



CHARD TOWN COUNCIL

The Guildhall, Fore Street, Chard, Somerset TA20 1PP

01460 239567 www.chard.gov.uk

Mayor: Cllr Garry Shortland

**All Council & Committee Meetings are open to the
Public and Press**

FINANCE & AUDIT COMMITTEE

Date of Publication: Tuesday 9th April 2024

TO: All Members of the Finance & Audit Committee

Cllr Baker, Cllr Bates, Cllr Eggins, Cllrs A Kenton, Cllr J Kenton, and Cllr Richter

NOTICE OF EXTRAORDINARY MEETING

You are hereby summoned to attend an extraordinary meeting of the Finance & Audit Committee to be held on Monday 15th April 2024, commencing at 19:00 hours in The Guildhall, Fore Street, Chard TA20 1PP.

Zak Williams, Chair of Finance & Audit Committee

PUBLIC PARTICIPATION

Before the meeting there will be a public session to enable the people of Chard to ask questions of, and make comments, to the Finance & Audit Committee. Questions not answered at this meeting will be answered in writing to the person asking the question, or may appear as an agenda item for the next meeting. Members of the Public are asked to restrict their comments, and/or questions to three minutes.

Public Participation Time

This section (at the Chairman's discretion may last up to 15 minutes) is not part of the formal meeting of the Committee.

2024/01 APOLOGIES FOR ABSENCE

Schedule 12 of the Local Government Act 1972 requires a record be kept of the members present and that this record form part of the minutes of the meeting. Members who cannot attend a meeting should tender apologies to the Town Clerk as it is usual for the grounds upon which apologies are tendered also to be recorded. Under Section 85(1) of the Local Government Act 1972, members present must decide whether the reason(s) for a member's absence are acceptable.

2024/02 DECLARATIONS OF INTEREST

Under the Localism Act 2011 (sections 26-37 and Schedule 4) and in accordance with the Council's Code of Conduct, members are required to declare any interests which are not currently entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.

2024/03 THE SUMMONS FOR THIS MEETING

To note the summons of this Extraordinary meeting has been undertaken by the Chair of the Finance & Audit Committee, Cllr Zak Williams in the absence of a Proper Officer.

2024/04 TO RESOLVE TO EXCLUDE MEMBERS OF THE PRESS AND PUBLIC

There are no confidential items for this meeting.

2024/05 COMMITTEE MEETING MINUTES

To confirm and sign the minutes of the Finance & Audit Committee meeting held on Tuesday 12th December 2023.

2024/06 POLICY REVIEWS

To consider and comment upon the following attached policies that have been reviewed/revised and make recommendations for adoption to the Annual Town Council meeting to be held on 20th May 2024. A brief overview is attached highlighting the changes that have been proposed for each relevant document.

- (i) Standing Orders;
- (ii) Financial Regulations;
- (iii) Scheme of Delegation;
- (iv) Complaints Policy;
- (v) Freedom of Information and Data Protection Policy;
- (vi) Communications & Public Relations Policy

2024/07 DATE OF NEXT MEETING

To note that the next meeting of the Finance & Audit Committee will be held on Tuesday 4th June 2024 (to be confirmed at Annual Town Council Meeting on 20th May 2024) in the Guildhall, Fore Street, Chard TA20 1PP commencing at 7pm.



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Mayor: Cllr Garry Shortland Town Clerk: Gareth Hughes

FINANCE & AUDIT COMMITTEE

Minutes of the Finance & Audit Committee held on Tuesday 12th December 2023 commencing at 7.00pm in The Guildhall, Fore Street, Chard TA20 1PP.

PRESENT: Cllr Williams (Chair), Cllr Baker, Cllr Bates, Cllr Eggins, Cllr A Kenton, Cllr J Kenton and Cllr Richter.

OFFICERS PRESENT: Gareth Hughes (Town Clerk) and Gail Chadwick (Responsible Financial Officer).

Public Participation Time:

There were no members of the public present.

2023/56 APOLOGIES FOR ABSENCE

None

2023/57 DECLARATIONS OF INTEREST

No Declarations of Interest were made.

2023/58 TO RESOLVE TO EXCLUDE MEMBERS OF THE PRESS AND PUBLIC

This item was withdrawn as there were no Confidential items to consider.

2023/59 COMMITTEE MEETING MINUTES

Proposed: Cllr Eggins

Seconded: Cllr Richter

Unanimous

RESOLVED that the minutes of the Finance & Audit Committee meeting held on Tuesday 24th October 2023 be agreed and signed as a correct record with a minor amendment to show Cllr Bates had offered apologies due to illness.

2023/60 FINANCIAL MATTERS

- (a) Committee considered the preliminary budget for 2024/25 which was developed at a workshop of Councillors on 21st November 2023 and is based on current services. It was hoped that the Tree Survey now being undertaken would have been available in time for this meeting to enable a spending strategy for tree work to be considered. In addition, further services may need to be taken from Somerset Council which would result in an additional financial requirement.

Proposed: Cllr Baker

Seconded: Cllr Bates

Unanimous

RESOLVED: To accept the draft budget on the basis that a further Councillor workshop is conducted in January to take account of the output of the Tree Survey and the need to deliver services previously undertaken by Somerset Council, which may result in revisions being made before presentation to Full Council.

2023/61 DATE OF NEXT MEETING

- (a) Committee noted that the next meeting of the Finance & Audit Committee would be held on Tuesday 30th April 2024 in the Guildhall, Fore Street, Chard TA20 1PP commencing at 7pm.
- (b) No specific items were put forward for inclusion on the next agenda.

There being no other business the Chair thanked committee members for their attendance and closed the meeting at 19.30.

CHAIR:

DATE:

2024.06 POLICY REVIEWS

In accordance with the Standing Orders the following policies should be reviewed and adopted by Full Council at the Annual Town Council Meeting in May:

- I. Standing Orders
- II. Financial Regulations
- III. Scheme of Delegation
- IV. Complaints Policy
- V. Freedom of Information and Data Protection Policy
- VI. Communications and Public Relations Policy

The Officer Team has reviewed all of the documents and some require greater revision than others. All of the revised polices are attached for discussion by the Finance & Audit Committee in accordance with its power delegated from Council namely;

'Reviewing all relevant Council policies and making recommendations to Full Council for Approval'.

Taking each policy in turn, below is a brief outline of the attached documents, which should be read in conjunction with the supporting documents for each policy.

I. Standing Orders

Standing Orders, which are based on NALC's model document, have been updated to reflect the fact that there is now only a unitary council and also to reflect the revised requirements of the Public Contract Regulations 2015. These changes are tracked on the document and no other changes were deemed necessary.

II. Financial Regulations

The Financial Regulations require some considerable updating to not only reflect current practice/process, that has been in place for some time, but also to improve control around expenditure limits and simplify the procurement limits which were overly complex.

Attached is a brief overview of the changes which briefly refers to each change made together with a document on which all the changes are tracked and a clean version with the changes accepted showing the proposed final document.

III. Scheme of Delegation

There are two documents, a tracked changes and a clean document. The primary changes relate to the addition of a new sub-committee (the Disciplinary and Grievance Sub-Committee) that was introduced with the revised Staff Handbook adopted by Full Council last July and the splitting of the Proper Officer and Responsible Financial Officer roles as these are now covered by two separate officers.

IV. Complaints Policy

A new policy has been developed to better reflect the process by which complaints are considered and resolved. As it is essentially a new policy/procedure, albeit encompassing the original procedure, a new document is attached alongside the existing procedure.

V. Freedom of Information (FOI) and Data Protection Policy

Currently the Town Council only has a model publication scheme in place, which was adopted in July 2021. There is no publicised policy/procedure relating to how the Town Council will deal with FOI requests. A Freedom of Information Policy has therefore been developed and is based on documents taken from the ICO website.

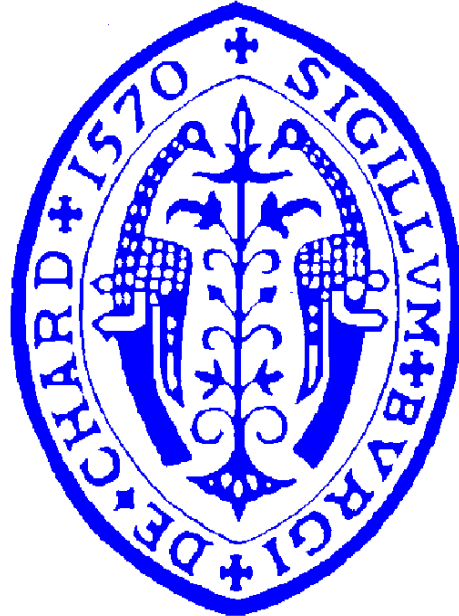
The Data Protection Policy, last adopted in July 2021, is also attached, and does not appear to require amendment.

VI. Communications and Public Relations Policy

No revisions have been made to this policy as it is considered to be fit for purpose and was last adopted by Full Council in May 2023.

2024.06 (I) STANDING ORDERS

CHARD TOWN COUNCIL



STANDING ORDERS

Adopted by Full Council on [14 November 2022](#)

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INTRODUCTION

Standing Orders are the written rules of the Council and are essential to regulate the proceedings of a meeting, as well as to confirm or refer to various internal organisational and administrative arrangements.

Standing Orders do not include Financial Regulations, which are a separate form of standing order used to regulate and control the financial affairs and accounting procedures of the Council. The Financial Regulations include most of the requirements relevant to the Council's Responsible Financial Officer.

Throughout the Standing Orders, **bold type contains legal and statutory requirements.**

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 Chairperson 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 will be treated by the Chairperson 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 Chairperson of the meeting, is expressed in writing to the Chairperson.
- h A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chairperson 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 Chairperson of the meeting.
- k One or more amendments may be discussed together if the Chairperson 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 The mover of a motion or the mover of an amendment and any other Members shall speak for no longer than three minutes without the consent of the Council and only the mover shall have a right of reply, not exceeding three minutes but should not introduce any new matter.
- o 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.
- p Unless permitted by the Chairperson of the meeting, a councillor may speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since they last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- q 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 they considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- r A point of order shall be decided by the Chairperson of the meeting and their decision shall be final.
- s 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.
- t Before an original or substantive motion is put to the vote, the Chairperson of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
- u Excluding motions moved under standing order 1(s), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the Chairperson 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 Chairperson of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the Chairperson of the meeting to moderate or improve their conduct, any councillor or the Chairperson 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 Chairperson 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.**
- 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.** However, the exclusion of the press and public does not apply to Councillors who are entitled to attend all meetings of the Council, except the Human Resources Committee, and its sub-committees, subject to not having a prejudicial interest. However, they cannot take part in the discussion or vote.
- 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 Chairperson of the meeting. This does not form part of the meeting and discussions are not minuted.
 - g Subject to standing order 3(f), a member of the public shall not speak for more than three minutes.
 - h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The Chairperson of the meeting may direct that a written or oral response be given.
 - i A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chairperson 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 their comments to the Chairperson of the meeting.
 - k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairperson of the meeting shall direct the order of speaking.
 - l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
 - m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
 - n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

Standing Orders adopted by full Council on ~~14 November 2022~~

- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairperson of the Council may in their absence be done by, to or before the Vice-Chairperson of the Council (if there is one).**
- p **The Chairperson of the Council, if present, shall preside at a meeting. If the Chairperson is absent from a meeting, the Vice-Chairperson of the Council (if there is one) if present, shall preside. If both the Chairperson and the Vice-Chairperson 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 Chairperson of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not he gave an original vote.**

See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairperson 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 their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**

- 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 with the reasons given for their absence;
 - 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 disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on their right to participate and vote on that matter.**
- 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 five.**

See standing order 4d(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 two (2) hours. An extension to this period may be made subject to an appropriate resolution being passed

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 3 days before the meeting that they are unable to attend;

Standing Orders adopted by full Council on ~~14 November 2022~~

- vi. shall, after it has appointed the members of a standing committee, appoint the Chairperson of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own Chairperson 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.
- (e) In the event of severe weather conditions or any other emergency the Town Clerk may in consultation with the Chairperson of the Council cancel any meeting of Council, a committee or sub-committee and shall give immediate notice of such cancellation to as many members of Council as is practicable.

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, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chairperson and Vice-Chairperson (if there is one) of the Council.**
- f **The Chairperson of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chairperson of the Council, if there is one, unless they have resigned or becomes disqualified, shall hold office until immediately after**

the election of the Chairperson of the Council at the next annual meeting of the Council.

- h In an election year, if the current Chairperson of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chairperson of the Council has been elected. The current Chairperson of the Council shall not have an original vote in respect of the election of the new Chairperson 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 Chairperson of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chairperson of the Council has been elected. They may exercise an original vote in respect of the election of the new Chairperson of the Council and shall give a casting vote in the case of an equality of votes.
- j Following the election of the Chairperson of the Council and Vice-Chairperson (if there is one) of the Council at the annual meeting, the business shall include:
 - i. **In an election year, delivery by the Chairperson 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 Chairperson of the Council of their 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 representation on or work with external bodies and arrangements for reporting back;
 - xi. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the

future;

- 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. 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, SUB-COMMITTEES AND WORKING GROUPS

- a **The Chairperson of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairperson 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 Chairperson of a committee, sub-committee or a Working Group may convene an extraordinary meeting of the committee or the Working Group at any time.
- d If the Chairperson of a committee, sub-committee or a Working Group does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee, sub-committee or the Working Group, any 2 members of the committee, sub-committee or the Working Group may convene an extraordinary meeting of the committee, sub-committee or the Working Group.

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 4 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 Chairperson 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 along with an accompanying report to the Proper Officer at least 5 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 resubmits it, so that it can be understood, in writing, to the Proper Officer at least 5 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Chairperson 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 electronically 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 sensitive information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

11. MANAGEMENT OF INFORMATION

See also standing order 20.

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

12. DRAFT MINUTES

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

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved

for accuracy, they shall be taken as read.

- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 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 Chairperson of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chairperson of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:

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

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

13. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- c Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall not be required to withdraw from a meeting when Council is considering a matter in which they have another interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the meeting of the Council, or committee or sub-committee for which the dispensation is required, and that decision is final. Advice will be sought from the Proper Officer initially.
- f A dispensation request shall confirm:
 - i the description and the nature of the disclosable pecuniary interest or

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

14. CODE OF CONDUCT COMPLAINTS

- a Upon notification by the ~~District or~~ Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 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 Chairperson of Council of this fact, and the Chairperson shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- c The Council may:
- i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d Upon notification by the ~~District or~~ Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

15. PROPER OFFICER

- a The Proper Officer shall be either (i) the Town Clerk or (ii) 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 email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda unless there are extenuating circumstances, and**
 - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

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

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming their withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chairperson of the Council, occasioned by a casual vacancy in their office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. -hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;

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- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
(*see also standing order 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 the minutes of the Planning and Highways Committee;
- xv. refer a planning application received by the Council to the [Chairperson, or in their absence the Vice-Chairperson (if there is one) of the Planning and Highways Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of the planning application requires consideration before the next ordinary meeting of the Council or the Planning and Highways 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 – 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;

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- 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 and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e. The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

18. FINANCIAL CONTROLS AND PROCUREMENT

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with**

an estimated value in excess of £2530,000 (incl. VAT) but less than the relevant thresholds in standing order 18(f) is subject to the “light touch” arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).

- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council’s specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council’s written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised on the Council’s website, and for those in excess of £25,000 on Contract Finder, as well as in any other manner that is appropriate;
 - iv. tenders are to be submitted as defined in the invitation to tender document and addressed to the Proper Officer and one other Officer if submitted electronically;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor, if received by post, after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contract Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules.**

19. HANDLING STAFF MATTERS

- a. A matter personal to a member of staff that is being considered by a meeting of Council is subject to standing order 11.
- b. Subject to the Council’s policy regarding absences from work, the Council’s

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most senior member of staff shall notify the Chairperson of the Human Resources Committee or, if they are not available, the Vice-Chairperson (if there is one) of the Human Resources Committee of absence occasioned by illness or other reason and that person shall report such absence to the Human Resources Committee at its next meeting.

- c The Chairperson of the Human Resources Committee or in their absence, the Vice-Chairperson shall upon a resolution conduct a review of the performance and annual appraisal of the work of the member of staff's job title. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Human Resources Committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chairperson of the Human Resources Committee or in their absence the Vice-Chairperson of the Human Resources Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Full Town Council.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Town Clerk relates to the Chairperson or Vice-Chairperson of the Human Resources Committee, this shall be communicated to another member of the Human Resources Committee, which shall be reported back and progressed by resolution of the Full Town 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 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 the Town Clerk, unless delegated otherwise by the Town Clerk.

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.**
- b **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also standing order 11.

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

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), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

24. COMMUNICATING WITH ~~DISTRICT AND COUNTY OR~~ UNITARY COUNCILLORS

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the ~~District and County Council or~~ Unitary Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the ~~District and County Council OR~~ Unitary 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:

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- 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 4 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 Chairperson of a meeting as to the application of standing orders at the meeting shall be final.

2024.06 (II) FINANCIAL REGULATIONS

- (a) Notes re Review
- (b) Tracked Changes Copy
- (c) Clean Copy

Financial Regulations – Review 2024

The review has compared the NALC model financial regulations (FR) together with other local town councils (Bridgwater, Taunton, Crewkerne, Burnham & Highbridge, and Yeovil) to the current FR which were last amended in March 2023 and adopted at the Annual Town Council Meeting on 9 May 2023.

The proposed changes are tracked on the attached document and those changes are briefly explained below by Regulation number:

1.9 – Removed 2nd sentence as Clerk and RFO role are now separate.

1.15 – Addition – ‘approve any grant or single commitment of more than £20, 000’ (in model FRs – also included in all FRs for other councils that have been reviewed) – Amount should be considered.

3.1 – Removed reference to 3 year forecast and revised wording reference to current financial year. Until a strategic plan is put in place with medium term forecasts, it is not possible to complete 3 year rolling forecasts.

3.2 – Brought forward date when budget has to be prepared to November from January.

4.1 – Currently there are no defined limits for authority to spend by officers and 4.1 is very loose enabling authorisation up to that available on a budget line. The changes are to specify spend by officer/committee for improved control.

4.2 – Amended as individual committees do not have set budgets.

4.3 – Reworded to match NALC – which does not change the meaning of this paragraph

4.4 – Removed F&A Committee as only Council can agree changes to Earmarked Reserves (see 4.9)

5.3 – Addition to reflect process

5.4 – Added new paragraph to reflect actual practice that has been in operation for sometime and deleted original 5.5

5.5 – Added Town Clerk and specified that payment can be made if required urgently to maintain services before 2 bank signatories have authorised payment in accordance with 5.4. Also to cover transfers between accounts of up to £50,000 per month.

