



Standing Orders
Financial Regulations
Code of Conduct
Complaints Procedure

Version June 2015

PLEASE NOTE THAT THOSE PARAGRAPHS IN BOLD AND RED INK CANNOT BE ALTERED AS THEY ARE COMPULSORY AND LAID DOWN IN ACTS OF PARLIAMENT

Standing Orders for Saltney Town Council

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1 Meetings

- a) Meetings of the Council shall be held in each year on the second Wednesday of every month excepting August and December, unless otherwise directed.
- b) Smoking is not permitted at any meeting of the Council.

2. The Statutory Annual Meeting

- a) In a local government election year the Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office and**
- b) in a year which is not a local government election year the Annual Council Meeting shall be held on the second Wednesday in May or as the Council may direct.**

3 Chairman of the Meeting

The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting. The Chairman's procedural authority is derived from the Council as a whole and an individual councillor must obey his rulings because they are the rulings of the Council itself. It follows from this, however, that the Chairman cannot overrule the Council. A councillor who is dissatisfied by the Chairman's ruling may invite the Council to disagree with it.

The authority of the Chairman, as such, is limited to matters of procedure and neither increases nor decreases his right (in comparison with other members) to discuss the merits of a particular case. The Chairman must remember that, while the Chair gives him authority on matters of procedure, it confers no rights (other than the casting vote) on matters of policy above those possessed by other members.

4. Proper Officer

Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he shall be the Town Clerk: -

- to receive declarations of acceptance of office;
- to receive and record notices disclosing interests at meetings;
- to receive and retain plans and documents;
- to sign notices or other documents on behalf of the Council;
- to receive copies of bylaws made by another local authority;

to certify copies of bylaws made by the Council;

to sign and issue the summons to attend meetings of the Council and its Committees;

to keep proper records for all Council meetings;

to advise the Council and assist in the formation of overall policies;

to be responsible for the accounts, all financial records and the production of financial management information.

5. Quorum of the Council/Meetings

Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.

6. If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may decide.

7. Except where ordered by the Council the quorum for a Committee shall be one half of the membership.

8. Voting

Members shall vote by show of hands.

9. If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against or abstained. Such a request must be made before moving on to the next business.

10. (1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.

(2) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.

(3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

11. Order of Business

At each Annual Meeting the first business shall be:-

(a) to elect a Town Mayor of the Council

(b) to receive the Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received.

(c) in the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.

(d) to decide when any declarations of acceptance of office which have not been received as provided by law shall be received.

(e) to elect a Deputy Mayor of the Council.

(f) to appoint representatives to outside bodies.

(g) to appoint committees and sub-committees.

(h) to consider the payment of any subscriptions falling to be paid annually.

(i) to inspect any deeds and trust investments in the custody of the Council as required;

and shall thereafter follow the order set out in the Standing Order 14

12. At every meeting other than the Annual Parish Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.

13. In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 37 must be read in conjunction with this requirement.

14. After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-

Public Enquiry Item

a) To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.

b) After consideration to approve the signature of the Minutes by the person presiding as a correct record.

- c) Matters Arising
- d) To receive such communications as the person presiding may wish to lay before the Council.
- e) To dispose of business, if any, remaining from the last meeting.
- f) To receive and consider reports and minutes of committees.
- g) **To deal with business expressly required by statute to be done.**
- h) To answer questions from Councillors.
- i) To receive and consider resolutions or recommendations in the order in which they have been notified.
- j) To authorise the sealing of documents.
- k) If necessary, to authorise the signing of orders for payment.

15. Urgent Business

A motion to vary the order of business on the ground of urgency:

- a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
- b) Shall be put to the vote without discussion.

16. Resolutions Moved On Notice

Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 10 clear days before the next meeting of the Council.

- 17. The Town Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.
- 18. The Town Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move it at some later meeting or that he withdraws it.
- 19. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

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

22. Resolutions Moved Without Notice

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

- a) To appoint a Chairman of the meeting.
- b) To correct the Minutes.
- c) To approve the Minutes.
- d) To alter the order of business.
- e) To proceed to the next business.
- f) To close or adjourn the debate.
- g) To refer a matter to a committee.
- h) To appoint a committee or any members thereof.
- i) To adopt a report.
- j) To authorise the sealing of documents.
- k) To amend a motion.
- l) To give leave to withdraw a resolution or amendment.
- m) To extend the time limit for speeches.
- n) To exclude the press and public. (see Standing Order 66 below)
- o) To silence or eject from the meeting a member named for misconduct. (see order 32 below)
- p) To give the consent of the Council where such consent is required by these Standing Orders.

- q) To suspend any Standing Order. (see Standing Order 77 below)
- r) To adjourn the meeting.

23. Questions

A member may ask the Chairman of the Council or the Clerk any question concerning the business of the Council, provided one clear days notice of the question has been given in writing to the person to whom it is addressed.

- 24. Any question requiring 'in depth' research shall stand referred to the next meeting of the Council.
- 25. Every question shall be put and answered without discussion.
- 26. A person to whom a question has been put may decline to answer.

27. Rules of Debate

- 28. a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
- b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- d) No speech shall exceed 3 minutes except by consent of the Council.
- e) An amendment shall be either:-
 - i) To leave out words.
 - ii) To leave out words and insert others
 - iii) To insert or add words.
- f) An amendment shall not have the effect of negating the resolution before the Council.
- g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.

- h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
 - i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding 3 minutes except by consent of the Council.
 - j) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
 - k) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him that may have been misunderstood.
 - l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
 - m) When a resolution is under debate no other resolution shall be moved except the following:-
 - i. To amend the resolution.
 - ii. To proceed to the next business.
 - iii. To adjourn the debate.
 - iv. That the question be now put.
 - v. That a member named be not further heard.
 - vi. That a member named leave the meeting.
 - vii. That the resolution be referred to a committee.
 - viii. To exclude the public and press.
 - ix. To adjourn the meeting.
29. A member shall remain seated when speaking unless requested to stand by the Chairman.
30. a) the ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

- b) Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
- c) Whenever the Chairman speaks during a debate all other members shall be silent.

31. Closure

At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.

