



To:

Leaders and Chief Executives of County and County Borough Councils
Chairs and Chief Executives of National Park Authorities
Chairs and Clerks of Fire and Rescue Authorities
Chair and Chief Executive of One Voice Wales
Leader and Chief Executive of Welsh Local Government Association
Head of Democratic/Members Services of County and County
Borough Councils, National Park Authorities and Fire and Rescue Authorities
Community & Town Councils

28 September 2020

Dear Colleague

Independent Remuneration for Wales – Draft Annual Report 2021/22

The Panel's draft Annual Report for 2021/22 is attached. We would appreciate and welcome comments during the consultation period which ends on 23 November 2020.

The draft Report contains proposed changes to our remuneration framework including a modest increase in the basic salary for elected members of principal councils and members of National Park Authorities and Fire and Rescue Authorities. We have also propose significant changes in respect of financial support for care and assistance.

We look forward to receiving comments and will consider all of the responses to this draft prior to producing the final Report for publication in February 2021.

Yours sincerely

John Bader
Chair

13. Payments to Members of Community and Town Councils

- 13.1 The Panel recognises a wide variation in geography, scope and scale across the 735 community and town councils in Wales, from small community councils with relatively minimal expenditure and few meetings to large town councils with significant assets and responsibilities.
- 13.2 The Panel has met with over 304 Councillors and Clerks representing 302 community and town councils in 17 meetings it held across Wales. The discussions re-confirmed the widely held view that the roles individual councils undertake varied significantly and in accordance with this wide variation, the responsibilities and accountabilities of councillors must also vary. Councillors managing income or expenditure of £1million and those delivering significant services, including some that might have been delegated from principal councils, are operating in a much more complex environment than a council with an annual budget of less than £30,000.
- 13.3 In the 2018 Annual Report the Panel formed 3 groups of community and town councils to reflect these differences based on the level of income or expenditure, whichever is the highest, in the previous financial year. These remain unchanged as set out in Table 7.

Table 8: Community and Town Council Groupings

Community and Town Council Group	Income or Expenditure in 2020-2021 of:
A	£200,000 and above
B	£30,000 - £199,999
C	Below £30,000

- 13.4 In order to act and carry out duties as a member of a community or town council all persons are required to make a formal declaration of acceptance of office. Following this declaration, members of community or town councils are then holders of elected office and occupy a role that is part of the Welsh local government structure. It is important to note that a person who follows this path is in a different position to those in other forms of activity, for example such as volunteering or charitable work, typically governed by the Charity Commission for England and Wales.
- 13.5 Under the Local Government (Wales) Measure 2011, community and town councils are relevant authorities for the purpose of remuneration.
- 13.6 Consequently, individuals who have accepted office as a member of a community or town council are entitled to receive payments as determined by the Independent Remuneration Panel for Wales. It is the duty of the proper officer of a council (usually the Council Clerk) to arrange for correct payments to be made to all individuals entitled to receive them.

- 13.7 Members should receive monies to which they are properly entitled as a matter of course. There must be no requirement for individuals to 'opt in' to receive payments.
- 13.8 An individual may decline to receive part, or all, of the payments if they so wish. This must be done in writing and is an individual matter. A community or town council member wishing to decline payments must themselves write to their proper officer to do so.
- 13.9 The Panel considers that any member who has personal support needs or caring responsibilities should be enabled to fulfil their role. Therefore, the Panel is mandating contribution towards costs of care and personal allowance for all members of community and town councils as set out in Determination 39.
- 13.10 Each community and town council must ensure that it does not create a climate which prevents persons accessing any monies to which they are entitled that may support them to participate in local democracy. Payments should be made efficiently and promptly.
- 13.11 Members in receipt of a Band 1 or Band 2 senior salary from a principal council cannot receive any payment from any community or town council, other than travel and subsistence expenses and contribution towards costs of care and personal assistance. However, this does not preclude them from holding a senior role (Leader, Deputy Leader) without payment.
- 13.12 Table 9 sets out the actions that community and town councils must take annually in respect of each determination that follows.

Payments towards costs and expenses

- 13.13 The Panel continues to mandate a payment of £150 as a contribution to costs and expenses for members of all community and town councils.
- 13.14 For the avoidance of doubt this determination now includes all councils. Receipts are not required for these payments.

Determination 40: All community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.

Senior roles

- 13.15 The Panel recognises that specific member roles especially within the larger community and town councils, for example a committee chair, will involve greater responsibility. It is also likely that larger councils will have a greater

number of committees, reflecting its level of activity. The Panel has therefore determined that councils in Group A must make available a payment for a minimum of one senior role and a maximum of five senior roles of £500 each. Councils in Groups B and C can pay up to five responsibility payments (of up to £500) for specified roles.

- 13.16 In all cases, a Councillor can only have one payment of £500 regardless of how many senior roles they hold within their Council.

Determination 41: Community and town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.

Determination 42: Community and town councils in Groups B or C can make an annual payment of up to £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.

- 13.17 Where a person is a member of more than one community or town council, they are eligible to receive the £150 and, if appropriate, £500 from each council of which they are a member.

Contribution towards costs of care and personal assistance

- 13.18 The purpose of this is to enable people who have personal support needs and or caring responsibilities to carry out their duties effectively as a member of an authority. The Panel's determinations in section 10 apply to Community and Town Councils.

Reimbursement of travel costs and subsistence costs

- 13.19 The Panel recognises there can be significant travel and subsistence costs associated with the work of community and town council members, especially where the council area is geographically large and/or when engaging in duties outside this area. Each council has an option to pay travel and subsistence costs including travel by taxi if this is the only, or most appropriate, method of transport. Where a council does opt to pay travel and subsistence costs, the following determinations apply.

Determination 43: Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties.⁷ Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:

- 45p per mile up to 10,000 miles in the year.
- 25p per mile over 10,000 miles.
- 5p per mile per passenger carried on authority business.
- 24p per mile for private motor cycles.
- 20p per mile for bicycles.

Determination 44: If a community or town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members at the maximum rates set out below on the basis of receipted claims:

- £28 per 24-hour period allowance for meals, including breakfast where not provided.
- £200 – London overnight.
- £95 – elsewhere overnight.
- £30 – staying with friends and/or family overnight.

Compensation for financial loss

- 13.20 The Panel has retained the facility which councils may pay as compensation to their members where they suffer financial loss when attending approved duties. Members must be able to demonstrate that the financial loss has been incurred. Each council has an option to pay compensation for financial loss and where it does the following determination applies.

⁷ Where a member who is on official business or an approved duty is driven by a third party (not a member or officer of that authority), the member can claim mileage at the prescribed rates plus any parking or toll fees provided the authority is satisfied that the member has incurred these costs.

