resolution or amendment shall not be discussed unless it has been proposed (and seconded) and, unless proper notice has already been given, it shall, if required by the Chair, be reduced to writing and handed in before it is further discussed or put to the meeting.
  - (b) A member when seconding a resolution or amendment may, declare an intention to do so and reserve any speech until a later period of the debate.
  - (c) A member shall direct a speech to the question under discussion or to a personal explanation or to a question of order.
  - (d) No speech by a mover of a resolution shall exceed ten minutes, and no other speech shall exceed 5 minutes except by consent of the Council.
  - (e) An amendment shall be either:-
    - (i) To leave out words.
    - (ii) To leave out words and insert or add others.
    - (iii) To insert or add words.
  - (f) An amendment shall not have the effect of negating the resolution before the Council.
  - (g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
  - (h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

- (i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding 5 minutes.
  - (j) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
  - (k) A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
  - (l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
  - (m) When a resolution is under debate no other resolution shall be moved except the following:-
    - (i) To amend the resolution.
    - (ii) To proceed to the next business.
    - (iii) To adjourn the debate.
    - (iv) That the question be now put.
    - (v) That a member named be not further heard.
    - (vi) That a member named do leave the meeting.
    - (vii) That the resolution be referred to a committee.
    - (viii) To exclude the public and press.
    - (ix) To adjourn the meeting.
30. (a) The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (b) Members shall address the Chair.

31 *Reserved*

## **CLOSURE**

32. At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded the Chair shall put the motion but, in the case of a motion “to put the question”, only if the Chair is of the opinion that the question before the Council has been sufficiently debated.

If the motion “that the question be now put” is carried, the Chair shall call upon the mover to exercise or waive 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.

*(Note: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new, notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting).*

## **DISORDERLY CONDUCT**

33. (a) No member shall at a meeting persistently disregard the ruling of the Chair, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- (b) If, in the opinion of the Chair, a member has broken the provisions of paragraph (a) of this Order, the Chair 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 shall leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- (c) If either of the motions mentioned in paragraph (b) is disobeyed, the Chair may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

## **RIGHT OF REPLY**

34. 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**

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

## **RESCISSION OF PREVIOUS RESOLUTION**

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

## **VOTING ON APPOINTMENTS**

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

## **DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

38. (a) 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. 63).

- (b) The Clerk/Business and Finance Officer are designated to deal with most day-to-day management issues affecting employees other than themselves regarding absence, conduct, discipline etc for senior staff issues or general employee grievance/discipline appeal issues. In such an instance, then a Sub-Committee will be formed to hear the matter.

## **RESOLUTIONS ON EXPENDITURE**

- 39. Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance Committee or of another committee after recommendation by the Finance Committee) and which, if carried, would, in the opinion of the Chair, substantially increase the expenditure upon any service which is under the management of 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.

## **EXPENDITURE**

- 40. Orders for the payment of money shall be authorised by resolution of the Council.

## **SEALING OF DOCUMENTS**

- 41. (a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- (b) The Council's Common Seal shall alone be used for sealing documents. It shall be applied by the proper officer in the presence of the Chair/Vice Chair together with the Clerk/Deputy Clerk or Business and Finance Officer who shall sign the document as witness.

## **COMMITTEES AND SUB-COMMITTEES**

- 42. The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-
  - (a) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
  - (b) may appoint persons other than members of the Council to any Committee; and
  - (c) may subject to the provisions of Order 36 above at any time dissolve or alter the membership of a committee.
- 43. The Chair and Vice-Chair ex officio shall be members of every committee.
- 44. Every committee shall at its first meeting before proceeding to any other business, elect a Chair and may elect a Vice-Chair who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.

