



FOLKESTONE TOWN COUNCIL



Date of Publication: 9th May 2023

AGENDA

Meeting: **Annual Council Meeting**
Date: **16th May 2023**
Time: **7.00 p.m.**
Place: **Town Council Chamber, 1/2 Guildhall Street, Folkestone**

To: **Town Councillors**

YOU ARE HEREBY SUMMONED to attend the Annual Meeting of the Folkestone Town Council on the date and at the time and place shown above. The meeting will be open to the press and public.

P Cross
Finance Officer

Prayers

TOWN MAYOR 2022/23

The Town Mayor will reflect on the past 12 months.

1. **ELECTION OF TOWN MAYOR 2023/24 AND ACCEPTANCE OF DECLARATION OF OFFICE**
2. **ELECTION OF DEPUTY TOWN MAYOR 2023/24 AND ACCEPTANCE OF DECLARATION OF OFFICE**
3. **APOLOGIES FOR ABSENCE**
4. **DECLARATIONS OF INTEREST**
To receive any declarations of either personal or prejudicial interest that Members may wish to make.

5. APPOINTMENT OF TOWN MAYOR'S

- a. **CHAPLAIN 2023/24**
- b. **ESCORT 2023/24**
- c. **CADET 2023/24**

6. MINUTES

To receive the Minutes of the Town Council meeting held on 16th March 2023 and to ask the Town Mayor to sign them as a correct record.

7. TOWN MAYOR'S ANNOUNCEMENTS

Town Councillors are requested to note dates of forthcoming Civic Events:

William Harvey Sunday	4 June 2023
Normandy Veterans Day	6 June 2023
Armed Forces Day (Folkestone)	25 June 2023
Canada Day	30 June 2023
Town Sunday	2 July 2023
VJ Day	15 August 2023
Battle of Britain Day	15 September 2023
Dedication of Garden of Remembrance	5 November 2023
Machine Gun Corps	11 November 2022
Remembrance Sunday	12 November 2023
Holocaust Memorial Day	26 January 2024

8. APPOINTMENTS TO COMMITTEES AND SUB COMMITTEES

A schedule setting out proposals for the Council's Committees 2023/24 will be distributed at the meeting. Committees will appoint their Chairs and Vice Chairs at their first meeting, review the terms of reference and make proposals to appoint members to working groups.

9. APPOINTMENTS TO OUTSIDE BODIES 2023/24

The Town Council is asked to appoint Councillors to the following outside bodies:

- i) Kent Association of Local Councils (two Councillors)
- ii) John Bowley and Sherwood Almshouses Charity (three representatives) – *The Trustees of John Bowley and Sherwood Almshouses have requested that the Council's existing representatives (Roger West, Paul Bingham and Richard Wallace) continue in these roles even if their terms of office as Folkestone Town Councillors come to an end in May. There is provision for the Council to appoint non-Council members as trustees in the scheme document (attached).*
- iii) Folkestone Municipal Charity (four Councillors and the Mayor)
- iv) Folkestone Town Team (one Councillor)
- v) Folkestone Twinning Association (one Councillor)
- vi) Folkestone CLLD (Mayor)

10. APPOINTMENT OF BANK SIGNATORIES

To authorise the signatories on payments as follows:

- Town Mayor, Deputy Town Mayor and Past Mayors
- Chairman and Vice Chairman of Finance & General Purposes Committee
- Chairman and Vice Chairman of Planning Committee
- Chairman and Vice Chairman of Community Services Committee
- Chairman and Vice Chairman of Climate & Environment Committee

11. POLICY REVIEW

In line with NALC guidance, Council's policies require re-adoption annually.

1. Standing Orders (no amendments) are attached for adoption.
2. Financial Regulations (no amendments) are attached for adoption.
3. Other policies requiring re-adoption can be found on our website:

http://www.folkestone-tc.gov.uk/Policies_and_Procedures_29769.aspx

12. SCHEDULE OF MEETINGS FOR THE MUNICIPAL YEAR 2023/24

The approved schedule of provisional Council and Committee meeting dates for 2023/24 is attached for information.

13. TIME AND DATE OF THE NEXT MEETINGS OF FOLKESTONE TOWN COUNCIL

Annual Town Meeting – Tuesday 23rd May 2023 at 7 p.m.

Full Council AGAR Meeting – 15th June 2023 at 6.30 pm

Ordinary Full Council Meeting – 21st September 2023 at 7 p.m.

Folkestone Town Meeting

MINUTES of the Full Council Meeting held at the Town Hall, Folkestone on Thursday, 16th March 2023 at 7.00 p.m.

TOWN COUNCILLORS PRESENT: Councillors Abena Akuffo-Kelly, Ann Berry, Peter Gane, Dylan Jeffrey, Nicola Keen, Mary Lawes, Connor McConville, Jackie Meade, Tim Prater, Richard Wallace and Roger West.

ABSENT: Councillors Jonathan Graham and David Horton.

IN ATTENDANCE: Phil Cross – Finance Officer
Georgina Wilson – Executive Assistant

1918. APOLOGIES

Apologies were received from Councillor Paul Bingham (away), Belinda Walker (away) and Ray Field (work).

RESOLVED: To approve apologies from Councillor Paul Bingham, Belinda Walker and Ray Field.

Proposed: Councillor Jackie Meade

Seconded: Councillor Peter Gane

Voted: F:10, Ag:0, Ab:0

1919. DECLARATIONS OF INTEREST

There were no declarations of interest.

1920. MINUTES

The Council was asked to receive and authorise the Minutes of the Annual Council Meeting held on 11th January 2023 and to ask the Town Mayor to sign them as a correct record.

RESOLVED: That the Minutes of the Full Council Meeting held on 11th January 2023 be received and signed as a correct record.

Proposed: Councillor Mary Lawes

Seconded: Councillor Ann Berry

Voting: F:10, Ag:0, Ab:0

1921. TOWN GRANT APPLICATIONS

Councillors invited applicants to the dais to answer questions and give further information on their grant applications. Applicants were then thanked for attending and informed that a decision would be made later in the meeting in private.