Determination 45: Community and town councils can pay financial loss compensation to each of their members, where such loss has occurred, for attending approved duties as follows:

- Up to £55.50 for each period not exceeding 4 hours
- Up to £110.00 for each period exceeding 4 hours but not exceeding 24 hours

Civic Head and Deputy Civic Head

- 13.21 Civic heads are senior posts within community and town councils. In addition to chairing major meetings the civic head is the 'ambassador' representing the council to a variety of institutions and organisations. The Panel requires that members should not have to pay themselves for any cost associated with carrying out these duties. This requirement also applies in respect of deputy civic heads.
- 13.22 The Panel recognises the wide range of provision made for civic heads in respect of transport, secretarial support, charitable giving and clothing – we consider these to be the council's civic budgets.
- 13.23 Funding decisions in relation to these civic budgets are not matters of personal remuneration for the post holder but relate to the funding required for the tasks and duties to be carried out. Councils remain free to set civic budgets at whatever levels they deem appropriate for the levels of civic leadership they have in place.
- 13.24 For the avoidance of doubt, costs in respect of, for example, transport (physical transport or mileage costs), secretarial support, charitable giving (purchasing tickets, making donations or buying raffle tickets) and clothing are not matters of personal remuneration for the individual holding the senior post. These should be covered by the civic budget.
- 13.25 Recognising that some mayors and chairs of community and town councils and their deputies are very active during their year of office, the Panel has determined that community and town councils can make a payment to the individuals holding these roles.
- 13.26 This is a personal payment to the individual and is entirely separate from covering the costs set out above.
- 13.27 The Panel has determined that the maximum payment to a chair or mayor of a community or town council is £1,500. The maximum payment to a deputy mayor or chair is £500.

Determination 46: Community and town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.

Determination 47: Community and town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum of £500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.

Making Payments to members

- 13.28 Table 9 sets out each of the above determinations and if a decision is required by the council in respect of each one.
- 13.29 In respect of the mandated payments where no decision is required by a council, members should receive monies to which they are properly entitled as a matter of course.
- 13.30 Where a decision is required by the council, this should be done at the first meeting following receipt of the Annual Report.
- 13.31 A council can adopt any, or all, of the non-mandated determinations but if it does make such a decision, it must apply to all its members.
- 13.32 When payments take effect from is set out in paragraphs 13.36 to 13.38 below.
- 13.33 On receipt of the draft Annual Report the previous autumn, councils should consider the determinations for the next financial year and use this to inform budget plans.

Table 9

Determination Number	Is a decision required by council?
40 All community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.	No - the payment of £150 is mandated for every member unless they advise the appropriate officer that they do not want to take it in writing.
41 Community and town councils in Group A must make available an annual payment of £500 each to a minimum of 1 and a maximum of 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.	Yes – a council must decide how many payments of £500 it will make – to between 1 and 5 members.
42 Community and town councils in Groups B or C can make an annual payment of up to £500 each to up to 5 members in recognition of specific responsibilities. This is in addition to the £150 payment for costs and expenses.	Yes – it is optional to pay it for up to 5 members and, if it is paid, the amount (up to £500) must be decided.
43 Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties.	Yes – the payment of travel costs is optional.

Determination Number	Is a decision required by council?
44 If a community or town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members.	Yes – the payment of overnight subsistence expenses is optional.
45 Community and town councils can pay financial loss compensation to each of their members, where such loss has actually occurred, for attending approved duties.	Yes – the payment of financial loss allowance is optional.
46 Community and town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500.	Yes – the payment to a Civic Head is optional.
47 Community and town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum amount of £500.	Yes – the payment to a Deputy Civic Head is optional.
48 Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) cannot receive any payment from any community or town council, other than travel and subsistence expenses and contribution towards costs of care and personal assistance.	No - Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) can only receive travel and subsistence expenses and contribution towards costs of care and personal assistance; if they are eligible to claim, and wish to do so.

13.34 All members are eligible to be paid the £150 as set out in Determination 40 from the start of the financial year; unless they are elected later in the financial year, in which case they are eligible for a proportionate payment from that date.

13.35 Other amounts payable to members in recognition of specific responsibilities or as a civic head or deputy civic head as set out in Determinations 41, 42, 46 and 47 are payable from the date when the member takes up the role during the financial year.

13.36 It is a matter for each council to make, and record, a policy decision in respect of:

- when the payment is actually made to the member;
- how many payments the total amount payable is broken down into;
- and whether and how to recover any payments made to a member who leaves or changes their role during the financial year.

13.37 Payments in respect of Determinations 41, 42, 43 and 44 are payable when the activity they relate to has taken place.

- 13.38 As stated in paragraph 13.8 any individual member may make a personal decision to elect to forgo part or all of the entitlement to any of these payments by giving notice in writing to the proper officer of the council.

Determination 48: Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) cannot receive any payment from any community or town council, other than travel and subsistence expenses and contribution towards costs of care and personal assistance.

Publicity requirements

- 13.39 There is a requirement on community and town councils to publish details of all payments made to individual members in an annual Statement of Payments for each financial year. This information must be published on council noticeboards and or websites (with easy access) and provided to the Panel by email or by post no later than 30 September following the end of the previous financial year. The Panel draws attention to the requirements stipulated at Annex 4. The Panel is concerned that a significant number of councils are still in breach of this requirement.



CALDICOT TOWN COUNCIL

ESTIMATES FOR PRECEPT 2021/2022

DRAFT

G McIntyre
Clerk to the Council/RFO

**CALDICOT TOWN COUNCIL
ESTIMATES FOR PRECEPT YEAR 2021/2022**

INTRODUCTION

The format presentation shows the previous year actual **audited 2019/2020**, the original estimate as prepared November 2019 for 2020/2021, the revised estimate 2020/2021 based on actual figures to date giving a better estimate for outturn year. The final column showing the estimate for year 2021/2022 (The Precept Year) based on the most informed information available.

**Town Council to consider its perceived future objectives and amend accordingly.
The estimates are initially in DRAFT for the consideration of Town Council.**

The net figure arrived at as adjusted would be the precept sum to be levied onto Mon CC to add to its Council tax levy for that year and that precept must be made known to the County Council within a prescribed timescale.

NOTE OF DEBARMENT FROM TAKING PART IN THE ESTIMATES COMMITTEE NOVEMBER 2020

Under Local Government legislation any member who is 2 months in arrears with payment of Council tax must make that declaration and not take part, speak or vote at the meeting when the estimates for 2021/2022 are being discussed

SCALE CHARGES - Town Council to consider any changes to fees

A) BURIAL FEES

	1.4.14	1.4.15	1.4.16	1.4.17	1.4.18	1.4.19	1.4.20	1.4.21
	£	£	£	£	£	£	£	£
Opening New Single Grave	270	270	270	300	300	300	300	300
Opening New Double Grave	270	270	270	300	300	300	300	300
Opening New Triple Grave	270	270	270	300	300	300	300	300
Re-opening Existing Grave	270	270	270	300	300	300	300	300
Burials upto 18 years	0	0	0	0	0	0	0	0
Burials for serving members of the armed forces					0	0	0	0
Scattering of Cremated Remains	50	55	55	60	60	60	60	60
Cremated Remains in CRS Area	120	120	120	120	120	120	120	120
Cremated Remains in Existing Grave	120	120	120	120	120	120	120	120
Cremated Remains in New Grave	270	270	270	300	300	300	300	300
Reserved Spaces	275	n/a	n/a	n/a	n/a	n/a	275	275
Reserved Cremation Area	110	110	110	n/a	n/a	n/a	110	110
Headstones								
New Headstone (to place)	120	120	120	130	130	130	130	130
CRS Headstone	120	120	120	130	130	130	130	130
New Inscription	120	120	120	130	130	130	130	130

