

Haywards Heath Town Council

Standing Orders and Financial Regulations

Standing Orders

1.	Meetings of the Council	3
2.	Committees and sub-committees	5
3.	Ordinary Council meetings	6
4.	Extraordinary meetings of the Council and committees and sub-committees	7
5.	Rules of debate at meetings	7
6.	Disorderly conduct at meetings	9
7.	Previous resolutions	9
8.	Voting on appointments	9
9.	Motions for a meeting that require written notice to be given to the Proper Officer	9
10.	Motions at a meeting that do not require written notice	10
11.	Handling confidential or sensitive information	11
12.	Draft minutes	11
13.	Code of conduct and dispensations	12
14.	Code of conduct complaints	13
15.	Proper Officer	13
16.	Responsible Financial Officer	14
17.	Accounts and accounting statements	15
18.	Financial controls and procurement	15
19.	Handling staff matters	17
20.	Requests for information	17
21.	Responsibilities to provide information	17
22.	Responsibilities under data protection legislation	18

23.	Relations with the press/media	18
24.	Execution and sealing of legal deeds	18
25.	Communicating with District and County or Unitary Councillors	18
26.	Restrictions on Councillor activities	18
27.	Standing orders generally	18
28.	List of Standing Committees and Terms of Reference	19
	TR Terms of Reference	20
	TR1 Powers and duties of the standing committees:	
	TR2 Delegation to Chairmen generally	
	TR3 Leader of the Council	
C	Contracts	21
	Contracts to comply with Standing Orders	
	Tendering Procedures	
	Contracts for Supplies, Services or Works	
	Contents of Written contracts and penalties	
	Corrupt practices	
	FR Financial Regulations	25
	Financial Administration	
	Financial Planning and Annual Estimates	
	Budgetary Control	
	Income	
	Banking Arrangements	
	Ordering Procedures	
	Payment Procedures	
	Petty Cash Account	
	Legal Documents	
	Insurances	
	Investments, Borrowings and Trust Funds	
	Internal audit	
	Appendix 1 - Matters to be Dealt with Solely by the Council. (29)	
	Appendix 2 - Planning Committee Terms of Reference. (29)	
	Appendix 3 - Policy and Finance Committee Terms of Reference (30)	
	Appendix 4 - Environment and General Purposes Committee Terms of Reference (32)	
	Appendix 5 - Delegation to the Town Clerk (33)	

This full document is approved by the Council as part of the Standing Orders and Financial Regulations to govern the business of the Council. Use of the word “he” is to be taken in the universal context to mean he/she.

Date adopted (revised) by Council: 13th May 2024.

STANDING ORDERS

1. Meetings of the Council

- a Meetings of Council and Standing Committees shall take place at The Town Hall, 40 Boltr Road, unless otherwise stated meetings will start at 7.00pm. Notice of the dates, specific venue and time will be posted in advance on the Councils notice board on Boltr Road. Notice may also be posted on the council's website and neighbourhood community notice board. Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.
- b The minimum three 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.
- c Council and Standing Committee Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- d Members of the public may ask questions of the Chairman at meetings which they are entitled to attend, in respect of the business on the agenda.
 - (i) In respect of Planning Committee meetings, in accordance with the remaining provisions within the standing orders relating to public participation, members of the public may also make representations on the applications.
 - *Representations to be made will be restricted to a maximum of four persons speaking for and or against the application.*
 - *In the event of a large number of speakers indicating to speak on an application, the Chairman has the discretion to increase the number allowed to speak*
- e The period of time designated for public participation at a meeting in accordance with standing order 1(d) shall not exceed thirty minutes for Ordinary Council (excluding annual Council), and fifteen minutes for standing committee, unless suspension of this standing order is approved by motion. If there are not sufficient questions to fill the time allotted the Chairman may draw the item to close and move immediately to the business of the agenda. Public participation is not then permitted once the Chairman has moved in to the substantive agenda.
- f Subject to standing order 1(e), a member of the public shall speak once, not exceed three minutes, and will have no right of reply.
- g In accordance with standing order 1(d), a question shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or oral response be given.
- h A person shall raise their hand when requesting to speak and stand when speaking* (except when a person has a disability or is likely to suffer discomfort). The Chairman of the meeting may at any time permit a person to be seated when speaking. A member of the public should give their name and state his parish of residence when speaking for the minute.

**Standing is only required at meetings of the full Council, for Standing or Sub Committees the Councillor need only raise his hand to indicate he wishes to speak, but may remain seated.*

- i A person who speaks at a meeting shall direct his comments to the Chairman of the meeting.
- j Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the meeting shall direct the order of speaking.
- k Council members may attend any Standing Committee or sub-committee meetings, however where a Councillor is not a member of the committee or sub-committee they may only speak at the meeting, by giving advance notice to the Chair of their attendance and the items they wish to speak upon. Non-Members will speak after the committee members are given the opportunity and the Chair is not obliged to allow the non-member to speak should the debate prove lengthy and time short to cover all matters on the agenda.
- l Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is permitted in accordance with the Councils approved protocol which shall be displayed at the meeting.
- m 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. The Council shall not be required to accommodate more than two representatives.
- n Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).
- o The Town Mayor, if present, shall preside at a meeting of the Council as Chairman. If the Town Mayor is absent from a meeting, the Deputy Mayor, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- p Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors with voting rights present and voting.
- q The Chairman 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 casting vote whether or not he gave an original vote.
See standing orders 3(h) and (i) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.
- r 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 gives his vote for or against that question. Such a request shall be made before the vote is taken.
- s 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;
 - iii. the names of those who sent apologies for absence, along with the reason, if given.
 - iv. interests that have been declared by Councillors with voting rights;
 - v. whether a Councillor left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.

