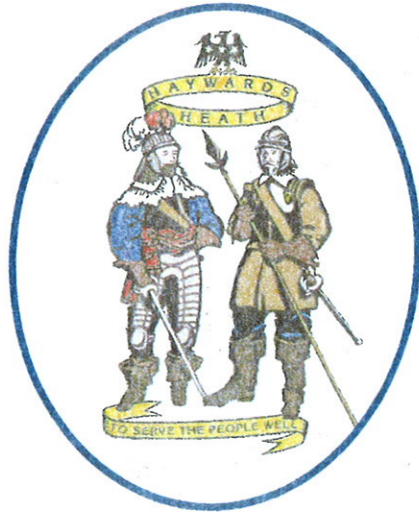


HAYWARDS HEATH TOWN COUNCIL



STANDING ORDERS

FINANCIAL REGULATIONS

CODE OF PRACTICE FOR HANDLING COMPLAINTS

&

CODE OF CONDUCT

2009 - 2011

HAYWARDS HEATH TOWN COUNCIL
STANDING ORDERS
FINANCIAL REGULATIONS
AND
CODE OF PRACTICE FOR HANDING COMPLAINTS

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HAYWARDS HEATH TOWN COUNCIL

STANDING ORDERS

COUNCIL

1. MEETINGS

a) The Statutory Annual meeting

In an election year the Annual Meeting of the Council shall be held on or within 14 days following the day on which Councillors elected take office and in a year which is not an election year the Annual Town Council Meeting shall be held on such day in May as the Council may direct.

b) Statutory Meetings

In addition to the Statutory Annual Town Council Meeting at least three other statutory meetings shall be held in each year on such dates and times as the Council may direct.

c) Ordinary Meetings

Ordinary meetings of the Council shall be held on such dates and times as the Council may direct.

d) Venue and Time

Meeting of the Town Council shall normally take place in the Council Chamber 40, Boltro Road, Haywards Heath, at 7.30 p.m., unless the Council directs some other place and time.

e) Public Question Time

A period not exceeding 15 minutes shall be allowed for members of the public to put questions to the Council prior to the commencement of business. This shall be limited to three minutes per person. Questions should be submitted to the Council by mid day on the day of the meeting at which the question is to be asked. If there is insufficient questions to fill the 15 minute period, the Council will commence business forthwith.

3. TOWN MAYOR OR CHAIRMAN OF THE MEETING

At the Meeting of the Council, the Town Mayor, if present, shall preside. If the Mayor is not present, the Deputy Mayor, if present, will preside. If neither is present then the Council shall appoint a Member to preside at the meeting.

In the event of the Mayor or Deputy Mayor, as the case may be, arriving after the commencement of the meeting, the Deputy Mayor or other Chairman appointed "pro tem" shall vacate the chair and the Mayor, or Deputy Mayor as the case may be, shall thereupon preside.

In these Standing Orders the title Town Mayor means the Chairman of the Council but any power or duty assigned to the Town Mayor, in relation to the conduct of a Council Meeting, may be exercised by the member presiding at the meeting.

4. QUORUM OF THE COUNCIL

a) **No business of the Council shall be transacted unless at least six members of the Council are present.**

b) If at the expiration of fifteen minutes after the time at which any meeting of the Council is appointed to be held, the Town Clerk after counting the number of Members present, announces that a quorum is not present then no meeting shall take place.

- c) If, during any meeting of the Council the attention of the Mayor shall be called to the fact that there is not a quorum present, the Town Clerk shall call over the names of the members of the Council and if there be not one-third of the Members present, the Mayor shall adjourn the meeting of the Council and the names of those who are present and those who are absent shall be recorded by the Town Clerk in the Minutes of the Council. Consideration of any business not transacted shall be given at the next ordinary meeting of the Council

5. VOTING

- a) Voting is determined by a show of hands provided that a Member of the Council request either before or after a vote, a record of how each Member voted. The record shall be made by the Town Clerk calling out each Member's name and that Member stating whether they were for, against or abstained from voting.
- b) In the case of an equality of votes the Mayor, whether or not he/she has already voted may give a casting vote.
- c) The person presiding at the annual meeting must give a casting vote whenever there is an equality of votes in an election for Town Mayor.

6. ORDER OF BUSINESS

At each Annual Meeting of the Council the first business shall be:

- a) **To elect a Town Mayor for ensuing year.**
 - b) **To receive the Town Mayor's declaration of acceptance of office.**
 - c) **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
 - d) **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received**
 - e) **To appoint the Deputy Town Mayor**
 - f) To appoint Committees.
 - g) To appoint Chairmen of Committees.
 - h) To appoint Vice Chairmen of Committees.
 - i) To appoint representatives on outside bodies.
 - j) To transact the ordinary business of the Council
 - k) To consider confidential business of the Council
7. **At every meeting other than the Annual Meeting of the Town Council the first business shall be to appoint a Chairman if the Town Mayor and the Deputy Town Mayor be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's Code of Conduct as are required by law to be made or, if not received, to decide when they shall be received**

8. In every year, not later than the meeting at which the estimates for next year's budget are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 22 and 38 must be read in conjunction with this requirement.
9. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:
 - a) **To confirm and approve for signature of the minutes by the person presiding, as a correct record**
 - b) **To deal with any business expressly required by statute**
 - c) To receive any communications the Town Mayor (or person presiding) may wish to lay before Council.
 - d) To receive and consider Committee minutes.
 - e) To receive and consider any resolutions or recommendations in the order in which they have been received.
 - f) To authorise the sealing of documents.

10. URGENT BUSINESS

A motion to vary the order of business on the ground of urgency

- a) May be proposed by the Town Mayor or by any member and if proposed by the Town Mayor, may be put to the vote without being seconded

And

- b) Shall be put to the vote without discussion.