45. The Chair of a committee or the Chair of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the 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.
46. Every committee may appoint sub-committees for purposes to be specified by the committee.
47. The Chair and Vice-Chair of a committee/sub-committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
48. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members, unless a committee or sub-committee has over eight members, when four members shall constitute a quorum.
49. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.
  - (a) The terms of Reference for each Sub-Committee shall be :-

To consider all matters referred for detailed consideration by the Town Council and all decisions and recommendations made by the Sub-Committee be referred back to the next relevant Town Council meeting for resolution and approval. (Other than where specific powers of delegation for decision making are passed to the Sub-Committee by the Town Council.)
50.
  - (a) There may be advisory committees where necessary and whose name, and number of members shall be recorded when established.
  - (b) The Clerk/Deputy Clerk or Business and Finance Officer shall inform the members of each advisory committee of the terms of reference of the committee.
  - (c) An advisory committee may make recommendations and give notice thereof to the Council.
  - (d) An advisory committee may consist wholly of persons who are not members of the Council.

#### **VOTING IN COMMITTEES**

51. Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.
52. The Chair of a committees or sub-committee shall, in the case of an equality of votes, have a second or casting vote.

#### **PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS**

53. A member who has proposed a resolution which has been referred to any committee of which they are not a member, may explain the resolution to the committee but shall not vote.

## **INTERESTS**

54. If any member has any pecuniary interest, direct or indirect, within the meaning of sections 94-95 of the Local Government Act, 1972, in any contract proposed contract or other matter, they shall, while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial.
- (a) The Council invite him to remain; or
  - (b) The contract, proposed contract or other matter is under consideration as part of the report of a committee and is not itself the subject of debate.
55. The Clerk/Deputy Clerk or Business and Finance Officer shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the Council of a pecuniary interest in a contract, and the book shall be open during reasonable hours of the day for the inspection of any member.
56. If any member has a non-pecuniary interest within the Regulations ambit of the National Code of Local Government Conduct it shall be declared and thereupon the member shall be invited to withdraw from the meeting.
57. If a candidate for any appointment under the Council is related to any member of or the holder of any office under the Council, that person he and the person to whom they are related shall disclose the relationship in writing to the Clerk/Deputy Clerk or Business and Finance Officer.

A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice.

The Clerk/Deputy Clerk or Business and Finance Officer shall report to the council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed Standing Order 59 shall apply.

The Clerk/Deputy Clerk or Business and Finance Officer shall make known the purport of this Standing Order to every candidate.

## **CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

58. (a) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment.
- The Clerk/Deputy Clerk or Business and Finance Officer shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
- (b) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
59. Standing Orders 57 and 58 shall apply to tenders as if the person making the tender were a candidate for an appointment.

## **INSPECTION OF DOCUMENTS**

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

## **UNAUTHORISED ACTIVITIES**

62. No member of the Council or of any committee or sub-committee shall act in the name of or on behalf of the Council without prior authorisation
  - (a) inspect any lands or premises which the council has a right or duty to inspect; or
  - (b) issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee or sub-committee.

## **ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

63. The public shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public by means of the following resolution:

“That in view of the (special) (confidential) nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw”.

*(Notes: The special reasons should be stated. If a person’s advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed).*

64. The Clerk/Deputy Clerk or Business and Finance Officer shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
65. If a member of the public interrupts the proceedings at any meeting, the Chair may, after warning, order that they be removed from the Council Chamber.

## **CONFIDENTIAL BUSINESS**

66.
  - (a) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
  - (b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

## **LIAISON WITH BOROUGH COUNCILLORS**

67. A notice of meeting shall be sent together with an invitation to attend to the Borough Councillor or Councillors for the district ward.



68. *Reserved*

## **PLANNING APPLICATIONS**

69. (a) The Clerk/Deputy Clerk/Business and Finance Officer shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:-
- (i) the date on which it was received;
  - (ii) the name of the applicant;
  - (iii) the place to which it relates;
  - (iv) a summary of the nature of the application.
- (b) On receipt of a planning application, the Clerk/Deputy Clerk or Business and Finance Officer shall email it directly to all Members for their perusal. In addition, each planning application will be entered on the official paperwork for a Town Council meeting. Refer every urgent or perceived controversial planning application to the Chair or in the Chair's absence to the Vice-Chair within 48 hours of receiving it.
- (c) The Clerk/Deputy Clerk/Business and Finance Officer shall, if necessary (due to recess, etc.) request an extended time limit for response to a planning application from the Borough Council.

