



WOODSTOCK TOWN COUNCIL

STANDING ORDERS AND FINANCIAL REGULATIONS

**(based on the National Association of Local
Council Model Document issued October 2013,
Subsequent NALC Legal Briefings and the
NALC Revised Model Financial Regulations
issued January 2016)**

**Revised April 2016 by the Town Clerk
Approved by Woodstock Town Council on 17 May 2016**

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How to use model standing orders

Standing orders are the written rules of a local council. They are used to confirm a council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of a council but they may refer to them. A local council must have standing orders for the procurement of contracts.

Meetings of full council, councillors, the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. A council should have standing orders to confirm those statutory requirements.

A council should also have standing orders to control the number, place, quorum, notices and other procedures for committee and any sub-committee meetings.

Standing orders that are in bold type contain statutory requirements and so should be adopted without change. The other standing orders, not in bold, are designed and adopted to help the council operate effectively and to suit its needs.

Further clarification can be obtained from the Town Clerk.

Woodstock Town Council

Standing Orders

These standing orders were adopted by Woodstock Town Council at its meeting on --
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1) Meetings

- a) **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost. (*mandatory for Council meetings*)**

- b) **The minimum 3 clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning. (*mandatory for Council and Committee meetings*)**

- c) **Meetings other than working group meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion. (*mandatory for Council and Committee meetings*)** The Council itself may record public meetings. All recordings must stop if the meeting moves into confidential session.

- d) Public Participation at a meeting which they are entitled to attend.
 - i) Members of the electorate have permission to speak about any subject they may wish to raise whether or not it is on the agenda of the meeting concerned, providing it is relevant to the interests of the Council. Such relevance will be determined by the Clerk in consultation with the Mayor/Deputy Mayor.
 - ii) Members of the general public may, with the consent of the Council, be permitted to make representations, answer questions and give evidence at a meeting in respect only of the business on the agenda.

- iii) Written notice of the wish to speak and the subject matter must be received by midday on the morning of the day before the meeting. In exceptional circumstances, at the Mayor's discretion, permission may be given at a later time on oral request to the Town Clerk.
 - iv) Only one person is permitted to speak at a time. If more than one person wants to speak, the Mayor or Chairman of the meeting shall direct the order of speaking.
 - v) The Town Mayor or Chair shall first introduce the subject to be addressed.
 - vi) The speaker shall be permitted to speak on one subject for no more than five minutes and shall direct their comments to the Mayor or Chairman of the meeting.
 - vii) In accordance with standing order 1 (d) (i) and (ii) above a question shall not require a response at the meeting nor start a debate on the question. If the representation is about an agenda item the Town Mayor or Chair may choose to respond then, or later in the meeting, and the matter may be debated by members at that meeting, but any formal motion or resolution relating to the issues raised shall stand adjourned for consideration at a subsequent Town Council meeting at which it shall be agendered.
 - viii) Where a response cannot be given without the necessary research the matter shall be referred for further consideration at the next Council Meeting, or may be dealt with in writing, and whoever speaks shall be asked to give a written statement to accompany the oral speech when the situation requires.
 - ix) The maximum number of members of the public permitted to speak at any one meeting shall normally be three.
- e) **A person may not orally report or comment about a meeting as it takes place if they are present at a meeting of the Town Council or its committees but otherwise may:**
- a) **film, photograph or make audio recording of a meeting;**
 - b) **use any other means for enabling persons not present to see or hear proceedings of a meeting as it takes place or later;**
 - c) **report or comment on the proceedings in writing during or after a meeting or orally report or comment after the meeting.**
- (mandatory for Council and Committee meetings)*

- f) **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.** *(mandatory for Council and Committee meetings)*
- g) **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor may in his/her absence be done by, to or before the Deputy Mayor of the Council.** *(mandatory for Council meetings)*
- h) **The Town Mayor, if present, shall preside at a meeting. If the Town Mayor is absent from a meeting, the Deputy Town Mayor, if present, shall preside. If both the Mayor and the Deputy Town Mayor are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.** *(mandatory for Council meetings)*
- i) **Subject to a Council or Committee meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors present or Councillors with voting rights present and voting.** *(mandatory for Council, Committee and Sub-Committee meetings)*
- j) **The Town Mayor or Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his/her casting vote whether or not s/he gave an original vote.** *(See also standing orders 2h and 2i below.)*
- k) **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his/her vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.** *(mandatory for Council meetings)*
- l) **The minutes of a meeting shall** include an accurate record of the following:
- i. the time and place of the meeting;
 - ii. **the names of councillors present** and absent;
 - iii. interests that have been declared by councillors and non-councillors with

- voting rights;
 - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held pecuniary interests in were being considered;
 - v. if there was a public participation session; and
 - vi. the resolutions made.
- m) **The code of conduct adopted by the Council shall apply to councillors in respect of the entire meeting.** (*mandatory for Council, Committee and Sub-Committee meetings*)
- n) **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- o) **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present (Council meetings) and in no case shall the quorum of a meeting be less than 3** (*mandatory for Council meetings*)
- p) **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The outstanding business on the agenda for the meeting shall be adjourned to another appropriate meeting.
- q) Meetings of the Council shall be held at 1930 hours on a Tuesday unless the Council otherwise decides at a previous meeting.
- r) The duration of meetings of the Council shall usually be no more than 2.5 hours. It may occasionally be longer but will not exceed three hours unless the Council, on grounds of urgency, extends this duration by a majority of those present and voting.
- s) 'Vaping' is not permitted at any meeting.

