

BUDE-STRATTON TOWN COUNCIL



STANDING ORDERS

(Revised and adopted by the Full Council 2 March 2023)

FINANCIAL REGULATIONS

(Revised and adopted by the Full Council 2 March 2023)

SCHEME OF DELEGATION

(Revised and adopted by the Full Council 9 December 2021)

COMMITTEE TERMS OF REFERENCE

(Revised and adopted by the Full Council 7 September 2023)

Bude Stratton Town Council

Standing Orders

1. Definitions

'Full Council' – Regular or extraordinary meetings of the full council, convened in accordance with these Standing Orders

'Committee' – Regular or extraordinary meetings of the Planning, Staffing or Oversight committees

'Forum' – A group created under Standing Orders 3.1-3.13 to work on a specific task

Lead Cllr - A named individual councillor for a specific subject area, intended to facilitate communication between the Council and individuals or community groups with a specific interest. The named Cllrs will have an interest in the subject area and develop subject expertise and understanding of the local situation over time. They will both reach out to known interest groups and be a point of contact for relevant members of the community to get in touch over ideas or concerns.

2. Council Decision Making

1. All Council, Committee and Forum meetings will follow the Council's procedural rules set out in these Standing Orders and Financial Regulations when considering any matter.
2. All decisions of the Council will be made in accordance with reference to the strategy and vision of the Council and the environmental impact of any actions taken, always seeking to engage with the community and to understand its wishes.
3. The Town Clerk is responsible, under statute, for preparing the agendas for all meetings of the Town Council and its related bodies, and for circulation of them to meet statutory requirements. However, the Town Clerk will consult with the appropriate Chair during the course of preparation of Agendas.
4. The Chair works in partnership with the Town Clerk to make sure that the Council is properly informed for making lawful decisions during meetings.
5. Matters for inclusion on an Agenda should be made in writing to the relevant chair and Town Clerk.
6. Priority will be given to Agenda items where the Council has direct influence over policy or outcomes.
7. A resolution shall not be reversed within six months except by a special motion, which requires written notice by at least 6 councillors to be given to the Town Clerk only
8. The Town Clerk or other appointed officer as delegated by the Town Clerk will be present at all Full Council and Committee meetings, and will advise on any questions relating to the Standing Orders, Financial Regulations, legal requirements or committee procedures and will supervise the production of formal Minutes of the meeting.
9. Where, for whatever reason, a staff member is not able to attend a meeting, the meeting is not invalidated. The Chair presides and a Cllr may take the minutes.

3. Full Council and Committees

1. The Chair and vice Chair(s) of the Council will be the Mayor and deputy Mayor(s) respectively. The Proper Officer will be the Town Clerk.
2. **For full council meetings, a minimum of three clear days public notice will be given. This does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
3. **For committee meetings, a minimum of three clear days public notice will be given. This does not include the day on which the notice was issued or the day of the meeting**
4. Cllrs are expected to attend meetings

5. Any or every part of the Standing Orders, except those which are mandatory by law may be suspended by Council resolution in relation to any specific item of business
6. **For full council, meetings will 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.**
7. **All meetings will 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 a meeting will be by a resolution which will give reasons for the public's exclusion**
8. At the start of each full council meeting the chair can decide whether to say: "Bude-Stratton Town Council has signed the NALC Civility and Respect pledge. Civility and respect should be at the heart of public life, and good governance is fundamental to ensuring an effective and well-functioning democracy at all levels. The intimidation, abuse, bullying and harassment of councillors, clerks and council staff, in person or online, is unacceptable, whether by councillors, clerks, council staff or public members. Any person adjudged by the Chair of the meeting to have breached this rule may be asked to apologise, withdraw their statement and /or leave the meeting"
9. Wherever possible, meeting venues will enable people with disabilities to participate fully in meetings
10. Unless standing orders say otherwise, members of the public are welcome to make representations and a part of the agenda will be allocated for this purpose. The Chair may agree to allow the public to contribute to debate at any point in a meeting.
11. Councillors are encouraged to answer any questions put to them under standing order 2.9, or to agree a timeframe and method of response where an immediate answer is not available.
12. A person who speaks at a meeting shall direct their comments to the Chair of the meeting, though may request their comments be directed to an individual councillor or officer.
13. Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
14. A summary record of public participation at a meeting will be included in the minutes of the meeting. Members of the public making representations under standing order 2.9 may request to have their name recorded in the minutes
15. Photographing, videoing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted but oral reporting during the meeting is not permitted as it would disrupt the meeting
16. **The press will 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**
17. **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair may in their absence be done by, to or before the Deputy- Chair (if any)**
18. **At Full Council, the Chair, if present, will preside at a meeting. If the Chair is absent from a meeting, the Deputy-Chair, if present, will preside. If both the Chair and the Deputy-Chair are absent from a meeting, a Cllr as chosen by the Cllrs present at the meeting will preside at the meeting**
19. **All questions at a meeting will be decided by a majority of the Cllrs present and voting**
20. In the case of committee, only members of the committee may vote.
21. **The Chair may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote**
22. **Unless Standing Orders provide otherwise, voting on any question will be by a show of hands. At the request of a Cllr, voting on any question will be recorded to show whether each Cllr present and voting gave their vote for or against that question. Such request shall be made before the vote is taken**

- 23. A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.**
- 24. No business may be transacted at a meeting unless at least one third of the whole number of Cllrs are present and in no case will the quorum of a meeting be less than three**
- 25. If a meeting is or becomes inquorate no business will be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
26. A meeting shall not exceed a period of three hours unless by resolution of those voting members present
27. The minutes of a meeting will record: the names of Cllrs present at the beginning of the meeting or when they arrive afterwards and/or leave before the end, apologies from Cllrs received by the Town Clerk; resolutions and a summary of discussions (including contributions from the public). Every page will be numbered and signed and dated by the Chair. The minutes, including any amendments to correct their accuracy, will be confirmed by resolution.
28. Notices convening full council meetings will indicate whether the meeting is 'Town Matters' or 'Council Matters' (see definitions).
- 29. Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- 30. The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- 31. Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