11. RESOLUTIONS MOVED ON NOTICE

Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 7 clear days before the meeting.

- a) The Clerk shall date every notice of resolution or recommendation received and shall number each notice in the order in which it was received and shall enter it in a file which shall be open to the inspection of every member of the Council
- b) The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving notice of motion has stated in writing that he/she intends to move at some later meeting or that he/she withdraws it.
- c) If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall unless postponed by the Council, be treated as withdrawn and shall not be moved without a fresh notice.
- d) If the subject matter of a resolution comes within the province of a committee of the Council, it shall, on being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Town Mayor. If he/she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it has been moved.

- e) Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.
- f) If notice is given of any motion which the Town Clerk considers to be out of order, illegal, irregular or improper, he/she shall inform the Mayor and shall not place it on the Agenda without the approval of the Mayor. If the motion is not accepted the Town Clerk shall forthwith inform the member or Members giving the notice of motion.

12. RESOLUTIONS MOVED WITHOUT NOTICE

The following motions and amendments may be moved without notice:

- a) To appoint a Chairman for the meeting.
- b) To correct the minutes.
- c) To approve the minutes.
- d) To appoint a committee or any members thereof.
- e) To adopt a report.
- f) To authorise the sealing of documents.
- g) To amend a resolution.
- h) To give leave to withdraw a resolution or an amendment.
- i) To extend time limit for speeches.
- j) To exclude the public and press.(*see S.O. 39*)
- k) To silence or eject from the meeting a member named for misconduct.
- l) To invite a member having an interest in the subject matter under debate, to remain.
- m) To give consent of the Council where such consent is required by Standing Orders.
- n) To suspend Standing Orders.
- o) That the Council proceed to next business.
- p) To adjourn the meeting

13. QUESTIONS

A member of the Council may ask the Town Mayor or the Clerk any question concerning the business of the Council, provided three clear days notice of the question has been given to the person to whom it is addressed.

- a) No questions not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
- b) Every question shall be put and answered without discussion.
- c) A person to whom a question has been put may decline to answer.

14. RULES OF DEBATE

No discussion shall take place upon a Minute except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Mayor.

- a) A resolution or amendment shall not be discussed unless it has been proposed and seconded and unless proper notice has already been given. It shall, if required by the Town Mayor, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- b) A member when seconding a resolution or amendment may, if he/she then declares his/her intention to do so, reserve his speech until a later period of the debate.
- c) A member shall direct his/her speech to the question under discussion or to a personal explanation or to a question of order.

- d) No speech by a mover of a motion shall exceed five minutes and no other speech shall exceed three minutes except by consent of the Council.
- e) An amendment shall be either:
 - To leave out words
 - To leave out words and insert other
 - To insert or add words.
 - To refer a subject of debate to a Committee for consideration or reconsideration.
- f) An amendment shall not have the effect of negating the motion before the Council.
- g) If an amendment be carried, the resolution as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding three minutes.
- j) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution, except to move an amendment or further amendment, or on an amendment, or on a point of order, or in a personal explanation or to move a closure.
- k) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him/her which may have been misunderstood.
- l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- m) When a resolution is under debate no other resolution shall be moved except the following:
 - To amend the resolution.
 - To proceed to next business.
 - To adjourn the debate.
 - That the question be now put.
 - That a member named be not further heard
 - That a member named do leave the meeting.
 - That the motion be referred to a Committee.
 - To exclude the public and press.
 - To adjourn the meeting.

15. SPEAKING AT COUNCIL

A member shall indicate his/her wish to speak by rising his/her hand and his/her name will be entered on a list by the Deputy Mayor until called on to speak by the Town Mayor, when he/she will stand before proceeding, unless on account of infirmity the Town Mayor will permit him/her to remain seated.

- a) The ruling of the Town Mayor on a point of order or on the admissibility of a personal explanation shall not be discussed.
- b) Members shall address the Mayor.
- c) Whenever the Mayor rises during a debate all others shall be seated and silent.

16. CLOSURE

At the end of any speech a member may, without comment, move, "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded, the Town Mayor shall put the motion but, in the case of a motion "that the question be now put", only if he/she is of the opinion that the question before the Council has been sufficiently debated. If the motion "that the question be now put" is carried, he/she shall call upon the mover to exercise or waive their right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

17. DISORDERLY CONDUCT

All Members must observe the Code of Conduct which was adopted by the Council and a copy given to all members on being elected to the Council. And which is now part of and should be kept with these Standing Orders.

- a) No member shall at a meeting persistently disregard the ruling of the Town Mayor, wilfully obstruct business or behave irregularly, offensively, improperly, or in such a manner as to bring the Council into disrepute.
- b) If, in the opinion of the Town Mayor, a member has broken the provisions of paragraph a) of this Order, the Mayor shall express that opinion to the Council and thereafter any member may move that the member named, be no longer heard or that the member named, do leave the meeting and the motion, if seconded, shall be put forthwith and without discussion.
- c) If either of the motions mentioned in paragraph b) is disobeyed, the Town Mayor may suspend the meeting or take such further steps as may be necessary to enforce them.

18. RIGHT OF REPLY

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

19. ALTERATION OF RESOLUTION

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

20. RESCISSION OF PREVIOUS RESOLUTION

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

21. VOTING ON APPOINTMENTS

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

22. DISCUSSIONS & RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service of any person employed by the Council, it shall not be considered until (in the case of the Clerk) the Council (or in the case of other employees) the Committee, has resolved whether or not to exclude the public and press.

23. RESOLUTIONS ON EXPENDITURE

Any resolution (which is moved otherwise than in pursuance of a recommendation of the Policy & Finance Committee or of another committee after recommendation by the Policy & Finance Committee) and which if carried, would, in the opinion of the Town Mayor, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon (and the Policy & Finance Committee shall report on the financial aspect of the matters).