2) Ordinary Council Meetings

See also standing order 1 above

I ANNUAL MEETING

- a) **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.**

- b) **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may direct.**

- c) **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.** The annual meeting of Woodstock Town Council is fixed to take place at 7.30pm.

- d) **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**

- e) **The first business conducted at the annual meeting of the council shall be the election of the Mayor and Deputy Mayor of the Council.**

- f) **The Town Mayor of the Council, unless s/he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her successor is elected at the next annual meeting of the Council.**

- g) **The Deputy Town Mayor of the Council, unless s/he resigns or becomes disqualified, shall hold office until immediately after the election of the Town Mayor of the Council at the next annual meeting of the council.**

- h) **In an election year, if the current Town Mayor of the Council has not been re-elected as a member of the Council, s/he shall preside at the meeting until a successor Town Mayor of the Council has been elected. In this instance the current Town Mayor of the Council shall not have an**

original vote in respect of the election of the new Town Mayor of the Council but must give a casting vote in the case of an equality of votes.

- i) **In an election year, if the current Town Mayor of the Council has been re-elected as a member of the Council, s/he shall preside at the meeting until s/he has been elected or a new Town Mayor of the Council has been elected. S/he may exercise an original vote in respect of the election of the new Town Mayor of the Council and must give a casting vote in the case of an equality of votes.**

- j) Following the election of the Mayor of the Council and the Deputy Mayor 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 Town Mayor, Deputy Town Mayor 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 Town Mayor and Deputy Town Mayor 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 and any Extraordinary Town Council meetings that may have been held since then.
 - iii) Receive and consider any outstanding minutes and recommendations from a Committee.
 - iv) Review of the delegation arrangements and terms of reference for existing committees;
 - v) Appointment of any new committees in accordance with Standing Order 15
 - vi) Appointment of members to existing committees – a Councillor will usually only be on one of the other of the two standing committees. The Town Mayor and Deputy Mayor, ex officio, shall be members of every committee and have full voting rights.
 - vii) Review of existing and appointment of any new working groups that may be required.
 - viii) Review of Council representation on or work with external bodies and arrangements for reporting back.

- ix) To adopt Standing Orders and Financial Regulations
- x) To appoint the Council's solicitors, bankers, insurers, internal auditor, consultants and advisers.
- xi) To inspect any deeds and trust investments in the custody of the council
- k) Set an early date to review the Council's complaints procedure.
- l) Set an early date to review the Council's procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- m) Set an early date to review the Council's policy for dealing with the press/media
- n) Set the dates, times and place of ordinary meetings of the full Council and standing Committees for the year ahead.

II OTHER ORDINARY COUNCIL MEETINGS

- o) In accordance with Clause 1i, at every meeting other than the Annual Meeting the first business shall be to appoint a Chair if the Town Mayor and Deputy Town Mayor be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.
- p) In every year not later than the meeting at which the budget for next year are settled the Council shall review the pay and conditions of service of existing employees (see Section 26 below)
- q) After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, or of the more convenient despatch of business shall be as follows:-
 - i) To receive apologies.
 - ii) To receive Councillors declarations of interest
 - iii) To receive and approve the signing of the Minutes by the person presiding and initialling of any amendments and each page of the Minutes as being a correct record in accordance with Clause 9c.
 - iv) To deal with any business expressly required by statute to be done.

- v) Public participation about any agenda item and to decide whether it is appropriate to deal with that agenda item at a time not in keeping with the published agenda.
 - vi) To receive and consider the updates from County and District Councillors.
 - vii) To receive such communications as the Town Mayor or person presiding may wish to lay before the Council.
 - viii) To receive any questions from Cllrs submitted in accordance with Standing Orders.
 - ix) To receive any motions from Cllrs that have been submitted in accordance with Standing Orders and that cannot be taken under other agenda items.
 - x) To dispose of any business remaining from the last meeting.
 - xi) To receive and consider any planning matters
 - xii) To receive and consider the statement of payments.
 - xiii) To receive and consider reports and minutes of committees, working groups and outside bodies.
 - xiv) To receive and consider other public agenda items in the order in which they have been received, (except as provided in S.O 2r) if accompanied by a paper. 'Oral reports' will only be placed on the Agenda if the Town Clerk in her absolute discretion considers that the urgency of the matter is such that no other format will be practical.
 - xv) To authorise the sealing of documents.
 - xvi) To consider any matters that need to be taken in confidential session.
- r) URGENT BUSINESS A motion to vary the order of business on the ground of urgency or for the more expedient despatch of business may be proposed by the Town Mayor/Chair or by any Councillor. If proposed by the Town Mayor/Chair this may be put to the vote without being seconded, and shall be put to the vote without discussion.

3) Proper Officer

- a) The Council's Proper Officer shall be the Town Clerk or another employee appointed by the Council to undertake the role of the Proper Officer during the Proper Officer's absence. The Proper Officer and the employee appointed to

act as such during the Proper Officer's absence shall fulfil the duties assigned to the Proper Officer in standing orders.

