

# PEACEHAVEN TOWN COUNCIL

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## **Councillors on this Committee: EX OFFICIO**

Cllr. J Harrison-Hicks (Chair of Council), Cllr. J Harris (Vice Chair of Council),

Cllr. R Robertson (Chair of Committee), Cllr. L Duhigg, Cllr. A Harrison, Cllr. D Neave, Cllr. S Griffiths, Cllr. C Cheta,  
Cllr. R Coles, Cllr. I V Buchanan, Cllr. M Simmons

**15<sup>th</sup> April 2019**

**Dear Committee Member,**

You are summoned to a meeting of the **POLICY & FINANCE COMMITTEE** to be held in the **ANZAC ROOM** Community House, Meridian Centre, Peacehaven on **Tuesday 23<sup>rd</sup> April 2019 at 7:30pm**



**Tony Allen**  
Acting Town Clerk

## **A G E N D A**

### **GENERAL BUSINESS**

#### **1 PF338 CHAIR ANNOUNCEMENTS**

#### **2 PF339 PUBLIC QUESTIONS**

There will now be a 15 minute period whereby members of the public may ask questions; on any relevant **POLICY & FINANCE** matters. It would be preferred if these are submitted in writing by 12 noon on the day of the meeting. Each speaker is restricted to 3 minutes. Copies of any non-confidential reports listed below may be obtained by contacting the Town Council Office.

#### **3 PF340 TO CONSIDER APOLOGIES FOR ABSENCE & SUBSTITUTIONS**

#### **4 PF341 TO RECEIVE DECLARATIONS OF INTEREST FROM COMMITTEE MEMBERS**

#### **5 PF342 TO APPROVE & SIGN THE NON CONFIDENTIAL MINUTES OF 15<sup>th</sup> JANUARY 2019, CONFIDENTIAL MINUTES OF 22<sup>nd</sup> MARCH 2019 & CONFIDENTIAL MINUTES OF 5<sup>th</sup> APRIL 2019 – enclosed (Pages )**

- 6 PF343 MATTERS ARISING FROM THESE MINUTES (Not elsewhere on the Agenda)
- 7 PF344 CO-OPTION OF COUNCILLORS
- 8 PF345 REVIEW UPDATED CODE OF CONDUCT (FOR REVIEW AT ANNUAL MEETING)
- 9 PF346 REVIEW OF INSURANCE QUOTES AND SELECT PROVIDER FOR NEXT YEAR
- 10 PF347 NOTE YEAR END UNAUDITED ACCOUNTS
- 11 PF348 CIL REPORT
- 12 PF349 REVISION OF COUNCIL'S COMMITTEES STRUCTURE
- 13 PF350 REPAIRS TO THE HUB BUILDING
- 14 PF351 UPDATES TO THE TOWN MAYORS HANDBOOK
- 15 PF352 UPDATES TO STANDING ORDERS AND FINANCIAL REGULATIONS

*NOTE: In accordance with Standing Order No. 11 and the Public Bodies (Admission to Meetings) Act 1960, Section 1, in view of the confidential nature of the business to be transacted, the public and press may be excluded from the discussion on items: 3, 4, 5 and 6.*

- 16 PF353 UPDATE OF CURRENT EMPLOYMENT/STAFFING MATTERS
- 17 PF354 AGED DEBT ANALYSIS
- 18 PF355 DATE OF NEXT MEETING – TUESDAY 28<sup>th</sup> MAY at 7.30pm.

## **PEACEHAVEN TOWN COUNCIL**

Minutes of the meeting of the **POLICY AND FINANCE COMMITTEE** held in the Anzac Room, Community House, Meridian Centre, Peacehaven on **Tuesday 15<sup>th</sup> January 2019 at 7.30pm**

**Committee Members** - Councillor Jackie Harrison-Hicks (Chair of Council), Councillor Job Harris (Vice Chair of the Council), Ann Harrison, Lynda Duhigg, Rachael Coles, Robbie Robertson, Dave Neave, Melvyn Simmons, Ian V Buchanan, Claude Cheta, Sue Griffiths

**Present** - Councillor Jackie Harrison-Hicks (Chair of Council), Councillor Job Harris (Vice Chair of the Council), Ann Harrison, Lynda Duhigg, Rachael Coles, Robbie Robertson, Dave Neave, Melvyn Simmons, Claude Cheta, Sue Griffiths, Alan Millimer

**In attendance** – Toni Lopes (Acting Town Manager), Andy Beams (Locum RFO)

### **Chair Announcements – Delivered by Chair of Committee Councillor Robert Robertson**

Cllr Robertson informed those present that Bill Parris, former councillor and Chairman of Peacehaven Town Council, had passed away and requested a short silence, which was duly observed.

### **PH 327 PUBLIC QUESTIONS**

A representative of Peacehaven Players stated that following advice given by the Town Clerk earlier in the year, the group had made a grant application in September 2018 and had not yet heard the outcome.

Cllr Robertson responded that there were applications being considered in this meeting, but the Peacehaven Players were not included on the agenda. The office staff would investigate what had happened to the original application, and if it could not be located the group would be invited to re-apply.

A local resident asked if the council when considering the impact of adopting a paperless culture, had given due consideration to how residents without easily accessible electronic means would be affected, as this did not appear to be reflected in the minutes. He hoped that the council would fully debate this in the future, along with considering the charge applied to residents requesting photocopies of agendas.

Cllr Robertson confirmed this had been discussed by the council. Cllr Griffiths suggested the date of the council's original decision be provided to the resident.

### **PH 328 APOLOGIES FOR ABSENCE & SUBSTITUTIONS**

Apologies had been received from Cllr Harrison due to ill health. These were accepted by the committee, and it was noted that Cllr Millimer was substituting for Cllr Harrison.

**PH 329 DECLARATIONS OF INTEREST** – Cllr Griffiths declared an interest in an item on the confidential report (agenda item PH 337).





## **PH 330 TO APPROVE & SIGN THE NON-CONFIDENTIAL MINUTES OF 27<sup>TH</sup> NOVEMBER 2018**

It was proposed these were signed by the Chair of the Committee

**Proposed** by Councillor Rachael Coles

**Seconded** by Councillor Melvin Simmons

**All agreed**

## **PH 331 PAYMENTS FOR AUTHORISATION 1<sup>ST</sup> NOVEMBER TO 31<sup>ST</sup> DECEMBER 2018**

The payments list was discussed, with some queries being raised in relation to what payments were for. The committee members acknowledged that there was a limited number of characters to include in the description, but requested that where possible the building and date relating to an invoice were included in the narrative.

The Locum RFO agreed to investigate the questions raised and circulate responses to all committee members.

It was proposed that the payment list as presented was authorised by the council.

**Proposed** by Councillor Rachael Coles

**Seconded** by Councillor Melvin Simmons

**All agreed**

## **PH 332 BUDGET MONITORING REPORT AS AT 31<sup>ST</sup> DECEMBER 2018**

The committee members noted the report, acknowledging that there were likely historic inaccuracies in the posting of cost centre codes. The Locum RFO assured the committee that these anomalies had been taken into account when preparing the 2019/20 budget forecast.

## **PH 333 DRAFT BUDGETS 2019/20**

Cllr Robertson reminded committee members that an initial budget meeting had been held on 3<sup>rd</sup> January, where some amendments were made to the first draft. The proposal now in front of the committee, whilst indicating a significant increase in the precept for the next financial year, reflected the council's current position and the consequences of inaccurate budgeting over recent years.

The draft budget proposed increasing the precept to £543,216 which equates to a Band D of £111.69, and increase of £26%.

The Acting Town Clerk and Locum RFO were thanked for their work in preparing the draft budget.

Cllr Neave asked for clarification with regard to the maximum amount a council could increase their precept. The Locum RFO confirmed that there were no referendum principles ("capping") criteria for town and parish councils.

It was proposed that the draft budget for 2019/20 be accepted and recommended to Full Council.



Proposed Councillor Rachael Coles  
 Seconded Councillor Sue Griffiths  
 Majority agreed

#### PH 334 GENERAL DATA PROTECTION REGULATIONS (GDPR) IT SOLUTIONS

The Acting Town Manager gave a verbal report explaining that the council were working with the website provider at present to ensure compliance with the regulations, and that the appointment of a specific staff member with responsibility for GDPR was under investigation.

#### PH 335 UPDATE FROM THE MAYORS FUNDRAISING

This item was deferred for inclusion at the next Full Council meeting.

#### PH336 GRANT APPLICATIONS

Committee members discussed whether this agenda item should be discussed confidentially, and by majority agreed to **RESOLVE** that in accordance with the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting during the discussion on the next item on the agenda due to the nature of the business being transacted.

The committee considered each of the applications in turn, and noted the inconsistencies in both the version of the application form and the provision of the requested supporting financial information.

The committee agreed that the application process, and grant criteria needed review, but would access the applications received based on the information on them. After discussion, the following grants were recommended for approval:

Charity	Amount	Proposer	Seconded	Decision
Saltdean Community Association	£200	Cllr Coles	Cllr Neave	A recorded vote was requested. In favour (6) – Cllrs, Cheta, Coles, Harris, Millimer, Neave, Robertson Against (4) – Cllrs Duhigg, Griffiths, Harrison-Hicks, Simmons
INAA	£1,000	Cllr Coles	Cllr Simmons	All in favour
Wave Leisure Trust Ltd	£750	Cllr Harrison-Hicks	Cllr Coles	All in favour
Rotary Club Newhaven, Peacehaven, Telscombe	£250	Cllr Cheta	Cllr Harrison-Hicks	All in favour
Peacehaven & Telscombe Cliffs Scout Group	£300	Cllr Cheta	Cllr Simmons	All in favour



## **PH 337 AGED DEBT REPORT**

The Locum RFO explained the nature of the report, and highlighted the sections which the committee should be aware of. Since he had begun working with the council, a quarter of the historic debt had been cleared, and combined with the diligent work of other staff members, the rest was being actively pursued.

The committee agreed the need to receive this information on a regular basis, and that a detailed report of any potential write-offs should be considered before the end of the financial year.