24. EXPENDITURE

Orders for the payment of money shall be authorised by resolution of the Council and signed by any two nominated members.

25. FINANCE ACCOUNTS AND STATEMENTS

- a) The Council shall approve a budget of Income and Expenditure both revenue and capital prepared by the Policy and Finance Committee for the coming financial year at its meeting in the month of January.
- b) Any Committee shall not later than the November/December cycle, give to the Clerk for submission to the Policy & Finance Committee, a budget of its income and expenditure, both revenue and capital for the coming year.
- c) All accounts for payment within the agreed budget shall be certified as to their correctness by the RFO (Responsible Finance Officer), or the Chairman of the Committee has charge of the business to which it relates or by the Town Mayor or Deputy Mayor.
- d) A schedule of payments to include all payments made and claims upon the Council shall be tabled at each Policy & Finance Committee with recommendation to the Council
- e) The RFO shall supply each member as soon as practicable after the 31st March in each year a statement of the receipts and payments of the Council for the completed financial year. A financial Statement prepared on the appropriate accounting basis for a year to 31st March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to the Council for formal approval before the end of the following month of September.

26. SEALING OF DOCUMENTS

- a) The Common Seal of the Council shall be kept in a safe place in the office of the Town Clerk
- b) The Common Seal of the Council shall not be affixed to any document unless it has been authorised by a resolution.

The Seal shall be attested by one at least of the following persons present at the sealing, viz. The Mayor, Deputy Mayor or the Town Clerk.

27. SPECIAL MEETING

The Chairman of a Committee or the Town Mayor may summon an additional meeting of a Committee or the Full Council, to deal with matters of urgency. A special meeting may also be requested, on the requisition in writing, of not less than three of the members of the Committee. The Agenda shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

28. COMMITTEES

The Council may, at the Annual Meeting, appoint Standing Committees and may at any other time appoint such other Committees as it deems necessary, but subject to any statutory provision in that behalf :-:

- a) Shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting
- b) May appoint persons other than members of the Council to any committees
and
- c) May, subject to the provisions of Standing Order 20 above, at any time dissolve or alter the membership of a Committee.
- d) The Town Mayor and Deputy Town Mayor shall be ex officio voting members of every Committee(unless they are a Committee member in their own right).

29. SUB-COMMITTEES

Every committee may appoint sub-committees/working parties for purposes to be specified by the committee.

- a) The Chairman and Vice Chairman of the committee shall be members of any sub-Committee/working party, unless they signify that they do not wish to serve.
- b) Except where ordered by the Council in the case of a Committee, or by the Council, or by the appropriate Committee in the case of a Sub-Committee, the quorum of a Committee or a Sub-Committee shall be one half of its membership.
- c) The Standing Orders on rules of debate (except those parts relating to the Meeting of the Council) and the Standing Order on interests of members in contracts and other matters shall apply to Committee and Sub-Committee meetings.

30. WORKING PARTIES

Every Standing Committee appointed by the Council may appoint special Working Parties for purposes to be specified by the Committee. No act of a Working Party shall have effect, however, until approved by the parent committee. The Chairman and Vice Chairman of the Committee shall be ex-officio Members of every Working Party approved by that Committee

VOTING IN COMMITTEES

31. Members of committees and sub committees entitled to vote, shall vote by a show of hands, or if requested by at least two members, by signed ballot

Chairmen of Committees and sub committees shall in the case of an equality of votes have a second or casting vote.

32. ATTENDANCE OF MEMBERS NOT ON STANDING COMMITTEES, SUB-COMMITTEES OR WORKING PARTIES

Any Member of the Council desirous of attending any meeting of a Standing Committee, Sub Committee or Working Party, other than those to which they have been appointed and of speaking on any particular business set out on the Agenda for such meeting may do so provided that the consent of the Chairman of the Committee, sub-Committee or Working Party was obtained before the meeting commenced.

Any Member not on a Standing Committee, sub-Committee or Working Party who has been given permission by the Chairman to speak will not be allowed to vote on any matter under discussion.

33. INTEREST OF MEMBERS IN CONTRACTS AND OTHER MATTERS

- a) It shall be the responsibility of any member with a personal interest in a contract or any other matter being considered by the Council or Committee to declare such and state the reason for the declaration as stated in the Council's Code of Conduct.**
- b) If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interests relates.**
- c) The Clerk will register in the Minutes, members declared interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.**

34. INTEREST OF EMPLOYEES IN CONTRACTS

- a) The Town Clerk shall record particulars of any notice given by an employee of the Council of a pecuniary or non-pecuniary interest in a contract and the reason for the Declaration. The record shall be available for inspection during office hours by Members of the Council.**
- b) The recording of a pecuniary or non-pecuniary interest shall also apply in respect of any nominee of the Town Clerk**

35. CANVASSING AND RECOMMENDATIONS BY MEMBERS

- a) Canvassing of members of the Council or of any Committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of the Standing Order to every candidate.**
- b) A member of the Council or any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion, but, nevertheless, a member may give a written testimonial of a candidate's ability, experience or character reference for submission to the Council with an application for appointment.**
- c) Standing Order 39 shall apply to tenders as if the person making the tender were a candidate for an appointment.**

36. INSPECTION OF DOCUMENTS

A member may for the purpose of his/her duty as a Councillor (but not otherwise), inspect any document in possession of the Council or a Committee and if copies are available shall, on request, be supplied for the like purpose, with a copy.

37. All Minutes kept by the Council or Committee shall be open for the inspection of any member of the Council.

38. UNAUTHORISED ACTIVITIES

No member of the Council or any Committee or Sub-Committee shall in the name of or on behalf the Council:

- a) inspect any lands or premises which the Council has a right or duty to inspect
- or
- b) issue orders, instructions or directions.

Unless authorised to do by the Council or relevant Committee.