- b) The Council's Proper Officer shall do the following.
- i) **Electronically serve on councillors**, as agreed by the Council, **a summons confirming the time, date, venue and the agenda of a meeting of the Council or a meeting of a committee** and sub-committee **at least 3 clear days before the meeting** provided any such email contains the electronic signature and title of the Proper Officer.
 - ii) **Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee** or a sub - committee **(provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them)**.
 - iii) Subject to standing orders 4(a)–(e) below, include in the agenda notification of all motions and other public agenda items unless a councillor has given written notice at least 7 days before the meeting confirming his/her withdrawal of such motion or other public agenda items.
 - iv) **Convene a meeting of full Council for the election of a new Town Mayor of the Council, occasioned by a casual vacancy in his/her office, in accordance with standing order 3(b)i and (ii) above.**
 - v) Make available for inspection the minutes of meetings.
 - vi) **Receive and retain copies of byelaws made by other local authorities.**
 - vii) **Receive and retain declarations of acceptance of office from councillors.**
 - viii) Retain a copy of councillor's register of interests – the originals will be held at WODC.
 - ix) Process all requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the Council's procedures relating to the same.
 - x) Receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary.
 - xi) Manage the organisation of, storage of, access to and destruction of information held by the Council in paper and electronic form.

- xii) Arrange for legal deeds to be sealed using the Council's common seal and witnessed (*See also standing orders 14(a) and (b).*)
- xiii) Arrange for the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations.
- xiv) Record every planning application notified to the Council and the Council's response to the local planning authority in a file for such purpose;
- xv) Refer a planning application received by the Council to the Town Mayor or in his/her absence the Deputy Town Mayor of the Council within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Council and is beyond the remit of a Committee.
- xvi) Manage access to information about the Council via the publication scheme; and
- xvii) Retain custody of the seal of the Council which shall not be used without a resolution to that effect.
- xviii) Take action or undertake activity or responsibilities instructed by resolution or contained in standing orders.

4) Motions Requiring Written Notice

- a) A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b) No motion may be moved at a meeting unless the subject to which it relates is on the agenda or the mover has given written notice of its wording to the Council's Proper Officer at least seven clear days before the meeting.
- c) The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d) If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion

shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least four clear days before the meeting.

- e) If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Town Mayor or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in or rejected from the agenda.
- f) The Mayor and councillors, having been consulted pursuant to the decision of standing order 4d above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- g) Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.
- h) Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- i) Where a Councillor considers that a motion is lengthy or complicated s/he may ask the Chair to break it down into component parts and to be voted on separately and the Chair shall give a decision on whether or not to accede to the request.
- j) If a motion or recommendation specified in the summons is not proposed either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be proposed without fresh notice.

5) Motions not requiring written notice

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

- i) To appoint a person to preside at a meeting.

- ii) To approve the absences of councillors.
- iii) To approve the accuracy or correct the draft minutes of the previous meeting.
- iv) To dispose of any business remaining from the last meeting.
- v) To change the order of business on the agenda.
- vi) To proceed to the next business on the agenda.
- vii) To close or adjourn a meeting.
- viii) To require a written report.
- ix) To consider a report and/or recommendations made by a Councillor, committee, sub- committee, employee, professional advisor, expert or consultant.
- x) To amend a motion, which amendment shall not however be allowed by the Chair if s/he considers it would have the effect of nullifying the motion to be amended.
- xi) To move to a vote
- xii) To defer consideration of a motion.
- xiii) If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee to refer a motion to that committee, sub-committee or employee.
- xiv) To appoint a committee or sub-committee and their members thereof (and any substitutes).
- xv) To dissolve a committee or sub-committee.
- xvi) To note the minutes of a meeting of a committee, sub-committee or Working Group.
- xvii) To appoint representatives to outside bodies and to make arrangements for those representatives to report back on the activities of outside bodies.
- xviii) To authorise legal deeds to be sealed by the Council's common seal by the Town Clerk and witnessed by the Town Mayor and another Councillor (*See standing order 14 below.*)
- xix) To authorise the payment of monies up to £10,000.
- xx) To extend the time limits for speaking.
- xxi) To exclude the press and public from all or part of a meeting in respect of confidential or sensitive information which is prejudicial to the public interest.
- xxii) Not to hear further from a councillor or member of the public

- xxiii) To silence or to exclude a Councillor or a member of the public for disorderly conduct.
- xxiv) Temporarily to suspend the meeting.
- xxv) To suspend a particular standing order (unless it reflects statutory requirements). See also Clause 32.

6) Rules of debate

- a) All members are entitled to speak. They shall address the Chair. Only one person is permitted to speak at a time and the Chair shall manage the order.
- b) Whenever the Chair speaks during a debate all other members shall be seated and silent.
- c) Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the discretion of the Chair.
- d) A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- e) A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- f) If a motion (including an amendment) has been seconded, it may only be withdrawn by the proposer with the consent of the seconder and the meeting. A councillor shall not speak upon the said withdrawn motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- g) 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.
- h) An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, is expressed in writing and handed to the Chair.
- i) A Councillor may move an amendment to his/her own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.