32. Disorderly Conduct

- a) **All members must observe the Code of Conduct which was adopted by the council on 21 May, 2008, a copy of which is annexed to these Standing Orders.**
- b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.
- c) If, in the opinion of the Chairman, a member has broken the provisions of paragraph (b) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Local Commissioner (Wales).**
- d) If either of the motions mentioned in paragraph c is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

33. Right of Reply

The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After

the right of reply has been exercised or waived, a vote shall be taken without further discussion.

34. Alteration of Resolution

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

35. Rescission of Previous Resolution

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special motion, the written notice whereof bears the names of at least 8 members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

36. Voting on Appointments

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

37. Discussions and Resolutions Affecting Employees of the Council

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No. 66.)

38. Resolutions on Expenditure

Any resolution which if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of the Council, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

39. Expenditure

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

40. Mayor's Allowance

The use of the Mayor's allowance shall be at the Mayor's discretion, with the proviso that it is only used for the direct betterment of the people of Saltney. The monies to remain in the accounts and The Mayor to request payments from the Town Clerk as and when necessary. A receipt for the payment being returned to the Town Clerk and retained by him until all the expenditure is accounted for.

41. Sealing of Documents

- a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- b) Any two members of the Council named in a resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

42. Committees and Sub Committees

The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary. All Committees shall consist of at least 6 (including ex-officio) members. They are subject to any statutory provision in that behalf:-

- a) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.
- b) may appoint persons other than members of the Council to any Committee; and
- c) may subject to the provisions of Standing Order 36 above at any time dissolve or alter the membership of committees.

43. The Mayor and Deputy Mayor, ex-officio, shall be voting members of every committee.

44. Every committee shall at its first meeting, before proceeding to any other business, elect a Chairman and a Vice-Chairman who shall hold office until the next Annual Meeting of the council, and shall settle its programme of meetings for the year.

45. Special Meeting

The Chairman of a committee or the Chairman of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also

be summoned on the requisition in writing of not less than one third of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

46. Sub-Committees

Every committee may appoint sub-committees for purposes to be specified by the committee.

47. The Chairman and Vice-Chairman of the committee shall be ex-officio members of every sub-committee appointed.

48. Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-half of its members.

49. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.

50.

Advisory Committees

- 1) The Council may create advisory committees, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- 2) The Clerk shall inform the members of each advisory committee of the terms of reference of the committee.
- 3) An advisory committee may make recommendations and give notice thereof to the Council
- 4) An advisory committee may consist wholly of persons who are not members of the Council.

51. Voting in Committees

Members of committees and sub-committees entitled to vote, shall vote by show of hands.

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

53. Presence of Non-Members of Committees at Committee Meetings

A member who has proposed a resolution, which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

54. Accounts and Financial Statement

- 1) Except as provided in paragraph (2) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
- 2) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the appropriate officer. Such payment shall be authorised by the proper officer for payment with the approval of The Mayor or Deputy Mayor.
- 3) All payments ratified under sub-paragraph (2) of this Standing Order shall be separately included in the next schedule of payments before the Council.

55. The Town Clerk shall supply to each member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

56. Estimates / Precepts

- 1) The council shall approve written estimates for the coming financial year at its meeting in the month of January.
- 2) Any Member desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than the Council meeting in November.

57. Interests

If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 21 May, 2008, then that interest must be declared and a decision made by the member whether to stay or withdraw.

58. The Clerk is required to compile and hold a register of member's interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

59. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where a relationship to a member is disclosed, Standing Order 57 shall apply as appropriate.

60. The Clerk shall make known the purpose of Standing Order 59 to every candidate.

61. Canvassing of and Recommendations by Members

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

62. Standing Order Nos. 60 and 61 shall apply to tenders as if the person making the tender were a candidate for an appointment.

63. Inspection of Documents

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

64. All minutes kept by the Council and by any committee shall be open for the inspection by any member of the Council.

65. Unauthorised Activities

No member of the Council or of any committee or sub-committee acting as an individual shall in the name of or on behalf of the Council:-

- a) inspect any lands or premises which the Council has a right or duty to inspect; or
- b) Issue orders, instructions or directions, or interfere in any way.

unless authorised to do so by the Council or the relevant committee or sub-committee.

66. Admission of The Public and Press to Meetings

The public and press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public by means of the following resolutions: -

“That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded and they are instructed to withdraw”

67. The Council shall state the special reason for exclusion.

68. The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.

69. 1) a Public Enquiry item shall appear on the agenda of every Ordinary meeting of the Town Council but not the Annual or Special meetings;

(2) the item to be the second on the agenda immediately following the Apologies for Absence and before the confirmation of the Minutes and last for 5 minutes, with the Mayor having discretion to extend to 10 minutes, depending on the issue and the number of the public attending;

(3) those members of the public wishing to speak may only ask a question or make a statement relating to an item on the agenda of the meeting they are attending;

(4) there will be no comments or questions permitted on the information given by the members of the public, but Councillors may refer to what has been said when the appropriate item is reached on the agenda;

(5) if a number of members of the public are attending for the same item then they are to elect a spokesperson to speak on their behalf, with the Mayor having the discretion to allow another speaker providing it is to provide more information on the same item, bearing in mind the time restrictions on this item.

70. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

71 Confidential Business

1) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.

2) Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

72. Liaison with County and District Councillors

A summons and Agenda for each meeting shall be sent, together with an invitation to attend, to the County Councillor for the appropriate division or ward.

73. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County Council shall be transmitted to the County Councillor for the ward as the case may require.

74 Planning Applications

- 1) The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council: -
 - a) the date on which it was received
 - b) the name of the applicant
 - c) the place to which it relates;

- 2) If the Council do not meet within the required timetable then the Town Clerk shall refer the planning application received to the Chairman and Vice Chairman of the Environmental and Regeneration and/or the Finance and General Purposes Committee for consideration. Should the Chairman/Vice Chairman deem it necessary then a Special meeting of the Council shall be called.

75. Financial Matters

The Council shall consider and approve Financial Regulations drawn up by the Town Clerk a copy of which shall be appended to these Standing Orders. These Financial Regulations of the Council shall be subject to review annually as part of the Council's Risk Assessment.