39. ADMISSION BY PUBLIC AND PRESS

The public and press shall be admitted to meetings of the Council, its Committees and Sub-Committees, which may, however, temporarily exclude them by means of the following resolutions :-

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

- a) The Council shall state the special reason for exclusion.
- b) If a member of the public interrupts the proceedings at any meeting, the Mayor/Chairman may after warning, order that he/she be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order..
- c) At all meetings of the Council/Committees a period of up to 15 minutes prior to the start of the meeting, will be allowed for the public to address the meeting in relation to any business being transacted at that meeting.. This shall be limited to three minutes per person, at the discretion of the Mayor/Chairman
- d) Where appropriate members of the public will be asked to inform the Clerk by mid day of the meeting that they wish to speak and where possible put any questions in writing.
- e) The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present.
- f) There shall be no audio or video recording or photographs of the meeting by any persons without the express approval of the Council.

40. CONFIDENTIAL BUSINESS

No member of the Council or of any Committee or Sub-Committee or Working Party shall disclose to any other person not a member of the Council, any business declared to be confidential by the Council, a Committee, Sub-Committee or Working Party as the case may be.

- a) Any member in breach of the provisions of paragraph a) above of this Standing Order shall be removed from any Committee or Sub-Committee or Working Party of the Council by the Council.

41. LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

All County and District Councillors representing the town of Haywards Heath shall be sent a notice of the Annual Town Meeting and Annual Meeting of the Council and where requested, will be sent the list of dates of all meetings of the Council and its Committees for the year. When ordered by the Council or Committee, the Clerk shall send copies of letters to the County and District Councillors of the appropriate wards.

42. PLANNING APPLICATIONS

Members will be kept informed of all planning applications by being sent all Planning Agendas and reports by the Clerk.

43. CODE OF CONDUCT ON COMPLAINTS

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member, in the manner adopted by the Council, except for those complaints which would be properly directed to the Monitoring Officer at Mid Sussex District Council for consideration. (*Code of Conduct on Complaints attached to these Standing Orders*).

44. FINANCIAL MATTERS

The Council shall provide and approve Financial Regulations drawn up by the National Association of Local Councils (*attached to these Standing Orders*)

45. DELEGATION TO TOWN CLERK AS THE PROPER OFFICER

The Council accepts the delegation to the Town Clerk as the proper officer of the Council as set out and attached to these Standing orders

46. SUBSTITUTION AND ATTENDANCE AT MEETINGS

Substitution at Committee meetings whilst not compulsory may be used by members who wish to take advantage of this system.

- a) Members who are unable to attend their Committee meeting must write, telephone or email the Council offices with the name of their substitute, by noon on the day of the meeting taking place.
- b) Those Members who do not wish to appoint a substitute should send their apologies and reasons for non-attendance to the Clerk.
- c) If the Clerk receives no apologies prior to the meeting, whether Committee or the Council, that member will be recorded as being absent.

CONTRACTS

47. CONTRACTS TO COMPLY WITH STANDING ORDERS

Every contract, whether made by the Council or by a Committee or Sub-Committee to which the power of making contracts shall have been delegated, shall comply with these Standing Orders and no exception from any of the following provisions of these Orders shall be made otherwise than by direction of the Council, in an emergency, by such a Committee or Sub-Committee as aforesaid with the approval of the Chairman of the Policy and Finance Committee.

Exceptions

- a) Every exception made by a Committee or Sub-Committee to which the power of making contracts has been delegated shall be reported to the Council and the report shall specify the emergency by which the exception shall have been justified.
- b) Express note of any exception from any of the provisions of these Standing Orders and of the emergency, if any, by which the exception shall have been justified shall, unless recorded in the report of a Committee or Sub Committee, which is laid before the Council, be made in the Minutes of the Council.
- c) The Town Clerk and/or the RFO shall ensure that the estimated cost has been included in the annual budget of the Council under the appropriate heading.

Financial Variations

All financial limits imposed by Orders 47 – 49) are effective from 1st April 2009. On April 1st 2010 and each subsequent anniversary the limits are to be revised to take account of changes in the RPI during the preceding twelve months rounded to the nearest £100.00.

48. TENDERING PROCEDURES

- a) The following tender procedures shall apply to every contract for works or purchase of goods or services.

<u>Estimated Value</u>	<u>Method of Invitation</u>	<u>Accepted By</u>
£5,000 - £10,000	Min of three quotations	Town Clerk
£10,000 - £20,000	Min. of four quotations	Chairman and Vice Chairman of appropriate Committee & the Town Clerk
£20,000 - £50,000	Min. of five invitations to tender (with discretion to invite tenders by public advertisement up to £75,000	Chairman and Vice Chairman of appropriate Committee & the Town Clerk
Above £75,000	Public advertisement Inviting tenders in one or more Local newspaper circulating in the district, with a minimum of 10 days notice	Chairman & Vice Chairman of Policy & Finance and the Town Clerk

In all cases where estimates or tenders are received from the suppliers of goods and services which are then amended by the supplier after acceptance, and the variance is in excess of 5%, the estimate or tender, shall be reported to the appropriate Committee for acceptance or otherwise.

49. LIST OF TENDERERS

- a) Where the Council has determined that lists shall be kept of parties to be invited to tender for contracts for the supply of goods and materials of specified categories of work, notices inviting applications for inclusion in the lists shall be published in one or more newspapers or journals circulating amongst parties who undertake contracts.
- b) The lists shall contain the names of all parties who wish to be included in it and are approved by the appropriate Committee and indicate whether a person whose name is included on it is approved for contracts for all, or only some of the specified values or amounts or categories.
- c) The said list shall be amended as required from time to time and shall be reviewed at intervals not exceeding five years.
- d) Where, by virtue of a decision by the Council or of the Committees or the Town Clerk, duly authorised on that behalf, invitation to tender for a contract is limited to persons whose name appears on the list maintained under this Order, an invitation to tender for a particular contract shall be sent. In respect of contracts above £10,000 but less than £20,000 to three tenderers, and for contracts over £20,000 but less than £100,000 to five tenderers or if fewer are listed not less than those.

