

# **BURGESS HILL TOWN COUNCIL**

## **STANDING ORDERS**

## **FINANCIAL REGULATIONS**

## **AND**

## **CODE OF PRACTICE FOR HANDLING COMPLAINTS**

**Approved July 2015**

**Amendments**

13/07/2016 - Tendering procedures

20/03/2017 – Substitutes

15 July 2019 – Public Participation & Compelling Reasons Test

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# 1. SUMMARY AND STRUCTURE OF THE COUNCIL

## 1.1 SUMMARY OF THE COUNCIL

The Council comprises 18 Councillors representing the following wards:

DUNSTALL WARD	-	1	COUNCILLORS
GATEHOUSE WARD	-	1	“
HAMMONDS WARD	-	1	“
NORMAN WARD	-	1	“
ST JOHNS WARD	-	1	“
LEYLANDS WARD	-	3	“
FRANKLANDS WARD	-	3	“
ST ANDREW'S WARD	-	3	“
MEEDS WARD	-	2	“
VICTORIA WARD	-	2	“

## 1.2 STRUCTURE OF THE COUNCIL

The Council comprises the following.

**COUNCIL** - The Council Meeting comprises ALL 18 Councillors. Council meetings are held 7 times per annum, including the Annual Meeting of Council.

**PLANNING COMMITTEE** – Works on behalf of Burgess Hill Town’s community to review and champion issues arising from planning applications and appeals and Justices and Public Entertainment Licences, which may impact on the town and surrounding vicinity.

**KEY AREA GROUPS** - Each Key Area Group (KAG) has responsibility for individual areas of the Council’s business and this is detailed in the respective groups’ Terms of Reference.

**The Key Area Groups are:**

COMMUNITY ENGAGEMENT

CUSTOMER SERVICES

FINANCE

STAFF AND MEMBER DEVELOPMENT

STRATEGIC PLANNING, ECONOMY AND TRANSPORT

# 2. COUNCIL MEETINGS

## 2.1 MEETINGS OF THE COUNCIL

a Statutory Annual Meeting

In an election year the Annual Meeting of the Council shall be held on

or within 14 days following the day on which Councillors elected take office, and

in a year which is not an election year the Annual Meeting shall be held on such day in May as the Council may direct.

b Ordinary Meetings

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.

c Extraordinary Meetings

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

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

## **2.2 VENUE AND TIME**

- 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.
- b Meetings of the Council, including the Annual Meeting, shall be held in the Council Chamber at the Burgess Hill Town Council Offices commencing at 19.00 hours.

## **2.3 NOTICE OF MEETING**

- a At least three clear days written notice of a meeting shall be given by the Chief Executive Officer (CEO) to Members of Council. Such notice shall set out clearly the business to be transacted at the meeting.
- b When calculating the 3 clear days for notice of a meeting to Councillors and the public, 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 shall not count.

## **2.4 PUBLIC PARTICIPATION**

- a 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 and such exclusion of the public satisfies one or more of the Compelling Reasons annexed to these Standing Orders. 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.

- b The Council may exclude the public and press from its deliberations on confidential business that meets one or more of the Compelling Reasons annexed to these Standing Orders, such exclusions to take effect upon the issue of a statement that:

“Exclusion of Public and Press

In view of the confidential nature of the business about to be transacted, it is proposed that, in the public interest, the public and press be temporarily excluded and they be requested to withdraw from the meeting.”

- c Subject to standing order 2.4a, members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda.
- d Public participation shall be allowed as follows:
  - i) For a period of fifteen minutes prior to the commencement of the Council's business (“the Open Forum”); and
  - ii) During a meeting on the relevant item then under discussion.

Each member of the public is allowed to speak once only in respect of business itemised on the agenda (whether in the Open Forum or during the meeting) and shall not speak for more than three minutes at the discretion of the Town Mayor or nominee (including the Chair of any other meeting of the Council). If it appears that the number of speakers is likely to unreasonably delay the disposal of business items on the agenda the Mayor or nominee direct that a member of the public submits a question or comment in writing which shall be answered in accordance with Rule 2.4 e.

- e A question asked or comment made by a member of the public whether in the Open Forum or during the meeting shall require a response but there shall not be a debate. The Town Mayor or nominee shall direct a Councillor make an oral response or an employee make an oral or written response. If it is not possible to provide a satisfactory oral response at the meeting then a written response shall be provided in a timely manner commensurate with the complexity of the question asked.
- f Any person speaking at a meeting shall address comments to the Town Mayor.
- g Only one person is permitted to speak at a time. If more than one person wishes to speak, the Town Mayor shall direct the order.
- h Business will commence as soon as the last person has spoken in the Open Forum.

- i A record of a public participation session at a meeting shall be included in the minutes of that meeting.
- j The recording of Council meetings is permitted under the 'Openness of Local Government Bodies Regulations 2014'. The recording will be carried out in accordance with the procedures adopted by Burgess Hill Town Council to effectively and lawfully manage this activity.

## **2.5 TOWN MAYOR OF THE MEETING**

- a Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Town Mayor may in their absence be done by, to or before the Deputy Town Mayor (if any).
- b The Town Mayor, if present, shall preside at a meeting. If the Town Mayor is absent from a meeting, the Deputy Town Mayor, if present, shall preside. If both the Town Mayor and the Deputy Town Mayor are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.
- c In the event of the Town Mayor or Deputy Town Mayor, as the case may be, arriving after the commencement of the meeting, the Deputy Town Mayor or other Chairman appointed pro tem shall vacate the chair and the Town Mayor or Deputy Town Mayor, as the case may be, shall thereupon preside.
- d Town Mayor and Annual Meeting of Council  
The election of the Town Mayor and Deputy Town Mayor (if any) of the Council shall be the first business completed at the annual meeting of the Council.
- e The Town Mayor, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.
- f The Deputy Town Mayor, if any, unless they resign or become disqualified, shall hold office until immediately after the election of the Town Mayor at the next annual meeting of the Council.
- g In an election year, if the current Town Mayor has not been re-elected as a member of the Council, they shall preside at the meeting until a successor Town Mayor has been elected. The current Town Mayor shall not have an original vote in respect of the election of the new Town Mayor but must give a casting vote in the case of an equality of votes.
- h In an election year, if the current Town Mayor has been re-elected as a member of the Council, they shall preside at the meeting until a new Town Mayor has been elected. They may exercise an original vote in respect of the election of the new Town Mayor and must give a casting vote in the case of an equality of votes.

## **2.6 QUORUM OF COUNCIL**

- a No business may be transacted at a meeting unless at least one third of the whole number of members of the Council are present i.e. at least seven members.
- b If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- c If, at the expiration of fifteen minutes after the appointed start time of a meeting of the Council, the CEO, after counting the number of members present, announces that a quorum is not present then no meeting shall take place.

