

WESTON-SUPER-MARE TOWN COUNCIL

STANDING ORDERS

1. Meetings

1.1 Meetings of the Council shall be held at Weston-super-Mare Town Hall at 7.00pm unless the Council otherwise decides at a previous meeting.

1.2 The Statutory Annual Meeting

1.2.1 In an election year shall be held on a day to be agreed by the retiring Council which shall be in the period between the fourth working day after the ordinary day of elections and the fourteenth day after the day on which the newly elected councillors take office.

1.2.2 In a year which is not an election year shall be held between 1st and 31st of May.

1.3 Other Meetings

1.3.1 All other meetings of the Council shall be held on such dates as may be fixed by the Council.

1.3.2 The Town Mayor, or if absent Deputy Town Mayor, may at any time call a special meeting of the Council and, in addition, he/she shall do so on the requisition in writing of two or more members of the Council.

2. Presence of Public

2.1 The statutory right of the public to attend meetings shall be subject to common law rules as to:

2.1.1 Availability of reasonable accommodation for the public to attend, and

2.1.2 All powers of the Town Mayor or Chairman of Committee to exclude any person or persons from a meeting or to adjourn a meeting in order to suppress or prevent disorderly conduct or other misbehaviour at a meeting. If a member of the public interrupts the proceedings at any meeting, the Chairman shall warn that person.

2.1.3 If the interruption continues the Chairman shall order the person to be removed from the meeting room. In the case of general disturbance in any part of the meeting room the Chairman shall order that part to be cleared.

3. Chairman of Meeting

- 3.1 The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the meeting.
- 3.2 At each Annual Meeting the first business shall be to elect and ratify the appointments of a Town Mayor and a Deputy Town Mayor and to receive the Town Mayor's Declaration of Acceptance of Office or, if not received, decide when it shall be received.
- 3.3 At the full Town Council meeting preceding the Annual Meeting, the Deputy Town Mayor, shall be appointed for the following year subject only to 3.2 above.
- 3.4 The Deputy Town Mayor once elected shall be the Town Mayor-Elect for the following year and shall be nominated as Town Mayor for the following year subject only to ratification by the Town Council at its Annual Meeting.
- 3.5 The Town Mayor and the Deputy Town Mayor shall continue in office until the next Annual Meeting unless either resigns or becomes disqualified, in which case the Town Council shall forthwith elect a successor.

4. Town Clerk and Proper Officer

- 4.1 Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, the proper officer shall be the Town Clerk:-
 1. To receive declarations of acceptance of office.
 2. To receive and record notices disclosing pecuniary interests.
 3. To receive and retain plans and documents.
 4. To sign notices or other documents on behalf of the Council.
 5. To receive copies of bye-laws made by a District Council.
 6. To certify copies of bye-laws made by the Council.
 7. To sign summonses to attend meetings of the Council.

In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, that officer shall be the Town Clerk.

5. Quorum – Meetings of the Council

- 5.1 No business of the Council shall be conducted unless at least eleven Members of the Council are present.
- 5.2 If, at the expiration of fifteen minutes after the time at which any meeting of the Council is appointed to be held, the Town Clerk, after counting the number of Members present, announces that a quorum is not present, then no meeting shall take place.

- 5.3 If, during any meeting of the Council the attention of the Mayor shall be called to the fact that there is not one third of the Members present, the Town Clerk shall call over the names of the Members of the Council, and if there be not one third of the Members present, the Mayor shall adjourn the meeting of the Council and the names of those who are present and those who are absent shall be recorded in the minutes of the Council.

Consideration of any business not transacted shall be given at the next meeting of the Council.

6. Voting

- 6.1 Members shall vote by show of hands.
- 6.2 If a member so requires, the Town Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it or abstained. Such a request must be made before the vote is taken.
- 6.3 Subject to 6.4 and 6.5 below the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote whether or not the Chairman gave an original vote.
- 6.4 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 that person may not give an original vote in an election for Chairman.
- 6.5 The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

7. Agenda

- 7.1 The Town Clerk shall set out with every summons for a meeting of the Council notice of all business which in the Town Clerk's judgement requires to be brought before the Council, and all other business where notice in writing, by way of notice of motion signed by a Member of the Council, has been duly given.
- 7.2 The Minutes of the various Committees shall be sent to each Member of the Council electronically unless requested otherwise by that Member.

8. Public Participation

- 8.1 Each meeting of the Town Council and its Standing Committees (but not its Sub-Committees or working groups) shall be preceded by a period of 'Public Participation' not exceeding fifteen minutes.
- 8.2 Each participant shall be allowed to speak for a maximum of five minutes.

