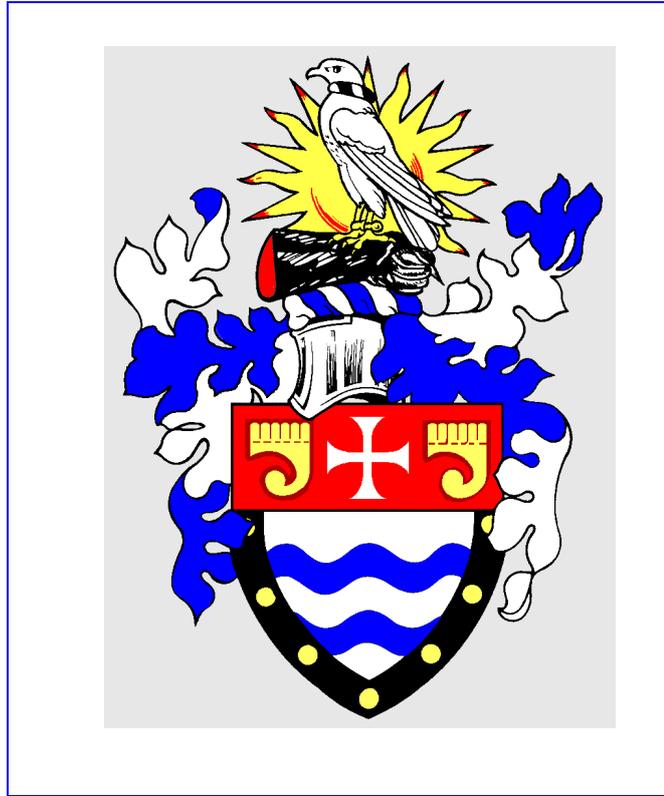


# **BUDE-STRATTON TOWN COUNCIL**



## **STANDING ORDERS**

(Revised and adopted 7<sup>th</sup> March 2013)

## **FINANCIAL REGULATIONS**

(Revised and adopted 4 December 2014)

## **COMMITTEE TERMS OF REFERENCE**

(Revised and adopted 4 September 2014)

Issue 1



# Standing Orders of Bude-Stratton Town Council

## 1 Meetings

- Mandatory for full Council meetings ●
- Mandatory for committee meetings ●
- Mandatory for sub-committee meetings ●

- a **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost**
- b **When calculating the 3 clear days for notice of a meeting to councillors and the public, the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a Bank Holiday or a day appointed for public thanksgiving or mourning shall not count**
- c **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a Resolution which shall give reasons for the public's exclusion**
- d Subject to Standing Order 1(c) above, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda
- e The period of time which is designated for public participation in accordance with Standing Order 1(d) above shall not exceed 15 minutes, unless an extension to the time is agreed by the Council
- f Subject to Standing Order 1(e) above, each member of the public is entitled to speak and ask questions in respect of the business of the Council or, if a Committee meeting, the business of the Committee
- g In accordance with Standing Order 1(d) above, a question asked by a member of the public during a public participation session at a meeting shall not require a response or debate
- h In accordance with Standing Order 1(g) above, the Chairman may direct that a response to a question posed by a member of the public be referred to a Councillor for a oral response or to an employee for a written or oral response
- i A record of a public participation session at a meeting shall be included in the minutes of that meeting
- j A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairman may at any time permit an individual to be seated when speaking
- k Any person speaking at a meeting shall address his comments to the Chairman

- l Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order of speaking
- m **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior (written) consent.** Mobile telephones must be switched off during meetings unless individuals are granted dispensation by the Chairman
- n **In accordance with Standing Order 1(c) above, the press shall be provided reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present**
- o **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in his absence be done by, to or before the Vice-Chairman**
- p **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting**
- q **Subject to model Standing Order 1(y) below, all questions at a meeting shall be decided by a majority of the councillors present and voting thereon**
- r **The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote (See also Standing Orders 2 (i) and (j) below.)**
- s **Unless Standing Orders provide otherwise, voting on any question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request must be made before the vote is taken. A written ballot can be requested and in order for it to take place it must be agreed by the majority of those present
- t **The minutes of a meeting shall record the names of councillors present and absent**
- u If prior to a meeting, a councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given
- v **The Code of Conduct adopted by the Council shall apply to councillors and members of the public co opted to serve on committees and sub committees of the council in respect of the entire meeting**
- w **All interests arising from the Code of Conduct adopted by the Council will be recorded in the minutes giving the existence and nature of the interest (See also Standing Orders 7 and 8 below)**
- x **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 3**

- y **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting
- z Meetings shall not exceed a period of 3 hours unless a majority of those present wish the meeting to continue beyond 3 hours

## 2 Ordinary Council meetings

*See also Standing Order 1 above*

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office**
- b **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs**
- e **The election of the Chairman and Vice-Chairman of the Council shall be the first business completed at the annual meeting of the Council**
- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council**
- g **The Vice-Chairman of the Council unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council**
- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes**
- j Following the election of the Chairman of the Council and Vice-Chairman of the Council at the annual meeting of the Council, the order of business shall be as follows:
  - i. In an election year, delivery by councillors of their Declarations of Acceptance of Office
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine Recommendations made by committees
  - iii. Review of delegation arrangements to committees, sub-committees,

- employees and other local authorities
- iv. Review of the terms of references for committees
- v. Receipt of nominations to existing committees
- vi. Appointment of any new committees, confirmation of the Terms of Reference, the number of members (including, if appropriate, substitute councillors) and receipt of nominations to them
- vii. Review and adoption of appropriate Standing Orders and Financial Regulations
- viii. Review of arrangements, including any charters, with other local authorities and review of contributions made to expenditure incurred by other local authorities
- ix. Review of representation on or work with external bodies and arrangements for reporting back
- x. Review of inventory of land and assets including buildings and office equipment
- xi. Review and confirmation of arrangements for insurance cover in respect of all insured risks
- xii. Review of the Council's and/or employees' memberships of other bodies
- xiii. Establishing or reviewing the Council's complaints procedure
- xiv. Establishing or reviewing the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998
- xv. Establishing or reviewing the Council's policy for dealing with the press/media
- xvi. Setting the dates, times and place of ordinary meetings of the full Council for the year ahead