The meeting closed at 9.50 pm. The next meeting of the committee is scheduled for Tuesday 12<sup>th</sup> February 2019.



**Agenda Item:** 8-PF345  
**Committee:** Policy and Finance  
**Date:** 23 April 2019  
**Title:** Members' Code of Conduct  
**Report Author:** Andy Beams, Acting Responsible Finance Officer (RFO)  
**Purpose of Report:** To review the updated Members' Code of Conduct

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### Summary of recommended actions

1. To **note** the contents of the report
2. To **consider** the updated Members' Code of Conduct for adoption at the Annual Meeting

### Introduction

Council's must adopt a Members' Code of Conduct, as outlined in The Localism Act 2011. Peacehaven Town Council has previously chosen to use the version adopted by its principal authority Lewes District Council (LDC).

### Background

It is common practise for Town and Parish Council's to adopt the Members' Code of Conduct of their principal authority. However, during the investigation by the Monitoring Officer of LDC in October 2018, the lack of a robust Members' Code of Conduct was mentioned.

Reviewing the council's internal computer systems, there appear to be a variety of slightly different versions of the Members' Code of Conduct recorded, with it being unclear which version was most recently adopted.

The version on the Town Council website which states it was adopted in August 2018 is simply The Seven Principles of Public Life (commonly referred to as the Nolan principles) and I believe this is what the Monitoring Officer was referring to in her report.

### Analysis

While the Nolan principles are at the heart of the Members' Code of Conduct, there is much more detail necessary for inclusion.

I have used the Members' Code of Conduct adopted by Lewes District Council as a template, and removed the references which only apply to district councils. In addition, I have added a section for each councillor to sign to acknowledge the code and agree to abide by it during their time as a councillor.

I suggest the committee recommend this updated version to Full Council for adoption at the Annual Meeting in May.

### Implications

The Town Council has a duty to consider the following implications:

<b><u>Financial</u></b>	Failure to have a robust Members' Code of Conduct and adhere to its principles could lead to complaints to the Monitoring Officer which may have financial implications.
<b><u>Legal</u></b>	The Localism Act 2011 requires every council to promote and maintain high standards of conduct by members and co-opted members of the council. In discharging that duty, a council must adopt a code of conduct.
<b><u>Environmental and sustainability</u></b>	There are no direct environmental or sustainability impacts.
<b><u>Crime and disorder</u></b>	There are no direct crime and disorder impacts.

#### **Appendices/Background papers**

Updated Members' Code of Conduct



## PEACEHAVEN TOWN COUNCIL MEMBERS' CODE OF CONDUCT

As a member or co-opted member of **Peacehaven Town Council** I have a responsibility to represent the community and work constructively with our employees and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

### The Seven Principles of Public Life

- 1. Selflessness**  
Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
- 2. Integrity**  
Members should not place themselves in situations where integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour. Members should show integrity by consistently treating other people with respect, regardless of their race, age, religion, gender, sexual orientation, disability or position, for example as an officer or employee of the authority.
- 3. Objectivity**  
Members should make decisions in accordance with the law and on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- 4. Accountability**  
Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
- 5. Openness**  
Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
- 6. Honesty**  
Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour. Members should declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
- 7. Leadership**  
Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

On their election or co-option to **Peacehaven Town Council**, members are required to sign an undertaking to comply with the authority's Code of Conduct.

This Code of Conduct, adopted by the authority on 16 October 2012, is set out below. It is made under Chapter 7 of the Localism Act 2011 and includes, as standing orders made under Chapter 7 of that Act and Schedule 12 of the Local Government Act 1972, provisions which require members to leave meetings in appropriate circumstances, while matters in which they have a personal interest are being considered.

## Part 1 – General Provisions

### Introduction and interpretation

1. (1) This Code applies to **you** as a member of the authority, when acting in that capacity.  
  
(2) This Code is based upon seven principles fundamental to public service, which are set out above. You should have regard to these principles as they will help you to comply with the Code.  
  
(3) If you need guidance on any matter under this Code you should seek it from the authority's monitoring officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.  
  
(4) It is a criminal offence to fail to notify the authority's monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly to provide false or misleading information to the authority's monitoring officer.  
  
(5) Any written allegation received by the authority that you have failed to comply with this Code will be dealt with by the authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the authority has the right to have regard to this failure in deciding:
  - (a) whether to take action in relation to you; and
  - (b) what action to take
- (6) In this Code—  
  
"authority" means **Peacehaven Town Council**  
  
"Code" means this Code of Conduct  
  
"co-opted member" means 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.  
"meeting" means any meeting of:
  - (a) the authority;
  - (b) the executive of the authority;
  - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member

"register of members' interests" means the authority's register of members' pecuniary and other interests established and maintained by the authority's monitoring officer under section 29 of the Localism Act 2011

## Scope

2. (1) Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you—
  - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
  - (b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.
- (2) This Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) Where you act as a representative of your authority—
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## General obligations

3. (1) You must treat others with respect.
- (2) You must not—
  - (a) do anything which may cause your authority to breach any of its the equality duties (in particular as set out in the Equality Act 2010);
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be:
    - (i) a complainant,
    - (ii) a witness, or
    - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
  - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
4. You must not:
  - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
    - (i) you have the consent of a person authorised to give it;
    - (ii) you are required by law to do so;

- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is:
    - (a) reasonable and in the public interest; and
    - (b) made in good faith and in compliance with the reasonable requirements of the authority;
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You:

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
- (b) must, when using or authorising the use by others of the resources of your authority:
  - (i) act in accordance with your authority's reasonable requirements; and
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes)
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

- (a) your authority's responsible finance officer; or
- (b) your authority's Town Manager/monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

## **Part 2 – Interests**

### **Personal interests**

8. (1) The interests described in paragraphs 8(3) and 8(5) are your personal interests and the interests in paragraph 8(5) are your pecuniary interests which are disclosable pecuniary interests as defined by section 30 of the Localism Act 2011.

(2) If you fail to observe Parts 2 and 3 of the Code in relation to your personal interests:

- (a) the authority may deal with the matter as mentioned in paragraph 1(5); and
- (b) if the failure relates to a disclosable pecuniary interest, you may also become subject to criminal proceedings as mentioned in paragraph 1(4)

(3) You have a personal interest in any business of your authority where either:

(a) It relates to or is likely to affect:

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body:

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

(4) In sub-paragraph (3) (b), a relevant person is:

(a) a member of your family or a close associate; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (3) (a) (i) or (ii).

(5) Subject to sub-paragraphs (6), you have a disclosable pecuniary interest as defined by section 30 of the Localism Act 2011 in any business of your authority where (i) you or (ii) your partner (which means spouse or civil partner, 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) within the following descriptions:

Interest	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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. 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 which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

"body" in which the relevant person has a beneficial interest' means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

"M" means the person M referred to in section 30 of the Localism Act 2011;

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30 (1) of the Localism Act 2011;

"relevant person" means M or any other person referred to in section 30 (3) (b) of the Localism Act 2011;

"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.

(6) In sub-paragraph (5), any interest which your partner may have is only treated as your interest if you are aware that that your partner has the interest.

## **Disclosure of personal interests (See also Part 3)**

9. (1) Subject to sub-paragraphs (2) to (6), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which any matter relating to the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

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

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

(4) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision on any matter in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(5) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

## **Prejudicial interest generally**

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where either:

- (a) the interest is a disclosable pecuniary interest as described in paragraph 8(5), or
- (b) the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) For the purposes of sub-paragraph (1) (b), you do not have a prejudicial interest in any business of the authority where that business:

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of:
  - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

## **Interests arising in relation to overview and scrutiny committees**

### **11. NOT APPLICABLE TO PEACEHAVEN TOWN COUNCIL**

## **Effect of prejudicial interests on participation**

### **12. (1) Subject to sub-paragraph (2) and (3), where you have a prejudicial interest in any matter in relation to the business of your authority:**

(a) you must not participate, or participate further, in any discussion of the matter at any meeting, or participate in any vote, or further vote, taken on the matter at the meeting and must withdraw from the room or chamber where the meeting considering the matter is being held:

- (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
- (ii) in any other case, whenever it becomes apparent that the matter is being considered at that meeting;

unless you have obtained a dispensation from your authority's monitoring officer or standards committee;

- (b) you must not exercise executive functions in relation to that matter; and
- (c) you must not seek improperly to influence a decision about that matter

(2) Where you have a prejudicial interest in any business of your authority which is not a disclosable pecuniary interest as described in paragraph 8(5), you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(3) Where you have a prejudicial interest which is not a disclosable pecuniary interest as described in paragraph 8(5), arising solely from membership of any body described 8(3) (a) (i) or 8(3) (a) (ii) (a) then you do not have to withdraw from the room or chamber and may make representations to the committee but may not participate in the vote.



## **Part 3 – Registration of interests**

### **Registration of members' interests**

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

- (a) this Code being adopted by the authority; or
  - (b) your election or appointment to office (where that is later),
- register in the register of members' interests details of-
- (i) your personal interests where they fall within a category mentioned in paragraph 8(3)(a) and
  - (ii) your personal interests which are also disclosable pecuniary interests where they fall within a category mentioned in paragraph 8(5)
- by providing written notification to your authority's monitoring officer.

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

### **Sensitive information**

**14.** (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, the monitoring officer shall not include details of the interest on any copies of the register of members' interests which are made available for inspection or any published version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

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

(3) In this Code, "sensitive information" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

### **Dispensations**

**15.** (1) The council, any committee or sub-committee of the council established for the purpose, or the Proper Officer of the council may, on a written request made to the proper officer of the authority by a member, grant a dispensation relieving the member from either or both of the restrictions in paragraph 12(1) (a) (restrictions on participating in discussions and in voting), in cases described in the dispensation.

(2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the council, any committee or sub-committee of the council established for the purpose, or the Proper Officer of the council:

- (a) considers that without the dispensation the number of persons prohibited by paragraph 12 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
- (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
- (c) considers that granting the dispensation is in the interests of persons living in the authority's area,
- (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by paragraph 12 from participating in any particular business to be transacted by the authority's executive; or
- (e) considers that it is otherwise appropriate to grant a dispensation.

(3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

(4) Paragraph 12 does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph.