## **2.7 ORDER OF BUSINESS - ANNUAL MEETING**

- a At the Annual Meeting of the Council the order of business shall be as follows:
  - i) To elect a Town Mayor.
  - ii) To receive the Town Mayor's declaration of acceptance of office, or if not received, to decide when it shall be received.
  - iii) To elect a Deputy Town Mayor.
  - iv) To elect a Leader.
  - v) To elect a Deputy Leader
  - vi) To appoint members and elect the Chairman to the following Key Area Groups and the Planning Committee:
    - Planning Committee (7: Chairman plus 1 Councillor from each ward );
    - Community Engagement Key Area Group (5: Chairman plus 4 Councillors);
    - Customer Services (5: Chairman plus 4 Councillors);
    - Finance (5: Chairman plus 4 Councillors plus Responsible Finance Officer);
    - Staff and Member Development (4: Chairman plus 3 Councillors);
    - Community Development (5: Chairman plus 4 Councillors); and,
    - Strategic Planning, Economy & Transport (5: Chairman plus 4 Councillors plus CEO)
  - vii) To appoint the nominated representatives on other organisations.
  - viii) Confirmation of the accuracy of the minutes of the last meeting of the Council and to receive and note minutes of and/or to determine recommendations made by committees.
  - ix) In a year of elections, if a Council's period of eligibility to exercise the power of well being expired the day before the annual meeting, to review and make arrangements to reaffirm eligibility.
  - x) To transact the ordinary business of the Council.
  - xi) To consider confidential business of the Council.

## **2.8 ORDER OF BUSINESS - OTHER COUNCIL MEETINGS**

- a At other meetings of the Council the order of business shall be as follows:
  - i) To choose a person to preside if the Town Mayor and Deputy Town Mayor be absent.
  - ii) To receive declarations of acceptance of office (if any).
  - iii) To deal with any business required by statute to be done before any other business.
  
- b Except where the Council considers an item of urgent business, the order of business at every meeting of the Council shall be:
  - iv) Open forum.
  - v) Apologies for absence.
  - vi) Declarations of interest
  - vii) To hear Chairman's announcements, for noting items only, if any.
  - viii) To approve as a correct record, the minutes of the last meeting of the Council.
  - ix) To receive and consider reports or minutes from the Planning Committee and reports or notes from the Key Area Groups.
  - x) To answer questions asked pursuant to standing order 11.
  - xi) To authorise the sealing of documents, when required by statute or these Orders.
  - xii) To consider notices of motion in the order in which they have been received.
  - xiii) To consider ordinary business as listed on the agenda.
  - xiv) To consider confidential business of the Council.
  
- c The Council may at any meeting vary the order of business so as to give precedence to any business which, in the opinion of the Town Mayor, is of special urgency. Such variation shall not displace the business falling under items i) and ii) and iii) of this Order.

## **2.9 VOTING AT COUNCIL**

- a Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
  
- b The Town Mayor may give an original vote on any matter put to the vote, and in the case of an equality of votes the Town Mayor, whether or not they have already voted may give a casting vote (see also standing orders 2.5 g) and h).
  
- c Voting on any 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 their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda. The record shall be made by the CEO calling out each Councillor's name and that person stating whether they were for, against or abstained from voting.

### **3. COMMITTEES – KEY AREA GROUPS AND PLANNING COMMITTEE**

*For the purposes of clarification Burgess Hill Town Council has a Planning Committee and Key Area Groups which operate as committees as set out in Section 1 of these Standing Orders. Unless stated otherwise the word committee includes the Key Area Groups.*

#### **3.1 APPOINTMENT OF COMMITTEES**

- a The Council shall, at its annual meeting, appoint Councillors to serve on the Planning Committee and Key Area Groups and may at any time appoint such other committees as may be necessary, and:
- shall determine their terms of reference;
  - shall appoint and determine the term of office of Councillor or non-Councillor members of such a committee (unless the appointment of non-Councillors is prohibited by law) so as to hold office no later than the next annual meeting;
  - may in accordance with standing orders, dissolve a committee at any time.

#### **3.2 EXECUTIVE POWERS OF COMMITTEES**

- a The Planning Committee and the Key Area Groups must act within their Terms of Reference and anything outside of these must be recommended to Council.
- b If 3 members present at a meeting of the Planning Committee or a Key Area Group request it not to exercise its executive powers in respect of a matter under consideration, then it shall not do so and shall make a recommendation to Council instead.

#### **3.3 SUBSTITUTES FOR COMMITTEES**

- a The Council will appoint substitute councillors for each Key Area Group at the Annual Meeting of Council.
- b. If a councillor is not able to attend a meeting, the individual must inform his or her Group Leader and the CEO, or his nominated representative by 17.00 hours on the day of the meeting. The Group Leader may arrange a substitute from those appointed and inform the CEO, or his nominated representative of the name of the councillor to be appointed in his or her place. The original member will regain his or her place on the committee immediately after the meeting unless otherwise notified.
- c Councillors appointed as substitutes are in the same position in terms of responsibilities and duties as any other member of a committee, for example, in relation to the declaration of any interest they may have.

#### **3.4 ATTENDANCE AT COMMITTEES**

- a A Councillor may attend a meeting of a committee of which they are not a member and at which the public may or may not be present and may, with the consent of the Chairman, speak but shall not vote.
- b A Councillor who has proposed a motion which has been referred to a committee shall have notice of the meeting which is to consider the motion and shall have an opportunity to explain it.

### **3.5 MEETINGS OF THE COMMITTEES**

- a Meetings of all committees shall be held as directed by the Council, and there shall be at least one formal meeting of each Key Area Group per Council year.

### **3.6 VENUE AND TIME**

- a Meetings of the Planning Committee shall be held in the Council Chamber commencing at 19.00 hours.
- b The timing and location of meetings of the Key Area Groups shall be decided by the group Chairman in liaison with the CEO or their nominated representative.

### **3.7 NOTICE OF MEETING**

- a At least three clear days' written notice of a meeting shall be given by the CEO to all Councillors. Such notice shall set out clearly the business to be transacted at the meeting.
- b When calculating the 3 clear days for notice of a meeting to Councillors and the public, 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 shall not count.

### **3.8 PUBLIC PARTICIPATION**

- a Meetings of the Planning Committee and Key Area Groups 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.
- b The Planning Committee and Key Area Groups may exclude the public and press from their deliberations on confidential business, such exclusions to take effect upon the issue of a statement that:

"Exclusion of Public and Press

In view of the confidential nature of the business about to be transacted, it is proposed that, in the public interest, the public and press be

temporarily excluded and they be requested to withdraw from the meeting.”

- c Subject to standing order 3.8 a) members of the public are permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda at a meeting of the Planning Committee. They are not permitted to make representations, answer questions and give evidence in respect of any item of business included in the agenda at a meeting of a Key Area Group.
- d The period of time designated for public participation shall not exceed fifteen minutes prior to the commencement of the Planning Committee’s business. Each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than three minutes, at the discretion of the Chairman.
- e A question asked by a member of the public during Open Forum of a Planning Committee meeting shall not require a response or debate. However, the Chairman may direct that a Councillor make an oral response or an employee make an oral or written response.
- f Any person speaking at a Planning Committee meeting shall address comments to the Chairman.
- g Only one person is permitted to speak at a time. If more than one person wishes to speak, the Chairman shall direct the order.
- h Business will commence as soon as the last person has spoken.
- i A record of a public participation session at a meeting of the Planning Committee shall be included in the minutes of that meeting.
- j The recording of Council meetings is permitted under the ‘Openness of Local Government Bodies Regulations 2014’. The recording will be carried out in accordance with the procedures adopted by Burgess Hill Town Council to effectively and lawfully manage this activity.

### **3.9 CHAIRMAN OF THE MEETING**

- a The Chairman of the Planning Committee and every Key Area Group shall be elected at the Annual Meeting of the Council. The Vice-Chairman of the Planning Committee and every Key Area Group shall be elected by the relevant Committee/Group at its first meeting following the Annual Meeting of the Council and before proceeding to any other business.
- b Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman may in their absence be done by, to or before the Vice-Chairman (if any).
- c If both the Chairman and Vice Chairman are absent from a meeting of the Planning Committee or a Key Area Group a Chairman for that meeting may be appointed.