76. Code of Conduct – Complaints Procedure

The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in accordance with the Council's Complaints Procedure a copy of which shall be appended to these Standing Orders; except for those complaints which should be properly directed to the Commission (Wales) for consideration.

78. Variation, Revocation and Suspension of Standing Orders

Any or every part of the Standing Orders may be suspended by resolution of the Council in relation to any specific item of business.

79.A resolution permanently to add, vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

80 Appointments to Outside Bodies

Every Member appointed to an Outside Body shall make a report to the Council following the meeting of that Body, unless the matter is confidential.

81 Standing Orders to be Given to Members

A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

BASIC GUIDELINES

1. *The officers and agents of the Council must act as the Council's executive and carry out its decisions. They cannot do this properly unless they have instructions that they can understand.*
2. *It is the primary, if not the only, function of the Council to frame instructions upon which people can act; even a decision to take no action, is such an instruction.*
3. *The Council's instructions are conveyed by resolutions and it is the purpose of the Council's proceedings to reach, without unreasonable delay, an intelligible and lawful decision for the right reasons. The whole duty of a Chairman is to ensure that this purpose is achieved and to this end he must:-*
 - (a) *protect the Council against outside interference;*
 - (b) *ensure that everything to be discussed is lawful;*
 - (c) *ensure that the Council is invited to deal with clear issues;*
 - (d) *ensure that as far as possible information is complete;*
 - (e) *permit every point of view to have a fair hearing;*
 - (f) *ensure that opinions expressed are relevant to the matter in hand;*
 - (g) *ensure that business is transacted with reasonable speed;*
 - (h) *ensure as far as possible that proceedings are friendly and free from personalities;*
 - (i) *co-operate with the officers and other councillors.*

THE AUTHORITY OF THE CHAIR

Origin

4. *The office of Chairman of a local authority is created by statute, which has conferred upon the occupant of the chair a second or casting vote on all occasions but one. The scope of his authority, however, depends upon ancient customs which are perfectly logical and arise from the necessities of the case.*

Nature and Limitations

5. *The Chairman's procedural authority is derived from the Council as a whole and an individual councillor must obey his rulings because they are the rulings of the Council itself. It follows from this, however, that the Chairman cannot overrule the Council. A councillor who is dissatisfied by the Chairman's ruling may invite the Council to disagree with it.*
6. *The authority of the Chairman, as such, is limited to matters of procedure and neither increases nor decreases his right (in comparison with other members) to discuss the merits of a particular case. The Chairman must remember that, while the Chair gives him authority on matters of procedure, it confers no rights (other than the casting vote) on matters of policy above those possessed by other members.*

PRELIMINARY

7. *Before any meeting, the Chairman should study the items on the agenda with either the Clerk or any other officers, and should in effect ask in respect of each item the following questions:-*

What does it mean?

Has any member special knowledge of this problem?

Is there any member who may have a prejudicial interest?

OUTSIDE INTERFERENCE

Public Disturbances

8. *No one is entitled to interrupt or obstruct the proceedings of the Council or its committees. In general it is best to stop an interruption at once before the habit spreads to the rest of the audience; and though he will naturally not wish to be rude, the Chairman should cut an interrupter short, and if good humour and conciliation fail to produce silence he may have to warn him that he will be asked to leave if he does it again; if the warning is ignored it should be resolved, without discussion, that the interrupter be excluded. It is not essential to call the police, but maybe necessary.*
9. *The Chairman should never argue or allow argument with an interrupter. If the public becomes disorderly it may eventually be necessary to close the meeting or to adjourn to a more private place. It is, however, illegal to decide to exclude the public from any future meeting. The press is in a privileged position inasmuch as its representatives must so far as possible be given facilities for taking their reports.*

Personal and Prejudicial Interests

10. *The law requires that where a member has a personal interest in any matter he must disclose the existence and nature of that interest. If the personal interest is also prejudicial the member should withdraw from the meeting and take no further part in the relevant proceedings or seek to influence those proceedings. The Chairman should before a meeting consider whether any member (including himself) may have any such interest, and may draw the individual member's attention to the possibility before it starts. However, ultimately, it is for the member to decide whether or not to disclose any relevant interest.*

Rulings on notices

11. *The Chairman must be satisfied that the meeting is lawful. He does not need to have personal knowledge that the proper notices and summonses have been issued, but if complaints are made he must give a ruling based upon the essential justice of the matter. A meeting is not necessarily illegal because someone has

not received a notice to which he is entitled, but where an irregularity appears to be intentional or important the meeting should be adjourned until it has been corrected.*

Quorum

12. *No business can be transacted if no quorum is present. This rule applies not only to cases of physical absence but to cases of disqualification by interest. A situation may, therefore, sometimes arise where the Council cannot act because it is impossible to obtain a disinterested quorum. In such a case the Chairman should adjourn the matter until it can be next dealt with. Those members with a prejudicial interest should consider making an application for dispensation to their standards committee where appropriate.*

A CLEAR ISSUE

13. *Every decision of the Council must be made by an affirmative vote of a majority of those present and voting (including, where necessary, the Chairman's second or casting vote). The members must, therefore, know exactly what they are being asked to decide and each proposition must be put to them in a form which can be answered by a simple "For" or "Against".*

METHOD OF VOTING

14 *The rules on the manner in which decisions are taken are peremptory and admit no exceptions. Every decision must be reached by a majority of those voting. Appointments to employments must be decided in the same way as other questions.*

COMPLETENESS OF INFORMATION

15 *Sensible decisions cannot be reached without reasonably complete information, which it is usually the duty of the clerk to supply. The Chairman should before the meeting consider whether enough information is available or likely to be made available, and at the meeting he should make a point of asking a member with special knowledge to give his opinion. If it appears at the meeting that information is still insufficient he should move to adjourn consideration until more is known, and sometimes it may be desirable to frame questions and to instruct the clerk to obtain the answers by a specified date.*