## **CODE OF CONDUCT AND COMPLAINTS**

### **Code of Conduct for Parish and Town Councils**

New laws governing the conduct of elected members in Local Government came into effect on 1 July 2012, with Local (Parish and Town) Councils required to have their own local codes of conduct.

70. (a) The Town Council shall at every Annual Council meeting adopt a Model Code of Conduct
- At its meeting held on the 18<sup>th</sup> May 2021, the Town Council resolved to adopt the same, revised Model Code of Conduct, as adopted by Warrington Borough Council on 10<sup>th</sup> May 2021.** This is published on the Town Council's website.
- (b) The Town Council will at each Council meeting remind members of their obligations under the Code and will ask for any declarations of interest (personal or prejudicial) in regard to any matter on the agenda.
- The Code shall apply to Councillors in respect of the entire meeting.
- (c) The Council shall deal with complaints of infringement of the Code of Conduct and maladministration allegedly committed by the Council or by any officer or member in the manner recommended by the National Association of Local Councils and/or the Borough Council

## **VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

71. Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.

72. A resolution permanently to add, vary, or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

### **BUSINESS CONTINUITY**

73. In the event of any disaster, such as fire, flood, extreme weather, epidemic/pandemic, etc., that could significantly disrupt the normal operations of the Council, the Clerk (as proper Officer of the Council) and/or Deputy Clerk and/or the RFO shall be delegated powers to take decisions on matters of urgency in consultation with the Chair and/or Vice Chair and/or the Leader of the Council. This will ensure that actions can be taken to ensure continuity of service and any unexpected business can be dealt with.

### **STANDING ORDERS TO BE GIVEN TO MEMBERS**

74. A copy of these Standing Orders shall be given to each member by the Clerk/Deputy Clerk or Business and Finance Officer upon delivery to them of the member's Declaration of Acceptance of Office.

**BIRCHWOOD TOWN COUNCIL**  
**FINANCIAL REGULATIONS**

**May 2021**

**BIRCHWOOD TOWN COUNCIL**  
**MODEL FINANCIAL REGULATIONS 2021**

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# BIRCHWOOD TOWN COUNCIL

## FINANCIAL REGULATIONS

These revised Financial Regulations were adopted by the Council at its Meeting held on 18<sup>th</sup> May 2021.

### 1. GENERAL

- 1.1 These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the Council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the Council's standing orders and any individual financial regulations relating to contracts.
- 1.2 The Council is responsible in law for ensuring that its financial management is adequate and effective, and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
- 1.3 The Council's accounting control systems must include measures:
  - for the timely production of accounts;
  - that provide for the safe and efficient safeguarding of public money;
  - to prevent and detect inaccuracy and fraud; and
  - identifying the duties of officers.
- 1.4 These financial regulations demonstrate how the Council meets these responsibilities and requirements.
- 1.5 At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6 Deliberate or willful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7 Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute.
- 1.8 The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council.
- 1.9 The RFO;
  - acts under the policy direction of the Council;
  - administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;

- determines on behalf of the Council its accounting records and accounting control systems;
  - ensures the accounting control systems are observed;
  - maintains the accounting records of the Council up to date in accordance with proper practices;
- assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
  - produces financial management information as required by the Council.
- 1.10 The accounting records determined by the RFO shall be sufficient to show and explain the Council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the Council from time to time comply with the Accounts and Audit Regulations.
- 1.11 The accounting records determined by the RFO shall in particular contain:
- entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure or receipts and payments account relate;
  - a record of the assets and liabilities of the Council; and
  - wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12 The accounting control systems determined by the RFO shall include:
- procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
  - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
  - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
  - procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the Council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
  - measures to ensure that risk is properly managed.
- 1.13 The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:
- setting the final budget or the precept (Council tax requirement);
  - approving accounting statements;
  - approving an annual governance statement;
  - borrowing;
  - writing off bad debts;
  - declaring eligibility for the General Power of Competence; and
  - addressing recommendations in any report from the internal or external auditors, shall be a matter for the full Council only.