4. Forums

1. The creation of a Forum must be instituted through a motion at Full Council
2. The motion must detail the purpose of the forum, its aims and objectives, proposed terms of reference, a draft meeting schedule and a proposed timeframe for completion of its task
3. Full Council will, where possible, agree the full terms of reference for the Forum at the meeting in which the Forum is created. If it is considered more efficient by the chair, Full Council may adopt a summary Terms of Reference, allowing the Forum to undertake its business immediately. Such summary must include the aims and objectives, a draft meeting schedule, a timeframe for completion and details of any delegated decision making powers. Full Terms of Reference may then be drawn up by the Forum itself and brought back to Full Council at the next opportunity.
4. A forum may comprise any mix of councillors and non-councillors.
5. At its first meeting, the forum will appoint a lead councillor, who will act as chair.
6. The forum should report back monthly to either full council or Committee as agreed when the forum is constituted on progress.
7. At the end of its task, the forum should submit a written report to full council, along with any recommendations
8. A forum shall not last longer than its proposed timeframe without a further vote at full council
9. In general, no more than four forums shall run at any one time. However, additional forums can be set up if Full Council agrees that there is Councillor and Officer capacity.
10. At each forum, the chair will nominate a forum member to record the outcomes and action points, which will be agreed by those attending the meeting.
11. Forum meetings may be held in person or online, providing the Forums Terms of Reference do not delegate decision making powers. Forums with delegated decision making powers must follow the procedures set out for Committees in Standing Order 3.3-3.29.
12. All Forum meetings shall be open to the public. Invitations to the meetings and an agenda for items under discussion will be made to all councillors (whether or not they are members of the

forum) and to the public at least three days in advance. This does not include the day on which the notice was issued or the day of the meeting

13. The Chair may agree to allow the public to contribute to debate at any point in a meeting.

5. Rules of Debate

1. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chair of the meeting.

2. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.

3. A motion on the agenda that is not moved by its proposer may be treated by the chair of the meeting as withdrawn.

4. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder.

5. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.

6. If an amendment to the original motion is carried, the original motion as amended becomes the substantive motion upon which further amendment(s) may be moved.

7. A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder

8. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chair.

9. Subject to standing order 5.10 below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.

10. One or more amendments may be discussed together if the chair of the meeting considers this expedient but each amendment shall be voted upon separately.

11. A councillor may not move more than one amendment to an original or substantive motion.

12. The mover of an amendment has a right of reply at the end of debate on it.

13. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

14. A councillor may speak once in the debate on a motion except:

- a. to speak on an amendment moved by another councillor;
- b. to move or speak on another amendment if the motion has been amended since they last spoke;
- c. to make a point of order;
- d. to give a personal explanation; or
- e. in exercise of a right of reply.

15. The chair may allow further opportunity to speak in order to facilitate the flow of debate and provide full representation.

16. 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 they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.

17. A point of order shall be decided by the chair of the meeting and their decision shall be final.

18. When a motion is under debate, no other motion shall be moved except:

- a. to amend the motion;
- b. to proceed to the next business;
- c. to adjourn the debate;
- d. to put the motion to a vote;
- e. to ask a person to be no longer heard or to leave the meeting;
- f. to refer a motion to a committee or sub-committee for consideration;

- g. to exclude the public and press;
- h. to adjourn the meeting; or
- i. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.

19. Before an original or substantive motion is put to the vote, the chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.

20. Excluding motions moved under standing order 5.18 above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 2 minutes without the consent of the chair of the meeting.

6. Disorderly Conduct

1. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chair shall request such person(s) to moderate or improve their conduct
2. If the person(s) disregard the request of the Chair to moderate or improve their conduct, any Cllr or the Chair may move that the person be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion. If motion is agreed the Chair may take further reasonable steps to restore order or to progress the meeting. This may include suspending or closing the meeting.

7. Ordinary council meetings

1. **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.**
2. **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.**
3. **If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
4. **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.**
5. **The first business conducted at the annual meeting of the council shall be the election of the Chair and Vice-Chair of the Council, ideally completing a form (appendix *1)) The process would be as follows:**
 - i. A date for written submissions to be received to be set (one week prior to Annual Council for the Mayoral posts and one week before the relevant committee for the Committee Chair posts)
 - ii. Nominated Councillors (Candidates) and their Proposers would send written statements for roles applied for to the Town Clerk.
 - iii. Day after closing date the written submissions to be distributed to all Councillors.
 - vi. At the Annual Council Meeting (or relevant Committee), applicants and Proposes make public statements in support of application.
 - v. Voting takes place. If there are more than two candidates then voting takes place until an absolute majority is achieved, else, the candidate with lowest number of votes drops out and voting continues until only one candidate remains.
6. **The Chair of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the council.**
7. **The Vice-Chair of the Council, if any, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the council.**

8. In an election year, if the current Chair of the Council has not been re-elected as a member of the council, they shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.

9. In an election year, if the current Chair of the Council has been re-elected as a member of the council, they shall preside at the meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.

10. Following the election of the Chair of the Council and Vice-Chair (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:

- i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of their acceptance of office form unless the council resolves for this to be done at a later date;**
- ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
- iii. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 5 above;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements, including legal agreements, with other local authorities, not-for-profit bodies and businesses
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. Appointment of Lead Councillors

8. Extraordinary Meetings

1. The Mayor may convene an extraordinary meeting of the Council at any time.
2. The Chair of a committee or Forum may convene an extraordinary meeting at any time.
3. **If the Mayor or Chair of a committee or Forum does not call an extraordinary meeting within seven days of having been requested to do so by two Cllrs, any two Cllrs may convene an extraordinary meeting. The public notice giving the time, venue and agenda for such a meeting must be signed by the two Cllrs**
4. If the Chair of a committee or Forum does not call an extraordinary meeting within seven clear days having been requested to do so by two members of that committee or Forum, any two members of the committee may convene an extraordinary meeting.

9. Voting on appointments

1. Written votes are envisaged where more than two persons have been nominated for a position to be filled by the Council. Where more than two persons have been nominated for a position to be filled by the council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chair of the meeting.

10.Motions

1. 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 Town Clerk
2. If the wording or nature of a proposed motion is considered unlawful or improper, the Town Clerk will consult with the Chair of the forthcoming meeting or the Cllrs who have convened the meeting, to consider whether the motion will be included in the agenda.
3. Having consulted the Chair or Cllrs, the decision of the Town Clerk as to whether to include the motion in the agenda will be final
4. Every motion rejected in accordance with the Council's standing orders will be duly recorded by the Town Clerk giving reasons for its rejection which will be open to inspection by all Cllrs.

11.Motions for a meeting that require written notice to be given to the Proper Officer

1. A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
2. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 8 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
3. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 11.2 above, correct obvious grammatical or typographical errors in the wording of the motion.
4. If the Proper Officer considers the wording of a motion received in accordance with standing order 11.2 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 so that it can be understood at least 8 clear days before the meeting.
5. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chair of the forthcoming meeting (or in their absence the vice-chair of the meeting, or the Mayor or Deputy Mayor) or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
6. Subject to standing order 11.5 above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
7. Motions received shall be recorded in a book or suitable format (such as electronic means) for that purpose.
8. Motions rejected shall be recorded in a book or suitable format (such as electronic means) for that purpose with an explanation by the Proper Officer for their rejection.
9. A written notice of motion shall not relate to any matter which may be considered under the Council's Code of Conduct, Complaints Procedure or employment policies.