Exceptions to procedures

The Order shall not apply to

- a) the supply of goods and materials less than £5,000
- b) purchase by auction
- c) purchase or repair of patented or proprietary goods or materials sold at fixed price.
- d) purchase of materials normally supplied by specialist contractors.
- e) the execution of work, the purchase of goods or materials or the provision of services involving special, scientific or artistic knowledge.
- f) the execution of work or the purchase of goods or materials which are a matter of urgency after prior reference to the appropriate Committee Chairman.
- g) the purchase of goods or materials which the Town Clerk may from time to time deem it expedient to make in the open market provided that before any such purchase the approval of the Chairman of the appropriate committee concerned is obtained and finance is available in the appropriate budget.
- h) contracts with professional persons for the execution of works in which the personal skills of the person is of primary importance.
- i) those contracts where a Committee may expressly determine that it is in the Council's interest that a tender be negotiated directly with a contractor or supplier of goods or services.

Requirements for submission of tenders

Where in pursuance of Order 48 a) public invitation to tender is required, every notice of invitation shall state that tenders must be submitted in a plain sealed envelope marked "Tender" followed by the subject to which it relates and no other mark.

Tenders shall remain in the custody of the Town clerk until the time appointed for them to be opened.

Declarations as to Conduct of Tenderer

In connection with the submission of tenders for the execution of works or supply of goods and materials, declarations shall be obtained from each tenderer in the following form

“We declare that we are not parties to any scheme or arrangement under which:

- a) we communicate the amount of our tender to any other person or body before the contract is let
- b) any other tenderer for the works, which are the subject of our tender, is reimbursed any part of his tendering costs and
- c) our tender prices are adjusted by reference directly or indirectly to the prices of any other tenderer for the works.

No provision is made in our tender price for any reimbursement of any adjustment of any contribution thereto”

Procedure for opening tenders

Tenders shall be opened by the Town Clerk or an official of the Council designated by him/her At one time and only in the presence of such Member(s) of the Council as may have been designated for the purpose. The tenders shall be recorded in a register and reported to the next appropriate committee or Council meeting.

Limitations of acceptance of tenders

Tenders other than the lowest tender if payment is to be made by the Council or the highest tender if payment is to be received by the Council shall not be accepted until the Council shall have considered a written report from the appropriate officer.

50. CONTRACTS FOR SUPPLIES AND SERVICES ETC

Every contract which exceeds £10,000 in value or amount shall be in writing

Every contract in writing shall be signed by the Town Clerk on behalf of the Council.

51. CONTRACTS FOR SUPPLIES SERVICES OR WORKS

Every contract for which provision has been made in the approved annual estimates and/or approved by the appropriate Committee or Sub Committee of the Council pursuant to Standing orders and being in value of amount less than £10,000 shall be entered into on behalf of the Council by the Town Clerk or his/her nominated representative.

52. CONTENTS OF WRITTEN CONTRACTS AND PENALTIES

Every contract shall specify

- a) the work, materials, matters or things to be furnished, had or done
- b) the price to be paid with a statement of discounts or other deductions
- c) the time or times within which the contract is to be performed.

53. CORRUPT PRACTICES

Every written contract shall contain a clause permitting the Council to cancel the contract and to recover from the contractor or his employee or agent (acting without the contractors knowledge) the amount of any costs or loss resulting from such cancellation if the contractor shall have:

offered or given a bribe or other inducement
done or refrained from doing any act
made a promise or arrangement
with the object of securing the contract or a contract previously entered into with the Council

or

shall have committed any offence under the Prevention of Corruption Act 1889 – 1916, or shall have given any fee or reward the receipt of which is an offence under section 117(2) of the Local Government Act 1972.

54. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

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

- a) A resolution permanently to add, vary, or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
- b) A motion to suspend Standing Orders shall not be moved without notice unless there shall be present at least one-half of the whole number of such persons eligible to be at such meeting.

54. STANDING ORDERS TO BE GIVEN TO MEMBERS

A copy of Standing Orders shall be given to each member by the Town Clerk upon delivery to her/him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

55. CONFIRMATION OF STANDING ORDERS

Standing Orders shall be reviewed and confirmed at an appropriate Committee or meeting of the Council after each election. *(Every four years)*

TERMS OF REFERENCE

MATTERS TO BE DEALT WITH SOLELY BY THE COUNCIL

- a) The power of raising loans and making the precept.
- b) The power of incurring capital expenditure not specifically included in the Council's approved estimate of expenditure for the time being.
- c) The appointment to or co-option on a Committee or sub-Committee of a person who is not a Member of the Council.
- d) Standing Orders and the functions and constitution of Committees and sub-Committees.
- e) Dates of meetings.
- f) Appointment or nomination by the Council of persons to fill vacancies on outside bodies arising during a Council year.
- g) Filling of vacancies occurring on any Committee of the Council during the Council year.
- h) The appointment or dismissal of the Clerk to the Council.

The Council may at any time without prejudice to executive action already taken exercise the executive power delegated to a Committee.

PLANNING COMMITTEE

Membership usually 2 Members from each Ward

- a) The making of representations to the Local Planning Authority on applications for planning permission, which have been notified in accordance with the Town and Country Planning Act 1990.
- b) The making of representations in respect of appeals against the refusal of planning permission.
- c) To make recommendations to MSDC regarding street names.
- d) To consider and monitor the town and other development plans and make the appropriate representations.
- e) To consider applications for road closures.
- f) To consider recommendations made by the Working Group tasked with reviewing the development of housing in Haywards Heath;

LOCAL PLANNING WORKING GROUP

Membership: Chairman of Planning and three other Members.