### 3 Proper Officer

- a The Council's Proper Officer shall be the Town Clerk or such other employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in Standing Orders
- b The Council's Proper Officer shall do the following:
  - i. **Sign and serve on councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of a committee and sub-committee at least 3 clear days before the meeting**
  - ii. **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them)**
  - iii. Subject to Standing Orders 4(a)–(e) below, include in the agenda all motions in the order received unless a councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it
  - iv. **Convene a meeting of full Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office, in accordance with Standing Order 3(b)i or 3(b)ii above**
  - v. Make available for inspection the minutes of meetings
  - vi. **Receive and retain copies of byelaws made by other local authorities**
  - vii. **Receive and retain declarations of acceptance of office from councillors**
  - viii. Retain a copy of every councillor's Register of Interests and any changes to it and keep copies of the same available for inspection

- ix. Keep proper records required before and after meetings
- x. Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same
- xi. Receive and send general correspondence and notices on behalf of the Council except where there is a Resolution to the contrary
- xii. Manage the organisation, storage of and access to information held by the Council in paper and electronic form
- xiii. Arrange for legal deeds to be sealed using the Council's common seal
- xiv. Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations
- xv. Record every planning application notified to the Council and the Council's response to the local planning authority
- xvi. Retain custody of the seal of the Council which shall not be used without a Resolution to that effect
- xvii. Action or undertake activity or responsibilities instructed by resolution or contained in Standing Orders

#### **4 Motions requiring written notice**

- a In accordance with Standing Order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least 7 clear days (including weekends and Bank Holidays) before the next meeting
- b The Proper Officer may, before including a motion in the agenda received in accordance with Standing Order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion
- c If the Proper Officer considers the wording of a motion received in accordance with Standing Order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least 7 clear days before the meeting
- d If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda
- e Having consulted the Chairman or councillors pursuant to Standing Order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final
- f Notice of every motion received in accordance with the Council's Standing Orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors
- g Every motion rejected in accordance with the Council's Standing Orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors
- h Every motion and Resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents

## 5 Motions not requiring written notice

- a Motions in respect of the following matters may be moved without written notice:
- i. To appoint a person to preside at a meeting
  - ii. To approve the absences of councillors
  - iii. To approve the accuracy of the minutes of the previous meeting
  - iv. To correct an inaccuracy in the minutes of the previous meeting
  - v. To dispose of business, if any, remaining from the last meeting
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience
  - vii. To proceed to the next business on the agenda
  - viii. To close or adjourn debate
  - ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee
  - x. To appoint a committee or sub-committee or any councillors (including substitutes) thereto
  - xi. To receive nominations to a committee or sub-committee
  - xii. To dissolve a committee or sub-committee
  - xiii. To note the minutes of a meeting of a committee or sub-committee
  - xiv. To consider a report and/or Recommendations made by a committee or a sub-committee or an employee
  - xv. To consider a report and/or Recommendations made by an employee, professional advisor, expert or consultant
  - xvi. To authorise legal deeds to be sealed by the Council's common seal  
*(See Standing Orders 14(a) and (b) below)*
  - xvii. To authorise the payment of monies as set out in the Council's Financial Regulations
  - xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it
  - xix. To extend the time limit for speeches
  - xx. To exclude the press and public for all or part of a meeting
  - xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct
  - xxii. To give the consent of the Council if such consent is required by Standing Orders
  - xxiii. **To suspend any Standing Order except those which are mandatory by law**
  - xxiv. To adjourn the meeting
  - xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies
  - xxvi. To answer questions from councillors
- b If a motion falls within the Terms of Reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience

## 6 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience
- b Subject to Standing Orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded

- c Subject to Standing Order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn
- d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered
- e A councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder
- f Any amendment to a motion shall be either:
  - i. to leave out words
  - ii. to add words
  - iii. to leave out words and add other words
- g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration
- h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of
- i Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately
- j Pursuant to Standing Order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one
- k If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman
- l If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved
- m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 2 minutes
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote
- o Subject to Standing Orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the Standing Order which he considers has been breached or specify the irregularity in the meeting he is concerned by

- q A point of order shall be decided by the Chairman and his decision shall be final
- r With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused
- s Subject to Standing Order 6(o) above, when a councillor's motion is under debate no other motion shall be moved except:
  - i. to amend the motion
  - ii. to proceed to the next business
  - iii. to adjourn the debate
  - iv. to put the motion to a vote
  - v. to ask a person to be silent or for him to leave the meeting
  - vi. to refer a motion to a committee or sub-committee for consideration
  - vii. to exclude the public and press
  - viii. to adjourn the meeting
  - ix. to suspend any Standing Order, except those which are mandatory
- t In respect of Standing Order 6(s)(iv) above, the Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Chairman shall call upon the mover of the motion under debate to exercise or waive his right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption
- u A councillor or member of the public co opted to serve on council committees and sub committees who has a none registerable interest defined under 3.5a of the council's Code of Conduct, may be invitation of the Chairman, remain in the room to address the council to provide any information as they reasonably consider might inform the debate before leaving the room
- v The period of time for addressing the council under 6u shall not exceed 3 minutes and will be at the discretion of the Chairman

## 7 Code of Conduct

*See also Standing Orders 1(d)–(i) above*

- a **All councillors and members of the public co opted to serve on council committees and sub committees shall observe the Code of Conduct adopted by the Council**
- b All councillors and members of the public co opted to serve on council committees and sub committees shall maintain a Register of Disclosable Pecuniary Interests, and must update their register by notifying the Town Clerk and Monitoring Officer of any changes within 28 days
- c All councillors should undertake training in the Code of Conduct within 6 months of the delivery of their Declaration of Acceptance of Office
- d Councillors and members of the public co opted to serve on council committees and sub committees who have registered a Disclosable Pecuniary Interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed (subject to Standing Order 6u)

- e Councillors and members of the public co opted to serve on council committees and sub committees who have declared a None Registerable Interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed (subject to Standing Order 6u)
- f All gifts and hospitality offered or received worth £50 or over must be recorded in the Register of Interests maintained by the Proper Officer of the council

### **Allegations of Breaches of the Code of Conduct**

- g Notification of any complaint shall remain confidential to the Proper Officer of the council until such time as the matter has been concluded
- h Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Mayor or the Chairman of the FS&GP Committee of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this Standing Order, who shall continue to act in respect of that matter as such until the complaint is resolved
- i Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint
- j References in Standing Order 7 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the Code of Conduct by a councillor