1922. PUBLIC QUESTIONS

No public questions were received.

1923. MAYORS ANNOUNCEMENTS AND COMMUNICATIONS

The Mayor reported on a busy few months since the last meeting and thanked the organisers of these events as well as the Deputy Mayor, Cllr Walker, for her support in attending events on her behalf.

1924. TOWN MAYOR'S AWARDS

The Town Mayor reported on the recipients of the recent Town Mayor's Awards 2023. The following recipients had been invited to the Town Hall for an afternoon tea and presentation of their certificates:

- Ann-Charlotte Jonsson for her tireless work and dedication to the 'Bayle in Bloom' campaign each year.
- Chris McNeilly for his charitable efforts raising funds for ABF the Soldiers' Charity by providing musical support to local events and commemorations.
- Francene Thompson for the voluntary work undertaken in supporting the Community Fridge.
- The volunteers at Folkestone Methodist Church for the support provided for the civic events and many other community groups within Folkestone."

1925. MINUTES OF THE PLANNING COMMITTEE

RESOLVED: That the Minutes of the Planning Committee's meeting of 26th January 2023 be received and signed as a correct record.

Proposed: Councillor Richard Wallace

Seconded: Councillor Jackie Meade

Voting: F:10, Ag:0, Ab:0

1926. MINUTES OF THE FINANCE AND GENERAL PURPOSES COMMITTEE

RESOLVED: That the Minutes of the Finance and General Purposes Committee meeting of 15th December 2022 be received and signed as a correct record.

Proposed: Councillor Connor McConville

Seconded: Councillor Mary Lawes

Voting: F:10, Ag:0, Ab:0

1927. MINUTES OF THE COMMUNITY SERVICES COMMITTEE

RESOLVED: That the Minutes of the Community Services Committee meeting of 6th October 2022 be received and signed as a correct record.

Proposed: Councillor Roger West

Seconded: Councillor Ann Berry

Voting: F:10, Ag:0, Ab:0

1928. MINUTES OF THE CLIMATE AND ENVIRONMENT COMMITTEE

RESOLVED: That the Minutes of the Climate and Environment Committee meeting of 9th June 2022 be received and signed as a correct record.

Proposed: Councillor Abena Akuffo-Kelly

Seconded: Councillor Richard Wallace

Voting: F:10, Ag:0, Ab:0

1929. GOVERNANCE AND ACCOUNTABILITY RISK ASSESSMENT AND INSURANCE REVIEW

The Committee considered the Governance and Accountability Risk Assessment and Insurance Review. It was suggested that Item 7 should specifically mention the new play park equipment.

RESOLVED: To receive and note report C/23/333, to approve and adopt the Governance and Accountability Risk Assessment 2023/24 with the addition of the new play park equipment and to approve the Insurance Review.

Proposed: Councillor Peter Gane

Seconded: Councillor Connor McConville

Voting: F:10, Ag:0, Ab:0

1930. TREASURY MANAGEMENT REPORT

RESOLVED: To receive and note report C/23/334 and to adopt the Investment Policy for 2023/24.

Proposed: Councillor Tim Prater

Seconded: Councillor Connor McConville

Voting: F:10, Ag:0, Ab:0

Councillors thanked the Finance Officer for all his work, especially in the last year in the absence of the Town Clerk. The Town Council has been fortunate to have such a dedicated Finance Officer and sent best wishes for the future.

EXCLUSION OF PRESS AND PUBLIC

The press and public are to be excluded for the remainder of this meeting under Section 1, sub-section 2, of the Public Bodies (Admission to Meetings) Act 1960 as publicity would be prejudicial to the public interest by reason of the confidential nature of the business.

Proposed: Councillor Peter Gane
Seconded: Councillor Ann Berry
Voting: F:10, Ag:0, Ab:0

1931. TOWN GRANT SCORES

RESOLVED: To approve all awards as set out in the exempt list.

Proposed: Councillor Peter Gane
Seconded: Councillor Jackie Meade
Voting: F:10, Ag:0, Ab:0

1932. DATE OF THE NEXT MEETING

Annual Statutory Meeting – Tuesday, 16th May 2023
Annual Town Assembly – Tuesday, 23rd May 2023

The meeting concluded at 7.50pm.

.....Town Mayor

THE CHARITY COMMISSION FOR ENGLAND AND WALES

Under the power given in the Charities Act 1993

Orders that from today, the

14 March 2007

this

SCHEME

will govern the charities

formerly known as

JOHN BOWLEY ALMSHOUSES (210959)

SHERWOOD'S ALMSHOUSES (210962)

and now to be known as

JOHN BOWLEY AND SHERWOOD ALMSHOUSES (210959)

at

Folkestone, Kent

Commission's References:

Sealing: W61(S)/07

Case No: 581051

1. Definitions

In this scheme:

"the area of benefit" means in or near Folkestone.

"the charities" means the charities identified at the beginning of this scheme.

"the charity" means the charity created by clause 2 of this scheme.

"the existing residents" means the residents living in the homes at the date of this scheme.

"home" means one of the homes.

"the homes" means the almshouses of the charity.

"the reserve funds" means the funds identified in clause 27 of this scheme.

"residents" means those beneficiaries of the charity who live in the homes and
"resident" means one of the residents.

"the trustees" means the trustees of the charity acting under this scheme and
"trustee" means one of the trustees.

"the trusts" means the provisions which at any given time regulate the purposes and administration of the charity.

ADMINISTRATION

2. Administration

The charities are to be administered as one charity in accordance with this scheme.
This scheme replaces the former trusts of the charities.

3. Name of the charity

The name of the charity is John Bowley and Sherwood Almshouses.