- j) An amendment is a proposal to remove or add words to a motion. It shall not negate a motion or have the effect of rescinding the original or substantive motion under consideration.
- k) If there is more than one amendment the amendments shall be moved in the order directed by the Chair. If an amendment is rejected, other amendments shall be moved in the order directed by the Chair.
- l) Subject to Standing Order 6 (m) below only one amendment shall be moved and debated at a time. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- m) Notwithstanding Standing Order 6 (l) above, one or more amendments may be discussed together if the Chair considers this expedient but each amendment shall be voted upon separately.
- n) A Councillor may not move more than one amendment to an original or substantive motion.
- o) No speech by a mover of a motion shall exceed four minutes, and no other speech shall exceed four minutes except by consent of the Council.
- p) The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding four minutes.
- q) Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- r) Unless permitted by the Chairman of the meeting a councillor may only speak once in the debate on a motion except:
 - (i) to speak on an amendment moved by another councillor;
 - (ii) to move or speak on another amendment if the motion has been amended since he last spoke;
 - (iii) to make a point of order;
 - (iv) to give a personal explanation; or
 - (v) in exercise of a right of reply.Where permission is given for additional interventions by a Member, the further time allowed will not exceed 2 minutes.
- s) 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 s/he considers has been breached or specify the irregularity in the meeting s/he is concerned by.

- t) A point of order shall be decided by the Chair without argument and his/her decision shall be final.
- u) Subject to standing order 6(r) above, when a motion is under debate no other motion shall be moved except:
 - i) to amend the motion;
 - ii) to proceed to the next business;
 - iii) to adjourn the debate;
 - iv) to put the motion to a vote;
 - v) to require a person to be silent or to leave the meeting;
 - vi) to refer a motion to a committee or sub-committee for consideration;
 - vii) to exclude the public and press;
 - viii) to adjourn the meeting; or
 - ix) to suspend particular standing order (s), except those which reflect mandatory statutory requirements.
- v) 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 his right to reply. The adjournment of a debate or of the meeting shall not extinguish the mover's right of reply at the resumption.

7) Code of Conduct and Dispensations

See also standing order 1(n) above.

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless s/he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which s/he has a disclosable pecuniary interest. S/He may return to the meeting after it has considered the matter in which s/he had the interest.
- c **Dispensation requests shall be in writing 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.

- d 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.
- e A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or in a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- f Subject to standing orders 7(c) and (d) above, dispensations requests shall be considered at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required.
- g A dispensation may be granted in accordance with standing order 7(f) above if having regard to all relevant circumstances the following applies:**
 - i. without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
 - ii. granting the dispensation is in the interests of persons living in the council's area or**
 - iii. it is otherwise appropriate to grant a dispensation.**

7a Code of conduct complaints

- a Upon notification by the District Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 24 below, report this to the council.
- b Where the notification in standing order 7a (a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Mayor of this fact, and the Mayor 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 7(d) below.
- c The council may provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law

- d **Upon notification by the District Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

8) Questions

- a) A councillor may seek an answer to a question concerning any business of the Council provided three clear days notice of the question has been given to the Proper Officer.
- b) Questions not related to items of business on the agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c) Every question asked under this rule shall be put and answered without discussion

9) Minutes

- a) No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 5(a)(iv) above.
- b) The accuracy of the 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.
- c) Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous drafts of those minutes may be destroyed.
- d) All minutes kept by the Council and by any committee, advisory committee or working group shall be open for the inspection by any Member of the Council.
- e) The Minutes of the Council or its Committees shall be open for inspection by any elector of the town by appointment during normal office hours.

10) Disorderly conduct at meetings

- a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If, in the opinion of the Chair, this standing order is

ignored, the Chair shall request such person(s) to moderate or improve their conduct.

- b) If the person(s) disregard the request of the Chair to moderate or improve their conduct, any councillor or the Chair of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c) If a resolution made in accordance with standing order 10(b) above, is ignored, the Chair may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.
- d) If a member of the public interrupts proceedings at any meeting, the Chair may, after giving an appropriate warning, ask that he/she leaves the meeting, and may adjourn the meeting for such period as is necessary to restore order.

11) Rescission of previous resolutions

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least two thirds of the current number of councillors on the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b) When a special motion or any other motion moved pursuant to standing order 11(a) above has been disposed of, no similar motion may be moved within a further 6 months.

12) Voting on appointments

- a) Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes cast 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 an absolute majority of votes cast is given in favour of one person. Any tie shall be settled by the Chair's casting vote.
- b) The Council may fill multiple vacancies as follows: if there are $x + 1$ or more candidates for x places on a Committee then every Member entitled to vote

will indicate the names of x candidates on a voting paper and hand this to the Clerk. Each voting paper shall be signed by the Member completing it. The Clerk shall then count the votes received for each candidate and arrange their names in descending order of votes. The candidate with the fewest votes shall be eliminated and a further vote taken among the remaining names. This process shall continue until there only remain “x” names, who shall be declared elected.

