



Public Document Pack

Melksham Town Council

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Town Clerk and RFO Linda Roberts BA(Hons) PGCAP, FHEA,
FLSCC

To: Councillor J Hubbard (Town Mayor)
Councillor C Goodhind (Deputy Town Mayor)
Councillor P Alford
Councillor P Aves
Councillor G Cooke
Councillor J Crundell
Councillor S Crundell
Councillor G Ellis
Councillor C Forgacs
Councillor C Houghton
Councillor L Lewis
Councillor S Mortimer
Councillor J Oatley
Councillor T Price
Councillor S Rabey

9 May 2022

Dear Councillors

In accordance with the Local Government Act (LGA) 1972, Sch 12, paras 10 (2)(b) you are summoned to attend the **Full Council** meeting of Melksham Town Council. The meeting will be held at the Town Hall on **Monday 16th May 2022** commencing at **7.00 pm**.

A period of public participation will take place in accordance with Standing Order 3(e) prior to the formal opening of the meeting. The Press and Public are welcome to attend this meeting in person, alternatively the public and press may join the meeting via Zoom.

In accordance with the Council's commitment to being open and transparent; all Town Council meetings are recorded and broadcast live. The right to do so was established under the Openness of Local Government Bodies Regulations

Yours sincerely

Mrs L A Roberts BA(Hons), PGCAP, FHEA, FSLCC
Town Clerk and RFO

**Melksham Town Council
Full Council**

Monday 16 May 2022

In the exercise of Council functions. Members are reminded that the Council has a general duty to consider Crime & Disorder, Health & Safety, Human Rights and the need to conserve biodiversity. The Council also has a duty to tackle discrimination, provide equality of opportunity for all and foster good relations in the course of developing policies and delivery services under the public sector Equality Duty and Equality 2010.

Public Participation – To receive questions from members of the public.

Virtual Meeting Access

Please follow the joining instructions below for the virtual Zoom meeting:

Participants will be directly let in the meeting by clicking on the above link. There is no waiting room.

AGENDA

Virtual Meeting Access

Please follow the joining instructions below for the virtual Zoom meeting:

Join Zoom Meeting:

<https://us02web.zoom.us/j/87098191398?pwd=ZHM3eFN2ZjZlcG1xdjdiNTBkRVhDQT09>

Meeting ID: 870 9819 1398

Passcode: 585277

Participants will be directly let in the meeting by clicking on the above link. There is no waiting room.

1. Election of Town Mayor

The Town Mayor will ask for nominations for the Office of Town Mayor for 2022/2023.

The Town Mayor will put the nominations to the meeting, members will vote and the Town Mayor will declare the result.

2. Declaration of Acceptance of Office

To receive the Declaration of Acceptance of Office by the newly elected Town Mayor, to be witnessed and signed by the Town Clerk.

3. Outgoing Mayor's Address

To receive the outgoing Town Mayor's address.

4. Newly Elected Mayor's Address

To receive the newly elected Town Mayor's address.

5. Election of Deputy Mayor

The newly elected Town Mayor will ask for nominations for the role of Deputy Town Mayor for 2022/2023.

The Town Mayor will put the nominations to the meeting, members will vote and the Town Mayor will declare the result.

6. Declaration of Acceptance of Office

To receive the Deputy Town Mayor's Declaration of Acceptance of Office, to be witnessed and signed by the Town Clerk.

7. Apologies

To receive apologies for absence.

8. Declarations of Interest

To receive any Declarations of Interest in respect of items on this agenda as required by the Code of Conduct adopted by the Council.

Members are reminded that, in accordance with the Council's Code of Conduct, they are required to declare any disclosable pecuniary interest or other registrable interests which have not already been declared in the Council's Register of Interests. Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared on the Register, as well as any other registrable or other interests.

9. Minutes

To confirm as a correct record the minutes of the Extraordinary Full Town Council meeting held on 12 May 2022 (to follow).

10. Signing of Deeds and Legal Documents

To appoint four members, including the Town Mayor and Deputy Town Mayor, for the signing of legal documents and deeds.

11. Authorities for Town Council bank accounts

To approve the members to authorise payments from the Town Council's bank accounts:

Unity Trust Bank
Lloyds Bank

To approve the members to carry out bank reconciliations for the Town Council's bank accounts:

Unity Trust Bank
Lloyds Bank

To request approval for the Council to meet scheduled payments by Direct debit.

12. Financial Regulations 2022 (Pages 1 - 30)

Members are requested to approve the updated Financial Regulations 2022 (see attached and NALC Legal Topic Note 87).

13. Standing Orders (Pages 31 - 56)

Members are requested to approve the updated Standing Orders. NALC Legal Topic Note 87, (see above) refers.

14. Committees

To appoint Members, Chairs and Vice-Chairs to the following committees:

Asset Management and Amenities (9 Members)

Currently Councillors Goodhind-Chair, Forgacs -Vice Chair, Cooke, J Crundell, S Crundell, Houghton, Lewis, Oatley and Price.

Community Development (7 Members)

Currently Councillors Oatley-Chair, S Crundell-Vice Chair, Aves, Houghton, Lewis, Mortimer and Price.

Economic Development & Planning (9 Members)

Currently Councillors Hubbard- Chair, Cooke-Vice Chair, Ave, S. Crundell, Ellis, Goodhind, Mortimer, Oatley and Rabey.

Finance, Administration and Performance (7 Members)

Currently Councillors Rabey-Chair, J Crundell-Vice Chair, Hubbard, Goodhind, Forgacs, Houghton and Mortimer.