OBJECTS

4. Objects of the charity

(1) The objects of the charity are:

- (a) the provision of housing accommodation for persons in need, hardship or distress residing or having immediate family residing in the area of benefit with a preference for those who are members of the Church of England. Those persons in need may be individuals of either sex, or a couple without discrimination towards civil partnerships.
- (b) such charitable purposes for the benefit of the residents as the trustees decide.

- (2) The land identified in part 1 of the schedule to this scheme must be retained by the trustees for use for the objects of the charity.

POWERS OF THE TRUSTEES

5. Powers of the trustees

In addition to any other powers which they have, the trustees may exercise the following powers in furtherance of the objects of the charity:

- (1) Power to make reasonable regulations consistent with this scheme for the management of the homes and the welfare of the residents.
- (2) Power to insure against public liability and, if appropriate, employers' liability; and to insure the homes to their full value against fire and all other usual risks.
- (3) Power to appoint a matron or nurse and other staff (who must not be trustees) and pay them reasonable remuneration, including pension provision for them and their dependants, and to provide a residence for the matron or nurse in the homes or elsewhere.

TRUSTEES

6. Trustees

- (1) There should be:

4 nominated trustees and
3 co-opted trustees

appointed in accordance with clauses 7 and 8.
- (2) The trustees should, through residence, occupation, employment or otherwise, have special knowledge of the area of benefit.
- (3) The first nominated and co-opted trustees are the persons listed in part 2 of the schedule to this scheme. Subject to clause 12 (termination of trusteeship) they will hold office for the periods shown in the schedule.

7. Nominated trustees

- (1) The nominated trustees must be appointed by Folkestone Town Council or any successor Council.
- (2) Any appointment must be made at a meeting held according to the ordinary practice of the Council.
- (3) Each appointment must be made for:
 - (a) 4 years; or
 - (b) if the appointment is being made to fill a casual vacancy, the unexpired term of the appointee's predecessor.

- (4) The appointment will be effective from the later of:
 - (a) the date of the vacancy; and
 - (b) the date on which the trustees or their secretary or clerk are informed of the appointment.
- (5) The person appointed need not be a member of the Council.

8. Co-opted trustees

- (1) The appointment of a co-opted trustee must be made by the trustees at a special meeting called under clause 16.
- (2) An appointment may, but need not, be made before the date on which the term of office of an existing co-opted trustee comes to an end, to take effect on that date. In these circumstances:
 - (a) the appointment may not be made more than 3 months before the date on which the existing co-opted trustee's term of office is due to end; and
 - (b) any co-opted trustee whose term of office is about to come to an end must not vote in favour of their own re-appointment.
- (3) Each appointment must be for a term of 4 years.

9. New trustees

The trustees must give to each new trustee, on their first appointment:

- (1) a copy of this scheme and any amendments made to it;
- (2) a copy of the charity's latest report and statement of accounts.

10. Register of trustees

- (1) The trustees must keep a register of the name and address of every trustee and the dates on which their terms of office begin and end. Every trustee must sign the register before acting as a trustee, whether on their first appointment or on any later re-appointment.
- (2) The trustees must promptly report any vacancy in the office of nominated trustee to the Council.

11. Trustees not to have a personal interest

Except with the prior written approval of the Commission no trustee may:

- (1) receive any benefit in money or in kind from the charity; or
- (2) have a financial interest in the supply of goods or services to the charity; or

- (3) acquire or hold any interest in property of the charity (except in order to hold it as a trustee of the charity).

12. Termination of trusteeship

A trustee will cease to be a trustee if he or she:

- (1) is disqualified from acting as a trustee by section 72 of the Charities Act 1993; or
- (2) is absent without the permission of the trustees from all their meetings held within a period of 6 months and the trustees resolve that his or her office be vacated; or
- (3) gives not less than one month's notice in writing of his or her intention to resign (but only if at least 3 trustees will remain in office when the notice of resignation is to take effect).

OFFICERS

13. Chairman

- (1) At their first ordinary meeting in each year the trustees must elect one of their number to be chairman of their meetings.
- (2) The trustees present at a meeting must elect one of their number to chair the meeting if the chairman is not present or the office of chairman is vacant.

14. Secretary or clerk

The trustees may appoint a secretary or clerk. The office may be held by:

- (1) a trustee (who must not receive any reward for acting and who may be dismissed as secretary or clerk at any time); or
- (2) some other suitable person (who may be employed upon such reasonable terms, including terms as to notice, as the trustees think fit).

MEETINGS OF TRUSTEES

15. Ordinary meetings

- (1) The first meeting after the date of this scheme must be called by the chairman or, if he/she does not do so within 3 months from that date, by any 2 trustees.
- (2) The trustees must hold at least 2 ordinary meetings in each 12 month period.
- (3) Ordinary meetings require at least 10 days' notice.
- (4) The chairman, or any 2 trustees, may call an ordinary meeting at any time.

16. Special meetings

- (1) The chairman, or any 2 trustees, may call a special meeting at any time.
- (2) Special meetings require at least 4 days' notice, except that meetings to consider:
 - (a) the appointment of a co-opted trustee, or
 - (b) the amendment of this scheme under clause 29,require at least 21 days' notice.
- (3) The notice calling a special meeting must include details of:
 - (a) the business to be transacted at the meeting; and
 - (b) any amendment to be made to this scheme (under clause 29).
- (4) A special meeting may, but need not, be held immediately before or after an ordinary meeting.

17. Quorum

No business may be transacted at a meeting unless at least 3 trustees are present.

18. Voting

- (1) Every matter must be decided by majority decision of the trustees present and voting at a duly convened meeting of the trustees.
- (2) The chairman of the meeting may cast a second or casting vote only if there is a tied vote.

19. Recording of meetings

The trustees must keep a proper record of their meetings.

20. Trustees to act jointly

The trustees must exercise their powers jointly, at properly convened meetings.

ALMSHOUSES AND RESIDENTS

21. Existing residents

The terms on which the existing residents occupy the homes are not affected by the making of this scheme.