- a. to comment on matters relating to the development of housing in the Town, through a Local Plan model;
- b. to comment on the development of the Town Chapter;
- c. to consider proposed housing sites for development in Haywards Heath;
- d. to consider and comment upon development briefs/plan developed for the Town.
- g) To consider matters relating to the redevelopment of the station quarter and the town centre.
- h) To consider/note requests for the expenditure of Section 106 contributions allocated to Haywards Heath by third parties or directly by the Town Council.
- i) To consider and comment upon consultations relating to planning matters in relation to Mid Sussex District Council, West Sussex County Council or any other regional or national statutory bodies.

ENVIRONMENT AND GENERAL PURPOSES COMMITTEE.

Membership 7 members plus Mayor and Deputy Mayor as ex officio

- a) The maintenance, promotion and administration of allotments.
- b) The maintenance and management of the Cemetery in Western Road.
- c) The maintenance of Muster Green under its Charitable status, including the War memorial.
- d) To maintain footway lighting within the Council's ownership and upgrade to County Standard where possible.
- e) To provide, maintain, and replace street furniture such as: Litter bins, Public seats, Bus and public shelter, Notice Boards, Salt bins
- f) To provide grant aid to maintain public clock on St Wilfrid's tower.
- g) To be responsible for all Council run events such as: Tulip/Spring Festival; Best Kept Garden Competition; Town Day; Christmas Festival; and any one off events that arise.
- h) To identify and promote new leisure facilities such as Town walks; Cinema; Art Gallery; Museum etc.
- i) To join in National Initiatives such as Litter Pick Week; Tree Week; Cycling Week;
- j) To promote nature conservation and ecological studies to include Tree Wardens and Tree planting initiatives;
- k) To promote community development such as Young Citizen Week.
- l) To promote the economic development of the town such as Farmer's Market; Continental/French Market; Tourism;
- m) To provide, maintain and replace: Flowerbeds, Barriers troughs, Hanging Baskets, Pole Baskets
- n) To maintain, promote sponsorship of roundabouts under licence from the County Council.
- o) To submit the Environment & General Purposes Committee budget for consideration as part of the Council's overall budget.
- p) To receive an update on the following Working Groups affiliated to the Town Council, namely Bolnore Working Party and the Haywards Heath in Bloom Committee.

POLICY & FINANCE COMMITTEE

Membership: 7 members with Mayor and Deputy Mayor ex officio

To co-ordinate and undertake detailed consideration of all financial matters affecting the Council and making the necessary recommendations to Council.

- a) Dealing with matters specifically referred by the Council or other Committees and with any other matter not specifically referred or delegated to any Committee, to include all financial and policy making matters, with special reference to tenders, contracts and general administration of Town Hall.
- b) To be responsible for the monitoring of capital and revenue budgets and list of payments.
- c) Dealing with the Terms and Conditions of Service and superannuation of Town Council Officers and staff and making appropriate recommendations.
- d) Dealing with Newsletters.
- e) To deal with all applications for grants and donations/subsidies.
- f) Dealing with the preparation of the draft budget and recommendation of the precept to Council.
- g) To ensure that the financial regulations and systems of the Council are adhered to and to consider any reports from the auditors that might arise following the audit of the end of year accounts.
- h) Liaison with Hayward Heath Business Association/Groups and other bodies.
- i) To make recommendations to Council on the acquisition and disposal of land.
- j) To consider any proposals relating to the devolution of assets or services from Mid Sussex District Council or West Sussex County Council.

STAFF WORKING PARTY

Membership Mayor, Deputy Mayor, Immediate Past Mayor, Chairman of P & F Chairman of E & G P and one each of minority groups.

- a. To make recommendation on the terms, annual remuneration and conditions of staff.
- b. To consider requests for new members of staff and make recommendations to Council.
- c. To consider any issues relating to staff and make recommendations to Council.

CHAIRMAN'S WORKING GROUP

Membership: Town Mayor, Chairman of Policy and Finance, Chairman of Environment and General Purpose, Chairman of Planning

- a. to share information on upcoming agenda items;
- b. to ensure that consistency in the administration of meetings is being implemented.

NEWSLETTER/WBSITE WORKING GROUP

Membership: chairman P & F, chairman E & G P, one other plus Mayor and Deputy Mayor

- a. To consider input for quarterly Newsletter.
- b. Oversee the content of Web site.

DELEGATION TO MAYOR & COMMITTEE CHAIRMEN GENERALLY

To cancel or postpone a meeting owing to a lack of business or in an emergency.

When a Working Party or Sub Committee is set up, its function, remit and membership is agreed at that time by the Standing Committee Council.

HAYWARDS HEATH TOWN COUNCIL
FINANCIAL REGULATIONS

1. General

- 1.1 The financial regulations shall govern the conduct of the financial transactions of the Council and may only be amended or varied by resolution of the council.
- 1.2 The Responsible Financial Officer (RFO) under the policy direction of the council shall be responsible for the proper administration of the council's affairs.
- 1.3 The RFO shall be responsible for the production of financial management information.
- 1.4 If the RFO and the Clerk shall at any time be one and the same, these regulations shall be construed appropriately.

2. Annual Estimates

- 2.1 The Town Clerk shall each year recommend to the Town Council a programme for consideration of estimates and the programme is to include adequate time for such discussions between the Policy & Finance Committee, Environment & General Purposes Committee and Council.
- 2.2 Detailed estimates of income and expenditure on revenue services, and receipts and payments on capital account, shall be prepared each year by the RFO.
- 2.3 The Council shall review the estimates not later than the end of December in each year and shall recommend the precept to be levied for the ensuing financial year by the end of January. The RFO shall supply each member with a copy of the approved estimates.
- 2.4 The annual capital and revenue budgets shall form the basis of financial control for the ensuing year.