12.Motions at a meeting that do not require written notice

The following motions may be moved at a meeting without written notice to the Proper Officer;

- a. to correct an inaccuracy in the draft minutes of a meeting;
- b. to move to a vote;
- c. to defer consideration of a motion;
- d. to refer a motion to a particular committee, sub-committee, forum or officer of the council;
- e. to appoint a person to preside at a meeting;
- f. to change the order of business on the agenda;

- g. to proceed to the next business on the agenda;
- h. to require a written report;
- i. to appoint members to committee, sub-committee or forum;
- j. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- k. to not hear further from a councillor or a member of the public;
- l. to exclude a councillor or member of the public for disorderly conduct;
- m. to temporarily suspend the meeting;
- n. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- o. to adjourn the meeting; or
- p. to close a meeting.
- q. To appoint a Lead Councillor, or to amend or create a Lead Councillor subject area
- r. To make amendments to the Terms of Reference of a Forum

13. Management of information

1. **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
2. **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
3. **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
4. **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

14. Draft minutes

1. If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
2. There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 12.1.a above.
3. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
4. If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:
"The chair of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
5. Upon a resolution which confirms the accuracy of the minutes of a meeting, any draft minutes of the meeting for which approved minutes exist shall be destroyed. Any recordings of meetings which are created for public viewing to be available for 4 years

15. Code of conduct and dispensations

General

1. The Council has adopted the Cornwall Code of Conduct for City, Community, Parish and Town Councils which will apply to all councillors and members of the public co-opted to serve on Committees, sub Committees and Forums of the Council in respect of the entire meeting.
2. 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.
3. Members must have particular regard to their obligation to record and leave the room for matters in which they have an interest as defined by the Code of Conduct or by relevant legislation.
4. The Council shall maintain for public inspection, a Register of Members' interests that is compliant with the Code of Conduct and with relevant legislation.

Members and the Code of Conduct

5. 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.
6. 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 Monitoring Officer and the Clerk of any changes within 28 days. All councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
7. Unless granted a dispensation, a councillor or non-councillor with voting rights who has 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
8. Unless granted a dispensation, a councillor or non-councillor with voting rights who has registered a non-registerable interest in relation to any item of business being transacted at a meeting, shall leave the room whenever the item is being discussed, including any part of the meeting where the public are entitled to speak.
9. Where a non-registerable interest arises from membership of an outside body as defined in 3.5a of the Council's code of conduct, a councillor may remain in the room to address the meeting, provide a short statement and answer questions for no more than three (3) minutes before leaving the room at the request of the Chair.
10. A Councillor must record in a register of interests maintained by the Proper Officer any gifts or hospitality that are offered or received in connection with their official duties as a member and the source of the gift or hospitality worth £50 or over.
11. A Member of the Council may, for the purposes of their duty as a member but not otherwise, inspect any document which has been considered by a Committee or by the Council. The Proper Officer or Solicitor to the Council may decline to allow inspection of any document which is protected by other legislation or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client. All Minutes kept for any Committee shall be open for the inspection of any member of the Council during office hours.

Dispensations

12. Dispensation requests shall be in writing (using the Dispensation form in Appendix *3) and submitted to the Proper Officer as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required
13. A decision as to whether to grant a dispensation shall be made by a meeting of the council, or committee or sub-committee for which the dispensation is required and that decision is final.
14. A dispensation request shall confirm:
 - a. the description and the nature of the disclosable pecuniary interest or other interest
 - b. to which the request for the dispensation relates; whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - c. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and

- d. an explanation as to why the dispensation is sought.
15. This policy shall apply to all meetings of the Council, its committees and sub-committees.
16. No dispensation will be awarded for any meeting where there are no minutes of the proceedings.

16. Code of conduct complaints

1. Notification of any complaint shall remain confidential to the Proper Officer of the Council until such time as the matter has been concluded.
2. Where the notification in standing order 16.1 above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 16.6 below
3. 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
4. The council may:
 - a. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - b. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
 - c. indemnify the councillor in respect of their related legal costs and any such indemnity is subject to approval by a meeting of the full council.
5. References 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.
6. **Upon notification by the Cornwall Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider any recommendations and what, if any, action to take against them. Such action excludes disqualification or suspension from office and shall be limited to those sanctions recommended by the Monitoring Officer as part of the Decision Notice.**

17. Proper Officer

1. The Proper Officer shall be the Town Clerk. Other staff member(s) nominated by the Council (at a full council meeting) or delegated by the Town Clerk in writing shall undertake the work of the Proper Officer in matters relative to their role(s) when the Proper Officer is absent.
2. The Proper Officer shall:
 - a. **At least three clear days before a meeting of the council, a committee or Forum serve on councillors a summons by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the date, time, place and the agenda (provided the Councillor has consented to service by email) and provide, in a conspicuous place, the public notice of the date, time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them);**
 - b. subject to standing order 10 above, include on the agenda all motions unless a councillor has given written notice at least 8 days before the meeting confirming their withdrawal of it;
 - c. **convene a meeting of full council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;**
 - d. **facilitate inspection of the minute book by local government electors;**
 - e. **receive and retain copies of byelaws made by other local authorities;**

- f. hold acceptance of office forms from councillors;
- g. hold a copy of every councillor's register of interests;
- h. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- i. liaise, as appropriate, with the Council's Data Protection Officer;
- j. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- k. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- l. arrange for legal deeds to be executed;
- m. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations.
- p. manage access to information about the Council via the publication scheme; and
- q. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.

18. Responsible Financial Officer

The council shall appoint appropriate staff member(s) to undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

19. Accounts and accounting statements

1. "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England)
2. All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
3. The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - a. the council's receipts and payments for each quarter;
 - b. the council's aggregate receipts and payments for the year to date;
 - c. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
4. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - a. each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
 - b. to the full council the accounting statements for the year in the form of Section 2 of the Annual Governance and Accountability Return, as required by proper practices, for consideration and approval.
5. The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

20. Financial controls and procurement

1. The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - a. the keeping of accounting records and systems of internal controls;
 - b. the assessment and management of financial risks faced by the council;
 - c. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - d. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
 - e. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
2. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
3. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 20.6 is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
4. Subject to additional requirements in the financial regulations of the council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - a. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - b. an invitation to tender shall be drawn up to confirm (i) the council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - c. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - d. tenders are to be submitted in writing in a sealed marked envelope addressed to the Town Clerk in the ordinary course of post or to an appointed suitably qualified external specialist.
 - e. tenders shall be opened at the same time on the prescribed date by the Town Clerk in the presence of the Mayor / Deputy Mayor of Chair / Vice Chair of a Committee, or by an appointed suitably qualified external specialist, who has checked the accuracy of the tenders prior to submitting a sealed formal tender report/summary to the council or committee;
 - f. tenders are to be reported to and considered by the appropriate meeting of the council or a committee or sub-committee with delegated responsibility;
5. Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
6. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £213,477(inc VAT) for a public service or supply contract or in excess of £5,336,937(inc VAT) for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
7. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424**

for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.