## **8 Questions**

- a A councillor may seek an answer to a question concerning any business of the Council *suspended for a period of 6 months from 7/08/14*
- b Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions *suspended for a period of 6 months from 7/08/14*
- c Every question shall be put and answered without discussion

## **9 Minutes**

- a If a copy of the draft minutes of a preceding meeting has been circulated to councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read
- b No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with Standing Order 5(a)(iv) above
- c Minutes, including any amendment to correct their accuracy, shall be confirmed by Resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate
- d Upon a Resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed

## **10 Disorderly conduct**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly
- b If, in the opinion of the Chairman, there has been a breach of Standing Order 10(a) above, the Chairman shall express that opinion and thereafter any councillor (including the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forthwith and without discussion
- c If a resolution made in accordance with Standing Order 10(b) above, is disobeyed, the Chairman may take such further steps as may reasonably be necessary to enforce it and/or he may adjourn the meeting

## **11 Rescission of previous resolutions**

- a A Resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 6 councillors of the Council, or by a motion moved in pursuance of the report or Recommendation of a committee
- b When a special motion or any other motion moved pursuant to Standing Order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months

## **12 Voting on appointments**

Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote

## **13 Expenditure**

- a Any expenditure incurred by the Council shall be in accordance with the Council's Financial Regulations
- b **The Council's Financial Regulations shall be reviewed once a year**
- c **The Council's Financial Regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee**

## **14 Execution and sealing of legal deeds**

*See also Standing Order 5(a)(xvi) above*

- a A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a Resolution
- b **In accordance with a Resolution made under Standing Order 14(a) above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two members of the council who shall sign the deed as witnesses**

## 15 Committees

*See also Standing Order 1 above*

- a The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
  - i. shall determine their Terms of Reference
  - ii. shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
  - iii. may appoint substitute councillors to a committee whose role is to replace ordinary councillors at a meeting of a committee if ordinary councillors of the committee have confirmed to the Proper Officer before the meeting that they are unable to attend
  - iv. an ordinary member of a committee who has been replaced at a meeting by a substitute member (in accordance with Standing Order 15(a)(iv) above) shall not be permitted to vote on business at that meeting
  - v. may in accordance with Standing Orders, dissolve a committee at any time

## 16 Sub-committees

*See also Standing Order 1 above*

Unless there is a Council Resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and members shall be determined by Resolution of the committee

## 17 Extraordinary meetings

*See also Standing Order 1 above*

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time**
- b **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors**
- c The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time
- d If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 councillors, those 2 councillors may convene an extraordinary meeting of a committee (or a sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by 2 councillors

## 18 Advisory committees

*See also Standing Order 1 above*

- a The Council may appoint advisory committees comprised of a number of councillors and non-councillors
- b Advisory committees and any sub-committees may consist wholly of persons

who are non-councillors

## **19 Accounts and Financial Statement**

- a All payments by the Council shall be authorised, approved and paid in accordance with the Council's Financial Regulations, which shall be reviewed at least annually
- b The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement summarising the Council's receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the Annual Governance Statement, shall be presented to Council for formal approval before 30 June.

## **20 Estimates/precepts**

- a **The Council shall approve written estimates for the coming financial year** at its meeting before the end of January
- b Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than December

## **21 Canvassing of and recommendations by councillors**

- a Canvassing councillors or the members of a committee or sub-committee, directly or indirectly, for employment by the Council shall disqualify the candidate from such an appointment. The Proper Officer shall disclose the requirements of this Standing Order to every candidate
- b A councillor or a member of a committee or sub-committee shall not solicit a person for employment by the Council or recommend a person for such employment or for promotion; but, nevertheless, any such person may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment
- c This Standing Order shall apply to tenders as if the person making the tender were a candidate for an appointment

## **22 Inspection of documents**

Subject to Standing Orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by councillors

## **23 Unauthorised activities**

Unless authorised by a resolution, no individual councillor shall in the name or

on behalf of the Council, a committee or a sub-committee:

- i. inspect any land and/or premises which the Council has a right or duty to inspect
- ii. issue orders, instructions or directions

## **24 Confidential business**

- a Councillors shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature
- b A councillor in breach of the provisions of Standing Order 24(a) above may be removed from a committee or a sub-committee by a resolution of the Council

## **25 Matters affecting council employees**

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council OR the committee OR the sub-committee has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above
- b The Mayor and the Chairman of the Finance, Staffing & General Purposes Committee or in either of their absence, the Deputy Mayor or Vice-Chairman (as appropriate) shall upon a Resolution conduct a review of the performance and/or appraisal of the Town Clerk and shall keep a written record of it
- c Matters relating to disciplinary matters or grievances will be dealt with according to the Council's adopted 'Disciplinary and Grievance Policy'
- d Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, and capabilities, grievance and disciplinary matters
- e The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- f Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same
- g Only persons with line management responsibilities shall have access to employee records referred to in standing orders 25(e) and (f) above if so justified
- h Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 25(e) and (f) above shall be provided only to the Town Clerk and Deputy Town Clerk

## **26 Freedom of Information Act 2000**

All requests for information held by the Council shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000

## **27 Relations with the press/media**

- a All requests from the press or other media for an oral or written statement or comment from the Council shall be processed in accordance with the Council's policy in respect of dealing with the press and/or other media
- b In accordance with the Council's policy in respect to dealing with the press and/or other media, councillors shall not, in their official capacity, provide oral or written statements or written articles to the press or other media

## **28 Liaison with Unitary Councillors**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors of the Unitary Council representing electoral wards within the Bude, Stratton & Poughill area
- b Unless the Council otherwise orders, a copy of each letter sent to the Unitary Council shall be sent to the Unitary Council electoral ward member to which the matter relates

## **29 Financial matters**

- a The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer and **any proposed contract for the supply of goods, materials, services and the execution of works will be dealt with in accordance with the adopted Financial Regulations**
- b Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- c **Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules**

## **30 Variation, revocation and suspension of Standing Orders**

Any or every part of the Standing Orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business