- t A Councillor who has a disclosable pecuniary or prejudicial interest as set out in the Council's code of conduct in a matter being considered at a meeting, is required to leave the room for the discussion and not vote on that matter.
- u No business may be transacted at a Council meeting unless at least one-third of the whole number of members of the Council are present. 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 establishing the numbers present, announces that a quorum is not present then no meeting shall take place.
 - (i) Quorum at a Committee or Working party will be half of the whole membership or 4 whichever is the greater.
- v If a meeting becomes inquorate, the Town Clerk will advise that fact to the Chairman who shall adjourn the meeting, those who are present and those who are absent will be entered in to the official minutes. The business on the agenda for the meeting shall be adjourned to another meeting.
- w A meeting shall not exceed a period of two hours.
- x The Business of Ordinary Meetings of the Council will be;
 - i. To choose the person to preside if the Town Mayor or Deputy Mayor is not present
 - ii. To deal with any business required by statute to be done before any other business
 - iii. To approve as a correct record, the minutes of the last meeting of the Council.
 - iv. To receive Member's declarations of interest
 - v. Mayors Announcements
 - vi. To dispose of any business (if any) remaining from the last meeting
 - vii. To receive and consider any reports (or minutes) from standing committees
 - viii. To authorise the sealing of documents, so far as the Council's authority is required by statute or these standing orders.
 - ix. To consider notices of motions in the order that they have been received

The Chairman may vary the order of business on the agenda for matters iii-x if in his view the matter is of special urgency to demand higher precedence.

2. Committees and sub-committees

- a Unless the Council determines otherwise, a committee may appoint a sub-committee or working party whose terms of reference and members shall be determined by the committee.
- b The members of a sub-committee or working group may include non-Councillors unless the sub-committee/working group regulates and controls the finances of the Council.
- c Non-Councillor members of subcommittees or working groups will not have voting rights.
- d Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-Councillors.
- e Working parties will:
 - a. be discharged once their terms of reference have been completed
 - b. refer all recommendations to their parent committee before they have effect

- f The Council may appoint standing committees or other committees as may be necessary, and:
 - i. Shall determine their terms of reference;
 - 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 number and time of its meetings;
 - iv. Shall, after it has appointed the members of a standing committee, appoint the Chairman of the standing committee;
 - v. Shall permit a committee other than a standing committee, to appoint its own Chairman at the first meeting of the committee;
 - vi. Shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
 - vii. Shall determine if the public may participate at a meeting of a committee;
 - viii. Shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
 - ix. Shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - x. May dissolve a committee.

3. Ordinary Council meetings

- 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 the second Monday in May.
- c In addition to the annual meeting of the Council, at least five other ordinary meetings shall be held in each year in January, March, July, September and November.
- d The first business conducted at the annual meeting of the Council shall be the election of the Chairman (Town Mayor) and Vice-Chairman (Deputy Town Mayor) of the Council.
- e The Town Mayor, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.
- f The Deputy Mayor of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman (Town Mayor) of the Council at the next annual meeting of the Council.
- g In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.
- h In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.

- i. Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the Council, the business of the annual meeting shall include:
 - i. In an election year, delivery by the Chairman of the Council and Councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - v. Appointment of members to existing committees;
 - vi. Appointment of any new committees in accordance with standing order 2 above;
 - vii. Review of representation on or work with external bodies and arrangements for reporting back;
 - viii. In an election year, to make arrangements with a view to the Council remaining eligible to exercise the general power of competence;
 - ix. Determining the time and place of ordinary meetings of the full Council up to and including the next annual meeting of full Council.

4. Extraordinary meetings of the Council and committees and sub-committees

- a. The Chairman of the Council may convene an extraordinary meeting of the Council at any time, giving appropriate notice.
- b. If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two Councillors.
- c. The Chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time, giving appropriate notice of at least seven clear days.
- d. If the Chairman of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by two members of the committee [or the sub-committee], any two members of the committee [and the sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].

5. Rules of debate at meetings

- a. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chairman of the meeting.
- b. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c. A motion on the agenda that is not moved by its proposer may be treated by the Chairman of the meeting as withdrawn.
- d. If a motion (including an amendment) has been seconded, it may be withdrawn by the

- proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
 - f 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.
 - g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chairman of the meeting, is expressed in writing to the Chairman.
 - h A Councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
 - i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairman.
 - j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman of the meeting.
 - k One or more amendments may be discussed together if the Chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
 - l A Councillor may not move more than one amendment to an original or substantive motion.
 - m The mover of an amendment has no right of reply at the end of debate on it.
 - n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
 - o Unless permitted by the Chairman of the meeting, a Councillor may 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.
 - p During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
 - q A point of order shall be decided by the Chairman of the meeting and his decision shall be final.
 - r 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 ask a person to be no longer heard 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) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the Chairman 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 of reply.
- t Excluding motions moved under standing order 4(r) above, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed five minutes without the consent of the Chairman of the meeting.

6. Disorderly conduct at meetings

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If the Chairman feels it necessary, to retain order, that he rises to his feet during a debate, the speaker will stop speaking and retake his seat.
- c If person(s) disregards the request of the Chairman of the meeting to moderate or improve their conduct, any Councillor or the Chairman 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.
- d If a resolution made under standing order 5(b) is ignored, the Chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

7. Previous resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least seven Councillors to be given to the Proper Officer in accordance with standing order 9 below. This standing order shall not apply to motions moved in pursuance of the report or recommendation of a committee, nor to a motion to rescind any resolution merely postponing consideration of a matter.
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8. Voting on appointments

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

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

- 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 it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) 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 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least five clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f Subject to standing order 9(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

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

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

- i. To correct an inaccuracy in the draft minutes of a meeting;
- ii. To move to a vote;
- iii. To defer consideration of a motion;
- iv. To refer a motion to a particular committee or sub-committee;
- v. To amend a motion
- vi. To grant leave to withdraw the motion
- vii. To appoint a person to preside at a meeting;
- viii. To change the order of business on the agenda;
- ix. To proceed to the next business on the agenda;
- x. To require a written report;
- xi. To appoint a committee or sub-committee and their members;
- xii. To extend the time limits for speaking;
- xiii. To exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
- xiv. To not hear further from a Councillor or a member of the public;
- xv. To exclude a Councillor or member of the public for disorderly conduct;
- xvi. To temporarily suspend the meeting;
- xvii. To suspend a particular standing order (unless it reflects mandatory statutory

- requirements);
- xviii. To adjourn the meeting; or
- xix. To close a meeting.