## **Councillor acknowledgement and agreement**

I hereby accept this code of conduct.

Councillor Name: *[Signature]*

Signed: *[Signature]*

Date: *[Signature]*

**Agenda Item:** 9-PF346  
**Committee:** Policy and Finance  
**Date:** 23 April 2019  
**Title:** Council insurance  
**Report Author:** Andy Beams, Acting Responsible Finance Officer (RFO)  
**Purpose of Report:** To provide details of quotes obtained for renewal of the council's insurance policy

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### Summary of recommended actions

1. To **note** the contents of the report.
2. To **resolve** the preferred provider of the council's insurance
3. To **resolve** a single year or three year deal

### Introduction

The council has a responsibility to ensure it maintains adequate insurance in respect of its buildings, land and assets, as well as public liability cover, employer's liability cover and a fidelity guarantee covering its employees and councillors.

### Background

The council's existing insurance cover is provided by Zurich and is in the last year of a three year deal, expiring on 5<sup>th</sup> June 2019.

As per the council's financial regulations, a minimum of three quotes have been obtained. The existing schedule has been reviewed and cross referenced to the council's asset register. Each company quoting was provided with a copy of the schedule to base their quotes on, with the opportunity to ask further questions or make suggested amendments. Each of the companies offers a single year deal (which allows flexibility annually to 'shop around' and potentially obtain a cheaper deal) or a three year term (which provides some budgetary certainty over a longer period).

### Analysis

Details of the quotes obtained are below, detailing the single year and three year costs.

Company	Single year cost	Three year annual cost	Notable exceptions/comments
B	£10,545.92	£9,874.65	<ul style="list-style-type: none"><li>• Maximum public liability insurance cover £10 million (currently £15 million)</li><li>• Suggested addition of subsidence cover for buildings (not currently included on policy). Cost would be £124.87 per annum on a single year policy or £111.34 per annum</li></ul>

			on a three year deal.
C	£11,471.59	£10,836.40	<ul style="list-style-type: none"> <li>• Maximum public liability insurance cover £10 million (currently £15 million)</li> <li>• Maximum hirers' liability £1 million (currently £2 million)</li> </ul>
A	£10,253.21	£9,476.04	<ul style="list-style-type: none"> <li>• Suggested addition of subsidence cover for buildings (not currently included on policy). Cost would be £109.58 per annum on a single year policy or £98.63 per annum on a three year deal.</li> </ul>

### **Recommendation**

Based on the information provided above, I would recommend renewing the insurance cover with Zurich on a three year deal. I would further recommend adding the subsidence cover (for an additional cost of £98.63 per annum) to include this valuable cover in the future.

Zurich appear to offer best value for money, a higher level of cover in certain areas and have an existing relationship with the council.

### **Implications**

The Town Council has a duty to consider the following implications:

<b><u>Financial</u></b>	The council has agreed £12,800 in the 2019/20 budget for insurance
<b><u>Legal</u></b>	S 111 of The Local Government Act 1972 sets out the council's legal obligations in respect of insurance cover
<b><u>Environmental and sustainability</u></b>	There are no direct environmental or sustainability impacts, although the insurance policy may provide cover in respect of environmental areas of the council's land
<b><u>Crime and disorder</u></b>	There are no direct crime and disorder impacts, although the insurance policy may provide cover against criminal actions

### **Appendices/Background papers**

Full copies of the quotes are available from the Acting RFO if required

**Agenda Item:** 10 - PF347  
**Committee:** Policy and Finance  
**Date:** 23 April 2019  
**Title:** Year End unaudited accounts  
**Report Author:** Andy Beams, Acting Responsible Finance Officer (RFO)  
**Purpose of Report:** To provide details of the financial year end position of Peacehaven Town Council, subject to internal and external audit

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### **Summary of recommended actions**

1. To **note** the contents of the report
2. To **note** the RBS year-end shut down date of 9<sup>th</sup> May and the internal audit date of 13<sup>th</sup> May
3. To **note** the projected year-end financial position, subject to audit

### **Introduction**

The Town Council keeps financial records of transactions for the year using the Rialtas Business Solutions (RBS) accounting package. This includes monitoring progress against budget, the council's reserves position assets and liabilities.

A visit from RBS is scheduled for 9<sup>th</sup> May, when they will transact a number of year-end functions on the accounting system and complete the year-end shutdown. The internal audit visit is scheduled for 13<sup>th</sup> May, which will primarily focus on checking the year-end figures for the annual return and review progress made against the action points raised during the interim audit.

### **Background**

As has previously been identified, the budget setting and monitoring process for the Town Council has been flawed over the last couple of years, leading to significant annual deficits and erosion of the council's reserves position. The increase in the budget for 2019/20 reflects a more realistic projection of income and expenditure, although it does not anticipate returning the reserves to a stronger position.

### **Analysis**

The council's income and expenditure shows an unaudited deficit of £149,493 for the financial year 2018/19. This has largely been caused by an inaccurate budget being set, the continued cost of the water leak debt (which has now been settled) and overspending across a number of budget lines where little, or no control was being excerpted.

Over the last few months, tighter controls have been put in place to ensure spending is properly authorised and the use of petty cash has been reduced to a minimum. Further, the correct process is now being followed for obtaining quotations and/or tenders in line with the councils' financial regulations, which should ensure the council achieves better value for money in its future contracts.

The council's unaudited balance sheet shows a total of £307,403 as at the year end. A proportion of this is held in specific earmarked reserves, while £119,112 is currently held on the general reserve. Members will be aware that it is recommended that the general reserve balance is approximately half of the precept (£536,289 for 2019/20).

### **Implications**

The Town Council has a duty to consider the following implications:

<b><u>Financial</u></b>	The council has a duty to set a budget each year and ensure it keeps sufficient funds in reserve both for planned (earmarked) projects and generally.
<b><u>Legal</u></b>	The council has a legal and statutory duty to ensure it has a sound system of internal controls and to submit its accounts to the external auditor within specified timescales, as outlined in The Local Audit and Accountability Act 2014.
<b><u>Environmental and sustainability</u></b>	There are no direct environmental or sustainability impacts.
<b><u>Crime and disorder</u></b>	There are no direct crime and disorder impacts.

### **Appendices/Background papers**

Income and expenditure as at 31<sup>st</sup> March 2019

Balance sheet as at 31<sup>st</sup> March 2019

At : 12:38

## Balance Sheet as at - 31/3/19

31st March		31/3/19
	<b>Current Assets</b>	
0	Debtors Control	43,797
0	Sundry Debtors	10,183
0	VAT Control A/c	3,651
0	Prepayments	2,735
0	Deposit Aqua	50
0	Current Bank A/c	17,754
0	Reserve Account	229,488
0	Petty Cash	520
0		308,178
	<b>0 Total Assets</b>	<b>308,178</b>
	<b>Current Liabilities</b>	
0	Deposits Received	775
0		775
	<b>0 Total Assets Less Current Liabilities</b>	<b>307,403</b>
	<b>Represented By</b>	
0	General Reserves	119,112
0	Elections	8,000
0	Purchase Reserve	20,000
0	P/H Youth Task Group	4,000
0	CIL	18,566
0	Big Park	69,080
0	Pavilion Roof & Boiler	7,000
0	Neighbourhood Plan	3,806
0	Capital Receipts Reserve	57,839
0		307,403

The above statement represents fairly the financial position of the authority as at 31/3/19 and reflects its Income and Expenditure during the year.

Signed : \_\_\_\_\_ Date : \_\_\_\_\_  
Chairman

Signed : \_\_\_\_\_ Date : \_\_\_\_\_  
Responsible  
Financial





Month No : 12

## Committee Report

**COUNCIL****100 General Administration**

		Actual Last Year	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% of Budget
4001	Salaries	0	322,893	309,880	-13,013		-13,013	104.2 %
4002	Er's NIC	0	25,611	25,619	8		8	100.0 %
4003	Er's Supn	0	50,374	59,530	9,156		9,156	84.6 %
4004	Overtime	0	6,094	4,000	-2,094		-2,094	152.4 %
4011	Training	0	1,662	3,000	1,338		1,338	55.4 %
4212	Mileage Costs	0	385	1,000	616		616	38.5 %
4301	Purchase of Furniture/Equipmen	0	117	4,500	4,383		4,383	2.6 %
4302	Purchase of Materials	0	306	4,500	4,194		4,194	6.8 %
4306	Printing	0	3,184	1,100	-2,084		-2,084	289.5 %
4307	Stationery	0	1,888	1,000	-888		-888	188.8 %
4311	Professional Fees - Legal	0	3,710	2,250	-1,460		-1,460	164.9 %
4312	Professional Fees - Other	0	25,515	2,250	-23,265		-23,265	1134.0
4314	Audit Fees	0	3,687	2,000	-1,687		-1,687	184.3 %
4315	Insurance	0	9,602	12,800	3,198		3,198	75.0 %
4321	Bank Charges	0	114	0	-114		-114	0.0 %
4322	BACS Charges	0	608	600	-8		-8	101.3 %
4323	PDQ Charges	0	574	500	-74		-74	114.7 %
4324	Credit Card Charges	0	937	0	-937		-937	0.0 %
4325	Postage	0	2,453	1,650	-803		-803	148.6 %
4326	Telephones	0	5,245	5,000	-245		-245	104.9 %
4327	Computers	0	6,737	5,275	-1,462		-1,462	127.7 %
4331	Mayor's Allowance	0	1,500	1,500	0		0	100.0 %
4333	Members Allowance	0	3,735	4,250	515		515	87.9 %
4334	Members Training	0	210	500	290		290	42.0 %
4341	Grants	0	13,550	21,020	7,470		7,470	64.5 %
4342	Subscriptions	0	3,968	3,500	-468		-468	113.4 %
4343	Contributions to Provisions	0	5,000	5,000	0		0	100.0 %
4900	Miscellaneous Expenses	0	1,582	1,000	-582		-582	158.2 %
	General Administration :- Expenditure	0	501,237	483,224	-18,013	0	-18,013	103.7 %
1001	Precept	0	428,340	428,340	0			100.0 %
1005	Grants - Lewes DC	0	62,772	44,559	18,213			140.9 %
1010	CIL Income	0	15,358	0	15,358			0.0 %
1013	Income from Photocopying	0	595	500	95			119.1 %
1016	Housing Benefit Claims LDC	0	16,761	3,000	13,761			558.7 %
1017	Foodliner Sales	0	1,140	1,500	-360			76.0 %
1050	Allotment Rent	0	740	950	-210			77.9 %
1094	Other Customer & Client Receipt	0	127	1,300	-1,174			9.7 %