- 8.3 Questions shall be directed to the Chairman of the meeting who may request another member or the Town Clerk to reply.
- 8.4 Answers to questions may take the form of:
 - 8.4.1 A direct oral response, or
 - 8.4.2 When the desired information is contained in a publication, reference to that publication, or
 - 8.4.3 When it is more convenient to do so a written answer subsequent to the meeting.
- 8.5 Every question shall be put and answered without discussion, although the questioner shall be permitted to ask supplementary questions.
- 8.6 Questions shall not be permitted that relate to the individual affairs of either the questioner or any other named person, but should only relate to matters of policy or practice, i.e. matters of a general nature rather than individual concern.
- 8.7 The Chairman of the meeting shall disallow any question that is in his or her opinion, scurrilous, improper, pernicious, irrelevant or otherwise objectionable.

9. Order of Business.

- 9.1 At each Annual Meeting the first business shall be:-
 - 9.1.1 **To elect a Town Mayor.**
 - 9.1.2 **To receive the Town Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
 - 9.1.3 In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
 - 9.1.4 To decide when any declarations of acceptance of office and written undertakings to observe the code of conduct adopted by the Council which have not been received as provided by law, shall be received.
 - 9.1.5 **To elect a Deputy Town Mayor.**
 - 9.1.6 To appoint statutory or standing committees and sub-committees.
 - 9.1.7 To appoint representatives on outside bodies.
 - 9.1.8 To receive the Deputy Town Mayor's declaration of acceptance of office, or if not then received, to decide when it shall be received.

The order of business shall thereafter follow the order set out in Standing Order 9.4.

- 9.2 **At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman, if the Mayor and Deputy Town Mayor be absent, and to receive such Declarations of Acceptance of Office and written undertakings to observe the Code of Conduct (if any) as are required by law to be made, or if not then received to decide when they shall be received.**

- 9.3 In every year, not later than the meeting at which the budget for the next year is settled, the Council shall review the pay and conditions of service of existing employees. Standing Order 22 must be read in conjunction with this requirement.
- 9.4 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:-
- 9.4.1 To read and consider the Minutes of the last meeting of the Council, 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.
 - 9.4.2 **After consideration to approve the signature of the Minutes by the presiding Chairman as a correct record.**
 - 9.4.3 **To deal with business expressly required by statute to be done.**
 - 9.4.4 To dispose of business, if any, remaining from the last meeting.
 - 9.4.5 To receive such communications as the Town Mayor may wish to lay before the Council.
 - 9.4.6 To receive and consider reports and minutes of committees and advisory committees.
 - 9.4.7 To receive and consider reports from officers of the Council.
 - 9.4.10 To consider motions or recommendations in the order in which they have been notified.
 - 9.4.11 Any other business specified in the summons.

10. Variation of Order of Business

- 10.1 A motion to vary the order of business on the grounds of urgency:
- 10.1.1 May be proposed by any member, and
 - 10.1.2 Shall be put to the vote without discussion.

11. Resolutions Moved On Notice

- 11.1 Except as provided by these Standing Orders, no resolution may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Town Clerk at least seven clear days before the next meeting of the Council.
- 11.2 The Town Clerk shall date every notice of motion 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.
- 11.3 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 the intention to move at some later meeting or has withdrawn it in writing.

- 11.4 If a resolution or recommendation specified in the summons be not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without new notice.
- 11.5 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 considering it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 11.6 Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

12. Improper Motions

- 12.1 If the Town Clerk receives notice of motion and has doubt as to the propriety of inserting it in the summons, it shall be submitted to the Chairman who, if of the opinion that the motion is vexatious, scurrilous or otherwise improper, may direct such notice to be returned with an intimation that it will not be inserted in the summons, and the Town Clerk shall return the same accordingly.
- 12.2 No motion substantially the same as a motion rejected within the preceding three months shall be allowed.