There is a cessation of New Graves/CRS Spaces for Non-residents*

*exceptions to the rule would be persons who have had long term residence with family links within Caldicot and have moved out of the area; any members of armed forces with family links in Caldicot

B) ALLOTMENT FEES

	1.4.14	1.4.15	1.4.16	1.4.17	1.4.18	1.4.19	1.4.20	1.4.21
Full charge for working ploholders	£30	£30	£40	£40	£40	£40	£40	£40
Abated charge for retired/unemployed	£20	£20	£20	£20	£20	£20	£20	£20

To note 1 year's notice must be given for increase in rentals

C) TOWN COUNCIL BUILDING HIRE FEES

1.4.14	1.4.15	1.4.16	1.4.17	1.4.18	1.4.19	1.4.20	1.4.21
£8 [hr/part]	£8 [hr/part]	£8 [hr/part]	£8 [hr/part]	£8 [hr/part]	£8 [hr/part]	£8 [hr/part]	£8 [hr/part]

Business Organisations - £30.00/hour/part hour

Weekend rates [if permitted] – As above

Budget Headings

Start of year 01/04/20

Heading		Account	2020/21	Revised	2021/22	Last year's actual
KGVPF Trustee Land Expenditure						
5010	Child Play Area Materials Etc	5008534700	£5,000.00	£5,000.00	£5,000.00	£2,937.42
5020	Playarea Safety Inspections	5008534700	£1,000.00	£1,000.00	£1,000.00	£732.04
5030	Playarea Gates Attendant	5008534700	£1,250.00	£1,250.00	£1,250.00	£1,250.00
5040	Compound Elect Supply	5008534700	£165.00	£150.00	£0.00	£195.11
5050	Welsh Water	5008534700	£110.00	£100.00	£0.00	£45.63
5060	Security/fire alarm systems	5008534700	£600.00	£0.00	£0.00	£540.00
5070	Compound Repairs	5008534700	£100.00	£0.00	£0.00	£0.00
5081	Compound Plans/Project Manager	5008534700	£5,000.00	£5,000.00	£0.00	£0.00
5090	Grounds Maintenance Contractor	5008534700	£13,500.00	£13,500.00	£14,000.00	£11,520.00
5095	Waste Removal	5008534700	£200.00	£200.00	£200.00	£0.00
5100	Fields in Trust Affiliation	5008534700	£65.00	£65.00	£70.00	£65.00
5110	Green Flag Award/signs	5008534700	£1,000.00	£0.00	£1,000.00	£0.00
5120	External repairs	5008534700	£200.00	£0.00	£0.00	£10.00
5125	Trees/Bushes	5008534700	£4,000.00	£4,000.00	£1,000.00	£335.00
5135	Litter Bins	5008534700	£500.00	£200.00	£1,000.00	£0.00
5140	Bowling Green Contractor	5008534700	£15,000.00	£13,500.00	£14,000.00	£12,322.44
5150	STRI Subscription/Inspection	5008534700	£700.00	£750.00	£800.00	£690.07
5155	Works to Bowls Club	5008534700	£1,000.00	£0.00	£0.00	£5,750.00
5160	Pest Control	5008534700	£100.00	£0.00	£100.00	£50.00
5180	Repairs to wall KGVPF	5008534700	£1,000.00	£0.00	£1,000.00	£0.00
5200	Replace bollards	5008534700	£1,000.00	£0.00	£1,000.00	£0.00
5230	Asbestos re-inspect Bowls Club	5008534700	£0.00	£0.00	£0.00	£0.00
5260	Legionella inspect Bowls Club	5008534700	£1,000.00	£220.00	£1,000.00	£807.17
5275	Fixed wiring testing (5 years)	5008534700	£0.00	£0.00	£0.00	£0.00
5285	Upgrade Bowls Club Benches	5008534700	£0.00	£0.00	£0.00	£1,380.00
5295	Inclusive Roundabout	5008534700	£0.00	£0.00	£0.00	£9,898.00
5300	KGVPF Entrance Gates Attendant	5008534700	£0.00	£675.00	£1,250.00	£620.00
Total			£52,490.00	£45,610.00	£43,670.00	£49,147.88

Budget Headings

Start of year 01/04/20

Heading		Account	2020/21	Revised	2021/22	Last year's actual
Town Facilities Income						
200	Burial Fees	5008534700	£15,000.00	£15,000.00	£15,000.00	£15,445.00
205	Allotment Rents	5008534700	£2,000.00	£2,000.00	£2,000.00	£1,960.00
210	Town Council Building Hire	5008534700	£2,000.00	£0.00	£2,000.00	£2,044.00
215	Nursery Rent/Recharge Insurance	5008534700	£6,100.00	£6,025.00	£6,100.00	£6,022.73
220	Refund Business Rates 9SL 16/17 (5008534700	£0.00	£85.00	£0.00	£0.00
		Total	£25,100.00	£23,110.00	£25,100.00	£25,471.73
Town Facilities Expenditure						
2000	Allotments	5008534700	£2,895.00	£2,195.00	£2,910.00	£1,669.48
2000/1	Rent of Land from MCC	5008534700	£15.00	£15.00	£15.00	£15.00
2000/2	Affiliation Fees	5008534700	£60.00	£60.00	£65.00	£55.00
2000/3	Water Supply	5008534700	£1,000.00	£800.00	£1,000.00	£572.17
2000/4	Grounds Maintenance	5008534700	£1,000.00	£800.00	£1,000.00	£610.00
2000/5	Pest Control	5008534700	£100.00	£100.00	£100.00	£0.00
2000/6	Repairs/Works	5008534700	£500.00	£200.00	£500.00	£132.98
2000/7	Legionella testing	5008534700	£220.00	£220.00	£230.00	£284.33
2100	Cemetery	5008534700	£27,700.00	£20,790.00	£28,580.00	£25,743.69
2100/1	Rates	5008534700	£780.00	£775.00	£800.00	£762.70
2100/2	ICCM/Green Flag	5008534700	£200.00	£95.00	£200.00	£95.00
2100/3	Cemetery Attendant Gates	5008534700	£1,250.00	£1,250.00	£1,250.00	£1,250.00
2100/4	Grounds Maintenance	5008534700	£13,000.00	£13,500.00	£15,000.00	£11,440.00
2100/5	Grave Levelling & Marking	5008534700	£1,000.00	£1,000.00	£2,000.00	£2,161.00
2100/6	H&S Headstone Inspection	5008534700	£1,000.00	£0.00	£1,000.00	£0.00
2100/7	Vermin & Pest Control	5008534700	£450.00	£450.00	£500.00	£0.00
2100/8	Repairs/Works	5008534700	£200.00	£200.00	£200.00	£188.00
2100/9	Trees	5008534700	£3,000.00	£3,000.00	£1,000.00	£160.00
2100/10	Hedges/Strimming/floral	5008534700	£100.00	£100.00	£200.00	£0.00
2100/13	Benches	5008534700	£500.00	£200.00	£200.00	£0.00
2100/14	Cemetery Land works	5008534700	£5,000.00	£0.00	£5,000.00	£9,460.00
2100/16	Cemetery hedge/fence	5008534700	£1,000.00	£0.00	£1,000.00	£0.00
2100/17	Asbestos re-inspect	5008534700	£0.00	£0.00	£0.00	£0.00
2100/18	Legionella testing	5008534700	£220.00	£220.00	£230.00	£226.99