Month No : 12

Committee Report

		Actual Last Year	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% of Budget
1100	Interest Received	0	1,032	0	1,032			0.0 %
1301	Filming	0	3,150	0	3,150			0.0 %
1309	Other Income	0	870	300	570			290.1 %
	General Administration :- Income	0	530,884	480,449	50,435			110.5 %
	<b>Net Expenditure over Income</b>	0	-29,647	2,775	32,422			
<b>110</b>	<b>Civic Events</b>							
4329	Advertising	0	125	0	-125		-125	0.0 %
4332	Mayor's Reception	0	1,074	1,200	126		126	89.5 %
4335	Civic Expenses	0	1,003	1,700	697		697	59.0 %
	Civic Events :- Expenditure	0	2,202	2,900	698	0	698	75.9 %
	<b>Net Expenditure over Income</b>	0	2,202	2,900	698			
<b>120</b>	<b>Marketing</b>							
4328	Website	0	740	2,000	1,260		1,260	37.0 %
4329	Advertising	0	1,205	1,000	-205		-205	120.5 %
4330	Newsletter	0	1,580	2,000	420		420	79.0 %
	Marketing :- Expenditure	0	3,525	5,000	1,475	0	1,475	70.5 %
1094	Other Customer & Client Receipt	0	0	250	-250			0.0 %
	Marketing :- Income	0	0	250	-250			0.0 %
	<b>Net Expenditure over Income</b>	0	3,525	4,750	1,225			
<b>130</b>	<b>Neighbourhood Plan</b>							
4328	Website	0	43	0	-43		-43	0.0 %
4337	Neighbourhood Plan	0	5,633	0	-5,633		-5,633	0.0 %
	Neighbourhood Plan :- Expenditure	0	5,676	0	-5,676	0	-5,676	
1200	Income from Recharges	0	384	0	384			0.0 %
	Neighbourhood Plan :- Income	0	384	0	384			
	<b>Net Expenditure over Income</b>	0	5,292	0	-5,292			
<b>200</b>	<b>Planning &amp; Highways</b>							
4101	Repair/Alteration of Premises	0	218	1,000	783		783	21.8 %
4111	Electricity	0	1,650	500	-1,150		-1,150	330.0 %
4171	Grounds Maintenance Costs	0	0	500	500		500	0.0 %
4312	Professional Fees - Other	0	508	1,000	492		492	50.8 %
	Planning & Highways :- Expenditure	0	2,376	3,000	624	0	624	79.2 %
	<b>Net Expenditure over Income</b>	0	2,376	3,000	624			

Month No : 12

Committee Report

		Actual Last Year	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% of Budget
<b>300</b>	<b>Grounds Team General Exp</b>							
4202	Repairs/Maintenance of Vehicle	0	1,453	2,500	1,047		1,047	58.1 %
4203	Fuel	0	1,982	3,600	1,618		1,618	55.0 %
4204	Road Fund License	0	500	540	40		40	92.6 %
4205	Hire/Lease of Vehicles	0	0	1,200	1,200		1,200	0.0 %
4304	Catering	0	0	100	100		100	0.0 %
4305	Uniform	0	83	0	-83		-83	0.0 %
Grounds Team General Exp :- Expenditure		<b>0</b>	<b>4,018</b>	<b>7,940</b>	<b>3,922</b>	<b>0</b>	<b>3,922</b>	<b>50.6 %</b>
<b>Net Expenditure over Income</b>		<b>0</b>	<b>4,018</b>	<b>7,940</b>	<b>3,922</b>			
<b>310</b>	<b>Sports Park</b>							
4101	Repair/Alteration of Premises	0	1,676	1,560	-116		-116	107.5 %
4111	Electricity	0	4,601	1,580	-3,021		-3,021	291.2 %
4112	Gas	0	540	0	-540		-540	0.0 %
4141	Water Services	0	2,848	2,000	-848		-848	142.4 %
4164	Trade Refuse	0	2,563	1,960	-603		-603	130.7 %
4171	Grounds Maintenance Costs	0	6,955	7,100	145		145	98.0 %
4303	Machinery Mtce/Lease	0	158	0	-158		-158	0.0 %
4900	Miscellaneous Expenses	0	4,642	4,960	318		318	93.6 %
Sports Park :- Expenditure		<b>0</b>	<b>23,982</b>	<b>19,160</b>	<b>-4,822</b>	<b>0</b>	<b>-4,822</b>	<b>125.2 %</b>
1025	Rent & Service Charge	0	13,181	15,000	-1,819			87.9 %
1039	S/P Cats	0	3,900	0	3,900			0.0 %
1041	S/P Telephone Masts	0	4,250	4,300	-50			98.8 %
1043	S/P Football Pitches	0	2,312	2,000	312			115.6 %
1061	S/P Court Hire	0	4,775	5,200	-425			91.8 %
1094	Other Customer & Client Receip	0	1,541	6,250	-4,709			24.7 %
Sports Park :- Income		<b>0</b>	<b>29,958</b>	<b>32,750</b>	<b>-2,792</b>			<b>91.5 %</b>
<b>Net Expenditure over Income</b>		<b>0</b>	<b>-5,976</b>	<b>-13,590</b>	<b>-7,614</b>			
<b>315</b>	<b>Big Park</b>							
4101	Repair/Alteration of Premises	0	880	1,000	120		120	88.0 %
4121	Rents	0	10,920	15,000	4,080		4,080	72.8 %
4131	Rates	0	1,608	1,600	-8		-8	100.5 %
4141	Water Services	0	0	500	500		500	0.0 %
4151	Fixtures & Fittings	0	96	200	104		104	48.0 %
4166	Skip Hire	0	450	770	320		320	58.4 %
4171	Grounds Maintenance Costs	0	4,175	0	-4,175		-4,175	0.0 %
4173	Fertilisers & Grass Seed	0	3,812	3,000	-812		-812	127.1 %



		Actual Last Year	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% of Budget
4203	Fuel	0	1,091	2,000	909		909	54.5 %
4302	Purchase of Materials	0	97	500	403		403	19.4 %
4303	Machinery Mtce/Lease	0	568	2,500	1,932		1,932	22.7 %
	Big Park :- Expenditure	0	23,695	27,070	3,375	0	3,375	87.5 %
1005	Grants - Lewes DC	0	17,258	25,000	-7,742			69.0 %
1094	Other Customer & Client Receipt	0	0	2,000	-2,000			0.0 %
	Big Park :- Income	0	17,258	27,000	-9,742			63.9 %
	<b>Net Expenditure over Income</b>	<b>0</b>	<b>6,437</b>	<b>70</b>	<b>-6,367</b>			
<b>316</b>	<b>Gateway Cafe</b>							
4101	Repair/Alteration of Premises	0	822	850	28		28	96.7 %
4111	Electricity	0	774	900	126		126	86.0 %
4112	Gas	0	0	400	400		400	0.0 %
4161	Cleaning Costs	0	6,760	3,000	-3,760		-3,760	225.3 %
4301	Purchase of Furniture/Equipmen	0	1,440	0	-1,440		-1,440	0.0 %
4302	Purchase of Materials	0	0	1,000	1,000		1,000	0.0 %
4312	Professional Fees - Other	0	0	150	150		150	0.0 %
4326	Telephones	0	0	250	250		250	0.0 %
	Gateway Cafe :- Expenditure	0	9,795	6,550	-3,245	0	-3,245	149.5 %
1025	Rent & Service Charge	0	6,741	7,340	-599			91.8 %
1200	Income from Recharges	0	0	1,140	-1,140			0.0 %
	Gateway Cafe :- Income	0	6,741	8,480	-1,739			79.5 %
	<b>Net Expenditure over Income</b>	<b>0</b>	<b>3,054</b>	<b>-1,930</b>	<b>-4,984</b>			
<b>320</b>	<b>Play Areas</b>							
4101	Repair/Alteration of Premises	0	72	1,000	928		928	7.2 %
4111	Electricity	0	0	500	500		500	0.0 %
4161	Cleaning Costs	0	0	1,000	1,000		1,000	0.0 %
4301	Purchase of Furniture/Equipmen	0	0	600	600		600	0.0 %
	Play Areas :- Expenditure	0	72	3,100	3,028	0	3,028	2.3 %
	<b>Net Expenditure over Income</b>	<b>0</b>	<b>72</b>	<b>3,100</b>	<b>3,028</b>			
<b>330</b>	<b>Amenity Area</b>							
4101	Repair/Alteration of Premises	0	2,940	6,100	3,160		3,160	48.2 %
4111	Electricity	0	368	0	-368		-368	0.0 %
4141	Water Services	0	1,804	1,600	-204		-204	112.7 %
4151	Fixtures & Fittings	0	27,057	0	-27,057		-27,057	0.0 %