11. Handling confidential or sensitive information

See also standing order 20.

- a) The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.
- b) The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).
- c) 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.
- d) Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest and without legal justification.

12 Draft minutes

- a) If the draft minutes of a preceding meeting have been served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b) There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i) above.
- c) The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d) If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
 - “The Chairman of this meeting does not believe that the minutes of the meeting of the (xxx) held on [date] in respect of (xxx) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e) If the Council's gross annual income or expenditure (whichever is higher) does not exceed £250, it shall publish draft minutes on a website which is publicly and free of charge not later than one month after the meeting.
- f) Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft

minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. Code of conduct and dispensations

- a All Councillors and non-Councillors shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a Councillor or non-Councillor shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest *or* another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which 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 the Proper Officer 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 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 13(c) and (e) above, dispensations requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- g A dispensation may be granted in accordance with standing order 13(e) 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.
- h. A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:
 - 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;
 - 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.

14. Code of conduct complaints

- ~~a~~ Upon notification by Mid Sussex District Council that it is dealing with a complaint that a Councillor has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to both the Chairman and Leader of the Council.
- ~~b~~ Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman and Leader of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined what action, if any, to take.
- ~~c~~ The Council may;
- ~~i.~~ Provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement.
 - ~~ii.~~ Seek information relevant to the complaint from the person or body with statutory responsibility for investigation into the matter.
- ~~d~~ Upon notification by Mid Sussex 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 the person. Such action excludes disqualification or suspension from office.
- a** Upon notification by the Principal 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 them. Such action excludes disqualification or suspension from office.

15. Proper Officer

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- i. at least three clear days before a meeting of the council, a committee or a sub-committee,
 - serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and
 - Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least () days before the

- meeting confirming his withdrawal of it;
- iii. convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;
 - iv. facilitate inspection of the minute book by local government electors;
 - v. receive and retain copies of byelaws made by other local authorities;
 - vi. hold acceptance of office forms from councillors;
 - vii. hold a copy of every councillor's register of interests;
 - viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
 - ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
 - x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
 - xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
 - xii. arrange for legal deeds to be executed;
(*see also standing order 23*);
 - xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
 - xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
 - xv. refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman (if there is one) of the planning committee within two 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 committee;
 - xvi. manage access to information about the Council via the publication scheme; and
 - xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
(*see also standing order 24*).

16. Responsible Financial Officer

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

17 Accounts and accounting statements

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England)
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply via the Policy and Finance committee, in, June, September, November, January and March in each year a statement to summarise:
 - (i) The Council's receipts and payments for each quarter;
 - (ii) The Council's aggregate receipts and payments for the year to date;
 - (iii) The balances held at the end of the quarter being reported and which highlights any actual or potential overspend.
- d Before the June Policy and Finance Committee, the Responsible Financial Officer shall provide:
 - i. Each Councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
 - ii. To the full Council/ Policy and Finance Committee the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. The annual return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council/ Policy and Finance Committee for consideration and formal approval before 30 June.

18 Financial controls and procurement

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - 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 inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below ~~£25,000~~ **£60,000** due to special circumstances are exempt from a tendering process or procurement exercise.

- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.

~~A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).~~

- c. **Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:**

- i. **a specification for the goods, materials, services or the execution of works shall be drawn up;**
- ii. **an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;**
- iii. **tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;**
- iv. **tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;**
- v. **tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.**

- d. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

- e. **Where the value of a contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

- f. ~~A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £189,330 for a public service or supply contract or in excess of £4,733,252 for a public works contract; or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.~~

- g. ~~A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.~~

19 Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of Council, The Policy and Finance Committee or Staff Working Party is subject to standing order 11 above.
- b Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairman of the Policy and Finance Committee or in his absence, the Vice-Chairman of the Policy and Finance Committee in respect of an informal or formal grievance matter, and this matter shall be referred for consideration to the Staff Working Party then the Policy and Finance Committee.
- c Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by an employee relates to the Chairman or Vice-Chairman of the Finance and General Purposes Committee, this shall be communicated to another member of the committee, and this matter shall be referred for consideration to the Staff Working Party.
- d Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- e The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- f Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(d) and (e) above if so justified.
- g Access and means of access by keys or computer passwords to records of employment referred to in standing orders 19(d) and (e) above shall be provided only to The Clerk or Responsible Finance Officer (Deputy Clerk).

20 Requests for information

- a Requests for information held by the Council shall be handled 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 and General Data Protection Policies regulations.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Council. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act

2000.

21 Responsibilities to provide information

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

22. Responsibilities under data protection legislation

Below is not an exclusive list. See also standing order 11.

- a The Council may appoint a Data Protection Officer.
- b The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.
- c The Council shall have a written policy in place for responding to and managing a personal data breach.
- d The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.
- e The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.
- f The Council shall maintain a written record of its processing activities.

23. Relations with the press/media

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

24. Execution and sealing of legal deeds

See also standing orders 15(b)(xii) and (xvii).

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b Subject to standing order 24(a), the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.

25. Communicating with District and County or Unitary Councillors

- a Notification of meetings shall be sent, together with the agenda, to the ward Councillor(s)

of the District and County Council representing the area of the Council.

26. Restrictions on Councillor activities

- a. Unless authorised by a resolution, no individual Councillor shall:
 - i. Inspect any land and/or premises which the Council has a right or duty to inspect;
or
 - ii. Issue orders, instructions or directions.

27. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least seven Councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible after he has delivered his acceptance of office form.
- d The decision of the Chairman of a meeting as to the application of standing orders at the meeting shall be final.
- e Every member of the Council attending a meeting of Council or any of its committees or sub committees shall sign his name in the attendance book or sheet provided for that purpose.
- f The Town Clerk, in consultation with the Chairman and Vice Chairman of the relevant committee, to take action deemed desirable on any matters which the Committee concerned have delegated powers but which require urgent action.
- g After the expiry of the preceding period of eligibility to use the General Power of Competence, should the criteria no longer be fulfilled, the Council continues to be an eligible Council solely for the purpose of completing any activity undertaken in the exercise of the general power of competence which was not completed before the expiry of the Council's preceding period of eligibility referred.

28. List of standing committees and terms of reference

- a The Standing Committees of the Council shall be as follows:-
 - Planning Committee - 8 Members consisting, if possible, of at least one Member representing each Ward of the Town.
 - Environment and General Purposes Committee - 8 Members
 - Policy and Finance Committee - 8 MembersThe Mayor and Deputy Mayor shall be ex-officio Members of all Standing Committees.
- b All the Council's powers and duties shall be delegated to the Standing Committees in accordance with the Terms of Reference, subject to the following exceptions: -
 - (i) The power of raising loans and setting the precept;
 - (ii) The power of incurring capital expenditure not specifically included in the Council's approved estimates of expenditure for the time being;

- (iii) The appointment to or co-option on a Committee or Sub-Committee of a person who is not a Member of the Council or of a Committee;
 - (iv) Standing Orders and the functions and constitution of Committees and Sub-Committees;
 - (v) Dates of Meetings of the Council;
 - (vi) Appointment or nomination by the Council of persons to fill vacancies on outside bodies arising during the Council year;
 - (vii) Filling of vacancies occurring on any Committee of the Council during the Council year;
 - (viii) The appointment or dismissal of the Town Clerk.
- c Places on each Committee will be allocated in proportion to the numbers of seats held by the various parties or independents as a group at any time rounded to the nearest equivalent
- d The Chairman and Vice-Chairman of the Committee shall be ex-officio a Member of every Sub-Committee or working party appointed by the Committee, unless he signifies in writing to the Town Clerk that he does not wish to serve.

TR1 POWERS AND DUTIES OF STANDING COMMITTEES

- A Subject to standing order 26 (b), and to observance of decisions of the Council on matters of principle or policy, Council's powers and duties shall be delegated to the Standing Committees in accordance with the following terms of reference unless otherwise specified.

The acts and proceedings of a Committee shall:

- (a) Where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council;
 - (b) As regards other matters, be subject to confirmation by the Council, and when confirmed shall be deemed the acts and proceedings of the Council;
 - (c) In all respects be subject to the provisions of the Council's Standing Orders and Financial Regulations except as otherwise determined by the Council.
- B The Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.
- C Full Council – see Appendix 1
- D Planning Committee – see Appendix 2
- D Policy and Finance – See Appendix 3
- E Environment and General Purposes Committee See Appendix 4

TR2 DELEGATION TO CHAIRMEN GENERALLY

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

TR3 LEADER OF THE COUNCIL

In accordance with approved Council policy minute no. 30 dated 18th July 2011, the Leader of the majority group on the Town Council at any time will assume the position of Leader of the Council and, *for the purposes of democratic legitimacy will be subject to formal appointment at the Annual Town Council meeting (s)* he will have the following approved powers:-

- a) Chair meetings of the Chairman's Working Group to plan the forward agendas of the Council and its Committees;
- b) Oversee the preparation of business for Council's consideration;
- c) Indicate to the Town Clerk the priorities and programmes of the majority party, and their likely reaction to new policies or projects;
- d) To bring together the majority group's policies and plans, and their reactions to proposals, and represent them forward to the Town Clerk;
- e) Be the first port of call for the Town Clerk when an issue arises that requires a political response from the Council and the issue does not naturally fall within the terms of reference of one of the four programme committees;
- f) In discussion with the Leaders of the Minority Parties, propose Council appointments to outside bodies;
- g) To be the Chairman of Mid Sussex Association of Town Council during the years when Haywards Heath Town Council take responsibility for administration.

Contracts

C1 CONTRACTS TO COMPLY WITH STANDING ORDERS

- a 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 Standing Orders and Financial Regulations and no exception from any of the following provisions shall be made otherwise than by direction of the Council or, in an emergency, by such a Committee or Sub-Committee as aforesaid with the approval of the Chairman of the Finance and General Purposes Committee.

Exceptions

- b 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.
- c 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.
- d Before any contract for the supply of goods and materials, execution of works, or any provision as to the maintenance or servicing thereof is made, the Town Clerk or Responsible Finance Officer initiating such order shall ensure that the estimated cost of said supply or works has been included in the annual budget of the Council under the appropriate heading.
- e Any proposed contract for the supply of goods and materials, execution of works or any provision as to the maintenance or servicing thereof which has not been included in the annual budget shall be the subject of a separate report to the appropriate Committee or the Council. If approved, normal tender procedures will apply.

C2 TENDERING PROCEDURES

Invitation of tenders

- a A specification for the goods, materials, services or the execution of works shall be drawn up;
- b An invitation to tender shall be drawn up to confirm
 - (i) The Council's specification
 - (ii) The time, date and address for the submission of tenders
 - (iii) The date of the Council's written response to the tender and
 - (iv) The prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
- c Where the estimated cost of works, goods and materials and related services is as set out below and the requisite provision thereof has been made in the approved budget, the arrangements for the invitation of tenders or quotations and the subsequent acceptance thereof shall be as shown.