22. Contributions

The trustees may make it a condition of appointing a resident that the resident must:

- (1) contribute a weekly sum (which must not cause the resident hardship) towards the cost of maintaining the homes and essential services in them;

- (2) contribute towards the cost of lighting and heating the homes and providing hot water in them.

23. Applications for appointment

- (1) The trustees must give public notice of a vacancy in the homes, unless:
 - (a) the person to be appointed has been a resident; or
 - (b) notice has been given in the last 12 months; or
 - (c) the trustees have accepted the nomination of a qualified applicant from the nominating body, where the appointment being made is subject to nomination rights.
- (2) Unless the appointment being made is subject to nomination rights, before making an appointment the trustees must:
 - (a) decide how applications are to be made to them;
 - (b) consider the suitability of each applicant;
 - (c) arrange for at least two of the trustees, in consultation with the clerk to the trustees, to meet the person to be appointed, unless they consider that special circumstances make this unnecessary.
- (3) The trustees may, in exceptional circumstances, appoint a resident who lives outside the area of benefit but is otherwise qualified. The trustees must record the exceptional circumstances in the minutes. The number of residents appointed under this sub-clause must not exceed one-third of the number of residents at any one time.

24. Records

The trustees must keep records of:

- (1) the date of each vacancy and the reason for it;
- (2) the names of persons who have applied for appointment;
- (3) the name and age of every resident and the date of their appointment.

25. Occupation of homes

- (1) The trustees must set out in writing the terms on which a resident occupies their home. A copy of the document recording the terms of occupation (which may take the form of a letter of appointment) must be signed by the resident as evidence of their acceptance.
- (2) The terms must include:
 - (a) a requirement that neither the resident nor any relation or guest of theirs will be a tenant of the charity or have any legal interest in the home;

- (b) a requirement that the resident must live in the home and not be absent from it, without the trustees' permission, for more than 28 days in any year;
- (c) a requirement that, without the trustees' permission, the resident must not:
 - (i) allow anyone to share the home with them; or
 - (ii) give up possession of it,
 - in whole or in part;
- (d) a power for the trustees to require the resident to move, temporarily or permanently, to another home;
- (e) a power for the trustees to end the resident's appointment at any time for the reasons mentioned in clause 26 of this scheme; and
- (f) such other provisions as the trustees think necessary for the effective running of the homes for the benefit of the residents generally.

26. Termination of appointments

The trustees may terminate the appointment of any resident who:

- (1) was appointed without the necessary qualifications or no longer has the necessary qualifications; or
- (2) persistently breaches the regulations referred to in clause 25 of this scheme; or
- (3) is no longer suited to be a resident by reason of illness or disability.

CHARITY PROPERTY

27. Reserve Funds

- (1) The trustees may continue to maintain the following reserve funds:
 - (a) an Extraordinary Repair Fund to be used by them for the extraordinary repair, improvement or rebuilding of the homes and the other property of the charity.
 - (b) a Cyclical Maintenance Fund to be used by them for ordinary repair and maintenance of the homes and any other property of the charity.
- (2) They must use the charity's income to do so and they must invest the funds in trust for the charity.
- (3) The trustees must keep the size of the funds under review in the light of the demands which may be made upon the funds.

28. Use of income and capital

- (1) The trustees must firstly:
 - (a) apply:
 - (i) the charity's income; and
 - (ii) if the trustees think fit, expendable endowment; and
 - (iii) when the property can properly be charged to it, its permanent endowment

in meeting the proper costs of administering the charity and of managing its assets (including the repair and insurance of its buildings);
 - (b) make such annual payments to the reserve funds as they consider necessary.
- (2) After making these payments, the trustees must apply the remaining income in furthering the objects of the charity.
- (3) The trustees may also apply for the objects of the charity:
 - (a) expendable endowment; and
 - (b) permanent endowment, but only on such terms for the replacement of the amount spent as the Commission may approve by order in advance.

AMENDMENT OF SCHEME

29. Power of amendment

- (1) The trustees (subject to the provisions of this clause) may from time to time amend the trusts if they are satisfied that it is expedient in the interests of the charity to do so.
- (2) The trustees must not make any amendment which would have the effect directly or indirectly of:
 - (a) altering or extending the purposes of the charity;
 - (b) authorising the trustees to do anything which is expressly prohibited by the trusts of the charity;
 - (c) causing the charity to cease to be a charity at law;
 - (d) altering or extending the power of amendment that is conferred by this clause.
- (3) The trustees must obtain the prior written approval of the Commission before making any amendment which would have the effect directly or indirectly of:

- (a) enabling them to spend permanent endowment or capitalise income of the charity;
 - (b) conferring a benefit of any kind on all or any of the current trustees or their successors;
 - (c) restricting the existing right of any person (other than the trustees) to appoint or remove a charity trustee, or trustee for the charity, or to intervene in the administration of the charity, without the consent of that person;
 - (d) varying the name of the charity.
- (4) An amendment may be made only by a resolution passed at a meeting of the trustees of which not less than 21 days notice has been given. The notice must set out the terms of the proposed amendment.
- (5) The trustees must:
- (a) prepare a written memorandum of each amendment that it makes, which must be signed at the meeting at which the amendment is made by the person chairing the meeting;
 - (b) send to the Commission a certified copy of the memorandum within three months of the date of the meeting; and
 - (c) retain the memorandum as part of the governing document.

GENERAL PROVISIONS

30. Questions relating to the Scheme

The Commission may decide any question put to them concerning:

- (1) the interpretation of this scheme; or
- (2) the propriety or validity of anything done or intended to be done under it.

SCHEDULE

PART 1

1. Land at Cheriton Road and Surrenden Road, Folkestone with buildings known as John Bowley Almshouses. The land is described in a conveyance dated 4 November 1909 made between John Egerton Quested and another of the one part and Albert Edward Pepper and seven others of the other part.

The land is vested in the Official Custodian for Charities by an Order of 25 November 1910 (as affected by the provisions of the Charities Act 1960).