Staffing (5 Members to include the Mayor and Deputy Mayor)

Currently Councillors Hubbard-Chair, Goodhind-Vice Chair, Alford, J Crundell and Price.

15. Working Groups

To appoint members to the following Working Groups.

Working Group	Current Councillor Members
Budget Working Group	
Business Review	Alford, Cooke, Forgacs, Hubbard and Oatley
Canal	Deferred from last meeting
CCTV and Community Safety	Aves, Goodhind, Lewis and Oatley
CIL Funding Projects	Ellis, Alford and Rabey
Community Art Group	Aves, Forgacs, Hubbard and Lewis.
Environment and Climate	Aves, S. Crundell, Ellis, Lewis, Mortimer and Rabey
Major Projects	
Publicly Owned Assets in Melksham A Wiltshire Council initiative.	Aves, S Crundell, and Ellis
Parks	Goodhind, Hubbard, Mortimer and Rabey
Priority for People	Cooke, Ellis, Houghton, Hubbard and Rabey
Virtual Hub	Aves, Goodhind, Houghton and Oatley

16. Outside Bodies (Pages 57 - 62)

To confirm/appoint representatives on outside bodies. The current representatives are listed below, and details of outside bodies remit and commitment required is attached for information.

N.B. If a councillor has a conflict of interest between their opinion and Town Council policy, they should inform the Town Clerk and find a replacement to represent the Council on the appropriate outside body. Alternatively, they should represent the Council's views, adding their own view as a personal view or minority report.

Outside Body	Current Representative/s	Number of Councillors Required
2385 (Melksham) Air Training Corps	S Crundell, Forgacs	Two
Area Board	Goodhind	One
CATG	Goodhind	One
Carnival Committee	Mortimer	One
Melksham Adventure Centre	Mortimer	One
Melksham Almshouses	Houghton, Rabey	Two

Charities		
Melksham Community Transport	Ellis	One
Melksham League of Friends	J Crundell	One
Neighbourhood Plan	S Crundell, Rabey	Two
Neighbourhood Plan sub-group: <ul style="list-style-type: none"> • Canal Link • Climate Issues • Design Guides • Housing • Heritage • Local Green Space • Proposed A350 Bypass • Town Centre 	Goodhind Tom Price Aves Ellis S Crundell Ellis, Hubbard Aves, Goodhind, Oatley and Rabey	One or more One or more One or more One or more One or more One or more Two Four
North Operational Flood Working Group	Price	One
Priority for People Working Group	Ellis, Houghton	Two
Rachel Fowler Centre Management Committee	Lewis	One
Riverside Club Management Committee	Hubbard	One
Shurnhold Fields Working Group	Alford, Aves, Houghton, Rabey	Three
Shurnhold Fields (Friends of)	Rabey	One of above
Melksham Transport User Group	Aves/ Price	Two
Wiltshire Association of Local Councils	Hubbard	One
Wiltshire, Swindon and Oxfordshire Canal Partnership	Goodhind, Mortimer	Two
The Chamber	Hubbard, Rabey	Two
West Wiltshire – Elblag – Twinning Association	Aves	One



MELKSHAM TOWN COUNCIL

FINANCIAL REGULATIONS

2022

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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 orders 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 (Town Clerk) holds a statutory office to be appointed by the council. The Clerk has been appointed as Responsible Financial Officer for this council and these regulations will apply accordingly.
- 1.9. The Town Clerk;
 - acts under the policy direction of the council;

- 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 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 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. 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 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 least once in each quarter, and at each financial year end, two members other than the Chair or a cheque signatory shall be appointed to verify bank reconciliations for all accounts produced by the Town Clerk. The member shall sign the reconciliations and the original bank statements or similar document as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the council's Finance, Admin. and Performance 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
 - not be involved 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 arrange 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 for the following financial year to the council not later than the end of November each year including any proposals for revising the forecast.
- 3.2. The Town Clerk must each year, by no later than November, 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 relevant committee and the council.
- 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 (both revenue and capital) is categorised as follows:

- Small – contracts below £5,000.
- Medium – contracts between £5,000 and £9,999.
- Large – contracts between £10,000 and £24,999 and
- Very Large – contracts for £25,000 and over.

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

4.2. Revenue expenditure may be authorised up to the amounts included for that class of expenditure in the approved budget. Should the expenditure exceed the approved budget, authorisation must be provided by resolution of the council, or duly delegated committee. 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 or to an earmarked reserve as appropriate ('virement').

4.3. 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 Chair of Council or relevant committee. The Town Clerk will inform committees of any changes impacting on their budget requirement for the coming year in good time.

4.4. In cases of extreme risk to the delivery of council services, the 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 £10,000.00. The Clerk shall report such action to the chair as soon as possible and to the council as soon as practicable thereafter.

4.5. No expenditure shall be authorised in relation to any capital project and no contract entered 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.

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

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

4.8. The process to be followed when procuring an order is set out in Financial Regulation 11 below.

- 4.9. The Town Clerk shall regularly provide the council 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 more than 15% of the budget.
- 4.10. 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 requiring authorisation, by two of the council's Authorised Signatories. The two Authorised Signatories shall review the schedule for compliance and, having satisfied themselves shall authorise payment by signing the schedule. This shall be deemed as authorisation by any two out of the Town Clerk, Assistant to the Town Clerk or Finance Officer; to activate electronic payments using the council's Electronic Banking System. At every meeting of the council the Town Clerk shall present a full list of payments which have been authorised by members for formal ratification.
- 5.3. All invoices for payment shall be examined, verified, and certified by a senior manager 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 senior manager shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The senior manager shall take all steps to pay all invoices submitted, and which are in order, at the next available council meeting.
- 5.5. The Town Clerk (with the exception of 4.4 above) 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,
 - 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

- 5.6. 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 more than £5,000 shall before payment, be subject to ratification by resolution of the council.
- 5.7. 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.
- 5.8. 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.
- 5.9. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

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 effected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council or duly delegated committee.
- 6.4. Due to the volume of payments from the Council's bank account, the primary method of payment shall be via electronic banking as set out in 5.2 above. The schedule of payments shall be signed by two authorised signatories and those schedules shall then be presented to the next Full Council meeting for ratification. 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. If payment is required by cheque those shall be signed by two signatories. 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. 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.