- 1.14 In addition, the Council must:
- determine and keep under regular review the bank mandate for all Council bank accounts;
  - approve any grant or a single commitment in excess of £2,000 and
  - in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the RFO / relevant committee in accordance with its terms of reference.
- 1.15 In these financial regulations, references to the Accounts and Audit Regulations or ‘the regulations’ shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term ‘proper practice’ or ‘proper practices’ shall refer to guidance issued in *Governance and Accountability for Local Councils - a Practitioners’ Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).

## **2. ANNUAL ESTIMATES**

- 2.1 The RFO must each year, by no later than December, prepare detailed estimates of all receipts and payments for the following financial year in the form of a budget to be considered by the Council.
- 2.2 The Council shall prepare and have regard to a three-year forecast of Revenue and Capital Receipts and Payments which shall be prepared at the same time as the annual Budget or Estimates.
- 2.3 The Council shall consider annual budget proposals in relation to the Council’s three-year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and update the forecast accordingly.
- 2.4 The Council will consider and approve budget/expenditure proposals by December each year (unless there are exceptional circumstances that might require an extension to the formal consideration).
- 2.5 The Council shall review the estimates not later than the end of January each year and shall fix the Precept to be levied for the ensuing financial year. The RFO shall supply each member with a copy of the approved estimates.
- 2.6 The Council shall fix the precept (Council tax requirement), and relevant basic amount of Council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 2.7 The approved annual budget shall form the basis of financial control for the ensuing year.

## **3. BUDGETARY CONTROL**

- 3.1 Expenditure on revenue items may be incurred up to the amounts included in the approved budget.

- 3.2 No expenditure may be incurred which will exceed the amount provided in the revenue budget, other than for some exceptional circumstance reported to the Council and for which interim or alternative funding provision could be made. No such expenditure should be incurred without the subsequent resolution of the Council.
- 3.3 The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure against that planned.
- 3.4 The Clerk/RFO may incur reasonable expenditure on behalf of the Council – in liaison with the Chair of the Council which is necessary to carry out any repair, replacement or other emergency work which is of such urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure. The Clerk/RFO shall report the action to the Council as soon as practicable thereafter.
- 3.5 Unspent provisions (other than earmarked reserves) in the revenue budget will fall into balances and shall not be carried forward to a subsequent year.
- 3.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- 3.7 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

#### **4. ACCOUNTING AND AUDIT**

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit Regulations-
- 4.2 The RFO shall be responsible for completing the annual financial statements of the Council as soon as practicable after the end of the financial year and shall submit them and report thereon to the Council.
- 4.3 The RFO shall be responsible for completing the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and for submitting the Annual Return for approval and authorisation by the Council within the timescales set by the Accounts and Audit Regulations, or set by the Auditor.
- 4.4 The RFO/Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the Council shall make available such documents and records as appear to the Council to be necessary for the purpose of the audit and shall, as directed by the Council, supply the RFO, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.
- 4.5 The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices.