2. Land at St. Michael's Street, Folkestone with buildings known as 1, 2, 3 and 4 Sherwood Almshouses. The land is described in a conveyance dated 2 March 1956 made between The Canterbury Diocesan Board of Finance of the one part and Thomas Leslie Elvy Franks and nine others of the other part.

The land is vested in the Official Custodian for Charities by an Order of 19 June 1956 (as affected by the provisions of the Charities Act 1960).

PART 2

Nominated trustees	Period of office
Janet Andrews	4 years
George Edward Bunting	3 years
David John Dickinson	2 years
Gary George	1 year

Co-opted trustees	Period of office
Rosemary Braid	4 years
Betty Lamorna Heppenstall	3 years
Tessa Caruana	2 years

FOLKESTONE TOWN COUNCIL

MODEL FINANCIAL REGULATIONS 2019 FOR ENGLAND

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These Financial Regulations were adopted by the council at its meeting held on 5th September 2019.

1. General

1.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders¹ and any individual financial regulations relating to contracts.

1.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.

1.3. The council's accounting control systems must include measures:

- for the timely production of accounts;
- that provide for the safe and efficient safeguarding of public money;
- to prevent and detect inaccuracy and fraud; and
- identifying the duties of officers.

1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.

1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.

1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.

1.7. Members of council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.

1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Town Clerk has been appointed as RFO for this council and these regulations apply accordingly.

1.9. The RFO;

- acts under the policy direction of the council;

¹ Model Standing Orders for Councils (2018 Edition) is available from NALC (©NALC 2018)

- administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
- determines on behalf of the council its accounting records and accounting control systems;
- ensures the accounting control systems are observed;
- maintains the accounting records of the council up to date in accordance with proper practices;
- assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
- produces financial management information as required by the council.

1.10. The accounting records determined by the Town Clerk shall be sufficient to show and explain the council's transactions and to enable the Town Clerk to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.

1.11. The accounting records determined by the Town Clerk shall in particular contain:

- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
- a record of the assets and liabilities of the council; and
- wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.

1.12. The accounting control systems determined by the Town Clerk shall include:

- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the approval of the Town Clerk and that the approvals are shown in the accounting records; and
- measures to ensure that risk is properly managed.

1.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- setting the final budget or the precept (council tax requirement);

- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors, shall be a matter for the full council only.

1.14. In addition, the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve any grant or a single commitment in excess of [£5,000]; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils - a Practitioners' Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).

2. Accounting and audit (internal and external)

2.1. All accounting procedures and financial records of the council shall be determined by the Town Clerk in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.

2.2. On a regular basis, at the end of each quarter, and at each financial year end, a member other than the Chairman or a cheque signatory shall verify bank reconciliations produced by the Town Clerk. The member shall sign the reconciliations as evidence of verification. This activity shall on conclusion be reported and noted by the Finance & General Purposes Committee.

2.3. The Town Clerk shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.

2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the Town Clerk, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.

2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.

2.6. The internal auditor shall:

- be competent and independent of the financial operations of the council;
- report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
- to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- has no involvement in the financial decision making, management or control of the council

2.7. Internal or external auditors may not under any circumstances:

- perform any operational duties for the council;
- initiate or approve accounting transactions; or
- direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.

2.9. The Town Clerk shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.

2.10. The Town Clerk shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

3. Annual estimates (budget) and forward planning

3.1. Each committee shall review its three-year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals, no later than the end of November each year, for the following financial year including any proposals for revising the forecast. These proposals will then be considered by the Finance & General Purposes Committee.

3.2. The Town Clerk must each year, by no later than the end of October, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the Finance & General Purposes Committee.

3.3. The council shall consider annual budget proposals in relation to the council's three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.

3.4. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The Town Clerk shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.

3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

4. Budgetary control and authority to spend

4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by the Town Clerk.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Town Clerk, and where necessary also by the appropriate Chairman.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council or duly delegated committee, or by the Clerk following confirmation of third party funding or grant. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings ('virement') or to an earmarked reserve as appropriate.

4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.

4.4. The salary budgets are to be reviewed at least annually in October for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Town Clerk and the Chairman of the Personnel Sub-Committee. The Town Clerk will inform committees of any changes impacting on their budget requirement for the coming year in good time.

4.5. In cases of extreme risk to the delivery of council services, the Town Clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £2,500. The Town Clerk shall report such action to the chairman of Finance & General Purposes Committee and the council as soon as practicable thereafter.

4.6. No expenditure shall be authorised 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 and the requisite borrowing approval has been obtained.

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

4.8. The Town Clerk shall regularly provide the Finance & General Purposes Committee with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose "material" shall be in excess of [£100] or [15%] of the budget.

4.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

5. Banking arrangements and authorisation of payments

5.1. The council's banking arrangements, including the bank mandate, shall be made by the Town Clerk and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.

5.2. The Town Clerk shall prepare a schedule of payments forming part of the Agenda for the Meeting of the Finance & General Purposes committee. The committee shall review the schedule for compliance and, having satisfied itself shall authorise approval by a resolution. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

5.3. All invoices for payment shall be examined, verified and certified by the Town Clerk to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.

5.4. The Town Clerk shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The Town Clerk shall take all steps to pay all invoices submitted, and which are in order.

5.5. The Town Clerk shall have delegated authority to authorise the payment of items only in the following circumstances:

- a) 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 Finance & General Purposes Committee, and where the Town Clerk certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of Finance & General Purposes Committee;
- b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council [or finance committee]; or
- c) fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of the Finance & General Purposes Committee.

5.6. For each financial year the Town Clerk shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council [,or a duly authorised committee,] may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council [or Finance Committee].

5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.

5.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by council and in accordance with any policy statement approved by council. Any Revenue or Capital Grant in excess of £2,500 shall before payment, be subject to ratification by resolution of the council.

5.9. Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.