See also Financial Regulations for full rules and legislation

21. Handling staff matters

1. A matter personal to a member of staff that is being considered by a meeting of council OR the Staffing Committee is subject to standing order 12 above.
2. Subject to the Council's policies regarding the handling of performance, capability and disciplinary matters, the Council's most senior staff member (or other member of staff) shall contact the Chair of Staffing Committee or in their absence the Vice Chair of the Staffing Committee in respect of an informal or formal matter and this shall be reported back and progressed by resolution of the Staffing Committee in accordance with its terms of reference.
3. Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the chair of the Staffing Committee or, if they are not available, the vice-chair of the Staffing Committee of any significant absence occasioned by illness or other reason and that person shall report such absence to the Staffing Committee at its next meeting.
4. The chair and/or the vice-chair of the Staffing Committee conduct an annual appraisal of the work of the Town Clerk. The review shall be reported in writing and are subject approval by resolution by the Staffing Committee The Town Clerk shall conduct the annual appraisals of those staff in their immediate line management and line managers will conduct annual appraisals for the staff subordinate to them.
5. Subject to the council's policy and staff handbook regarding the handling of grievance matters, the Town Clerk shall contact the chair of the Staffing Committee or in their absence, the vice- chair of the Staffing Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Staffing Committee.
6. Subject to the council's policy regarding and staff handbook the handling of grievance matters, if an informal or formal grievance matter raised by an employee relates to the chair or vice-chair of the Staffing Committee, this shall be communicated to another member of the Staffing Committee, which shall be reported back and progressed by resolution of the Staffing Committee.
7. Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
8. The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
9. Only council officers with line management responsibilities shall have access to staff records referred to in standing orders 21.7 and 21.8 above if so justified.
10. The council will identify two persons with line management responsibilities who may have access to staff records referred to in standing order 21.7.
11. Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 21.6 and 21.7 above shall be provided only to the Town Clerk.

22. Responsibilities to provide information

See also standing order number 23

1. **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
2. **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

3. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the chair of a duly delegated Committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

23. Responsibilities under Data Protection Legislation *(Below is not an exclusive list).*

See also standing order number 13

- 1. The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning their personal data.**
- 2. The Council shall have a written policy in place for responding to and managing a personal data breach.**
- 3. The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- 4. The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- 5. The Council shall maintain a written record of its processing activities.**

24. Relations with the press/media

1. Requests from the press or other media for an oral or written comment or statement from the Council, its councillors or staff shall be handled in accordance with the Council's policy in respect of dealing with the press and/or other media.

25. Execution and sealing of legal deeds

1. A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- 2. Subject to standing order 24.1 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 councillors who shall sign the deed as witnesses.**

26. Communicating with Unitary Councillors

1. An invitation to attend a meeting of the council shall be sent, together with the agenda, to the Division councillor(s) of the Unitary Authority.
2. Unless the Council determines otherwise, a copy of relevant correspondence sent to the unitary authority shall be sent to the divisional councillor(s) representing the area of the Council.
3. At the Chair's discretion, a divisional member may be invited to speak during any item on the agenda to make a short statement and answer any questions.

27. Restrictions on councillor activities

1. Unless authorised by a resolution, no councillor shall:
 - i. inspect any land and/or premises which the council has a right or duty to inspect; or
 - ii. issue orders, instructions or directions.
 - iii. incur any expenditure on behalf of the council or issue an instruction to incur expenditure.
2. Councillors are requested to be mindful of the use of time and resources when sending e-mails and consider the use of the "reply all" function when making responses.

28.Standing orders generally

1. All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
2. A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 10 above.
3. The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after they have delivered their acceptance of office form.
4. The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

29.Lead Councillors

1. BSTC may fund training and promote attendance for Lead Councillors at outside events in order to extend their knowledge base
2. Lead Cllrs are not permitted to make decisions on behalf of the whole Council, nor to agree to any further action beyond taking a matter further and presenting it to the Council for a decision to be made
3. Lead Cllrs will discuss issues with appropriate Council staff when the matter affects council led services.
4. Subject areas may have joint Lead Councillors where they can act to support each other or operate alone. Some Cllrs may have Lead status in more than one subject.
5. The existence of Lead Councillors does not affect the rights of the public to contact their Ward Cllrs, any Cllr of their choosing, or the office to raise a matter.

BUDE-STRATTON TOWN COUNCIL FINANCIAL REGULATIONS (© NALC)

1. GENERAL

1.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers.

Financial regulations must be observed in conjunction with the council's standing orders and any individual financial regulations relating to contracts.

1.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.

1.3. The council's accounting control systems must include measures:

- for the timely production of accounts;
- that provide for the safe and efficient safeguarding of public money;
- to prevent and detect inaccuracy and fraud; and
- identifying the duties of officers.

1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.

1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.

1.6. Deliberate or wilful breach of these Regulations by an employee will give rise to disciplinary proceedings.

1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.

1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The clerk has been appointed as RFO for this council and these regulations will apply accordingly.

1.9. The RFO;

- acts under the policy direction of the council;
- administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
- determines on behalf of the council its accounting records and accounting control systems;
- ensures the accounting control systems are observed;
- maintains the accounting records of the council up to date in accordance with proper practices;
- assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
- produces financial management information as required by the council.

1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.

1.11. The accounting records determined by the RFO shall in particular contain:

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

1.12. The accounting control systems determined by the RFO shall include:

- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
- measures to ensure that risk is properly managed.

1.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- setting the final budget or the precept (council tax requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors, shall be a matter for the full council only.

1.14. In addition the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve any grant or a single commitment in excess of £20,000; and
- 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.

1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified. In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils - a Practitioners' Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

2.1. 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.

2.2. On a regular basis, at least once in each quarter, and at each financial year end, the Chairman of the a duly designated Committee, is to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Finance and Property Committee.

2.3. 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.