- 6.7. 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.
- 6.8. 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.
- 6.9. 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.
- 6.10. No employee or Councillor shall disclose any PI 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.
- 6.11. 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.
- 6.12. 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.
- 6.13. Where internet banking arrangements are made with any bank, the Town Clerk shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will clearly state the amounts of payments that can be instructed using the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.14. 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.
- 6.15. 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.

- 6.16. 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 £5,000 unless authorised by council or the Finance, Admin and Performance committee before any order is placed.
- 6.17. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the council or the Finance, Admin and Performance Committee. Transactions and purchases made will be reported to the council or relevant committee and authority for topping-up shall be at the discretion of the council or relevant committee.
- 6.18. 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 £250 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept substantiating 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 decide 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 Staffing 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 been paid.

8. LOANS AND INVESTMENTS

- 8.1. All borrowings shall be effected 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. 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.
- 8.4. The council's Investment Strategy and Policy shall be reviewed by the council at least annually.
- 8.5. All investments of money under the control of the council shall be in the name of the council.
- 8.6. All investment certificates and other documents relating thereto shall be retained in the custody of the Town Clerk.
- 8.7. 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 using the appropriate accounts package.
- 10.3. All members and officers are responsible for always obtaining value for money. 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 solicitors, accountants, quantity surveyors, surveyors, and planning consultants;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - 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 £500 (more than this sum the Town Clerk shall act after consultation with the Chair and Vice Chair 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.

11.2 A credit check should be carried out for all suppliers where the contract being awarded is more than £2,500.

11.3 The procurement process to be followed depends on the amount of the contract.

11.4 Medium Contracts - (per Regulation 4)

A minimum of three quotes shall be sought and obtained, wherever possible, by the RFO or delegated officer (except where a pre-approved contractor is used per the Town Council's Procurement Policy).

If it is not possible to obtain quotes in accordance with Financial Regulations, the reasons and actions must be noted and approval to proceed authorised by the RFO.

11.5 Large Contracts – (per Regulation 4)

A minimum of three quotes shall be sought and obtained, wherever possible, by the RFO or delegated officer (except where a pre-approved contractor is used per the Town Council's Procurement Policy).

If it is not possible to obtain three quotes, the reasons and actions must be noted and approval to proceed authorised by the RFO/ Chair of the Finance, Admin and Performance committee, or formally approved by a resolution of Council.

11.6 Very Large Contracts and tender process – (per Regulation 4)

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 defined as a very large contract, the council shall comply with the relevant requirements of the Regulations¹.

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.

¹ 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

The process to be followed is set out in the Town Council's Procurement Policy.

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.

Any invitation to tender issued under this regulation shall be subject to Standing Order 18² and shall refer to the terms of the Bribery Act 2010.

12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS (PUBLIC WORKS CONTRACTS)

- 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.
- 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 or Amenities Manager shall be responsible for periodic checks of stocks and stores at least annually.

² Based on NALC's model standing order 18d in Local Councils Explained © 2013 National Association of Local Councils

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 £5,000.
- 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 keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 15.3. 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.
- 15.4. 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. RISK MANAGEMENT

- 16.1. The council is responsible for putting in place arrangements for the management of risk. The Town Clerk 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.
- 16.2. 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.

17. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 17.1. It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Town Clerk shall plan to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these Financial Regulations.
- 17.2. The council may, by resolution duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations if reasons for the suspension are recorded and an assessment of the risks arising has been drawn up and presented in advance to all members of council.

Reviewed by Full Council and adopted 23 April 2019

Readopted 17 May 2021

Reviewed by Full Council and readopted 16 May 2022

24 MARCH 2022

LTN 87 | PROCUREMENT

Introduction

1. This LTN applies to local councils in England and Wales except for paragraphs 11 to 16 below which apply only to local councils in England.
2. In the context of local councils, “procurement” is the process by which they award contracts to third parties (frequently individuals or companies) to provide goods, services or to undertake works. A procurement process is designed to source the most suitable contractors based on factors such as cost and their knowledge, experience, quality, capability, and financial standing.
3. A procurement exercise by a local council is subject to the requirements in s. 135 of the Local Government Act 1972 (“the 1972 Act”) and the Public Contracts Regulations 2015 (“the 2015 Regulations”). These legal requirements are summarised in the table below.

Contract value (net of VAT)	Legal requirements		
	The council’s standing orders required by s.135 of the 1972 Act (and financial regulations)	The Contracts Finder/ find a tender website and other light touch rules in the 2015 Regulations	Complex requirements in the 2015 Regulations
Low value contracts (in England only, this means up to £25,000).	✓		
All contracts over £25,000 but below the threshold below (England only).	✓	Use of the Contracts Finder/ find a tender website (see paragraph 11 to 16 below).	