5.10. The council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.

6. Instructions for the making of payments

6.1. The council will make safe and efficient arrangements for the making of its payments.

6.2. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Town Clerk shall give instruction that a payment shall be made.

6.3. All payments shall be affected by electronic payment, cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council [or duly delegated committee].

6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by two members of council and countersigned by the Town Clerk, in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.

6.5. 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.

6.6. Cheques or orders for payment shall not normally be presented for signature other than at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the council [or Finance Committee] at the next convenient meeting.

6.7. If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.

6.8. If thought appropriate by the council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced

by two members are retained and any payments are reported to council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the council at least every two years.

6.9. If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.

6.10. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.

6.11. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.

6.12. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.

6.13. The council, and any members using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.

6.14. Where internet banking arrangements are made with any bank, the Town Clerk and Finance Officer shall be appointed as the Service Administrators. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.

6.15. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

6.16. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Town Clerk. A programme of regular checks of standing data with suppliers will be followed.

6.17. Any Debit Card issued for use will be specifically restricted to the Town Clerk and will also be restricted to a single transaction maximum value of £2,500 unless authorised by council or the Finance & General Purposes Committee in writing before any order is placed.

6.18. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Finance & General Purposes Committee. Transactions and purchases made will be reported to the committee and authority for topping-up shall be at the discretion of the committee.

6.19. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Town Clerk and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.

6.20. The Town Clerk may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the Town Clerk with a claim for reimbursement.

a) The Town Clerk shall maintain a petty cash float of £500 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.

b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.

c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to council under 5.2 above.

7. Payment of salaries

7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.

7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available council meeting, as set out in these regulations above.

7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the personnel sub-committee.

7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:

- a) by any councillor who can demonstrate a need to know;
- b) by the internal auditor;
- c) by the external auditor; or
- d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.

7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.

7.6. An effective system of personal performance management should be maintained for the senior officers.

7.7. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.

7.8. Before employing interim staff, the council must consider a full business case.

8. Loans and investments

8.1. 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. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.

8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.

8.3. The council will arrange with the council's banks and investment providers for the sending of a copy of each statement of account to the Chairman of the council at the same time as one is issued to the Town Clerk.

8.4. 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.

8.5. The council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.

8.6. All investments of money under the control of the council shall be in the name of the council.

8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the Town Clerk.

8.8. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. Income

9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the Town Clerk.

9.2. 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 Town Clerk and the Town Clerk shall be responsible for the collection of all accounts due to the council.

9.3. The council will review all fees and charges at least annually, following a report of the Town Clerk.

9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.

9.5. All sums received on behalf of the council shall be banked intact as directed by the Town Clerk. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the Town Clerk considers necessary.

9.6. The origin of each receipt shall be entered on the paying-in slip.

9.7. Personal cheques shall not be cashed out of money held on behalf of the council.

9.8. The Town Clerk shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

9.9. Where any significant sums of cash are regularly received by the council, the Town Clerk 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.

[9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 16 below).]

10. Orders for work, goods and services

10.1. 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.

10.2. Order books shall be controlled by the Town Clerk.

10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall 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 11.1 below.

10.4. A member may not issue an official order or make any contract on behalf of the council.

10.5. The Town Clerk 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 Town Clerk 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.

11. Contracts

11.1. 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 this regulation need 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 legal professionals acting in disputes;

iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;

iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;

v. for additional audit work of the external auditor up to an estimated value of £1000 (in excess of this sum the Town Clerk shall act after consultation with the Chairman and Vice Chairman of council); and

vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

b) Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations².

c) The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)³.

d) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.

e) Such invitation to tender shall state the general nature of the intended contract and the Town Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Town Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

f) All sealed tenders shall be opened at the same time on the prescribed date by the Town Clerk in the presence of at least one member of council.

² The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

³ Thresholds currently applicable are:

a) For public supply and public service contracts 209,000 Euros (£181,302)
b) For public works contracts 5,225,000 Euros (£4,551,413)

g) Any invitation to tender issued under this regulation shall be subject to Standing Orders[],
4[insert reference of the council's relevant standing order] and shall refer to the terms of the
Bribery Act 2010.

h) When it is to enter into a contract of less than £25,000 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 Town
Clerk or FO shall obtain 3 quotations (priced descriptions of the proposed supply); where the
value is below [£3,000] and above [£500] the Town Clerk or FO shall strive to obtain 3
estimates. Otherwise, Regulation 10.3 above shall apply.

i) The council shall not be obliged to accept the lowest or any tender, quote or estimate.

j) Should it occur that the council, or duly delegated committee, does not accept any tender,
quote or estimate, the work is not allocated and the council requires further pricing,
provided that the specification does not change, no person shall be permitted to submit a
later tender, estimate or quote who was present when the original decision-making process
was being undertaken.

12. Payments under contracts for building or other construction works

12.1. Payments on account of the contract sum shall be made within the time specified in the
contract by the Town Clerk upon authorised 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).

12.2. Where contracts provide for payment by instalments the Town Clerk 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.

12.3. Any variation to a contract or addition to or omission from a contract must be approved by the
council and Town Clerk to the contractor in writing, the council being informed where the final cost
is likely to exceed the financial provision.

13. Stores and equipment

13.1. The officer in charge of each section shall be responsible for the care and custody of stores and
equipment in that section.

⁴ Based on NALC's Model Standing Order 18d ©NALC 2018

13.2. 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.

13.3. Stocks shall be kept at the minimum levels consistent with operational requirements.

13.4. The Town Clerk shall be responsible for periodic checks of stocks and stores at least annually.

14. Assets, properties and estates

14.1. The Town Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The Town Clerk shall ensure a record is maintained of all properties held 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 Accounts and Audit Regulations.

14.2. No tangible moveable property shall be purchased or otherwise acquired, 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 [£250].

14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a full business case.

14.6. The Town Clerk shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15. Insurance

15.1. Following the annual risk assessment (per Regulation 17), the Town Clerk shall effect all insurances and negotiate all claims on the council's insurers.