- 4.6 The internal auditor shall:
- be competent and independent of the financial operations of the Council;
  - report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
  - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - has no involvement in the financial decision making, management or control of the Council.
- 4.7 Internal or external auditors may not under any circumstances:
- perform any operational duties for the Council;
  - initiate or approve accounting transactions; or
  - direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 4.8 For the avoidance of doubt, in relation to internal audit the terms ‘independent’ and ‘independence’ shall have the same meaning as is described in proper practices.
- 4.9 The RFO shall make arrangements for the exercise of electors’ rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding (or emergency) legislation, and the Accounts and Audit Regulations.
- 4.10 The RFO shall, as soon as practicable, bring to the attention of all Councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

## **5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS**

- 5.1 The Council’s banking arrangements shall be made by the RFO and approved by the Council; banking arrangement may not be delegated to a committee. They shall be regularly reviewed for efficiency, effectiveness, liquidity and financial market news on their operations. The Council has, from April 2013 made regular invoice payments via the BACS system where appropriate. This will be reported on the Monthly Expenditure Bank Account Schedule and Reconciliation.
- 5.2 A schedule of the payments required, forming part of the Agenda for the Meeting, shall be prepared by the RFO and Deputy Clerk/Deputy RFO, together with the relevant invoices, be presented to Council. If the schedule is in order it shall be authorised 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.
- 5.3 Cheques drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 or in accordance with paragraph 5.4, shall be signed by two members of the Council.

- 5.4 The Clerk/RFO will ensure and be responsible to ensure that the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation are correct and relevant for the signatories.
- 5.5 With effect from the 2014/2015 financial year and onwards, the Town Council authorised and introduced the move to electronic banking with the Co-operative Bank. The system will be used for account management, invoice and payroll payments. The system has various authorisation controls for the Clerk, the Finance Officer and Deputy Clerk/Deputy RFO, whereby no one person can create accounts or be involved in actual payments processing. (See Appendix A)

A maximum payment for any single transaction has been set at £20,000 (with effect from September 2018). All payments made are set out on the Monthly Payments and Bank Reconciliation documents, presented monthly to Members.

The Nationwide bank account was opened in 2017/2018.

- 5.6 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.

## **6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS**

- 6.1 All payments shall be affected by cheque, BACS, or other order drawn on the Council's bankers. The Clerk/RFO is delegated with the Chair's approval in the interest of accounting efficiency to move regular standard payment items to the Direct Debit/Standing Order banking mechanism.
- 6.2 All invoices for payment shall be examined, verified and certified by the Clerk/RFO. The Clerk/RFO shall satisfy him/herself that the work, goods or services to which the invoice relates have been received, carried out, examined and approved.

Once a month the Chair and/or a member of the Finance Sub-committee shall randomly select and check several payments in order to satisfy him/herself that the work, goods or services to which the invoice relates have been received, carried out, examined and approved. They will countersign these invoice payments.

In the event of the Council receiving any request from a supplier e.g. to amend or change the payment details of their business name, banking account and payment detail from information currently held on our authorised payment beneficiary listing; the following actions must take place to prevent any act of fraud occurring:

- (i) Changes to account details for suppliers, which are used for internet banking, may only be changed on written hard copy notification by the supplier, signed, on headed paper.
  - (ii) Notification by the supplier of a change to banking details to be confirmed with a known/main contact at the supplier.
  - (iii) The hard copy authority for change to be signed by (two of) the Clerk, Deputy Clerk/Deputy RFO, RFO and/or a Member of the Council.
- 6.3 The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The Clerk/RFO/Deputy Clerk/Deputy RFO shall take all steps to settle all invoices submitted, and which are in order, at the next available Council Meeting or earlier to meet invoice payment deadlines.

- 6.4 If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, the Clerk may (notwithstanding para 6.3) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of Council.
- 6.5 The RFO/Clerk may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO/Clerk/Deputy Clerk/Deputy RFO with a claim for reimbursement:
- a) The RFO shall maintain a petty cash float, by cash advances of a maximum of £400 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
  - b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
  - c) Payments to maintain the cash float shall be shown separate on the schedule of payments presented to Council under 5.2 above.
- 6.6 No employee or Councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised by the Council.
- 6.7 Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.8 The Council, and any members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.
- 6.9 Where internet banking arrangements are made with any bank, the Clerk shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify Councillors who will be authorised to approve transactions on those accounts.
- 6.10 Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for Council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 6.12 No employee or Councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised by the Council.
- 6.13 Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.14 The Council, and any members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.
- 6.15 Where internet banking arrangements are made with any bank, the Clerk shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify a number of Councillors who will be authorised to approve transactions on those accounts.