Month No : 12

Committee Report

		Actual Last Year	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% of Budget
4164	Trade Refuse	0	3,472	1,740	-1,732		-1,732	199.5 %
4171	Grounds Maintenance Costs	0	20,319	27,400	7,081		7,081	74.2 %
4203	Fuel	0	1,081	0	-1,081		-1,081	0.0 %
4301	Purchase of Furniture/Equipmen	0	2,377	3,000	623		623	79.2 %
4305	Uniform	0	110	250	140		140	44.0 %
4900	Miscellaneous Expenses	0	620	500	-120		-120	124.0 %
	<b>Amenity Area :- Expenditure</b>	<b>0</b>	<b>60,149</b>	<b>40,590</b>	<b>-19,559</b>	<b>0</b>	<b>-19,559</b>	<b>148.2 %</b>
1020	Income fm Grass/Verge Cutting	0	18,123	18,000	123			100.7 %
1044	Hire of the Dell	0	5,894	5,000	894			117.9 %
1050	Allotment Rent	0	1,100	1,000	100			110.0 %
1094	Other Customer & Client Receip	0	0	4,900	-4,900			0.0 %
1301	Filming	0	500	0	500			0.0 %
	<b>Amenity Area :- Income</b>	<b>0</b>	<b>25,617</b>	<b>28,900</b>	<b>-3,283</b>			<b>88.6 %</b>
	<b>Net Expenditure over Income</b>	<b>0</b>	<b>34,532</b>	<b>11,690</b>	<b>-22,842</b>			
<b>355 The Hub</b>								
4103	Annual Servicing Costs	0	2,440	875	-1,565		-1,565	278.9 %
4111	Electricity	0	1,256	1,500	244		244	83.7 %
4112	Gas	0	951	1,500	549		549	63.4 %
4131	Rates	0	2,034	2,240	206		206	90.8 %
4161	Cleaning Costs	0	100	0	-100		-100	0.0 %
4171	Grounds Maintenance Costs	0	171	0	-171		-171	0.0 %
4303	Machinery Mtce/Lease	0	0	120	120		120	0.0 %
4305	Uniform	0	240	300	60		60	80.1 %
4343	Contributions to Provisions	0	0	240	240		240	0.0 %
4900	Miscellaneous Expenses	0	0	20	20		20	0.0 %
	<b>The Hub :- Expenditure</b>	<b>0</b>	<b>7,192</b>	<b>6,795</b>	<b>-397</b>	<b>0</b>	<b>-397</b>	<b>105.8 %</b>
1084	Sports Pavilion	0	17,478	15,700	1,778			111.3 %
	<b>The Hub :- Income</b>	<b>0</b>	<b>17,478</b>	<b>15,700</b>	<b>1,778</b>			<b>111.3 %</b>
	<b>Net Expenditure over Income</b>	<b>0</b>	<b>-10,286</b>	<b>-8,905</b>	<b>1,381</b>			
<b>360 Community House</b>								
4101	Repair/Alteration of Premises	0	10,388	10,000	-388		-388	103.9 %
4111	Electricity	0	6,020	7,200	1,180		1,180	83.6 %
4112	Gas	0	2,297	3,500	1,203		1,203	65.6 %
4122	Service Charge	0	15,632	12,900	-2,732		-2,732	121.2 %
4131	Rates	0	13,734	15,000	1,266		1,266	91.6 %
4141	Water Services	0	8,424	7,200	-1,224		-1,224	117.0 %

Month No : 12

Committee Report

		Actual Last Year	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% of Budget
4151	Fixtures & Fittings	0	20	500	480		480	4.1 %
4161	Cleaning Costs	0	998	1,000	2		2	99.8 %
4162	Cleaning Materials	0	1,875	5,000	3,125		3,125	37.5 %
4163	Personal Hygiene	0	1,728	1,000	-728		-728	172.8 %
4211	Public Transport	0	500	0	-500		-500	0.0 %
4303	Machinery Mtce/Lease	0	396	0	-396		-396	0.0 %
4305	Uniform	0	324	500	176		176	64.7 %
4343	Contributions to Provisions	0	600	1,700	1,100		1,100	35.3 %
4900	Miscellaneous Expenses	0	544	400	-144		-144	136.1 %
	Community House :- Expenditure	<b>0</b>	<b>63,482</b>	<b>65,900</b>	<b>2,418</b>	<b>0</b>	<b>2,418</b>	<b>96.3 %</b>
1025	Rent & Service Charge	0	663	0	663			0.0 %
1046	Stall Income (Events)	0	50	0	50			0.0 %
1069	C/H Police Room	0	491	1,500	-1,009			32.7 %
1070	C/H Phoenix Room	0	5,906	5,800	106			101.8 %
1072	C/H Copper Room	0	11,366	11,500	-134			98.8 %
1075	C/H Charles Neville	0	6,898	10,000	-3,102			69.0 %
1076	C/H Main Hall	0	18,854	23,800	-4,946			79.2 %
1077	C/H Anzac Room	0	9,306	8,500	806			109.5 %
1078	C/H Main Kitchen	0	751	1,200	-449			62.6 %
1079	C/H Anzac Kitchen	0	328	600	-272			54.7 %
1080	C/H Foyer	0	1,896	200	1,696			947.9 %
1081	C/H Equipment Hire	0	476	700	-224			68.0 %
1084	Sports Pavilion	0	0	8,600	-8,600			0.0 %
1085	Caretaking Recharge	0	0	1,600	-1,600			0.0 %
1091	Cinema Income	0	2,051	2,500	-449			82.1 %
1092	Electricity Feed-in Tariff	0	1,268	8,200	-6,932			15.5 %
1200	Income from Recharges	0	0	2,000	-2,000			0.0 %
	Community House :- Income	<b>0</b>	<b>60,305</b>	<b>86,700</b>	<b>-26,395</b>			<b>69.6 %</b>
	<b>Net Expenditure over Income</b>	<b>0</b>	<b>3,177</b>	<b>-20,800</b>	<b>-23,977</b>			
<b>400</b>	<b>Water Leak</b>							
4101	Repair/Alteration of Premises	0	8,820	0	-8,820		-8,820	0.0 %
4141	Water Services	0	118,254	0	-118,254		-118,254	0.0 %
	Water Leak :- Expenditure	<b>0</b>	<b>127,074</b>	<b>0</b>	<b>-127,074</b>	<b>0</b>	<b>-127,074</b>	
	<b>Net Expenditure over Income</b>	<b>0</b>	<b>127,074</b>	<b>0</b>	<b>-127,074</b>			
<b>410</b>	<b>Rechargeable Works - Grounds T</b>							
1200	Income from Recharges	0	5,220	0	5,220			0.0 %
	Rechargeable Works - Grounds T :- Income	<b>0</b>	<b>5,220</b>	<b>0</b>	<b>5,220</b>			
	<b>Net Expenditure over Income</b>	<b>0</b>	<b>-5,220</b>	<b>0</b>	<b>5,220</b>			

		Actual Last Year	Actual Year To Date	Current Annual Bud	Variance Annual Total	Committed Expenditure	Funds Available	% of Budget
<b>430</b>	<b>Summer Fair</b>							
4171	Grounds Maintenance Costs	0	600	0	-600		-600	0.0 %
4306	Printing	0	68	0	-68		-68	0.0 %
4329	Advertising	0	28	0	-28		-28	0.0 %
4900	Miscellaneous Expenses	0	1,231	0	-1,231		-1,231	0.0 %
	Summer Fair :- Expenditure	<u>0</u>	<u>1,927</u>	<u>0</u>	<u>-1,927</u>	<u>0</u>	<u>-1,927</u>	
1045	Event Sponsorship	0	585	0	585			0.0 %
1046	Stall Income (Events)	0	1,080	0	1,080			0.0 %
	Summer Fair :- Income	<u>0</u>	<u>1,665</u>	<u>0</u>	<u>1,665</u>			
	<b>Net Expenditure over Income</b>	<u>0</u>	<u>262</u>	<u>0</u>	<u>-262</u>			
<b>450</b>	<b>Mayoral Charity Events</b>							
1045	Event Sponsorship	0	400	0	400			0.0 %
	Mayoral Charity Events :- Income	<u>0</u>	<u>400</u>	<u>0</u>	<u>400</u>			
	<b>Net Expenditure over Income</b>	<u>0</u>	<u>-400</u>	<u>0</u>	<u>400</u>			
	COUNCIL :- Expenditure	0	836,404	671,229	-165,175	0	-165,175	124.6 %
	Income	0	695,910	680,229	15,681			102.3 %
	<b>Net Expenditure over Income</b>	<u>0</u>	<u>140,493</u>	<u>-9,000</u>	<u>-149,493</u>			





**Agenda Item:** 11-PF348  
**Committee:** Policy and Finance  
**Date:** 23 April 2019  
**Title:** CIL Income 2018/19  
**Report Author:** Andy Beams, Acting Responsible Finance Officer (RFO)  
**Purpose of Report:** To provide details of CIL receipts and gain approval to transfer amount to the designated earmarked reserve

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### **Summary of recommended actions**

1. To **note** the contents of the report.
2. To **resolve** to transfer the amount of £15,357.75 to the CIL earmarked reserve for use on future agreed infrastructure projects
3. To **resolve** a general principle for future years to transfer after the financial year end any CIL receipts received to the CIL earmarked reserve

### **Introduction**

The Community Infrastructure Levy (CIL) is a planning based charge, introduced by the Planning Act 2008. It allows local authorities in England and Wales to raise funds from developers undertaking new business projects in their area. It can be used to help pay for a wide range of infrastructure that is needed as a result of new development.

Lewes District Council (LDC), as a charging authority, is required to produce a CIL Charging Schedule which sets out the rates of CIL to be charged on development within the District.

### **Background**

LDC implemented its CIL charging schedule with all relevant permitted developments chargeable for those areas of the district that lie outside the South Downs National Park Authority from 1<sup>st</sup> December 2015.

CIL can be charged on most new development which creates net additional floor space of 100sqm or more, or creates a new dwelling

The 'meaningful proportion' is a percentage of CIL receipts raised in a Town/Parish Council area that is paid directly to the Town/Parish Council where the development is taking place. Currently, the percentage passed directly to the local Town or Parish Council is 25% where there is an adopted Neighbourhood Plan in place on the date of the planning permission, or 15% where there is no adopted Neighbourhood Plan in place.

The meaningful proportion can be spent on anything to help mitigate the impact the development has on the Town/Parish. It is the decision of the Town/Parish Council where the money is spent. A record of the receipts received, spending agreed and amounts outstanding must be retained by the Town/Parish Council, and the District Council may request this information on an annual basis.

## Analysis

As at 31<sup>st</sup> March 2018, Peacehaven Town Council had received a total of £18,566.08 in CIL income, which has been placed in an earmarked reserve specifically designated for CIL.

A further £15,357.75 in CIL receipts was received from Lewes District Council during the financial year 2018/19, which has been credited through the RBS accounting system to the CIL income code. This ensures it is correctly accounted for as income during the financial year, accurately reflected in the year end accounts and the statutory Annual Governance and Accountability Return.