15.2. The Town Clerk shall give prompt notification to the FO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

15.3. The Town Clerk shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.

15.4. The Town Clerk 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.

15.5. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined [annually] by the council, or duly delegated committee.

16. Charities

16.1. Where the council is sole managing trustee of a charitable body the Town Clerk shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Town Clerk shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.

17. Risk management

17.1. The council is responsible for putting in place arrangements for the management of risk. The Town Clerk and Finance Officer shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.

17.2. When considering any new activity, the Town Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

18. Suspension and revision of Financial Regulations

18.1. It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Town Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these Financial Regulations.

18.2. The council may, by resolution of the council duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of council.

The Model Financial Regulations templates were produced by the National Association of Local Councils (NALC) in July 2019 for the purpose of its member councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.



STANDING ORDERS



This policy was adopted by Folkestone Town Council at its meeting held on: 12th May 2020 –
Minute 1692.

GOVERNING BODY: FOLKESTONE TOWN COUNCIL
TOWN HALL, 1-2 GUILDHALL STREET, FOLKESTONE, CT20 1DY

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1. Rules of debate at meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Mayor/Chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the Mayor/Chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Mayor/Chairman of the meeting, is expressed in writing to the Mayor/Chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Mayor/Chairman.
- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Mayor/Chairman of the meeting.
- k One or more amendments may be discussed together if the Mayor/Chairman of the meeting considers this expedient, but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.

- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the Mayor/Chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the Mayor/Chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the Mayor/Chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of

reply.

- t Excluding motions moved under standing order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed (3) minutes without the consent of the Mayor/Chairman of the meeting.

2. Disorderly conduct at meetings

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Mayor/Chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the Mayor/Chairman of the meeting to moderate or improve their conduct, any councillor or the Mayor/Chairman of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) above is ignored, the Mayor/Chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3. Meetings generally

- ☐ Full Council meetings
- ☐ Committee meetings
- ☐ Sub-committee meetings

- ☐ 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 **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- ☐ c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**

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- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed (15) minutes unless directed by the Mayor/Chairman of the meeting.
- g Subject to standing order 3(f) above, a member of the public shall not speak for more than (3) minutes.
- h In accordance with standing order 3(e) above, a question shall be in writing, signed and delivered not less than seven clear days (excluding weekends and public holidays) before the meeting to the Town Clerk. The question shall not require a response at the meeting nor start a debate on the question. The Mayor/Chairman of the meeting may direct that a written or oral response be given.
- i A person shall stand when requesting to speak and when speaking (except when a person has a disability or is likely to suffer discomfort). The Mayor/Chairman of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the Mayor/Chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the Mayor/Chairman of the meeting shall direct the order of speaking.

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- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or**

later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.

- m A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.
- n The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.
- o Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor of the Council may in his absence be done by, to or before the Deputy Mayor of the Council (if any).
- p The Mayor/Chairman, if present, shall preside at a meeting. If the Mayor/Chairman is absent from a meeting, the Deputy Mayor/Vice-Chairman, if present, shall preside. If both the Mayor/Chairman and the Deputy Mayor/Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.
- q Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.
- r The Mayor/Chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.
See standing orders 5(i) and (j) below for the different rules that apply in the election of the Mayor/Chairman of the Council at the annual meeting of the council.
- s Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.

- t The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors present and absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - v. if there was a public participation session; and
 - vi. the resolutions made.

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- u **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**

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- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the council/committee are present and in no case shall the quorum of a meeting be less than three.**
See standing order 4d(viii) below for the quorum of a committee or sub-committee meeting.

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- w **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.**
- x A meeting shall not exceed a period of (3) hours.

4. Committees and sub-committees

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

councillors.

- d The council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer (7) days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the Chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own Chairman at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
 - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - xii. may dissolve a committee.

5. Ordinary council meetings

- a **In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- c **If no other time is fixed, the annual meeting of the council shall take place at**

6pm.

- d In addition to the annual meeting of the council, at least three other ordinary meetings shall be held in each year on such dates and times as the council directs.
- e The first business conducted at the annual meeting of the council shall be the election of the Mayor and Deputy Mayor of the Council.
- f The Mayor of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the council.
- g The Deputy Mayor of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Deputy Mayor of the Council at the next annual meeting of the council.
- h In an election year, if the current Mayor of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Mayor of the Council has been elected. The current Mayor of the Council shall not have an original vote in respect of the election of the new Mayor of the Council but must give a casting vote in the case of an equality of votes.
- i In an election year, if the current Mayor of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Mayor of the Council has been elected. He may exercise an original vote in respect of the election of the new Mayor of the Council and must give a casting vote in the case of an equality of votes.
- j Following the election of the Mayor and Deputy Mayor of the Council at the annual meeting of the council, the business of the annual meeting shall generally include:
 - i. In an election year, delivery by the Mayor of the Council, Deputy Mayor and councillors of their acceptance of office forms unless the council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Mayor and Deputy Mayor of the Council of his acceptance of office form unless the council resolves for this to be done at a later date;
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;

- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4 above;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;
- xv. Review of the council's and/or staff subscriptions to other bodies;
- xvi. Review of the council's complaints procedure;
- xvii. Review of the council's policies, procedures and practices in respect of its obligations under the Freedom of Information and Data Protection Legislation (*see also standing orders 11, 20 and 21*);
- xviii. Review of the council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

6. Extraordinary meetings of the council and committees and sub-committees

- a **The Mayor of the Council may convene an extraordinary meeting of the council at any time.**
- b **If the Mayor of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**

- c The Chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the Chairman of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within (7) days of having been requested by to do so by (2) members of the committee [or the sub-committee], any (2) members of the committee [and the sub-committee] may convene an extraordinary meeting of a committee [and a sub-committee].