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

### **3.10 DELEGATION TO CHAIRMEN**

- a To cancel or postpone a meeting owing to lack of business or in an emergency.
- b To have discretion to include any item of an urgent nature under "Chairman's Announcements" on the Planning Committee/Key Area Group Agenda.
- c To deal with "urgent" matters within the Planning Committee/Key Area Group remit and budget by instructing the CEO accordingly. Such decisions must be ratified at the next meeting of the Planning Committee/Key Area Group.
- d In matters of urgency the CEO may circulate at a meeting a supplementary agenda detailing the urgent business. Should the business involve policy or financial decisions then the meeting may only make a recommendation to the next meeting of the Finance Key Area Group or the Council, as appropriate. Other matters of urgent business may be brought up at a meeting with the Chairman's authority.
- e No business other than that set out in the notice of meeting or urgent business shall be discussed.
- f The Chairman of the Planning Committee (or a Key Area Group) may convene an extraordinary meeting of the Committee or Key Area Group at any time.

### **3.11 QUORUM**

- a No business may be transacted at a meeting unless at least one third of the whole number of members of the committee are present and in no case shall the quorum of a meeting be less than 3. For clarification, nominated substitutes can form part of the quorum.
- b If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be adjourned. Any outstanding business of a meeting so adjourned shall be transacted at a following meeting.
- c If, at the expiration of fifteen minutes after the appointed start time of a meeting, the CEO, or their nominated representative, after counting the number of members present, announces that a quorum is not present then no meeting shall take place.

### **3.12 VOTING AT COMMITTEE**

- a Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors present and voting thereon.
- b Only members of the Committee (or Key Area Group) and substitutes can vote.
- c The Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes the Chairman, whether or not he/she has already voted may give a casting vote.
- d Voting on any 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 their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda. The record shall be made by the CEO, or their nominated representative, calling out each Councillor's name and that person stating whether they were for, against or abstained from voting.
- e During August, all Members of the Council shall be authorised to attend, and vote at, Planning Committee meetings. This clause shall be clearly added to the front page of the August agenda for Planning Committee meetings.

#### **4. ADVISORY COMMITTEES – MEMBER WORKING GROUPS**

- a The Council may appoint advisory committees comprised of a number of Councillors and non-Councillors.
- b Advisory committees may consist wholly of persons who are non-Councillors.
- c Advisory committees have to report to full Council.
- d The public and press shall not be admitted to Member Working Group meetings.

#### **5. PROPER OFFICER**

- a The Council's Proper Officer, being the CEO, shall do the following:
  - i) Sign and serve on Councillors by delivery or post at their residences a summons confirming the time, date, venue and the agenda of a meeting of the Council and a meeting of the Planning committee at least 3 clear days before the meeting.
  - ii) Upon the Council having first resolved that service of summons on Councillors confirming the time, date, venue and the agenda for a Key Area Group meeting by delivery or post at their residences at least 3 clear days before a meeting is not expedient electronically serve on Councillors a summons confirming the time, date, venue and the agenda of a meeting of

the Key Area Group at least 3 clear days before the meeting provided any such email contains the electronic signature and title of the Proper Officer.

- iii) Give public notice of the time, date, venue and agenda at least 3 clear days before a meeting of the Council or a meeting of a committee or a sub- committee (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them).
  - iv) Paperwork for a meeting will be available to the public, including appendices, unless the information is confidential; Paperwork will consist of reference copies on the Town Council website, in the Help Point and at the meeting.
  - v) If the public require personal paper copies of meetings papers, these will be charged for in line with the Town Council charges for Freedom of Information requests.
  - vi) The CEO, in consultation with the Chairman and Vice-Chairman of the Planning Committee (or appropriate Key Area Group), to take action deemed desirable on any matters which the Planning Committee (or Key Area Group concerned) has delegated powers but which require urgent action.
  - vii) Convene a meeting of full Council for the election of a new Town Mayor, occasioned by a casual vacancy in their office, in accordance with standing order 5 a i).
  - viii) To receive and retain declarations of acceptance of office from Councillors.
  - ix) To receive and retain copies of bye-laws made by other local authorities.
  - x) To certify copies of bye-laws made by the Council.
  - xi) Retain a copy of every Councillor's register of interests and any changes to it and keep copies of the same available for inspection and put them on the website.
  - xii) Receive, send and sign general correspondence, documents, and notices on behalf of the Council except where there is a resolution to the contrary.
  - xiii) Agree in consultation with the Leader of the Council the situation regarding the CEO's holiday carry over etc.
- b) The CEO, or their nominated representative, shall have full authority to deal with the day to day business of the Council, within the agreed policies and budgets of the Council, subject to the adherence with Financial Regulations/ Orders. This is defined as, but is not limited to, the following:
- i) Purchase of goods and services within the confines of the approved budget,
  - ii) To implement decisions of the Council/Planning Committee/Key Area Groups, subject to the adherence of Financial Regulations/Orders,
  - iii) To institute proceedings under the Council's bye-laws,
  - iv) Appointment and dismissal of staff,
  - v) Authorisation of annual leave carry-over,
  - vi) The awarding of increments in accordance with National Conditions of Service,

- vii) The authorisation of compassionate leave up to seven days a year,
- viii) Authorisation of overtime working,
- ix) Approval of training courses/study leave,
- x) Urgent action to ensure or safeguard staff welfare,
- xi) Arranging official courtesy receptions/entertainment of guests of, or advisers to the Council,
- xii) Letting of Council facilities,
- xiii) Payment of salaries, wages, pensions and taxes of staff employed by the Council or retired from service,
- xiv) Negotiation of insurance agreements for Council property and services,
- xv) Authorisation of payment from funds of Council initiated Groups e.g. Strategic Planning, Economy and Transport Key Area Group.
- xvi) To co-ordinate and direct the production and publication of "About Town".
- xvii) To deal with the provision and maintenance of allotments and cemeteries.

xviii) Dealing with the provision and maintenance of:

- litter bins
- seats
- bus shelters
- notice boards
- footpaths
- street and footway lighting
- street cleansing (top up service)
- church clock
- footpaths.
- Christmas lights
- war memorial
- children's playgrounds.

- xvii) The management and maintenance of grounds maintenance contracts.
- xx) The provision of a mobile maintenance service.
- xxi) Responsibility for managing delegated functions from local authorities and other agencies.
- xxii) Dealing with leisure, entertainment, community and tourism issues that affect the town.
- xxiii) Co-ordinating all operational issues and partnership agreements that affect the Help Point.
- xxiv) Dealing with the production and publication of the Town Guide, related promotional publications and publicity matters.
- xxv) The co-ordination of youth development issues.
- xxvi) Co-ordinating and directing the Council's involvement in Annual

- Events in the town.
- xxvii) To be responsible for the maintenance of an approved list of contractors.
  - xxviii) To co-ordinate the Council's agreed civic, economic and tourism role through Town Twinning arrangements.
  - xxiv) To manage the Council's office premises, including all operational issues and budgets.
  - xxx) To co-ordinate the Town Crier function.
  - xxxi) To administer compliance with the Code of Conduct, Orders and related matters.

## **6. MOTIONS REQUIRING WRITTEN NOTICE**

- a No motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the CEO at least 7 clear days before the next meeting.
- b The CEO may, before including a motion in the agenda received in accordance with standing order 6 a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the CEO considers the wording of a motion received in accordance with standing order 6 a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the CEO in clear and certain language at least 5 clear days before the meeting.
- d If the wording or nature of a proposed motion is considered unlawful or improper, the CEO shall consult with the Town Mayor or 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 or rejected in the agenda.
- e Having consulted the Town Mayor, Chairman or Councillors pursuant to standing order 6 d) above, the decision of the CEO as to whether or not to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders shall be numbered in the order received and shall be entered in a book, which shall be open to inspection by all Councillors.
- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the CEO giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all Councillors.
- h Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.
- i A motion on a matter which comes within the province of any Key Area Group shall, upon being moved and seconded, stand referred without

discussion to that Key Area Group, or to another Key Area Group as the Council may determine, for consideration and report. Provided that the Town Mayor may, if he/she considers it convenient and conducive to the despatch of business, allow the motion to be dealt with immediately.

## **7. ALTERATION TO MOTION**

- a A member may, with the consent of a seconder and of the Council (such consent to be signified without discussion), alter a motion which the Member has proposed or of which notice has been given if the alteration is one which could have been moved as an amendment thereto.

## **8. MOTIONS NOT REQUIRING WRITTEN NOTICE**

- a Motions in respect of the following matters may be moved without written notice.
  - i. To appoint a person to preside at a meeting.
  - ii. To approve the absences of Councillors.
  - iii. To approve the accuracy of the minutes of the previous meeting.
  - iv. To correct an inaccuracy in the minutes of the previous meeting.
  - v. To dispose of business, if any, remaining from the last meeting.
  - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
  - vii. To proceed to the next business on the agenda.
  - viii. To close or adjourn debate.
  - ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
  - x. To appoint a committee or sub-committee or any Councillors (including substitutes) thereto.
  - xi. To receive nominations to a committee or sub-committee.
  - xii. To dissolve a committee or sub-committee.
  - xiii. To note the minutes of a meeting of a committee or sub-committee.
  - xiv. To consider a report and/or recommendations made by a committee or a sub-committee or an employee.
  - xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
  - xvi. To authorise legal deeds to be sealed by the Council's common seal and witnessed.
  - xvii. To amend a motion relevant to the original or substantive motion under consideration, which shall not have the effect of nullifying it.
  - xviii. To extend the time limit for speeches to a maximum of ten minutes.
  - xix. To exclude the press and public for all or part of a meeting due to the confidential nature of the business to be transacted.
  - xx. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
  - xxi. To give the consent of the Council if such consent is required by standing orders.
  - xxii. To suspend any standing order except those which are mandatory by law.

- xxiii. To adjourn the meeting.
- xxiv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxv. To answer questions from Councillors.

- b If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Town Mayor or Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

## **9. RULES OF DEBATE**

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Town Mayor's or Chairman's direction for reasons of expedience.
- b Subject to standing orders 6 a-e, a motion shall not be considered unless it has been proposed and seconded.
- c A motion included in an agenda not moved by the Councillor who tabled it, may be treated as withdrawn.
- d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Town Mayor or Chairman, be reduced to writing and handed to the Town Mayor or Chairman who shall determine the order in which they are considered.
- e A Councillor may move amendments to their own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f Any amendment to a motion shall be either:
  - i. to leave out words;
  - ii. to add words;
  - iii. to leave out words and add other words.
  - iv. to refer a subject of debate to a committee for consideration or reconsideration;
- g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Town Mayor or Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i Subject to Standing Order 6 h) above, one or more amendments may

be discussed together if the Town Mayor or Chairman considers this expedient but shall be voted upon separately.

- j Pursuant to standing order 6 h) above, the number of amendments to an original or substantive motion, which may be moved by a Councillor, is limited to one.
- k If an amendment is not carried, other amendments shall be moved in the order directed by the Town Mayor or Chairman.
- l If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding 3 minutes.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- o Subject to standing orders 6 m) and n) above, a Councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another Councillor or to make a point of order or to give a personal explanation.
- 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 they consider has been breached or specify the irregularity in the meeting they are concerned by.
- q A point of order shall be decided by the Town Mayor or Chairman and their decision shall be final.
- r With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A Councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s Subject to standing order 6 o) above, when a Councillor's motion is under debate no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to postpone consideration of the motion;
  - iii. to proceed to the next business;
  - iv. to adjourn the debate;
  - v. to put the motion to a vote;
  - vi. to ask a person to be silent or for them to leave the meeting;
  - vii. to refer a motion to a committee for consideration;
  - viii. to exclude the public and press;
  - ix. to adjourn the meeting;
  - x. to suspend any standing order, except those which are

mandatory.

- t In respect of standing order 6 s v) above, the Town Mayor or Chairman shall first be satisfied that the motion has been sufficiently debated before it is seconded and put to the vote. The Town Mayor or Chairman shall call upon the mover of the motion under debate to exercise or waive their right of reply and shall put the motion to the vote after that right has been exercised or waived. The adjournment of a debate or of the meeting shall not prejudice the mover's right of reply at the resumption.

## **10. CODE OF CONDUCT**

- a All Councillors shall observe the code of conduct adopted by the Council.
- b All Councillors shall undertake training in the code of conduct within 6 months of the delivery of their declaration of acceptance of office.
- c As paragraph 12 (2) of the code of conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 (SI No.1159) has been adopted by the Council or pursuant to relevant provisions in a statutory code of conduct in force at the time, Councillors may exercise the rights contained in standing order 10 (d) below only if members of the public are permitted to (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted.
- d Councillors with a prejudicial interest in relation to any item of business being transacted at a meeting may (i) make representations, (ii) answer questions and (iii) give evidence relating to the business being transacted but must, thereafter, leave the room or chamber.

## **11. QUESTIONS**

- a A Member of the Council may, whilst the Minutes of the Planning Committee or Notes of a Key Area Group meeting are under consideration by the Council, ask the Chairman of the Committee or a Key Area Group any question pertinent to the Minutes of that Committee or Notes of that Key Area Group.
- b A Councillor may seek an answer to a question concerning any business of the Council provided 7 clear days notice of the question has been given to the CEO.
- c Every question shall be put and answered without discussion, but the Chairman to whom a question has been put may decline to answer at the time of the meeting and provide an answer at a later meeting.
- d Where the reply to a question cannot conveniently be given orally, it shall be deemed a sufficient reply to provide a written answer which is circulated to all Members of the Council.
- e The Chairman may permit a Member asking a question to ask one

supplementary question.

- f If a Member who has given notice of a question is not present at the appropriate meeting, the matter shall lapse and shall not be revived unless a fresh notice is given in accordance with paragraph (b) of this Order.

## 12. MINUTES

*Standing Orders referring to Minutes also include Notes of Key Area Groups.*

- a The minutes of a meeting shall record the names of Councillors present and absent.
- b If prior to a meeting, a Councillor has submitted reasons for their absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.
- c The code of conduct adopted by the Council shall apply to Councillors in respect of the entire meeting.
- d An interest arising from the code of conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting shall be recorded in the minutes.
- e Under Order 2.7 vi) and 2.8 vi), the Town Mayor shall put the question that the Minutes of the meeting of the Council held on the .....day of ..... be signed as a correct record.
- f No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order 8 iv).
- g Minutes, including any amendments to correct their accuracy, shall be confirmed by resolution and shall be signed by the Town Mayor or the Chairman of the meeting forthwith and stand as an accurate record of the meeting to which the minutes relate.
- h Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be destroyed.
- i In submitting to the Council the Notes of a Key Area Group, the Councillor who presided as Chairman of the Key Area Group, or failing that some other Councillor who was present, shall move that the Notes be approved and adopted. The report shall be considered as a whole provided that Councillors may make a proposal within the terms of Standing Order 9 or ask a question, or may make a comment, on any paragraph whereupon any other Councillor may participate in the discussion of such a proposal.

### **13. DISORDERLY CONDUCT**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b If, in the opinion of the Town Mayor or the Chairman, there has been a breach of (a) above, the Town Mayor or the Chairman shall express that opinion and thereafter any Councillor (including the Town Mayor or the Chairman) may move that the person be silenced or excluded from the meeting, and the motion, if seconded, shall be put forth with and without discussion.
- c If a resolution made in accordance with standing order 10(b) above, is disobeyed, the Town Mayor or the Chairman may take such further steps as may reasonably be necessary to enforce it and/or they may adjourn the meeting.
- d If the Town Mayor or the Chairman is of the opinion that the conduct of a Councillor or Councillors is such as to make it impossible to conduct business in an orderly manner they may suspend the sitting of the Council for such period as considered expedient.

### **14. RESCISSION OF PREVIOUS RESOLUTIONS**

- a A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 6 Councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b When a special motion or any other motion moved pursuant to standing order (a) above has been disposed of, no similar motion may be moved within a further 6 months.
- c This Order shall not apply to the rescission of a resolution pursuant to a report or recommendation of a Key Area Group.

### **15. VOTING ON APPOINTMENTS**

- a Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes 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. Any tie may be settled by the Town Mayor's or the Chairman's casting vote.

### **16. EXPENDITURE**

- a Any expenditure incurred by the Council shall be in accordance with the

Council's financial regulations.

- b The Council's financial regulations shall be reviewed once a year.
- c The Council's financial regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.
- d Any motion which 'if carried' would materially affect the budget of any Key Area Group, or would involve capital expenditure, shall stand adjourned without discussion to the next ordinary meeting of the Finance Key Area Group. The Key Area Group whose budget would be affected shall have the right to comment on the motion when it is next considered.

## **17. EXECUTION AND SEALING OF LEGAL DEEDS**

*See also standing order 8 xvi.*

- a Custody of Seal  
The Common Seal of the Council shall be kept in a safe place at the office of the Town Council.
- b Sealing of Documents  
A legal deed shall not be executed on behalf of the Council unless the same has been authorised by a resolution.
- c In accordance with a resolution made under standing order (b) above, the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the CEO in the presence of two members of the Council who shall sign the deed as witnesses.
- d An entry of every sealing shall be made and consecutively numbered in a book provided for the purpose. Every entry shall be signed by the CEO.

## **18. INSPECTION OF DOCUMENTS**

- a Subject to standing orders to the contrary or in respect of matters which are confidential, a Councillor may, for the purpose of their official duties (but not otherwise), inspect any document in the possession of the Council or a committee or a sub-committee, and request a copy for the same purpose. The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by Councillors.
- b With reference to a) above the CEO may refuse permission to inspect a document which is in the event of legal proceedings, would be protected by a 'solicitor/client relationship' the law of privilege, or may divulge information personal to any employee of the Council or may be restricted under the Data Protection Act 1998.

## **19. CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS**

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

## **20. UNAUTHORISED ACTIVITIES**

- a Unless authorised by a resolution, no individual Councillor shall in the name or on behalf of the Council, a committee or a sub-committee:
  - inspect any land and/or premises which the Council has a right or duty to inspect; or
  - issue orders, instructions or directions in respect of any works being undertaken by or on behalf of the Council.
- b A Councillor may inspect, without the CEO or their nominated representative being in attendance, and without paying an admission charge, if applicable, those parts of land and premises owned by the Council which are open to the general public.

## **21. CONFIDENTIAL BUSINESS**

- a Councillors and employees shall not disclose information given in confidence or which they believe, or ought to be aware is of a confidential nature.
- b A Councillor in breach of the provisions of standing order a) above may be removed from a committee or a sub-committee by a resolution of the Council.

## **22. POWER OF GENERAL COMPETENCE**

- a Before exercising the power of General Competence, a meeting of the full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible parish council.

- b The Council's period of eligibility begins on the date that the resolution under standing order a) above was made and expires on the day before the annual meeting of the Council that takes place in a year of ordinary elections.
- c After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the power of General Competence which was not completed before the expiry of the Council's preceding period of eligibility referred to in standing order b) above.

## **23. MATTERS TO BE DEALT WITH SOLELY BY THE COUNCIL**

- a To set the policies, programmes and priorities of the Council.
- b To undertake detailed consideration of all policy matters affecting the Council, including reviews.
- c The appointment to all Key Area Groups of the Council including the co-option on a Key Area Group of a person who is not a Member of the Council or the Key Area Group.
- d To develop and promote all economic development activities.
- e To prepare, monitor and review the Business Plan.
- f the function and constitution of Key Area Groups.
- g Dates of meetings of the Council.
- h To consider any recommendations from the Key Area Groups.
- i Appointment or nomination by the Council of persons to fill vacancies on outside bodies arising during the Council year.
- j The Council shall approve the revenue budget for the coming financial year at its meeting before the end of January.
- k The power of raising loans and setting the precept.
- l The power of incurring capital expenditure not specifically included in the Council's approved estimate of expenditure.
- m To deal with any other matters which are the responsibility of third party agencies and directly affect the town's basic infrastructure.
- n To agree town twinning policy.
- o To prepare, monitor and review the Community Development Plan.

- p The appointment of the CEO. The panel for selecting the CEO should be a cross party panel (not excluding any independents).
- q The dismissal of the CEO.
- r To review the structure of the Council and frequency of meetings as appropriate.
- s To deal with Town and Ward boundary issues.
- t To consider the implications of changes in legislation or government directives.
- u To consider all matters regarding the levels of Member representation per Ward.

## **24. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS**

- a Any or every part of the standing orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, not mandatory by law, shall be proposed by a special motion, the written notice whereof bears the names of at least 6 Councillors.
- c A motion to permanently add to or to vary or to revoke one or more of the Council's standing orders not mandatory by law shall not be carried unless two-thirds of the Councillors at a meeting of the Council vote in favour of the same.

## **25. STANDING ORDERS TO BE GIVEN TO COUNCILLORS**

- a The CEO shall provide a copy of the Council's standing orders to a Councillor upon delivery of their declaration of acceptance of office and when they are amended and have been adopted.
- b The Town Mayor's or the Chairman's decision as to the application of standing orders at meetings shall be final.
- c A Councillor's failure to observe standing orders more than 3 times in one meeting may result in them being excluded from the meeting in accordance with standing orders.

## **26. CONTRACTS**

### **26.1 COMPLIANCE WITH ORDERS**

- a Every contract, made by the Council or by a Key Area Group shall

comply with these Orders except when the Council or, in an emergency, the appropriate Key Area Group and the approval of the Chairman of the Finance Key Area Group shall direct otherwise.

- i) Every exception made by a Key Area Group to which the power of making contracts has been delegated shall be reported to the Council and the report shall specify the emergency by which the exception shall have been justified.
  - ii) The CEO shall ensure that the estimated cost has been included in the annual budget of the Council under the appropriate heading.
- b All financial limits imposed by Orders 26.1-26.3 inclusive are effective from 26 July 2010. On 1 April each year the limits are to be revised to take account of changes in the RPI during the preceding twelve months rounded to the nearest £100.

## 26.2 TENDERING PROCEDURES (updated: Council July 2016)

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

<u>Estimated Value</u>	<u>Method of Invitation</u>	<u>Acceptance by</u>
Up to £5000	Officers discretion	
£5,001 to £24,999	Officers Discretion	CEO
£25,000- £100,000	Minimum of three invitations for tenders	Chairman of the Finance Key Area Group or Chairman of appropriate Key Area Group, and the CEO PLUS contract finder website
Over £100,000- £172,5414	Minimum of five invitations for tenders	Chairman of the Finance Key Area Group AND Chairman of appropriate Key Area Group, and the CEO PLUS Contract Finder Website
Over £172,154	Public advertisement inviting tenders in one or more local newspapers circulating in the district with a minimum of 10 days' notice. Public advertisement inviting tenders in one or more local newspapers circulating in the district with a minimum of 10 days' notice. Also subject to additional requirements under the 2014/24EU Directive and	Chairman of the Finance Key Area Group AND Chairman of appropriate Key Area Group, and the CEO PLUS Contract Finder Website

	contracts of this value or above would need technical and/or legal advice from those who specialise in public procurement.	
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- b) Where the value of a contract is likely to exceed £172,154 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulation 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.
- c) In all cases where estimates or tenders are received from the suppliers of goods and services which are then amended by the supplier after acceptance, and the variance is in excess of 5%, the estimate or tender will be treated as a new estimate or tender and dealt with as above.
- d) Lists of Tenderers
- i) Where the Council has determined that lists shall be kept of parties to be invited to tender for contracts for the supply of goods and materials of specified categories, values or amounts or for the execution of specified categories of work, notices inviting applications for inclusion in the lists shall be published in one or more newspapers or journals circulating amongst parties who undertake contracts.
  - ii) The lists shall contain the names of all parties who have been approved for inclusion by the appropriate Key Area Group and indicate the categories for which the party is approved.
  - iii) The lists in (ii) shall be amended as appropriate and shall be reviewed at intervals not exceeding five years.
  - iv) Where the Council or a Key Area Group has decided to restrict invitations to persons whose names appear on an approved list an invitation to tender for a particular contract shall be sent:
    - for contracts £25,000 and over but less than £100,001 to three tenderers or if fewer are listed not less than those.
- e) Exceptions to Procedures
- The Order shall not apply to:
- i) purchase by auction (subject to an upper limit being set on each proposal in-line with the “acceptance” authority as detailed in standing order 26.2);
  - ii) purchase or repair of patented or proprietary goods or materials sold at fixed price;

- ii) purchase of materials normally supplied by specialist contractors or consultant;
- iv) the execution of work, the purchase of goods or materials or the provision of services involving special, scientific or artistic knowledge;
- v) the execution of work or the purchase of goods or materials which are required urgently after prior reference to the appropriate Key Area Group Chairman;
- vi) contracts with professional persons for the execution of works in which the personal skills of the person is of primary importance; and
- vii) when a Key Area Group has formally decided that it is in the Council's interest to negotiate directly with a contractor or supplier of goods or services.

f Requirements for Submission of Tenders

Where in pursuance of standing order 26.2 a) public invitation to tender is required, every notice of invitation shall state that tenders must be submitted in a plain sealed envelope marked "Tender" followed by the subject to which it relates and no other mark. Tenders shall remain in the custody of the CEO until the time appointed for their opening.

g Declarations as to Conduct of Tenderer

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

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

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

No provision is made in our tender price for any reimbursement of any adjustment or any contribution thereto."

h Procedure for Opening Tenders

Tenders shall be opened by the CEO and the Chairman of the appropriate Key Area Group, recorded in a register and reported to the next meeting of the Key Area Group.

i Limitations of Acceptance of Tenders

The Council may accept a tender other than the lower for the supply of goods or services or the highest where the Council is to be the supplier if, on the advice of the appropriate Officer, it deems it advantageous to do so.

### **26.3 CONTRACTS FOR SUPPLIES SERVICES OR WORKS**

- a A contract for a sum of £5,000 or more shall be in writing and shall be signed by the CEO on behalf of the Council.
- b A contract for less than £5,000 shall be made by the issue of a purchase order, except for those occasions as arising in clause 27.6 a (i) & (ii), on the authority of the CEO or their nominated representative.

### **26.4 CONTENTS OF WRITTEN CONTRACTS AND PENALTIES**

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

### **26.5 CORRUPT PRACTICES**

- a Every written contract shall contain a clause permitting the Council to cancel the contract and to recover from the contractor or their employee or agent (acting without the contractors knowledge) the amount of any costs or loss resulting from such cancellation if the contractor shall have:
  - offered or given a bribe or other inducement;
  - done or refrained from doing any act;
  - made a promise or arrangement with the object of securing the contract or a contract previously entered into with the Council or shall have committed any offence under the Prevention of Corruption Act 1889 to 1916, or shall have given any fee or reward the receipt of which is an offence under section 117 (2) of the Local Government Act 1972.

## **27. FINANCIAL REGULATIONS AND RISK MANAGEMENT**

### **27.1 FINANCIAL ADMINISTRATION**

- a The CEO, under the direction of the Finance Key Area Group, shall regulate and control the finances and accounts of the Town Council and supervise and co-ordinate financial and accounting methods.
- b The Responsible Financial Officer shall be responsible, under general direction from the CEO, for the proper administration of the Council's

financial affairs and the production of financial management administration, in line with the requirements of the Accounts and Audit Regulations.

- c The Responsible Finance Officer, under the direction of the Finance Key Area Group, shall appoint annually an internal auditor to perform a minimum of two audits per year covering the Council's financial transactions and a review of financial systems and processes employed.
- d The internal auditor will produce written reports on each visit highlighting items for action and/or concern; such reports will be made available by the Responsible Finance Officer to the Finance Key Area Group.

## **27.2 FINANCIAL PLANNING AND ANNUAL ESTIMATES**

- a The CEO shall each year recommend to the Town Council a programme for consideration of estimates, to include adequate time for such discussions between the Finance Key Area Group, the Planning Committee, other Key Area Groups and Council.
- b Detailed estimates of income and expenditure on revenue accounts, shall be prepared each year by the CEO, in consultation with the Responsible Financial Officer, who will examine and complete the estimates and submit them to the Planning Committee or Key Area Groups responsible for the services by the prescribed date.
- c The Finance Key Area Group shall review the estimates and submit them to the Council not later than December in each year, together with such summaries, statements and reports as are considered desirable in order to enable Council to determine the precept to be levied for the ensuing year.
- d Concurrently with the report of the Council and the proposed precept to be levied for the ensuing year, the CEO shall report proposed Capital Projects in order that approval and funding for the following years may be determined.

## **27.3 BUDGETARY CONTROL**

- a Expenditure on the revenue account may be incurred up to the amounts included in the approved budget, subject to the requirements of standing orders.
- b The CEO has powers to vire amounts up to £1,000 provided within the approved revenue budget, except in the case of sums provided for pay and allowances or when any continuing expenditure is to be generated, subject to consultation with the Chairman of the Finance Key Area Group.
- c Expenditure may not be incurred which cannot be met from the amount

provided within the net revenue budget or when overspending is likely to result in the year unless a request for a supplementary estimate has been submitted to the Finance Key Area Group. This regulation shall apply where such event would result in an increase in net cost within the financial year.

- d Except as provided in standing orders, all proposals involving expenditure on capital account shall be the subject of an annual report to the appropriate Key Area Group and the report shall include the full financial implications of the proposals, including future revenue costs.
- e The Finance Key Area Group shall carry out a review of the expenditure and income of the Council at the same time as it undertakes its evaluation of the following year's budgetary requirements. This exercise shall be extended to include future years by utilising a financial model.
- f The Finance Key Area Group shall receive monitoring reports outlining the progress of expenditure and income on the revenue and capital budgets at each meeting. This will include details of any virements made during the interim.
- g At the end of each financial year an out-turn budget shall be submitted to the Finance Key Area Group.

#### **27.4 INCOME**

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

#### **27.5 BANKING ARRANGEMENTS**

- a All arrangements with the Council's Bankers shall be made by or under arrangements approved by the CEO who shall be authorised to operate such banking accounts as they may consider necessary. Such arrangements shall be in line with the Council's policy on limiting ALL financial investments to the High Street Clearing Banks and the top ten Building Societies.
- b All schedules approving payment of cheques shall be presented in total to a meeting of the Finance Key Area Group and all cheques shall be signed by the CEO and any two from four specified Councillors of the Council. The list of specified signatories shall be limited to the Town Mayor and Deputy Town Mayor of the Council, the Chairman and Vice Chairman of the Finance Key Area Group and the Chairman of the

Strategic Planning, Economy and Transport Key Area Group (Council minute 298 refers).

- c The opening of a new bank account to be reported to Council at the next meeting.
- d A bank reconciliation will be presented at each Finance Key Area Group meeting made up to the latest bank statement available.

## **27.6 ORDERING PROCEDURES**

- a Official Orders, except for items (i) and (ii) below, shall be issued for all work, goods or services to be supplied to the Council and such orders should be signed by the CEO or the Officer with specific responsibility for the budget.
  - i) Where a quote or estimate is received for the supply of weekly/monthly goods or services and the amounts charged are of a varying nature, for example, window cleaning, a letter from the Council, signed by the CEO or the Officer with specific responsibility for the budget, confirming acceptance of the quote or estimate, may replace the official order.
  - ii) The Council's charge card may be used at the discretion of the CEO or the Responsible Finance Officer where either there is a financial advantage to the Council or the purchase of goods or services can be obtained only through the use of the charge card, for example, internet only sites or travel and subsistence while out on Council business.
  - iii) The maximum amount that may be spent using the charge card within any one billing period is £5,000, split equally between the CEO and Responsible Finance Officer.
- b Each Order raised shall conform with the directions of the Council with respect to Orders.
- c All requests for goods and services issued by the Council will include a requirement for contractors and suppliers to meet all appropriate legislation, including Health and Safety at Work and British Standards.

## **27.7 PAYMENT PROCEDURES**

- a Apart from petty cash, the normal method of payment of money due from the Council shall be by cheque / Bacs or other order drawn on the Council's bankers.
- b Before payment of accounts is made the Council's Officer responsible must be satisfied that the goods have been received or works undertaken, are in accordance with the specification, that the account is correctly made out and that the relevant expenditure has been properly incurred. The CEO will only then authorise payment.

- c The payment of all salaries, wages and other emoluments shall be made by the Responsible Financial Officer in accordance with the instructions of the CEO concerning national pay awards and other information likely to have a bearing on individual members of staff conditions of service.
- d The approval of the Finance Key Area Group is required for any increase in the limit over £30,000 of the monthly submission to NatWest autopay for payment of staff salaries.
- e The Responsible Financial Officer is responsible for keeping all payments of salary and wages information fully up-to-date, including information on pensions, income tax, national insurance and the like.
- f All such payments shall be authorised by the Council on an annual basis.

## **27.8 PETTY CASH ACCOUNT**

- a The Responsible Financial Officer, or their nominated subordinate, shall:
  - i) maintain petty cash of such amount as may, from time to time, be necessary for the payment of small miscellaneous items and such urgent payments as may be determined.
  - ii) ensure vouchers for payments made from these accounts shall be kept in accordance with instructions laid down from time to time by the CEO.
  - iii) ensure income received in excess of £50 is not be paid into any petty cash account but must be separately banked in accordance with financial regulations.
- b The Responsible Financial Officer undertakes a quarterly petty cash audit.

## **27.9 LEGAL DOCUMENTS**

- a The CEO shall have custody of all Title Deeds of properties owned by the Council and shall ensure a record is maintained of all such properties and that all such documents are securely kept and maintained within the Council's Safe.

## **27.10 INSURANCE**

- a The Responsible Finance Officer, in consultation with the CEO, shall effect all insurance cover and negotiate all claims.
- b All members of staff with line responsibility are responsible for notifying in writing the Responsible Financial Officer of all new risks which require to be insured and of any alterations affecting existing risks or insurances. These shall also be added to the Inventory and where applicable the Asset Register.

- c A comprehensive record of all insurances effected by the Council and the property and risks covered thereby shall be maintained and this reviewed annually. Any goods shall be automatically added to this record.
- d All members of staff are responsible for immediately notifying the Responsible Financial Officer, of any loss, liability or damage, or of any event likely to lead to a claim.

#### **27.11 INVESTMENTS, BORROWINGS AND TRUST FUNDS**

- a All investments of money under the control of the Council shall be in the name of the Council and made under arrangements approved by the CEO. All borrowings shall be effected in the name of the Council.

#### **27.12 INVENTORY**

- b An inventory shall be maintained and therein shall be recorded an adequate description of furniture, fittings and equipment, plant and machinery. The Responsible Finance Officer, in consultation with the CEO, shall be responsible for maintaining an annual check of all items on the inventory, for taking action in relation to surpluses and deficiencies and amending the inventory accordingly.

#### **27.13 SECURITY**

- a Each Officer shall be responsible for maintaining proper security at all times for all buildings, stocks, furniture, equipment and cash etc. under their control. Each Officer shall consult, in the first instance, with the Responsible Finance Officer and, if necessary, the CEO, in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- b The safes shall be kept locked at all times when not in use and keys to the safes and other receptacles shall be under the responsibility and control of the Responsible Financial Officer. Any loss of such keys must be reported to the Responsible Financial Officer forthwith.

#### **27.14 SECTION 137, LOCAL GOVERNMENT ACT 1972**

- a Where Council has not exercised its powers in relation to specific expenditure items under the Power of Wellbeing (see standing order 22), the Finance Key Area Group will, on an annual basis, declare all that expenditure which is not covered by statutory powers as required by the 1972 Local Government Act (as amended by the Local Government Housing Act 1989).

#### **27.15 REVISION OF FINANCIAL REGULATIONS**

- a It shall be the duty of the Finance Key Area Group to review the Financial Regulations of the Council from time to time and, after consultation with any other Key Area Groups concerned, to make such

recommendations to the Town Council. The Responsible Financial Officer shall be responsible for the implementation of all of the requirements of the Accounts and Audit Regulations, reporting to the Council as appropriate.

## **27.16 RISK MANAGEMENT**

- a The Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically and efficiently.
- b The Council's Risk Management Process is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness. The Risk Management Process is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically and produce a balanced and proportionate response.
- c The implementation of the Council's Risk Management Process will be implemented in line with the Council's published Risk Management Policy.

## **27.17 INSPECTION AND COPYING OF FINANCIAL DOCUMENTS**

- a Each year the Council's Financial Annual Return is audited by an external auditor appointed by the Audit Commission. On reasonable notice, any local elector and/or Councillor has the opportunity to inspect and make copies of the Annual Return and all related books, deeds, contracts, bills, vouchers and receipts relating to it (excluding documentation that contains personal information regarding a member of staff).

## **28. CODE OF PRACTICE FOR HANDLING COMPLAINTS**

### **28.1 WHAT IS A COMPLAINT?**

- a Although the Local Government Ombudsman has no jurisdiction over parish and town councils in England, Burgess Hill Town Council uses the definition of the Local Government Ombudsman to identify a complaint:

“A complaint is an expression of dissatisfaction by one or more members of the public about the council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council.”

## 28.2 TYPES OF COMPLAINT AND PROCEDURE

- a Where a complaint meets the definition above it will be dealt with by this complaints procedure.
- b Where members of the public complain about the conduct of employees or Councillors, the CEO will consider engaging other procedures or bodies in respect of the following types of complaint.

<b>Type of Conduct</b>	<b>Procedure</b>
Financial irregularity	Local electors have a statutory right to question the Auditor about the Council's audit of accounts pursuant to s16 of the Audit Commission Act 1998 (procedure available from the Responsible Financial Officer in the first instance). All other matters will be referred to the Finance Key Area Group who will consider the need to involve the Council's auditor or the Audit Commission.
Criminal Activity	Council will be informed and the Police contacted.
Councillor Conduct	A complaint relating to a Councillor's failure to comply with the Code of Conduct must be submitted to the monitoring officer and Standards Committee at Mid Sussex District Council.
<b>Type of Conduct</b>	<b>Procedure</b>
Employee Conduct	A complaint relating to the conduct of a member of staff will be dealt with through the internal disciplinary procedure and/or the model code of conduct for employees of local authorities in England when available and if appropriate.

## 28.3 GENERAL PRINCIPLES FOR COMPLAINTS HANDLING

- a Wherever possible the Town Council will try to resolve complaints informally, and by allowing the appropriate member of staff, manager or Councillor to satisfy the complainant. The CEO or Town Mayor shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
- b Where it is not possible to resolve the complaint informally, the complainant, if they have not already done so, will be asked to put the complaint in writing to the CEO to be considered under the formal procedure. The complainant may put the complaint to the CEO if preferred.
- c Depending on its nature, the complaint will then be considered by either a member of the management team, the CEO, the Town Mayor, the Council's Complaints Panel (consisting of the Chairmen of the Key Area Groups) or full Council.
- d The rules of natural justice apply – all parties will be treated fairly and the process will be reasonable, accessible, expeditious and transparent.
- e The Town Council will take care to maintain confidentiality where circumstances demand e.g. where matters concern financial or sensitive information or where third parties are concerned.

- f Complaints will be considered and resolved within the timescales mentioned in this procedure.

#### **28.4 STANDARDS/TIMESCALE TO RESOLVE COMPLAINTS**

- a The complainant will receive a written acknowledgement within 5 working days of receiving the complaint which will include, a summary of the complaint, contact details of the person who will investigate the complaint and the timescales involved.
- b The Town Council will aim to reply fully, in writing, within 10 working days of receiving the complaint. If the complaint is complex the Town Council will contact the complainant to explain the delay and the extended timescale.

#### **28.5 BURGESS HILL TOWN COUNCIL'S FORMAL COMPLAINTS PROCEDURE**

- a This complaints procedure will not be used to address serious complaints relating to the conduct of an individual and identified in section 8.2.
- b It will be used for those complaints which cannot be satisfied by less formal measures as identified in Section 28.3.
- c **Receiving the complaint**

The complainant will be asked to put the complaint about the Council's procedures or administration in writing to the CEO. The complainant may put the complaint to the Town Mayor if preferred. If required, assistance to make the complaint in writing will be made available on request.

The CEO or other nominated officer shall acknowledge receipt of the complaint and advise the complainant whether it will be considered by either a member of the management team, the CEO, the Town Mayor, the Council's Complaints Panel or full Council. The complainant shall also be advised whether the complaint will be treated as confidential.

The complainant shall be given at least 10 working days notice to attend a meeting and to bring a representative if so wished.

Seven clear working days prior to the meeting the complainant shall provide the Council with copies of any documentation or other evidence relied on. The Council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

- d **At the meeting**

Unless the CEO is the subject of the complaint, they will represent the Council at the meeting. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press.

The Chairman of the meeting shall introduce everyone and explain the procedure.

The complainant (or representative) shall outline the grounds for complaint and, thereafter, questions may be asked by (i) the CEO or other nominated officer and then (ii), Councillors.

The CEO or other nominated officer will have an opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii), Councillors.

The CEO or other nominated officer and then the complainant shall be offered the opportunity to summarise their position.

The CEO or other nominated officer and the complainant should be asked to leave the room while Councillors decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.

The CEO or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and communicated.

*It should be noted that where the CEO at the meeting represents the position of the Council and puts forward justification for the action or procedure complained of, the CEO should not advise the Complaints Panel or the Council as they need to determine the matter themselves.*

Any decision on a complaint shall be announced at a Council meeting in public.

**e After the meeting**

The decision shall be confirmed in writing within 7 working days together with details of any action to be taken.

## **28.6 REMEDIES**

a Where a complaint is upheld, the types of action to be considered could include:

- i) Providing the desired service;
- ii) Changing procedures to prevent a further occurrence of the problem;
- iii) Providing training so that similar errors can be avoided in future;
- iv) An apology by letter and/or a visit. (If the complainant has suffered, but not financially, a gesture of goodwill maybe appropriate, such as, a bunch of flowers);
- v) Replacement of damaged items; and,
- vi) Reimbursement of expenses if the complainant has suffered specific financial losses.

- b At this time the Council has no specific policy for financial compensation in recognition of time, trouble expended by the complainant, exceptional worry, distress or inconvenience caused.
- c Burgess Hill Town Council aims to give the best service possible and where a mistake has been made the Council aims to see what lessons can be learned for the future.
- d The Town Council will report complaints statistics to Council as appropriate.

## ANNEX

### COMPELLING REASON TEST

In respect of an agenda item, the public and press may be excluded from a meeting if one or more of the items listed below are, in the reasonable opinion of the meeting, satisfied.

The Council is:

- a party to a non-disclosure or confidentiality agreement and the other party has not given its consent to any disclosure of information;
- negotiating a contract with another party and disclosure of information relating to the contract would be prejudicial to the Council's interests;
- appointing an employee and disclosure of any information relating to the terms and conditions of employment would be prejudicial to the Council's interests or those of the prospective employee or current member(s) of staff;
- a party to an employment dispute, disciplinary or grievance matter and disclosure of information would put the parties at risk of not receiving a fair hearing;
- considering a matter which concerns the conduct of a Councillor and disclosure of information would put the parties at risk of not receiving a fair hearing;
- considering a matter which involves the disclosure of personal data or sensitive personal data and there is no legal basis for making the disclosure;
- subject to legal proceedings;
- considering a matter which might lead to any of the events referred to above arising; or
- disclosure would be unlawful.