13. Resolutions Moved Without Notice

- 13.1 Resolutions dealing with the following matters may be moved without notice:-
 - 13.1.1 To appoint a Chairman of the meeting.
 - 13.1.2 To correct the minutes.
 - 13.1.3 To approve the minutes.
 - 13.1.4 To alter the order of business.
 - 13.1.5 To proceed to the next business.
 - 13.1.6 To close or adjourn the debate.
 - 13.1.7 To refer a matter to a committee.
 - 13.1.8 To appoint a committee or sub-committee or any members thereof.
 - 13.1.9 To adopt or amend a report.
 - 13.1.10 To authorise the sealing of documents.
 - 13.1.11 To amend a motion.
 - 13.1.12 To give leave to withdraw a motion or amendment.
 - 13.1.13 To exclude the press and the public (see Standing Order 35)
 - 13.1.14 To silence or eject from the meeting a member named for misconduct (see Standing Order 17)
 - 13.1.15 To extend the time limit for speeches.
 - 13.1.16 To give the consent of the Council where such consent is required by these Standing Orders.
 - 13.1.17 To suspend any Standing Order (see Standing Order 41)

14. Questions

- 14.1 A member may ask the Chairman, the Chairman of a Committee or the Town Clerk any question concerning the business of the Council.
- 14.2 (paragraph deleted)
- 14.3 Every question shall be put and answered without discussion.
- 14.4 A person to whom a question has been put may decline to answer.
- 14.5 Where the reply to any question cannot conveniently be given orally, it shall be a sufficient reply if the answer is circulated to Members of the Council with the Minutes of the Meeting at which the question has been asked.

15. Rules of Debate

- 15.1 No discussion shall take place upon the minutes except upon their accuracy. Corrections to the minutes shall be made by resolution and must be included in the Minutes of the meeting at which the correction is made.
- 15.2 A resolution or amendment shall not be discussed unless it has been proposed and seconded. Unless proper notice has already been given, it shall, if required by the Chairman, be reduced to writing and handed to the Chairman before it is further discussed or put to the meeting.
- 15.3 A member when seconding a resolution or amendment may declare to reserve his speech until a later period of the debate.
- 15.4 A member shall speak to the question under discussion or to a personal explanation or to a question of order.
- 15.5 No speech shall exceed five minutes, except by consent of the Council.
- 15.6 An amendment shall be either:
 - 1. To leave out words.
 - 2. To leave out words and insert or add others.
 - 3. To insert or add words.
- 15.7 An amendment shall not have the effect of negating the motion before the Council.
- 15.8 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.
- 15.9 A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

- 15.10 The mover of a resolution or of an amendment shall have a right of reply not exceeding five minutes.
- 15.11 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 the closure.
- 15.12 A member may speak to make 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 that member which may have been misunderstood.
- 15.13 A motion or amendment may be withdrawn by the proposer with the consent of his or her seconder unanimous 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.
- 15.14 When a resolution is under debate no other resolution shall be moved except the following:-
- 15.14.1 To amend the resolution.
 - 15.14.2 To proceed to the next business.
 - 15.14.3 To adjourn the debate.
 - 15.14.4 That the question be now put.
 - 15.14.5 That a member named be not further heard.
 - 15.14.6 That a member named leave the meeting.
 - 15.14.7 That the resolution be referred to a committee.
 - 15.14.8 To exclude the public or the press or both.
 - 15.14.9 To adjourn the meeting.
- 15.15 The ruling of the Chairman on a point of order or on the admissibility of personal explanation shall not be discussed.
- 15.16 Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon.
- 15.17 The Chairman shall call upon individual members to speak and when the member or the Chairman is speaking all other members shall be silent.

16. Closure

- 16.1 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 and if the Chairman is of the opinion that the question before the Council has been sufficiently debated (but not otherwise), shall

forthwith put the motion. If the motion "that the question be now put" is carried, the Chairman shall call upon the mover to exercise or waive the 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.

17. Disorderly Conduct

- 17.1 All members of the Council must observe the Code of Conduct which was adopted by the Council on 2nd July 2012, a copy of which is annexed to these Standing Orders.
- 17.2 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.
- 17.3 If, in the opinion of the Chairman, a member has acted in a manner contrary to that required, 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 Standards Committee.
- 17.4 If the motion mentioned in paragraph 17.3 is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce it.

18. Right of Reply

- 18.1 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 new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

19. Alteration of Resolution

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

20. Rescission of Previous Resolution

- 20.1 A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution, the written notice whereof bears the names of at least eight members of the Council.

- 20.2 When a special resolution has been disposed of, no similar resolution may be moved within a further six months.
- 20.3 This Standing Order shall not apply to resolutions moved in pursuance of the report or recommendation of a committee.

21. Voting on Appointments

- 21.1 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 new vote taken, and so on until a majority of votes is given in favour of one person. This Standing Order shall not apply in any case where the method of voting is prescribed by statute.

22. Discussions and Resolutions Affecting Employees of the Council

- 22.1 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 35).