Budget Headings

Start of year 01/04/20

Heading		Account	2020/21	Revised	2021/22	Last year's actual
2200	CCTV	5008534700	£13,500.00	£13,500.00	£14,500.00	£13,056.00
2210	Christmas Lighting	5008534700	£22,000.00	£22,000.00	£22,000.00	£15,882.77
2220	Floral Displays	5008534700	£1,000.00	£500.00	£1,000.00	£200.00
2230	Grounds maintenance Orchard Close	5008534700	£550.00	£400.00	£500.00	£308.00
2240	Dog Waste Bin Collection/Bins	5008534700	£9,500.00	£9,000.00	£10,000.00	£7,326.45
2250	Bus shelter maintenance	5008534700	£1,000.00	£600.00	£1,000.00	£0.00
2260	Citizen's Advice Bureau	5008534700	£13,000.00	£13,000.00	£13,000.00	£13,000.00
2270	Town Twinning	5008534700	£0.00	£0.00	£0.00	£0.00
2400	Town Council Building	5008534700	£16,670.00	£10,287.00	£16,700.00	£7,922.14
2400/1	Rates	5008534700	£450.00	£422.00	£450.00	£415.54
2400/2	Town Council Building Attendant	5008534700	£550.00	£400.00	£500.00	£472.00
2400/3	Water Supply	5008534700	£750.00	£350.00	£500.00	£221.49
2400/4	Electricity Supply	5008534700	£1,800.00	£1,200.00	£1,500.00	£644.83
2400/5	Gas Supply	5008534700	£1,800.00	£1,200.00	£1,500.00	£883.22
2400/6	Security & Fire Systems	5008534700	£600.00	£695.00	£700.00	£540.00
2400/7	Service Boiler/Repairs	5008534700	£1,000.00	£600.00	£1,000.00	£0.00
2400/8	PAT Testing	5008534700	£100.00	£100.00	£120.00	£138.00
2400/9	Cleaning Cover/Materials & Windows	5008534700	£600.00	£600.00	£1,000.00	£530.82
2400/10	Fixed Wire Testing [5 years]	5008534700	£0.00	£0.00	£0.00	£0.00
2400/11	Works to Building/Repairs	5008534700	£5,000.00	£1,000.00	£5,000.00	£1,849.25
2400/14	Grounds Maintenance	5008534700	£2,500.00	£2,500.00	£2,800.00	£1,980.00
2400/15	Winter Gritting	5008534700	£100.00	£100.00	£100.00	£20.00
2400/18	MCC Adopted Lights	5008534700	£100.00	£100.00	£100.00	£0.00
2400/19	Flags/Flagpoles	5008534700	£100.00	£200.00	£200.00	£0.00
2400/20	External repairs	5008534700	£1,000.00	£600.00	£1,000.00	£0.00
2400/21	Legionella testing	5008534700	£220.00	£220.00	£230.00	£226.99
2450	9 Sandy Lane	5008534700	£220.00	£350.00	£500.00	£456.99
2460	Land Top Sandy Lane	5008534700	£1,000.00	£1,000.00	£1,000.00	£330.00
2495	Defibrillators	5008534700	£1,000.00	£0.00	£0.00	£0.00
2496	Hand Sanitiser Units	5008534700	£0.00	£4,000.00	£2,000.00	£0.00
2497	Town Regeneration	5008534700	£0.00	£4,662.00	£0.00	£0.00
Total			£110,035.00	£102,284.00	£113,690.00	£85,895.52

Budget Headings

Start of year 01/04/20

Heading		Account	2020/21	Revised	2021/22	Last year's actual
Community Well-Being Expenditure						
2280	Entertainments & Arts	5008534700	£7,000.00	£7,000.00	£7,000.00	£15,000.00
2290	Events Committee	5008534700	£9,000.00	£9,000.00	£9,000.00	£0.00
2300	Playscheme	5008534700	£5,000.00	£5,000.00	£5,000.00	£5,000.00
2310	Caldicot Youth Group	5008534700	£9,000.00	£9,000.00	£9,000.00	£9,000.00
2340	St Mary's Church Luncheon Fund	5008534700	£3,000.00	£3,000.00	£3,000.00	£3,000.00
3010	General/Community Groups	5008534700	£9,000.00	£9,000.00	£9,000.00	£6,613.00
3030	Garden Competition	5008534700	£500.00	£0.00	£500.00	£322.80
3040	Royal British Legion	5008534700	£600.00	£100.00	£600.00	£335.00
3045	Merchant Seaman Day	5008534700	£100.00	£0.00	£100.00	£9.65
3050	Flowers/Spray/Cards Etc	5008534700	£200.00	£120.00	£200.00	£27.00
3090	Elderly & Disabled Initiative	5008534700	£2,000.00	£0.00	£2,000.00	£0.00
3100	Children & Young People's Initiative	5008534700	£2,000.00	£0.00	£2,000.00	£0.00
3130	Flags/Flagpole	5008534700	£0.00	£0.00	£0.00	£946.16
Total			£47,400.00	£42,220.00	£47,400.00	£40,253.61

Budget Headings

Start of year 01/04/20

Heading		Account	2020/21	Revised	2021/22	Last year's actual
Projects Expenditure						
4030	Bus shelter project	5008534700	£0.00	£0.00	£0.00	£3,236.21
4040	CCTV Cameras	5008534700	£0.00	£8,000.00	£0.00	£0.00
4096	Provision of Dog Waste Bins	5008534700	£0.00	£0.00	£0.00	£0.00
		Total	£0.00	£8,000.00	£0.00	£3,236.21