3. Budgetary Control

- 3.1 Expenditure on the revenue account may be incurred up to the amounts included in each approved committee budget.
- 3.2 No expenditure may be incurred which cannot be met from the amount provided in the appropriate committee revenue budget unless a virement has been approved by the Council.
- 3.3 The RFO shall periodically provide the Council with a statement of income and expenditure to date under each head of the approved annual revenue and capital budgets.
- 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 £2,500. The Clerk shall report the action to the appropriate committee as soon as practicable thereafter.
- 3.5 Where expenditure is incurred in accordance with regulation 3.4 above and the sum required cannot be met from savings made elsewhere within that committee's approved budget, it shall be subject to the provisions of a supplementary estimate approved by the Council.
- 3.6 Unspent allocations in the revenue budget shall not be carried forward to a subsequent year unless they are the subject of specific resolution by the Council.
- 3.7 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving expenditure on capital account unless the committee concerned are satisfied that it is contained in the rolling capital programme and the

necessary capital funds are available, or the requisite borrowing approval can be obtained.

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

4. Accounting and Audit

- 4.1 All accounting procedures and financial records of the council shall be determined by the RFO as required by the Accounts and Audit Regulations 2003.
- 4.2 The RFO shall be responsible for completing the annual accounts of the council as soon as practicable after the end of the financial year and shall submit them to and report thereon to the Policy & Finance Committee/Council
- 4.3 The following principles shall be observed in connection with accounting duties.
- a) The duty of providing information, calculating, checking and recording sums due to, or from, the council, should be separated as completely as possible from the duty of collecting or dispersing them.
 - b) Officers charged with the duty of examining and checking the accounts of cash transaction should not be engaged in any of those transactions.
- 4.4 The RFO shall be responsible for maintaining an adequate and effective system of internal audit of the council's accounting, financial and other operations in accordance with regulations⁵ of the Accounts and Audit Regulations 2003. Any officer or member of the council shall, if the RFO requires, make available such documents of the council which relate to their accounting and other records as appear to the RFO to be necessary for the purpose of the audit and shall supply the RFO with such information and explanation as the RFO considers necessary for the purpose.

5. Internal Audit

- 5.1 In accordance with approved Best Practice and the requirements of the Accounts and Audit Regulations 1996 and subsequent legislation, the Town Council adopts a policy of programmed Internal Audit. This is conducted independent of the Finance Section and core responsibility rests with the Chairman of the Policy & Finance Committee supported, as appropriate by other nominated persons and the Town Clerk.

6. Banking Arrangements and Cheques

- 6.1 The Council's banking arrangements shall be made by the RFO and approved by the Council. Three accounts are maintained at National Westminster Bank (2009), a current account, a Reserve account and a Liquidity Deposit account.
- 6.2 A schedule of the payment of money shall be prepared by the RFO and together with the relevant invoices etc, presented to the signatories. If the schedule is in order it shall be authorised by a resolution of the Council and signed by the Mayor or Deputy Mayor.
- 6.3 Cheques, direct debits and standing orders drawn on the current account, in accordance with the schedule referred to in the previous paragraph shall be signed by two of the authorised members.

7. Payment of Accounts

- 7.1 Apart from petty cash payments all payments shall be effected by cheque or other order drawn on the council's bankers.

- 7.2 All invoices for payment shall be examined, verified and certified by the officer issuing the order. Before certifying an invoice the officer shall satisfy himself that the work, goods or services to which the invoice relates have been received, carried out, examined and approved.
- 7.3 The RFO will examine invoices in relation to arithmetical accuracy and authorisation, and shall code them to the appropriate expenditure head. The RFO shall take all possible steps to settle all invoices submitted, and which are in order, within 30 days of receipt.
- 7.4 All duly certified invoices will then be entered on the schedule referred to in 6.2 above.
- 7.5 The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers of payments made shall be forwarded to the RFO with a claim for reimbursement:
 - a) The RFO shall maintain in petty cash float to a limit of £300 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
 - b) Income received, must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - c) Payments to maintain the petty cash float shall be shown separately on the schedule of the payment of money presented to the Council (under 6.2 above)

8. Payment of Salaries and Wages

- 8.1 The payment of all salaries, wages and other emoluments shall be made by the RFO in accordance with the instructions of the Town Clerk concerning national pay awards and other information likely to have a bearing on individual members of staff conditions of service.
- 8.2 The current limit of the monthly submission to Nat West Autopay for payment of staff salaries is £15,000.
- 8.3 The RFO is responsible for keeping all payments of salary and wages information fully up-to-date, including information on pensions, income tax, national insurance and the like.

9. Loans and Investments

- 9.1 All loans and investments shall be negotiated by the RFO in the name of the Council and shall be for a set period of time in accordance with the Council policy. Changes to loans and investments should be reported to the Council at the earliest opportunity.
- 9.2 All investments of money under the control of the Council shall be in the name of the Council.
- 9.3 All borrowings shall be effected in the name of the Council.
- 9.4 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

10. Income

- 10.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 10.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be notified to the RFO and the RFO shall be ultimately responsible for the collection of all accounts due to the Council.
- 10.3 The Council will review all fees and charges annually, following a report by the clerk, as part of the budget procedure.

- 10.4 Any bad debts shall be reported to the Council.
- 10.5 All sums received on behalf of the Council shall either be passed to the RFO for banking or be banked by the officer collecting the money 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.

11. Orders for Work, Goods and Services

- 11.1 An official 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 e.g. Petty Cash purchases. Copies of contracts/letters shall be maintained in appropriate file.
- 11.2 All officers are responsible for obtaining value for money at all times. An officer issuing an official order is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction.