2.4. 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.

2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.

2.6. The internal auditor shall:

- be competent and independent of the financial operations of the council;
- report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
- to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- have no involvement in the financial decision making, management or control of the council.

2.7. Internal or external auditors may not under any circumstances:

- perform any operational duties for the council;
- initiate or approve accounting transactions; or
- direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.

2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.

2.10. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

3.1. Each committee (with a budget) shall review its revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the council not later than the end of December each year.

3.2. 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.

3.3. If the council has or implements a 3 year forecast, the council shall consider annual budget proposals in relation to the council's 3 year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.

3.4. 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.

3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

4.1. 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').

4.2. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.

4.3. In cases of extreme risk to the delivery of council services, the Facilities Manager in conjunction with the Town Clerk may authorise revenue expenditure on behalf of the council which in their 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. The Town Clerk (or RFO) shall report such action to the chair as soon as possible and to the council as soon as practicable thereafter.

4.4. The salary budgets are to be reviewed at least annually in October for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Staffing Committee. The RFO will inform committees of any changes impacting upon their budget requirement for the coming year in good time.

4.5. 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.

4.6. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.

4.7. 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.

4.8. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

4.9. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

the council for all items over £20,000;

a duly delegated committee of the council for items over £2,500; or

the Town Clerk, in conjunction with Chair of Council or Chairman of the appropriate committee, for any items below £2,500

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chairman.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

5.1. 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 nominated members of a duly delegated Committee, the Town Clerk and the Castle and Communities Manager.

5.2. 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 a duly delegated Committee. The council / committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council or a duly delegated Committee. The approved schedule shall be signed by two member signatories and the RFO.

Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

5.3. 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.

5.4. The RFO shall examine invoices for arithmetical accuracy and allocate 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 a duly delegated Committee.

5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:

- a) 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 a duly delegated Committee
- b) 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 and Property Committee; or
- c) Where an item has been agreed for payment by resolution by council or a committee acting under delegated authority

5.6. 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 and the like for which council or a duly authorised committee may authorise payment for the year. Provided that the requirements of regulation 4.8 are adhered to, provided that a list of such payments shall be submitted to the next appropriate meeting of the council or a duly delegated Committee

5.7. 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 shall before payment, be subject to ratification by resolution of the council.

5.8. 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.

5.9. 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.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

6.1. The council will make safe and efficient arrangements for the making of its payments.

6.2. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.

6.3. All payments shall be effected by online payment, BACS, cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council or duly delegated committee.

6.4. 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 members of council, and countersigned by the Town Clerk or RFO, in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.

6.5. 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.

6.6. 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 and Property Committee at the next convenient meeting.

6.7. 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 members 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.

6.8. 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.

6.9. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing who entered and who approved the payment.

6.10. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.

6.11. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.

6.12. The council, and any members using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.

6.13. Where internet banking arrangements are made with any bank, the Town Clerk or 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. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.

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

6.15. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the RFO. A programme of regular checks of standing data with suppliers will be followed.

6.16. Any pre-paid debit card issued for use will be specifically restricted to the Town Clerk and the RFO. The maximum balance shall not exceed £1000 on either card and will also be restricted to a single transaction to the maximum balance.

6.17. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Clerk and RFO, but not exceed £500, and reported to the next appropriate a duly delegated Committee meeting. Transactions and purchases made will be reported to the council or Finance and Committee and authority for topping-up shall be at the discretion of the council or Finance and Property Committee.

6.18. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk and 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.

6.19. 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.

a) The RFO shall maintain a petty cash float for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.

The petty cash levels shall be:

- For the Parkhouse (Council) Office - £100
- For the Castle - £300
- The Library - £50

- b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
- c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to council under 5.2 above.

7. PAYMENT OF SALARIES

7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.

7.2. 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 or collective payment is reported to the next available council meeting, as set out in these regulations above.

7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Staffing Committee.

7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record. This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:

- a) by any councillor on the staffing committee who can demonstrate a need to know;
- b) by the internal auditor;
- c) by the external auditor; or
- d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.

7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.

7.6. Any termination payments shall be supported by a clear business case and reported to the staffing committee for a recommendation to full council. Termination payments shall only be authorised by the full council.

7.7. An effective system of personal performance management should be maintained for the senior officers.

7.8. Before employing interim staff, the council must consider a full business case.

7.9. The Council has resolved to be a real living wage employer.

8. LOANS AND INVESTMENTS

8.1. 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.

8.2. 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.

8.3. The Mayor may request that the RFO sends them a copy of each statement of account.

8.4. All loans and investments shall be negotiated in the name of the council and shall be for a set period in accordance with council policy.

8.5. 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.

8.6. All investments of money under the control of the council shall be in the name of the council.

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

8.8. 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).

9. INCOME

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

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

9.3. The council will review all fees and charges at least annually, following a report from the RFO (see category list appendix *2)

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

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

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

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

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

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

10. ORDERS FOR WORK, GOODS AND SERVICES

10.1. Where appropriate an official order or letter shall be issued for work, goods and services. Copies of orders shall be retained.

10.2. 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.

10.3. A member may not issue an official order or make any contract on behalf of the council.

10.4. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

10.5. Order books shall be overseen by the RFO.

11. CONTRACTS

11.1. 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:

for the supply of gas, electricity, water, sewerage and telephone services;

for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;

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;

for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;

for additional audit work of the external auditor up to an estimated value of £500, in excess of this sum the Town Clerk or RFO shall act after consultation with the Chairman and Vice Chairman of council; and

for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations¹.

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

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, RFO or Facilities Manager shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Town Clerk in the ordinary course of post or to an appointed suitably qualified external 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 the presence of the council or committee or by an appointed suitably qualified external specialist, who will check the accuracy of the tenders prior to submitting a sealed formal tender report/summary to the council or committee. This sealed formal tender report/summary to be dealt with in accordance with Standing Orders.

¹ The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

Any invitation to tender issued under this regulation shall also be subject to Standing Orders 20 and shall refer to the terms of the Bribery Act 2010.

When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Town Clerk or RFO, or relevant Officer, shall obtain at least 3 quotations (priced descriptions of the proposed supply); where the value is below £5,000 and above £500 the Town Clerk or RFO, or relevant Officer, shall strive to obtain 3 estimates. Otherwise, Regulation 10.2 above shall apply.

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.

12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS (PUBLIC WORKS CONTRACTS)

12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).

12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the council or relevant committee.

12.3. Any variation to a contract or addition to or omission from a contract must be approved by the council or relevant committee and confirmed by the Town Clerk or RFO to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

13. STORES AND EQUIPMENT

13.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.