13) Expenditure

- a) Any expenditure incurred by the Council shall be in accordance with the Council’s financial regulations.
- b) The Council’s financial regulations shall be fully reviewed every four years at the time of local elections and shall be confirmed as fit for purpose every year at the Annual Council Meeting.
- c) The Council’s financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council’s functions to be delegated to a committee, sub-committee or to an employee.
- d) Any motion which is moved, and which, if carried, would, in the opinion of the Chair, substantially increase the expenditure upon any service which is under the management of the Council, or which would involve substantial capital expenditure or donations, or reduce materially the revenue at the disposal the Council, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

14) Execution and sealing of legal deeds

See also standing order 5(a)(xvi) above

- a) A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b) **In accordance with a resolution made under standing order 14(a) above, the Council’s common seal shall alone be used for sealing a deed**

required by law. It shall be applied by the Proper Officer in the presence of two members of the Council who shall sign the deed as witnesses.

15) Committees

See also standing order 1 above

- a) The Council may, at its annual meeting, appoint standing committees and may at any other time appoint such other committees as may be necessary, and:
 - i) shall determine their terms of reference and quorum which shall be no less than three;
 - ii) shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council
 - iii) shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the dates and times of their meetings;
 - iv) shall appoint and determine the term of office of councillor or non-councillor members of such a committee (unless the appointment of non-councillors is prohibited by law) so as to hold office no later than the next annual meeting;
 - v) shall, after it has appointed the members of a standing committee appoint its own Chair at the first meeting of the committee.
 - vi) may in accordance with standing orders, dissolve a committee at any time.
- b) Councillors will usually only be members of one of the two standing Committees of Woodstock Town Council.
- c) The Town Mayor and Deputy Mayor, ex officio, shall be members of every committee and have full voting rights.
- d) Councillors who are not members of committees may attend such meetings as substitutes for non-attending committee members provided both the Member and the Substitute Member have confirmed the substitution to the Proper Officer at least three days before the meeting. Authorised Substitute Members will count towards the Committee quorum and are entitled to vote. They may also attend in their own right, but do not count towards the committee quorum, may only participate with the agreement of the members present and may not vote.

16) Sub-committees

See also standing order 1 above

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

- b The Chair and Vice-Chair of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve

- c The Standing Orders on rules of debate (except that part relating to speaking more than once) and the Standing Order on interests of councillors in contracts and other matters shall apply to committee and sub-committee meetings.

17) Extraordinary meetings

See also standing order 1 above

- a **The Town Mayor of the Council may convene an extraordinary meeting of the Council at any time.**

- b **If the Town Mayor of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two councillors, those two councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two councillors.**

- c The Chair of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.

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

18) Advisory committees & Working Groups

See also standing order 1 above

- a) The Council may at any Town Council meeting set up a working group or advisory committee to study and report on issues arising from the Council's business. They are appointed by the Council and may include members other than Councillors. Advisory Committees may have non-voting members nominated by outside bodies. Working groups and advisory committees have no executive powers. They can neither take decisions which commit the Council to a course of action nor can they incur Council expenditure. Voting within working groups or advisory committees shall not commit the Council in any respect whatsoever. For the avoidance of doubt the Woodstock Traffic Advisory Committee is NOT an advisory committee of the Town Council. It is an advisory committee of Oxfordshire County Council serviced by Woodstock Town Council.
- b) The Mayor and Deputy Mayor shall be ex-officio members of all working groups and advisory committees. All working groups and advisory committees shall elect a Chair at their first meeting.
- c) Meetings of advisory committees are subject to these Standing Orders.
- d) The public may not attend working group meetings except by resolution of the Council or of the Working Group, but may attend advisory committees unless specifically excluded by resolution of that committee. Councillors who are not members of working groups or advisory committees may attend such meetings but may only participate with the agreement of the members present.
- e) The Clerk shall inform the members of each advisory committee or working group of the terms of reference of that advisory committee or working group.

- f) An advisory committee or working group may make recommendations and give notice thereof to the Council.
- g) An advisory committee or working group may consist wholly of persons who are not councillors, subject to a person being appointed to take Minutes or produce a Report of the meeting for presentation to a Committee of the Council or the Council itself.

VOTING IN COMMITTEES, ADVISORY COMMITTEES AND WORKING GROUPS

- h) Members of committees, advisory committees and working groups entitled to vote, shall vote by show of hands.
- i) Chairmen of committees, advisory committees and working groups shall in the case of an equality of votes have a second or casting vote.

PRESENCE OF NON MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS ADVISORY COMMITTEES AND WORKING GROUPS

- j) A Member who has moved a motion which has been referred to any committee of which they are not a member, may explain his/her motion to the committee, advisory committee or working group, but shall not vote.

19) Accounts and Financial Statement

- a “Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils – a Practitioners’ Guide”
- b All payments by the Council shall be authorised, approved and paid in accordance with the Council’s financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September and 31 December in each year a statement to summarise the Council’s receipts and payments for the each quarter and the balances held at the end of a quarter. This statement should include a comparison with the budget for the financial year.

- d A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each councillor before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit), including the annual governance statement, shall be presented to Council for formal approval before 30 June.

20) Estimates/precepts

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

21) Canvassing of and recommendations by councillors

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

22) Inspection of documents

Subject to standing orders to the contrary or in respect of matters which are confidential, a councillor may, for the purpose of his/her official duties

(but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose.