- 6.16 Access to any internet banking accounts will be directly to the access page (which may be saved under “favourites”), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for Council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

## **7. PAYMENT OF SALARIES**

- 7.1 As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council.
- 7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates, provided that each payment is reported to and ratified by the next available Council Meeting. The Chair will sign for all changes to pay rates for employees proposed at the beginning of each financial year and verify quarterly (at minimum) on the accuracy of all employee wages, as approved by Council.
- 7.3 No changes shall be made to any employee’s pay, emoluments, or terms and conditions of employment without the prior consent of the Council.
- 7.4 Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
- by any Councillor who can demonstrate a need to know;
  - by the internal auditor;
  - by the external auditor; or
  - by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 7.5 The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.

## **8. LOANS AND INVESTMENTS**

- 8.1 All borrowings shall be affected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full Council.
- 8.2 Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase) shall be subject to approval by the full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.
- 8.3 All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.4 The Council’s Investment Policy, shall be in accordance with the Trustee Act 2000, and shall be reviewed on a regular basis (at least annually).

8.5 All investments of money under the control of the Council shall be in the name of the Council.

8.6 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

## **9. INCOME**

9.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.

9.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.

9.3 The Council will review all fees and charges annually, following a report of the Clerk/RFO.

9.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.

9.5 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.

9.6 The origin of each receipt shall be entered on the paying-in slip.

9.7 Personal cheques shall not be cashed out of money held on behalf of the Council.

9.8 The RFO shall, quarterly at a minimum, complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

9.9 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

## **10. ORDERS FOR WORK, GOODS AND SERVICES**

10.1 An official purchase order (where requested by the vendor) or a letter/email, or RFO, Clerk or Deputy Clerk/Deputy RFO verbal instruction shall be issued for all work, goods and services unless a formal contract is to be prepared and an official purchase order would be inappropriate.

As purchases that have an unknown future total cost cannot be purchased using a purchase order (such as for some PPE, safety boots, or various maintenance supply items which are purchased in-store, often on account, or work undertaken to service/repair work vehicles, etc.) an invoice will be accepted for these.

Copies of orders shall be retained. Purchase orders for goods up to the value of £500 may be signed by the RFO, Clerk or Deputy Clerk/Deputy RFO. Purchase orders over that amount must also be signed by the Chair or Vice Chair.

10.2 Order books shall be controlled by the RFO.

- 10.3 All members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining two or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below.
- 10.4 A member may not issue an official order or make any contract on behalf of the Council.
- 10.5 The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

## **11. CONTRACTS**

11.1 Procedures as to contracts are laid down as follows:

- (a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
- (i) for the supply of gas, electricity, water, sewerage and telephone services; (see also note below vii);
  - (ii) for specialist services such as are provided by legal professionals acting in disputes;
  - (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
  - (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
  - (v) for additional audit work of the external Auditor up to an estimated value of £500 (in excess of this sum the Clerk, RFO or Deputy Clerk/Deputy RFO shall act after consultation with the Chairman and Vice Chairman of Council);
  - (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

### **Note:**

- (vii) Where a favourable price is quoted by a supplier/provider for work or services (e.g. gas, electricity, water and telephone services) and a short time limit of acceptance prevails; the Clerk/RFO/Deputy Clerk/Deputy RFO are given authority to proceed with placing an order. They will be expected to inform the Chair/Vice Chair of the Council of the action taken and the circumstances prevailing and report the action to the next appropriate Finance and/or Council Meeting.