13.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.

13.3. Stocks shall be kept at the minimum levels consistent with operational requirements.

13.4. The RFO, or a delegated representative, shall be responsible for periodic checks of stocks and stores at least annually.

14. ASSETS, PROPERTIES AND ESTATES

14.1. The Town Clerk or RFO shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO 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.

14.2. 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.

14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.5. 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.

14.6 Building Log Books will be created and maintained to record works undertaken on each project.

15. INSURANCE

15.1. Following the annual risk assessment (per Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers in consultation with the Town Clerk.

15.2. The Town Clerk, Facilities Manager or Castle Manager shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

15.3. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.

15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.

15.5. All appropriate 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.

16. CHARITIES

16.1. Where the council is sole managing trustee of a charitable body the Town Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.

17. RISK MANAGEMENT

17.1. The council is responsible for putting in place arrangements for the management of risk. The Town Clerk and RFO (if relevant in conjunction with any appropriate senior Officer) 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 as required.

17.2. When considering any new activity, the Clerk with the RFO, Facilities Manager, Castle Manager or appropriate Officer, shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

18. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

18.1. It shall be the duty of the a duly delegated Committee to review the Financial Regulations of the council from time to time and make appropriate recommendations to the Full Council. The Town Clerk and RFO shall make arrangements to monitor changes in legislation or proper practices and shall advise a duly delegated Committee of any requirement for a consequential amendment to these Financial Regulations.

18.2. The council may, by resolution of the council duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of council.

SCHEME OF DELEGATION

This Scheme of Delegation forms part of the Council's Financial Regulations and will be reviewed at least annually or earlier, for example when there are staffing changes.

Those with delegated responsibility are referred to by job title, therefore any changes in job titles will trigger a review of this scheme.

One of the purposes of the document is to clearly define the parameters within which Officers of the Council are able to act without reference to either their line managers or Members. Where consultation with others is a requirement of the ability to act it is clearly set out with whom that consultation should take place.

Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

The various delegated powers given by the Council to its various committees are covered within the Terms of Reference of each Committee.

Delegation to Officers

Town Clerk / Responsible Finance Officer (Proper Officer)

The Town Clerk is designated and authorised to act as Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.

1. General Matters

The Town Clerk is authorised:-

1. to sign on behalf of the Council any document necessary to give effect to any decision of the Council.
2. to take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
3. to institute, defend and appear in any legal proceedings authorised by the Council.
4. to appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the community)
5. to decide arrangements for the closure of the Council offices in the Christmas/New Year period, subject to consultation with the Mayor.
6. to manage the Council's facilities and assets, including, open spaces, amenity areas, Parkhouse Centre, Castle Heritage Centre, Library and other buildings and assets.
7. to act as the Council's designated officer for the purposes of the Freedom of Information Act 2000.
8. to act as the Council's Proper Officer as per section 281 Local Government Act 1972.

2. Financial Matters

The Town Clerk is authorised as follows:-

1. To incur expenditure up to a maximum of £2000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution.
2. To use the Repairs and Maintenance Budgets for the maintenance, replacement or repair of existing property or equipment.
4. To compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.

3. Staffing Matters

The Town Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:-

- 1) The appointment of staff other than that of senior managers
- 2) the employment of temporary employees.
- 3) control of staff performance and discipline and performance, including the power of suspension and dismissal, in accordance with the policies set by the Staffing Committee and approved by Council.
- 4) payment of expenses and allowances in accordance with the Council's scheme;

4. Property Matters

The Town Clerk is given authority to manage the land and property of the Council including:-

- 1) agreeing the terms of any lease, licence, conveyance or transfer approved by Council.
- 2) the granting or refusal of the Council's consent under the terms of any lease;
- 3) variations of restrictive covenants of a routine nature;
- 4) initiating legal action or proceedings against unauthorised encampments on Council land
- 5) Manage the disposal of unwanted assets.

5. Urgency

The Town Clerk is authorised to act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council or relevant committee. The Mayor and the Chairman of any relevant committee are to be consulted before such action is taken.

Castle and Communities Manager

Authorised to:

1. be responsible for the running of the Castle and Library within approved budget
2. make purchases of supplies and stocks
3. set café and shop prices, including promotional discounts
4. approve membership applications
5. approve advertising and social media posts
6. negotiate/approve hire for all Castle & Library spaces
7. manage complaints and complements
8. approve internal aesthetic design concepts/interior design

Heritage Development Officer

Authorised to:

1. manage and approve accession of historical artefacts into the collection

Facilities Manager

Authorised to:

1. be responsible for the running of the Work Unit and vehicle fleet
2. make purchases of supplies and stocks
3. take action to ensure compliance with Health and Safety legislation and best practice
4. carry out maintenance up to a £1,000 on all BSTC properties
5. place Facilities Operatives on essential training as required
6. oversee planting regime as approved by committee

Committee Terms of Reference & Matters Delegated - Applicable to all Committees.

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 Full 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 Chair of Committee (or in their 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 Chair and with the approval of members of the Planning Committee.
10. Unless standing orders say otherwise, members of the public are welcome to make representations and part of the agenda will be allocated for this purpose. The Chair may agree to allow the public to contribute to debate at any point in a meeting.
11. 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.
12. Authorisation of expenditure within the Committee's budget, provided that the payment is made from a budget that is within the limits previously approved by the Council.
13. Ensuring all aspects of Health and Safety that fall within the remit of the Committee.
14. Making Recommendations to the Council on all matters not within existing policy.
15. Preparation and review of a plan for future requirements within the scope of the Committee.
16. On an annual basis, the preparation and review of the strategic objectives and priorities of the Committee.
17. To make Recommendations to the Council on capital expenditure not already provided for in Council's estimates of expenditure for the current financial year relevant to the committee.
18. Reviewing the level of fees and charges associated with Council services relevant to this Committee and making appropriate recommendations to Full Council.
19. Consultation with other relevant bodies with similar interests, including other Town Council Committees and sub-committees, and consideration of their recommendations.
20. To consider such matters as may be delegated by the Council from time to time.
21. To review resolutions made by the committee on a regular basis and follow up where appropriate.
22. To Co-opt where relevant non-voting members of the public with relevant expertise/experience on to the committee in a non-voting capacity.

23. To receive updates from relevant working groups associated with the Committee and check on their progress.
24. To ensure the Committee and the resolutions consider the Accessibility Policy of the Town Council in all instances and make recommendations where appropriate.
25. To request letters of support from Cornwall Councillors and the MP on relevant topics relating to the Committee.