IMPARTIALITY

16 *When differences of opinion develop in discussion it is the duty of the Chairman to give a fair hearing to all points of view including his own, if he has one. It is not his duty as Chairman to suppress his own convictions nor his privilege to impose his opinions. Experience has shown that the safest and least controversial course is for the Chairman to call upon speakers for and against a proposal to speak alternately and himself to avoid speaking first or last.*

17. *Some people are better at putting a case than others and the Chairman ought to allow reasonable latitude to the less eloquent. For this reason mechanical rules of debate limiting, for instance, the time allowed for a speech or the number of times a member may speak, are undesirable, and the Council should have some latitude in applying them.*

RELEVANCE

General Rule

18. *A speech must be directed to the point under discussion and nothing else. This rule is easy to state, but not always easy to apply fairly, because the relevance of what is being said may be understood by the speaker before it is grasped by the listener; whilst the rule should not be made a cover for "barracking from the chair" it is probably true that if Chairmen enforced it more strictly, business would be much more quickly and efficiently conducted than is often the case, and many unnecessary arguments and even some quarrels would be avoided. Bad feeling originates in irrelevancies more often than in any other way. On the other hand, it is sometimes advantageous to allow irrelevance in order to "clear the air". Too harsh suppression can breed ill will and a sense of grievance.*

Personalities

19. *The Chairman should do his best to prevent observations in discussion; the custom whereby the speeches are in a form addressed to the Chairman, should only be observed because it forces members to employ an impersonal mode of expression. If a member makes an offensive personal observation, the Chairman should immediately intervene to seek immediate apology to an offended member.*

Methods of Enforcement

20. *Where a speech is obviously irrelevant the Chairman should stop the speaker and invite him to return to the point or sit down. Where the irrelevance is not quite so obvious the Chairman may often find it convenient to ask the speaker to explain how his remarks relate to the issue.*

Revival of Decided Issues

21. *The Chairman should not allow a matter that has been decided to be reopened at the same meeting. An attempt to "hark back" to a previous agenda item should be firmly ruled out of order as irrelevant to the matter now under discussion, even if the member who raises it was not present when the item was considered.*

Minutes

22. *One of the commonest irrelevances is the practice of attempting to discuss the merits of what is contained in the minutes, on a motion for their signature as a correct record. On such a motion the only issue is whether the words of the minutes accurately record the events at the meeting of which they are a record.*

Other Problems

23.

(a) *If any substantial issue arises on a matter dealt with in the Minutes, it is better to have a separate agenda item.*

(b) *Letters received by the Council should not be read out verbatim: this provokes irrelevant discussion on wording and is liable to lead to misunderstanding by the public. On the very rare occasions that the exact text is needed by every councillor the clerk should issue copies.*

REASONABLE DESPATCH

Intervals

24. *It is important that business should be transacted with reasonable speed. Long meetings bore the members and so reduce the level of attentiveness and public spirit, and long intervals between meetings lead to missed opportunities and lack of continuity. A Local Council cannot expect to be consulted regularly by other bodies such as the County or District Council if it does not answer letters reasonably promptly. For this reason it should meet at least once a month, and the Chairman ought not to hesitate to call special meetings in necessary cases; the greater the interval between regular meetings the more ready he should be to call them. The right of Local Councils to be notified of planning applications makes this especially important.*

Obstruction at Meetings

25. *Deliberate obstruction is rare, but must be dealt with when it occurs. It is difficult to be directly obstructive for long without being irrelevant, and therefore deliberate obstruction sometimes takes the form of raising a succession of points of order. In dealing with this type of obstruction it is well to remember that a point is not necessarily a point of order because the person who makes it labels it as such. (For points of order see paragraph 28 below.)*

Repetition

26. *If it is evident that nothing new can be said on either side in a particular discussion, a Chairman is justified in putting the matter to the vote even though there are still members wishing to speak. Usually, however, the state of affairs is not so clear and in such cases the Chairman should ask leave of the Council to put the matter to the vote.*

References

27. *All deliberative bodies have a natural tendency to refer questions to someone else (e.g. an officer or a committee) for consideration or report. These are frequently unnecessary because they are often used only when a Council is unwilling to make a final decision.*

SOME PROCEDURAL POINTS

Points of Order

28. *Points of Order relate to procedure only and take precedence of all other business; it is the duty of the Chairman to deal with them. If a point relates to the substance of a matter under discussion it is not a point of order and should be ruled out of order by the Chairman. The person raising the matter of substance in this way should be told to save it for his speech on the business. For instance, if the provision of a swimming pool is being discussed and someone interrupts the speaker by saying "On a point of order, can we afford it?" the interruption should be ruled out of order because this is not a procedural question. It is part of the merits of the business and must therefore be decided by discussion. The person interrupted may of course answer the point when he continues his speech or ignore it as he thinks appropriate. If, however, the interruption had been "On a point of order, have we power to do this?" the Chairman (in consultation with the clerk) must give a ruling the answer is "No", the Council has no power to act as proposed and the business ought not to be under discussion.*

Procedural Motions

29. *Procedural motions should normally be put without discussion. The usual exceptions are motions to (a) correct minutes, (b) alter the order of business, (c) refer to committee.*

Closure Motions

30. *The following are the respective effects of closure resolutions:-*

- (a) On the passing of a resolution to proceed to next business proceedings on the business in hand come to a stop and no decision upon it can be taken.*
- (b) On the passing of a motion that the question be now put the mover is usually entitled to reply before the matter is put to the vote*
- (c) A resolution to adjourn a discussion or a meeting stops the discussion at the moment it is passed and no decision is taken on the business; therefore the discussion may later be resumed at the point where it was interrupted.*

Amendments

31.