5.6 – Addition re presentation of payments to Council for ratification

6.5 – re payment of direct debits – bills are authorised per Reg 5.4

6.7 – Removed – ‘A programme of regular checks of standing data with suppliers will be followed’. This is impractical and in accordance with best practice only changes to standing data are considered and properly authorised.

6.8 – Addition - Issue of debit card to Clerk or RFO only.

9.3 – Addition – ‘or the RFO’

9.8 – Amended – VAT return is completed monthly not quarterly

11.1 (b) Amount change - Public Contract Regulations now state that advertising via Contract Finder must be £30,000 incl. VAT and not £25,000 as previously.

11.1 (e) - Substitute Town Clerk for RFO

11.1 (k) – Procurement acceptance overly complex changed as follows:

<£30K (i.e. below contract finder threshold) but more than £10k– 3 quotes

<£10k but more than £2k – 3 estimates

<£2K – best practice and value for money (see Reg 10.3)

13.4 – Substitute Operations Manager for RFO – to be responsible for periodic checks of stocks and equipment.

CHARD TOWN COUNCIL



FINANCIAL REGULATIONS

Adopted by Full Council ~~13 March 2023~~

Financial Regulations

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These Financial Regulations will be placed before Full Council for adoption at its meeting to be held on ~~13 March 2023~~.

Adopted at Full Council ~~13 March 2023~~

Key:

RFO: Responsible Financial Officer (as required under the Accounts and Audit Regulations and Section 151 of the Local Government Act 1972)

TC: Town Clerk

FO: Finance Officer

1. General

- 1.1. Any reference in these Financial Regulations to "Council" may refer to either Full Council or, where applicable, to a committee or to the Town Clerk/RFO with delegated powers to deal with the matters outlined.
- 1.2. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders and any individual financial regulations relating to contracts.
- 1.3. 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.
- 1.4. 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.
- 1.5. These financial regulations demonstrate how the council meets these responsibilities and requirements.
- 1.6. 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.
- 1.7. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.8. Members of council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.
- 1.9. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. ~~The Town Clerk has been appointed as RFO for this council and these regulations will apply accordingly.~~

1.10 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.

1.11 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 and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.

1.12 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.

1.13 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.

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- 1.14 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 above the approved delegated limit of £3,000;
 - declaring eligibility for the General Power of Competence; and
 - addressing recommendations in any report from the internal or external auditors. These reports will initially be considered by the Finance & Audit Committee and reported to Full Council with recommendations for consideration and adoption.
- 1.15 In addition, the council must:
- ~~determine and keep under regular review the bank mandate for all council bank accounts;~~
 - approve any grants or single commitment of more than £20,000; 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.
- 1.16 In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.
- 1.17 In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils - a Practitioners' Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Executive Officers (SLCC).
- 1.18 All references to authorisation in this document can be made by electronic means e.g. email, as well as hard copy signatures.
- 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 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 Mayor and the Chair of the Finance & Audit Committee shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall confirm by email that they have verified that the balance on the bank statement agrees with the bank balance shown on the bank reconciliation report and that the balance on the cashbook report agrees with the cashbook figure quoted on the bank reconciliation report. They will also verify that reasons given for

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unpresented items or items not banked are reasonable and that there are no long outstanding items. Copies of emails will be retained as evidence of review. This activity shall on conclusion be reported, including any exceptions, to and noted by the Finance & Audit 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 Governance & Accountability Return (AGAR) as specified in proper practices as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.
- 2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the 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 two annual written reports 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 Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.

Adopted at Full Council ~~13 March 2023~~

- 2.10. The RFO shall, without undue delay, bring to the attention of The Finance & Audit Committee any correspondence or report from internal or external auditors unless the correspondence is of a purely administrative matter.

3. Annual estimates (budget) and forward planning

- 3.1. ~~Each committee shall review its three year forecast of revenue and capital income and expenditure. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the Finance & Audit Committee not later than the end of December each year including any proposals for revising the forecast. Having regard to the current financial year, each committee shall formulate and submit proposals for the following financial year to the Finance and Audit Committee not later than the end of October each year.~~

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- 3.2. The RFO must each year, by no later than the end of ~~January~~November, prepare detailed estimates of all income and expenditure 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 Full 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 up to the amounts included for that class of expenditure in the approved budget is authorised. This authority is to be determined by Full Council when setting the Annual Budget, subject to the requirements of the Town Council's Standing Orders and Financial Regulations. 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 £20,000;~~
 - ~~A duly delegated committee for items between £10,000 - £20,000;~~
 - ~~The Town Clerk or RFO for items below £10,000 (and this authority is assumed by the Operations Manager in their joint absence), except payroll where this limit does not apply. The payroll may be paid each month if it is in accordance with Regulation 7 below without reverting to Full Council or a delegated committee;~~
 - ~~The Operations Manager for items relating to his budget areas up to £5,000~~
 - ~~The Events Officer for items relating to his budget areas up to £500.~~

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Such authority is to be evidenced by a minute for the Council or a committee or by a purchase order duly signed by the relevant officer.

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

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- 4.2 No expenditure may be authorised that will exceed the amount provided in the revenue budget for ~~a Committee Budget other than~~ that class of expenditure other than by resolution of Full Council or a duly delegated committee. During the budget year and with the approval of the Finance and Audit Committee having considered the impact on services, unspent and available amounts may be moved to other budget codes, or with Council approval to earmarked reserves as appropriate ('virement', it is expected that Account Codes will vary to budget and that consequently Cost Centres will also vary. However, the Committee spend has to be within budget unless approved otherwise Full Council. It is noted that some budgets are dependent on external factors such as income received at the Guildhall. Any deviations due to loss of income ~~does~~ not require approval but should be reported to the relevant Committee as soon as practicable. There will be no requirement to undertake virements.
- 4.32 In cases of extreme risk, ~~determined by the Town Clerk,~~ to the delivery of Town Council services, as determined by the Town Clerk, the Town Clerk may authorise revenue expenditure on behalf of the Town Council which, in the Town Clerk's judgement, is necessary to be carried 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 £5,000. The Town Clerk shall report such action to the Mayor and Chair of the Finance & Audit Committee as soon as practicable thereafter.
- 4.34 Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year. Any such funds will be considered for allocation to earmarked reserves by ~~the Finance & Audit Committee or~~ Full Council.
- 4.4-5 The salary budgets are to be reviewed at least annually during the budget setting process for the following financial year. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time. This is not budgetary control, just normal budget process.
- 4.5-6 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, subject to Regulation 4.2 above.
- 4.6-7 All capital works shall be administered in accordance with the council's Sstanding Qorders and Financial Regulations relating to contracts.
- 4.7-8 The RFO shall regularly provide the council with a statement of income and expenditure 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 15% of the individual budget codes.

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~~4.8-9~~ 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.
- 5.2 All invoices for payment shall be examined, verified and certified by the budget manager and then the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out and examined.
- 5.3 The Finance Officer (FO) shall examine invoices for arithmetical accuracy and the RFO analyse them to the appropriate expenditure heading, after which they will be posted to the appropriate expenditure heading in the general ledger. The FO shall take all steps to pay all invoices submitted, and which are in order, in a timely fashion.
- 5.4 The FO shall prepare a schedule of invoices requiring authorisation by two of the Council's authorised bank signatories, which will be accompanied by the individual invoices. The authorised signatories shall sign the invoices to confirm they have scrutinised them and are satisfied they may be paid. This shall be deemed as authorisation for the RFO/FO to make the payments, which shall be completed by dual control using the Council's electronic banking program, drawing on the officers where such authority has been given by Full Council.
- ~~5.5~~ The Town Clerk or RFO shall have delegated authority to authorise the payment of all items that are necessary to provide the services of the Town Council in line with the Town Council's Scheme of Delegation and the budgets set by the Town Council in the event that urgent payment is required before authorisation by two bank signatories in accordance with Regulation 5.4 above. In addition, the Town Clerk or RFO may authorise transfers within the council's banking arrangements up to the sum of £50,000 per month to cover outgoing expenses from the current account that have been duly authorised for payment
- ~~5.5~~ The FO shall prepare a schedule of payments to be made for at least two Councillors and the RFO to authenticate for compliance.
- ~~5.6~~ Payments will be authorised and signed by the RFO or FO. At every Council meeting the RFO shall present a full list of payments that have been authorised by the bank signatories for formal ratification. A summary schedule of payments made will be made available to all Councillors following each payment process. 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.
- 5.7 For each financial year the RFO shall draw up a list of due payments and Direct Debits which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, PAYE and NI, Superannuation Fund and regular maintenance contracts) for which the Town Council may authorise payment for the year

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provided that the requirements of ~~regulation~~ Regulation 4.1 (Budgetary Controls) are adhered to. The list of such regular payments and Direct Debits shall be submitted to the Finance & Audit Committee on an annual basis.

- 5.8 In respect of grants, the Finance & Audit Committee shall approve expenditure in accordance with the Grants Funding Policy and within any limits set by the Town Council.
- 5.9 Members are subject to the Code of Conduct that has been adopted by the Town Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 5.10 No employee or Councillor shall disclose any PIN or password, relevant to the working of the Town Council or its bank accounts, to any person not authorised in writing by the Town Council or a duly delegated Committee.

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 authentication under Financial Regulation ~~5-5~~ above, the RFO, FO or other financial officer with authorisation shall give instruction that a payment shall be made.
- 6.3. All payments shall be effected by electronic payment wherever possible. The Town Council shall where possible reduce the number of cheque payments.
- 6.4. Cheques or orders for payment drawn on the bank account shall be signed/ authorised by two members of Town Council. If a member who is also a bank signatory has declared a disclosable pecuniary interest, or has any other interest, in the matter in respect of which the payment is being made, that Councillor shall be required to consider Standing Orders, and thereby determine whether it is appropriate and / or permissible to be a signatory to the transaction in question.
- 6.5 If thought appropriate by the RFO, payments may be made by variable direct debit provided that invoices relating to those direct debits are included with the invoices to be authorised as detailed in Regulation 5.4~~the list of direct debits made are given to at least two members of the Town Council at each month end for them to countersign~~. The approval of the use of a variable direct debit shall be renewed by resolution of the Town Council at least every two years.
- 6.6 Where internet banking arrangements are made with any bank, the RFO and FO shall be appointed as the Service Administrator or Nominee. The bank mandate approved by the Town Council shall identify a number of Councillors and officers who will be authorised to approve transactions on those accounts.
- 6.7 Changes to account details for suppliers, may only be changed on written notification by the supplier and authorised by the FO or RFO. This must be followed up with a phone call to the company via a telephone number found on their official website before any

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changes are made. ~~A programme of regular checks of standing data with suppliers will be followed.~~

- 6.8 Any Debit/Credit/~~Charge~~ Card issued is to be used in accordance with the Town Council's Purchase Ordering & Payment for Goods Policy and will be issued to either the Town Clerk or RFO only.
- 6.9 Regular back-up copies of records on any computer shall be made and stored off site.
- 6.10 The FO shall provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the FO with a claim for reimbursement.
- a) 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 authorised signatories under ~~5.5-4~~ 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.
- 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 Human Resources Committee ~~of or~~ Full Council.
- 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

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d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.

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

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

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

8. Loans and investments

8.1. All borrowings shall be effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.

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

8.3. All loans and investments shall be negotiated in the name of the council and shall be for a set period in accordance with council policy.

8.4. The council 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.

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

8.6. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

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

9. Income

9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO who shall make and maintain adequate arrangements for prompt and proper banking and accounting for all cash, including its collection, custody, control and deposit.

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- 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 Town Clerk or RFO.
- 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to Full Council if over £3,000 or to the Finance & Audit Committee if under £3,000 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 on a ~~quarterly~~ monthly basis.
- 9.9. The RFO and FO shall ensure systems are in place, so that wherever practical and possible, receipts will be issued by staff at the point of receiving a cash payment.
- 9.10. Where more than £500 is received, in cash, by the Town Council and it is not practical to immediately issue a receipt, the RFO and FO shall ensure that systems are in place so that more than one person is present when the cash is counted, that there is a reconciliation to some form of control, and that appropriate care is taken in the security and safety of individuals banking such cash.

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 budget managers, the FO and 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 11-4 below.
- 10.4. A member may not issue an official order or make any contract on behalf of the council.
- 10.5. Budget managers are responsible for the placing of orders within their allocated budgets.
- 10.6. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order or as soon after the order is placed by the budget manager.

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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 (viii) 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 additional audit work of the external auditor up to an estimated value of £1,000 (in excess of this sum the Town Clerk and RFO shall act after consultation with the Mayor and the Chairperson of the Finance & Audit Committee);
 - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
 - vii. contracts of employment
 - viii. any contract for the sale or purchase of any right in or over land or premises.
- b) Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at ~~£2530,000~~ or more, the council shall comply with the relevant requirements of the Regulations¹.
- c) The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations (which may change from time to time)².
- d) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.

¹ The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

² Thresholds currently applicable (with effect from 1 January 2024) are:

a) For public supply and public service contracts ~~£213,477,214,904~~ incl. VAT

b) For public works contracts ~~£5,336,937,537,609~~ incl. VAT

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- e) Invitation to tender shall state the general nature of the intended contract and the ~~RFO-Town Clerk~~ shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Town Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract except as in 11.1(~~hi~~), ~~see table~~ and 11.1(k).
- f) All sealed tenders shall be opened at the same time on the prescribed date by the Town Clerk in the presence of at least one member of council.
- g) All invitation to tender issued under this regulation shall be subject to Standing Orders 18.d. and shall refer to the terms of the Bribery Act 2010.
- ~~ih)~~ Electronic tenders, quotations and estimates can be accepted where specified by the council.
- ~~ji)~~ The council shall not be obliged to accept the lowest tender, quote or estimate.
- ~~kj)~~ 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.
- ~~ik)~~ When the Council is to enter into a contract of less than £30,000 in value for the supply of goods or materials or for the execution of works or specialist services other than excepted in Regulation 11.1 above, three quotations shall be obtained. Where the value is below £10,000 and above £2,000 officers will strive to obtain three estimates. Otherwise, Regulation 10.3 above will apply.

~~Where the estimated costs of works, goods, services or materials are as set out below, after the required budget provision has been agreed, the arrangements for the invitation of tenders or quotes as appropriate and the subsequent acceptance thereof shall be as shown in the table below:~~

Estimated Value of purchase	Method of Procurement	Accepted by
Up to £2,000	Best Practice and value for money in line with Financial Regulation 10.3— power to spend.	Budget holder
£2,001 to £24,999	Minimum 3 quotes— No quote should be accepted without approval from the Town Clerk or RFO.	Town Clerk/ RFO

Estimated Value of purchase	Method of Procurement	Accepted by
	Quotes can be received electronically.	
£25,000 to £40,000	Minimum 3 quotations from at least three different companies. Quotes can be received electronically. Refer to Standing Orders 18.d for tender process methodology	Town Clerk / RFO plus 1 Member of the Town Council (Chair of relevant Committee if possible or Mayor)
£50,000 to above	Minimum 3 quotations from at least three different companies. Quotes can be received electronically. Refer to Standing Orders 18.d for tender process methodology	<p>£50,000 – £199,000</p> Town Clerk /RFO plus 2 Members of the Town Council (Chair of the relevant committee plus the Mayor or Deputy Mayor)
	Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, consideration should be given as to whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply, and if either of those apply, procurement rules should be complied with.	<p>£177,897 – £199,999 (excl. VAT)</p> Town Clerk /RFO plus 2 Members of the Town Council (Chair plus 1 other member of the relevant committee or the Mayor if possible)
		<p>ALL TENDERS OVER £200,000 TO BE ACCEPTED BY FULL COUNCIL</p>

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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 Town Clerk to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

13. Stores and Equipment

- 13.1. The Operations Manager 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-Operations Manager~~ shall be responsible for overseeing periodic checks of stocks and stores at least annually.

14. Assets, Properties and Estates

- 14.1. The Town Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The 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 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 £3,000.
- 14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

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- 14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a full business case.
- 14.6. The 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 Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers.
- 15.2. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 15.3. 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.
- 15.4. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council, or duly delegated committee.

16. Internal Control

- 16.1 The Town Clerk and RFO, under the direction of the Finance & Audit Committee shall be responsible for all internal control matters.
- 16.2 The Town Council's system of internal control shall cover:
 - a. Appointment of ~~the~~ Proper Officers and the RFO;
 - b. Proper book-keeping and financial reporting arrangements;
 - c. Financial Regulations including Standing Orders and payment controls;
 - d. Risk management arrangements;
 - e. Budgetary controls;
 - f. Income controls;
 - g. Petty cash controls;
 - h. Payroll controls;
 - i. Capital controls covering asset management, investments and borrowing;
 - j. Bank reconciliation;
 - k. Other areas identified from time to time in risk assessments.
- 16.2 All payments by the Town Council shall be authorised, approved and paid in accordance with the law, proper practices and the council's Financial Regulations.

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- 16.3 The RFO shall supply to each Councillor at each scheduled Finance & Audit Committee meeting, or on request, a statement to summarise:
- a. the Town Council's aggregate income and expenditure for the year to date;
 - b. the monthly balances held at the end of the period being reported and a report which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- 16.4 As soon as possible after the financial year end at 31 March, the RFO shall provide:
- a. each Councillor with a statement summarising the Town Council's income and expenditure for the last quarter and the year to date for information; and
 - b. to Full Council, the accounting statements for the year in the form of Section 2 of the Annual Governance and Accountability Return, as required by proper practices, for consideration and approval.
- 16.5 The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Town Council (receipts and payments, or income and expenditure) for a year to 31 March. The Annual Governance & Accountability Return of the Town Council, which is subject to external audit, including the annual governance statement, shall be presented to Full Council for consideration and formal approval before 30 June each year.

17. Earmarked Reserves (EMR)

- 17.1 Reserves will only be earmarked in line with the CIPFA Code of Practice on Local Authority Accounting in the UK (the Statement of Recommended Practice). The amount earmarked in any one financial year will not exceed the difference (surplus) between the budgeted net expenditure and the actual net expenditure. All capital receipts will go into a Capital Receipts EMR, which can only be used for capital expenditure.
- 17.2 Earmarked Reserves can be spent at the discretion of the Town Council. They can result from:
- (i) events which have allowed monies to be set aside,
 - (ii) surpluses,
 - (iii) decisions causing anticipated expenditure to have been postponed or cancelled,
 - (iv) monies set aside for major anticipated capital schemes, projects or service arrangements the Town Council may wish to carry out.
- 17.3 Expenditure will not be charged direct to Earmarked Reserves and transfers to and from Earmarked Reserves will be distinguished from service expenditure in the Statement of Accounts.
- 17.4 For each reserve established the following will be clearly documented:

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- a. The reason for or the purpose of the Earmarked Reserve will be clearly defined within the above guidelines.
- b. The types of expenditure the Earmarked Reserve will be used for and the basis of transactions will be clearly defined.
- c. Any circumstances for which the reserves cannot be used.