- (b) Where it is intended to enter into a contract exceeding £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk/RFO shall invite tenders from at least three firms to be taken from the appropriate approved list.
- (c) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- (d) Such invitation to tender shall state the general nature of the intended contract and the Clerk/RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk/RFO in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- (e) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk/RFO in the presence of at least one member of Council.
- (f) If less than three tenders are received for contracts above £25,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (g) Any invitation to tender issued under this regulation shall contain a statement to the effect of Standing Orders item 59, and shall refer to the terms of the Bribery Act 2010
- (h) When it is to enter into a contract less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall adopt the following procedural steps:
  - 1) A specification of equipment or product requirement will be produced.
  - 2) The Clerk/RFO will establish in the first instance, the scope for a local or regional supplier to meet the needs of our specification. (This may be done, for example, via local trade directories, internet searches, or through preferred tenderer lists available via the Borough Council).
  - 3) An advertisement highlighting the work and invitations to express interest may be made for relevant high value works in the local press and/or local community magazine.
  - 4) A schedule of potential suppliers interested or invited to quote for the work will be agreed by the Finance and Audit Sub-committee and recommended to the Council.
  - 5) All returned quotations for works will be analysed by the Finance and Audit Sub-committee and a recommendation for the award of work will be made to the Council.
  - 6) All awards of work will be subject to statutory or regulatory compliant information and reasonable timescales being received from a supplier and, if required, a reference on the quality and after sales support of a supplier will be sought.

Where the value is below £10,000 and above £2,000 the Clerk or RFO shall obtain competitive quotations for the consideration of the Council, following the above general principles.

- (i) The Council shall not be obliged to accept the lowest or any tender, quote or estimate. Reasons for not accepting the lowest tender, quote or estimate will be recorded in the Council Minutes.
- (j) Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

(k) RFO/Clerk to ensure the VAT number of a supplier for a significant contract is formally verified before entering into the contract.

(l) RFO/Clerk to add any regular, or significant supplier/contractor details onto a formal contract register.

## **12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS**

- 12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 12.3 Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk/RFO to the Contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

## **13. STORES AND EQUIPMENT**

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

## **14. ASSETS PROPERTIES AND ESTATES**

- 14.1 The Clerk/RFO shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with the Accounts and Audit Regulations.



- 14.2 No tangible movable property shall be sold or otherwise disposed of without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £100.
- 14.3 No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.4 No real property (interests in land) shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.5 Subject only to the limit set in Regulation 14.2 above, no tangible moveable property (above £2,000) shall be purchased or acquired without the authority of the full Council.
- 14.6 The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

## **15. INSURANCE**

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

## **16. CHARITIES**

- 16.1 Where the Council is sole trustee of a Charitable body the Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission.

The Clerk and RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

## **17. RISK MANAGEMENT**

- 17.1 The Council is responsible for putting in place arrangements for the management of risk. The Clerk (with the RFO) shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council at least annually.
- 17.2 When considering any new activity, the Clerk (with the RFO) shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.
- 17.3 The Council's annual Risk Assessment exercise for financial and operational processes is attached.
- 17.4 In the event of any disaster, such as fire, flood, extreme weather, epidemic/pandemic, etc., that could significantly disrupt the normal operations of the Council, the Clerk (as proper Officer of the Council) and/or Deputy Clerk and/or the RFO shall be delegated powers to take decisions on matters of urgency, in consultation with the Chair and/or Vice Chair and/or the Leader of the Council. This will ensure that payments, including salaries, can be made to ensure continuity of service and any unexpected business can be dealt with.

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

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

## **19. MISCELLANEOUS**

- 19.1 All Display Screen Equipment (DSE) users are entitled to free, regular eye tests. Where employees require glasses specifically for use with display screen equipment, the Council will provide these, on production of a receipt from the employee (subject to a maximum value). The employee can claim for the cost of their eye test, plus 50% of the value of their glasses, up to a maximum of £100 in total.

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### **Notes to the Model**

1. The value inserted in any of the paragraphs may be varied by the Council and should be reviewed regularly and confirmed annually by the Council.
2. The appropriate approved list referred to in paragraph 11.1 (b) shall be a list drawn up by the Clerk and approved by Council but shall be based on the list maintained by the Borough Council for such works.