Budget Headings

Start of year 01/04/20

Heading		Account	2020/21	Revised	2021/22	Last year's actual
Administration Income						
100	Precept	5008534700	£0.00	£0.00	£0.00	£386,560.00
105	Agency Services Provided	5008534700	£0.00	£0.00	£0.00	£0.00
115	Sale of Assets	5008534700	£0.00	£0.00	£0.00	£0.00
120	Insurance claim	5008534700	£0.00	£0.00	£0.00	£1,181.74
125	Bank Interest (current)	5008534700	£0.00	£0.00	£0.00	£0.00
130	VAT Receivable	5008534700	£0.00	£0.00	£0.00	£16,214.47
140	Contra	5008534700	£0.00	£0.00	£0.00	£2,256.35
600	Loan/Capital Receipt	5008534700	£0.00	£0.00	£0.00	£0.00
620	Bank Interest Select Instant Access	5008534753	£1,000.00	£1,000.00	£1,000.00	£1,209.42
630	Investment interest	00000001	£1,000.00	£1,000.00	£1,000.00	£774.80
Total			£2,000.00	£2,000.00	£2,000.00	£408,196.78
Administration Expenditure						
1000	General Administration	5008534700	£119,200.00	£120,000.00	£124,200.00	£115,201.78
1000/1	Tax and NI	5008534700	£25,000.00	£25,000.00	£26,000.00	£23,876.12
1000/2	Superannuation	5008534700	£25,000.00	£23,000.00	£24,000.00	£23,489.52
1000/3	Salaries	5008534700	£69,000.00	£72,000.00	£74,000.00	£67,733.44
1000/4	Travel	5008534700	£200.00	£0.00	£200.00	£102.70
1100	Other Administration	5008534700	£32,580.00	£23,965.00	£34,070.00	£24,400.65
1100/1	Telephone	5008534700	£1,400.00	£1,800.00	£2,000.00	£1,384.26
1100/2	Stationery	5008534700	£900.00	£700.00	£800.00	£566.99
1100/3	Postage	5008534700	£900.00	£800.00	£900.00	£745.00
1100/4	Photocopying	5008534700	£900.00	£800.00	£900.00	£499.72
1100/5	Computer back-up & agreements	5008534700	£4,000.00	£5,000.00	£5,000.00	£3,703.00
1100/6	Insurance	5008534700	£5,000.00	£4,500.00	£5,000.00	£4,213.46
1100/7	Audit Fees	5008534700	£1,600.00	£1,600.00	£1,600.00	£1,118.50
1100/8	Local Council Affiliation	5008534700	£1,500.00	£1,450.00	£1,500.00	£1,389.00
1100/9	Subscriptions & Publications	5008534700	£100.00	£100.00	£100.00	£40.00
1100/10	Office Sundries	5008534700	£200.00	£100.00	£200.00	£0.00
1100/11	Staff Training & SLCC Membership	5008534700	£2,000.00	£800.00	£2,000.00	£1,022.50
1100/12	Election Expenses	5008534700	£2,000.00	£0.00	£2,000.00	£0.00
1100/13	Cllr Training & Seminars	5008534700	£2,000.00	£0.00	£2,000.00	£245.83

Budget Headings

Start of year 01/04/20

Heading		Account	2020/21	Revised	2021/22	Last year's actual
1100/14	Councillors Expenses	5008534700	£5,000.00	£3,000.00	£5,000.00	£2,943.35
1100/15	Mayor Allowance	5008534700	£1,500.00	£1,500.00	£1,500.00	£1,500.00
1100/16	Civic Reception	5008534700	£700.00	£0.00	£700.00	£522.50
1100/17	Mayoral Chain & Engraving	5008534700	£100.00	£725.00	£100.00	£1,137.66
1100/18	Mayor's Board	5008534700	£10.00	£20.00	£20.00	£8.33
1100/19	Photographs	5008534700	£100.00	£100.00	£100.00	£64.20
1100/20	Prof Advice Solicitors, etc	5008534700	£1,000.00	£0.00	£1,000.00	£0.00
1100/23	Website	5008534700	£250.00	£220.00	£250.00	£305.00
1100/25	CONTRA	5008534700	£0.00	£0.00	£0.00	£2,256.35
1100/26	Cancelled cheque	5008534700	£0.00	£0.00	£0.00	-£5.00
1100/29	Newsletter	5008534700	£600.00	£0.00	£600.00	£0.00
1100/32	Deputy Mayor Allowance	5008534700	£500.00	£500.00	£500.00	£500.00
1100/33	Payroll Bureau	5008534700	£320.00	£250.00	£300.00	£240.00
1310	Advertising	5008534700	£0.00	£0.00	£0.00	£0.00
1320	Agency Services	5008534700	£0.00	£0.00	£0.00	£0.00
1330	Prov for Bad/Doubt Debts	5008534700	£0.00	£0.00	£0.00	£0.00
1340	Street Lighting	5008534700	£0.00	£0.00	£0.00	£0.00
1350	Community Hall	5008534700	£0.00	£0.00	£0.00	£0.00
Total			£151,780.00	£143,965.00	£158,270.00	£139,602.43

Budget Headings

Start of year 01/04/20

Heading	Account	2020/21	Revised	2021/22	Last year's actual	
Devolution of Service Expenditure						
4080	Grounds Maintenance MCC	5008534700	£3,885.00	£2,000.00	£3,000.00	£1,865.00
4085	Devolution MCC Street cleaning	5008534700	£21,115.00	£21,115.00	£22,000.00	£20,500.00
4090	Devolution of Service - Toilets	5008534700	£25,000.00	£22,175.00	£25,000.00	£13,800.62
4090/2	Cleaning, etc	5008534700	£14,500.00	£14,500.00	£16,000.00	£11,285.21
4090/3	Maintenance, etc	5008534700	£7,600.00	£5,000.00	£5,600.00	£0.00
4090/4	NNDR	5008534700	£0.00	£775.00	£800.00	£762.70
4090/6	Water Supply	5008534700	£1,300.00	£1,300.00	£1,300.00	£1,149.83
4090/7	Electricity	5008534700	£1,300.00	£600.00	£1,000.00	£375.87
4090/8	Inspections/surveys	5008534700	£300.00	£0.00	£300.00	£227.01
Total			£50,000.00	£45,290.00	£50,000.00	£36,165.62

£

£

Total Income

25,110

27,100

Total Expenditure

387,369

413,030

362,259

PRECEPT REQUIRED * £385,930

Divided by Tax Base 2020/21 - £3997.43 = £96.54

[2021/2022 Tax Base not available to date]

Tax Bases 2013 - 2021 - For information

2020/21 - £384,605 - £3997.43 - £96.21

2019/20 - £386,560 - £3957.66 - £97.67

2018/19 - £364,360 - £3973.42 - £91.70

2017/18 - £331,134 - £4007.55 - £82.62

2016/17 - £294,935 - £3987.91 - £73.96

2015/16 - £256,418 - £3956.03 - £64.82

2014/15 - £238,742 - £3,938.97 - £60.61

TOWN COUNCIL TO CONSIDER RESERVES POSITION

NB: Internal Audit comment 2019/20:

The Council's overall reserves as at 31st March 2020 stood at £449,018 with Earmarked reserves of £220,000 leaving a General Reserve fund of £229,018, which equates approximately seven-and-a half months' revenue spending at the 2019-20 level, sitting only somewhat higher than the generally recognized CiPFA guideline of retaining between three and six months' revenue expenditure.

Reserves Analysis based on 2019/2020 Audited Accounts

	Actual Audited
	19/20
	£
General Balance/Contingency	20,000
Reserves (un-earmarked)	229,018
Repairs/Health & Safety Works	40,000
- Maintenance of Buildings	
Provisions:	
CCTV	0
Bus Shelters	0
Cemetery Land	75,000
<u>King George V Playing Fields</u>	
Compound	65,000
Play Equipment	20,000
	449,018

ANNUAL INVESTMENT STRATEGY FOR CALDICOT TOWN COUNCIL

This Annual Investment Strategy is prepared in accordance with the statutory guidance on Local Government Investments issued by Welsh Government.

All cash, bank balances, financial assets, borrowings and credit arrangements are defined as part of the Council's treasury management activities. This Annual Investment Strategy will concentrate on the Council's temporarily surplus resources (or other financial assets it holds) and the investments it undertakes of these resources.

The Council undertakes to ensure that for all its investments, priority will be given to security and liquidity rather than to yield. In drafting this Annual Investment Strategy the Council has made appropriate arrangements for:

- Identification, management and control of risks in the investments/treasury management activities it undertakes,
- Budgeting, accounting and audit arrangements
- Its cash and cash flow management requirements,
- Segregation of responsibilities, organisational arrangements, adequate documentation and the identification of a responsible officer for investment/treasury management activities,
- Corporate governance,
- Procedures to ensure it is alert to the possibility it may become subject to an attempt to involve it in a transaction involving the laundering of money.