Public service or supply contract over £213,477 or public works contract over £5,336,937	✓		✓ Follow most complex procedure (see paragraphs 17 to 21).
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4. The requirement for councils in England and Wales to have standing orders with respect to procuring and entering into contracts is set out in s.135 of the 1972 Act. This Note provides (A) an explanation of councils' responsibilities under the 1972 Act (England and Wales), (B) an explanation of the bodies and contracts which are subject to the 2015 Regulations (England and Wales), (C) an explanation of the Contracts Finder/ find a tender provisions and other light touch requirements for procuring and awarding contracts covered by the 2015 Regulations which are valued over £25,000 (England only) and (D) an overview of the complex requirements for procuring contracts covered by the 2015 Regulations which are valued over £213,477 for a public supply or public service contract or £5,336,937 for a public works contract (England and Wales).

A. Standing Orders (s. 135 of the 1972 Act)

5. S.135 of the Local Government Act 1972 provides:
- A local authority (which includes local councils in England and Wales) may make standing orders with respect to the making of contracts by them or on their behalf.
 - A local authority shall make standing orders with respect to the making by them or on their behalf of contracts for the supply of goods or materials or for the execution of works.
 - Standing orders made by a local authority with respect to contracts for the supply of goods or materials or for the execution of works shall include provision for securing competition for such contracts and for regulating the manner in which tenders are invited, but may exempt from any such provision contracts for a price below that specified in standing orders and may authorise the authority to exempt any contract from any such provision when the authority are satisfied that the exemption is justified by special circumstances.
 - A person entering into a contract with a local authority shall not be bound to inquire whether the standing orders of the authority which

apply to the contract have been complied with, and non-compliance with such orders shall not invalidate any contract entered into by or on behalf of the authority.

6. S.135 (3) confirms that, in England or Wales, a local council may adopt standing orders which exempt contracts from a tendering exercise if they are below a certain value or if specific circumstances apply. The Contracts Finder/ find a tender and other light touch provisions of the 2015 Regulations apply in England only to contracts valued above £25,000. This means that councils in England may have standing orders which confirm that contracts valued at £25,000 or below are exempt from a tendering or procurement exercise. Councils in Wales are not subject to this limit but this figure is included in NALC's model standing orders and financial regulations for Wales. A council's standing orders (and financial regulations) need to confirm the procurement requirements (if any) that will apply for the award of a new contract, which will be dependent on its value (or special circumstances). It is recommended that a council's standing orders (and financial regulations) confirm if contracts below a certain value (for councils in England, this means contracts valued at £25,000 or below) are exempt from a tendering or procurement exercise. It is also recommended that the council's standing orders and financial regulations confirm that the procurement of contracts over a certain value (for councils in England, this means contracts over £25,000) will be subject to the requirements in 2015 Regulations.

B. Which bodies are covered by the 2015 Regulations?

7. The 2015 Regulations imposes procurement requirements on "contracting authorities" which include local authorities (and therefore includes local councils), associations formed by one or more such authorities (e.g. County Associations) and "bodies governed by public law" (e.g. government departments, NHS trusts, maintained schools and Academy schools) (Regulation 2 of the 2015 Regulations). "Bodies governed by public law" includes an organisation set up for the general as opposed to commercial interest, with its own legal status, and which is financed or managed by a local authority. If a local council is the sole or managing trustee of a charity, appoints most of the trustees or grants the majority of the charity's income that charity will be subject to the 2015 Regulations.

Which contracts are covered by the 2015 Regulations?

8. The 2015 Regulations apply to “public contracts” which are defined as “contracts.... having as their object the execution of works, the supply of products or the provision of services.” Regulation 2 of the 2015 Regulations defines each of those three contracts as follows:

“public service contracts” meaning public contracts which have as their object the provision of services other than those referred to in the definition of “public works contracts”;

“public supply contracts” meaning public contracts which have as their object the purchase, lease, rental or hire-purchase, with or without an option to buy, of products, whether or not the contract also includes, as an incidental matter, siting and installation operations;

“public works contracts” meaning public contracts which have as their object any of the following:—

- the execution, or both the design and execution, of works related to one of the activities listed in Schedule 2 (see paragraph 9 below);
 - the execution, or both the design and execution, of a work;
 - the realisation, by whatever means, of a work corresponding to the requirements specified by the contracting authority exercising a decisive influence on the type or design of the work;
9. The activities in Schedule 2 to the 2015 Regulations which are included in the definition of a “public works contract” include site preparation, demolition of buildings, construction of new buildings, erection of roofs, bricklaying, scaffolding, insulation work, plumbing, plastering, joinery installation, floor and wall covering and painting and glazing, civil engineering works and construction of highways, roads, airfields and sport facilities.

Public contracts which are exempted from the 2015 Regulations

10. Regulations 7 to 12 provide that certain public contracts are exempted from the requirements of the 2015 Regulations. Regulation 10 confirms, for example, that contracts for the acquisition of land and buildings, legal services (legal advice and representation), bank services are exempted. In the context of local authorities, Regulation 12, for example, excludes:
- a contract with an incorporated body, controlled by a local authority, where more than 80 % of the body’s activities are controlled by the

local authority and there is no private sector ownership of the body, with certain exceptions;

- a contract between two or more local authorities who come together to provide a public service to achieve objectives they have in common and that the joint venture is governed solely by considerations relating to the public interest (e.g. where a parish council enters into arrangements with a principal council) and
- an incorporated body which is a contracting authority awards the contract to its controlling local authority or to an incorporated body controlled by the same local authority;

C. Advertising requirements

Brexit – transitional advertising arrangements

31 December 2020 marked the end of the transition period for the purposes of leaving the EU. There are new advertising requirements, with the introduction of “find a tender”. Government guidance, which also includes procurement policy notes, FAQs and a flow chart, sums up the main points

<https://www.gov.uk/guidance/public-sector-procurement-from-1-january-2021>

Below is a summary of the post 31 December 2020 changes:

1. Find a Tender went live at the end of the transition period (23:00 on 31 December 2020) -<https://www.find-tender.service.gov.uk/Search>
2. Procurements on OJEU/TED that were commenced prior to the end of the transition period must be concluded on OJEU/TED.
3. New procurements commenced after the end of the Transition Period must be advertised on Find a Tender.
4. Requirements to advertise on [ContractsFinder](#) and [Sell2Wales](#) remain unchanged (see below).