## **31 Standing Orders to be given to councillors**

- a The Proper Officer shall provide a copy of the Council's Standing Orders to a councillor upon delivery of his declaration of acceptance of office
- b The Chairman's decision as to the application of Standing Orders at meetings shall be final
- c Failure to observe Standing Orders more than 3 times in one meeting may result in a councillor being excluded from the meeting in accordance with Standing Orders

## Financial Regulations of Bude-Stratton Town Council

### 32 General

- a 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
- b 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
- c 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
  - identifying the duties of officers
- d These financial regulations demonstrate how the council meets these responsibilities and requirements
- e 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
- f A breach of these Regulations by an employee may be deemed to be gross misconduct
- g 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
- h The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council.
- i 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
  - produces financial management information as required by the council
- j 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.
- k The accounting records determined by the RFO shall in particular contain:
- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate
  - a record of the assets and liabilities of the council
  - wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy
- l 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
  - measures to ensure that risk is properly managed
- m 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
- addressing recommendations in any report from the internal or external auditors shall be a matter for the full council only.

n In addition the council must:

- determine and keep under regular review the bank mandate for all council bank accounts
- approve any grant or a single commitment in excess of £5,000
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference

o 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)

### **33 Accounting and Audit (Internal and External)**

- a All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.
- b Once a month the RFO shall verify the bank reconciliations for all accounts. The Clerk or a member of FGP Committee shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification.
- c The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.

- d The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.
- e 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.
- f 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
  - have no involvement in the financial decision making, management or control of the council
- g Internal or external auditors may not under any circumstances:
- perform any operational duties for the council
  - initiate or approve accounting transactions
  - direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor
- h 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.
- i The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
- j The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

### **34 Annual Estimates (Budget) and Forward Planning**

- a Each committee shall review its revenue and capital receipts and payments. Having regard to these, it shall thereafter formulate and submit proposals for the following financial year to the council not later than the end of December each.
- b The RFO must each year, by no later than December prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the council.
- c 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.
- d The approved annual budget shall form the basis of financial control for the ensuing year.

### **35 Budgetary Control and Authority to Spend**

- a No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council, or duly delegated committee. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- b Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- c In cases of extreme risk to the delivery of council services, the Town Clerk may authorise revenue expenditure on behalf of the council which in the Town Clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £2,500 (as in current F/R 34.4). The Town Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.
- d No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.
- e All capital works shall be administered in accordance with the council's Standing Orders and Financial Regulations relating to contracts.

- f The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose “material” shall be in excess of [15%] of the budget.
- g Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

### **36 Banking Arrangements and Authorisation of Payments**

- a The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency. The authorised signatories will comprise all members of the Finance Committee and the Town Clerk, RFO and Deputy Town Clerk.
- b The RFO shall prepare a schedule of payments requiring authorisation, forming part of the agenda for the meeting and, together with the relevant invoices, present the schedule to council or Finance Committee. The council / committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council or Finance Committee. The approved schedule shall be signed by two member signatories and the RFO or authorised signatory acting on behalf of the RFO. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) will be summarised to remove public access to any personal information.
- c All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council
- d The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council or Finance Committee meeting
- e The RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
  - 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, provided that a list of such payments shall be submitted to the next appropriate meeting of council or Finance Committee

- An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council or Finance Committee
- fund transfers within the councils banking arrangements.
- For each financial year the RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council or a duly authorised committee may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council or Finance Committee
- In respect of grants a duly authorised committee shall approve expenditure within any limits set by council and in accordance with any policy statement approved by council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the council.
- 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.
- The council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.

### **37 Instructions for the Making of Payments**

- a The council will make safe and efficient arrangements for the making of its payments.
- b Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Clerk / RFO shall give instruction that a payment shall be made.
- c All payments shall be effected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council or duly delegated committee
- d Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by two authorised member signatories and countersigned by the Clerk or

Deputy Town Clerk or RFO in accordance with a resolution instructing that payment. If a member who is also a bank signatory has declared a disclosable pecuniary interest, or has any other interest, in the matter in respect of which the payment is being made, that councillor shall be required to consider Standing Orders, and thereby determine whether it is appropriate and / or permissible to be a signatory to the transaction in question.

- e To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- f Cheques or orders for payment shall not normally be presented for signature other than at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the council or Finance Committee at the next convenient meeting.
- g If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two member signatories and any payments are reported to council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.
- h If thought appropriate by the council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the council at least every two years.
- i If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
- j If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing who approved the payment.
- k No employee shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.
- l 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.

- m The council shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.
- n Where internet banking arrangements are made with any bank, the Clerk/RFO 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.
- o 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.
- p A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the council Finance Committee. Transactions and purchases made will be reported to the Finance Committee and authority for topping-up shall be at the discretion of the council Finance Committee.
- q Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk/RFO and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.
- r The RFO 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 with a claim for reimbursement.
  - The RFO shall maintain petty cash for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment. That for the council office is £100 and The Castle £50. Changes to these levels should be agreed by the Finance Committee
  - The RFO shall maintain petty cash floats of £250 (Café Limelight) and £60 (The Cone)
  - Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
  - Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to council under 5.2 above.

### **38 Payment of Salaries**

- a As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. 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, or duly delegated committee.

- b Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available council meeting, as set out in these regulations above.
- c No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the FGP Committee following a recommendation from the Staffing Committee.
- d 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
  - by any person authorised under Audit Commission Act 1998, or any superseding legislation
- e The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- f An effective system of personal performance management should be maintained for the senior officers.
- g Any termination payments shall be supported by a clear business case and reported to the Staffing Committee which will make a Recommendation to the full council. Any termination payments shall only be authorised by council, based upon a Recommendation from the Staffing Committee. The recommendation should include, where appropriate, consideration to waive any actuarial reduction in the case of early retirement, redundancy or efficiency savings.

### **39 Loans and Investments**

- a All borrowings shall be effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by council as to terms and purpose. The

application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.

- b Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- c Should they wish to receive it the RFO will arrange for the sending of a copy of each statement of account to the Chairman of the council.
- d 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.
- e The council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- f All investments of money under the control of the council shall be in the name of the council.
- g All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- h Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

#### **40 Income**

- a The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- b Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the council.
- c The council will review all fees and charges at least annually, following a report of the Town Clerk.
- d Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.
- e All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.
- f The origin of each receipt shall be entered on the paying-in slip.