23) Restrictions on Councillor activities

Unless authorised by a Council resolution, no individual councillor shall in the name or on behalf of the Council, a committee or a sub-committee:

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

24) Confidential business

- a The Council shall treat as confidential information which:-
 - Relates to the employment of staff
 - Is commercially sensitive
 - Reflects legal advice
 - Is information supplied to the Council in confidence; and
 - Any other information in relation to which the Council owes a duty of confidentiality to a third party.
- b The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- c Councillors and staff shall not disclose sensitive or information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- d A councillor in breach of the provisions of standing order 24(a) & (b) above may be excluded from a Committee and Sub-Committee by resolution of the Council when such confidential or secretive information is due to be discussed.

25) Power of well-being - Not Used

26) Matters affecting council employees

- a If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council has decided whether or not the press and public shall be excluded pursuant to standing order 1(c) above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior employee shall notify the Town Mayor or, in his/her absence, the Deputy Town Mayor of any absence occasioned by illness or other reason and that person shall report such absence to the Mayor's committee at its next meeting.
- c The Town Mayor or Chair of the Mayor's committee or in his/her absence, the Deputy Town Mayor shall upon a resolution conduct a review of the performance and/or appraisal of [the employee's job title] and shall keep a written record of it. The review and/or appraisal shall be reported back and shall be subject to approval by resolution by the Mayor's Committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee shall contact the Town Mayor or in his/her absence, the Deputy Town Mayor in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Mayor's Committee.
- e Subject to the Council's policy regarding the handling of grievance and disciplinary matters, if an informal or formal grievance matter raised by [the employee's job title] relates to the Town Mayor or Deputy Town Mayor, this shall be communicated to another member of the Mayor's Committee, which shall be reported back and progressed by resolution of the Mayor's Committee.
- f Any persons responsible for the management of staff shall treat all information relating to their performance, capabilities, grievance or discipline as confidential.
- g The Council shall keep all written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.

- h Records documenting reasons for an employee's absence due to ill health or details of a medical condition shall be made available only to those persons with responsibility for the same.
- i Only persons with line management responsibilities shall have access to employee records referred to in standing orders 26 (f) - (h) above if so justified.
- j Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 26 (f) - (h) above shall be provided only to The Town Clerk and/or the Town Mayor.

27) Requests for Information

- a All requests for information held by the Council other than under S.O. 22 shall be processed in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Town Mayor who shall have full authority to comply with the Freedom of Information Act 2000.

28) Relations with the press/media

Requests from the press or other media to the Council, its Councillors or staff for an oral or written comment or statement in the name of the Council, will be referred to the Mayor to be handled by him/her.

29) Liaison with District and County Councillors

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the councillors of the District and County Council representing the area of the Town Council.
- b Unless the Council otherwise orders, a copy of each letter sent to the District or County Council shall be sent to the District or County Council

councillor representing the area of the Town Council.

30) Financial Controls and Procurement

- a. The Council shall except insofar as otherwise required by the Council's financial regulations consider draw up and adopt financial regulations prepared by the Responsible Financial Officer, which shall include detailed arrangements for the following:
- i. the accounting records and systems of internal control;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. 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;
 - iv. the reporting and examination by councillors and local electors of the Council's accounts and other financial records;
 - v. Local Council procurement policies (subject to standing order 30(b) below) are governed by the Public Contracts Regulations 2015 (the 2015 Regulations) when Councils are procuring a public works, public service or a public supply contract with an estimated value of £25,000 or more. The law is summarised in NALC Legal Topic Note 87 of July 2015. Its impact on S.O's and Financial Regulations is described in NALC Legal Briefing L05-15 of July 2015. Both documents can be accessed at <https://www.dropbox.com/s/9ht84qq8hs08je7/L05-15-PublicContractsRegulations2015-impactionstandingordersadoptedbycouncils.pdf?dl=0>

and <https://www.dropbox.com/s/mtjv1262zm1yvav/87%20-%20Procurement.pdf?dl=0>

Further information is available at <http://www.legislation.gov.uk/> .

Key provisions are summarised below:

Contracts with a value of up to £25,000 (net of VAT) shall be governed by the Woodstock Town Council's Standing Orders and Financial Regulations.

Contracts with a value of over £25,000 but below £172, 514 (net of VAT) the Council will use the Contract Finder website

<https://www.gov.uk/contracts-finder> to advertise a contract opportunity in accordance with Articles 109-114 of the 2015 Regulations, viz :-

- (i) It must advertise the contract opportunity on the “Contract Finder” website
- (ii) If it also advertises the contract opportunity elsewhere it must advertise the contract opportunity on Contract Finder within 24 hours
- (iii) The information to be published on Contracts Finder shall at least include: - (a) the time by which any party wishing to be considered must respond; (b) how and to whom to make such a response; and (c) any other requirements for participating in the procurement.
- (iv) Where a Council publishes information on Contracts Finder it must (a) by means of the internet, offer unrestricted and full direct access free of charge to any relevant contract documents, and (b) specify in the information published on Contracts Finder the internet address at which those documents are accessible.
- (v) Councils cannot include a pre-qualification stage.
- (vi) Councils must ensure that contracts contain suitable provisions stating that valid invoices will be paid within 30 days.
- (vii) When a contract is awarded a Council must publish on Contracts Finder information including:-
 - the name of the contractor;
 - the date on which the contract was entered into;
 - the value of the contract;
 - whether the contractor is an SME (small or medium sized enterprise) or VCSE (a non-governmental organisation that is value – driven and which principally reinvests to further social, environmental or cultural objectives).
- (viii) A council may withhold information at (vii) above if it would impede law enforcement or would otherwise be contrary to the public interest, would prejudice the legitimate commercial interests of a particular business, whether public or private, or might prejudice fair competition between businesses.