The Contracts Finder website and other light-touch rules in 2015 regulations (England only)

11. Where the estimated value of a public contract exceeds £25,000 a local council in England must comply with Articles 109 to 114 of the 2015 Regulations (in addition to section 135 of the 1972 Act). Regulation 110, which concerns the advertisement of a contract opportunity, is summarised below.
- Subject to the above paragraph on the changes post 31 December 2020, a council must advertise the contract opportunity on the “Contracts Finder” website when it advertises the contract opportunity elsewhere. A council will have advertised a contract opportunity elsewhere if it does anything to put the opportunity in the public domain or bring the opportunity to the attention of economic operators generally or to any class or description of economic operators which is potentially open-ended, with a view to receiving responses from economic operators who wish to be considered for the award of the contract (e.g. places details of the opportunity on its website, in a newspaper or a trade paper);
 - A council does not advertise an opportunity where it makes the opportunity available only to a number of particular economic operators who have been selected for that purpose (whether ad hoc or by virtue of their membership of some closed category such as a framework agreement), regardless of how it draws the opportunity to the attention of those economic operators (i.e. if a council has an arrangement with a limited number of approved organisations to undertake work for the council); Regulation 33 defines a “framework agreement” as an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. Contracting authorities may conclude framework agreements if they apply the procedures in Part 2 of the 2015 Regulations. Regulation 33 provides that framework agreements should not exceed 4 years except in exceptional circumstances. A council must advertise the contract opportunity on Contracts Finder within 24 hours of advertising it elsewhere;
 - The information to be published on Contracts Finder shall include at least the following: — (a) the time by which any interested economic operator must respond if it wishes to be considered; (b) how and to whom such an economic operator is to respond; and (c) any other requirements for participating in the procurement;

- Where a council publishes information on Contracts Finder it must —
(a) by means of the internet, offer unrestricted and full direct access free of charge to any relevant contract documents; and (b) specify in the information published on Contracts Finder the internet address at which those documents are accessible;
 - A council may advertise the contract opportunity on the “Contracts Finder” website when it does not advertise the contract opportunity elsewhere;
 - It must have regard to guidance issued by the Minister for the Cabinet Office.
12. Regulation 111 provides that councils cannot include a pre-qualification stage. A “pre-qualification stage” is defined as “a stage in the procurement process during which the contracting authority assesses the suitability of candidates to perform a public contract for the purpose of reducing the number of candidates to a smaller number who are to proceed to a later stage of the process.” A council may ask tenderers to answer “suitability assessment question” which is defined as relating “to information or evidence which the contracting authority requires for the purpose of assessing whether candidates meet requirements or minimum standards of suitability, capability, legal status or financial standing” if the questions are relevant to the subject-matter of the procurement; and proportionate. Councils must have regard to guidance issued by the Minister for the Cabinet Office which can be accessed via www.gov.uk/government/collections/procurement-policy-notes
13. Regulation 113 provides that councils must ensure that contracts contain suitable provisions stating that valid undisputed invoices will be paid by within 30 days. Public contracts must also contain a condition requiring contractors to include similar provisions in their contracts, and so on down the supply chain. Councils shall have regard to any guidance issued by the Minister for the Cabinet Office.
14. When a contract is awarded, a council, having regard to guidance issued by the Minister for the Cabinet Office, must publish on the Contracts Finder the information set out in Regulation 112. This includes:
- the name of the contractor;
 - the date on which the contract was entered into;

- the value of the contract;
 - whether the contractor is a SME (defined as an enterprise falling within the category of micro, small and medium-sized enterprises) or VCSE (defined as a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives).
15. A council may withhold information in paragraph 14 above from publication where its release
- would impede law enforcement or would otherwise be contrary to the public interest,
 - would prejudice the legitimate commercial interests of a particular economic operator, whether public or private, or
 - might prejudice fair competition between economic operators
16. The above is a summary of the main requirements in relation to use of the Contracts Finder website. Councils are recommended to read the 2015 Regulations which can be accessed via www.legislation.gov.uk/uksi/2015/102/contents/made

D. Complex requirements in the 2015 Regulations for high-value contracts

17. The 2015 Regulations incorporated the Public Contracts Directive 2014/24/EU (“the Public Contracts Directive”). In its simplest terms, the Public Contracts Directive facilitates the award of certain contracts to any business entity in the EU.