Delegation of Authority to Sub-Committees/Working Groups: Where a function within the Terms of Reference of a Committee has been further delegated to a Sub-Committee or Working Group, it will report its findings/recommendations back to the appropriate Committee or direct to Full Council, as per the remit. One officer shall also be appointed to support the group to help achieve its aims and objectives.

Matters not delegated to the Committees:

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 – Democratic & Corporate Services Committee

COMPOSITION:	Elected members (voting) – 9 (Nine) All other Councillors – non-voting
QUORATE:	The quorum will be three members.
CHAIRING:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each Council year
MEETINGS:	8 or 9 per annum
TIMING:	Thursdays at 6.15 p.m.
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

Specific Terms:

1. To consider matters arising from the report of the internal and external auditors and where considered necessary make recommendations to Full Council.
2. To prepare annual estimates of income and expenditure of the Council on continuing services and of payments on capital accounts 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.
3. To undertake annually the risk assessment in relation to the Council’s insurance cover and to insure against such risks as the Committee deems necessary to cover.
4. To agree virements between approved budget headings.
5. To make recommendations to the Council on the use of financial reserves.
6. To review the Standing Orders and Financial Regulations on a regular basis and make recommendations to the Council.
7. To receive and approve schedules of payments.
8. To receive evaluation reports from grant recipients on a bi-annual basis.
9. To oversee the Procurement Policy of the Council.
10. The monitoring of Town Council car parks.
11. To receive updates and consider the services offered at the Parkhouse Centre.
12. To oversee the set up and running of a Youth Council.
13. To receive and consider recommendations made from Officers regarding dispute resolution on Council matters.
14. To receive updates on liaison with the community on matters relating to the Council.
15. To receive updates on liaison with Cornwall Council and other local bodies established.
16. To receive and approve the communication strategy of the Town Council and receive regular reports on Town Council communications.
17. To initiate relevant consultation on specific items relating to this committee as and when appropriate.
18. To receive recommendations for digital packages or programmes for use by the Town Council.
19. To receive and approve all Legal matters in relation to properties and projects of the Council inc. leases and licences.
20. To review existing Council policies with a view to recommending alterations to Full Council.
21. To maintain the register of all Town Council property and maintain its registered title at the Land Registry.

22. To receive updates for large- and small-scale capital and activity projects of the Council and agree any actions within the remits and budgets of the projects.
23. To receive and accept tenders for contracted projects within the Committee's remit.
24. To consider and agree the vision and priorities of the Council in preparation to recommend and review at Full Council
25. To consider and agree the strategy of the Council in preparation to recommend and review at Full Council

Terms of Reference – Facilities & Environmental Services Committee

COMPOSITION:	Elected members (voting) – 9 (Nine) All other Councillors – non-voting
QUORATE:	The quorum will be three members.
CHAIRING:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each Council year
MEETINGS:	8 or 9 per annum
TIMING:	Thursdays at 6.15 p.m.
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

Specific Terms:

1. To receive updates on the improvement, maintenance and management of land owned by the Town Council:
 - Summerleaze Downs
 - The Stamford Hill Battlefield site and Tree Fields, Grushill Woods
 - Poughill Cemetery
 - Mear Gardens
 - Rattenbury Gardens
 - Shalder Hill/ Met station area/Neetside Orchard
 - The Shute Triangle
 - Land at HeleBridge
 - Neetside Road/rear of the Crescent
 - Town Council car parks
2. To receive updates on the improvement, maintenance and management of the exterior and internal structural fabric of all Council buildings/structures:
 - The Parkhouse Centre
 - The Caretakers House (Parkhouse)
 - The Castle Heritage Centre and Bandstand
 - The Bude Light
 - The Lock gate Tearooms
 - Lower Wharf Units 1, 2, 3/Castle store/Old Forge Display Unit/The Kiosk
 - Helebridge Workshop
 - Shorelands Work Unit
 - Pitch & Putt & Pavilion
 - The Cricket Pavilion
 - Public Toilets & Beach Showers in the Bude-Stratton/Poughill Area
 - The Library
 - Lords Court
 - The Storm Tower at Compass Point for a period of 5 years from completion of rebuild.
3. To receive updates on the improvement, maintenance and management of Town Council:
 - Notice boards/Signs
 - Telephone Kiosks
 - Public seats
 - Litter & Dog bins
 - Brick built bus shelters

- War memorials
 - Play Parks/ Play Areas
 - Festoon lighting
4. To receive updates on the operation and maintenance of all Town Council vehicles.
 5. To receive updates on the implementation of the environmental policy, the climate action plan and the land management plan and undertake regular reviews as required.
 6. To support the development and implementation of Cornwall Council's Climate Action Plan.
 7. To ensure the securing and security of all Town Council property and land.
 8. To receive and accept tenders for contracted projects within the Committee's remit.
 9. To investigate the provision of Allotments as a Town Council asset.
 10. To receive updates on the H&S of all Town Council owned assets and personnel.
 11. To agree virements between approved budget headings.
 12. To make recommendations to the Council on the use of financial reserves.
 13. To initiate relevant consultation on specific items relating to this committee as and when appropriate and in conjunction with the communications officer where required.

Terms of Reference – Cultural & Heritage Services Committee

COMPOSITION:	Elected members (voting) – 9 (Nine) All other Councillors – non-voting
QUORATE:	The quorum will be three members.
CHAIRING:	Chair and Vice Chair to be elected from the members of the Committee at the first meeting in each Council year
MEETINGS:	8 or 9 per annum
TIMING:	Thursdays at 6.15 p.m.
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

Specific Terms:

1. To receive updates on the improvement, provision, maintenance and management of:
 - The Castle Heritage Centre
 - The Bandstand and the land surrounding
 - The Barge Workshop at Helebridge
 - Wharf store and Old forge display
 - The Library & Information Service
2. To receive updates and consider local heritage issues, matters relating to Council owned conservation areas and where appropriate to make recommendations to Full Council.
3. To receive updates regarding town twinning and make recommendations to Full Council.
4. To receive updates and approve the events and activities programme for the Town Council annually.
5. To encourage arts, cultural and heritage events within the town and where reasonable to make recommendations of support in conjunction with Officers.
6. To receive updates on the liaison with Cornwall Council and other local bodies established for the promotion and/or management of arts and heritage facilities or activities.
7. To help protect, promote and strengthen the Cornish identity of the parish.
8. To agree virements between approved budget headings.
9. To make recommendations to the Council on the use of financial reserves.
10. To initiate relevant consultation on specific items relating to this committee as and when appropriate and in conjunction with the communications officer where required.

Terms of Reference - Planning Committee

This Committee resolves the Town Council's response to Planning Applications passed on for consultation by Cornwall Council and deals with all matters involving the planning process and development of the Town.