17.5 Reserves will be managed, controlled and reviewed by the RFO;

- a. On a transaction by transaction basis to ensure that the correct expenditure is being taken from the correct reserve and that no reserve is overspent.
- b. Twice per year, once during the budget review procedure and once at the year-end. The RFO, in consultation with the Town Clerk, will review the appropriateness of each reserve, making recommendations as to which reserves should be earmarked in the next financial year. At such time, any reserves considered no longer appropriate will be transferred back to the General Reserve after Full Council authorisation.

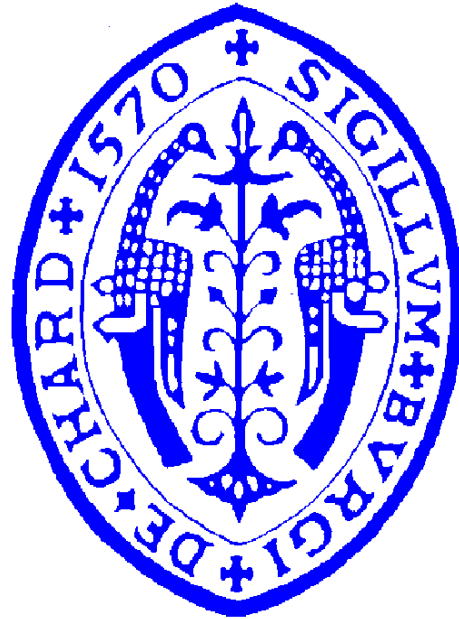
18. Risk Management

- 18.1. The council is responsible for putting in place arrangements for the management of risk. The Town Clerk/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.
- 18.2. When considering any new activity, the Town Clerk/RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

19. Suspension and Revision of Financial Regulations

- 19.1. It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Town Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these Financial Regulations.
- ~~18~~19.2. 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.

CHARD TOWN COUNCIL



FINANCIAL REGULATIONS

Adopted by Full Council xx/xx/xx

Financial Regulations

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These Financial Regulations will be placed before Full Council for adoption at its meeting to be held on xx/xx/xx

Key:

RFO: Responsible Financial Officer (as required under the Accounts and Audit Regulations and Section 151 of the Local Government Act 1972)

TC: Town Clerk

FO: Finance Officer

1. General

- 1.1. Any reference in these Financial Regulations to “Council” may refer to either Full Council or, where applicable, to a committee or to the Town Clerk or RFO with delegated powers to deal with the matters outlined.
- 1.2. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council’s three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council’s standing orders and any individual financial regulations relating to contracts.
- 1.3. 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.
- 1.4. 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.
- 1.5. These financial regulations demonstrate how the council meets these responsibilities and requirements.
- 1.6. 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.
- 1.7. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.8. Members of council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.
- 1.9. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council.

1.10 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.

1.11 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 and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.

1.12 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.

1.13 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.

1.14 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 above the approved delegated limit of £3,000;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors. These reports will initially be considered by the Finance & Audit Committee and reported to Full Council with recommendations for consideration and adoption.

1.15 In addition, the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve any grant or single commitment of more than £20,000; 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.

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

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

1.18 All references to authorisation in this document can be made by electronic means e.g. email, as well as hard copy signatures.

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 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 Mayor and the Chair of the Finance & Audit Committee shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall confirm by email that they have verified that the balance on the bank statement agrees with the bank balance shown on the bank reconciliation report and that the balance on the cashbook report agrees with the cashbook figure quoted

on the bank reconciliation report. They will also verify that reasons given for unrepresented items or items not banked are reasonable and that there are no long outstanding items. Copies of emails will be retained as evidence of review. This activity shall on conclusion be reported, including any exceptions, to and noted by the Finance & Audit 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 Governance & Accountability Return (AGAR) as specified in proper practices as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.
- 2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the 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 two annual written reports 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 Audit

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Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.

- 2.10. The RFO shall, without undue delay, bring to the attention of The Finance & Audit Committee any correspondence or report from internal or external auditors unless the correspondence is of a purely administrative matter.

3. Annual estimates (budget) and forward planning

- 3.1 Having regard to the current financial year, each committee shall formulate and submit proposals for the following financial year to the Finance and Audit Committee not later than the end of October each year.
- 3.2 The RFO must each year, by no later than the end of November, prepare detailed estimates of all income and expenditure 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 Full Council.
- 3.3 The council shall consider annual budget proposals in relation to the council's 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 £20,000;
 - A duly delegated committee for items between £10,000 - £20,000;
 - The Town Clerk or RFO for items below £10,000 (and this authority is assumed by the Operations Manager in their joint absence), except payroll where this limit does not apply. The payroll may be paid each month if it is in accordance with Regulation 7 below without reverting to Full Council or a delegated committee;
 - The Operations Manager for items relating to his budget areas up to £5,000
 - The Events Officer for items relating to his budget areas up to £500.

Such authority is to be evidenced by a minute for the Council or a committee or by a purchase order duly signed by the relevant officer.

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 a duly delegated committee. During the budget year and with the approval of The Finance and Audit Committee having considered the impact on services, unspent and available amounts may be moved to other budget codes, or with Council approval to earmarked reserves as appropriate ('virement'). It is noted that some budgets are dependent on external factors such as income received at the Guildhall. Any deviations due to loss of income do not require approval but should be reported to the relevant Committee as soon as practicable. There will be no requirement to undertake virements.
- 4.3 In cases of extreme risk to the delivery of Town Council services, as determined by the Town Clerk, the Town Clerk may authorise revenue expenditure on behalf of the Town Council which in the Town Clerk's judgement is necessary to be carried 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 £5,000. The Town Clerk shall report such action to the Mayor and Chair of the Finance & Audit Committee as soon as practicable thereafter.
- 4.4 Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year. Any such funds will be considered for allocation to earmarked reserves by the Full Council.
- 4.5 The salary budgets are to be reviewed at least annually during the budget setting process for the following financial year. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time. This is not budgetary control, just normal budget process.
- 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, subject to Regulation 4.2 above.
- 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 income and expenditure 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 15% of the individual budget codes.
- 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.
- 5.2 All invoices for payment shall be examined, verified and certified by the budget manager and then the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out and examined.
- 5.3 The Finance Officer (FO) shall examine invoices for arithmetical accuracy and the RFO analyse them to the appropriate expenditure heading, after which they will be posted to the appropriate expenditure heading in the general ledger. The FO shall take all steps to pay all invoices submitted, and which are in order, in a timely fashion.
- 5.4 The FO shall prepare a schedule of invoices requiring authorisation by two of the Council's authorised bank signatories, which will be accompanied by the individual invoices. The authorised signatories shall sign the invoices to confirm they have scrutinised them and are satisfied they may be paid. This shall be deemed as authorisation for the RFO/FO to make the payments, which shall be completed by dual control using the Council's electronic banking program, drawing on the officers where such authority has been given by Full Council.
- 5.5 The Town Clerk or RFO shall have delegated authority to authorise the payment of all items that are necessary to provide the services of the Town Council in line with the Town Council's Scheme of Delegation and the budgets set by the Town Council in the event that urgent payment is required before authorisation by two bank signatories in accordance with Regulation 5.4 above. In addition, the Town Clerk or RFO may authorise transfers within the council's banking arrangements up to the sum of £50,000 per month to cover outgoing expenses from the current account that have been duly authorised for payment.
- 5.6 At every Council meeting the RFO shall present a full list of payments that have been authorised by the bank signatories for formal ratification. 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.
- 5.7 For each financial year the RFO shall draw up a list of due payments and Direct Debits which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, PAYE and NI, Superannuation Fund and regular maintenance contracts) for which the Town Council may authorise payment for the year provided that the requirements of Regulation 4.1 (Budgetary Controls) are adhered to. The list of such regular payments and Direct Debits shall be submitted to the Finance & Audit Committee on an annual basis.
- 5.8 In respect of grants, the Finance & Audit Committee shall approve expenditure in accordance with the Grant Funding Policy and within any limits set by the Town Council.

Adopted at Full Council

- 5.9 Members are subject to the Code of Conduct that has been adopted by the Town Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 5.10 No employee or Councillor shall disclose any PIN or password, relevant to the working of the Town Council or its bank accounts, to any person not authorised in writing by the Town Council or a duly delegated Committee.

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 authentication under Financial Regulation 5 above, the RFO, FO or other financial officer with authorisation shall give instruction that a payment shall be made.
- 6.3. All payments shall be effected by electronic payment wherever possible. The Town Council shall where possible reduce the number of cheque payments.
- 6.4. Cheques or orders for payment drawn on the bank account shall be signed/ authorised by two members of Town Council. If a member who is also a bank signatory has declared a disclosable pecuniary interest, or has any other interest, in the matter in respect of which the payment is being made, that Councillor shall be required to consider Standing Orders, and thereby determine whether it is appropriate and / or permissible to be a signatory to the transaction in question.
- 6.5. If thought appropriate by the RFO, payments may be made by variable direct debit provided that the invoices relating to those direct debits are included with the invoices to be authorised as detailed in Regulation 5.4 above. The approval of the use of a variable direct debit shall be renewed by resolution of the Town Council at least every two years.
- 6.6. Where internet banking arrangements are made with any bank, the RFO and FO shall be appointed as the Service Administrator or Nominee. The bank mandate approved by the Town Council shall identify a number of Councillors and officers who will be authorised to approve transactions on those accounts.
- 6.7. Changes to account details for suppliers, may only be changed on written notification by the supplier and authorised by the FO or RFO. This must be followed up with a phone call to the company via a telephone number found on their official website before any changes are made.
- 6.8. Any Debit/Credit/Charge Card issued is to be used in accordance with the Town Council's Purchase Ordering & Payment for Goods Policy and will be issued to either the Town Clerk or the RFO only
- 6.9. Regular back-up copies of records on any computer shall be made and stored off site.

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- 6.10 The FO shall provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the FO with a claim for reimbursement.
- a) 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 authorised signatories under 5.4 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.
- 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 Human Resources Committee or Full Council.
- 7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
- a) by any councillor who can demonstrate a need to know;
 - b) by the internal auditor;
 - c) by the external auditor; or
 - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 7.6. An effective system of personal performance management should be maintained for the senior officers.

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

8. Loans and investments

- 8.1. All borrowings shall be effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.
- 8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 8.3 All loans and investments shall be negotiated in the name of the council and shall be for a set period in accordance with council policy.
- 8.4 The council 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.
- 8.5 All investments of money under the control of the council shall be in the name of the council.
- 8.6 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.7 Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. Income

- 9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO who shall make and maintain adequate arrangements for prompt and proper banking and accounting for all cash, including its collection, custody, control and deposit.
- 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 Town Clerk or the RFO.

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- 9.4 Any sums found to be irrecoverable and any bad debts shall be reported to Full Council if over £3,000 or to the Finance & Audit Committee if under £3,000 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 on a monthly basis.
- 9.9 The RFO and FO shall ensure systems are in place, so that wherever practical and possible, receipts will be issued by staff at the point of receiving a cash payment.
- 9.10 Where more than £500 is received, in cash, by the Town Council and it is not practical to immediately issue a receipt, the RFO and FO shall ensure that systems are in place so that more than one person is present when the cash is counted, that there is a reconciliation to some form of control, and that appropriate care is taken in the security and safety of individuals banking such cash.

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 budget managers, the FO and 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. below.
- 10.4. A member may not issue an official order or make any contract on behalf of the council.
- 10.5. Budget managers are responsible for the placing of orders within their allocated budgets.
- 10.6 The RFO shall verify the lawful nature of any proposed purchase before the issue of any order or as soon after the order is placed by the budget manager.

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 (viii) 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 additional audit work of the external auditor up to an estimated value of £1,000 (in excess of this sum the Town Clerk and RFO shall act after consultation with the Mayor and the Chairperson of the Finance & Audit Committee);
 - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
 - vii. contracts of employment
 - viii. any contract for the sale or purchase of any right in or over land or premises.
- b) Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 (“the Regulations”) which is valued at £30,000 or more, the council shall comply with the relevant requirements of the Regulations¹.
- c) The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations (which may change from time to time)².

¹ The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

² Thresholds currently applicable (with effect from 1 January 2024) are:

- a) For public supply and public service contracts £214,904 incl. VAT
- b) For public works contracts £5,372,609 incl. VAT

- d) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.
- e) Invitation to tender shall state the general nature of the intended contract and the Town Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Town Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract except as in 11.1(h) and 11.1(k).
- f) All sealed tenders shall be opened at the same time on the prescribed date by the Town Clerk in the presence of at least one member of council.
- g) All invitation to tender issued under this regulation shall be subject to Standing Orders 18.d.and shall refer to the terms of the Bribery Act 2010.
- h) Electronic tenders, quotations and estimates can be accepted where specified by the council.
- i) The council shall not be obliged to accept the lowest tender, quote or estimate.
- j) Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.
- k) When the Council is to enter into a contract of less than £30,000 in value for the supply of goods or materials or for the execution of works or specialist services other than excepted in Regulation 11.1 above, three quotations shall be obtained. Where the value is below £10,000 and above £2,000 officers will strive to obtain three estimates. Otherwise, Regulation 10.3 above will apply.

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 Town Clerk to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

13. Stores and Equipment

- 13.1. The Operations Manager 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 Operations Manager shall be responsible for overseeing periodic checks of stocks and stores at least annually.

14. Assets, Properties and Estates

- 14.1. The Town Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The 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 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 £3,000.
- 14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a full business case.

Adopted at Full Council

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 Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers.

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

15.3. 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.

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

16. Internal Control

16.1 The Town Clerk and RFO, under the direction of the Finance & Audit Committee shall be responsible for all internal control matters.

16.2 The Town Council's system of internal control shall cover:

- a. Appointment of the Proper Officer and the RFO;
- b. Proper book-keeping and financial reporting arrangements;
- c. Financial Regulations including Standing Orders and payment controls;
- d. Risk management arrangements;
- e. Budgetary controls;
- f. Income controls;
- g. Petty cash controls;
- h. Payroll controls;
- i. Capital controls covering asset management, investments and borrowing;
- j. Bank reconciliation;
- k. Other areas identified from time to time in risk assessments.

16.2 All payments by the Town Council shall be authorised, approved and paid in accordance with the law, proper practices and the council's Financial Regulations.

16.3 The RFO shall supply to each Councillor at each scheduled Finance & Audit Committee meeting, or on request, a statement to summarise:

- a. the Town Council's aggregate income and expenditure for the year to date;
- b. the monthly balances held at the end of the period being reported and a report which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

Adopted at Full Council

- 16.4 As soon as possible after the financial year end at 31 March, the RFO shall provide:
- a. each Councillor with a statement summarising the Town Council's income and expenditure for the last quarter and the year to date for information; and
 - b. to Full Council, the accounting statements for the year in the form of Section 2 of the Annual Governance and Accountability Return, as required by proper practices, for consideration and approval.

16.5 The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Town Council (receipts and payments, or income and expenditure) for a year to 31 March. The Annual Governance & Accountability Return of the Town Council, which is subject to external audit, including the annual governance statement, shall be presented to Full Council for consideration and formal approval before 30 June each year.

17. Earmarked Reserves (EMR)

17.1 Reserves will only be earmarked in line with the CIPFA Code of Practice on Local Authority Accounting in the UK (the Statement of Recommended Practice). The amount earmarked in any one financial year will not exceed the difference (surplus) between the budgeted net expenditure and the actual net expenditure. All capital receipts will go into a Capital Receipts EMR, which can only be used for capital expenditure.

17.2 Earmarked Reserves can be spent at the discretion of the Town Council. They can result from:

- (i) events which have allowed monies to be set aside,
- (ii) surpluses,
- (iii) decisions causing anticipated expenditure to have been postponed or cancelled,
- (iv) monies set aside for major anticipated capital schemes, projects or service arrangements the Town Council may wish to carry out.

17.3 Expenditure will not be charged direct to Earmarked Reserves and transfers to and from Earmarked Reserves will be distinguished from service expenditure in the Statement of Accounts.

17.4 For each reserve established the following will be clearly documented:

- a. The reason for or the purpose of the Earmarked Reserve will be clearly defined within the above guidelines.
- b. The types of expenditure the Earmarked Reserve will be used for and the basis of transactions will be clearly defined.
- c. Any circumstances for which the reserves cannot be used.

17.5 Reserves will be managed, controlled and reviewed by the RFO;

- a. On a transaction by transaction basis to ensure that the correct expenditure is being taken from the correct reserve and that no reserve is overspent.
- b. Twice per year, once during the budget review procedure and once at the year-end. The RFO, in consultation with the Town Clerk, will review the appropriateness of each reserve, making recommendations as to which reserves should be earmarked in the next financial year. At such time, any reserves considered no longer appropriate will be transferred back to the General Reserve after Full Council authorisation.

18. Risk Management

- 18.1. The council is responsible for putting in place arrangements for the management of risk. The Town Clerk/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.
- 18.2. When considering any new activity, the Town Clerk/RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

19. Suspension and Revision of Financial Regulations

- 19.1. It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Town Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these Financial Regulations.
- 19.2. 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.

2024.06 (III) SCHEME OF DELEGATION

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CHARD TOWN COUNCIL



SCHEME OF DELEGATION

Adopted by Full Council ~~14th November 2022~~

SCHEME OF DELEGATION adopted by full Council ~~14 November 2022~~

The Council's scheme of delegation is an essential policy to enable the Council to function efficiently and effectively. Without this, every decision would have to be taken by the Full Council. Decision making powers are given to both Committees and Officers to enable the Council to react to circumstances and operate effectively (s.101(1) of the Local Government Act 1972).

Powers cannot be legally delegated to individual Councillors or Working Parties, including Task & Finish Groups. Working Parties and Task & Finish Groups are ordinarily established to investigate and/or review a particular matter then report back to the relevant committee or Council with its findings, which may include recommendations.

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (or other Officer as agreed), Standing Committees and Sub-committees of the Council to act with delegated authority in the specific circumstances detailed.