Financial thresholds

18. Even if the procurement and award of a contract is covered by the 2015 Regulations (see paragraphs 8 and 9 above) and is not an exempted contract (see paragraph 10 above) it will not be subject to the full requirements of the 2015 Regulations unless its estimated value exceeds the thresholds issued by the UK Government in the form of [Policy Procurement Note 10/21](#). As a result of Brexit, the UK Government and devolved administrations must now ensure procurement thresholds are aligned with the World Trade Organisation’s thresholds, which are contained in its Government Procurement Agreement (“GPA”). One of the most notable impacts of this change to GPA alignment is that contract value estimations must now be inclusive of VAT. Under previous EU rules, procurement

thresholds were net of VAT. As a result of this change local councils will need to carefully consider whether or not VAT will apply to relevant contracts. The figures below apply from 1 January 2022. As already mentioned in paragraphs 3 and 4 above, the current thresholds are:

Type of contract	Threshold
Public works contracts	£5,336,937
Public service contracts	£213,477
Public supply contracts	£213,477

19. Few contracts to be awarded by local councils will exceed the thresholds above but, if they do, they will be subject the requirements summarised in paragraph 21 below.
20. As noted above, contracts procured by councils in England which are worth over £25,000 but less than the thresholds in paragraph 18 above will still be subject to the Contracts Finder website and other light touch provisions in the 2015 Regulations summarised in paragraphs 11 – 16 above.

Procedural requirements

21. Contracts awards exceeding the thresholds in paragraph 18 above are detailed and complex. It is likely that councils considering such high value contracts will require technical and or legal advice from those who specialise in public procurement. Set out below is a very brief overview of the full requirements of the 2015 Regulations – where they apply.
 - Procurement must take one of five forms; the open procedure, the restricted procedure, competitive dialogue, the innovations partnership procedure; and competitive procedure with negotiation;
 - Accelerated forms of the open procedure and competitive procedure with negotiation and the restricted procedure in situations of urgency that a local council can duly substantiate;
 - There is a pre-qualification stage;
 - Councils will need to comply with the requirements in respect of tenders;

- Contracts should be awarded on the “most economically advantageous tender (Regulation 67);
- Contracts can be varied without going through a new procurement exercise in specified situations. (Regulation 72); and
- Contracts should be advertised on the Find a Tender/ Contracts Finder website (Regulation 106) – see paragraph 10 above and for the guidance on publishing in the Official Journal of the European Union (OJEU);

N.B. Central purchasing activities (where one body does purchasing for a series of organisations) are covered by the 2015 Regulations.

Other Legal Topic Notes (LTNs) relevant to this subject:

LTN	Title	Relevance
15	Legal Proceedings	Useful for threatened or actual legal proceedings relating to contract disputes.
29	Basic Charity Law	Explains responsibilities of council as a charity trustee.
35	Contracts	Guide to basic contract law.

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Melksham Town Council

STANDING ORDERS 2022

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INTRODUCTION

These model standing orders update the National Association of Local Council (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC). Their publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.

HOW TO USE MODEL STANDING ORDERS

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

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

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

DRAFTING NOTES

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

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

A model standing order that includes brackets like their ‘()’ requires information to be inserted by a council. A model standing order that includes brackets like their ‘[]’ and the term ‘OR’ provides alternative options for a council to choose from when determining standing orders.

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 chair 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 chair 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 chair of the meeting, is expressed in writing to the chair.
- h A Councillor may move an amendment to their 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 chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- k One or more amendments may be discussed together if the chair of the meeting considers their 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 the right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chair 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 they last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on 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 they are concerned by.
- q A point of order shall be decided by the chair of the meeting and their 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 or legal requirements.
- s Before an original or substantive motion is put to the vote, the chair 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 their right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the chair 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 their standing order is ignored, the chair of the meeting shall request such person(s) to moderate or improve their conduct.

- b If person(s) disregard the request of the chair of the meeting to moderate or improve their conduct, any councillor or the chair of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chair 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** OR [The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting].
- 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) shall not exceed (15) minutes unless directed by the chair of the

meeting.

- g Subject to standing order 3(f), a member of the public shall not speak for more than three minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
- i A person shall raise their hand when requesting to speak.
- j A person who speaks at a meeting shall direct their comments to the chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- 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 Councillors may make representations regarding the business of the Council at meetings of Full Council under a specific agenda item.
- p **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council.**
- q **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- r **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- s **The Chair 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 their casting vote whether or not**

- **they gave an original vote.**

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

- t **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 their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

- u The minutes of a meeting shall include an accurate record of the following:

- i. the time and place of the meeting;
- ii. the names of councillors who are present and the names of councillors who are absent;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vi. if there was a public participation session; and
- vii. the resolutions made.

- v **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 their right to participate and vote on that matter.**

- w **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

See standing order 4d(vii) for the quorum of a committee or sub-committee meeting.

- x **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.

y Meetings shall not exceed a period of three hours or continue later than 10pm

4. COMMITTEES AND SUB-COMMITTEES

a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**

b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**

c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

d The Council may appoint standing committees or other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
- iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
- iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
- v. shall, after it has appointed the members of a standing committee, appoint the chair of the standing committee;
- vi. shall permit a committee other than a standing committee, to appoint its own chair at the first meeting of the committee;
- vii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
- viii. shall determine if the public may participate at a meeting of a committee;
- ix. 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;
- x. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xi. may dissolve a committee or a sub-committee

5. ORDINARY COUNCIL MEETINGS

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.
- b In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.
- c If no other time is fixed, the annual meeting of the Council shall take place at 7pm.
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.
- e The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair of the Council.
- f The Chair of the Council, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.
- g The Vice-Chair of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.
- h In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.
- i In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.
- j Following the election of the Chair of the Council and Vice-Chair of the Council at the annual meeting, the business shall include:
 - i. In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of their acceptance of office form unless the Council resolves for it 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;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and other assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 13, 22 and 23*);
- 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 Council up to and including the next annual meeting of the Council.