For Contracts over £172,514 (net of VAT) the 2015 Regulations are required to be further considered.

- b **Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £60,000 shall be procured on the basis of a formal tender as summarised in standing order 30(c) below.**
- c Any formal tender process shall except insofar as otherwise required by the Council's financial regulations and in addition to Regulation 30 a) (v) comprise the following steps:
 - i. a specification of the goods, materials, services and the execution of works shall be drawn up;
 - ii. tenders are to be sent, in a sealed marked envelope, to the Proper Officer by a stated date and time;
 - iii. tenders submitted are to be opened, after the stated closing date and time, by the Proper Officer and at least one member of the Council;
 - iv. tenders are then to be assessed and reported to the appropriate meeting of Council or Committee.
- d Neither the Council, nor any committee, is bound to accept the lowest tender, estimate or quote.
- e **Where the value of a contract is likely to exceed £25,000 the Council shall further consider the requirements of the Public Contracts Regulations 2015/102**
http://www.legislation.gov.uk/ukxi/2015/102/pdfs/ukxi_20150102_en.pdf

31) Variation, revocation and suspension of standing orders

- a) All or part of a standing order, except one that incorporates mandatory statutory requirements, may after due consideration of the precedent that thereby be set, be suspended in relation to any specific item of business by the resolution of a two thirds majority of all councillors.
- b) A motion permanently to add, vary or revoke a Standing Order shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council and shall not be carried at that meeting unless two-thirds of the councillors present and entitled so vote.

32) Standing orders to be given to councillors

- a The Proper Officer shall provide a copy of the Council's standing orders to a councillor upon delivery of his/her declaration of acceptance of office.
- b The Chair's decision as to the application of standing orders at meetings shall not be discussed and shall be final.
- c A councillor's failure to observe standing orders more than 3 times in one meeting may result in him being excluded from the meeting at the discretion of the Council in accordance with standing orders.

WOODSTOCK TOWN COUNCIL FINANCIAL REGULATIONS

*These Financial Regulations were adopted by the Council at its Meeting held on
.....2016*

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 may give rise to disciplinary proceedings.
- 1.7 Members of Council are expected to follow the instructions within these Regulations and not to induce employees to breach them. Failure to follow instructions within these Regulations may bring the office of councillor into disrepute.
- 1.8 The Responsible Financial Officer (RFO) is a statutory office and shall 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;
- surmises 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

1.10 The RFO shall produce financial management information as required by the council. These 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, records of receipts and payments, additional information as the case may be and management information prepared for the council from time to time comply with the Accounts and Audit Regulations.

1.11. The accounting records of the Council 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 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 of the Council 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 submitted to the council for approval to be written off and that the approvals are shown in the accounting records.

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 as defined at <http://www.oalc.org.uk/documents/AbriefingpaperonPowerofGeneralCompetenceApril2012.docx> 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 Full 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 £1,000.

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, still in force unless otherwise specified.

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

2. ANNUAL ESTIMATES (BUDGET)

2.1 Each Committee (if any) shall formulate and submit proposals for the following financial year to the Council not later than the end of November each year.

2.2 Detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the year shall be prepared each year in the form of a budget to be considered by the council.

2.3 The Council shall review the budget not later than the end of January each year and shall fix the Precept (council tax requirement) 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 budget.

- 2.4 The annual budgets shall form the basis of financial control for the ensuing year.
- 2.5 The Council shall consider the need for and shall have regard to a five year forecast of Revenue and Capital Receipts and Payments which may be prepared at the same time as the annual Budget.

3 BUDGETARY CONTROL AND AUTHORITY TO SPEND

- 3.1 Expenditure on revenue items may be authorised by the Town Clerk up to the amounts included for that class of expenditure in the approved budget.
- 3.2 No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council. 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.
- 3.3 The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at the end of each month.
- 3.4 The Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £750 on any one project.

The Clerk shall report the action to the Council as soon as practicable thereafter.
- 3.5 Unspent provisions in the revenue budget shall be reported as soon as possible after the Year End. They shall not be carried forward to a subsequent year unless so authorised by resolution of the Council at the next available meeting
- 3.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- 3.7 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- 3.8 Provision for and use of earmarked reserves shall be approved by Council.

4. ACCOUNTING AND AUDIT

- 4.1 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.

- 4.2 On a regular basis, at least once in each quarter, and at each financial year end, a member shall verify bank reconciliations (for all accounts). 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 council.
- 4.3 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.
- 4.4 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.
- 4.5 The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.
- 4.6 The internal auditor shall:
- be competent and independent of the financial operations of the council;
 - report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
 - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - have no involvement in the financial decision making, management or control of the council.
- 4.7 Internal or external auditors may not under any circumstances:
- perform any operational duties for the council;
 - initiate or approve accounting transactions; or

- direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

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

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

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

5. BANKING ARRANGEMENTS AND CHEQUES

5.1 The Council's banking arrangements, including the Bank Mandate, shall be made by the RFO and approved by the Council; banking arrangements cannot be delegated to a Committee. They shall be regularly reviewed for safety and efficiency.