## Implications

The Town Council has a duty to consider the following implications:

<b><u>Financial</u></b>	Unspent CIL income must be accounted for separately through provision of a specified earmarked reserve. CIL income during the financial year is by its nature unpredictable, so has no assigned budget. Agreeing to the recommendations in this report will increase the balance on the CIL earmarked reserve to £33,923.83
<b><u>Legal</u></b>	The Town/Parish Council has a duty to accurately record its CIL receipts and expenditure, and comply with a request from the District Council to provide the information
<b><u>Environmental and sustainability</u></b>	There are no direct environmental or sustainability impacts, although CIL income can be used to for environment and sustainable projects within the Town/Parish area
<b><u>Crime and disorder</u></b>	There are no direct crime and disorder impacts, although CIL income can be used to support crime and disorder initiatives within the Town/Parish area

## Appendices/Background papers

Access to the full details of the CIL Charging Schedule adopted by LDC is available via the following link:

<https://www.lewes-eastbourne.gov.uk/LDCCILchargingschedule.pdf>

**Agenda Item:** 12-PF349  
**Committee:** Policy and Finance  
**Date:** 23 April 2019  
**Title:** Council Committee Structure  
**Report Author:** Tony Allen A/Town Clerk  
**Purpose of Report:** To review the current Committee structure

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### **Summary of recommended actions**

1. To consider a revised Committee structure for adoption by Council at its Annual Meeting.
2. To approve the production of Terms of Reference to give delegated authority to Committees.

### **Introduction**

The council has a responsibility to ensure it maintains adequate and efficient process of business. Currently the Committee structure has little authority with regard to making decisions and allocating finances.

### **Background**

The council's existing Committee structure is as follows:-

- Full Council.
- Planning & Highways Committee.
- Policy & Finance Committee.
- Leisure & Amenities Committee.
- Employment Sub-Committee.

### **Analysis**

The proposed Committee structure is as follows:-

- Full Council.
- Planning & Highways Committee.
- Policy & Finance Committee.
- Leisure & Amenities Committee.
- Personnel Committee.
- Civic & Events Committee.

### **Recommendation**

That the Committee recommends the revised Committee structure and the production of draft Terms of Reference to Council at its Annual Meeting.

### Implications

The Town Council has a duty to consider the following implications:

<u>Financial</u>	Delegation of authority fro Council carries some risk, but this should be closely monitored by Full Council, the Town Clrk and the RFO.
<u>Legal</u>	Good standard practice adopted bt most Councils.
<u>Environmental and sustainability</u>	There are no direct environmental or sustainability impacts.
<u>Crime and disorder</u>	There are no direct crime and disorder impacts.

### Appendices/Background papers

None.

**Agenda Item:** 15-PF352  
**Committee:** Policy and Finance  
**Date:** 23 April 2019  
**Title:** Standing Orders and Financial Regulations  
**Report Author:** Andy Beams, Acting Responsible Finance Officer (RFO)  
**Purpose of Report:** To review the updated Standing Orders

---

### Summary of recommended actions

1. To **note** the contents of the report
2. To **consider** the updated Standing Orders for adoption at the Annual Meeting
3. To note the need to update Financial regulations to the most recent model at the Annual Meeting

### Introduction

The standing orders and financial regulations make up the core constitution documents for the council, providing a framework for the smooth operation of council legal, statutory and financial functions.

The council should periodically update its standing orders and financial regulations to ensure they are based on the latest advice and are fit for purpose. The National Association of Local Councils (NALC) provides regularly updated model versions which are available to download for free from the Surrey and Sussex Association of Local Councils (SSALC) website.

Certain elements within standing orders are statutory requirements and it is therefore strongly recommended that these elements are adopted without changing them. These are typically in bold type in the model policies. Other text not in bold type may be amended and/or deleted as appropriate.

There are no statutory requirements within financial regulations, although these should be consistent with the council's standing orders, especially in relation to aspects dealing with contracts and monetary authorisation levels.

### Background

Peacehaven Town Council's standing orders are not based on the most recent NALC versions. The standing orders are missing several statutory requirements (such as Data Protection, Management Information) and other statutory text within them has been changed (such as public recording of meetings).

The financial regulations are inconsistent with the standing orders in a number of places, and again are not based on the most recent NALC version.

## Analysis

I have reviewed and made suggested amendments to the standing orders in an attempt to provide the town council with a statutory compliant basis moving forwards. Attached are a version showing the amendments (~~crossed out in red where text from the old version has been removed~~ and highlighted in yellow the recommended new text).

I have also attached a 'clean' version of the amended standing orders based on the NALC model, which I would recommend adopting unchanged.

A new model version of the financial regulations is currently being produced by NALC and should be available by the end of April. I will then update the financial regulations to this new model, and check for consistency against the updated standing orders.

## Implications

The Town Council has a duty to consider the following implications:

<u>Financial</u>	Failure to have up to date standing orders and financial regulations could lead to financial costs in the event residents successfully challenge the council's failure to follow statutory requirements
<u>Legal</u>	Failure to have up to date standing orders and financial regulations could lead to legal challenges of decisions made by the council if they have failed to follow statutory requirements
<u>Environmental and sustainability</u>	There are no direct environmental or sustainability impacts.
<u>Crime and disorder</u>	There are no direct crime and disorder impacts.

## Appendices/Background papers

Updated standing orders showing changes from current Peacehaven Town Council version

Clean copy of updated standing orders

## INDEX OF STANDING ORDERS

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## INTRODUCTION

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council's Responsible Financial Officer.

## DRAFTING NOTES

Model standing orders that are in bold type contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs. It is NALC's view that all model standing orders will generally be suitable for councils.

For convenience, the word "councillor" is used in model standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

References to "chairman" and "vice-chairman" in the context of meetings of the whole council shall mean "Mayor" and "Deputy Mayor". References to gender are non-specific.



## 1 RULES OF DEBATE AT MEETINGS

~~These rules apply to full council as well as committee and sub-committee meetings~~

~~Debate on an agenda item can and usually will take place prior to any motion being made.~~

- a ~~Reports, recommendations and~~ 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 ~~recommendation or~~ 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 already been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e Any amendment to a motion is a proposal to remove or add words to a ~~recommendation or~~ motion. It shall not negate the motion.
- f If an amendment to the original ~~recommendation or~~ motion is carried, the **amended** 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 of the meeting.
- j Subject to standing order 1(k), 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 shall have 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 on 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. to exercise a right of reply.

~~The chairman will only allow a councillor to speak again if the councillor is introducing new information.~~

- 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), except those which reflect mandatory statutory or legal requirements.

- t 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.
- u Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the chairman of the meeting.

## 2 DISORDERLY CONDUCT

- 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 person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct any councillor (including the chairman of the meeting) may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made in accordance with standing order 2(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.

## 3 MEETINGS GENERALLY

Full Council meetings	FC
Committee meetings	C
Sub-committee meetings	SC

- a Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol, unless no other **suitable** premises are available free of charge or at a reasonable cost. (FC)
- b The minimum 3 clear days' 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. (FC)
- c The minimum 3 clear days public notice for a meeting does not include the day on which notice was issued or the day of the meeting unless the meeting is convened at shorter notice. (C)



- d 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. (FC, C)
- e Members of the public may ~~if they are present, during public participation~~ make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. ~~subject to council's policy on public questions.~~
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed fifteen minutes, unless directed by the chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than three minutes.
- h In accordance with standing order 3(e), 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.
- i A person shall raise his hand when requesting to speak and stand when speaking (except where 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.
- j Any person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k 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.
- l ~~Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's consent but recording will be allowed if requested in reasonable time to ensure adequate space is available. All such recordings must take place from the designated location and must not interfere with the proceedings. Recordists must remain seated and cannot move around the room.~~ Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present. (FC, C)

- m A person at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission. (FC, C)
- n 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. (FC, C)
- o 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~~ there is one). (FC)
- p The chairman of the council, if present, shall preside at a meeting. If the chairman is absent from a meeting, the vice-chairman of the council (if there is one) 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. (FC)
- q Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors ~~or~~ and non-councillors with voting rights present and voting. (FC, C, SC)
- r 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. (FC, C, SC)

*See standing orders 5(h) and (i) for the different rules that apply in the election of the chairman of the council at the annual meeting of the council.*

- s Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda. (FC)
- t 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 who are present and the names of councillors who are absent, ~~noting those that have given apologies;~~
  - iii. Interests that have been declared by councillors and non-councillors with voting rights;
  - iv. The grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. Whether a councillor or non-councillor with voting rights 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.



- u A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter. (FC, C, SC)
- v No business may be transacted at a meeting unless at least one third of the whole number of members of the council ~~or committee~~ are present and in no case shall the quorum of a meeting be less than 3. (FC)  
*See standing order 4d (viii) for the quorum of a committee or sub-committee meeting.*
- w If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting. (FC, C, SC)
- x Meetings shall not exceed a period of three hours.

#### 4 COMMITTEES AND SUB-COMMITTEES

- a Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.
- c Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.

~~Councillors who cannot attend a Committee or Sub-Committee can appoint any Councillor to attend in their absence as a voting ex-officio member. The absent Councillor must advise the Town Manager or Committee Clerk of the nomination.~~

~~All Councillors who are not members of a Committee are entitled to attend the said meeting and participate, but not vote. Non-Committee or Sub-Committee Councillors will however be excluded for exempt items at these meetings.~~

- d 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 the council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and times of its meetings;

- iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
- v. may, subject to standing orders 4 (b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer one day before the meeting that they are unable to attend;
- vi. Shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
- vii. Shall permit a committee, other than a standing committee, to appoint its own chairman at the first meeting of the committee;
- viii. Shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which , in both cases, shall be no less than three;
- ix. Shall determine of the public may participate at a meeting of a committee;
- x. 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;
- xi. Shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

## 5 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 the council shall be held on such day in May as the Council ~~may direct~~ decides.
- c If no other time is fixed, the annual meeting of the council shall take place at ~~7pm~~ 6pm.
- d In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council ~~directs~~ decides.
- e The first business conducted at the annual meeting of the council shall be the election of the chairman and vice-chairman (if ~~any~~ there is one) of the council.
- f The chairman of the council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.