- g Personal cheques shall not be cashed out of money held on behalf of the council.
- h The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- i Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

#### **41 Orders for Work, Goods and Services**

- a An official order or letter shall be issued for all work, goods and services of £500 or more (F/R 41.1) unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- b Order books shall be controlled by the RFO.
- c All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.
- d A member may not issue an official order or make any contract on behalf of the council.
- e The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

#### **42 Contracts**

- a Procedures as to contracts are laid down as follows:
  - Every contract shall comply with these Financial Regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
    - i. for the supply of gas, electricity, water, sewerage and telephone services
    - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants

- iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant
  - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council
  - v. for additional audit work of the external auditor up to an estimated value of £500. In excess of this sum the Clerk/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
- Where it is intended to enter into a contract exceeding £60,000 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 Town Clerk or an approved agent shall invite tenders from a list of previously authorised contractors, or by advertising in a local newspaper or other such means as the council may decide. (F/R 42.4)
  - 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.
  - Such invitation to tender shall state the general nature of the intended contract and the Town Clerk shall obtain the necessary technical assistance to prepare a specification as required. The invitation shall in addition state that tenders must be addressed to the Town Clerk or to an appointed suitably qualified specialist. 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.
  - All sealed tenders shall be opened at the same time on the prescribed date by the Town Clerk in front of the full council or committee or by an appointed suitably qualified specialist who will check the accuracy of the tenders prior to submitting a formal tender report and recommendation to the council or committee.
  - If less than three tenders are received for contracts above £60,000 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.
  - Any invitation to tender issued under this regulation shall refer to the terms of the Bribery Act 2010.
  - When it is to enter into a contract of between £5,000 and less than £60,000 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 Town Clerk or RFO shall, wherever possible, obtain at least 3 quotations (priced descriptions of the proposed supply); where the value is below £5,000 and above £100 the Town Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply. The Town Clerk and RFO shall have executive power to authorise budgeted expenditure below £5,000

- The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- 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.
- The European Union Procurement Directive shall apply and the terms of the Public Contracts Regulations 2006 and the Utilities Contracts Regulations 2006 including thresholds shall be followed.

#### **43 Payments Under Contracts for Building or Other Construction Works**

- a Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract)
- b Where contracts provide 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.
- c Any variation to a contract or addition to or omission from a contract must be approved by the RFO in writing to the contractor, the council being informed where the final cost is likely to exceed the financial provision.

#### **44 Stores and Equipment**

- a The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- b Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- c Stocks shall be kept at the minimum levels consistent with operational requirements.

- d The RFO, or a delegated representative, shall be responsible for periodic checks of stocks and stores.

## **45 Assets, Properties and Estates**

- a The Town Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council and shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- b No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £500.
- c 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).
- d No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- e The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

## **46 Insurance**

- a Following the annual risk assessment (per Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers.
- b The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- c 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.

- d All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined [annually] by the council, or duly delegated committee.

#### **47 Risk Management**

- a The council is responsible for putting in place arrangements for the management of risk. The Town Clerk shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council when required.

#### **48 SUSPENSION AND REVISION OF FINANCIAL REGULATIONS**

- a It shall be the duty of the Finance Committee to review the Financial Regulations of the council from time to time and make any Recommendations for change to the full council. The Town Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the Finance Committee of any requirement for a consequential amendment to these financial regulations.
- b 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.

## **Terms of Reference Applicable to all Committees**

The Terms of Reference of all committees are subject to the following reservations:

1. That powers be exercised in accordance with any policy adopted or directions given by the Town Council
2. That powers be subject to the Council's Standing Orders and Financial Regulations
3. That any unresolved differences between committees shall be referred to full Council for determination
4. That any proposal which involves any change in the existing policies already approved by the Council shall be submitted to the Council for approval
5. Day to day management of Council matters rests with the Town Clerk
6. Urgent/emergency matters may be dealt with as they arise by the Town Clerk in consultation with the Chairman of committee (or in his absence the Vice Chairman) and Mayor and reported to the next appropriate committee or full Council meeting, whichever is first
7. Committees will bring to the attention of Council any matters being pursued by other local authority/statutory/voluntary or other bodies which have a beneficial or detrimental effect on the Bude-Stratton area
8. Guest speakers should normally be limited to one per meeting with a time limit placed upon them
9. There will be, during each committee meeting, a quarter of an hour public session with members of the public being able to speak and ask questions concerning the business of the Council in accordance with the Standing Orders and Financial Regulations. During Planning Committee meetings members of the public may speak at the discretion of the Chairman and with the approval of members of the Planning Committee
10. Committees will monitor/respond with critical appraisals to minutes, reports, documentation which from time to time are received from Cornwall Council or other bodies which have been brought to the Council's attention by the Town Clerk/individual Councillors or member of the public which may have an adverse or beneficial effect on the Bude-Stratton area

### **Delegation of Authority to Sub-Committees**

Where a function within the Terms of Reference of a committee has been further delegated to a sub-committee that sub-committee will report its findings/recommendations back to the appropriate committee or direct to the Council, as per the remit

## **Terms of Reference - Finance & General Purposes Committee (FS&GP)**

Composition:	Chairs of each of the Council's committees: i.e. Environmental Services & Highways Heritage & Culture Planning Properties Recreation Mayor, Deputy Mayor (ex-officio, voting) Plus any other member/members up to a maximum of 8
Chairmanship:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each council year
Meetings:	Third Thursday of the month. In the event of an item of urgency to be convened by the Town Clerk
Timing:	7pm
Venue:	The Parkhouse Centre
Reports to:	Full Council
Administration:	Town Council
Legal status:	Local Government Act 1972/Local Government Act 1999 Public, in accordance with Town Council's Standing Orders

### **Terms of Reference & Matters Delegated to the Committee:**

1. To consider such matters as may be delegated by the Council from time to time
2. To review, from time to time, policy objectives within the committees Terms of Reference for consideration by the Council
3. To prepare annual estimates of income and expenditure of the Council on continuing services and of payments on capital account for the next financial year and to make a Recommendation to the Council as to the precept in time for its annual budget meeting each year
4. To review the Standing Orders and Financial Regulations on a regular basis and make Recommendations to the Council
5. To regulate and control the finance of the Council and to have charge of the financial and accounting arrangements of the Council
6. To consider matters arising from the report of the internal and external auditors and where considered necessary make changes to the Council's system of controls
7. To receive and approve schedules of payments
8. To undertake annually the risk assessment in the relation to the Council's insurance cover
9. To insure against such risks as the committee deems necessary to cover