1. Full Council

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- 1.1 The following matters are reserved to the Full Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations in relation thereto for the Full Council's consideration.
 - 1.1.1 Approving the Annual Budget and setting the Council's Precept
 - 1.1.2 Approving the Annual Return and Audit of Accounts
 - 1.1.3 Borrowing money, Hire Purchase and Leasing of tangible assets
 - 1.1.4 Approving the Council's banking arrangements and determining and keeping under regular review the bank mandate for all Council accounts.
 - 1.1.5 Writing off bad debts over £3,000
 - 1.1.6 Acquiring or disposing of tangible moveable property with an estimated value exceeding £3,000
 - 1.1.7 Acquiring or disposing of real property
 - 1.1.8 Variations of contracts
 - 1.1.9 Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
 - 1.1.10 Addressing recommendations in any report from the internal or external auditors. These reports will initially be considered by the Finance & Audit Committee and reported to Full Council with recommendations for consideration and adoption.
 - 1.1.11 Termination payments
 - 1.1.12 Making, amending or revoking byelaws
 - 1.1.13 Making of Orders under any Statutory powers

SCHEME OF DELEGATION adopted by full Council ~~14 November 2022~~

- 1.1.14 Appointing Standing Committees, their Chairs and Members
- 1.1.15 Appointing Members to the Appeals Committee, for which 4 Members are required
- 1.1.16 Matters of principle or policy
- 1.1.17 Civic & Ceremonial activities/Local Democracy.
- 1.1.18 Electoral matters/Co-options
- 1.1.19 Nominating and appointing representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings)
- 1.1.20 Any proposed new undertakings
- 1.1.21 Prosecution or defence in a court of law.
- 1.1.22 Nominating or appointing representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.

1.1.23 Appointing or dismissing the Town Clerk

- ~~1.1.23~~4 Confirming eligibility to exercise the General Power of Competence.

1.2 Membership

- ~~1.2~~ Membership shall comprise all Members of the Council.

1.3 Quorum

- ~~1.3~~ A meeting will not be quorate unless at least 5 Members (one-third of the total number of Members) are present.

1.4 Meetings

- ~~1.4~~ Meetings shall be held ~~bi-monthly~~ in January, March, May, June, July, September and November and will be open to the public.

- 1.4.1 The Town Clerk will issue a summons at least three clear days before the meeting, excluding the date of agenda publication and the date of the meeting, specifying the business to be transacted at the meeting.
- 1.4.2 The Mayor, or in his absence the Deputy Mayor, must preside. If both are absent, those present will appoint another Member to preside.
- 1.4.3 The Town Clerk, or alternative Council Officer, shall attend all meetings and shall be responsible for producing accurate minutes of the meeting.
- 1.4.4 The Council will have the right to convene special meetings in accordance with the Council's Standing Orders.

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SCHEME OF DELEGATION adopted by full Council 14 November 2022

1.5 Voting

4.5 Every decision must be made by a majority of Members present and voting. The Chair carries the casting vote.

2. Delegation to Standing Committees

The Council shall appoint four Standing Committees:

- The Finance and Audit Committee;
- The Amenities and Events Committee;
- The Human Resources (HR) Committee;
- The Finance & Planning;

and, two Sub- Committees:

- Grants Sub-Committee, which reports to the Finance and Audit Committee.
- Disciplinary & Grievance Sub-Committee which reports to the HR Committee

The Council will determine membership of all Standing Committees except the Disciplinary & Grievance Sub-Committee whose members shall be determined by the HR Committee from its own members.

The following matters are delegated to the Council's Standing Committees to make decisions on behalf of the Council. Standing Committees are delegated plenary decision-making powers in respect of matters delegated. They must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

The Full Council may at any time, following resolution, revoke any delegated authority.

Standing Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to Full Council. Similarly, where a Standing Committee has no delegated power to make a decision it makes a recommendation to Full Council.

The Full Council has no role in approving the minutes of a committee and a committee has no role in approving the minutes of a sub-committee. The minutes of committees or sub-committees are sent to their parent body for information only or for reference to a recommendation made for matters outside their delegated powers.

In accordance with Standing Order 3d., any member of the Council may attend any Standing Committee, except the HR Committee, of which they are not a member. However, as an observer only, they are unable to participate in the discussion(s) or vote.

2.1 All Standing Committees

Standing Committees may:

2.1.1 Creation and Appointment to Working Groups and Task & Finish Groups.

2.1.2 Appointment of non-Councillor members to Working Groups where they bring additional expertise or knowledge, subject to confidentiality arrangements consistent with those required of Councillors.

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SCHEME OF DELEGATION adopted by full Council 14 November 2022

2.2 Ex-Officio Members

2.1.3 The Town Mayor and Deputy Town Mayor, if not members of a **Standing** Committee in their own right, are ex-officio members of all **Standing** Committees for the duration of their office, and have full voting rights. The ex-officio members will form part of the quorum of any **Standing** Committee, if they attend. However, should they attend as an ex-officio member, they will not have to offer their apologies.

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2.23 Finance & Audit Committee

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3.1 Purpose

To ensure that the management and organisation of the finances of Chard Town Council are efficient, effective, open and transparent.

Key Responsibilities

All matters (except for creating Council Policy) relating to:

2.2.13.1.1 Considering annual budget requests of all Standing Committees for recommendation to Full Council

2.2.23.1.2 Monitoring the budget position on a quarterly basis

2.2.33.1.3 Approving and awarding grants and donations

2.2.43.1.4 Approving the annual Internal Audit Plan. Considering all Internal Audit reports, agreeing actions to address issues identified and following up those actions to ensure satisfactory resolution

2.2.53.1.5 Approving the Council's Risk Management Strategy.

2.2.63.1.6 Approving write off of debts up to £3,000 (subject to the requirements of the Bad Debt Policy)

2.2.73.1.7 Reviewing all relevant Council policies and making recommendations to Full Council for approval

2.2.83.1.8 Investing in CCTV's to facilitate community safety

2.2.93.1.9 Approving the Council's Business Continuity Plan

2.2.103.1.10 Approving the Council's Information Security Strategy

2.2.113.1.11 Any other matter which may be delegated to it by the Council from time to time.

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3.2 Membership

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Membership shall consist of a minimum of five Members and a maximum of ten Members, as appointed by Full Council.

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3.3 Quorum

A meeting will not be quorate unless at least one-third of the Members of the Committee are present, and in no case less than 3 Members, with at least one Officer in attendance.

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3.4 Meetings

Meetings will be held on a quarterly basis, usually 3 weeks after the quarter end. Additional meetings may be arranged if required.

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3.5 Voting

Every decision must be made by a majority of Members present and voting. The Chair carries the casting vote.

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3.6 ~~2.3~~ Grants Sub-Committee

Purpose

Assessing and awarding Community Development Fund and Annual grants~~Core Funding Grants~~

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Key Responsibilities

~~2.3-13.6.1~~ To assess Community Development Fund grants that meet the agreed criteria and make recommendations regarding awards to the Finance & Audit Committee, where funding is available within budget.

~~2.3-23.6.2~~ To assess Annual-Core Funding Grants that meet the agreed criteria and make recommendations regarding awards to the Finance & Audit Committee, where funding is available within budget.

3.7 Membership

Membership shall consist of a minimum of five Members, as appointed by Full Council.

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3.8 Quorum

A meeting will not be quorate unless at least 3 Members of the Committee are present, and with at least one Officer in attendance.

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3.9 Meetings

Meetings will be held on a quarterly basis, as required as a feeder to Finance & Audit Committee held in July, October and January. Grant applicants may attend to present their applications and answer questions from sub-committee members to ensure a thorough understanding of the applicant organisation and purpose of the grant support is obtained.

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3.10 Voting

Every decision must be made by a majority of Members present and voting. The Chair carries the casting vote.

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2.4. Amenities & Events Committee

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4.1 Purpose

To ensure that all community services, facilities and events are delivered, managed and maintained to a high standard and improved, where possible. To consider further development of the Council's estate and the development of other facilities.

4.2 Key Responsibilities

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All matters (except for creating Council Policy) relating to:

2.4.14.2.1 Setting Guildhall hire charges, allotment rents, market rents, cemetery fees subject to approval of Full Council

2.4.24.2.2 Overseeing the maintenance, repair and continued improvement, where appropriate, of all the buildings owned by the Town Council

2.4.34.2.3 Overseeing the management and development of all play areas, open spaces, allotments, cemeteries, sports facilities and the war memorial.

2.4.44.2.4 Managing provision of bus shelters, street furniture, dog and litter bins.

2.4.54.2.5 Overseeing the management and development of events delivered by the Council in the Guildhall and the wider community

2.4.64.2.6 Authorising payments, relevant to the responsibilities of this committee, which are required to be made under the terms of any contract.

2.4.74.2.7 Making recommendations to the Finance and Audit Committee for the annual budget to cover its area of responsibility.

2.4.84.2.8 Reviewing the Environmental Policy and the Emergency Plan.

2.4.94.2.9 Any other matter which may be delegated to the Committee by Full Council from time to time.

4.3 Membership

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Membership shall consist of a minimum of five and maximum of ten Members, as appointed by Full Council.

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4.4 Quorum

A meeting will not be quorate unless at least one-third of the Members of the Committee are present, and in no case less than 3 Members, with at least one Officer in attendance.

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4.5 Meetings

Meetings will be held on a bi-monthly basis, at least 10 day in advance of Full Council. Additional meetings may be arranged if required

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4.6 Voting

Every decision must be made by a majority of Members present and voting. The Chair carries the casting

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2.55 Planning & Highways Committee

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5.1 Purpose

To make ~~observations-representations~~ and submit comments to the Planning Authority on all planning applications and planning issues affecting Chard, including Development Briefs, Local Plans and Development Control. To undertake site visits where necessary. To make ~~observations-representations~~ and submit comments on Highway Matters affecting Chard.

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Key Responsibilities

All matters (except for creating Council Policy) relating to:

~~2.5-15.1.1~~ Making Responding asrepresentations, as a consultee, ~~to any on~~ planning applications or any consultation document related to planning

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~~2.5-25.1.2~~ Responding-Commenting on, as a ~~consultee to tree~~consultee, tree works applications

~~2.5-35.1.3~~ Considering-Commenting on and making recommendations regarding all highways and traffic matters within the town.

~~2.5-45.1.4~~ Makinge recommendations regarding street naming with the town when requested

~~2.5-65.1.5~~ Making recommendations to the Finance and Audit Committee for the annual budget to cover its area of responsibility, where necessary.

~~2.5-75.1.6~~ Any other matter which may be delegated to the Committee by Full Council from time to time

SCHEME OF DELEGATION adopted by full Council ~~14 November 2022~~

5.2 Membership

Membership shall consist of a minimum of seven Members, as appointed by Full Council.

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5.3 Quorum

A meeting will not be quorate unless at least one-third of the Members of the Committee are present, and in no case less than 3 Members, with at least one Officer in attendance.

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5.4 Meetings

Meetings will be held on a monthly basis. Additional meetings may be arranged if required.

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5.5 Voting

Every decision must be made by a majority of Members present and voting. The Chair carries the casting vote.

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2.66 Human Resources Committee

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6.1 Purpose

To ensure the Council has adequate and effective human resources to enable efficient delivery of Council services.

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Key Responsibilities

All matters (except for creating Council Policy) relating to:

- 62.6.1 Amending staff structure to reflect the Council's performance needs. Any requirements for additional budget in doing so must be recommended to Full Council
- 62.6.2 Authorising incremental pay rises following staff appraisals
- 62.6.3 Authorising permission for the Town Clerk to accept secondary employment
- 62.6.4 Authorising adjustments to employees Terms and Conditions of employment
- 62.6.5 Making arrangements to carry out the Town Clerk's annual appraisal
- 62.6.6 Reviewing the Employment Policies and Procedures
- 62.6.7 Reviewing the Civic Protocol
- 62.6.8 Resolving all staff grievances unable to be dealt with by Officers in accordance with the Council's Grievance Policy as detailed in the Staff Handbook. Agreeing financial resolutions within budget, or if over budget or

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unbudgeted making recommendations to Full Council.

62.6.9 Resolving all staff disciplinary matters unable to be addressed by Officers in accordance with the Council's Disciplinary & Grievance Policy

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62.6.10 Resolving all potential disciplinary matters relating to the Executive Town Clerk/Officer, including commissioning external advisors and/or investigation in accordance with the provisions of the Council's Complaints and Disciplinary & Grievance Policy

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62.6.11 Any other matter which may be delegated to the Committee by Full Council from time to time.

6.2 Membership

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Membership shall consist of a minimum of Six Members, as appointed by Full Council.

6.3 Quorum

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A meeting will not be quorate unless at least one-third of the Members of the Committee are present, and in no case less than 3 Members, with at least one Officer in attendance.

6.4 Meetings

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Meetings will be held three times a year in July, November and March. Additional meetings can be arranged if required. Due to the confidential nature of the business conducted at this Committee it is operated 'in camera' and neither members of the public nor members of the Council who are not committee members (see Standing Order 3d) are able to attend.

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6.5 Voting

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Every decision must be made by a majority of Members present and voting. The Chair carries the casting vote.

6.6 Disciplinary & Grievance Sub-Committee

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Purpose

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To deal with disciplinary and grievance matters on behalf of the HR Committee

Key Responsibilities

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6.6.1 Resolving all staff grievances unable to be dealt with by Officers in accordance with the Council's Grievance Policy as detailed in the Staff Handbook.

Membership

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Membership shall consist of three HR Committee members who do not have a direct involvement in the disciplinary or grievance matter being considered. Members will be appointed as and when needed by the HR Committee.

Quorum

A meeting shall not be quorate unless all three appointed members attend.

Meetings

Due to the confidential nature of the business conducted at this Sub- Committee it is operated 'in camera' and neither members of the public nor members of the Council who are not sub-committee members (see Standing Order 3d) are able to attend.

2.77. Appeals Committee

Purpose

To consider appeals to decisions taken by other Standing Committees, Sub-Committees or Officers. The Committee cannot consider an appeal against a decision taken by the Full Council.

7.1 Key Responsibilities

2.7.47.1.1 Resolving all staff appeals concerning grievances or disciplinary matters

2.7.27.1.2 Resolving all Freedom of Information Act appeals

2.7.37.1.3 Resolving appeals to decisions relating to complaints that the Officers have been unable to resolve

2.7.47.1.4 Resolving all appeals against decisions of policy

7.2 Membership

Membership shall consist of four Members, as appointed by Full Council

Members of the Committee must be different from those who consider grievance and disciplinary matters. Appointees to this committee are unable to sit on the Human Resources Committee.

Quorum

A meeting will not be quorate unless at least 3 Members are present.

Meetings

Meetings will be held as required.

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Voting

Every decision must be made by a majority of Members present and voting. The Chair carries the casting vote.

8. Delegation to Officers

Full Council may have delegated a number of duties and powers to the Proper Officer and the Responsible Financial Officer, which are detailed on the following pages.

Where powers or duties have been delegated to a Committee, it shall be capable of, in turn, assigning functions or delegated powers to the Proper Officer, Responsible Financial Officer or a Sub-Committee. Any action taken under delegated powers by the Proper Officer, Responsible Financial Officer or a Sub-Committee shall be reported to the next meeting of the appointing committee for information.

Any power or duty delegated under this scheme is subject to Town Council Policy and the approved budget, and may be exercised by the Town Council or any Committee which has delegated or further delegated that power or duty.

Delegated actions of the Proper Officer and the Responsible Financial Officer shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.

9. Proper Officer and Responsible Financial Officer - Duties and Powers

3. Responsible Financial Officer

The role of the Proper Officer and the Responsible Financial are split between two officers. The Town Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for the Town Council's accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time.

4. Proper Officer

94.1 The Town Clerk shall be the Town Clerk shall be the Proper Officer of the Council and will carry out the functions of a Proper Officer as designated under the Local Government Act 1972 and any other statute requiring the designation of Proper Officer, and as such is specifically authorised to:

- 94.1.1 Receive declarations of acceptance of office;
- 94.1.2 Receive and record notices from Councillors disclosing interests;
- 94.1.3 Receive and retain plans and documents;
- 94.1.4 Sign Notices or other documents on behalf of the Council;
- 94.1.5 Receive copies of byelaws made by the ~~District~~Unitary Council;
- 94.1.6 Certify copies of byelaws made by the Council;
- 94.1.7 Sign and issue summonses to attend meetings of the Council.

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94.1.8 Give public notice of the time, place and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them)

94.1.9 Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office

94.2 In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:

94.2.1 The day to day administration of services, together with routine inspection and control.

94.2.2 Day to day supervision and control of all staff employed by the Council.

94.2.3 Authorisation of routine expenditure within the agreed budget up to the limit specified in the Financial Regulations.

94.2.4 Emergency expenditure up to £5,000 outside the agreed budget.

9.2.5 Risk management of the Council, in conjunction with the Responsible Financial Officer.

94.3 Finally, the Town Clerk, as Head of Paid Service ~~and Responsible Financial Officer,~~ has delegated authority to:

94.3.1 Day to day management of the Council's website and social media activities.

94.3.2 Day to day management of all the support services team.

94.3.3 Day to day management of all of the Council's Human Resources functions ~~including payroll and finance.~~

4.3.4

10. The Responsible Financial Officer

10.1 The Responsible Financial officer is the Council's designated s.151 Officer as defined by the Local Government Act 1972 and as such is specifically authorised to:

~~10.1.1 Preparation of~~ financial and other relevant reports.

~~4.3.5~~10.1.2 Authorising expenditure within budgeted levels up to limits agreed by the Financial Regulations -in areas of responsibility and those delegated by the Council.

~~4.3.6~~10.1.3—Undertake Pproper administration of the Council's financial affairs.

~~4.3.7~~10.1.4 Report to External Auditor matters under Local Government Finance Act 1988 s114.

~~4.3.8~~10.1.5 Ensure compliance with Financial Regulations.

~~4.3.9~~10.1.6 Ensure compliance with all financial procedures.

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SCHEME OF DELEGATION adopted by full Council 14 November 2022

~~4.3.10~~10.1.7 Determine accounting policies, records and control systems.

~~4.3.11~~10.1.8 Manage risk management in conjunction with the Proper Officer of the Council.

~~4.3.12~~10.1.9 Arrange and manage the Council's insurance arrangements.

~~4.3.13~~10.1.10 Management of Council salaries in accordance with contracts of employment.

~~4.3.14~~10.1.11 Matters specifically delegated by Council or Committee.

~~4.4 — Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.~~

In the short term absence of the Responsible Financial Officer, due to holidays or sickness, the above delegations will be adopted by the Proper Officer. For a more permanent absence, Council should formally appoint an appropriate officer to act as the Responsible Financial Officer.

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511. Delegation to Officers

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The following matters are delegated to the Council's Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

The Council may at any time, following resolution, revoke any delegated authority.

Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to a Committee or the Council. Similarly, where Officers have no delegated power to make a decision, they report the matter to Committee or the Council for a decision.

The table below outlines the delegated responsibilities of the Town Clerk and the individuals to cover these in the short term absence of the Town Clerk due to holidays or sickness. For a more permanent absence, Council must appoint an appropriate officer to act as Proper Officer.