(a) *An amendment, which in substance negates the principle motion, should not be allowed because it is confusing and unnecessary.*

(b) *An amendment should always be put to the vote before the motion that it seeks to amend.*

Any Other Business

32. *The summons to a meeting of a Local Council must by law specify the business to be transacted; a Local Council cannot legally decide to take any action under the general heading of "any other business" because these words do not specify any item of business. The rule prevents the Council deciding any business which will have either expenditure consequences or lead the Council into a legal situation: for example by making a contract.*

Urgent Business

33. *The law makes no provision for dealing with "urgent" business. If it is "urgent" only because it was not notified in time to appear on the agenda, it should be left till the next meeting. If it is genuinely "urgent", that is it was too late for the agenda and it will be too late for action if left till the next ordinary meeting an additional meeting should be called or the Council should have a regular arrangement for the reference of such matters either to a committee or to the clerk for action. It is contrary to local government law for the Chairman or any other single member to take a decision binding the Council.*

USE OF CHAIRMAN'S VOTES

34. *Save on one occasion the Chairman has both an ordinary and a casting vote. There is no rule of law which requires him to give his ordinary vote at the same time as the other members are voting, and it is obviously undesirable and undignified for him to wait and then say "the voting is 5 to 4 against; I therefore vote in favour which makes it even."*

35. *Where there is an equality of votes a Chairman may be faced with an embarrassing problem. A resolution requires a majority and therefore, since an equality is not majority, he may declare the resolution not carried. This course is, however, sometimes regarded as irresponsible or lacking in courage; in such circumstances the Chairman ought to give a casting vote, if at all possible, in such a way that the matter can be considered again; for instance, on a motion to accept a particular tender a vote in favour will conclude the matter, but a vote against will leave the way open for further negotiations or reconsideration.*

PRESENCE OF THE PUBLIC AND PRESS

36. *In principle, the public (which includes the press) is entitled to be present at all meetings of the Council and its committees, and ought to be admitted to sub-committees. The Council or a committee, however, may exclude the public for a particular item of business, if it is opinion that such exclusion is reasonable and in the public interest. Where the public and Press have been excluded the decisions made in the closed session must be minuted: a record should be kept of who was present at the session: the Press should be told of any decision. Business is 'confidential' if its discussion must be kept secret: it is 'special' and the reasons for secrecy must be stated in any case where the need for secrecy is not obvious.*

PUBLIC PARTICIPATION

37. The public cannot, of course, take part in the proceedings of the Council, but this Council has tried to create and sustain public interest in their work by arranging for a short period in meetings when members of the public are permitted to put questions to the Council or to make observations. Such periods can be either during the meeting (by adjournment) or at its end.



SALTNEY TOWN COUNCIL FINANCIAL REGULATIONS

These Financial Regulations were reviewed and adopted,
by Council on 14 October 2020
(agenda/minute no 20/83(2))
and will be reviewed annually.

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GENERAL

- 1.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders¹ and any individual financial regulations relating to contracts.
- 1.2. The council is responsible in law for ensuring that its financial management is adequate and effective, and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.
- 1.3. The council's accounting control systems must include measures:
for the timely production of accounts

that provide for the safe and efficient safeguarding of public money; to prevent and detect inaccuracy and fraud; and to identify the duties of officers.
- 1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6. A breach of these Regulations by an employee is gross misconduct.
- 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute.
- 1.8. The Town Clerk has been appointed as RFO for this council and these regulations will apply accordingly.
- 1.9. The RFO
acts under the policy direction of the council:

administers the council's financial affairs in accordance with all Acts, Regulations, and proper practices:

determines on behalf of the council its accounting records and accounting control systems:

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

ensures the accounting control systems are observed:

maintains the accounting records of the council up to date in accordance with proper practices:

assists the council to secure economy, efficiency, and effectiveness in the use of its resources: and produces financial management information as required by the council.

1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments 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 Regulations².

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

entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate.

a record of the assets and liabilities of the council; and

wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.

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

procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible:

procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records:

identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions:

procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and

measures to ensure that risk is properly managed.

²In England - Accounts and Audit (England) Regulations 2015 In Wales - Accounts and Audit (Wales) Regulations 2014

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

setting the final budget or the precept (Council Tax Requirement);
approving accounting statements; approving an annual
governance statement; borrowing; writing off bad debts.

declaring eligibility for the General Power of Competence; and

addressing recommendations in any report from the internal or external
auditors,

shall be a matter for the full council only.

1.14. In addition, the council must:

determine and keep under regular review the bank mandate for all council
bank accounts:

approve any grant or a single commitment in excess of £1,000; and

in respect of the annual salary for any employee have regard to
recommendations about annual salaries of employees made by the relevant
Committee in accordance with its terms of reference.

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

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

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

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

- 2.2. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chairman or a cheque signatory shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the council Finance Committee.
- 2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.
- 2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.
- 2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.
- 2.6. The internal auditor shall:
be competent and independent of the financial operations of the council.
report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year.
to demonstrate competence, objectivity, and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
have no involvement in the financial decision making, management or control of the council.
- 2.7. Internal or external auditors may not under any circumstances:
perform any operational duties for the council;
initiate or approve accounting transactions; or
direct the activities of any council employee, except to the extent that such, employees have been appropriately assigned to assist the internal auditor.
- 2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.

- 2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit 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 all councillors any correspondence or report from internal or external auditors.

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

- 3.1. Each committee (if any) shall review its three-year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the council not later than the end of October each year including any proposals for revising the forecast.
- 3.2. The RFO must each year, by no later than November, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the relevant committee and the council.
- 3.3. The council shall consider annual budget proposals in relation to the council's three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 3.4. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

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

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

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

- 4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council, or duly delegated committee. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3. **Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.**
- 4.4. The salary budgets are to be reviewed at least annually for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.5. In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement, or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.
- 4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available, and the requisite borrowing approval has been obtained.
- 4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.
- 4.8. The RFO shall monthly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose, "material" shall be in excess of £100 or 15% of the budget.
- 4.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

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

- 5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to the finance committee. The committee shall review the schedule for compliance and, having satisfied itself shall authorise payment. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses, and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3. All invoices for payment shall be examined, verified, and certified by the RFO to confirm that the work, goods, or services to which each invoice relates has been received, carried out, examined, and represents expenditure previously approved by the council.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available Finance Committee Meeting.
- 5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
- a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate finance committee meeting.
 - b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate finance committee meeting; or
 - c) fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate finance committee meeting.
- 5.6. For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate Finance Committee Meeting.
- 5.7. A record of regular payments made under 5.6 above are included on the monthly payment schedule and on the monthly/annual budget and cheques signed in accordance with the bank mandate on each and every occasion when payment is

authorised - thus controlling the risk of duplicated payments being authorised and / or made.