10. To agree virements between approved budget headings
11. To agree the use by any other organisation of the Town Crest
12. To make Recommendations to the Council on the use of financial reserves
13. To make Recommendations to the Council on capital expenditure not already provided for in Council's estimates of expenditure for the current financial year
14. To make Recommendations to the Council regarding the review of existing policy matters
15. To make Recommendations to the Council regarding the promotion and expenditure on tourism
16. To make Recommendations to the Council regarding the Crime and Disorder Act 1998, following consultation with the appropriate bodies
17. To make Recommendations to the Council regarding town twinning
18. To make Recommendations to the Council regarding the prosecution or defence of any legal proceedings
19. To make Recommendations to the Council for the use of powers to acquire by agreement, to appropriate, to dispose of land in accordance with the provisions of the Local Government Act 1972 s.139
20. To make Recommendations to the Council for the use of its powers to promote a lottery in accordance with the provisions of the Lotteries and Amusements Act 1976 s.7
21. To make Recommendations to the Council for the use of its powers to accept gifts, including land, in accordance with the provisions of the Local Government Act 1972 s. 139
22. To make Recommendations to the Council regarding the future provision of civic regalia
23. To consider grants to local organisations in accordance with the Local Government Act 1972 s. 137, 144, 145; Local Government (Miscellaneous Provisions) Act 1976 s. 19; Local Government and Rating Act 1997 Pt III s. 26-30 in accordance with the Council's adopted grants policy
24. The delegated power to keep all procedures under active review
25. Matters not already delegated to the Town Clerk which relate to the Town Council newsletter, websites, webcam, publicity and press releases
26. The delegated power to progress the Council's application for and maintenance of Quality Council status
27. The delegated power to exercise the Town Council's powers to direct as to the custody of parish property and documents in accordance with the provisions of the Local Government Act 1972 s. 226
28. The delegated powers to exercise the Town Council's powers to consider applications under the Licensing Acts

29. To consider such other matters of a general nature not clearly falling within the Terms of Reference of the other committees
30. Authorisation of expenditure within the committees budget, provided that the payment is made from a budget that is within the limits previously approved by the Council. The committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the F&GP Committees total budget must be authorised by the Council
31. The negotiation of tenders which do not fall within the terms of reference of any other committee and the acceptance of tenders and supervision of contracted projects (provided expenditure is within the budgetary provision) with the practical implementation of the contract devolved to the appropriate committee
32. All aspects of Health and Safety that fall within the remit of the committee
33. Making Recommendations to the Council on all matters not within existing policy
34. Preparation and review of a plan for future requirements within the scope of the committee regardless of feasibility
35. Monitoring the physical environment within the Council's area and carrying out improvements within budgetary provision. To recommend to the Council any matters outside this budgetary provision
36. The consideration of Recommendations of sub- committees, working groups etc under the control of the F&GP Committee
37. Consultation with other relevant bodies with similar interests, including other Town Council committees and sub-committees, and consideration of their recommendations

**Matters not Delegated to the Committee:**

1. The consideration of new and reviews of consultation and policy documents of other bodies and any other consultation documents
2. Any matter falling within the remit of the committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy

**Terms of Reference – Environmental Services & Highways Committee (ES&H)**

Composition:	Elected members (voting) – four Mayor, Deputy Mayor (ex-officio, voting)
Chairmanship:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each council year
Meetings:	Approximately every two months. In the event of an item of urgency to be convened by the Town Clerk
Timing:	7pm
Venue:	The Parkhouse Centre
Reports to:	Full Council

Administration: Town Council  
Legal status: Local Government Act 1972/Local Government Act 1999  
Public, in accordance with Town Council's Standing Orders

**Terms of Reference & Matters Delegated to the Committee:**

1. To consider such matters as may be delegated by the Council from time to time
2. The improvement, maintenance and management of Poughill Cemetery and the Meteorological Station
3. The monitoring, improvement, maintenance and management of Town Council car parks
4. The provision, management and maintenance of bus shelters within the Bude-Stratton area
5. Reviewing the level of fees and charges of the committee's functions and making appropriate recommendations to the F&GP Committee
6. The delegated authority to adjudicate upon objections to the issue of car park fixed penalty notices
7. To consider and submit to the F&GP Committee annual estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year
8. Authorisation of expenditure within the committees budget, provided that the payment is made from a budget that is within the limits previously approved by the Council. The committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the committees total budget must be authorised by the F&GP Committee
9. Acceptance of tenders and supervision of contracted projects – provided expenditure is within the budgetary provision and is for areas within the scope of the committee
10. All aspects of Health and Safety that fall within the remit of the committee
11. Making Recommendations to the Council on all matters not within existing policy
12. Preparation and review of a plan for future requirements within the scope of the committee regardless of feasibility
13. The consideration of Recommendations of sub-committees, working groups etc under the control of the ES&H Committee
14. Consultation with other relevant bodies with similar interests, including other Town Council committees and sub-committees, and consideration of their Recommendations
15. The implementation of agency agreements for the delegation of services from Cornwall Council which fall within the remit of the committee and have been negotiated and agreed by the F&GP Committee and the Council

**Matters not Delegated to the Committee:**

Any matter falling within the remit of the committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy

## **TERMS OF REFERENCE - Heritage & Culture Committee (H&C)**

Composition:	Elected members (voting) – four Mayor, Deputy Mayor (ex-officio, voting) Museums Advisor to the Council (non-voting) Archive Volunteer Co-Ordinator (non-voting)
Chairmanship:	Chair and Vice Chair to be elected from the voting members of the committee at the first meeting in each council year
Meetings:	Approximately every two months. In the event of an item of urgency to be convened by the Town Clerk
Timing:	7pm
Venue:	The Parkhouse Centre or The Castle
Reports to:	Full Council
Administration:	Town Council
Legal status:	Local Government Act 1972/Local Government Act 1999 Public, in accordance with Town Council's Standing Orders