5.1 — Town Clerk

	Delegated Responsibility	Responsible in Absence
a.	The responsibilities and duties of the role of Proper Officer as set out within law and Council policies.	Operations Manager
b.	Issue all statutory notifications.	Operations Manager
c.	Receive Declarations of Acceptance of Office.	Operations Manager
d.	Receive and record notices disclosing pecuniary interests.	Operations Manager
e.	Receive and retain documents and plans.	Operations Manager

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f.	Sign notices or other documents on behalf of the Council.	Operations Manager
g.	Receive copies of Bye-laws made by principal authority.	Operations Manager
h.	Certify copies of Bye-laws made by the Council.	Operations Manager
i.	Sign summons to attend meetings.	Operations Manager
j.	Ensure compliance with Standing Orders.	Operations Manager
k.	Manage all Town Council staff, either directly or indirectly.	Operations Manager
l.	Manage the provision of Council services, buildings, land and resources.	Operations Manager
m.	Incur expenditure in an emergency up to £5,000 whether budgeted or not.	Operations Manager
n.	Act on behalf of the Council in an urgent situation and report back to the Council as soon as practical.	Operations Manager
o.	Deal with dispensation requests from Members under the Code of Conduct.	Operations Manager
p.	Deal with matters specifically delegated by Council or Committee.	Operations Manager
q.	Take all decisions relating to the training of Councillors & staff.	Operations Manager
r.	Appoint all employees in accordance with the Council's staff structure.	Operations Manager
s.	Authorise minor non-fiscal adjustments to contracts of employment and job descriptions to meet the needs of the Council.	Operations Manager
t.	Appoint casual / temporary members of staff as needed to meet the business needs of the Council and within existing budgets.	Operations Manager
u.	Authorise additional hours of work for existing staff on a temporary basis to support the business needs of the Council.	Operations Manager
v.	Deal with all disciplinary matters and hearings in accordance with the Council's Disciplinary Policy, including suspending employees as deemed necessary.	Operations Manager
w.	Responsible for the overall management of all budgets in accordance with Council policies.	Operations Manager Responsible Financial Officer
x.	Authorised to issue press releases on any Council activity exercised in accordance with Council policy.	Operations Manager
y.	Overall responsibility for Health & Safety across all Council owned sites.	Operations Manager
z.	Authority to amend/revise the representatives on outside bodies as	Operations Manager

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	and when necessary, where consensus is achieved (except at the beginning of each Municipal Year when this is done at the Annual Meeting).	
aa.	Matters specifically delegated within Council policies.	Operations Manager

CHARD TOWN COUNCIL



SCHEME OF DELEGATION

Adopted by Full Council

SCHEME OF DELEGATION adopted by full Council xxxxx

The Council's scheme of delegation is an essential policy to enable the Council to function efficiently and effectively. Without this, every decision would have to be taken by the Full Council. Decision making powers are given to both Committees and Officers to enable the Council to react to circumstances and operate effectively (s.101(1) of the Local Government Act 1972).

Powers cannot be legally delegated to individual Councillors or Working Parties, including Task & Finish Groups. Working Parties and Task & Finish Groups are ordinarily established to investigate and/or review a particular matter then report back to the relevant committee or Council with its findings, which may include recommendations.

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (or other Officer as agreed), Standing Committees and Sub-committees of the Council to act with delegated authority in the specific circumstances detailed.

1. Full Council

- 1.1 The following matters are reserved to the Full Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations in relation thereto for the Full Council's consideration.
 - 1.1.1 Approving the Annual Budget and setting the Council's Precept
 - 1.1.2 Approving the Annual Return and Audit of Accounts
 - 1.1.3 Borrowing money, Hire Purchase and Leasing of tangible assets
 - 1.1.4 Approving the Council's banking arrangements and determining and keeping under regular review the bank mandate for all Council accounts.
 - 1.1.5 Writing off bad debts over £3,000
 - 1.1.6 Acquiring or disposing of tangible moveable property with an estimated value exceeding £3,000
 - 1.1.7 Acquiring or disposing of real property
 - 1.1.8 Variations of contracts
 - 1.1.9 Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation
 - 1.1.10 Addressing recommendations in any report from the internal or external auditors. These reports will initially be considered by the Finance & Audit Committee and reported to Full Council with recommendations for consideration and adoption.
 - 1.1.11 Termination payments
 - 1.1.12 Making, amending or revoking byelaws
 - 1.1.13 Making of Orders under any Statutory powers

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- 1.1.14 Appointing Standing Committees, their Chairs and Members
- 1.1.15 Appointing Members to the Appeals Committee, for which 4 Members are required
- 1.1.16 Matters of principle or policy
- 1.1.17 Civic & Ceremonial activities/Local Democracy.
- 1.1.18 Electoral matters/Co-options
- 1.1.19 Nominating and appointing representatives of the Council to any other authority, organisation or body (excepting approved Conferences or meetings)
- 1.1.20 Any proposed new undertakings
- 1.1.21 Prosecution or defence in a court of law.
- 1.1.22 Nominating or appointing representatives of the Council at any inquiry on matters affecting the Parish, excluding those matters specific to a committee.
- 1.1.23 Appointing or dismissing the Town Clerk
- 1.1.24 Confirming eligibility to exercise the General Power of Competence.

Membership

- 1.2 Membership shall comprise all Members of the Council.

Quorum

- 1.3 A meeting will not be quorate unless at least 5 Members (one-third of the total number of Members) are present.

Meetings

- 1.4 Meetings shall be held in January, March, May, June, July, September and November and will be open to the public.
 - 1.4.1 The Town Clerk will issue a summons at least three clear days before the meeting, excluding the date of agenda publication and the date of the meeting, specifying the business to be transacted at the meeting.
 - 1.4.2 The Mayor, or in his absence the Deputy Mayor, must preside. If both are absent, those present will appoint another Member to preside.
 - 1.4.3 The Town Clerk, or alternative Council Officer, shall attend all meetings and shall be responsible for producing accurate minutes of the meeting.
 - 1.4.4 The Council will have the right to convene special meetings in accordance with the Council's Standing Orders.

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Voting

- 1.5 Every decision must be made by a majority of Members present and voting. The Chair carries the casting vote.

2. Delegation to Standing Committees

The Council shall appoint four Standing Committees:

- The Finance and Audit Committee;
- The Amenities and Events Committee;
- The Human Resources (HR) Committee;
- The Finance & Planning;

and, two Sub- Committees;

- Grants Sub-Committee, which reports to the Finance and Audit Committee.
- Disciplinary & Grievance Sub-Committee which reports to the HR Committee

The Council will determine membership of all Standing Committees except the Disciplinary & Grievance Sub-Committee whose members shall be determined by the HR Committee from its own members.

The following matters are delegated to the Council's Standing Committees to make decisions on behalf of the Council. Standing Committees are delegated plenary decision-making powers in respect of matters delegated. They must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

The Full Council may at any time, following resolution, revoke any delegated authority.

Standing Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to Full Council. Similarly, where a Standing Committee has no delegated power to make a decision it makes a recommendation to Full Council.

The Full Council has no role in approving the minutes of a committee and a committee has no role in approving the minutes of a sub-committee. The minutes of committees or sub-committees are sent to their parent body for information only or for reference to a recommendation made for matters outside their delegated powers.

In accordance with Standing Order 3d., any member of the Council may attend any Standing Committee, except the HR Committee, of which they are not a member. However, as an observer only, they are unable to participate in the discussion(s) or vote.

2.1 All Standing Committees

Standing Committees may:

- 2.1.1 Create and Appoint Working Groups and Task & Finish Groups.

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- 2.1.2 Appoint non-Councillor members to Working Groups where they bring additional expertise or knowledge, subject to confidentiality arrangements consistent with those required of Councillors.

2.2 Ex-Officio Members

The Town Mayor and Deputy Town Mayor, if not members of a Standing Committee in their own right, are ex-officio members of all Standing Committees for the duration of their office, and have full voting rights. The ex-officio members will form part of the quorum of any Standing Committee, if they attend. However, should they attend as an ex-officio member, they will not have to offer their apologies.

3. Finance & Audit Committee

3.1 Purpose

To ensure that the management and organisation of the finances of Chard Town Council are efficient, effective, open and transparent.

Key Responsibilities

All matters (except for creating Council Policy) relating to:

- 3.1.1 Considering annual budget requests of all Standing Committees for recommendation to Full Council
- 3.1.2 Monitoring the budget position on a quarterly basis
- 3.1.3 Approving and awarding grants and donations
- 3.1.4 Approving the annual Internal Audit Plan. Considering all Internal Audit reports, agreeing actions to address issues identified and following up those actions to ensure satisfactory resolution
- 3.1.5 Approving the Council's Risk Management Strategy.
- 3.1.6 Approving write off of debts up to £3,000 (subject to the requirements of the Bad Debt Policy)
- 3.1.7 Reviewing all relevant Council policies and making recommendations to Full Council for approval
- 3.1.8 Investing in CCTV's to facilitate community safety
- 3.1.9 Approving the Council's Business Continuity Plan
- 3.1.10 Approving the Council's Information Security Strategy
- 3.1.11 Any other matter which may be delegated to it by the Council from time to time.

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3.2 Membership

Membership shall consist of a minimum of five Members and a maximum of ten Members, as appointed by Full Council.

3.3 Quorum

A meeting will not be quorate unless at least one-third of the Members of the Committee are present, and in no case less than 3 Members, with at least one Officer in attendance.

3.4 Meetings

Meetings will be held on a quarterly basis, usually 3 weeks after the quarter end. Additional meetings may be arranged if required.

3.5 Voting

Every decision must be made by a majority of Members present and voting. The Chair carries the casting vote.

3.6 Grants Sub-Committee

Purpose

Assessing and awarding Community Development Fund and Core Funding Grants

Key Responsibilities

3.6.1 To assess Community Development Fund grants that meet the agreed criteria and make recommendations regarding awards to the Finance & Audit Committee, where funding is available within budget.

3.6.2 To assess Core Funding Grants that meet the agreed criteria and make recommendations regarding awards to the Finance & Audit Committee, where funding is available within budget.

3.7 Membership

Membership shall consist of a minimum of five Members, as appointed by Full Council.

3.8 Quorum

A meeting will not be quorate unless at least 3 Members of the Committee are present, and with at least one Officer in attendance.

3.9 Meetings

Meetings will be held on a quarterly basis, as required as a feeder to Finance & Audit Committee held in July, October and January . Grant applicants may attend to present their applications and answer questions from sub-committee members to

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ensure a thorough understanding of the applicant organisation and purpose of the grant support is obtained.

3.10 Voting

Every decision must be made by a majority of Members present and voting. The Chair carries the casting vote.

4. Amenities & Events Committee

4.1 Purpose

To ensure that all community services, facilities and events are delivered, managed and maintained to a high standard and improved, where possible. To consider further development of the Council's estate and the development of other facilities.

4.2 Key Responsibilities

All matters (except for creating Council Policy) relating to:

- 4.2.1 Setting Guildhall hire charges, allotment rents, market rents, cemetery fees subject to approval of Full Council
- 4.2.2 Overseeing the maintenance, repair and continued improvement, where appropriate, of all the buildings owned by the Town Council
- 4.2.3 Overseeing the management and development of all play areas, open spaces, allotments, cemeteries, sports facilities and the war memorial.
- 4.2.4 Managing provision of bus shelters, street furniture, dog and litter bins.
- 4.2.5 Overseeing the management and development of events delivered by the Council in the Guildhall and the wider community
- 4.2.6 Authorising payments, relevant to the responsibilities of this committee, which are required to be made under the terms of any contract.
- 4.2.7 Making recommendations to the Finance and Audit Committee for the annual budget to cover its area of responsibility.
- 4.2.8 Reviewing the Environmental Policy and the Emergency Plan.
- 4.2.9 Any other matter which may be delegated to the Committee by Full Council from time to time.

4.3 Membership

Membership shall consist of a minimum of five and maximum of ten Members, as appointed by Full Council.

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4.4 Quorum

A meeting will not be quorate unless at least one-third of the Members of the Committee are present, and in no case less than 3 Members, with at least one Officer in attendance.

4.5 Meetings

Meetings will be held on a bi-monthly basis, at least 10 day in advance of Full Council. Additional meetings may be arranged if required

4.6 Voting

Every decision must be made by a majority of Members present and voting. The Chair carries the casting

5. Planning & Highways Committee

5.1 Purpose

To make representations and submit comments to the Planning Authority on all planning applications and planning issues affecting Chard, including Development Briefs, Local Plans and Development Control. To undertake site visits where necessary. To make representations and submit comments on Highway Matters affecting Chard.

Key Responsibilities

All matters (except for creating Council Policy) relating to:

- 5.1.1 Making representations, as a consultee, on planning applications or any consultation document related to planning
- 5.1.2 Commenting on, as a consultee, tree works applications
- 5.1.3 Commenting on and making recommendations regarding all highways and traffic matters within the town.
- 5.1.4 Making recommendations regarding street naming with the town when requested
- 5.1.5 Making recommendations to the Finance and Audit Committee for the annual budget to cover its area of responsibility, where necessary.
- 5.1.6 Any other matter which may be delegated to the Committee by Full Council from time to time

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5.2 Membership

Membership shall consist of a minimum of seven Members, as appointed by Full Council.

5.3 Quorum

A meeting will not be quorate unless at least one-third of the Members of the Committee are present, and in no case less than 3 Members, with at least one Officer in attendance.

5.4 Meetings

Meetings will be held on a monthly basis. Additional meetings may be arranged if required.

5.5 Voting

Every decision must be made by a majority of Members present and voting. The Chair carries the casting vote.

6. Human Resources Committee

6.1 Purpose

To ensure the Council has adequate and effective human resources to enable efficient delivery of Council services.

Key Responsibilities

All matters (except for creating Council Policy) relating to:

- 6.1.1 Amending staff structure to reflect the Council's performance needs. Any requirements for additional budget in doing so must be recommended to Full Council
- 6.1.2 Authorising incremental pay rises following staff appraisals
- 6.1.3 Authorising permission for the Town Clerk to accept secondary employment
- 6.1.4 Authorising adjustments to employees Terms and Conditions of employment
- 6.1.5 Making arrangements to carry out the Town Clerk's annual appraisal
- 6.1.6 Reviewing the Employment Policies and Procedures
- 6.1.7 Reviewing the Civic Protocol
- 6.1.8 Resolving all staff grievances unable to be dealt with by Officers in accordance with the Council's Grievance Policy as detailed in the Staff

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Handbook. Agreeing financial resolutions within budget, or if over budget or unbudgeted making recommendations to Full Council.

- 6.1.9 Resolving all staff disciplinary matters unable to be addressed by Officers in accordance with the Council's Disciplinary & Grievance Policy
- 6.1.10 Resolving all potential disciplinary matters relating to the Town Clerk, including commissioning external advisors and/or investigation in accordance with the provisions of the Council's Disciplinary & Grievance Policy
- 6.1.11 Any other matter which may be delegated to the Committee by Full Council from time to time.

Commented [GC1]: As detailed in the Staff Handbook

6.2 Membership

Membership shall consist of a minimum of Six Members, as appointed by Full Council.

6.3 Quorum

A meeting will not be quorate unless at least one-third of the Members of the Committee are present, and in no case less than 3 Members, with at least one Officer in attendance.

6.4 Meetings

Meetings will be held three times a year in July, November and March. Additional meetings can be arranged if required. Due to the confidential nature of the business conducted at this Committee it is operated 'in camera' and neither members of the public nor members of the Council who are not committee members (see Standing Order 3d) are able to attend.

6.5 Voting

Every decision must be made by a majority of Members present and voting. The Chair carries the casting vote.

6.6 Disciplinary & Grievance Sub-Committee

Purpose

To deal with disciplinary and grievance matters on behalf of the HR Committee

Key Responsibilities

- 6.6.1 Resolving all staff grievances unable to be dealt with by Officers in accordance with the Council's Grievance Policy as detailed in the Staff Handbook.

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Membership

Membership shall consist of three HR Committee members who do not have a direct involvement in the disciplinary or grievance matter being considered. Members will be appointed as and when needed by the HR Committee.

Quorum

A meeting shall not be quorate unless all three appointed members attend.

Meetings

Due to the confidential nature of the business conducted at this Sub- Committee it is operated 'in camera' and neither members of the public nor members of the Council who are not sub-committee members (see Standing Order 3d) are able to attend.

7. Appeals Committee

7.1 Purpose

To consider appeals to decisions taken by other Standing Committees, Sub-Committees or Officers. The Committee cannot consider an appeal against a decision taken by the Full Council.

7.2 Key Responsibilities

7.2.1 Resolving all staff appeals concerning grievances or disciplinary matters

7.2.2 Resolving all Freedom of Information Act appeals

7.2.3 Resolving appeals to decisions relating to complaints that the Officers have been unable to resolve

7.2.4 Resolving all appeals against decisions of policy

7.3 Membership

Membership shall consist of four Members, as appointed by Full Council

Members of the Committee must be different from those who consider grievance and disciplinary matters. Appointees to this committee are unable to sit on the Human Resources Committee.

7.4 Quorum

A meeting will not be quorate unless at least 3 Members are present.

7.4 Meetings

Meetings will be held as required.

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7.5 Voting

Every decision must be made by a majority of Members present and voting. The Chair carries the casting vote.

8. Delegation to Officers

Full Council may have delegated a number of duties and powers to the Proper Officer and the Responsible Financial Officer, which are detailed on the following pages.

Where powers or duties have been delegated to a Committee, it shall be capable of, in turn, assigning functions or delegated powers to the Proper Officer, Responsible Financial Officer or a Sub-Committee. Any action taken under delegated powers by the Proper Officer, Responsible Financial Officer or a Sub-Committee shall be reported to the next meeting of the appointing committee for information.

Any power or duty delegated under this scheme is subject to Town Council Policy and the approved budget, and may be exercised by the Town Council or any Committee which has delegated or further delegated that power or duty.

Delegated actions of the Proper Officer and the Responsible Financial Officer shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.

9. Proper Officer and Responsible Financial Officer - Duties and Powers

The role of the Proper Officer and the Responsible Financial are split between two officers.

9.1 Proper Officer

The Town Clerk shall be the Proper Officer of the Council and will carry out the functions of a Proper Officer as designated under the Local Government Act 1972 and any other statute requiring the designation of Proper Officer, and as such is specifically authorised to:

- 9.1.1 Receive declarations of acceptance of office;
- 9.1.2 Receive and record notices from Councillors disclosing interests;
- 9.1.3 Receive and retain plans and documents;
- 9.1.4 Sign Notices or other documents on behalf of the Council;
- 9.1.5 Receive copies of byelaws made by the Unitary Council;
- 9.1.6 Certify copies of byelaws made by the Council;
- 9.1.7 Sign and issue summonses to attend meetings of the Council.
- 9.1.8 Give public notice of the time, place and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda

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of an extraordinary meeting of the Council convened by Councillors is signed by them)

9.1.9 Convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in that office

9.2 In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:

9.2.1 The day to day administration of services, together with routine inspection and control.

9.2.2 Day to day supervision and control of all staff employed by the Council.

9.2.3 Authorisation of routine expenditure within the agreed budget up to the limit specified in the Financial Regulations.