- g The vice-chairman of the council, if ~~any~~ there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the chairman of the council at the next annual meeting of the council.
- h In an election year, if the current chairman of the council has not been re-elected as a member of the council, he shall preside at the annual 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~~ shall give a casting vote in the case of an equality of votes.
- i In an election year, if the current chairman of the council has been re-elected as a member of the council, he shall preside at the annual 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~~ shall give a casting vote in the case of an equality of votes.
- j Following the election of the chairman of the council and vice-chairman (if ~~any~~ there is one) of the council at the annual meeting, the order of 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 last meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Review of the terms of references for committees;
  - vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with standing order 4;
  - ix. Review and adoption of appropriate standing orders and financial regulations;
  - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses;
  - xi. Review of representation on or work with external bodies and arrangements for reporting back;
  - xii. In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;
  - xiii. Review of inventory of land and other assets including buildings and office equipment;
  - xiv. Confirmation of arrangements for insurance cover in respect of all ~~insured~~ insurable risks;



- xv. Review of the council's and/or staff subscriptions to other bodies;
- xvi. Review of the council's complaints procedure;
- xvii. Review of the council's policies, procedures and practices in respect of its obligations under the freedom of information and data protection legislation (see also standing orders 11,20 and 21);
- xviii. Review of the council's policy for dealing with the press/media;
- xix. Review of the council's employment policies and procedures;
- xx. Review of the council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence;
- xxi. Determining the dates, times and place of ordinary meetings of the council up to and including the next annual meeting of the council.

## 6 EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

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

## 7 PREVIOUS RESOLUTIONS

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice of at least six councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the report or recommendation of a committee or a sub-committee.

~~Such request to be received by the Proper Officer within seven days of the decision having been made~~

- 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

- a 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

~~The preferred operation of the Council is for Councillors and officers to work in partnership to prepare reports for motion at meetings where this is necessary. However, if a Councillor wishes to prepare a report alone the procedure below has to be followed.~~

- a A motion shall relate to the responsibilities of the meeting for which it is tabled 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 14 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), 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) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 7 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. ~~This will require the signature of the Proper Officer and the Chair of the said meeting.~~



- 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 the minutes of the meeting directly after receipt of the Motion,~~ and numbered in the order that they are received.
- h Motions rejected shall be recorded ~~in the minutes of the meeting directly after receipt of the Motion,~~ with an explanation by the Proper Officer for their rejection. ~~signed by the Councillor/s who brought forward the Motion.~~

## 10 MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

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

## 11 MANAGEMENT OF INFORMATION

*See also standing order 20*

~~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.~~

~~Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.~~

~~Only the Councillors who are members of a Committee or Sub-Committee will be entitled to a copy of the confidential papers for that Committee or Sub-Committee. The Resolution of a Committee or Sub-Committee will be reported to Full Council.~~

- 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 information or personal data without legal justification.
- d Councillors, staff, the council's contractors and agents shall not disclose confidential information or personal data 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).
- c The accuracy of the 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 ( ) held on [date] in respect of ( ) 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 £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.
- f ~~Upon~~ Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following 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

*See also standing order 3(u)*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a ~~prejudicial~~ disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has 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.
- d 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.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer ~~at a meeting of the Council, or committee or sub-committee for which the dispensation is required~~ and that decision is final.
- f A dispensation request shall confirm:
- the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - an explanation as to why the dispensation is sought.

- g Subject to standing orders 13(d) and (f), a dispensation request 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.
- 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 the District Council that it is ~~has deemed a complaint worthy of investigation~~ dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to 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 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 and the council has agreed what action, if any, to take in accordance with standing order 14(d).
- 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 of the matter;
- d **Upon notification by the District Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

#### **15 PROPER OFFICER**

- a The council's Proper Officer shall be either (i) the Town Manager or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer during the Proper Officer's absence.



b The council's 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 ~~provided any such email contains the electronic signature and title of the Proper Officer~~
  - Provide, in a conspicuous place, the public notice of the time, place and agenda ~~at least three clear days before a meeting of the Council or a meeting of a Committee or a Sub-Committee~~ (provided that the public notice with agenda of an extraordinary meeting of the council convened by councillors is signed by them).

*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 ten 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. ~~Retain~~ hold acceptance of office forms from councillors;
- vii. ~~Retain~~ hold a copy of every councillor's register of interests;
- viii. Assist with responding to requests made under ~~the~~ freedom of information ~~Act 2000~~ legislation and rights exercisable under data protection legislation, in accordance with the council's relevant policies and procedures ~~relating to the same (including 2016 GDPR);~~
- ix. Liaise, as appropriate, with the council's Data Protection Officer;
- x. Receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- xi. ~~Manage~~ Assist in the organisation of, storage of, access to, security of and destruction of information held by the council in paper and electronic form ~~in accordance with the council's Document Retention Policy~~ 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 the council's financial regulations;

- xiv. Record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;
- xv. Refer a planning application received by the council to the chairman or in his absence vice-chairman (if there is one) of the Planning and Highways Committee within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning and Highways 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 23)

## 16 RESPONSIBLE FINANCIAL OFFICER

~~The Council shall appoint an appropriate Member of staff as the Responsible Financial Officer. (Through Resolution of the Employment Sub Committee, with minimum 3 selected Councillors and the Proper Officer present).~~

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

~~The Responsible Finance Officer shall arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's Financial Regulations.~~

## 17 ACCOUNTS AND ACCOUNTING STATEMENT

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor ~~at each scheduled Policy and Finance Committee meeting, or on request~~ as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - (i) The council's ~~receipts and payments~~ income and expenditure for each quarter;
  - (ii) The council's aggregate ~~receipts and payments~~ income and expenditure for the year to date;
  - (iii) The balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.



- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - (i) Each councillor with a statement summarising the council's ~~receipts and payments~~ **income and expenditure** for the last quarter and the year to date for information: and
  - (ii) to the council the accounting statements for the year in the form of ~~Section 1 of the annual return~~ **Section 2 of the Annual Governance and Accountability 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 apply the form of accounts determined by the council for the year to 31 March. **A completed draft Annual Governance and Accountability Return shall be presented to all councillors at least 14 days prior to its anticipated approval by the council.** The Annual **Governance and Accountability** Return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the council 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 control;
  - ii. the assessment and management of financial risks faced by the council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the council's accounts and/or orders of payments; and
  - v. ~~procurement policies (Subject to Standing Order 18(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £50,000~~ **Whether contracts with an estimated value below £50,000 due to special circumstances are exempt from a tendering or procurement exercise.**
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose. ~~(To be adopted annually at the Mayor Making Council, usually during May).~~

- c ~~Financial Regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender in accordance with the Council's Financial Regulations.~~ A public contract regulated by the Public Contracts Regulations 2015 an estimated value in excess of ~~£50,000~~ £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 In the Contract Finder website regardless of what other means it uses to advertise the opportunity.
- d ~~Where the value of a contract is likely to exceed £138,893 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.~~ 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 of 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 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. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer
  - v. tenders shall be opened by the Proper Officer in the presence of at least two councillors, after the deadline for submissions of tenders has passed
  - vi. tenders are to be reported to and considered by the appropriate meeting of council or a committee or sub-committee with delegated responsibility.
- e Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.



- f A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.
- 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 £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.

## 19 HANDLING STAFF MATTERS

- a A matter personal to a member of staff that is being considered by a meeting of the council or the Personnel Committee or the Grievance / Disciplinary sub-committee is subject to standing order 11.
- b ~~The Town Manager shall manage the Council's sickness absence in accordance with Council Policy~~ Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the chairman of the Personnel Committee or, in his absence, the Vice-Chairman (if there is one) of the Personnel Committee of any absence occasioned by illness or other reason and that person shall report such absence to the Personnel Committee at its next meeting.
- c The chairman of the council, or in his absence the vice-chairman of the council (if there is one) and the chairman of the Personnel Committee or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Proper Officer. The review and appraisal shall be reported in writing and are subject to approval by resolution by the Personnel Committee.
- d ~~All staff grievances will be conducted in accordance with the Council's Grievance Policy~~ Subject to the council's policy regarding the handling of grievance matters, the council's most senior member of staff (or other members of staff) shall contact the chairman of the Personnel Committee, or in his absence, the vice-chairman (if there is one) of the Personnel Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel Committee.



e Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by a staff member relates to the chairman or vice-chairman (if there is one) of the Personnel Committee, this shall be communicated to another member of the Personnel Committee, which shall be reported back and progressed by resolution of the Personnel Committee.

f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

~~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.~~

g ~~Unless authorised in advance by the Town Manager, only managers~~ In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f). ~~if so justified.~~

~~Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 19(f) and (g) above shall be provided only to those who are fulfilling a delegated or Council authorised function.~~

## 20 RESPONSIBILITIES TO PROVIDE INFORMATION

*See also standing order 21*

~~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, in line with GDPR 2016.~~

~~Correspondence from and notices served by, the Information Commissioner shall be acted on by the Proper Officer in strict accordance with the correspondence / notice.~~

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.

## **21 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.

## **22 RELATIONS WITH THE PRESS/MEDIA**

- a All requests from the press or other media for an oral or written statement or comment from the council, 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.

~~Councillors are required to make NO COMMENT to media unless it is made clear they do so in a Personal capacity and not on behalf of the Council.~~

## **23 EXECUTION AND SEALING OF LEGAL DEEDS**

*See also standing order 15(b) (xiii) 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 23(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.

## **24 COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS**

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council representing the area of the council.



- b ~~Where deemed necessary by the relevant officer correspondence~~ Unless the council determines otherwise, a copy of each letter sent to the District or County Council shall be ~~copied to the relevant District or County Councillor~~ sent to the ward councillor(s) representing the area of the council.