All investments undertaken by this Council will be made and repaid in Sterling and will be in the name of the Council for a maximum of 6 months/12 months with a recognised banking institution.

SUMS TO BE INVESTED

Town Council Bond

As at 22.07.15	£70,000
As at 22.01.16	£70,000
As at 22.07.16	£100,000
TC 10.12.16	Withdrawal of Bond facility on maturity - £100,000 Transferred to 14 day notice
TC 14.11.17 [Estimates Committee]	Deferred TC 29.11.17

CCLA

TC 30.05.18	To pursue investment with CCLA (TC 27.6.18)
TC 11.09.18	£100,000 investment CCLA for 6 months

NEW INVESTMENTS

If any new investment instruments proposed during the financial year 2018-19 before such an investment is undertaken it will need to be first approved by Caldicot Town Council.

ANNUAL RESERVES STRATEGY FOR CALDICOT TOWN COUNCIL

Caldicot Town Council is required to maintain adequate financial reserves to meet the needs of the organisation. The purpose of this strategy is to set out how the Council will determine and review the level of General Reserves. The reserves may protect against risk, ensure contingences are in place and to support investment in future projects which are beneficial to the town.

The Local Government Finance Act 1992 requires local authorities to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement and it is the responsibility of the Responsible Financial Officer to advise the Council about the level of reserves and to ensure that there are clear protocols for their establishment and use.

General reserves can be used to smooth the impact of significant pressures, offset the budget requirement if necessary or can be held in case of unexpected events or emergencies.

Earmarked reserves will be established on a "needs" basis, in line with planned or anticipated project requirements, and would be established through a decision of the Town Council. The Council, when establishing an earmarked reserve, will set out:

- the reason/purpose of the reserve;
- how and when the reserve can be used;
- procedures for the management and control of the reserve;
- a process and timescale for review of the reserve to ensure continuing relevance and adequacy.

Earmarked reserves that have been used to meet a specific liability would not need to be replenished, having served the purpose for which they were originally established.

A well-run authority with a prudent approach to setting its budget will each year consider its level of general and earmarked reserves. The level of reserves will be reviewed as part of the annual budget preparation.

In assessing the level of the Town Council's reserves, account needs to be taken of the risks facing the Council in terms of any significant unforeseen expenditure requirements. Possible future transfers of services from Monmouthshire County Council and any capital requirements for the management of the Council's assets and buildings could be considered.

Reviewing the Council's Financial Risk Assessment is part of the budgeting and year end accounting procedures and identifies planned and unplanned expenditure items and thereby indicates appropriate mitigating actions and level of Reserves. In assessing the adequacy of reserves the strategic, operational and financial risks facing the authority will be taken into account.

Caldicot Town Council must ensure that a proper and appropriate exercise has been undertaken and that the levels of closing reserves for the year remain "fit for purpose".

RISK FACTOR: S = Severity L = Likelihood H = High M = Medium L = Low

FINANCIAL RISK MANAGEMENT ASSESSMENT – NOVEMBER 2020

RISK	RISK FACTOR		PRIMARYLY MANAGED BY	POSSIBLE FURTHER CONTROLS
	S	L		
1a	Protection of physical assets owned by Town Council	H	M	<ul style="list-style-type: none"> Insurance Up-to-date register of assets maintained Town Council Building alarmed Controlled access security system Town Council building Cleaner Hire of building forms - group organisers
1b	Consequential loss of income or the need to provide essential services following critical damage, loss or non-performance by a third party	H	M	<ul style="list-style-type: none"> Insurance Use of established Contractors Data backed up by support system Out of office access of Data – password protected Fireproof cabinet
1c	Loss of cash through theft of dishonesty	H	L	<ul style="list-style-type: none"> Fidelity Guarantee Insurance Financial regulations Two members' cheque signatories Cheque lists presented to Council monthly Monies in safe Implement recommendations of internal/external auditors Review annual risk and insurance cover
2a	Banking arrangements, including borrowing or lending			<ul style="list-style-type: none"> Financial Regulations Bank investments – Investment Strategy Monthly bank reconciliations verified by Non-signatory Member Reserves strategy

2b	Professional services [planning, architects, accountancy, design, etc]	H	M	<ul style="list-style-type: none"> Financial Regulations Standing Orders MCC provide professional advice 	
3a	Keeping proper financial records in accordance with statutory requirements	M	L	<ul style="list-style-type: none"> Computerised accounts via recognised local authority package – password protected Support system in operation Internal audit biannually 	
3b	Ensuring all business activities are within legal powers applicable to local councils	M	L	<ul style="list-style-type: none"> Council Council member of One Voice Wales Clerk/Deputy Clerk members SLCC 	
3c	Complying with restrictions on borrowing	M	L	<ul style="list-style-type: none"> No borrowing undertaken 	
3d	Ensuring that all requirements are met under employment law and Inland Revenue regulations	M	L	<ul style="list-style-type: none"> Council Staff Contracts of employment Regular superannuation payments and returns to Torfaen CBC Payroll Bureau HR policies adopted 	
3e	Ensuring that all requirements are met under Customs and Excise regulations (especially VAT)	M	L	<ul style="list-style-type: none"> Council Records maintained Regular returns of VAT on-line Internal audit biannually 	
3f	Ensuring the adequacy of the annual precept within sound budgeting arrangements	H	M	<ul style="list-style-type: none"> Council Financial comparisons reported to Council 	
3g	Ensuring the proper use of funds granted to local community bodies under specific powers or under section 137	M	M	<ul style="list-style-type: none"> Council Donations budget Grant Policy – application forms 	
3h	Proper, timely and accurate reporting of council business in the Minutes	M	L	<ul style="list-style-type: none"> Council Minutes referenced, paginated, signed and initialled by Mayor 	
3i	Register of members interests and gifts and hospitality in place, complete, accurate and up to date	M	L	<ul style="list-style-type: none"> Council Register of interests/ expenses maintained up to date 	

3j	Adoption Codes of Conduct	M	L	<ul style="list-style-type: none"> • Council • Code of Conduct adopted by Council • Declarations of Interest agenda item • Declaration forms completed at meetings • Monitoring Officer provided member training 	
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CALDICOT TOWN COUNCIL
FINANCIAL REGULATIONS [WALES]

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These Financial Regulations were adopted by the Council at its Meeting held on 13th December 2016.

1. GENERAL

- 1.1. These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the Council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the Council's standing orders¹ and any individual financial regulations relating to contracts.
- 1.2. The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
- 1.3. The Council's accounting control systems must include measures:
 - for the timely production of accounts;
 - that provide for the safe and efficient safeguarding of public money;
 - to prevent and detect inaccuracy and fraud; and
 - identifying the duties of officers.
- 1.4. These financial regulations demonstrate how the Council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute and may represent a breach in the Councillor's Code of Conduct
- 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. [The Clerk has been appointed as RFO for this Council and these regulations will apply accordingly.]

¹ Model standing orders for Councils are available in Local Councils Explained © 2013 National Association of Local Councils

1.9. The RFO;

- 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 RFO shall be sufficient to show and explain the Council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments comply with the Accounts and Audit (Wales) Regulations and to prepare additional or management information, as the case may be, to be prepared for the Council from time to time.