- 5.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by council and in accordance with any Policy statement approved by council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the council.
- 5.9. Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest unless a dispensation has been granted.
- 5.10. The council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.
- 5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

- 6.1. The council will make safe and efficient arrangements for the making of its payments.
- 6.2. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be affected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of Council.
- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by two members of council and countersigned by the Clerk/Assistant Clerk, in accordance with a resolution instructing that payment. 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. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. Cheques or orders for payment shall not normally be presented for signature other than at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the Finance Committee at the next convenient meeting.

- 6.7. If thought appropriate by the council, payment for utility supplies (energy, telephone, and water) and any National Non-Domestic Rates may be made by variable Direct Debit provided that the instructions are signed by two members of the council and countersigned by the Clerk/Assistant Clerk and any payments are reported to council as made. The approval of the use of a variable Direct Debit shall be renewed by resolution of the council **at least** every two years.
- 6.8. If thought appropriate by the council, payment for certain items (principally Salaries) may be made by Banker's Standing Order provided that the instructions are signed, or otherwise evidenced by two members of the council and countersigned by the Clerk/Assistant Clerk, are retained and any payments are reported to council as made. The approval of the use of a Banker's Standing Order shall be renewed by resolution of the council **at least** every two years.
- 6.9. If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two members of the council and countersigned by the Clerk/Assistant Clerk, are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council **at least** every two years.

Items 6.10 to 6.20 not applicable at present.

- 6.10. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.
- 6.12. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.
- 6.13. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.14. The council, and any members using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.

- 6.15. Where internet banking arrangements are made with any bank, the Clerk shall be appointed as the Service Administrator. The Bank Mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will clearly state the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.16. Access to any internet banking accounts will be directly to the access page (which may be saved under “favourites”), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed in accordance with the bank mandate. A programme of regular checks of standing data with suppliers will be followed.
- 6.18. Any Debit Card issued for use will be specifically restricted to the Clerk and will also be restricted to a single transaction maximum value of £500 unless authorised by council or finance committee in writing before any order is placed.
- 6.19. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the council. Transactions and purchases made will be reported to the council and authority for topping-up shall be at the discretion of the council.
- 6.20. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.
- 6.21. The council will **not** maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

7. PAYMENT OF SALARIES

- 7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.
- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance, and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each

payment is reported to the next available council meeting, as set out in these regulations above.

- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the council.
- 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 on a monthly salaries/wage's spreadsheet. This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
 - a) by any councillor who can demonstrate a need to know.
 - b) by the internal auditor.
 - c) by the external auditor; or
 - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 7.6. An effective system of personal performance management should be maintained for the senior officers.
- 7.7. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.
- 7.8. Before employing interim staff, the council must consider a full business case.

8.LOANS AND INVESTMENTS

- 8.1. All borrowings shall be affected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for Borrowing Approval, and subsequent arrangements for the Loan shall only be approved by full council.
- 8.2. Any financial arrangement which does not require formal Borrowing Approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 8.3. The council will arrange with the council's Banks and Investment providers for the sending of a copy of each statement of account to the Chairman of the council at the same time as one is issued to the Clerk or RFO.
- 8.4. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with council policy.

- 8.5. The council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices, and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 8.6. All investments of money under the control of the council shall be in the name of the council.
- 8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.8. Payments in respect of short-term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. INCOME

- 9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 9.2. Particulars of all charges to be made for work done, services rendered, or goods supplied shall be agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the council.
- 9.3. The council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.
- 9.5. All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.
- 9.6. The origin of each receipt shall be entered on the paying-in slip.
- 9.7. Personal cheques shall not be cashed out of money held on behalf of the council.
- 9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9. Where any significant sums of cash are received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the

charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 16 below).

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1. An official order or letter shall be issued for all work, goods, and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2. Order books shall be controlled by the RFO.
- 10.3. All members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11 (I) below.
- 10.4. A member may not issue an official order or make any contract on behalf of the council.
- 10.5. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

11. CONTRACTS

- 11.1. Procedures as to contracts are laid down as follows:
 - a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
 - i. for the supply of gas, electricity, water, sewerage, and telephone services.
 - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants.
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant.
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council.
 - v. for additional audit work of the external Auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Deputy Chairman of council); and

- vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
- b. Where it is intended to enter into a contract exceeding £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms to be taken from the appropriate Flintshire County Council approved list.
- c. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.
- d. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- e. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least **three** members of council.
- f. If less than three tenders are received for contracts above £25,000 or if all the tenders are identical the council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- g. Any invitation to tender issued under this regulation shall be subject to Standing Order 18 (c),³ and shall refer to the terms of the Bribery Act 2010.
- h. When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £5,000 and above £1,000 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.

³Based on NALC's model standing order 18d in Local Councils Explained © 2013
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Table 1 – summary of limits

Goods or services worth over £25,000	Tender process, by inviting three firms from FCC approved list
Goods or services in value from £1000 to £24,999	Three quotations to be sought
Goods or services in value from £500 to £1000	Three estimates to be sought

- i. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j. Should it occur that the council, or duly delegated committee, does not accept any tender, quote, or estimate, the work is not allocated, and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate, or quote who was present when the original decision-making process was being undertaken.
- k. The European Union Procurement Directive shall apply and the terms of the Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2016 including thresholds shall be followed.

Item 12 not applicable at present.

12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

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

13. STORES AND EQUIPMENT

- 13.1. The RFO shall be responsible for the care and custody of stores and equipment.

- 13.2. Delivery Notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 13.3. Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14. ASSETS, PROPERTIES AND ESTATES

- 14.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased, or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £250.
- 14.3. No real property (interests in land) shall be sold, leased, or otherwise disposed of without the authority of the council, together with any other consents required by law, in each case a Report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a Report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.5. Subject only to the limit set in Reg. 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a Report in writing shall be provided to council with a full business case.
- 14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15. INSURANCE

- 15.1. Following the annual risk assessment (per Financial Regulation 17), the RFO shall affect all insurances and negotiate all claims on the council's insurers.
- 15.2. All new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances shall be arranged by the RFO.
- 15.3. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim and shall report these to council at the next available meeting.
- 15.5. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council, or duly delegated committee.