5.2 Electronic payments and cheques paid from the bank account shall be verified by the Town Clerk and signed or electronically authorised by two members of the Council.

5.3 To indicate agreement to the electronic payments, cheques or orders for payment the two Councillors shall additionally initial the invoices and in the case of cheques initial the counterfoils.

6 PAYMENT OF ACCOUNTS

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

6.2 All payments shall be effected by cheque, Direct Debit, Standing Order, from Petty Cash or by Electronic Transfer.

6.3 All invoices for payment shall be examined, verified and certified by the Clerk/RFO. The Clerk shall satisfy him/herself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.

6.4 The Clerk/RFO shall examine invoices, check their arithmetic and arrange for them to be allocated to the appropriate budget heading. The Clerk shall settle all valid invoices submitted, and report these at the next available Council Meeting.

6.5 If thought appropriate by the council, payments may be made by variable direct debit provided that the instructions are signed by two Councillors and any payments duly reported to council. The approval of the use of a variable

direct debit shall be renewed by resolution of the council at least every two years.

- 6.6 If thought appropriate by the council, payment for certain items may be made by banker's standing order provided that the instructions are signed, or otherwise approved by two Councillors, and are retained, and provided that any payments are reported to council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the council at least every two years.
- 6.7 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 Councillors and, are retained and provided that any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
- 6.8 If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 6.9 Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.
- 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.
- 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 Clerk/RFO shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who

will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the Service Administrator with a stated number of approvals.

- 6.14 Access to any internet banking accounts shall be controlled so as to be secure as advised by the Council's Bankers and IT advisors.
- 6.15 Changes to account details for suppliers, shall be similarly controlled.
- 6.16 If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, the Clerk may (notwithstanding para 6.3) take all steps necessary to settle such invoices and a record of such payments shall be submitted to the next appropriate meeting of Council.
- 6.17 The Clerk/RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Receipts for payments made shall be forwarded to the Clerk/RFO in order that they can be verified and authorised for reimbursement:
- a) The RFO shall maintain a petty cash float of £250 for the purpose of defraying operational and other expenses. Receipts for payments made from petty cash shall be kept to substantiate the payment.
 - b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - c) Payments to maintain the 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 salaries shall be as agreed by Council.
- 7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available Council Meeting.
- 7.3 No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council.
- 7.4 Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be confidential and therefore not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:

- a) by any councillor 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.

8 LOANS AND INVESTMENTS

- 8.1 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.
- 8.2 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 at least annually as part of preparing and reviewing the Council's budget.
- 8.3 All investments of money by the Council shall be in the name of the Council.
- 8.4 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 be approved only by full council.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

9 INCOME

- 9.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 9.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 9.3 The Council will review all fees and charges annually, following a report of the Clerk.
- 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 is reliably counted on behalf of the Council in the first instance, that an appropriate audit trail is created with due care for the security and safety of staff handling such cash.

10 ORDERS FOR WORKS, GOODS AND SERVICES

- 10.1 An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2 Order records shall be controlled by the RFO.
- 10.3 All members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order 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 (I) below.
- 10.4 The RFO shall verify the lawful nature of any proposed purchase before the issue of any order.

11 CONTRACTS

- 11.1 Procedures as to contracts are laid down as follows:
- (a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts which relate to items (i) to (vi) below:
- (i) for the supply of gas, electricity, water, sewerage and telephone services;
 - (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
 - (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - (v) for additional audit work of the external Auditor up to an estimated value of £250 (in excess of this sum the Clerk and RFO shall act after consultation with the Mayor and Deputy Mayor of the Council);
 - (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
- (b) The provisions of S.O. 30 shall apply.
- (c) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the

Council shall approve on the basis of a recommendation setting out the reasons for the waiver.

- (d) When a tender is issued it shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- (e) 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 Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.
- (f) Any invitation to tender issued under this regulation shall contain a statement to the effect of Standing Order 21
- (g) The Council shall not be obliged to accept the lowest tender, quote or estimate.

12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

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

14 ASSETS, PROPERTIES AND ESTATES

- 14.1 The Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with 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 £250.
- 14.3 No real property (interests in land) shall be sold, leased, otherwise disposed of, purchased or otherwise acquired, 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.
- 14.4 The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15 INSURANCE

- 15.1 In accordance with the annual risk assessment (per Financial Regulation 17), the Clerk/RFO shall effect all necessary. All claims on the Council's insurers shall be negotiated by the Clerk/RFO and appropriate records shall be kept..
- 15.2 The Clerk/RFO shall make a prompt record of all new risks or properties which require to be insured and of any alterations affecting existing insurances.
- 15.3 The Clerk/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.
- 15.4 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

16 [CHARITIES

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

17 RISK MANAGEMENT

- 17.1 The council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.
- 17.2 When considering any new activity, the Clerk 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 Council to review the Financial Regulations of the Council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these financial regulations.
- 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, after consideration of the precedent that may thereby be set, 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.

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