### **Terms of Reference & Matters Delegated to the Committee:**

1. To consider such matters as may be delegated by the Council from time to time
2. The improvement, maintenance and management of the interior of The Castle, the Stamford Hill Battlefield site, the interior of the Barge Workshop at Helebridge, Poughill Churchyard and any other heritage sites and buildings as may be acquired by the Council
3. To consider heritage issues, matters relating to conservation area and the listing of buildings and to make recommendations to the Council
4. To encourage and sponsor arts, cultural and heritage events within the town within the budgetary provision previously agreed by the Council
5. To maintain liaison with Cornwall Council and other local bodies established for the promotion and/or management of arts and heritage facilities or activities
6. Reviewing the level of fees and charges of the committee's functions and making appropriate recommendations to the F&GP Committee
7. To consider and submit to the F&GP Committee annual estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year
8. Authorisation of expenditure within the committees budget, provided that the payment is made from a budget that is within the limits previously approved by the Council. The committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the committees total budget must be authorised by the F&GP Committee
9. Acceptance of tenders and supervision of contracted projects – provided expenditure is within the budgetary provision and is for areas within the scope of the committee
10. All aspects of Health and Safety that fall within the remit of the committee

11. Making Recommendations to the Council on all matters not within existing policy
12. Preparation and review of a plan for future requirements within the scope of the committee regardless of feasibility
13. The consideration of Recommendations of sub-committees, working groups etc under the control of the H&C Committee
14. Consultation with other relevant bodies with similar interests, including other Town Council committees and sub-committees, and consideration of their Recommendations

**Matters not Delegated to the Committee:**

1. The consideration of new and reviews of consultation and policy documents of other bodies and any other consultation documents of a heritage and cultural nature
2. Any matter falling within the remit of the committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy

**TERMS OF REFERENCE - Planning Committee**

Composition:	Elected members (voting) – four Mayor, Deputy Mayor (ex-officio, voting)
Chairmanship:	Chair and Vice Chair to be elected from the members of the committee at the first meeting in each council year
Meetings:	Every two weeks
Timing:	10.30am
Venue:	The Parkhouse Centre
Reports to:	Town Council
Legal status:	Local Government Act 1972/Local Government Act 1999 Public, in accordance with Town Council's Standing Orders

**Terms of Reference & Matters Delegated to the Committee:**

1. To respond on behalf of Bude-Stratton Town Council to all applications for development within Bude-Stratton Town Council area (including Listed Building, Conservation Area consents, consent for advertisement displays etc) received from Cornwall Council. The Planning Committee will respond to Cornwall Council
2. Any planning application that is deemed by the committee to impinge on the town to a significant degree should, if time permits, be referred to full Council
3. To respond to consultation documents regarding tree preservation and other matters regarding general land development
4. To consider all appeals against planning refusal by Cornwall Council within Bude-Stratton Town Council area and to submit comments to the Department for Communities and Local Government

5. To consider any proposals for new and reviews of the Core Strategy and any other consultation documents of a planning nature and to make recommendations to the Council
6. During Planning Committee meetings members of the public may speak at the discretion of the Chairman and with the approval of members of the Planning Committee
7. Authorisation of expenditure within the committees budget, provided that the payment is made from a budget that is within the limits previously approved by the Council. The committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the committees total budget must be authorised by the F&GP Committee
8. To consider and submit to the F&GP Committee estimates of income and expenditure on continuing services
9. To be responsible for expenditure within the limits previously approved by the Council
10. The consideration of Recommendations of sub-committees, working groups etc under the control of the Planning Committee
11. Consultation with other relevant bodies with similar interests, including other Town Council committees and sub-committees, and consideration of their recommendations

**Matters not Delegated to the Committee:**

Any matter falling within the remit of the committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy

**TERMS OF REFERENCE - Properties Committee**

Composition:	Elected members (voting) – four Mayor, Deputy Mayor (ex-officio, voting)
Chairmanship:	Chair and Vice Chair to be elected from the members of the committee at the first meeting in each council year
Meetings:	Approximately every two months. In the event of an item of urgency to be convened by the Town Clerk
Timing:	10am
Venue:	The Parkhouse Centre
Reports to:	Full Council
Administration:	Town Council
Legal status:	Local Government Act 1972/Local Government Act 1999 Public, in accordance with Town Council's Standing Orders

**Terms of Reference & Matters Delegated to the Committee:**

1. To consider such matters as may be delegated by the Council from time to time

2. To draft, negotiate with the lessee/licensee terms and conditions of leases/licences for all Town Council property and land and submit recommendations for consideration by the full Council
3. To consider the renewal of leasing/licensing agreements and make Recommendations to the F&GP Committee if it is not felt appropriate to continue such an agreement
4. To consider the securing and security of all Town Council property and land and make Recommendations to the appropriate committee or the full Council
5. To maintain the register of all Town Council property and ensure and maintain its registered title at the Land Registry
6. To maintain the exterior and structural fabric of all Council buildings/structures
7. To consider and submit to the F&GP Committee annual estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year
8. Authorisation of expenditure within the committees budget, provided that the payment is made from a budget that is within the limits previously approved by the Council. The Committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the committees total budget must be authorised by the F&GP Committee
9. Acceptance of tenders and supervision of contracted projects – provided expenditure is within the budgetary provision and is for areas within the scope of the Committee
10. All aspects of Health and Safety that fall within the remit of the committee
11. Making Recommendations to the Council on all matters not within existing policy
12. Preparation and review of a plan for future requirements within the scope of the committee regardless of feasibility
13. Consultation with other relevant bodies with similar interests, including other Town Council committees and sub-committees, and consideration of their recommendations

**Matters not Delegated to the Committee:**

Any matter falling within the remit of the committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy

**TERMS OF REFERENCE - Recreation Committee**

Composition:	Elected members (voting) – four Mayor, Deputy Mayor (ex-officio, voting)
Chairmanship:	Chair and Vice Chair to be elected from the members of the committee at the first meeting in each council year
Meetings:	Approximately every two months. In the event of an item of urgency to be convened by the Town Clerk
Timing:	7.15pm (or at conclusion of any preceding meeting)
Venue:	The Parkhouse Centre

Reports to: Full Council  
Administration: Town Council  
Legal status: Local Government Act 1972/Local Government Act 1999  
Public, in accordance with Town Council's Standing Orders