Item 16 not applicable at present.

16. CHARITIES

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

17. RISK MANAGEMENT

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

18. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

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

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

Signed by Incumbent Mayor of Council

Hannah Jones

Dated: 14.10.2020

Signed by Chair of Finance & General Purposes Committee

Jason Shallcross

Dated: 14.10.2020

Signed by Clerk/RFO Officer

Tracey Brown

Dated: 14.10.2020

Notes to the Council.

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

Values have been set by the Council when adopting Financial Regulations (other than the EU Procurement thresholds shown in Regulation 11)

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

The appropriate approved list referred to in paragraph 11.1 (b) shall be a list drawn up by the Clerk and approved by council but normally shall be based on the list maintained by the District Council for such works.

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SALTNEY TOWN COUNCIL
MEMBERS CODE OF CONDUCT

**Adopted by resolution of the Town Council on
21 May, 2008**

to take effect from 1 June, 2008

PART 1 INTERPRETATION

1.—(1) In this code —

“co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority but who —

- (a) is a member of any committee or sub-committee of the authority, or
 - (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,
- and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

“meeting” means any meeting —

- (a) of the relevant authority,
 - (b) of any executive or board of the relevant authority,
 - (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
 - (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990(12),
- and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” includes, unless the context requires otherwise, a co-opted member;

“relevant authority” means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(13) or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995(14);

“you” means you as a member or co-opted member of a relevant authority; and

“your authority” means the relevant authority of which you are a member or co-opted member.

PART 2 GENERAL PROVISIONS

2.(1) Save where paragraph 3(a) applies, you must observe this code of conduct —

- (a) whenever you conduct the business, or are present at a meeting, of your authority;
- (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

- (a) on another relevant authority, or any other body, which includes a police authority or Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
- (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or

on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to the Public Services Ombudsman for Wales and to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) **You must** comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority —

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must —

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

(a) observe the law and your authority's rules governing the claiming of expenses

and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3 INTERESTS

Personal Interests

10.—(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) **You must** regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, industrial and provident society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

- (ee) private club, society or association operating within your authority's area, in which you have membership or hold a position of general control or management;
- (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;
- (b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or
- (c) a decision upon it might reasonably be regarded as affecting —
 - (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
 - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
 - (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
 - (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (v) anybody listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management, to a greater extent than the majority of—
 - (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, **you must** disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, **you should** include details of that interest in the written communication; or
- (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority **you should** disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, **you must** in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) **You must**, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer from time to time but, as a minimum containing —

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.—(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.—(1) Subject to sub-paragraphs (2), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4 THE REGISTER OF MEMBERS' INTERESTS

Registration of Financial and Other Interests and Memberships and Management Positions

15.—(1) Subject to sub-paragraph (3), **you must**, within 28 days of—

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your financial interests and other interests, where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your authority's monitoring officer.

(2) **You must**, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (1), register that new personal interest or change by providing written notification to your authority's monitoring officer.

(3) Sub-paragraphs (1) and (2) do not apply to sensitive information determined in accordance with paragraph 16(1).

(4) Sub-paragraph (1) will not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

Sensitive information

16.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage.

18. The Council has determined that for the purpose of paragraph 17 the amount shall be £10.00 until further determination.

**CODE OF PRACTICE
FOR HANDLING COMPLAINTS
SALTNEY TOWN COUNCIL**

INTRODUCTION

1. PRINCIPLES

Saltney Town Council aims to provide a courteous, prompt and efficient service to members of the public and organisations.

If you are not satisfied about any of the Council's services or how we have dealt with something we want you to tell us. Please let us know either by phoning us, emailing, writing to us or filling out a Complaints form.

Not all queries, or concerns raised with us are complaints, and we are keen to ensure that any problems or misunderstandings that sometimes occur are dealt with effectively so that they do not develop into complaints.

Where a complaint is identified, the Code of Practice will be applied to make sure that it is resolved as speedily as practicable and that the outcome is generally acceptable to the complainant.

This Code of Practice is based upon the National Association of Local Councils (NALC) model Code of Practice for Local Councils in Handling Complaints (July 2003).

2. PURPOSE

To allow people a choice of options in addressing the Council if they feel they have a complaint, or believe they have been unfairly treated in their dealings with Saltney Town Council.

2.1 The Aims of the Complaints Procedure are to:

Ensure complaints are investigated in an even handed and open manner;

Resolve a complaint as swiftly as is practicable;

Help secure improvements in the services provided by Saltney Town Council for those who live, work or trade in the area and those who visit the area.

2.2 Key Objective

The key objective of the Code of Practice is to operate a procedure that is open and transparent.

3. COMPLAINTS PROCEDURES

3.1 Who Can Complain to Saltney Town Council

The following users of the Council services:

Members of the Public;

Organisations (collective representation);

Contractors or people providing a service to the Council.

3.2 What You Can Complain About

• The Council's procedures and/or administration; or • If you feel you have been unfairly treated in your dealings with Saltney Town Council staff, the Council or its Committees.

3.3 Complaints Not Appropriate for Saltney Town Council

- Where there are statutory procedures for dealing with certain kinds of complaints, e.g. appeals against planning decisions. Complaints about those matters should be dealt with under the statutory procedures and not through the Council's complaints system;
- If the complaint involves a potential insurance claim, then the Council will refer the matter to the Council's insurers and the complainant will be informed that this has been done;
- Complaints concerning an elected Member will usually be considered, by the Monitoring Officer, Flintshire County Council, County Hall, Mold, CH7 6ND

3.4 How To Make a Complaint

- You can make an appointment to visit the Saltney Town Council Office and talk to the Town Clerk, or write, in the first instance to: The Town Clerk, Saltney Town Council, Suite 15, Riverside House, River Lane, Saltney, Flintshire, CH4 8RQ • Or by phone on:01244 398829 or by fax on that same number. Or by completing a Complaints Form - Annex 1;
- In order to be clear about the complaint and to ensure a thorough investigation we will ask you for full details of the complaint together with your contact details. This will allow for all the facts to be established and information collated;

- Should you need help filling out the Complaints Form, for example, if English is not your first language, someone will be pleased to assist you.