<u>Estimated Value</u>	<u>Method of Invitation</u>	<u>Acceptance by</u>
£5,000 to £10,000	Minimum of three invitations for quotations	Town Clerk
£10,000 to £20,000	Minimum of four invitations for quotations	Town Clerk and Chairman and Vice Chairman of Appropriate Committee
£20,000 to £50,000	Minimum of five invitations for quotations	Town Clerk and Chairman and Vice Chairman of Appropriate Committee
Above £50,000	Minimum of five invitations for tenders (with discretion to invite tenders by public advertisement up to £75,000)	Town Clerk and Chairman and Vice Chairman of appropriate Committee and Town Mayor.

A In all cases up to £20,000 where the lowest tender received is in excess of 5% above the original estimate, or in cases over £20,000 where it is in excess of the original estimate, it shall be reported to the appropriate Committee for acceptance or otherwise.

B Public Advertisement

Contracts which exceed £75,000 in value or amount for the supply of goods or materials or the execution of any work for which provision has been made in the annual budget shall not be made unless at least ten days public notice has been given in one or more of the local newspapers circulating in the district. Provided that it shall not be obligatory for the Council or any Committee or Sub-Committee exercising powers delegated by the Council to invite tenders for a contract or materials where effective competition is prevented by Government control or where the Town Clerk reports in writing to the Council or to the Committee or Sub-Committee exercising such powers that effective competition is prevented by the special nature of the goods or materials required. Nor shall it be necessary to give public notice of the intention to enter into such a contract.

C Standing Lists of Tenderers

- (i) Where the Council has determined that lists shall be kept of persons to be invited to tender for contracts for the supply of goods and materials of specified categories, values or amounts or for the execution 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 such persons as undertake contracts of specified values or amounts or categories.
- (ii) The list shall contain the names of all persons 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.
- (iii) The said list shall be amended as required from time to time and shall be reviewed at intervals not exceeding five years.
- (iv) Where, by virtue of a decision of 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 names appear on the list maintained under this Order, an invitation to tender for a particular contract shall be sent. In respect of contracts of above £5,000 but less than £10,000 to three tenderers, £10,000 to £20,000 to four tenderers, £20,000 to £50,000 and above five tenderers. Should the said list not include the required number of tenderers then a minimum of two will be invited to tender.
- (v) The Council has approved the use of Constructionline and the Contractors Health and Safety Scheme (CHAS) as part of the tendering and Health and Safety Processes associated with future contracts entered into by the Town Council.
- (vi) Where the value of a contract is likely to exceed £172,514 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5. as amended) and the Utilities Contracts Regulations 2006 (SI No.6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.

D Exceptions to procedures

The Order shall not apply to:-

- (i) The supply of goods and materials or the execution of works of less than £5,000 in value;
- (ii) Purchase by auction;
- (iii) Purchase or repair of patented or proprietary goods or materials sold at fixed price;
- (iv) Purchase of materials normally supplied by specialist contractors;
- (v) The execution of work, the purchase of goods or materials or the provision of services involving special, scientific or artistic knowledge;
- (vi) 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;
- (vii) 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 making any such purchase the approval of the Chairman of the appropriate Committee concerned is obtained and finance is available in the appropriate budget;
- (viii) Contracts with professional persons for the execution of works in which the personal skills of the person is of primary importance, and
- (ix) Those contracts where a Committee may expressly determine that it is in the Council's interests that a tender be negotiated directly with a contractor or supplier of goods or services.

E Requirements for submission of tenders

Where a public invitation to tender is required, every notice of such invitation shall state that no tender will be received except in a plain sealed envelope which shall bear the word "Tender" followed by the subject to which it relates, but shall not bear any name or mark indicating the sender and such envelopes shall remain in the custody of the Town Clerk until the time appointed for their opening.

F Declarations as to conduct of Tenderer

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

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

- (i) We communicate the amount of our tender to any other person or body before the contract is let;
- (ii) Any other tenderer for the works, which are the subject of our tender, is reimbursed any part of his tendering costs, and
- (iii) 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."

G Procedure for opening tenders

Tenders shall be opened by the Town Clerk or an official of the Council designated by him at one time and only in the presence of such Member or Members of the Council as may have been designated for the purpose by the Council or by the Committee or Sub-Committee to which the power of making the contract to which the tenders relate has been delegated. Where tenders have been opened in pursuance of this paragraph they shall be recorded and reported to the next meeting of the appropriate Committee or Sub-Committee.

H Limitations of acceptance of tenders

A tender 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.

C3 CONTRACTS FOR SUPPLIES AND SERVICES OR WORKS ETC

- A Every contract which exceeds £10,000 in value or amount shall be in writing.
- B Every contract in writing shall be signed by the Town Clerk on behalf of the Council.
- C 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 nominated representative by issuing an official order only.

C4 CONTENTS OF WRITTEN CONTRACTS AND PENALTIES

Every written contract shall specify:-

- (i) The work, materials, matters or things to be furnished, had or done;
- (ii) The price to be paid with a statement of discounts or other deductions, and
- (iii) The time or times within which the contract is to be performed.

C5 CORRUPT PRACTICES

There shall be inserted in every written contract a clause empowering the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any action in relation to the obtaining or execution of the contract or any other contract with the Council, or for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Council, or if the like acts shall have been done by any person employed by him/her or acting on his/her behalf (whether with or without the knowledge of the contractor) or if in relation to any contract with the Council the contractor or any person employed by him/her or acting on his/her behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 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.

FINANCIAL REGULATIONS

1 FINANCIAL ADMINISTRATION

- 1.1 The Town Clerk, under the direction of the Policy and Finance Committee, shall regulate and control the finances and accounts of the Town Council and supervise and co-ordinate financial and accounting methods.
- 1.2 The Responsible Finance Officer (the Head of Finance and Support Services) shall be responsible, under general direction of the Town Clerk, for the proper administration of the Council's financial affairs and the production of financial management administration, all in accordance with approved policy.
- 1.3 The Town Clerk is responsible for the day-to-day control of cleaning/caretaking staff and for the security and custody of the Town Hall, Groundsman Depot their plant, equipment, materials and stores.
- 1.4 The Council shall seek to be transparent as possible with regards to both decision making and transactions to the extent allowed by law. The requirements of the Local government transparency code 2014 shall be used as the minimum requirement.