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

- a The Chair of the Council may convene an extraordinary meeting of the Council at any time.
- b **If the Chair of the Council does not 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 shall be signed by the two councillors.**
- c The chair 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 chair of a committee or a sub-committee does not call an extraordinary meeting within seven days of having been requested to do so by two members of the committee or the sub-committee, any two members of the committee or the sub-committee may convene an extraordinary meeting of the committee or a sub-committee.

7. ATTENDANCE AT MEETINGS AND RIGHT TO RECEIVE DOCUMENTS

- a Councillors may attend meetings of committees or sub-committees to which they have not been appointed. This is a legitimate practice as councillors have the same rights to attend committee or sub-committee meetings as members of the public.
- b. However, only councillors who have been appointed as members of the Staffing Committee will be permitted to attend and participate in meetings of that Committee.
- b Councillors cannot claim an automatic right to see all council documentation and information. If a councillor is not a member of a particular committee, he has to demonstrate why sight of a document or receipt of the information in question is necessary to enable him to perform his duties as a councillor.

8. PREVIOUS RESOLUTIONS

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least seven councillors to be given to the Proper Officer in accordance with standing order 10, 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 10(a) has been disposed of, no similar motion may be moved for a further six months.

9. 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 chair of the meeting.

10. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and, in any event, shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 10(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least seven 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 chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

11. 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 other information which is prejudicial to the public interest;
 - xii. to not hear further from a councillor or a member of the public;
 - xiii. to exclude a councillor or 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 or legal requirements);
 - xvi. to adjourn the meeting; or
 - xvii. to close the meeting.

12. MANAGEMENT OF INFORMATION

See also standing order 22.

- 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.**

13. DRAFT MINUTES

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- 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 11(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 Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chair of their meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but their view was not upheld by the meeting and the minutes are confirmed as

an accurate record of the proceedings.”

- e **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 13(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.

14. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless they have 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 they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c Unless they have 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 they have another interest if so, required by the Council’s code of conduct. They may return to the meeting after it has considered the matter in which they 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 a meeting of the Council, or committee or sub-committee for which the dispensation is required, and that decision is final.
- f A dispensation request shall confirm:
 - 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 14(d) and (f), a dispensation request shall be considered at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 15(e) if having regard to all relevant circumstances any of the following apply:**
 - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
 - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

15. CODE OF CONDUCT COMPLAINTS

- a Upon notification by the Unitary 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 12, report this to the Council.
- b Where the notification in standing order 15(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of their fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 15(d).
- c The Council may:
 - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against them. Such action excludes disqualification or suspension from office.**

16. PROPER OFFICER

- a The Proper Officer shall be the clerk.
- b The Proper Officer shall:
 - i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
 - See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*
 - ii. subject to standing order 10, include on the agenda all motions in the order received unless a councillor has given written notice at least seven days before the meeting confirming their withdrawal of it;

- iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from Councillors;
- vii. hold a copy of every Councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
(*see also standing order 24*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council the Chair or in their absence Vice-Chair 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 committee;
- xvi. manage access to information about the Council via the publication scheme; and

17. RESPONSIBLE FINANCIAL OFFICER

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

18. 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”.
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council’s financial regulations.
- c The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the Council’s receipts and payments (or income and expenditure) for each quarter;
 - ii. the Council’s aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the end of the quarter being reported andwhich includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each Councillor with a statement summarising the Council’s receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

19. 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 **£25,000.00** 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 in standing order 19(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- 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 two councillors 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.**

20. HANDLING STAFF MATTERS

- a A matter personal to a member of staff that is being considered by a meeting of the Staffing Committee is subject to standing order 13.
- b Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff shall contact the chair of the Staffing Committee or in their absence, the vice-chair of the Staffing Committee in respect of an informal or formal grievance matter, and their matter shall be reported back and progressed by resolution of Staffing Committee if appropriate and subject to standing order 13.
- c 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 chair or vice-chair of the Staffing Committee, it shall be communicated to another member of Staffing Committee, which shall be reported back and progressed by resolution of the Staffing Committee, if appropriate and subject to standing order 13.
- d Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- e In accordance with standing order 12(a), persons with line management responsibilities shall have access to staff records referred to in standing order 20(d).

21. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 22.

- 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.**

22. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also standing order 12.

- 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 their personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

23. RELATIONS WITH THE PRESS/MEDIA

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

24. EXECUTION AND SEALING OF LEGAL DEEDS

See also standing orders 16(b)(xii) and (xvii).

- a A legal deed shall be executed on behalf of the Council by the Chair, Vice-Chair or any member of the Finance and Administration Committee.
- b **[Subject to standing order 24(a), any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.]**

The above is applicable to a Council without a common seal.

25. COMMUNICATING WITH 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 Unitary Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the Unitary Council shall be sent to the ward Councillor(s) representing the area of the Council.

26. RESTRICTIONS ON COUNCILLOR ACTIVITIES

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

27. STANDING ORDERS GENERALLY

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least three Councillors to be given to the Proper Officer in accordance with standing order 11.
- c The Proper Officer shall provide a copy of the Council's standing orders to a Councillor as soon as possible.
- d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

Reviewed by Full Council and adopted 23 April 2019. Amended November 2019. Revised June 2021. Reviewed by Full Council 28 June 2021. Reviewed by Full Council 16 May 2022.