3.5 What We Will Do When You Complain

- Saltney Town Council will listen and record your complaint and make sure it is investigated promptly. We will also tell you who is handling your complaint;
- If we can sort out the problem right away, we will;
- If we need time to look into the matter we will let you know what we will do and when we will contact you again;
- We will give you the name and phone number of a dedicated Contact officer who you can contact about your complaint as this may not be the same person who is looking into it for you;
- We will acknowledge receipt of your complaint within three working days;
- If there is any delay we will explain why and tell you how long we expect the investigation to take - which, typically, will be within fourteen working days.
- Where the Town Clerk or Town Mayor receives a written complaint about their actions, they will refer the complaint direct to the full Council.

4. WHAT HAPPENS NEXT - THE APPEAL PROCESS

4.1 If You Are Not Happy

- Every effort will be made to resolve the complaint to the satisfaction of the complainant. However, if you are not happy with the response, and let us know in writing within fourteen days, we will arrange to involve an elected Councillor in the formal Complaints Procedure process.

4.2 Arranging a Complaints Appeal Panel

- Members of a Complaints Appeal Panel are usually the Deputy Mayor together with two other Councillors and the Town Clerk who will meet the complainant in an attempt to resolve the matter to mutual satisfaction.

4.3 The Procedure

- Prior to any Complaints Appeal Panel meeting the complainant is required to put in writing to the Town Clerk details of their concerns about the Council's procedures and/or administration;
- Receipt of this will be formally acknowledged in writing and the complainant advised when the panel will meet and who will be sitting on it.

4.4 Representation

A minimum two weeks prior notice of such a panel will be given; the complainant will be invited to bring a friend with them either to represent them or to give moral support;

At the time the complainant is notified in writing of the panel date they will also be requested to present any material/documentation that they wish to give in evidence to the meeting no later than 7 days prior to the meeting. The Council will confirm that it will present any material it intends to present to the complainant within the same time scale.

4.5 Reporting on the Outcome

After the meeting the complainant will be advised of the decision of the panel, and this will be confirmed in writing within 7 working days together with details of any action to be taken;

The Deputy Mayor will report on the outcome at the following Full Council meeting.

5. IF YOU REMAIN UNSATISFIED - THE FINAL STAGE

If you are still not satisfied with the Complaints Appeal Panel response, you can ask for the decision to be reconsidered by stating clearly in writing why you disagree with the decision within seven working days of receipt of the Panel's decision;

Within fourteen days an Appeals Sub-Committee, consisting of the Mayor and the Chairman of the most relevant Committee, or an appropriate representative group, will meet to consider your Appeal and to formulate a response from the Council;

This will either confirm the decision of the Complaints Appeal Panel or, after considering fully the case of the complainant, revise the decision;

The complainant will again be advised in writing, within three working days of the outcome of this final stage;

This exhausts the Council's Complaints Policy.

Local Government Ombudsman - local (town and parish) councils are not subject to the jurisdiction of the Local Government Ombudsman unless the complaint concerns a matter on which the Town Council is taking action on behalf of a principal council (for example Flintshire County Council). If your complaint relates to the Town Council carrying out such agency work, the initial approach should be to the principal council concerned. If it remains unresolved, the matter could be referred to the Local Government Ombudsman.

6. MANAGEMENT AND MONITORING OF COMPLAINTS

The Town Clerk is responsible for dealing with the management of the complaints procedure for the Council;

- All formal complaints will be recorded and monitored. Once a year there will be a report to the Council.
- The report will identify the number of complaints, the reason for the complaints, the length of time to resolve complaints, how complainant satisfaction was addressed and how the provision of services has changed as a result;
- The report will not identify individual complaints. It will draw attention to any trends, which suggest implications for the provision of services.

<p>SALTNEY TOWN COUNCIL Suite 15, Riverside House, River Lane, Saltney, Flintshire, CH4 8RQ</p> <p>COMPLAINTS FORM – Part 1</p>

COMPLAINT DETAILS	
My complaint is about:	
Please give details/ use separate sheet if necessary:	
What do you want us to do to put things right?	
Have you complained about this subject before?	Yes / No
If yes, can you say when:	

CONTACT DETAILS	
Title (e.g. Mr, Mrs, Miss)	
First Name	
Second Name	
Address	
Post Code	
A telephone number will be helpful in case you need to be contacted	Tel. No.
E-mail Address	

SALTNEY TOWN COUNCIL
Suite 15, Riverside House, River Lane, Saltney, Flintshire,
CH4 8RQ
COMPLAINTS FORM – Part 2

Complaint Received on:	(Date)
From:	
Address:	
Tel:	
By: for SALTNEY TOWN COUNCIL	(Name) (Position)

Action Taken:	
Immediate:	
Further Action to be Taken:	
Complaint Resolved on:	(Date)
Signed: Date:	Tracey Brown, Town Clerk, and Responsible Financial Officer SALTNEY TOWN COUNCIL

Guidance for Order of Business for a Complaints Appeal Panel Meeting

Chairman to introduce everyone;

Chairman to explain procedure;

Complainant (or representative) to outline grounds for complaint;

Members to ask any question of the complainant;

If relevant, the Town Clerk or other proper officer in attendance to explain the Council's position;

Members to ask any question of the Town Clerk or other proper officer;

The Town Clerk or other proper officer and the complainant to be offered opportunity of last word (in this order);

Clerk or other proper officer and complainant to be asked to leave room while Members decide whether or not the grounds for the complaint have been made. (If a point of clarification is necessary, both parties to be invited back);

Clerk or other proper officer and complainant return to hear decision, or to be advised when decision will be made;

Following conclusion of the meeting the complainant will be advised of the decision of the panel, and this will be confirmed in writing within 7 working days together with details of any action to be taken;

As general policy the public and press are not permitted attendance at these meetings.

Source: National Association of Local Councils - Legal Topic Note 06 (of 2005 Index - previously Note 56, July 2003)
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