**Terms of Reference & Matters Delegated to the Committee:**

1. To consider such matters as may be delegated by the Council from time to time
2. The improvement, maintenance and management of all open spaces, grounds and play areas owned and managed by the Town Council
3. The monitoring, improvement and management of the interior of the Parkhouse Centre
4. The monitoring and management of war memorials within the Town Council area
5. Responsibility for the provision, management and maintenance of Town Council noticeboards
6. Responsibility for the provision, management and maintenance of Town Council owned festive lighting *within* the Bude-Stratton area
7. Responsibility for the provision, management and maintenance of public seats, litter bins and dog bins
8. Reviewing the level of fees and charges of the committee's functions and making appropriate recommendations to the F&GP Committee
9. To consider and submit to the F&GP Committee annual estimates of income and expenditure on continuing services and capital expenditure for the forthcoming year
10. Authorisation of expenditure within the committees budget, provided that the payment is made from a budget that is within the limits previously approved by the Council. The committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the committees total budget must be authorised by the F&GP Committee
11. Acceptance of tenders and supervision of contracted projects – provided expenditure is within the budgetary provision and is for areas within the scope of the committee
12. All aspects of Health and Safety that fall within the remit of the committee
13. Making Recommendations to the Council on all matters not within existing policy
14. Preparation and review of a plan for future requirements within the scope of the committee regardless of feasibility
15. The consideration of Recommendations of sub-committees, working groups etc under the control of the Recreation Committee
16. Consultation with other relevant bodies with similar interests, including other Town Council committees and sub-committees, and consideration of their recommendations

## **Matters not Delegated to the Committee:**

1. The consideration of new and reviews of consultation and policy documents of other bodies and any other consultation documents of a parks and recreational nature
2. Any matter falling within the remit of the committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy

## **TERMS OF REFERENCE – Staffing Committee**

Composition: Elected members only – six

Mayor, Deputy Mayor (ex-officio, voting)

The councillors who serve on the Staffing Committee should have some HR experience and be willing to commit to undertake employment law training as soon as they are elected to the committee

Whilst the composition of the committee will be reviewed annually at the Annual Meeting of the Town Council it is recognised that a stable membership of the committee is desirable and as such membership of the committee should be seen as a long term commitment with a change to its membership only being made if absolutely necessary as staffing matters are by their very nature personal. Committee members must be able to show a willingness to commit to attend regularly and undertake training

Extra Terms: A member will not be eligible for the committee if they have been the

(applicable only to this committee) subject of an upheld grievance or finding of a breach of the Code of Conduct by or relating to a member of BSTC staff. This bar to membership is to remain in force for the duration of the current council

The committee may, at its discretion, co-opt additional members from the full Council in order to carry out its function as a Staffing Committee

There will be no public participation at the meetings of the committee

Discipline and grievances will be dealt with in accordance with the Councils policy

All Town Council members are free to attend Staffing Committee meetings with the proviso that if they are not a member of the Staffing Committee they will be asked to leave in relation to 'In committee' items

Chairmanship: The elected Mayor and Deputy Mayor will be the chair/vice chair (interchangeable)

Meetings: To have a minimum of two meetings per year (May - April) and additional meetings convened as and when required. Meetings will

normally be during office working hours (Monday - Friday 9am - 5pm)

The quorum will be three members

**Terms of Reference & Matters Delegated to the Committee:**

1. To consider such matters as may be delegated by the Council from time to time
2. The overall performance of the staff, delegating the day to day line management to the Town Clerk
3. To review and implement all employment policies in consultation with members of staff
4. To maintain the staffing levels necessary to efficiently discharge the work required by the Council and to review the workloads periodically and report any recommendations for change to the full Council
5. To assist, when required, the Town Clerk in shortlisting and interviewing staff and to appoint staff as required to carry out the decisions and functions of the Council
6. To shortlist and interview prospective candidates for the role of Town Clerk and to make a recommendation to the Council as to the most suitable candidate
7. To review job descriptions, person specifications, staff establishment (including promotion, re-grading, redundancies and fixed term contracts) and to approve contracts of employment
8. The Town Clerk manages attendance, short term sickness, return to work interviews, annual leave, maternity leave, paternity leave, adoption leave, compassionate leave, flexible leave requirements and staff Inductions; long term sickness will be reported to the Staffing Committee and the committee is delegated the powers to resolve any associated matters
9. To maintain confidentiality over all staffing matters as required under the Data Protection Act 1998 and the Code of Conduct
10. To deal with all matters relating to councillor/staff conduct
11. Ensuring the delivery of annual staff appraisals and noting and agreeing any actions and outcomes
12. The Mayor will carry out the Town Clerks annual appraisal and report any actions and outcomes to the committee
13. To consider and implement any changes which are required to comply with Employment Law, Health and Safety law and Terms and Conditions of Service as laid down by the National Joint Council (Green Book) and recommended by the National Association of Local Councils and Society of Local Council Clerks
14. In the event of disciplinary or grievance matters being raised the committee will elect a Disciplinary and Grievance Panel comprising three panel members (from within the Staffing Committee) with three members (from within the Staffing Committee) acting as the Appeal Panel if necessary. All members serving on the Disciplinary and Grievance Hearing Panel and Appeal Panel will have undertaken the appropriate training. The Panels are delegated the powers to make a decision on disciplinary and grievance matters on behalf of the Town Council. The Disciplinary and Grievance Panel will report the Panels final decision to the

Staffing Committee for information once the timescale for lodging an Appeal has lapsed. The Appeal Panel will report the Panels final decision to the Staffing Committee for information. If felt necessary by either Panel it has the delegated approval (including financial) to seek outside professional assistance in order to conclude a disciplinary or grievance matter

15. Carrying out an annual review of the on Council's employment policies, making recommendations to full Council for any alterations/amendments
16. To prepare and submit to the F&GP Committee budget proposals in respect of salaries and training for all staff not later than 30 November each year
17. Authorisation of expenditure within the committees budget, provided that the payment is made from a budget that is within the limits previously approved by the Council. The committee cannot commit or spend from future budgets not confirmed or from future years. The virement of funds within the committees total budget must be authorised by the F&GP Committee
18. All aspects of Health and Safety that fall within the remit of the committee
19. Making Recommendations to the Council on all matters not within existing policy

**Matters not Delegated to the Committee:**

Any matter falling within the remit of the committee which involves the introduction of a new policy or changes to existing policy, future direction and strategy