7. Previous resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least (6) councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8. Voting on appointments

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

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

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least (7) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least (5) clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Mayor/Chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

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

- a The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
 - xii. to not hear further from a councillor or a member of the public;
 - xiii. to exclude a councillor or member of the public for disorderly conduct;

- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

11. Management of Information

See also standing order 20.

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

12. Draft Minutes

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an

accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

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e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**

f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. Code of conduct and dispensations
See also standing order 3(u) above.

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.

- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
 - ii. **granting the dispensation is in the interests of persons living in the council's area or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

14. Code of conduct complaints

- a Upon notification by the District or County Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the council's code of conduct, the Proper Officer shall, subject to standing order 11 above, report this to the council.
- b Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Mayor of Council of this fact, and the Mayor shall nominate the Finance Officer to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the council has agreed what action, if any, to take in accordance with standing order 14(d) below.
- c The council may:
 - i. provide information or evidence where such disclosure is necessary to

- progress an investigation of the complaint or is required by law;
- ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;

d Upon notification by the District or County Council that a councillor or non-councillor with voting rights has breached the council's code of conduct, the council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.

15. Proper Officer

a The Proper Officer shall be either (i) the Town Clerk or (ii) the Finance Officer when the Town Clerk is absent.

b The Proper Officer shall:

i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**

- **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
- **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

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

- ii. subject to standing order 9 above, include on the agenda all motions in the order received unless a councillor has given written notice at least (5) days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of full council for the election of a new Mayor of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. retain acceptance of office forms from councillors;
- vii. retain a copy of every councillor's register of interests;
- viii. assist with responding to requests made under the Freedom of Information Act legislation and rights exercisable under the General Data Protection Regulations, in accordance with the council's policies and procedures;

- ix. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
- x. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xi. arrange for legal deeds to be executed; *See also standing order 23 below.*
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
- xiii. record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;
- xiv. refer a planning application received by the council to the Chairman or in his absence the Vice-Chairman of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of planning committee;
- xv. manage access to information about the council via the publication scheme; and
- xvi. retain custody of the seal of the council which shall not be used without a resolution to that effect. *See also standing order 22 below.*

16. Responsible Financial Officer

- a The Finance Officer shall undertake the work of the Responsible Financial Officer when the Responsible Financial Officer is absent.

17. Accounts and accounting statements

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide (England).
- b All payments by the council shall be authorised, approved and paid in accordance with the law, proper practices and the council's financial regulations.
- c The Responsible Financial Officer shall supply to the Finance & General Purposes Committee a statement to summarise:
 - i. the council's payments made during the period being reported;

- ii. the council's aggregate receipts and payments for the year to date;
- iii. the balances held at the end of the period being reported.

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide the Finance & General Purposes Committee with a statement to summarise:
 - i. the council's payments during the period being reported;
 - ii. the council's aggregate receipts and payments for the year;
 - iii. the balances held at the end of year; and
 - iv. the accounting statements for the year in the form of Section 2 of the annual return, as required by proper practices, for consideration and approval.
- e. The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (receipts and payments, or income and expenditure) for a year to 31 March. The completed annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to the Finance & General Purposes Committee for consideration and formal approval before 30 June.

18. Financial controls and procurement

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.

- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds referred to in standing order 18(f) is subject to the “light touch” arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**

19. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council or (personnel) sub-committee is subject to standing order 11 above.
- b Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the Chairman of the (personnel) sub-committee or, if he is not available, the Vice-Chairman of the (personnel) sub-committee] of absence occasioned by illness or other reason at its next meeting.
- c The Personnel Sub-committee shall upon a resolution conduct an annual appraisal of the Town Clerk, the appraisal shall be reported in writing.
- d Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee shall contact the Chairman of the (personnel) sub-committee or in his absence, the Vice-Chairman in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the (personnel) sub-committee.
- e Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Town Clerk relates to the Mayor or any Councillor, this shall be communicated to a member of the (Grievance Panel), which shall be reported back and progressed by resolution of the (Grievance Panel).
- f Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as strictly confidential and secure.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20. Requests for information

See also standing order 21.

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b If gross annual income or expenditure (whichever is the higher) exceeds £200,000 **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England)**

Regulations 2015.

21. Responsibilities under Data Protection Legislation
(Below is not an exclusive list).
See also standing order 11.

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

22. Relations with the press/media

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

23. Execution and sealing of legal deeds

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

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b **Subject to standing order 23(a) above, the council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall counter sign the deed as witnesses.**

24. Communicating with District and County or Unitary councillors

- a An invitation to attend a meeting of the council shall be sent, together with the

agenda, to the ward councillor(s) of the District and County Council representing the area of the council.

- b Unless the council determines otherwise, a copy of each letter sent to the District and County Council shall be sent to the ward councillor(s) representing the area of the council.

25. Restrictions on councillor activities

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

26. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least (12) councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d The decision of the Mayor/Chairman of a meeting as to the application of standing orders at the meeting shall be final.

FOLKESTONE TOWN COUNCIL **SCHEDULE OF MEETING DATES 2023/24**

(Please note that all meeting dates are provisional and may be subject to change or cancellation)

	Planning Committee 19.00 (Thursday)	Climate & Environment Committee 19.00 (Tuesday)	Community Services Committee 19.45 (Tuesday)	Finance & General Purposes Committee 19.00 (Thursday)	Personnel Sub- Committee 18.00	Full Council 19.00
April 2023	27	4	4	20	20	
May 2023	25					Tuesday 16 (Annual Council) Tuesday 23 (Town Assembly)
June 2023	29	6	6	15		15 (AGAR)
July 2023	27					
August 2023	24			31	31	
September 2023	28					21
October 2023	26	3	3	19		
November 2023	30					16
December 2023	TUES 19			14 (Budget Meeting)		
January 2024	25				11	
February 2024	29	6	6	15	15	
March 2024	28					14
April 2024	25	2	2	18	18	
May 2024	30					Tuesday 7 (Annual Council) Tuesday 14 (Town Assembly)