9.2.4 Emergency expenditure up to £5,000 outside the agreed budget.

9.2.5 Risk management of the Council, in conjunction with the Responsible Financial Officer.

9.3 Finally, the Town Clerk, as Head of Paid Service has delegated authority to:

9.3.1 Day to day management of the Council's website and social media activities.

9.3.2 Day to day management of all the support services team.

9.3.3 Day to day management of all of the Council's Human Resources functions

10. Responsible Financial Officer

10.1 The Responsible Financial officer is the Council's designated s.151 Officer as defined by the Local Government Act 1972 and as such is specifically authorised to:

10.1.1 Prepare financial and other relevant reports.

10.1.2 Authorise expenditure within budgeted levels up to limits agreed by the Financial Regulations in areas of responsibility and those delegated by the Council.

10.1.3 Undertake proper administration of the Council's financial affairs.

10.1.4 Report to External Auditor matters under Local Government Finance Act 1988 s114.

10.1.5 Ensure compliance with Financial Regulations.

10.1.6 Ensure compliance with all financial procedures.

10.1.7 Determine accounting policies, records and control systems.

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- 10.1.8 Manage risk management in conjunction with the Proper Officer of the Council.
- 10.1.9 Arrange and manage the Council's insurance arrangements.
- 10.1.10 Management of Council salaries in accordance with contracts of employment.
- 10.1.11 Matters specifically delegated by Council or Committee.

In the short-term absence of the Responsible Financial Officer, due to holidays or sickness, the above delegations will be adopted by the Proper Officer. For a more permanent absence, Council should formally appoint an appropriate officer to act as the Responsible Financial Officer.

11. Delegation to Officers

The following matters are delegated to the Council's Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

The Council may at any time, following resolution, revoke any delegated authority.

Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to a Committee or the Council. Similarly, where Officers have no delegated power to make a decision, they report the matter to Committee or the Council for a decision.

The table below outlines the delegated responsibilities of the Town Clerk and the individuals to cover these in the short-term absence of the Town Clerk due to holidays or sickness. For a more permanent absence, Council must appoint an appropriate officer to act as Proper Office/Town Clerk and assume the delegated powers of that role.

	Delegated Responsibility	Responsible in Absence
a.	The responsibilities and duties of the role of Proper Officer as set out within law and Council policies.	Operations Manager
b.	Issue all statutory notifications.	Operations Manager
c.	Receive Declarations of Acceptance of Office.	Operations Manager
d.	Receive and record notices disclosing pecuniary interests.	Operations Manager
e.	Receive and retain documents and plans.	Operations Manager
f.	Sign notices or other documents on behalf of the Council.	Operations Manager
g.	Receive copies of Bye-laws made by principal authority.	Operations Manager
h.	Certify copies of Bye-laws made by the Council.	Operations Manager

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i.	Sign summons to attend meetings.	Operations Manager
j.	Ensure compliance with Standing Orders.	Operations Manager
k.	Manage all Town Council staff, either directly or indirectly.	Operations Manager
l.	Manage the provision of Council services, buildings, land and resources.	Operations Manager
m.	Incur expenditure in an emergency up to £5,000 whether budgeted or not.	Operations Manager
n.	Act on behalf of the Council in an urgent situation and report back to the Council as soon as practical.	Operations Manager
o.	Deal with dispensation requests from Members under the Code of Conduct.	Operations Manager
p.	Deal with matters specifically delegated by Council or Committee.	Operations Manager
q.	Take all decisions relating to the training of Councillors & staff.	Operations Manager
r.	Appoint all employees in accordance with the Council's staff structure.	Operations Manager
s.	Authorise minor non-fiscal adjustments to contracts of employment and job descriptions to meet the needs of the Council.	Operations Manager
t.	Appoint casual / temporary members of staff as needed to meet the business needs of the Council and within existing budgets.	Operations Manager
u.	Authorise additional hours of work for existing staff on a temporary basis to support the business needs of the Council.	Operations Manager
v.	Deal with all disciplinary matters and hearings in accordance with the Council's Disciplinary Policy, including suspending employees as deemed necessary.	Operations Manager
w.	Responsible for the overall management of all budgets in accordance with Council policies.	Responsible Financial Officer
x.	Authorised to issue press releases on any Council activity exercised in accordance with Council policy.	Operations Manager
y.	Overall responsibility for Health & Safety across all Council owned sites.	Operations Manager
z.	Authority to amend/revise the representatives on outside bodies as and when necessary, where consensus is achieved (except at the beginning of each Municipal Year when this is done at the Annual Meeting).	Operations Manager

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aa.	Matters specifically delegated within Council policies.	Operations Manager
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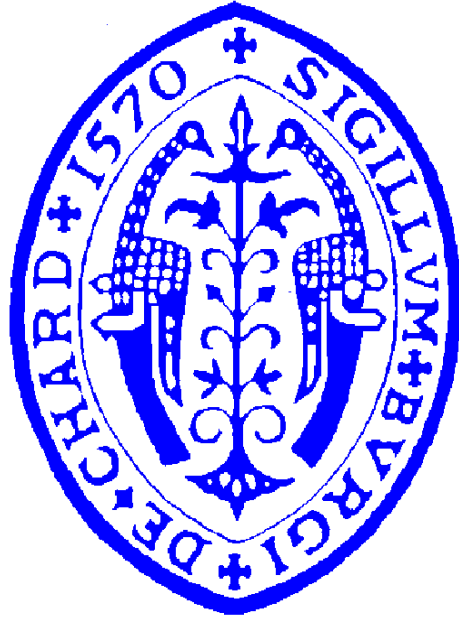
2024.06 (IV) COMPLAINTS POLICY

- (a) Draft Proposed Policy
- (b) Current Policy

Complaints Procedure – Rationale for amendments to current policy

- Current policy, para 2 talks about complaints in committee meetings. We've now expressly asked for Questions at meetings to stick to agenda items. Does the council want to encourage complaints to be raised in committee meetings?
- Lack of definition of 'Complaint' - now the definition is included in section 2 of the revised policy
- Original policy has an unbalance emphasis on what a complaint is and is not. (i.e. 1 sentence on *what it is* and 2 paragraphs as to *what it is not*). New policy seeks to address the balance.
- Current document does not make the distinction between supporting info / context & process
- Current policy not make clear that *complaints* are generally dealt with on daily basis and resolved.
- Lack of equal opportunities in relation to complaints i.e. non-discriminatory
- Contradiction in time scales for completion (see paras 6 & 9)
- No e-mail address provided for complainants

CHARD TOWN COUNCIL



COMPLAINTS PROCEDURE

Proposed / Adopted May 2024

Distribution:

Internal: All CTC Staff

External: Website / Councillors / Partners

Approved: XXXXX

Policy update time line:

Policy Number	Version	Owner	Date published	Review due
CMP MY24	Draft	Town Clerk	May 2024	May 2025

DRAFT

COMPLAINTS PROCEDURE

1. The Importance of Complaints

1.1 Complaints are valuable because they provide a chance to put things right if there has been an error, and to make sure that the same mistake is not repeated.

1.2 It is essential that complaints are dealt with positively. Chard Town Council is anxious to hear people's comments and is committed to making full use of complaints information to contribute to continuous service improvement. Important information about areas for improvement can be obtained both from a single complaint and from patterns of complaints, highlighted by detailed monitoring.

2. Definition of a Complaint

2.1 A complaint is any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Town Council or its staff which affects an individual customer or group of customers.

2.2 The complaints procedure will deal with matters of maladministration, which is if the Town Council does something the wrong way, fails to do something it should do or does something it should not do. Some examples include:

- neglect or unjustified delay
- malice, bias, or unfair discrimination
- failure to tell people their rights
- failure to provide advice or information when reasonably requested
- providing misleading or inaccurate advice
- inefficiency, ineffectiveness, bad and unprofessional practice or conduct.

2.3 The complaints procedure will not deal with:

- complaints for which there is a legal remedy or where legal proceedings already exist.
- complaints about employment matters - the Town Council operates alternative procedures to deal with grievances or disciplinary matters against staff.

3. Equal Opportunities

3.1 The Town Council is committed to equal opportunities. Complaints feedback will be used to highlight discriminatory practices, and to promote equality of opportunity.

3.2 Complaints by members of the public of discrimination and/or harassment against the Town Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

4. Complaints Officer

4.1 The Complaints Officer for the Town Council is the Town Clerk. Their main duties are:

- (i) The day to day operation and management of the procedure, including providing a reference point for staff queries on informal complaints.
- (ii) To oversee, and undertake where necessary, the investigation of formal complaints at the first stage, within the relevant time scales.
- (iii) To maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.
- (iv) To identify improvement points arising from any complaints.
- (v) To identify staff training issues.

5. Stages of The Procedure – Complaints Process

5.1 The stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within. However, there may be occasions when a complainant makes an approach in a different manner and it is important that the procedure does not in itself become a barrier to effective communication.

5.2 Everyday problems, queries and comments

The Council receives queries, problems and comments as part of its day to day running, and they should not all be regarded as complaints. These are routine and expected and are generally resolved quickly to the customer's satisfaction. If someone is dissatisfied with the original service or response they received and wishes to take the matter further then the issue should be recognised as a complaint.

5.3 Informal Complaint

During the course of daily business, minor complaints are made to officers about the services we provide. These will usually be dealt with by the relevant officer as appropriate. It is not appropriate for every comment to be treated as a formal complaint. Every effort should be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision.

5.4 Formal Complaint (First Stage)

A customer may wish to make a formal complaint directly, or may be unsatisfied with the outcome of an informal complaint and may wish to take the matter further.

This will be recorded as a complaint and passed to the Town Clerk to investigate. If the complainant remains dissatisfied with the response, they should be informed of their right to take the matter further.

Timescales:

- Acknowledgement - by return of post
- Investigation completed - 21 days
- If unable to be resolved within 21 days, Progress Reports Issued - 21 day intervals
- Investigating Officer: Town Clerk

5.5 Review of Investigation and Complaint (Second Stage)

If the complainant is not satisfied with the Town Clerk's response, they should be advised of their right to have the complaint referred to the Councillors' Panel who will review the complaint.

Timescales

- Response by the Town Clerk - 21 days
- Panel (if thought necessary) - Convened within 21 days
- Review completed - 21 days thereafter
- Investigating Officer: Town Clerk

5.6 Appeals Committee

If the issue still remains unresolved, the complainant should be notified of his or her right to have the matter referred to an Appeals Committee consisting of four Councillors who are appointed by the Council and have not had previous involvement with the complaint or are referred to in the complaint.

There will also be a note-taker, nominated by the Committee, who will also not have had previous involvement in the complaint. The outcome of all formal complaints dealt with by the Appeals Committee will be advised to the Council.

5.7 Unreasonable and Vexatious Complaints

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken. These matters should be referred to the Town Clerk with a summary of the Chard issues and of the attempts made to resolve the complaint. They may, in such circumstances, decide that no further action can usefully be taken in response to the complainant, and inform the complainant so, making it clear that only new and substantive issues will merit a response.

5.8 Anonymous Complaints

Anonymous complaints should be referred to the Town Clerk, and may be acted on (if possible) at their discretion, according to the type and seriousness of the allegation.

6. Resolution and Remedies

The aim in dealing with all complaints is to reach a resolution or remedy that satisfies the complainant, whether it is the remedy they were originally seeking or not. Where a complaint is found to be at all justified, consideration may need to be given to the question of an appropriate remedy. An explanation or an apology will always be needed.

7. Contact

Chard Town Council
Town Clerk:
Address:
The Guildhall
Fore Street
Chard
Somerset
TA20 1PP

Tel: 01460 239567

E-Mail: townclerk@chard.gov.uk

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CHARD TOWN COUNCIL

COMPLAINTS PROCEDURE (Readopted 9th May 2023)

1. Chard Town Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council, or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.
2. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There is also the opportunity to raise your concerns in the public participation section of Council meetings.
3. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how the council has dealt with your concerns.
4. This Complaints Procedure does not apply to:
 - 4.1. complaints by one council employee against another council employee, or between the council as employer and a council employee. These matters are dealt with under the council's disciplinary and grievance procedures. If your complaint relates to an individual employee, you may be assured that it will be taken seriously and dealt with appropriately.
 - 4.2. complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Town Council. If a complaint against a councillor is received by the Town Council, it will be referred to the Standards Committee of South Somerset District Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of South Somerset District Council.
5. You may make your complaint about the council's procedures or administration to the Town Clerk (or in the Clerk's absence the Deputy Town Clerk). You may do this in person, by phone, or by writing to or emailing the Town Clerk. The addresses and numbers are set out below.
6. The Town Clerk (or Deputy Town Clerk) will normally try to acknowledge your complaint within five working days. Wherever possible, the Town Clerk (or Deputy Town Clerk) will try to resolve your complaint within a further 10 working days.
7. If you do not wish the Town Clerk (or in the Clerk's absence the Deputy Town Clerk) to deal with your complaint, you may make your complaint directly to the

Mayor who will arrange for your complaint to be investigated by another senior officer or, if it is appropriate, will appoint an independent investigating officer.

8. The Town Clerk, Deputy Town Clerk or investigating officer (as appropriate) will investigate each complaint, contacting you to obtain further information as necessary as well as obtaining information from employees or members of the Council.
9. The investigating officer will normally notify you within 20 working days of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. In exceptional cases, the twenty working days timescale may have to be extended. If it is, you will be kept fully informed of the reasons for the delay.
10. If you remain dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Mayor for review. When reviewing the complaint, the Mayor can either respond directly to you with the outcome of the review or convene a Complaints Panel before making a decision.
11. If the Mayor decides to convene a Complaints Panel you will be invited to attend and explain your complaint. The investigating officer will respond and explain the reasons for reaching the decision taken. At the Mayor's discretion, you and the investigating officer may ask questions of each other. At the end, you will have the final word and both parties will be asked to withdraw while the Panel make a decision.
12. A decision will be made by the Complaints Panel and the outcome of the review and of what action (if any) the Council proposes to take as a result of your complaint will be notified to you by the Mayor, either at the conclusion of the Panel meeting or within 7 working days.

In the first instance, all complaints should be directed to the Town Clerk who is the Council's proper officer at the address below.

Chard Town Council
The Guildhall
Fore Street
Chard
Somerset
TA20 1PP

Tel: 01460 239567

2024.06 (V) FOI & DP POLICIES

- (a) Draft Proposed FOI Policy
- (b) Current Publication Scheme
- (c) Draft Proposed Publication Scheme
- (d) Data Protection Policy

CHARD TOWN COUNCIL



FREEDOM OF INFORMATION POLICY

Proposed / Adopted May 2024

Distribution:

Internal: All CTC Staff

External: Website / Councillors / Partners

Approved: XXXXX

Policy update time line:

Policy Number	Version	Owner	Date published	Review due
FOI MY24	1 - Draft	Town Clerk	May 2024	May 2025

Freedom of Information Policy

1. Introduction

- 1.1 Chard Town Council is committed to complying with the provisions of the Freedom of Information Act 2000 (FOIA) and has issued this policy in response to the Act. This policy is also aligned to other legislation relating to access to information, including the Data Protection Act 1998 and the Environmental Information Regulations 2004.

The Council supports the FOIA's key objectives of increasing openness, accountability and transparency in the public sector and recognises that promotion of greater openness and increased transparency in relation to Council decision making will build public trust and confidence in government.

This Policy applies to all employees of Chard Town Council including elected members, contract, agency and temporary staff, volunteers, and employees of partner organisations working for the Council. The FOIA applies to all information held by the Council and information held by another person on behalf of the Council, including information held by contractors and partner organisations on the Council's behalf.

- 1.2 The Freedom of Information Act 2000 places legislative requirements on all public authorities, including local councils, to provide public access to information held by public authorities. It does this in two ways:
- Public authorities are obliged to publish certain information about their activities through a publication scheme.
 - Members of the public are entitled to request information from public authorities to which the council is obliged to respond.
- 1.3 The Act does not give people access to their own personal data (information about themselves). Individuals wishing to see information about themselves need to make a Subject Access Request under the Data Protection Act 2018.
- 1.4 The Environmental Information Regulations 2004 (EIR) provides the public the right to request environmental information from public authorities. The regulations cover information on the state of the environment, such as:
- air, water, soil, flora, fauna (including humans), diversity, genetically modified organisms
 - information on emissions and discharges, noise, energy, radiation, waste and other similar substances
 - measures and activities such as policies, plans, and agreements reports, cost benefit and economic analyses

- human health and safety and contamination of the food chain
- cultural sites and built structures (as they may be affected by environmental factors).

1.5 For more information on EIRs, visit the ICO website.

1.6 When responding to requests, there are set procedures the Council needs to follow. These include:

- The time limit public authorities are allowed for responding to requests.
- The fees or amount that public authorities can charge for dealing with requests. Public authorities are not obliged to deal with requests if the
- costs of finding the information exceed a set amount known as the appropriate limit.
- Public authorities need not comply with vexatious or repeated requests.

(See Appendix 1 for some of the indicators that Chard Town Council will use to identify a vexatious request).

1.7 The FOI Act recognises there are valid reasons for withholding information by setting out a number of exemptions from the right to know, some of which are subject to a public interest test.

1.8 Exemptions include information already reasonably accessible, information intended for future publication, research information and if complying with the request would cause prejudice.

1.9 A full list of exemptions can be found in Part II of the FOI Act.

2. **Policy Statement**

Chard Town Council aims to move away from the need for individual freedom of information requests and complaints towards a culture of routine, proactive and substantially increased transparency by:

- Being open and transparent and endeavouring to provide the public with access to the official information that it holds.
- Making people aware of their rights to access the official information the council holds.
- Making as much routine information as possible available through the Council's Publication Scheme and website.
- Providing reasonable advice and assistance to applicants for information, including pointing applicants to possible sources of the information they seek if it is not held by the Council.

- Consulting with third parties before disclosing information that could affect their rights and interests. However, we reserve the right to take the final decision on disclosure.
- Ensuring that all staff are aware of their obligations under the Act to make information available.

3. Dealing with Requests for Information

- 3.1 Members of the public have a general right of access to information held by Chard Town Council, specifically, to be told whether the information is held by the Council, and if it is, to have the information communicated to them. To make a request, please apply either by email: chardtowncouncil@chard.gov.uk or by post to
Chard Town Council,
Guildhall, Fore St.
TA20 1PP
- 3.2 Note: There are certain exemptions and limitations to this general right, but just because a document is marked “Confidential” does not automatically mean that it is exempt information, although it may be covered by certain exemptions. Each case will be dealt with on its merits.
- 3.3 Requests for information must be in writing, must give the applicant’s name and return address and must describe the information requested in such a way that we are able to locate it. A written request includes an e-mail.
- 3.4 FOI requests do not need to be written in a special form, mention the FOI Act or refer to Freedom of Information.
- 3.5 All requests for information will be logged on a record sheet.
- 3.6 Receipt will be acknowledged but if it is possible to respond with the information requested, this will be done instead. If further information is required in order to locate the information requested, this will be undertaken as quickly as possible.
- 3.7 All correspondence, phone calls, e-mails etc., that follow the original request may be recorded.
- 3.8 The Council has 20 working days in which to deal with a request for information. If it is not clear what information is required, the 20-day period does not begin until clarification is received from the applicant as to exactly what is required.