12. Contracts

- 12.1 Procedures as to the contracts are laid down in the Council's Standing Orders as follows:
- a) Every contract whether made by the Council or by a committee to which the power of making contracts has been delegated shall comply with these standing orders and no exception from any of the following provisions of these standing orders shall be made otherwise than by direction of the Council or in an emergency by such a committee as aforesaid provided that these standing orders shall not apply to contracts which relate to items (i) to (v) below:
 - (i) for the supply of gas, electricity, water, sewerage and telephone/internet 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 goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at a fixed price.
 - b) Where it is intended to enter into a contract:
 - (i) exceeding £10,000 but less than £50,000 in value for the supply of goods, 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 shall invite quotes from at least three firms, such firms to be taken from the appropriate approved list.
 - (ii) for the expenditure of £10,000 or less in value the chairman of the spending committee and his appointed vice chairman together with the Clerk or the duly authorised deputy shall have executive power.
 - (iii) exceeding £50,000 the clerk shall invite tenders from four firms taken from an approved list.
 - c) When applications are made to waive standing orders relating to contracts to enable a tender to be negotiated without competition the reason shall be embodied in a recommendation to the Council.

- d) Every exception made by a committee to which the power of making contracts has been delegated shall be reported to the Council and the report shall specify the emergency by which the exception shall have been justified.
- e) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the clerk and the last date by which such tenders should reach the Clerk in the ordinary course of post. Each tendering firm shall be supplied with the specially marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- f) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk or the properly authorised deputy in the presence of at least one member of the Council.
- g) If less than three tenders are received for contracts valued about £50,000 or if all the tenders are identical the Council may take such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- h) Any invitation to tender issued under this standing order shall contain a statement of the effect of standing order Nos 45 and 46.
- i) The Council shall not be obliged to accept the lowest or any tender.

13. Payments under contract for building or other construction works

- 13.1 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.
- 13.2 Where contracts provide payment by instalments the RFO shall maintain a record of all such payments. In any case when it is estimated that the total cost of work carried out under a contract, excluding fluctuation clauses, will exceed the contract sum by 5% or more a report shall be submitted to the appropriate committee.

14. Stores and equipment

- 14.1 The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 14.2 Delivery notes must be obtained in respect of all goods received into store and goods must be checked as regard quality at the time delivery is made.
- 14.3 Stocks shall generally be maintained at minimum consistent with operational requirements.
- 14.4 A delegated officer shall be responsible for the annual check of all stocks and stores

15. Properties and Estates

- 15.1 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 regulation 5 (3) (b) of the Accounts and Audit Regulations 2003

- 15.2 No property shall be sold, leased or otherwise disposed of without the authority of the Council, save where the estimated value of any one item does not exceed £500.

16. Insurance

- 16.1 The RFO shall effect all insurances and negotiate all claims on the Council's insurers in consultation with the Clerk.
- 16.2 The Clerk shall give prompt notification to the RFO all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 16.3 The RFO shall keep a record of all insurances affected by the Council and the property risks covered thereby and annually review it.
- 16.4 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim.
- 16.5 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance.

17. Revision of Financial Regulations

- 17.1 It shall be the duty of the RFO to review the financial regulations from time to time and to make such recommendations to the Council as the RFO considers required.

18. Risk Management

The Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards and that public money is safeguarded and properly accounted for and used economically and efficiently.

The Council's Risk Management Process is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. The Risk Management Process is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised and to manage them efficiently, effectively and economically and produce a balanced and proportionate response.

The implementation of the Council's Risk Management Process will be implemented in line with the Council's published Risk Management Policy.

HANDLING COMPLAINTS

Code of Practice

1. If a complaint about procedures or administration is notified orally to a councillor or the Town Clerk and it is not possible to satisfy the complainant fully forthwith the complainant shall be asked to put his complaint in writing to the Town Clerk and be assured that it will be dealt with promptly after receipt.
2. If a complainant indicates that he would prefer not to put the Clerk he shall be advised to put it to the Mayor.
3. On receipt of a written complaint the Clerk or Mayor, as the case may be, shall (except where the complaint is about his own actions) try to settle the complaint directly with the complainant but shall not do so in respect of a complaint about the behaviour of the Clerk or a Councillor without first notifying the person complained of and giving him an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. Where the Clerk or Mayor receives a written complaint about his own actions he shall forthwith refer the complaint to the council.
4. The Clerk or Mayor shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
5. The Clerk or Mayor shall bring any written complaint which cannot be settled to the next meeting of the Council and the Clerk shall notify the complainant of the date on which the complaint will be considered.
6. The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Council meeting in public.
7. As soon as may be after the decision has been made it and the nature of any action to be taken shall be communicated in writing to the complainant.

THE MODEL CODE OF CONDUCT
FOR PARISH AND TOWN COUNCILS

Part 1
General provisions

Introduction and interpretation

1.—(1) This Code applies to **you** as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State (see Annexure to this Code).

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

“meeting” means any meeting of—

(a) the authority;

(b) any of the authority's committees or sub-committees, joint committees or joint sub-committees;

“member” includes a co-opted member and an appointed member.

(5) References to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2.—(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

- 3.—(1) You must treat others with respect.
- (2) You must not—
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a));
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
4. You must not—
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You—
 - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. Paragraph 7 does not apply to your authority.

Part 2

Interests

Personal interests

- 8.—(1) You have a personal interest in any business of your authority where either—
- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
 - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association;
or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9.—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Prejudicial interest generally

10.—(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of—
 - (i) this sub-paragraph does not apply to your authority;
 - (ii) this sub-paragraph does not apply to your authority;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

11. Paragraph 11 does not apply to your authority.

Effect of prejudicial interests on participation

12.—(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee; and

(b) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13.—(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Annexure - The Ten General Principles

The general principles governing your conduct under the *Relevant Authorities (General Principles) Order 2001* are set out below:

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.