## 25 RESTRICTIONS ON COUNCILLOR ACTIVITIES

- a Unless duly authorised ~~by a resolution~~, no councillor shall:
- inspect any land and/or premises which the council has a right or duty to inspect ~~(this does not apply to publicly accessible property)~~; or
  - issue orders, instructions or directions. ~~to any member of staff or contractor carrying out work on behalf of the Council.~~

## 26 STANDING ORDERS GENERALLY

- a All or part of a standing order, except one that incorporates mandatory statutory or legal 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 to vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least ten councillors to be given to the Proper Officer in accordance with standing order 9.
- 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.~~
- ~~Councillors will where possible attend all training delivered by Peacehaven Town Council. Expenditure for additional travel to and from the training will be reimbursed by the Council expenses budget.~~
- ~~Councillors and Officers who have breached Standing Orders will, by resolution be reported to Democratic Services.~~
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

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## INTRODUCTION

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council's Responsible Financial Officer.

## DRAFTING NOTES

Model standing orders that are in bold type contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs. It is NALC's view that all model standing orders will generally be suitable for councils.

For convenience, the word "councillor" is used in model standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

References to "chairman" and "vice-chairman" in the context of meetings of the whole council shall mean "Mayor" and "Deputy Mayor". References to gender are non-specific.



## **1 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 already been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e Any amendment to a motion 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 of the meeting.
- j Subject to standing order 1(k), 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 shall have 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 on 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. to exercise 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), except those which reflect mandatory statutory or legal requirements.
- t 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.
- u Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the chairman of the meeting.

## **2 DISORDERLY CONDUCT**

- 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 person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct any councillor (including the chairman of the meeting) may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made in accordance with standing order 2(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.

## **3 MEETINGS GENERALLY**

Full Council meetings	<b>FC</b>
Committee meetings	<b>C</b>
Sub-committee meetings	<b>SC</b>

- a **Meetings shall not take place in premises, which at the time of the meeting, are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost. (FC)**
- b **The minimum 3 clear days' 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. (FC)**
- c **The minimum 3 clear days public notice for a meeting does not include the day on which notice was issued or the day of the meeting unless the meeting is convened at shorter notice. (C)**
- d **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. (FC, C)**
- e Members of the public may make-representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed fifteen minutes, unless directed by the chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than three minutes.
- h In accordance with standing order 3(e), 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.
- i A person shall raise his hand when requesting to speak and stand when speaking (except where 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.
- j Any person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k 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.
- l Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present. (FC, C)**
- m A person at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission. (FC, C)**
- n 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. (FC, C)**
- o 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 there is one). (FC)**
- p The chairman of the council, if present, shall preside at a meeting. If the chairman is absent from a meeting, the vice-chairman of the council (if there is one) 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. (FC)**

- q Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting. (FC, C, SC)
- r 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. (FC, C, SC)

*See standing orders 5(h) and (i) for the different rules that apply in the election of the chairman of the council at the annual meeting of the council.*

- s Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda. (FC)
- t 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 who are present and the names of councillors who are absent;
  - iii. Interests that have been declared by councillors and non-councillors with voting rights;
  - iv. The grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. Whether a councillor or non-councillor with voting rights 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.
- u A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter. (FC, C, SC)
- v No business may be transacted at a meeting unless at least one third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than 3. (FC)
- See standing order 4d (viii) for the quorum of a committee or sub-committee meeting.*
- w If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting. (FC, C, SC)
- x Meetings shall not exceed a period of three hours.

#### 4 COMMITTEES AND SUB-COMMITTEES

- a Unless the council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.
- b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.
- c Unless the council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.
- d 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 the council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and times of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing orders 4 (b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer one day before the meeting that they are unable to attend;
  - vi. Shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - vii. Shall permit a committee, other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - viii. Shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which , in both cases, shall be no less than three;
  - ix. Shall determine of the public may participate at a meeting of a committee;
  - x. 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;
  - xi. Shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - xii. may dissolve a committee or a sub-committee.

## **5 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 councillors elected take office.**
- b In a year which is not an election year, the annual meeting of the council shall be held on such day in May as the Council decides.**
- c If no other time is fixed, the annual meeting of the council shall take place at 6pm.**
- d In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council decides.**
- e The first business conducted at the annual meeting of the council shall be the election of the chairman and vice-chairman (if there is one) of the council.**
- f The chairman of the council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.**
- g The vice-chairman of the council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the chairman of the council at the next annual meeting of the council.**
- h In an election year, if the current chairman of the council has not been re-elected as a member of the council, he shall preside at the annual 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 shall give a casting vote in the case of an equality of votes.**
- i In an election year, if the current chairman of the council has been re-elected as a member of the council, he shall preside at the annual 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 shall give a casting vote in the case of an equality of votes.**
- j Following the election of the chairman of the council and vice-chairman (if there is one) of the council at the annual meeting, the order of business 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 last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of references for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses;
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and other assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv. Review of the council's and/or staff subscriptions to other bodies;
- xvi. Review of the council's complaints procedure;
- xvii. Review of the council's policies, procedures and practices in respect of its obligations under the freedom of information and data protection legislation (see also standing orders 11,20 and 21);
- xviii. Review of the council's policy for dealing with the press/media;
- xix. Review of the council's employment policies and procedures;
- xx. Review of the council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence;
- xxi. Determining the dates, times and place of ordinary meetings of the council up to and including the next annual meeting of the council.

## **6 EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

- a The chairman of the council may convene an extraordinary meeting of the council at any time.**
- b If the chairman of the council does not call an extraordinary meeting of the council within 7 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, venue and agenda for such a meeting must be signed by the two councillors.**
- c The chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee (or the sub-committee) at any time.**



- d If the chairman of a committee (or a sub-committee) does not call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the committee (or the sub-committee) any 2 members of the committee (or the sub-committee) may convene an extraordinary meeting of the committee (or the sub-committee).

## **7 PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice of at least six councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the report or recommendation of a committee or a sub-committee.
- 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**

- a 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 for which it is tabled 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 14 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), 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) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 7 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 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 and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer for their rejection.

## **10 MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

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

## **11 MANAGEMENT OF 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 information or personal data without legal justification.
- d** Councillors, staff, the council's contractors and agents shall not disclose confidential information or personal data 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).
- c** The accuracy of the 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 ( ) held on [date] in respect of ( ) 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 £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.
- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following 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

*See also standing order 3(u)*

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has 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.
- d **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.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- f 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.

- g Subject to standing orders 13(d) and (f), a dispensation request 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.
- 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 the District Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to 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 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 and the council has agreed what action, if any, to take in accordance with standing order 14(d).
- 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 of the matter;
- d **Upon notification by the District Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

#### **15 PROPER OFFICER**

- a The council's Proper Officer shall be either (i) the Town Manager or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer during the Proper Officer's absence.

- b The council's 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, the 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 ten 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;
  - 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 the council's financial regulations;
  - xiv. Record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;



- xv. Refer a planning application received by the council to the chairman or in his absence vice-chairman (if there is one) of the Planning and Highways Committee within 2 working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning and Highways 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 23)

## **16 RESPONSIBLE FINANCIAL OFFICER**

- a 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 STATEMENT**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - (i) The council's income and expenditure for each quarter;
  - (ii) The council's aggregate income and expenditure for the year to date;
  - (iii) The balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - (i) Each councillor with a statement summarising the council's income and expenditure for the last quarter and the year to date for information: and
  - (ii) to the council the accounting statements for the year in the form of Section 2 of the Annual Governance and Accountability Return, as required by proper practices, for consideration and approval.

- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the council for the year to 31 March. A completed draft Annual Governance and Accountability Return shall be presented to all councillors at least 14 days prior to its anticipated approval by the council. The Annual Governance and Accountability Return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the council 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 control;
  - ii. the assessment and management of financial risks faced by the council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the 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 £50,000 due to special circumstances are exempt from a tendering or procurement exercise.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **A public contract regulated by the Public Contracts Regulations 2015 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 In the Contract Finder website regardless of what other means it uses to advertise the opportunity.**
- d 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 of 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 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. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate

- iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer
  - v. tenders shall be opened by the Proper Officer in the presence of at least two councillors, after the deadline for submissions of tenders has passed
  - vi. tenders are to be reported to and considered by the appropriate meeting of council or a committee or sub-committee with delegated responsibility.
- e Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- 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 £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

## **19 HANDLING STAFF MATTERS**

- a A matter personal to a member of staff that is being considered by a meeting of the council or the Personnel Committee or the Grievance / Disciplinary sub-committee is subject to standing order 11.
- b Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the chairman of the Personnel Committee or, in his absence, the Vice-Chairman (if there is one) of the Personnel Committee of any absence occasioned by illness or other reason and that person shall report such absence to the Personnel Committee at its next meeting.

- c The chairman of the council, or in his absence the vice-chairman of the council (if there is one) and the chairman of the Personnel Committee or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Proper Officer. The review and appraisal shall be reported in writing and are subject to approval by resolution by the Personnel Committee.
- d Subject to the council's policy regarding the handling of grievance matters, the council's most senior member of staff (or other members of staff) shall contact the chairman of the Personnel Committee, or in his absence, the vice-chairman (if there is one) of the Personnel Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel Committee.
- e Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by a staff member relates to the chairman or vice-chairman (if there is one) of the Personnel Committee, this shall be communicated to another member of the Personnel Committee, which shall be reported back and progressed by resolution of the Personnel Committee.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

## **20 RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 21*

- 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.

## **21 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.

## **22 RELATIONS WITH THE PRESS/MEDIA**

- a All requests from the press or other media for an oral or written statement or comment from the council, 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.

## **23 EXECUTION AND SEALING OF LEGAL DEEDS**

*See also standing order 15(b) (xiii) 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 23(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.

## **24 COMMUNICATING WITH DISTRICT AND COUNTY COUNCILLORS**

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council representing the area of the council.
- b Unless the council determines otherwise, a copy of each letter sent to the District or County Council shall be sent to the ward councillor(s) representing the area of the council.

## **25 RESTRICTIONS ON COUNCILLOR ACTIVITIES**

- a Unless duly authorised no councillor shall:
  - i. inspect any land and/or premises which the council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

## 26     **STANDING ORDERS GENERALLY**

- a     All or part of a standing order, except one that incorporates mandatory statutory or legal 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 to vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least ten councillors to be given to the Proper Officer in accordance with standing order 9.
- c     The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible.
- d     The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.