2 FINANCIAL PLANNING AND 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 and Finance Committee, other programme committees and Council.

- 2.2 Detailed estimates of income and expenditure on revenue accounts, and receipts and payments on capital account, shall be prepared each year by the Town Clerk, in consultation with the Responsible Finance Officer, who will examine and complete the estimates and submit them to the committees responsible for the services by the prescribed date.
- 2.3 The Policy and Finance Committee shall review the estimates and submit them to the Council not later than February in each year, together with such summaries, statements and reports as are considered desirable in order to enable Council to determine the precept to be levied for the ensuing year.
- 2.4 Concurrently with the report to the Council and the proposed precept to be levied for the ensuing year, the Town Clerk shall report as to the funding of the capital programme in order to enable a definite programme for the following year to be determined.

3 BUDGETARY CONTROL

- 3.1 Expenditure on the revenue account may be incurred up to the amounts included in the approved budget, subject to the requirements of Standing Orders.
- 3.2 The Town Clerk has powers to vire amounts provided within the approved revenue and capital budgets, except in the case of sums provided for pay and allowances or when any continuing expenditure is to be generated.
- 3.3 Expenditure may be incurred which cannot be met from the amount provided within the net revenue budget by authorisation of the Town Clerk by a maximum of £1,000 in writing to the RFO with the Committee Chairman copied in, with all authorisations being reported to the next meeting of the Policy and Finance Committee.
- 3.4 Except as provided in Standing Orders, all proposals involving expenditure on capital account shall be the subject of an annual report to the appropriate committee and the report shall include the full financial implications of the proposals.
- 3.5 The Policy and Finance Committee shall carry out a review of the expenditure and income of the Council at the same time as it undertakes its evaluation of the following year's budgetary requirements.

4 INCOME

- 4.1 The collection of all sums due to the Council shall be under the supervision of the Responsible Finance Officer, who shall make and maintain adequate arrangements for prompt and proper accounting for all receipts of monies, including its collection, custody, control and deposit.
- 4.2 The Town Council will agree the scale of fees and charges for each service on, at least, an annual basis following a report of the Town Clerk.
- 4.3 Personal cheques shall under no circumstances be cashed out of money held on behalf of the Council.

5 BANKING ARRANGEMENTS

- 5.1 All arrangements with the Council's Bankers shall be made by or under arrangements approved by the Town Clerk who shall be authorised to operate such banking accounts as he/she may consider necessary.
- 5.2 All schedules approving bank payments by whatever means shall be presented to a meeting of the Finance & General Purposes Committee. All cheques, except for those drawn on the Impress Account, shall be signed by two specified Members of the Council. All standing Orders and Direct Debits shall be signed at inception by two specified Members of the Council. All lists of electronic payments (by BACS or Autopay) shall be signed by two specified Members of the Council.
- 5.3 Where internet banking (Autopay, Bacs, Chaps) arrangements are made with any bank, the Clerk or RFO shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify a number of Councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone or by the Service Administrator with a stated number of approvals.
- 5.4 Transfers between different bank accounts operated by the Council for the purposes of separating funds for particular purposes or for the purposes of maximising bank interest to the Council shall be authorised to the Bank in writing, or by online instruction, by the Responsible Finance Officer save that any single transfer of funds shall not exceed an amount approved on an annual basis at the annual Council meeting in May. Investment of surplus funds in excess of this figure shall be authorised by two Members of the Council.
- 5.5 Any Debit Card issued for the use will be specifically restricted to the Clerk/ Responsible Finance Officer/Assistant to the Town Clerk and will also be restricted to a single transaction amount of £1000 unless authorised by Council or finance committee in writing before any order is placed.
- 5.6 Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Clerk/ Responsible Finance Officer/Assistant to the Town Clerk and shall be subject to automatic payment in full at each month-end. This will also be restricted to a single transaction amount of £1000 unless authorised by Council or finance committee in writing before any order is placed.

6 ORDERING PROCEDURES

- 6.1 Official Orders shall be issued for all work, goods or services to be supplied to the Council and such orders should be signed by the Clerk, Responsible Finance Officer/Assistant to the Town Clerk.
- 6.2 The Order Books shall be controlled by the Responsible Finance Officer.
- 6.3 Each Order raised shall conform to the directions of the Council with respect to Standing Orders.

7 PAYMENT PROCEDURES

- 7.1 Apart from petty cash, the normal method of payment of money due from the Council shall be by cheque or other order drawn on the Council's Bankers, including by electronic transmission.
- 7.2 Before payment of accounts is made the Council's Finance Section under the authority of the Responsible Finance Officer should be satisfied that the goods have been

authorised for payment by the relevant officer, who will ensure that the goods/services have been received in accordance with the specification.

7.3 The payment of all salaries, wages and other emoluments shall be made by the Finance Section in accordance with the instructions of the Responsible Finance Officer concerning national pay awards and other information likely to have a bearing on individual members of staff conditions of service.

7.4 The Responsible Finance Officer is responsible for keeping all payments of salary and wages information fully up-to-date, including information on superannuation, income tax, national insurance and other statutory payments or deductions.

8 **PETTY CASH ACCOUNT**

8.1 The Responsible Finance Officer shall maintain petty cash of such amount as may, from time to time, be necessary for the payment of small miscellaneous items and such urgent payments as may be determined.

8.2 Vouchers for payments made from these accounts shall be kept in accordance with instructions laid down from time to time by the Responsible Finance Officer.

8.3 Income received must not be paid into any petty cash account but must be separately banked in accordance with regulations.