COMPOSITION - Elected members (voting) – nine All other Councillors – non-voting

CHAIRING - Chair and Vice Chair to be elected from the members of the committee at the first meeting in each council year.

QUORATE - The quorum will be three members.

MEETINGS - Every two weeks, Wednesdays, 15.00, The Parkhouse Centre

REPORTS TO - Town Council

ADMINISTRATION - Local Government Act 1972/Local Government Act 1999

LEGAL STATUS - Public, in accordance with Town Council's Standing Orders

Specific Terms:

1. To respond on behalf of The Town Council to all applications for development within 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 Chair and with the approval of members of the Planning Committee.
7. The delegated powers to exercise the Town Council's powers to consider applications under the Licensing Acts
8. To review the Neighbourhood Development Plan.
9. To input to the economic development plans for the Town and liaise with the Bude Town Team and Bude Climate Change Partnership.

Terms of Reference – Staffing Committee

This Committee has responsibility for all Staffing and Conduct matters (making recommendation to Full Council as necessary)

COMPOSITION - The Mayor and Deputy Mayor (ex-officio, voting)

Plus any other members up to a maximum of nine voting

QUORATE - The quorum will be three members.

CHAIRING - The elected Mayor and Deputy Mayor will be the chair/vice chair respectively.

MEETINGS - To have a minimum of four meetings per year and additional meetings convened as and when required. Meetings will normally be during office working hours (Monday - Friday 9am - 5pm)

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.

A member will not be eligible for the committee if they have been the 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 Council's 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.

Specific Terms:

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 2018 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 Panel's final decision to the Staffing Committee for information once the timescale for lodging an Appeal has lapsed. The Appeal Panel will report the Panel's 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 Council's employment policies, making recommendations to Full Council for any alterations/amendments.
16. To prepare and submit to Full Council budget proposals in respect of salaries and training for all staff not later than 30 November each year.

Appendix *1

Nomination form for the Office of Mayor of Bude- Stratton Town Council

ALL NOMINATIONS MUST BE RECEIVED BY 4.00PM ON WEDNESDAY 26TH APRIL 2023

Candidate's Details	
Surname:	
Forenames:	

	Print name	Signature
Proposer		
Secunder		
Candidate		

Date:

Nominations may be posted to the Town Clerk at the Parkhouse Centre or sent by email to kcornwell@bude-stratton.gov.uk

Office use only:

Received by:

Date:

Time:

Nomination checked & circulated:

PTO

Candidate's Statement

Nomination form for the Office of Deputy Mayor of Bude- Stratton Town Council

ALL NOMINATIONS MUST BE RECEIVED BY 4.00PM ON WEDNESDAY 26TH APRIL 2023

Candidate's Details	
Surname:	
Forenames:	

	Print name	Signature
Proposer		
Secunder		
Candidate		

Date:

Nominations may be posted to the Town Clerk at the Parkhouse Centre or sent by email to kcornwell@bude-stratton.gov.uk

Office use only:

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Nomination checked & circulated:

PTO

Proposal for categorising leases and licences

BSTC Property List

Property	Suggested category
Neetside parking spaces	Repeating
Shalder Hill - Met Office Weather Station	Repeating
Shalder Hill - Ambulance Weather Station	Repeating
Ergue-Gaberic Way land (currently Bude Artisan Market)	Commercial
Pitch and Putt Pavilion	Community
Bude Croquet Club	Sports and recreation
Bude Croquet Club parking	Sports and recreation
Bude Croquet Club Lawns	Sports and recreation
Lock Gates Tea Room	Commercial
Wharf Kiosk	Commercial
The Wharf Unit 1	Commercial
The Wharf Unit 2	Commercial
The Wharf Unit 3	Commercial
North Cornwall Cricket Club	Sports and recreation
Land at Stamford Hill and Tree Fields (Grass keep)	Specialist
Land beside Pitch and Putt (currently Bouncy Castles)	Specialist
Crooklets Beach Office	Community
Neetside land and gardens (currently Bude FOE)	Community

Lease and licence categories

Category	Initial contract type	Initial maximum length	First contract review	Second contract review	Price expectation
Repeating	Negotiated	As agreed	N/A	N/A	On-going arrangement due to circumstances of the letting.
Specialist	Expression of interest	2 yrs	First refusal	EOI	Price needs to be sufficient to cover set up costs, routine, corrective and emergency maintenance costs.
Community	Expression of interest	5 yrs	EOI	EOI	Nominal rental price. All maintenance costs covered by BSTC
Sports and recreation	Expression of interest	10 yrs	EOI	EOI	Price needs to be sufficient to cover routine maintenance costs. Set up, corrective and emergency costs covered by BSTC
Commercial	Tender	5 yrs	First refusal	Tender	Depending on whether factors other than price are factored into the tender, this may be lower than standard commercial. Covers set up costs, routine, corrective and emergency maintenance costs but with an expectation that the price will also contribute to the income of the council.

Contract types

Type	Explanation
Expression of interest	A document produced by the bidder which indicates the price they wish to pay for the lease/licence on the property. The EOI is not binding on either party until a contract has been signed, and the price may be subject to negotiation
Tender	Formal and structured invitation to submit a bid to lease the property, with clear processes in place to ensure fair and transparent selection. The tender will be evaluated using a range of criteria as described in the current BSTC Procurement Policy. These include price but also could include value to the local economy, environmental factors and also ensuring that businesses in close proximity are not in direct competition with each other.
First refusal	At the end of the contract period the current contractor is offered the chance to extend the contract for another period before the opportunity goes out more widely.

Contract length

The contract length referred to is the maximum that will be offered by BSTC. The bidder can offer a shorter cont

Appendix *3 **DISPENSATION REQUEST FORM**

Please give full details of the following in support of your application for a dispensation. If you need any help completing this form please contact the parish clerk.

Your name	
The business for which you require a dispensation (refer to agenda item number if appropriate)	
Details of your interest in that business	
Date of meeting or time period (up to 4 years) for which dispensation is sought	
Dispensation requested to participate, or participate further, in any discussion of that business by that body	Yes / No
Dispensation requested to participate in any vote, or further vote, taken on that business by that body	Yes / No
REASON(S) FOR DISPENSATION 33 a) without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business	
33b) without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote	
33c) the dispensation is in the interests of persons living in the authority's area	
33e) that it is otherwise appropriate to grant a dispensation Reason :	

Signed: _____ Dated: _____

DECISION :	
Dispensation Given : YES / NO	LENGTH OF DISPENSATION :
Date:	Minute Number: