



# STANDING ORDERS AND FINANCIAL REGULATIONS

*Adopted by the Council at its meeting held on Thursday 30<sup>th</sup> October 2008*

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## **1. MEETINGS**

The Statutory Annual Meeting

- a) In an election year shall it be held on the Thursday next following the fourth day after the ordinary day of elections to the Council and
  - b) In a year which is not an election year shall be held on the second Thursday in May.
2. Meetings of the Council shall on the 2<sup>nd</sup> Thursday of each month be held at 7.00pm unless the Council otherwise decides at a previous meeting. The Council shall be empowered to exclude the month of August or any other appropriate period for a vacation or recess if they so desire. The meetings shall be held in the Village Hall, Newport Road, Old St Mellons or any other suitable venue as may be appropriate, if the necessity arises.
3. a) The Chairman of the Council may call a meeting of the Council at any time and subject to three clear working days' notice being given.
- b) A request to call a meeting of the Council can be presented to the Chairman and should be signed by any two members of the Council. If the Chairman refuses to call a meeting or fails to call such a meeting within seven days, any two members may immediately call a meeting of the Council.
4. a) Notice of the time and place of the intended meeting shall be published and such notice given to the public three clear working days at least before the meeting of the Council.
- b) A summons to attend the meeting specifying the business proposed to be transacted, thereat, and signed by the Clerk of the Council, shall be left at, or sent by post or emailed to the usual residence of every member of the Council, three clear days at least before the date fixed for the meeting. Provided that want of service on any member shall not affect the validity of a meeting.

## **5. CHAIRMAN OF MEETING**

The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.

## **6. MEMBER OF COUNCIL**

The Members of Council shall consist of persons from time to time elected and holding office.

## **7. PROPER OFFICER**

Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he/she shall be the Clerk:

- a) To receive declarations of acceptance of office.
- b) To receive and record notices disclosing pecuniary interests.
- c) To receive and retain plans and documents.
- d) To sign notices or other documents on behalf of the Council,
- e) To receive copies of bylaws made by a City Council.
- f) To certify copies of bylaws made by a City Council.
- g) To sign summonses to attend meetings of the Council.
- h) To provide a minute folder for recording the proceedings of Community Council meetings

In any other case the proper officer shall be the officer nominated by the Council and, in default of nomination, the Clerk.

## **8. QUORUM**

No business shall be transacted at a meeting of the Council unless at least one third of the whole Council are present and in no case shall the quorum be less than three. In respect of suspension of standing orders, no such motion shall be moved unless demanded by one third of the Members that constitute a full Council.

9. If a quorum is not present when the Council meets or if during a meeting the numbers of Councillors present and not debarred by reason of a declared pecuniary interest fall below the quorum, the business not transacted at that meeting shall be transacted next meeting or on such other day as the Chairman may fix. (Refer to standing orders for quorum on Council Committees)

## **10. VOTING**

Members shall vote by show of hands, subject to the provisions of any enactment, all acts of the Council and all questions coming or arising before the Council shall be done and decided by a majority of the Council present and voting thereon at a meeting of the Council. The Chairman shall ascertain the numbers voting for or against the resolution and his declaration as to result shall be conclusive.

- a) Subject to (b) and (c) below the Chairman may give an original vote on any matter to the vote, and in the case of an equality of votes may give a casting vote even though he gave no original vote.
- b) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.
- c) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman

## **11. ORDER OF BUSINESS**

In an election year Councillors should execute Declarations of Acceptance of Office in each other's presence, or in the presence of a proper officer previously authorised the Council to take such declarations, before the annual meeting commences.

***At each Annual Meeting the first business shall be;***

- a) To elect a Chairman
- b) To receive the Chairman's declaration of office or, if not then received, to decide when it shall be received.
- c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
- d) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received,
- e) To elect a Vice-Chairman,
- f) To appoint school governors.
- g) To appoint statutory or standing committees.
- h) To consider the payment of any subscriptions falling to be paid annually.
- i) To inspect any deeds and trust instruments in the custody of the Council
- j) To consider the question whether the pay and conditions of service of existing employees of the council shall be reviewed. and shall thereafter follow the order set out in Standing Order 13.

12. At every meeting, other than the Annual Meeting, the first business shall be (i) to appoint a Chairman, if the Chairman and Vice Chairman are absent and (ii) to receive such declarations of acceptance of office, (if any), as are required by law to be made, or if not then received to decide when they shall be received.
13. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:
  - a) To read and consider the Minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
  - b) After consideration to approve the signature of the Minutes by the person presiding as a correct record.
  - c) To deal with business expressly required by statute to be done.
  - d) To dispose of business, if any, remaining from the last meeting.
  - e) To receive such communications as the person presiding may wish to lay before the Council.
  - f) To consider any matters arising from the minutes
  - g) (i) Adjournment for a maximum of 15 minutes to hear any concerns that the public may wish to raise. Councillors will not enter into discussion with the public but may, through the Chair, clarify any points raised  
(ii) To consider matters raised by the public session.
  - h) To answer written questions submitted and circulated with 7 days' notice
  - i) To receive and consider reports and minutes of committees.
  - j) To receive and consider reports from officers of the Council.
  - k) To authorise the sealing of documents.
  - l) To authorise the signing of orders for payment.
  - m) To consider resolutions or recommendations in the order in which they have been noted
  - n) Any other business specified in the summons.
14. A motion to vary the order of business on the ground of urgency
  - a) may be proposed by the Chairman or by any member and, if proposed by the Chairman may be put to the vote without being seconded, and
  - b) shall be put to the vote without discussion.

## **15. RESOLUTIONS MOVED ON NOTICE**

16. Except as provided by these Standing Orders, no resolution may be moved unless business to which it relates has been put on the Agenda by the Clerk or the mover given notice in writing or e mail of its terms and has delivered the notice to the Clerk at least seven clear days before the next meeting of the Council.
17. The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter a book which shall be open to the inspection of every member of the Council.
18. The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing or by email that he/she intends to move it at some later meeting or that he/she withdraws it.
19. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice

20. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for reports, provided that the Chairman, if he/she considers it to be a matter of urgency may allow be dealt with at the meeting at which it was moved.
21. Every resolution or recommendation shall be relevant to some subject over which Council has power or which affects its area.

## **22. RESOLUTIONS MOVED WITHOUT NOTICE**

Resolutions dealing with the following matters may be moved without notice:

- a) To appoint a Chairman of the meeting.
- b) To correct the Minutes.
- c) To approve the Minutes
- d) To alter the order of business.
- e) To proceed to the next business.
- f) To close or adjourn the debate.
- g) To refer a matter to a committee.
- h) To appoint a committee or any members thereof.
- i) To adopt a report.
- j) To authorise the sealing of documents.
- k) To amend a motion.
- l) To give leave to withdraw a motion or an amendment.
- m) To extend the time limit for speeches.
- n) To exclude the public and or press (see order 80 below)
- o) To silence or eject from the meeting a member named for misconduct. (see order 34 below)
- p) To invite a member having an interest in the subject matter under debate to remain. (see order 69 below)
- q) To give the consent of the Council where such consent is required by these Standing Orders.
- r) To consider otherwise than in committee, a question affecting an employee of the Council.
- s) To suspend any Standing Order (see order 87 below)
- t) To adjourn the meeting.

## **23. QUESTIONS**

A member may ask the Chairman or Clerk any question concerning the business of the Council, subject to it being submitted in writing or by email with 7 days' notice.

24. Every question shall be put and answered without discussion.
25. A member with or without notice may ask the Chairman of a Committee any questions upon the proceedings of the Committee then before the Council if the question is put before the Council's consideration of those proceedings is finished.
26. No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
27. A person to whom a question has been put may decline to answer.

## **28. RULES OF DEBATE**

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

- a) A resolution or amendment shall not be discussed unless it has been proposed and seconded and, unless proper notice has already been given, it shall, if required by Chairman, be reduced to writing and handed to him before it is further discussed to the meeting.
- b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate
- c) A member shall direct his speech to (i) the question under discussion or (ii) to a personal explanation or (iii) to a question of order.
- d) No speech shall exceed five minutes except by consent of the Council.
- e) An amendment shall be either:
  - (i) To leave out words.
  - (ii) To leave out words and insert or add others.
  - (iii) To insert or add words
- f) An amendment shall not have the effect of negating the motion before the Council.
- g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution, and shall become the resolution upon which any further amendment may be moved.
- h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- i) The mover of a resolution or of an amendment shall have a right of reply not exceeding 5 minutes.
- j) A member, other than the mover of a resolution, shall not, without leave of the Council speak more than once on any resolution except (i) to move an amendment or (ii) for an amendment, or (iii) on an amendment, or (iv) on a point of order, or (v) in person explanation, or (vi) to move a closure.
- k) A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
- l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak it after permission has been asked for its withdrawal unless such permission has been refused.
- m) When a resolution is under debate no other resolution shall be moved except the following:
  - (i) To amend the resolution.
  - (ii) To proceed to the next business.
  - (iii) To adjourn the debate.
  - (iv) That the question be now put.
  - (v) That a member named be not further heard.
  - (vi) That a member named does leave the meeting.
  - (vii) That the resolution be referred to a committee
  - (viii) To exclude the public and press.
  - (ix) To adjourn the meeting.

29. a) Members shall address the Chairman.
- b) No Member shall speak unless invited to do so by the Chairman. bi) A Member shall raise a hand to indicate their wish to speak
- c) Whenever the Chairman addresses the meeting during a debate all members shall be seated and silent.
- d) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.



### **30. CLOSURE**

A member may, at the conclusion of a speech of another member, move without comment:

- a) That the question be now put.
- b) That the debate be adjourned.
- c) That the Council now adjourns,
- d) That the Council proceeds to next business or that the “previous question” be now moved.

The foregoing motions “a” to “d” may be moved and seconded only by members who have not previously spoken in the debate.

If any such motion is seconded and if the Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise) he/she shall forthwith put to motion.

If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s rights of reply at the resumption.

- e) Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting.

### **31. RIGHT OF REPLY**

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

### **32. ALTERATION OF RESOLUTION**

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

### **33. RESCISSION OF PREVIOUS RESOLUTION**

- a) No motion to rescind any resolution passed within the preceding six months, and motion or amendment to the same effect as one which has been negative within the previous six months, shall be proposed unless notice thereof bears the names of at least one third of the members of the Council.
- b) When any such motion has been disposed of by the Council, it shall not be open to a member to propose a similar motion within a further 6 months. The ruling of the Chairman as to whether any motion or amendment comes within the terms of the Standing Order shall be final and accepted without question. This Order shall not apply to any motions moved in pursuance of the report or recommendations of a Committee.

### **34. DISORDERLY CONDUCT**

- a) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the council or bring it into contempt or ridicule and subject to the Code of Conduct for members.
- b) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this Order, the Chairman shall express that opinion to the Council and thereafter the member may move that the member named be no longer heard or that the member named does leave the meeting, and the motion, if seconded, shall be put forth with and without discussion.
- c) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

### **35. VOTING ON APPOINTMENTS**

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

### **36. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL**

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, or any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded. (see standing order no. 78)

### **37. RESOLUTIONS ON EXPENDITURE**

Any motion which, if carried, would, in the opinion of the Chairman, (i) substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of any committee, or (ii) involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon.

### **38. EXPENDITURE**

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

### **39. SEALING OF DOCUMENTS**

A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

- a) Any two members of the Council named in a resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.
- b) The two Members should be named in the minutes.

#### **40. COMMITTEES AND SUB-COMMITTEES**

The Council may at the Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf

- a) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting, and
  - b) may appoint persons other than members of the Council to any Committee; and
  - c) may at any time dissolve or alter the membership of a committee.
41. The Chairman and Vice-Chairman shall be members of every committee. The Chairman acting jointly with the Vice Chairman of the Council shall be empowered to exercise the powers of the Council in any matter which in their opinion (having first taken the advice of the Clerk) requires immediate attention and does not justify the convening of an extraordinary meeting of the Council OR is so urgent that there is insufficient time in which to convene a meeting.

If either the Chairman or Vice-Chairman is not available, then one other member be consulted so that in every case two members act on behalf of the Council.

The exercise of any powers under this Standing Order shall be reported to the Council at the earliest opportunity. In every case a report shall be made by the Clerk and reference to the exercise of powers be recorded in the minutes of the meeting to which the action is reported.

42. Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice Chairman who shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.
43. The Chairman of a committee or the Chairman of the Council may summon a special meeting of that committee at any time. A special meeting shall also be summoned the requisition in writing of not less than a quarter of the members of the committee the summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting
44. Every committee may appoint sub-committees for purposes to be specified by the committee.
45. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to do serve.
46. Except where ordered by the Council in the case of a committee, or by the Council the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one half of its members.
47. The Standing Orders on rules of debate (except those parts relating to standing and speaking more than once) and the Standing Order on interests of members co-opted and other matters shall apply to committee and sub-committee meetings in so far as are appropriate.

#### **48. ADVISORY COMMITTEES**

- a) The Council shall have power to appoint advisory committees, whose name, and number of members, shall be determined by the Council.
- b) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee
- c) An advisory committee may make recommendations and give notice thereof to the Council.
- d) An advisory committee may consist wholly of persons who are not members of the Council.

#### **49. VOTING IN COMMITTEES**

Members of committees and sub-committees shall vote by show of hands, or if at least two members so request, by signed ballot.

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

#### **51. PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETING**

- a) A member who has proposed a motion which has been referred to any committee of which he is not a member, may explain his motion to the committee but shall not vote.
- b) Any member shall, unless the Council otherwise orders, be entitled to be present as a spectator at the meetings of any committee or sub-committee of which he is not a member.

#### **52. FINANCIAL REGULATIONS**

##### **GENERAL**

- a) These financial regulations govern the conduct of the financial transactions of the Council and may only be amended or varied by resolution of the Council.
- b) The Responsible Financial Officer (RFO), under the policy direction of the Council, shall be responsible for the proper administration of the Council's affairs.
- c) The RFO shall be responsible for the production of financial management information.
- d) The regulations shall reflect the requirements of the Accounts and Audit (Wales) Regulations 2005 or as amended from time to time.

#### **53. ANNUAL ESTIMATES**

- a) Each Committee (if any) shall formulate and submit proposals to the Council in respect of revenue and capital costs for the following financial year not later than the end of November each year.
- b) Detailed estimates of all receipts and payments for the year shall be prepared each year by the RFO.
- c) The Council shall review the estimates not later than the end of January each year and shall fix the Precept to be levied for the ensuing financial year. The RFO shall supply each member with a copy of the approved estimates.
- d) The annual budgets shall form the basis of financial control for the ensuing year.
- e) The Council shall prepare, where practicable, and have regard to a three-year forecast of Revenue and Capital Receipts and Payments which shall be prepared at the same time as the annual Budget or Estimates.

#### **54. BUDGETARY CONTROL**

- a) Expenditure on revenue items may be incurred up to the amounts included in the approved budget.
- b) No expenditure may be incurred which would exceed the amount provided in the revenue budget.
- c) The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure against that planned.
- d) The Council will review all fees and charges annually, following a report of the Clerk.
- e) The Clerk/RFO in consultation with Chair/Vice Chair can authorise repair, replacement, or other work deemed necessary in the interim period between Council meetings subject to a limit of [£400]. The Clerk/RFO shall report the action to the Council as soon as practicable thereafter.
- f) Unspent provisions in the revenue budget shall not be carried forward to a subsequent year.
- g) No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- h) All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

#### **55. ACCOUNTING AND AUDIT**

- a) All accounting procedures and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit Regulations 2005 as amended.
- b) The RFO shall be responsible for completing the annual financial statements of the Council as soon as practicable after the end of the financial year and shall submit them and report thereon to the Council.
- c) The RFO shall be responsible for completing the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and for submitting the Annual Return for approval and authorisation by the Council within the timescales set by the Accounts and Audit Regulations 2005 as amended, or set by the Auditor.
- d) The RFO shall be responsible for ensuring that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with Regulation 5 of the Accounts and Audit Regulations 2005 as amended. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.
- e) The Internal Auditor shall carry out the work required by the RFO, or, by the Council, with a view to satisfactory completion of the Internal Auditor's Report section of the Annual Return as compiled annually by the Audit Commission and Accounts and Audit Wales 2005 para 6. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing on a regular basis with a minimum of one annual report in respect of each financial year.
- f) The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers required by Audit Commission Act 1998 section 15 and the Accounts and Audit Regulations 2005 as amended.
- g) The RFO shall, as soon as practicable, bring to the attention of all Councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

## **56. BANKING ARRANGEMENTS AND CHEQUES**

- a) The Council's banking arrangements shall be made by the RFO and approved by the Council. They shall be regularly reviewed for efficiency.
- b) A schedule of the payments required, forming part of the Agenda for the Meeting, shall be prepared by the RFO and, together with the relevant invoices, be presented to Council. If the schedule is in order it shall be authorised by a resolution of the Council and shall be initialled by the Chairman of the Meeting. If more appropriate the detail may be shown in the Minutes of the Meeting.
- c) Cheques drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 or in accordance with paragraph 6.4, shall be signed by two members of Council and countersigned by the Clerk.
- d) To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- e) Bank Reconciliation; the RFO shall present a note of any outstanding Cheques / credits and a reconciled bank balance at each meeting.

## **57. PAYMENT OF ACCOUNTS**

- a) All payments shall be affected by cheque or other order drawn on the Council's Bankers.
- b) All invoices for payment shall be examined, verified and certified by the Clerk. The Clerk shall satisfy himself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.
- c) The RFO shall examine invoices in relation to numerical accuracy and shall analyse them to the appropriate expenditure heading. The Clerk shall take all steps to settle all invoices submitted, and which are in order, at the next available Council Meeting.
- d) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, the Clerk may (notwithstanding para 59b) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of Council.
- e) The Council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk or RFO (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

## **58. PAYMENT OF SALARIES**

- a) The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salaries shall be as agreed by Council.
- b) Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates, provided that each payment is reported to and ratified by the next available Council Meeting.

## **59. LOANS AND INVESTMENTS**

- a) All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- b) The Council's Investment Policy shall be in accordance with the Trustee Act 2000 and shall be reviewed on a regular basis (at least annually).
- c) All investments of money under the control of the Council shall be in the name of the Council.
- d) All borrowings shall be affected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose.
- e) All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

## **60. INCOME**

The Council derives its income principally from the annual precept. This may be supplemented from time to time by other income, such as from grant funding or s106 funding allocation.

- a) The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- b) Particulars of all charges to be made for work done, services rendered, or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- c) Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- d) All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- e) The origin of each receipt shall be entered on the paying-in slip.
- f) Personal cheques shall not be cashed out of money held on behalf of the Council.
- g) The RFO shall promptly complete any VAT Return that is required. Any repayment claims due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- h) Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

## **61. ORDERS FOR WORK, GOODS AND SERVICES**

- a) An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- b) Order books shall be controlled by the RFO.
- c) All members and Officers are responsible for obtaining value for money at all times. An Officer issuing an official order is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de-minimis provisions in Regulation 64(a) below.
- d) The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

## 62. CONTRACTS

Procedures as to contracts are laid down as follows:

- a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts which relate to items (i) to (vi) below:
  - (i) for the supply of gas, electricity, water, sewerage and telephone services;
  - (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
  - (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant; which constitute an extension of an existing contract by the Council;
  - (iv) for goods and or materials proposed to be purchased which constitute an extension of an existing contract by the Council
  - (v) for additional audit work of the external Auditor up to an estimated value of £250 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of Council);
  - (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
- b) Where it is intended to enter into a contract exceeding (£5,000) in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) The Clerk/RFO and one or more councillors shall invite tenders from at least 3 appropriate firms and to include, where received, any tenders received as a result of invitations to tender placed on Community Council notice boards.
- c) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated fewer than three firms the reason shall be embodied in a recommendation to the Council.
- d) Such invitation to tender shall state the general nature of the intended contract and the Clerk/RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk/RFO in the ordinary course of post or alternatively by email. Any additional tenders obtained by members of council must be forwarded to the Clerk/RFO within the time period allocated.
- e) All tenders shall be presented at the same time on a prescribed date for consideration by Chair/Deputy Chair and at least one other member of Council at which point applications to tender shall be closed, following which all tenders to be considered by Council at or before the next full Council meeting.
- f) If less than three tenders are received for contracts above (£5,000) or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- g) When it is to enter into a contract less than (£5,000) in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall strive to obtain 3 quotations (priced descriptions of the proposed supply); where the value is below {(£1,000} and above (£100) the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (a) above shall apply.
- h) The Council shall not be obliged to accept the lowest or any tender, quote or estimate.



### **63. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS**

- a) Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorized certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- b) Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- c) Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk is to notify the Contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

### **64. STORES AND EQUIPMENT**

- a) The Officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- b) Delivery Notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- c) Stocks shall be kept at the minimum levels consistent with operational requirements.
- d) The RFO shall be responsible for periodic checks of stocks and stores at least annually.

### **65. PROPERTIES AND ESTATES**

- a) The Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Regulation 5(3)(b) of the Accounts and Audit Regulations 2005 as amended.
- b) No property shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £50.

### **66. INSURANCE**

- a) Following an annual risk assessment, the RFO shall affect all insurances and negotiate all claims on the Council's insurers (in consultation with the Clerk)
- b) The Clerk shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- c) The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- d) The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim and shall report these to Council at the next available meeting.
- e) All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

## **67. RISK MANAGEMENT**

- a) The Clerk with the RFO shall prepare and promote risk management policy statements in respect of all activities of the Council.
- b) When considering any new activity, the Clerk and RFO shall prepare a draft Risk Management policy for the activity and shall bring a draft addressing the legal and financial liabilities and Risk Management issues that arise to Council for consideration and, if thought appropriate, adoption.

## **68. REVISION OF FINANCIAL REGULATIONS**

It shall be the duty of the Council to review the Financial Regulations of the Council from time to time.

## **69. INTERESTS**

If any member has any pecuniary interest, direct or indirect, within the meaning of sections 94-95 of the Local Government Act, 1972, in any contract proposed or other matter, he shall, while it is under consideration by the Council, withdraw from the meeting unless:

- a) The disability imposed upon him by those sections has been removed by the District Council; or
- b) The Council invite him to remain; or
- c) The contract, proposed contract or other matter is under consideration as part of the report of a committee and is not itself the subject of debate.

**70.** The Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the council of a pecuniary interest in a contract, and the book shall be open during reasonable hours of the day for the inspection of any member,

**71.** If any member has a non-pecuniary interest within the ambit of the National Code of Local Government Conduct, he shall, having declared it, be invited to withdraw from the meeting.

**72.** If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk.

A candidate who fails to do so shall be disqualified for such appointment, and, if appointed, may be dismissed without notice.

The Clerk shall report to the council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed the Standing Orders on interests of members in contracts and other matters shall apply.

The Clerk shall make known the purport of this Standing Order to every candidate.

## **73. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS**

- a) Canvassing of members or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk makes known the purport of this sub-paragraph of this Standing Order to every candidate.
- b) A member of the Council (or of any committee) shall not solicit for any person an appointment under the Council or recommend any person for such appointment of promotion: but, nevertheless, a member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application appointment.

74. Standing Orders Nos. 70 and 71 shall apply to tenders as if the person making the tender were a candidate for an appointment.

**75. INSPECTION OF DOCUMENTS**

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

- 76. a) All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.
- b) The Minutes of the Council shall be open to inspection by any elector.

**77. UNAUTHORISED ACTIVITIES**

No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council.

- a) Inspect any lands or premises which the Council has a right or duty to inspect; or
- b) issue orders; unless authorised to do so by the Council or the relevant committee or sub-committee.

**78. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS**

The public and the press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public, the press or both by means of the following resolution. "That in view of the (special) (confidential) nature of the business about to be transacted, it is advisable in the public interest that the

Press

Public and press

Public

temporarily excluded and they are instructed to withdraw.

79. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.

80. If a member of the public interrupts, the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the Council Chamber or that the part of the Chamber open to the public be cleared.

81. The meeting to be adjourned for up to a maximum of 15 minutes by the Chairman for the purpose of a public session. Each member of the public may speak only once and may express observations only. The Chairman has the discretion to limit the speeches of an individual during the session to provide equal opportunity to all members of the public present. Members of the Council should not enter into any discussion. The public session will follow the statutory business of the Council and will not be heard before item (f) of standing order 13.

**82. CONFIDENTIAL BUSINESS**

- a) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
- b) Any member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

### **83. LIAISON WITH COUNTY AND DISTRICT COUNCILLORS**

A notice of meeting shall be sent together with an invitation to attend to the County Councillor or Councillors for the ward.

### **84. PLANNING APPLICATIONS**

The Clerk shall, as soon as it is received, record the following particulars of every planning application notified to the Council.

- a) the date on which it was received.
- b) the name of the applicant
- c) the place to which it relates
- d) a summary of the nature of the application

### **85. STANDING ORDERS ON CONTRACTS**

Where it is intended to enter into a contract exceeding £1,000 but not exceeding £10,000 in value for the supply of goods or materials or for the execution of works, the clerk shall give at least three weeks public notice of such intention in the same manner as public notice of meetings of the Council is given.

Where the value of the intended contract exceeds £10,000, similar notice shall be in addition to all firms included in the appropriate standing approved list of contractors maintained by the District Council, or if no such list is maintained, then in such newspapers circulating in the district as the Council shall direct.

- a) In all instances of a contract, 3 tenders should, where practical, be sought.
- b) Notice of a contract exceeding £10,000 shall state the general nature of the intended contract and state the name the address to whom tenders are to be addressed and date by which those tenders should reach that person in the ordinary course of post
- c) Tenders shall be opened by the Clerk or other person to whom tenders are required to be addressed on the date specified pursuant to paragraph (b) of this Order and shall be reported by the person who opened them to the Council or, where the tenders have been sought by a committee or sub-committee to that committee or sub-committee.
- d) Neither the Council nor any committee, or sub-committee is bound to accept the lowest or any tender.
- e) If no tenders are received or if all the tenders are identical the Council may make arrangements for procuring the goods or materials or executing the works as it thinks fit.
- f) A notice issued under this Standing Order shall contain a statement of the effect of Standing Orders 70, 71 & 72.

### **86. CODE OF CONDUCT ON COMPLAINTS**

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in Circular issued by One Voice Wales.

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

- a) Any part of the Standing Orders may be suspended by resolution in relation to any specific business except those specified in the Local Government Act 1972
- b) A motion to add, vary or revoke a Standing Order shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council.

**88. STANDING ORDERS TO BE GIVEN TO MEMBERS**

A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office

**89. RECORD OF ATTENDANCE**

Each year at the AGM a record of attendance at Council meetings, as at the 31<sup>st</sup> May will be produced.