- 3.9 The FOI Act allows the local authorities to charge a fee for providing information in response to a request.
- 3.10 If we can provide the information within 18 hours of staff time there will be no charge. However, charges may be made for costs incurred such as photocopying, printing, postage, and packaging, but only if these charges amount to more than £10.00.
- 3.11 If the cost of finding, sorting, and editing the information requested is more than £450 or 18 hours then, under the FOI Act section 12, the Council does not have to provide the information. (Under EIR, environmental information cannot be refused on the grounds of cost).
- 3.12 As per the FOI Act, the cost will be calculated at £25 per hour per person, regardless of the actual cost or rate of pay. The calculation of the appropriate limit of £450 is equivalent to about 2.5 days of one person's time charged at the £25 per hour rate.
- 3.13 Where appropriate the applicant may be asked whether they would like to reframe their request so that it does not exceed the appropriate limit of £450. In these circumstances the applicant will have the choice of amending the request or alternatively paying the preparation fees.

4. Responding to your request

- 4.1 We will respond to requests within 20 working days and if there is likely to be a delay, we will tell you. This time limit might occasionally be extended if we have to consider complex legal issues, but we will always let you know. We will also explain why the delay is necessary and will always try to provide information as soon as possible.
- 4.2 We can refuse to give you the information you request if:
- The cost of providing the information exceeds £450 (based on 18 hours at a cost of £25 per hour).
 - We do not hold the information you are looking for.
 - The information is exempt from disclosure under the Act.
 - Your request is considered vexatious or repeated.
- 4.3 Any requests for information that are not contained in the Publication Scheme will be passed to the Town Clerk to deal with under the FOI Act. A certain amount of guidance on dealing with requests is held by the Clerk, but it may be necessary that further specific guidance will be required from the Information Commissioner's Office (ICO). If a member of staff is unsure as to

whether a request for information is routine or not, they will refer to the Town Clerk as certain personal information is covered by the Data Protection Act.

- 4.4 The applicant will be kept informed at all stages of the process of supplying the information requested, particularly if it is a complex request, when guidance may have to be sought from other agencies.
- 4.5 If the response is not satisfactory, the applicant can request a review by contacting the Mayor of Chard Town Council, whose contact details are available on the town council web site. If a review is requested, it will be completed within 20 working days (or within 40 working days in exceptional cases).
- 4.6 If the review(s) is not satisfactory, the applicant has a right of appeal using the Councils appeals process set out in section 5 of this policy or by contacting the Information Commissioner. The Information Commissioner's Office is Wycliffe House Water Lane Wilmslow SK9 5AF.
- 4.7 If a request is refused, the refusal notice will give the reasons for refusing the request and advise the applicant as to their rights of appeal – both internally by way of a complaint and, following that, by way of an appeal to the Information Commissioner.
- 4.8 Where a repeated request is received that is identical or substantially similar to a previous request from the same person, Chard Town Council will consider this as a repeated request. Under the FOI Act, the council is not obliged to comply with repeat requests for information, unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.
- 4.9 In reaching a decision about whether an application for access should be categorised as a repeat request Chard Town Council will have regard to:
 - The time that has elapsed since the previous request.
 - Whether the request is identical or substantially similar to the previous request.
 - Whether any relevant, new information has been generated since the previous request.
 - A 'reasonable interval' will be deemed to be 40 working days.

5. Appeal Process

- 5.1 If the information requested cannot be supplied, the reasons for this will be communicated to the applicant immediately. The applicant has the right of

appeal against the refusal, initially to the Council, but ultimately to the Information Commissioner.

- 5.2 Any initial appeal will be made to Chard Town Council, in accordance with the council's Complaints Procedure. If the original decision not to supply the information is upheld by the Council, but is still not accepted by the applicant, then the applicant is able to appeal to the Information Commissioner.
- 5.3 Reasons for refusing information must be in accordance with the respective provisions of the legislation, including consideration of the public interest test where this applies.

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Appendix 1 – Vexatious requests

Under the FOI Act, the council is not obliged to comply with vexatious requests.

If the Council believes that several different requestors are acting in unison as part of a campaign to disrupt the organisation by submitting numerous or burdensome FOI requests, then it may take this into account when determining whether any of those requests are burdensome.

The indicators to be used by the Council to identify whether a request for information is vexatious is taken from ICO Guidance – Dealing with Vexatious Requests

<https://ico.org.uk/for-organisations/foi/freedom-of-information-and-environmental-information-regulations/section-14-dealing-with-vexatious-requests/>

- Abusive or aggressive language – the tone or language of the requester’s correspondence goes beyond the level of criticism that a public authority or its employees should reasonably expect to receive.
- Burden on the authority – the effort required to meet the request will be so grossly oppressive in terms of the strain on time and resources, that the authority cannot reasonably be expected to comply, no matter how legitimate the subject matter or valid the intentions of the requester.
- Personal grudges – for whatever reason, the requester is targeting their correspondence towards a particular employee or office holder against whom they have some personal enmity.
- Unreasonable persistence – the requester is attempting to reopen an issue which has already been comprehensively addressed by the public authority, or otherwise subjected to some form of independent scrutiny.
- Unfounded accusations – the request makes completely unsubstantiated accusations against the public authority or specific employees.
- Intransigence The requester takes an unreasonably entrenched position, rejecting attempts to assist and advise out of hand and shows no willingness to engage with the authority.
- Frequent or overlapping requests – the requester submits frequent correspondence about the same issue or sends in new requests before the public authority has had an opportunity to address their earlier

enquiries.

- Deliberate intention to cause annoyance – the requester has explicitly stated that it is their intention to cause disruption to the public authority, or is a member of a campaign group whose stated aim is to disrupt the authority.
- Scattergun approach – the request appears to be part of a completely random approach, lacks any clear focus, or seems to have been solely designed for the purpose of ‘fishing’ for information without any idea of what might be revealed.
- Disproportionate effort – the matter being pursued by the requester is relatively trivial and the authority would have to expend a disproportionate amount of resources in order to meet their request.
- No obvious intent to obtain information – the requester is abusing their rights of access to information by using the legislation as a means to vent their anger at a particular decision, or to harass and annoy the authority, for example, by requesting information which the authority knows them to possess already.
- Futile requests – the issue at hand individually affects the requester and has already been conclusively resolved by the authority or subjected to some form of independent investigation.
- Frivolous requests – the subject matter is inane or extremely trivial and the request appears to lack any serious purpose. The request is made for the sole purpose of amusement



Information available from Chard Town Council under the model publication scheme

Chard Town Council, in common with other public bodies, makes information on its activities available to the public under the terms of the Freedom of Information Act 2000.

In summary, requests for information need to be made in writing and the Council has a period of 20 working days to respond. Those terms continue to apply in general.

In order to simplify the process, the Information Commissioner has approved a Model Publication Scheme which commits an authority to make more routine information available to the public as part of normal business activities. Outlined below is a list of such information identified in the Model Publication Scheme that Chard Town Council has available routinely and can provide access to upon request. This is based on the Model Scheme for Local Councils and reflects the responsibilities of Chard Town Council.

Availability of Information

In person: from Chard Town Council, The Guildhall, Fore Street, Chard, TA20 1PP from 9 am – 4 pm Monday to Friday

On the website: www.chard.gov.uk

SCHEDULE OF CHARGES

The Council will not charge for the inspection of documents or for viewing the information. However, if copies are required the following will apply:

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying @10p per sheet (black & white)	Actual Cost
	Photocopying (colour) – not available	N/A

(Readopted by Chard Town Council on 27th July 2021 under minute #2201/b) Freedom of Information Act 2000 s19{1} and 20

	Postage	Actual cost of Royal Mail standard 2 nd class
Statutory Fee		In accordance with the relevant legislation

Information to be published	How the information can be obtained?	Cost website is free! www.chard.gov.uk
Class 1 - Who we are and what we do (Organisational information, structures, locations and contacts) This will be current information only		
<ul style="list-style-type: none"> Who's who on the Council and its Committees 	hard copy and/or website	hard copy 10p p/sheet website free
<ul style="list-style-type: none"> Contact details for Parish Clerk and Council members (named contacts where possible with telephone number and email address) 	hard copy and/or website	hard copy 10p p/sheet website free
<ul style="list-style-type: none"> Location of main Council office and accessibility details 	hard copy and/or website	hard copy 10p p/sheet website free
<ul style="list-style-type: none"> Staffing structure 	hard copy and/or website	hard copy 10p p/sheet website free

Class 2 – What we spend and how we spend it - Current and previous financial year (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)		
Annual return form and report by auditor	hard copy and/or website	hard copy 10p p/sheet website free ditto
Finalised budget	hard copy and/or website	hard copy 10p p/sheet website free ditto
Precept	hard copy and/or website	hard copy 10p p/sheet website free ditto
Financial Standing Orders and Regulations	hard copy and/or website	hard copy 10p p/sheet website free ditto

Grants given and received	hard copy	hard copy 10p p/sheet
List of current contracts awarded and value of contract	hard copy	hard copy 10p p/sheet
Members' allowances and expenses	hard copy	hard copy 10p p/sheet

Class 3 – What our priorities are and how we are doing		
Annual Report to Parish or Community Meeting (current and previous year as a minimum)	hard copy and/or website	hard copy 10p p/sheet website free
Business Plan	hard copy and/or website	hard copy 10p p/sheet website free

Class 4 – How we make decisions (Decision making processes and records of decisions) Current and previous council year as a minimum		
Timetable of meetings (Council, any committee/sub-committee meetings and parish meetings)	hard copy and/or website	hard copy 10p p/sheet website free
Agendas of meetings (as above)	hard copy and/or website	hard copy 10p p/sheet website free
Minutes of meetings (as above) – NB this will exclude information that is properly regarded as private to the meeting	hard copy and/or website	hard copy 10p p/sheet website free
Reports presented to council meetings – NB this will exclude information that is properly regarded as private to the meeting	hard copy and/or website	hard copy 10p p/sheet website free
Responses to consultation papers	hard copy	hard copy 10p p/sheet
Responses to planning applications	hard copy and/or website	hard copy 10p p/sheet website free

Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only		
Policies and procedures for the conduct of council business: <ul style="list-style-type: none"> • Procedural standing orders • Committee and sub-committee terms of reference • Delegated authority in respect of officers • Code of Conduct • Policy statements 	hard copy and/or website hard copy and/or website hard copy hard copy and/or website hard copy and/or website	hard copy 10p p/sheet website free
Policies and procedures for the provision of services and about the employment of staff: <ul style="list-style-type: none"> • Equality and diversity policy • Health and safety policy • Policies and procedures for handling requests for information • Complaints procedures (including those covering requests for information and operating the publication scheme) 	hard copy and/or website hard copy and/or website hard copy and/or website hard copy and/or website	hard copy 10p p/sheet website free
Records management policies (records retention, destruction and archive)	hard copy	hard copy 10p p/sheet
Data protection policies	hard copy and/or website	hard copy 10p p/sheet website free
Schedule of charges for the publication of information	hard copy and/or website	hard copy 10p p/sheet website free

Class 6 – Lists and Registers Currently maintained lists and registers only	(hard copy or website; some information may only be available by inspection)	
Any publicly available register or list (if any are held this should be publicised; in most circumstances, existing access provisions will suffice)	hard copy and/or website	hard copy 10p p/sheet website free
Assets Register	hard copy	hard copy 10 p/sheet

Disclosure log (indicating the information that has been provided in response to requests)	hard copy	hard copy 10p p/sheet
Register of members' interests	hard copy	hard copy 10p p/sheet
Register of gifts and hospitality	hard copy	hard copy 10p p/sheet

Class 7 – The services we offer - Current information only (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)	(hard copy or website; some information may only be available by inspection)	
○ Allotments	hard copy	hard copy 10p p/sheet
○ Burial grounds and closed churchyards	hard copy	hard copy 10p p/sheet
○ Guildhall and Tourism Information Centre	hard copy	hard copy 10p p/sheet
○ Parks, playing fields and recreational facilities	hard copy	hard copy 10p p/sheet
○ Markets	hard copy	hard copy 10p p/sheet
○ Seating, litter bins, clocks, memorials and lighting	hard copy	hard copy 10p p/sheet
○ Agency agreements	hard copy	hard copy 10p p/sheet
○ A summary of services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)	hard copy	hard copy 10p p/sheet

Contact details:

Town Clerk, Chard Town Council,
The Guildhall, Fore Street, CHARD, Somerset TA20 1PP
Phone : 01460 239567
Email : townclerk@chard.gov.uk

If you are unhappy with the way in which Chard Town Council has dealt with your request under the Freedom of Information Act 2000 you should raise the matter in accordance with our usual complaints procedure.

CHARD TOWN COUNCIL



PUBLICATION SCHEME

Information available from Chard Town Council under the
Freedom of Information Act model publication scheme
Introduced through the Freedom Of Information Act 2000

Chard Town Council

1. Publication Scheme

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority.

Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner. The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.

2. Classes of information

Who we are and what we do. Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it. Financial information relating to projected and actual income and expenditure, tendering, procurement, and contracts.

What our priorities are and how we are doing. Strategy and performance information, plans, assessments, inspections, and reviews.

How we make decisions. Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures. Current written protocols for delivering our functions and responsibilities.

Lists and registers. Information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer. Advice and guidance, booklets and leaflets, transactions, and media releases. A description of the services offered. The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage or is difficult to access for similar reasons.

3. The method by which information published under this scheme will be made available

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

4. Charges which may be made for information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge. Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

5. Written requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

This template guide covers only information we currently hold. If we do not hold some of the information listed below, we will mark it as 'not held' in the table.

Information to be published Website is free www.chard.gov.uk	How the information can be obtained	Cost
Class 1 - Who we are and what we do Organisational information, structures, locations and contacts This will be current information only (hard copy or website)		
List of Council members and their responsibilities as well a list of Council Committees Details of any representation on local public bodies	Website Needs adding to website	
Postal and email address Contact details for Parish Clerk and Council members Named contacts where possible including contact phone numbers and email addresses	Website	
Location of main Council office and accessibility details	Website	
Staffing structure	Website???	
Class 2 – What we spend and how we spend it Financial information about projected and actual income and expenditure, procurement, contracts and financial audit Current and previous financial year as a minimum (hard copy or website)		
Statement of accounts and internal audit report in the format included in the Annual Return form	Website	
Finalised budget	Website	
Precept	Website	
Borrowing Approval letter??	Website	
All items of expenditure above £500	Website	
Financial Standing Orders and Regulations	Website	
Grants given and received	Website	
List of current contracts awarded and value of contract	Website	
Members' allowances and expenses	Website	

Class 3 – What our priorities are and how we are doing Strategies and plans, performance indicators, audits, inspections and reviews Current and previous year as a minimum (hard copy or website)		
Annual governance statement in format included in the Annual Return form	Website	
Business Plan coming soon	Website	
Annual Report to Parish or Community Meeting	Website	
Quality status Not previously included NALC Applying for		
Local charters drawn up in accordance with Department Levelling up Housing Communities DLUHC's guidelines – Not previously included None at present		
Data Protection impact assessments (in full or summary format) or any other impact assessment (eg Health & Safety Impact Assessment, Equality Impact Assessments etc), as appropriate and relevant. Not previously included	N/A?	
Class 4 – How we make decisions Decision making processes and records of decisions Current and previous council year as a minimum		
Timetable of meetings (Council and any committee/sub-committee meetings and parish meetings)	Website	
Agendas of meetings (as above)	Website	
Minutes of meetings (as above) – exclude material that is properly considered to be exempt from disclosure	Website	
Reports presented to council meetings – exclude material that is properly considered to be exempt from disclosure	Website	
Responses to consultation papers	Hard Copy	15p per sheet
Responses to planning applications	Website	
Bye-laws – not previously included		
Class 5 – Our policies and procedures Current written protocols, policies and procedures for delivering our services and responsibilities Current information only		
Policies and procedures for the conduct of Council business:	Website	

<ul style="list-style-type: none"> • Procedural standing orders • Committee and sub-committee terms of reference • Delegated authority in respect of officers • Code of Conduct • Policy statements 		
<p>Policies and procedures for the provision of services and about the employment of staff:</p> <ul style="list-style-type: none"> • Internal instructions to staff and policies relating to the delivery of services • Equality and diversity policy • Health and safety policy Missing • Recruitment policies and details of current vacancies • Policies and procedures for handling requests for information • Complaints procedures (including those covering requests for information and operating the publication scheme) 	Website	
<p>Records management, personal data and access to information policies</p> <ul style="list-style-type: none"> • Records retention, destruction and archive policies, • Data protection (including data sharing and CCTV usage) policies 		
<p>Class 6 – Lists and Registers</p> <p>Currently maintained lists and registers only. (hard copy or website; some information may only be available by inspection)</p>		
Information legally required to hold in publicly available registers (in most circumstances existing access provisions will suffice)	Website	
Assets register, including details of public land and building assets	Website	
Disclosure log indicating the information provided in response to FOIA and EIR requests. These are recommended as good practice (Requires updating)	Hard copy	15p per sheet
Register of members' interests	Hard copy	15p per sheet
Register of gifts and hospitality	Hard copy	15p per sheet

Schedule of charges

This describes how the charges have been arrived at and should be published as part of the guide.

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying @ 15p per sheet (black & white)	Actual cost * to be calculated
	Photocopying @ 25p per sheet (colour)	Actual cost
	Postage	Actual cost of Royal Mail standard 2 nd class
Statutory Fee	??	In accordance with the relevant legislation (quote the actual statute)
Other		

* the actual cost incurred

CHARD TOWN COUNCIL

DATA PROTECTION POLICY

~~(readopted 27th July 2021 Agenda item 2106/b)~~

1. Introduction

Chard Town Council has a responsibility under the Data Protection Act 2018 to hold, obtain, record, use and store all personal data relating to an identifiable individual in a secure and confidential manner. This Policy is a statement of what the Town Council does to ensure its compliance with the Act.

The Data Protection Policy applies to all Town Council employees, councillors, volunteers, and contractors. The Policy provides a framework within which the Town Council will ensure compliance with the requirements of the Act and will underpin any operational procedures and activities connected with the implementation of the Act.

2. Background

The Data Protection Act 2018 governs the handling of personal information that identifies living individuals directly or indirectly and covers both manual and computerised information. It provides a mechanism by which individuals about whom data is held (the “data subjects”) can have a certain amount of control over the way in which it is handled.