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

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

1.12. The accounting control systems determined by the RFO 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 RFO and that the approvals are shown in the accounting records; and

- measures to ensure that risk is properly managed.

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

- setting the final budget or the precept (Council Tax Requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- addressing recommendations in any report from the internal or external auditors,

shall be a matter for the full Council only.

1.14. In addition the Council must:

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

1.15. In these financial regulations, references to the Accounts and Audit (Wales) Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 39 of the Public Audit (Wales) Act 2004, 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 in Wales - A Practitioners' Guide* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of One Voice Wales (OVW) and SLCC as appropriate.

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

- 2.1. All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit (Wales) Regulations, appropriate guidance and proper practices.
- 2.2. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chairman [or a cheque signatory] shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. 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 [Finance Committee].
- 2.3. The RFO 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 (Wales) 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 RFO, 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
 - have no involvement in the financial decision making, management or control of the Council.
- 2.7. Internal or external auditors may not under any circumstances:
 - perform any operational duties for the Council;
 - initiate or approve accounting transactions; or

- direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Public Audit (Wales) Act 2004, or any superseding legislation, and the Accounts and Audit (Wales) Regulations.
- 2.10. The RFO 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 (if any) 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 RFO must each year, by no later than [month], 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 RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

- 4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
- the Council for all items over [£5,000];
 - a duly delegated committee of the Council for items over [£500]; or
 - the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below [£500].

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

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

- 4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council, or duly delegated committee. 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. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. The salary budgets are to be reviewed at least annually in [October] for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.5. In cases of extreme risk to the delivery of Council services, the 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 [£500]. The Clerk shall report such action to the chairman as soon as possible and to the Council as soon as practicable thereafter.
- 4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.
- 4.7. All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- 4.8. The RFO 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 in excess of [£100] or [15%] of the budget.

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

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 5.1. The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency. [The Council shall seek credit references in respect of members or employees who act as signatories].
- 5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to Council [or finance committee]. The Council / committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Council [or finance committee]. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3. All invoices for payment shall be examined, verified and certified by the RFO 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 RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available Council [or Finance Committee] meeting.
- 5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
- a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of

- b) such payments shall be submitted to the next appropriate meeting of Council [or finance committee];
 - c) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of Council [or finance committee]; or
 - d) fund transfers within the Councils banking arrangements up to the sum of [£10,000], provided that a list of such payments shall be submitted to the next appropriate meeting of Council [or finance committee].
- 5.6. For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which Council [or a duly authorised committee,] may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of Council [or Finance Committee].
- 5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- 5.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by Council and in accordance with any policy statement approved by Council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the Council.
- 5.9. Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable or other interest, unless a dispensation has been granted.
- 5.10. The Council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.
- 5.11. 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 Clerk or RFO 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. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to Council or committee shall be signed by [one] two member[s] of Council [,and countersigned by the Clerk,] in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.
- 6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. Cheques or orders for payment shall not normally be presented for signature other than at a Council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the Council [or Finance Committee] at the next convenient meeting.
- 6.7. If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to Council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the Council at least every two years.
- 6.8. If thought appropriate by the Council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to Council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the Council at least every two years.
- 6.9. If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories are retained and any payments are reported to Council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the Council at least every two years.
- 6.10. If thought appropriate by the Council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the Council's records on that computer, a note shall be

made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other Councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the Council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.

- 6.12. No employee or Councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or a duly delegated committee.
- 6.13. 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.
- 6.14. 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.
- 6.15. Where internet banking arrangements are made with any bank, the Clerk [RFO] 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 state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.16. 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.
- 6.17. 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 [two of] the Clerk [the RFO][a member]. A programme of regular checks of standing data with suppliers will be followed.
- 6.18. Any Debit Card issued for use will be specifically restricted to the Clerk [and the RFO] and will also be restricted to a single transaction maximum value of [£500] unless authorised by Council or finance committee in writing before any order is placed.
- 6.19. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Council [Finance Committee]. Transactions and purchases made will be reported to the [Council] [relevant committee] and authority for topping-up shall be at the discretion of the [Council] [relevant committee].

- 6.20. Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Clerk [and RFO] and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.
- 6.21. The Council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk [or RFO] (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

OR

- 6.22. [The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.
- a) The RFO 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 to substantiate the payment.
 - b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to Council under 5.2 above.]

7. PAYMENT OF SALARIES

- 7.1. As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council, or duly delegated committee.
- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available Council meeting, as set out in these regulations above.
- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the [Council] [relevant 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 Public Audit (Wales) Act 2004, or any superseding legislation.
- 7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 7.6. An effective system of personal performance management should be maintained for the senior officers.
- 7.7. Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 7.8. Before employing interim staff the Council must consider a full business case.

8. LOANS AND INVESTMENTS

- 8.1. All borrowings shall be 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 Welsh Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.
- 8.3. The Council will arrange with the Council's banks and investment providers for the sending of a copy of each statement of account to the Chairman of the Council at the same time as one is issued to the Clerk or RFO.
- 8.4. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.5. The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.

- 8.6. All investments of money under the control of the Council shall be in the name of the Council.
- 8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.8. Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. INCOME

- 9.1. The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 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 RFO and the RFO 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 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 RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO 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 RFO 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 RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 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 RFO.
- 10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.
- 10.4. A member may not issue an official order or make any contract on behalf of the Council.
- 10.5. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

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

- b. The full requirements of The Public Contracts Regulations 2015 (“the Regulations”), as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)².
- c. 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.
- d. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- e. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of Council.
- f. Any invitation to tender issued under this regulation shall be subject to Standing Orders[], ³ [insert reference of the Council’s relevant standing order] and shall refer to the terms of the Bribery Act 2010.
- g. When it is to enter into a contract of less than [£20,000]⁴ in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below [£3,000] and above [£100] the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.
- h. The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

Restriction added to Regulation 11.1.a.ii

*Clarifying disapplication of contract regulations to legal professionals limited to those **acting in disputes** only – not general legal work*

² Thresholds currently applicable are:

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

³ Based on NALC’s model standing order 18d (© NALC 2018)

⁴ This suggested figure is based on the sum above which special rules are applicable (under the Regulations) to Councils in England and is therefore considered an appropriate threshold.

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

11.2. The Proper Officer shall maintain a register of personal interests, in respect of both members and senior staff.

- a. Members and senior staff should not, so far as is practicable, be involved in the award of orders and/or contracts with organisations or individuals in respect of which a personal interest exists, whether declared or not.
- b. Members and senior staff should not, so far as is practicable, be involved in the making or authorising payments in respect of orders and/or contracts with organisations or individuals in respect of which a personal interest exists, whether declared or not.

12. [PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

- 12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO 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 RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 12.3. Any variation to a contract or addition to or omission from a contract must be approved by the Council and 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 RFO shall be responsible for periodic checks of stocks and stores at least annually.]

14. ASSETS, PROPERTIES AND ESTATES

- 14.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The RFO 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 (Wales) Regulations.
- 14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed [£250].
- 14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.5. Subject only to the limit set in Reg. 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 RFO 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 Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the Council's insurers [in consultation with the Clerk].
- 15.2. [The Clerk shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.]
- 15.3. The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Council at the next available meeting.
- 15.5. All appropriate members and employees of the Council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined [annually] by the Council, or duly delegated committee.