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Outside Bodies 2022

Name of Organisation	No. of Councillor Representatives required	Length of time representation required	Synopsis	Time and Venue of meetings	Can attend virtually YES/NO	Frequency of Meetings Per Annum	Role of Rep.
2385 (Melksham) Air Training Corps	1 or 2	Ongoing. Candidates need to have a DSBS check and be prepared to engage with the squadron for a long time.	Working with young people aged 12-18 in Melksham providing structured classes and training.	Civilian Committee meetings of which the x2 representatives would be members take place approximately every 6 weeks.	No	7-9 meetings per year. Support at 4 events per year.	To support the Sqn Civilian Committee in its role of actively fund raising, boosting community awareness and supporting the Sqn Commanding Officer. An enhanced DBS check is required paid for by the MOD.
Area Board	1	Ad Hoc	Wiltshire Council body.	Wednesday 7-9pm, Melksham Town Hall	Yes	4	To meet in each locality providing support to local group's work and tackling local issues to find solutions, working with partners to develop projects.
LHFIG (Local Highways and Path Improvements Group (formerly CATG))	1	Ongoing	Wiltshire Council body and sub group of Area Board.	Thursday 4.30 - 6.00 pm	No	4	As part of the committee to decide how to spend the capital highways investment for specific minor highway improvement requests, i.e. dropped kerb.

Melksham Adventure Centre	1		To provide a base for working with youth in the Community			4	Management committee and deal with issues regarding the Adventure Centre
Melksham Almshouses Charities	2	Ongoing	Meetings held on line currently and may continue.	Evening meetings held at the Melksham Town Hall.	No	4 per year	To sit on a board of trustees, consider and approve grant applications, run 5 Amshouses. To consider the health and wellbeing of the Almshouses residents.
Melksham Community Transport (previously called Melksham Council of Community Service	1		Provide transport for local residents for shopping and day trips			6	Provide support to the committee and connection to the Council.
Friends of Melksham Hospital and Community (previously Melksham League of Friends)	1	Ongoing (would like the same councillor for the duration of office)	Working alongside Melksham Hospital	Tuesday at 6.30 pm for one hour at Melksham Hospital	No	3 + AGM	To consider and approve applications for funds.

Neighbourhood Plan	2	Ongoing (would like the same councillor for the duration of office)	Working Group of both Town and Parish Councillors, as well as community group members.	Monthly (usually last Wednesday of every month) at 6.30 pm or more frequently if necessary. Town Hall (once MWPC have moved to Campus can alternate).	YES, if necessary	12+ a year	To represent the Town Council and to feed into/back from meetings.
Neighbourhood Plan Subgroups: Melksham Canal Link Housing Allocations • Heritage • Local Green Space • A350 Bypass	1 or more	For duration of Neighbourhood Plan #2	Working Group of both Town and Parish Councillors, as well as community group members.	To be decided	Yes		To represent the Town Council and to feed into/back from meetings.
North Operational Flood Working Group (NEW 2019)	1	2.00 - 2.30 hrs	Wiltshire Council run group working with Wessex water, councils and agencies dealing with flood and drainage issues.	Thursday either 9.30 or 10.00 am start	YES	Bi monthly	Sharing practices and working towards dealing with drainage and flooding issues.
Priority for People Working Group	2						

Rachel Fowler Centre Management Committee	1		Committee to manage the Rachel Fowler Centre, a community building used by local groups for meetings, talks and performances.	7.30 pm at the Rachel Fowler Centre, Melksham.	No	4	Dealing with day to day issues relating to the building, e.g. repairs.
Riverside Club Management Committee	1	Ongoing (would like the same councillor for the duration of office)	Management of the Riverside Club building.	Riverside Club at 7.00 pm	No	4 - held quarterly + AGM	To join with the Committee on the safe running of the building, e.g. dealing with repair issues.
Shurnhold Fields Working Group	3	Ongoing (would like the same councillor for the duration of office)	Joint working group of both the Town Council and Melksham Without Parish Council.	Town Hall (once Melksham Without move to the Campus can alternate). Evening meetings at 7.00 pm.	YES, if cannot attend in person	When required	To represent the Town Council and to feedback to/from the Town Council.
Shurnhold Fields (Friends of)	1 of the above	Ongoing (would like the same councillor for the duration of office)	Working group with reps from the Town Council and Melksham Without Parish Council	Wednesdays 7.00 pm - 9.00 pm at the Town Hall	No	When required	Liaise with the Town Council and Working Group
Melksham Chamber of Commerce	2		Working with local business.			6 - 1 meeting held every 2 months	Concentrate on fundraising in Melksham working with local businesses.
Melksham Transport Users Group (not TransWilts of MDUG)	2	Ongoing	Community group partnering to improve public transport and to promote its use.	3rd Wednesday AGM scheduled for 18 May 2022.	Yes	12	Looking at improving train travel and lobbying for better public transport. Bringing wider resident feedback to the group.

West Wiltshire Elblag - Twinning Association	1	Ongoing	To support the Twinning between the Five West Wiltshire Towns and Elblag in the north east of Poland. Help with events and visits.	7.30 pm on Thursday	No	Up to 6 including the AGM	To represent Melksham on this 5 town committee.
Wiltshire Association of Local Councils	1		Wiltshire Association of Local Councillors, a branch of NALC.	Meetings held at County Hall, Trowbridge.		Approx. 2	Representing all local councils in Wiltshire sharing good practice, making sure the voice of local councils is heard, bringing relevant issues to the fore when necessary.
Wiltshire, Swindon and Oxfordshire Canal Partnership	2		Hosted by Wiltshire Council via Zoom currently could be held away from Melksham.	2pm at Monkton Park, Chippenham	Yes, via Teams	Approx 2	To work with the partnership highlighting issues of what is happening in Melksham that will impact on the canal, to support canal activity in Melksham and economic recovery.

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