Some of the main features of the Act are:

- All data covered by the Act must be handled in accordance with the Six Data Protection Principles (see Appendix 1)
- The person about whom the information is held (the Data Subject) has various rights under the Act including the right to be informed about what personal data is being processed, the right to request access to that information, the right to request that inaccuracies or incomplete data are rectified, and the right to have personal data erased and to prevent or restrict processing in specific circumstances. Individuals also have the right to object to processing based on the performance of a task in the public interest/exercise of official authority (including profiling), direct marketing (including profiling); and processing for the purposes of scientific/historical research and statistics. There are also rights concerning automated decision making (including profiling) and data portability.
- Processing of special categories of data must be done under a lawful basis. This data includes information about race, ethnic origin, political persuasion, religious belief, trade union membership, genetics, biometrics (where used for identification purposes), health, sex life and sexual orientation.
- The Data Protection Act deals with criminal offence data in a similar way to special category data and sets out specific conditions providing lawful authority for processing it.
- There is a principle of accountability of data controllers to implement appropriate technical and organisational measures that include internal data protection policies and procedures, staff training and awareness of the requirements of the Act, internal audits of processing activities, maintaining relevant documentation on processing activities, appointing a data protection officer, and implementing measures that meet the principles of data protection by

design and data protection by default, including data minimisation, transparency, and creating and improving security features on an ongoing basis.

- Data protection impact assessments are carried out where appropriate as part of the design and planning of projects, systems and programmes.
- Data controllers must have written contracts in place with all data processors and ensure that processors are only appointed if they can provide 'sufficient guarantees' that the requirements of the Act will be met and the rights of data subjects protected.
- Data breaches that are likely to result in a risk to the rights and freedoms of individuals must be reported to the Information Commissioner's Office within 72 hours of the council becoming aware of the breach. Where a breach is likely to result in a high risk to the rights and freedoms of individuals, the council will notify those individuals concerned directly.
- The Information Commissioner is responsible for regulation and issue notices to organisations where they are not complying with the requirements of the Act. She also has the ability to prosecute those who commit offences under the Act and to issue fines.

3 Policy Statement

The Town Council is committed to ensuring that personal information is handled in a secure and confidential manner in accordance with its obligations under the Data Protection Act 2018 and professional guidelines. The Town Council will use all appropriate and necessary means at its disposal to comply with the Data Protection Act and associated guidance.

4 Roles and Responsibilities

4.1 Data Protection Officer

The appointment of a Data Protection Officer is discretionary. If appointed they are responsible for the following tasks, *(In the absence of a DPO, these tasks will be covered by the council directly)*:

- informing and advising the Town Council, any processor engaged by the Town Council as data controller, and any employee of the Town Council who carries out processing of personal data, of that person's obligations under the legislation
- providing advice and monitoring for the carrying out of data protection impact assessments
- co-operating with the Information Commissioner's Office,
- acting as the contact point for the Information Commissioner's Office
- monitoring compliance with policies of the Town council in relation to the protection of personal data
- monitoring compliance by the Town Council with the legislation.

In relation to the policies mentioned above, the data protection officer's tasks include—

- (a) assigning responsibilities under those policies,
- (b) raising awareness of those policies,
- (c) training staff involved in processing operations, and
- (d) conducting audits required under those policies.

The Town Council must provide the Data Protection Officer with the necessary resources and access to personal data and processing operations to enable them to perform the tasks outlined above and to maintain their expert knowledge of data protection law and practice.

4.2 Town Council

The Town Council will be responsible for ensuring that the organisation complies with its responsibilities under the Data Protection Act through monitoring of activities and incidents via reporting by the Data Protection Officer. The Town Council will also ensure that there are adequate resources to support the work outlined in this policy to ensure compliance with the Data Protection Act.

4.3 All Staff and Councillors

All staff and councillors will ensure that:-

- Personal information is treated in a confidential manner in accordance with this and any associated policies.
- The rights of data subjects are respected at all times.
- Privacy notices will be made available to inform individuals how their data is being processed.
- Personal information is only used for the stated purpose, unless explicit consent has been given by the Data Subject to use their information for a different purpose.
- Personal information is only disclosed on a strict need to know basis, to recipients who are entitled to that information.
- Personal information held within applications, systems, personal or shared drives is only accessed in order to carry out work responsibilities.
- Personal information is recorded accurately and is kept up to date.
- They refer any subject access requests and/or requests in relation to the rights of individuals to the Data Protection Officer.
- They raise actual or potential breaches of the Data Protection Act to the Data Protection Officer as soon as the breach is discovered.

It is the responsibility of all staff and councillors to ensure that they comply with the requirements of this policy and any associated policies or procedures.

4.4 Contractors and Employment Agencies

Where contractors are used, the contracts between the Town Council and these third parties should contain mandatory information assurance clauses to ensure that the contract staff are bound by the same code of behaviour as Town council members of staff and councillors in relation to the Data Protection Act.

4.5 Volunteers

All volunteers are bound by the same code of behaviour as Town Council members of staff and councillors in relation to the Data Protection Act.

5 Records Management

Good records management practice plays a pivotal role in ensuring that the Town Council is able to meet its obligations to provide information, and to retain it, in a timely and effective manner in order to meet the requirements of the Act. All records should be retained and disposed of in accordance with the Town Council retention schedule.

6 Consent

The Town Council will take all reasonable steps to ensure that service users, members of staff, volunteers, and contractors are informed of the reasons the Town Council requires information from them, how that information will be used and who it will be shared with. This will enable the data subject to give explicit informed consent to the Town Council handling their data where the legal basis for processing is consent.

Should the Town Council wish to use personal data for any purpose other than that specified when it was originally obtained, the data subject's explicit consent should be obtained prior to using the data in the new way unless exceptionally such use is in accordance with other provisions of the Act.

Should the Town Council wish to share personal data with anyone other than those recipients specified at the time the data was originally obtained, the data subject's explicit consent should be obtained prior to sharing that data, failure to do so could result in a breach of confidentiality.

7 Accuracy and Data Quality

The Town Council will ensure that all reasonable steps are taken to confirm the validity of personal information directly with the data subject.

All members of staff and councillors must ensure that service user personal information is checked and kept accurate and up to date on a regular basis, for example, by checking it with the service user when they attend for appointments in order that the information held can be validated.

Where a member of the public exercises their right for their data to be erased, rectified, or restricted, or where a member of the public objects to the processing of their data, the Data Protection Officer must be notified, and the appropriate procedures followed.

8 Data Protection Impact Assessments

A data protection impact assessment is a process which helps to assess privacy risks to individuals in the collection, use and disclosure of information. They must be carried out at the early stages of projects and are embedded in to the Town council's decision-making process.

9 Providers

The Town council must have written contracts in place with all suppliers who process personal data on behalf of the Town council as "data processors". The Town council will ensure that processors are only appointed if they can provide 'sufficient guarantees' through the procurement process that the requirements of the Act will be met, and the rights of data subjects protected.

10 Complaints

Any expression of dissatisfaction from an applicant with reference to the Town Council's handling of personal information will be treated as a complaint and handled under the Town Council's complaint's processes. The Data Protection Officer will be involved in responding to the complaint.

Should the complainant remain dissatisfied with the outcome of their complaint to the Council, a complaint can be made to the Information Commissioner's Office who will then investigate the complaint and take action where necessary.

11 Security and Confidentiality

All staff and councillors must ensure that information relating to identifiable individuals is kept secure and confidential at all times. The Town Council will ensure that its holdings of personal data are properly secured from loss or corruption and that no unauthorised disclosures of personal data are made.

The Town Council will ensure that information is not transferred to countries outside the European Economic Area (EEA) unless that country has an adequate level of protection for security and confidentiality of information which has been confirmed by the Information Commissioner.

12 Rights of Data Subjects

Individuals wishing to request their information as a subject access request should contact the Town Council, who will arrange for the information to be processed in accordance with the Data Protection Act.

Individuals should also make requests in writing to the Town Council if they wish to exercise their other rights under the legislation.

APPENDIX 1

DATA PROTECTION PRINCIPLES

First Principle

processed lawfully, fairly and in a transparent manner in relation to individuals;

Second Principle

collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;

Third Principle

adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

Fourth Principle

accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;

Fifth Principle

kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals;

Sixth Principle

processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

2024.06 (VI) COMMUNICATIONS & PR POLICY



Chard Town Council

COMMUNICATIONS & PUBLIC RELATIONS ('PR') POLICY

1. Introduction

Chard Town Council ('the Council') has a duty to engage effectively with its residents, partners, employees and stakeholders and to do this it is vital that a communications and public relations policy is in place.

- 1.1. This policy should be read in conjunction with the Council's Standing Orders and Code of Conduct. The Standing Order 22 states:

'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.'

- 1.2. The Council recognises its responsibility to help communicate accurate and timely information to the media and public in a professional manner. Proper cooperation will ensure that messages issued by the Council are consistent and accurate.
- 1.3. The Council is accountable to the local community for its actions and this can only be achieved by effective two-way communication. The overall aim is the Council communications should be a two-way process:
 - 1.3.1. To give people the information to understand accurately what the Council does, so they make informed decisions; and,
 - 1.3.2. To get information for residents and stakeholders so that the Council can understand their needs.
- 1.4. The purpose of the Council's Communications and PR Policy is to ensure its members and staff communicate information effectively to promote the openness and transparency of the Council.
- 1.5. The Council also recognises the distinction between communication from the Council, and communication from individuals as councillors.
- 1.6. The communication of information may be viewed in four main mediums; print, electronic, media relations and public relations. However, communication with the

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- 1.7. media and public takes place every day on a very basic level e.g. telephone enquiries, social media enquiries, speaking to residents in the street.
- 1.8. The Council respects freedom of speech and this policy is not intended to restrain this.
- 1.9. Local councils and their representatives are governed by national legislation and codes of practice. The law governing communications in local authorities can be found in the Local Government Acts 1986 and 1988. Communications activity must adhere to the Code of Recommended Practice on Local Authority Publicity 2011. This code is statutory guidance and therefore councils must have regard to it and follow its provisions.
- 1.10. The Publicity Code referred to in 1.8 states that publicity by local authorities should:
 - 1.10.1. Be lawful
 - 1.10.2. Be cost effective
 - 1.10.3. Be objective
 - 1.10.4. Be even-handed
 - 1.10.5. Be appropriate
 - 1.10.6. Have regard to equality and diversity
 - 1.10.7. Be issued with care during periods of heightened sensitivity

2. With whom should the Council be communicating?

The Council's audiences are wide and varied but will typically include:

- Residents
- Council staff
- Hard to reach groups, such as young people
- The district, county and unitary authorities
- Voluntary groups and organisations
- The business community
- Other public sector organisations
- Visitors and those who work in the parish

3. The Council's communication vision and aims

The Council's vision for its communications is that residents will:

- Know what services the Council provides and the quality of service they can expect;
- Feel confident and satisfied with the services and their costs; and
- Understand how to get involved with, or influence, the work of the Council.

In addition, visitors to the Town will:

- See Chard as a thriving destination in which to live, work and undertake leisure activities

The Council's aims for its communications will:

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- Raise residents' satisfaction, trust and confidence levels
- Raise awareness of services provided by the Council
- Raise the profile of Chard as a town
- Support elected members in their role as community leaders
- Make best use of technology to innovate and engage with hard-to-reach groups such as young people
- Proactively challenge inaccuracies and misrepresentations that might undermine the image or integrity of the Council

4. Handling general requests

- 4.1. All staff and councillors are responsible for communicating basic and routine information to the Press and public in relation to their specific job duties or role within the Council and its committees.
- 4.2. Requests for information outside the remit of an individual's responsibilities should be directed to the appropriate person within the Council for a response.

5. Responding to media enquiries

- 5.1. The Council respects the media's role in delivering information to the public and responses will be given in recognition of deadlines, which are crucial to effective media relations.
- 5.2. The media are critically important in conveying information to the community, so the Council, must maintain positive, constructive media relations at all times.
- 5.3. The media work on behalf of the local community to hold the Council to account for its policies and actions, and it is therefore important that they have access to the officers and members in order to provide them with background information to help them in this role.
- 5.4. Requests for interviews, information or photographs from the media should be referred initially to the Town Clerk, or in their absence to the Mayor.
- 5.5. Any responses will be collated in conjunction with the Town Clerk. Where possible, responses will be given by the Mayor, or in their absence the Deputy Mayor and then the relevant Committee Chairperson.
- 5.6. Official statements from the Town Council must be issued on a document bearing the Council's logo, include an appropriate title, be dated and contain the details of the person to contact for further information.
- 5.7. Statements made must reflect the minuted opinion of the Council, where applicable.
- 5.8. Councillors may be approached directly by the media and can provide responses, making it clear that the views given are their own and not necessarily those of the

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Council. Members should not claim to be commenting as an elected Councillor or on behalf of the Council.

- 5.9. The Council recognises that councillors have private lives and may be approached by the media in relation to their roles outside the Council. In this instance, members must make it clear that they are not commenting as an elected councillor or on behalf of the Council.
- 5.10. Requests to take photographs of Councillors or staff in relation to the Council business must be agreed by the individual and in the case of staff, by their line manager.
- 5.11. There is no out-of-hours media service, although councillors can be contacted outside normal office hours as some have their contact details in the public domain. In extreme circumstances, for example if the circumstances of the request will have an impact before the timescale allowed by the next working day, the Mayor and the Town Clerk should be contacted to liaise with the media if necessary.
- 5.12. The Council should not pass comment on anonymous allegations or allegations about individual councillors or staff.
- 5.13. The Council is open and accountable and should always explain if there is a reason why it cannot answer a specific query.
- 5.14. Members and staff must alert the Town Clerk as soon as a potentially positive or negative issue which may attract media interest becomes known. They should not wait until contact is made by the media.

6. Issuing news releases

- 6.1. As well as responding to media requests, the Council will pro-actively issue news releases and distribute them to the relevant media.
- 6.2. Press releases must be issued on a document bearing the Council's logo, including an appropriate title, be dated and contain the details of the person to contact for further information.
- 6.3. Press releases will include a quote from a relevant Councillor, wherever possible.
- 6.4. Press releases will not publicise the activities of any individual councillor or persuade the general public to hold a particular view.
- 6.5. Photographs may be issued with press releases and captions should be included in the release. If photographs include councillors or staff clause 5.10 will apply.
- 6.6. Press releases will be sent by email to relevant media, displayed on the Council's website, on the Council's noticeboards and on the Council's social media sites.

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- 6.7. The Town Clerk is responsible for developing press releases in conjunction with the relevant councillor.
- 6.8. Letters to the editor of a newspaper do not qualify as press releases and caution is advised when submitting a letter of this kind. If submitted by a councillor, it should state that they are acting as an individual and not as a councillor. It may be appropriate for the Council to submit a letter on occasions, such as correcting factual inaccuracies. These letters should be factual, brief and signed by the Mayor or the Town Clerk only.
- 6.9. Other ways to correct inaccurate reporting about the Council include issuing a separate press release, a conversation with the journalist concerned, a personal letter to the editor or legal advice. Any such action should be agreed in advance with the Town Clerk and/or the Mayor.
- 6.10. Officers and members have responsibility to identify newsworthy items and seek opportunities where it may be beneficial to issue a press release.

7. Media attendance at Council meetings

- 7.1. Local media will be provided upon request with agendas, reports and minutes of meetings, prior to them taking place, as required by the Local Government Act 1972.
- 7.2. The press will be provided with reasonable facilities i.e. seating, etc, at a meeting or part of a meeting at which they are entitled to present, as outlined in Standing Order 3.n.
- 7.3. Photographing, recording, broadcasting or transmitting the proceedings of meetings by the media is outlined in Standing Order 3.l and 3.m.
- 7.4. The media pick up many stories from agendas and reports ahead of meetings. During meetings Councillors and staff should be mindful that any comments and messages are put across in a manner which gives the media an accurate picture, rather than relying on the media interpretation of what can be a complex issue or report.

8. Managing Negative Issues

- 8.1. From time to time the Council has to respond to negative issues. It is important that these situations are managed carefully so as to limit the potential for negative publicity.
- 8.2. Councillors and staff must alert the Town Clerk as soon as a potentially negative issue which may attract media interest comes to light. They should not wait until contact is made by the media.
- 8.3. Councillors and staff will work together to prepare holding statements, other information and carry out research even if no media have contacted the Council about an issue.

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9. Town Council website

- 9.1. The Council's website www.chard.gov.uk should provide an informative online resource for residents and visitors, giving information about the Council, the town, councillors and staff, services provided by the Council, dates of meetings, the local community, news, links to useful websites, minutes and agendas and a search facility.
- 9.2. Information on the website should be accurate and up to date.
- 9.3. Press releases and Council notices should be displayed in the news section of the website.

10. Council noticeboards

- 10.1. Priority is given on the Council's noticeboards to official Council documents, such as agenda, public notices, election information and legal issues affecting the Council.
- 10.2. Where possible, the Council will display posters and information for community related issues.

11. Consultation

- 11.1. The Council is committed to consulting local taxpayers, service users, local businesses and its own staff and members to identify ways in which it can improve services.
- 11.2. Consultation is a key part of a communications strategy as it is a two-way exchange of views between local people and the Council. This will help the Council make decisions and advise people about why it provides the services in the way that it does.
- 11.3. To date and currently, most of the Council's consultation is by way of questionnaires, public meetings, public exhibitions and members' interaction with the public. However, occasional surveys could be carried out via social media, such as Facebook.

12. Publicity in election periods

- 12.1. In the period between the notice of an election and the election itself, the Council is subject to rules which impact on how it can communicate with the public.
- 12.2. During this period, Council publicity should not deal with controversial issues or report views, proposals or recommendations in a way which identifies them with individual members or groups of members. This ensures that no individual councillor gains an unfair advantage by appearing in official publicity. In these circumstances, where a quote is required, the relevant member of staff may be quoted in accordance with the guidelines in this policy.

13. Digital and social media

- 13.1. The use of digital and social media and electronic communications provides the Council with the opportunity to communicate with people immediately, in real time and in a manner which improves further communication between the Council and residents, businesses and organisations it works with and serves.
- 13.2. The Council has a website, Facebook page and uses email to communicate with residents and others. The Council will always try to use the most effective channel for its communications.
- 13.3. The Council's Facebook page aims to provide information and updates regarding activities and opportunities with the Town and promote the community in a positive way. All Councillors and staff must have this aim in mind when posting information.

14. Non-Council Related Media Activity

- 14.1. Councillors and staff who have contact with the media in a personal capacity or as members of non-Council related organisations must not refer to their Council posts and must make it clear to the media concerned that they are speaking in a personal capacity or on behalf of the non-Council related organisation.