9 **LEGAL DOCUMENTS**

9.1 The Town Clerk shall have the custody of all Title Deeds of properties owned by the Council and shall ensure a record is maintained of all such properties and that all such documents are securely kept and maintained within the Council's Deed Box.

10 **INSURANCES**

10.1 The Responsible Finance Officer, in consultation with the Town Clerk shall effect all insurance cover and negotiate all claims.

10.2 All members of staff with line responsibility are responsible for notifying the Responsible Finance Officer of all new risks which require to be insured and of any alterations affecting existing risks or insurances.

10.3 A comprehensive record of all insurances effected by the Council and the property and risks covered thereby shall be maintained by the Responsible Finance Officer and this reviewed annually.

10.4 All members of staff are responsible for immediately notifying the Responsible Finance Officer, in writing, of any loss, liability or damage, or of any event likely to lead to a claim.

11 **INVESTMENTS, BORROWINGS AND TRUST FUNDS**

11.1 All investments of money under the control of the Council shall be in the name of the Council and made under arrangements approved by the Town Clerk, acting on recommendations of the Responsible Finance Officer, and within the approved policy of the Council.

11.2 All borrowings shall be affected in the name of the Council.

12 INTERNAL AUDIT

- 12.1 In accordance with approved best practice and legislative requirements 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 Finance and General Purposes Committee supported, as appropriate, by other nominated persons and the Town Clerk. Appointment of the Internal Auditor will be ratified by Council each year in accordance with recommendations of Finance and General Purposes Committee.

Appendix 1

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.

Appendix 2

PLANNING COMMITTEE (*Membership 8 Members plus Mayor and Deputy Mayor as ex officio*)

- 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.

Planning Working Group – (Membership 5 comprising of the Chairman of the Planning Committee and four other Members allowing for one Member from each Ward.)

- a) To comment on matters relating to the development of housing in the Town, in line with the Neighbourhood Plan, MSLP and District Plan.
- b) Annual Review of Neighbourhood Plan.
- c) Rewrite/refresh Neighbourhood Plan on advice of the Planning Authority.
- d) Extract Polices from NP and formulation of model responses to streamline Planning Committee comments.
- e) Align Neighbourhood Plan with Art of the Possible strategy.
- f) Upgrade S106 knowledge to support proactive attachment of S106 to specific HHTC related projects/objectives, eg: Country Park.
- g) To consider/note requests for the expenditure of s106 contributions allocated to ywards Heath by third parties or directly by the Town Council if tasked by HHTC Planning Committee/Council.
- h) Infrastructure Delivery Plan - Working Group to review IDP when requested by Haywards Heath Town Council or the Planning Authority.
- i) Consider all planning applications of a major strategic nature and in context to the Neighbourhood Plan.
- j) To consider all major developments, proposals affecting the environment of the Town centre and the Town;
- k) To consider and resolve issues affecting roads, highways, development, environment or relating to planning matters upon which the Town Council is consulted or in which to the Town Council has an interest;
- l) Review footpaths, bridle ways and rights of way.
- m) To consider any activity of the Council, referred to it by the Council.
- n) 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

To formulate and recommend as appropriate, changes to/or adoption of policy to the Planning Committee.

Appendix 3

POLICY & FINANCE COMMITTEE (*Membership 8 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.
- k) To manage the Town Council's responsibility under General Data Protection Regulations.
- l) Matter relating to Town Council information technology requirements and social media.

STAFF WORKING PARTY (*Membership 5*)

Mayor, Leader, Chairman of P & F, former year's Mayor and one other.

- 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 5)

Town Mayor, Leader, 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.

COMMUNICATIONS AND IT WORKING PARTY - (Membership 5)

- a) Set/agree requirements and standards which enable HHTC to deliver policy and council objectives efficiently and reliably in the community.
- b) Wi-Fi connectivity, speed, reliability throughout HHTH/HHTC.
- c) Hardware – HHTC Audit/Consult
- d) Software - External Benchmarking, MSDC, other model councils, contractors etc.
- e) Training - Use & Efficiency
- f) Website design, functionality, content/distribution
- g) To consider input for quarterly Newsletter.
- h) Social Media – design, content, distribution (target market/age groups/platforms)
- i) Editorial standards, content and distribution, including strategic oversight for interactive accessibility.

To formulate and recommend as appropriate, changes to/or adoption of policy to the Policy and Finance Committee for consideration and then ratification by Full Council.

The object is to benchmark HHTC systems and resources externally to ensure we get the systems we need and deserve to best serve the community.

TRANSPORT WORKING PARTNERSHIP (*Membership 2) Plus outside partners.*

- a) The Haywards QNP is voluntary. Its aim is to assist the partners to increase public transport usage through improving services, whilst building upon the viability and sustainability of the commercial public transport network.
- b) The QNP will encourage and facilitate the use of both existing and new powers to allow both bus and train operators to develop and enhance the commercial public transport network, while supporting subsidised services where identified needs cannot be met commercially, providing the public with a viable alternative to the car for commuting, retail and leisure journeys to and within the Town.

Appendix 4

ENVIRONMENT AND GENERAL PURPOSES COMMITTEE. (*Membership 8 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: 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;

HAYWARDS HEATH IN BLOOM COMMITTEE (Membership 1)

- a) To administer the Town's application, under delegation, into the South and South East In Bloom and apply for Green Flag Status for Muster Green.

202x WORKING GROUP (Membership 4) (to be re-named annually)

The working group will be tasked with suggesting the progression of the following Town Council led events and or partnership events.

- a) Spring Festival.
- b) Town Day.
- c) Christmas Festival.
- d) Greater Haywards Heath Bike and Mid Sussex Marathon (in partnership).
- e) Any other events as agreed for direct organisation or support by the Town Council under resolution of the Environment and General Purposes Committee.