16. [CHARITIES]

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

17. RISK MANAGEMENT

- 17.1. The Council is responsible for putting in place arrangements for the management of risk. The Clerk [with the RFO] shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council at least annually.
- 17.2. When considering any new activity, the Clerk [with the RFO] shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

18. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

- 18.1. It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these financial regulations.
- 18.2. The Council may, by resolution of the Council duly notified prior to the relevant meeting of Council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of Council.

* * *

Notes to the Model.

Stated dates or months may be changed to suit local circumstances.

[square brackets] This part may be deleted if not relevant. An alternative may have been provided.

Where the word “regularly” is used in the text it is for the individual Council to set the required interval, monthly, quarterly, or half-yearly. This period should never exceed 12 months.

The value inserted in square brackets in [...] any of the paragraphs (other than the EU Procurement and Public Contract Regulations 2015 thresholds referred to in 11.1(k)) may be varied by the Council and should be reviewed regularly and confirmed annually by the Council.

The appropriate approved list referred to in paragraph 11.1 (b) shall be a list drawn up by the Clerk and approved by Council but, normally shall be based on the list maintained by the District Council for such works, if such list is maintained. In the absence of an appropriate list, the words in square brackets should be omitted.

Every effort has been made to ensure that the contents of this document are correct at time of publication. One Voice Wales (OVW) cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

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CALDICOT
(CIL-Y-COED)

CALDICOT TOWN COUNCIL STANDING ORDERS

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INTRODUCTION

These model standing orders update the National Association of Local Councils' (NALC) model standing orders contained in "Local Councils Explained" by Meera Tharmarajah (© 2013 NALC). This 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's 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 One Voice Wales (OVW).

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 this '()' requires information to be inserted by a council. A model standing order that includes brackets like this '[]' 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 chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has 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 chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate 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 he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- 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 (2) minutes without the consent of the chairman of the meeting.

2. DISORDERLY CONDUCT AT MEETINGS

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

3. MEETINGS GENERALLY

- Full Council meetings •
- 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 chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than (2) minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i [A person shall stand when requesting to speak and when speaking (except when a person has a disability or is likely to suffer discomfort)] OR [A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chairman of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**
- m Members are not permitted to use personal electronic items for recording purposes.
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- p **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one), if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**

- r **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

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

- s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**

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

- u **A councillor or a non-councillor with voting rights who has a personal or prejudicial interest in a matter being considered at a meeting which limits or restricts his right to participate in a discussion or vote on that matter is subject to obligations in the code of conduct adopted by the Council.**

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

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

- w **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting**

- shall be adjourned to another meeting.
- x A meeting shall not exceed a period of (2½) hours.

4. COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and 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. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer () days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;

- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

5. ORDINARY COUNCIL MEETINGS

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, any number of other ordinary meetings may be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**
- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chairman of the Council if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**

- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
- i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of 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. Review of inventory of land and other assets including buildings and office equipment;
 - xiii. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - xiv. Review of the Council's and/or staff subscriptions to other bodies;
 - xv. Review of the Council's complaints procedure;
 - xvi. 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 11, 20 and 21*);
 - xvii. Review of the Council's policy for dealing with the press/media;
 - xviii. Review of the Council's employment policies and procedures;

- xix. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the power of well-being.
- xx. 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 Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not call an extraordinary meeting of the Council within 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 chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within (7) days of having been requested to do so by (3) members of the committee [or the sub-committee], any (3) members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee].

7. PREVIOUS RESOLUTIONS

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

8. VOTING ON APPOINTMENTS

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

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

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least (7) clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda, received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion re-submits it, so that it can be understood, in writing, to the Proper Officer at least (7) clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

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

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
- i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or 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.

11. MANAGEMENT OF INFORMATION

See also standing order 20.

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**

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

12. **DRAFT MINUTES**

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

"The chairman of this meeting does not believe that the minutes of the meeting of the (Council) held on [date] in respect of (*minute no.*) were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- e Subject to standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13. **CODE OF CONDUCT AND DISPENSATIONS**

See also standing order 3(s).

- a **Councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.**
- b All councillors and non-councillors with voting rights shall undertake training in the code of conduct within six months of the delivery of their acceptance of office form.
- c **Dispensation requests shall be in writing and submitted to the standards committee of the County Council** as soon as possible before the meeting that the dispensation is required for.

14. **CODE OF CONDUCT COMPLAINTS**

- a Upon notification by the Public Services Ombudsman for Wales that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined.
- 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;
 - iii. indemnify the councillor or non-councillor with voting rights in respect of his related legal costs and any such indemnity is subject to approval by a meeting of the Council.

15. **PROPER OFFICER**

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:

- i. **at least three clear days before a meeting of the council, a committee or a sub-committee:**
- **serve on councillors by delivery or post at their residences a signed summons confirming the time, place and the agenda; 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) and publish electronically notice of the time and place and, as far as reasonably practicable, any documents relating to the business to be transacted at the meeting unless they relate to business which is likely to be considered in private or if their disclosure would be contrary to any enactment.**

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

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least (7) days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer;

- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of freedom of information and data protection legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
See also standing order 23;
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with 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 to the [Chairman or in his absence the Vice-Chairman (if there is one) of the Council] 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 [the Council] OR [Planning and Resources committee];
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
See also standing order 23.

16. **RESPONSIBLE FINANCIAL OFFICER**

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

17. ACCOUNTS AND ACCOUNTING STATEMENTS

- a “Proper practices” in standing orders refer to the most recent version of “Governance and Accountability for Local Councils in Wales – 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 1 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.

18. FINANCIAL CONTROLS AND PROCUREMENT

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. subject to standing orders 18(e) and (f) whether contracts with an estimated value below [£20,000] or 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 Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.

- d Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- f **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

19. HANDLING STAFF MATTERS

- a A matter personal to a member of staff that is being considered by a meeting of Council or Personnel committee is subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the Council, if he is not available, the vice-chairman of the Council of absence occasioned by illness or other reason and that person shall report such absence to the Personnel Committee.
- c The chairman of the Personnel Committee or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of [the member of staff]. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Personnel Committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of the Council or in his absence, the vice-chairman of the Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel Committee.

- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by [the member of staff] relates to the chairman or vice-chairman of the Council, this shall be communicated to another member of the Council, which shall be reported back and progressed by resolution of the Council.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).
- h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) and (g) above shall be provided only to (post holder) and/or the Chairman of the Council.

20. **RESPONSIBILITIES TO PROVIDE INFORMATION**

See also standing order 21.

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**

21. **RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list).

See also standing order 11.

- a **The Council may appoint a Data Protection Officer.**
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**
- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**

- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

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

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

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

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

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

The above is applicable to a Council with a common seal.

OR

[Subject to standing order 23(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.

24. **COMMUNICATING WITH COUNTY COUNCIL 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 County Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the County Council shall be sent to the ward councillor(s) representing the area of the Council.

25. RESTRICTIONS ON COUNCILLOR ACTIVITIES

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

26. STANDING ORDERS GENERALLY

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or 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 2/3 councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.