The Working Group will develop project plans to consider the delivery of each event to include,

- a) Management of budget.
- b) Staff and Cllr resources.
- c) Co-option of named representatives from partner organisation.
- d) Delegation to make grant applications or seek sponsorship.

BLUEBELL RAILWAY WORKING GROUP (Membership 3)

To support and assist where possible, whilst raising the profile of the project, the Bluebell Railway reaching Haywards Heath through partnership working with Bluebell officers and directors.

ENVIRONMENT WORKING GROUP (Membership 5)

To include projects that affect the Environment of the Town under the following grouping using the banner of 'I love Haywards Heath's Environment'.

- a) Transport and Travel - electric cars, electric bikes, buses, taxi usage.
- b) Green Environment - South Road trees, trees planting, planters, grass verges
- c) Rubbish - cigarette butt, chewing gum, litter, dog poo, plastic packaging.
- d) Utilities - brown water, air quality,
- e) TC services and Town Hall - Town Council services and land holding, solar panels. Setting the standard.

Acknowledging that the Town Council cannot deliver, or has a remit for much of the above, delivery would be through, Education, Sign Posting, affecting Town Council Services and Lobbying. Linking to Town Council Policies in Art of the Possible and its Neighbourhood Plan.

Appendix 5

SCHEME OF DELEGATION TO THE TOWN CLERK - Legal Context: (included to assist residents)

Section 101 of the Local Government Act 1972 provides:

- a. That a Council may delegate its powers (except those incapable of delegation) to a committee; or an officer.
- b. A Committee may delegate its powers to an officer.
- c. The delegating body may exercise powers that have been delegated.

Proper Officer:

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

Any delegation to the Proper Officer by Full Council or a Committee of the Council shall be exercised in compliance with the Council's Standing Orders and Financial Regulations, polices or any conditions imposed by the Council and within law.

Where statute, regulation or order confers functions or duties on the Proper Officer of the Council in the following cases, she/he shall be the Town Clerk: The Town Clerk, in consultation with the Chairman and Vice Chairman of the appropriate Committees, may also take action deemed desirable on any matters which the Committee concerned has delegated powers but which require urgent action. This will then be reported the Committee at the earliest opportunity.

Process Matters and Legal Requirements

- a) To receive declarations of acceptance of office from newly elected/co-opted Members of the Council.
- b) To receive and record notices of Member's Declarations of Interests.
- c) To receive and retain plans and documents.
- d) To sign notices or other documents on behalf of the Council including Burial Deeds and Allotment Holder Tenancy Agreements.
- e) To sign summonses requiring attendance at meetings of the Council or Committees.
- f) To obtain and execute licences for use of land owned by principal authorities to improve and place street furniture, adopt and/or maintain open spaces, roundabouts and grass verges.
- g) To negotiate and execute contracts for the devolvement or providing of services for principal authorities.
- h) To represent or delegate representation of the Town Council at third party working groups and meetings.
- i) Via the Deputy Town Clerk inform the Planning Authority of Planning Comments, as advised by the Planning Committee within the set timescales set by the Planning Authority.
- j) Institute and appear in any legal proceedings authorised by the Council.
- k) Appear or make representation to any tribunal or public inquiry into any matter which the Council has an interest.
- l) As required, alter the date or time of a committee meeting, but before doing so, shall consult the Chairman of the committee concerned about the need for the change and about alternative dates and times.
- m) To provide the opportunity of remote meeting for Working Groups and Council/Committee if legally allowed.

Operational Matters

The Town Clerk shall have full day to day authority to deal with the business of the Council, within the agreed policies and budgets of the Council, subject to the adherence with Financial Regulations/Standing Orders. This is specifically defined as follows:

1. Purchase of goods and services within the confines of the approved budget,
2. To implement decisions of the Council and its Standing committees, subject to the adherence of Financial Regulations/Standing Orders,
3. Authorise budget overspend to a maximum of £1,000 in writing to the RFO with the Committee Chairman copied in, with all authorisations being reported to the next meeting of the Policy and Finance Committee

Staffing and Human Resources

1. Appointment & dismissal of staff.
2. The monitoring and management of staff performance.
3. The management of discipline and grievance matters up to and including final written warning in line with council policy.
4. Authorisation of leave and carry-over leave.
5. The awarding of increments in accordance with National Conditions of Service.
6. To consider and decide upon requests for flexible working taking into account the operational implications for the Town Council.
7. The authorisation of compassionate leave up to seven days a year.
8. Authorisation of overtime working.
9. Approval of staff training courses.
10. Urgent action to ensure or safeguard staff welfare.
11. Payment of salaries, wages, pensions and taxes of staff employed by the Council or retired from service (through the Responsible Finance Officer).

Generally

1. Arranging official courtesy receptions/entertainment of guests of, or advisers to, the Council.
2. Letting of Council facilities at Haywards Heath Town Hall and on open spaces.
3. Negotiations of insurance agreements and utilities services for Council property and services.
4. To co-ordinate and direct the publication of the Town Council Newsletter and Town Guide.
5. To deal with the Management provision and maintenance of within spending allowances; Allotments, Notice Boards, Cemetery. Street & footway lighting, Litter Bins, Muster Green, Public Seats, Christmas Lights, Bus & Public Shelters, War memorial.
6. The management and maintenance of grounds maintenance contracts.

Reviewed and Re-adopted at Full Council Meeting 13th May 2024 Minute number 17.

7. Co-ordinating all operational issues and partnership agreements that affect the Town Council.
8. Dealing with the local media on all press releases and/or Council promotions
9. Co-ordinate any youth development issues or initiatives.
10. Co-ordinate and direct the Council's involvement in any annual Town events.
11. Co-ordinate the Council's agreed civic role on Town Twinning.
12. To manage the Council's office premises including all operational issues/budgets.

ENDS



Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring

Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and

contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport

- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registerable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.
--	--

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registrable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) 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

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.