23. Resolutions on Expenditure

- 23.1 Any motion which is moved otherwise than in pursuance of a recommendation of the Policy & Finance Committee, or of another Committee after recommendation by the Policy & Finance Committee and 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 any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council and any committee affected by it shall consider whether it desires to report thereon. The Policy and Finance Committee shall report on the financial aspect of the proposal.

24. Sealing of Documents

- 24.1 A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

25. Committees and Sub-Committees

- 25.1 The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary but 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;
- 25.2 The Town Mayor and Deputy Town Mayor ex-officio shall be non-voting members of every committee unless appointed as a voting member.
- 25.3 Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council.
- 25.4 The Chairman of a committee or the Chairman of the Council may summon an additional meeting or change the date of a meeting of that committee at any time subject to giving the required statutory notice. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter 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.
- 25.5 Every committee may appoint sub-committees for purposes to be specified by the committee.
- 25.6 The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
- 25.7 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 (rounded down).
- 25.7(a) To note the Planning Quorum will be one third of its members.
- 25.8 The Standing Orders on rules of debate (except those parts relating 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.
All other Standing Orders shall, with any necessary modifications, apply to Committees and sub-Committees.

25A Appointment of Substitute Members

- 25a1. A member of any Committee, Sub-Committee or Working Party may appoint a substitute councillor (from any political group) provided the appointment must be confirmed in writing by that Member to the Town Clerk or other officer present prior to the start of the meeting.
- 25a2. Substitute members may only be appointed when the permanent member is absent for the duration of the meeting in question.

- 25a3. Members who act as a substitute member have the same rights as the permanent member in terms of receiving papers, speaking and voting at the meeting.
- 25a4. The Town Clerk or other officer present shall announce the attendance by a substitute Member at the commencement of the meeting. If the permanent member subsequently attends the meeting, he or she shall not be permitted to participate in the debate or vote on business at that meeting and may only speak during the public participation session even if the substitute has left the meeting.
- 25a5. In the event of the Chairman being absent and appointing a substitute, the substitute may act as an ordinary member but will not automatically assume any rights of the Chairman. In such an event, the normal rules as to the Vice-Chairman taking the chair will apply. In the absence of both the Chairman and the Vice-Chairman the meeting shall elect a chairman for the meeting who may be drawn from any member who is present and has voting rights.

26. Advisory Committees

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

27. Voting in Committees

- 27.1 Members of committees and sub-committees shall vote by show of hands. The provisions of Standing Order 6.2 **apply** to Committees and Sub-Committees.
- 27.2 Chairmen of committees and sub-committees shall, in the case of an equality of votes, have a second or casting vote.
- 27.3 Co-opted members of Committees and Sub-committees will not be eligible to vote, however, due consideration will be given to their input to the debate.

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

- 28.1 A member who has proposed a motion which has been referred to any committee of which that person is not a member, may explain the motion to the committee but shall not vote.

- 28.2 Any Council member shall, unless the Council otherwise orders, be entitled to be present at the meetings of any committee or sub-committee of which that person is not a member and, at the discretion of the Chairman, be permitted to speak but not vote.

29. Delegated Powers

- 29.1 Without prejudice to the Town Clerk's general managerial responsibilities and the approved scheme of Committee and Officer Delegations no group of Members, individual Member or Officer shall have delegated power to take decisions on behalf of the Council save as provided by this Standing Order.
- 29.2 The Council may at any time delegate its authority to deal with any particular matter under consideration to a Committee or to a Sub-committee or to an ad-hoc group of Members (which shall consist of at least three) or to the Town Clerk.
- 29.3 In the event of any matter arising which requires an urgent decision the Town Clerk shall forthwith consult with the Chairman and Vice-Chairman of the appropriate Committee (and also with the Chairman and Vice-Chairman of the Policy and Finance Committee if the matter involves expenditure not provided for in the annual estimates) and those Members so consulted shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
- 29.4 Before exercising the delegated powers granted by paragraph 29.3 of this Standing Order, those Members consulted shall consider whether the matter is of sufficient import to justify the summoning of a Special Meeting of the appropriate Committee in accordance with Standing Order 25 and where a meeting is so summoned the Committee concerned shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
- 29.5 Whenever any action is taken under this Standing Order, full details of the circumstances justifying the urgency and of the action taken shall be submitted in writing to the next available meeting of the Committee concerned.

30. Code of Conduct and Interests

- 30.1 If a member has a non pecuniary interest as defined by the Code of Conduct adopted by the Council on 2nd July 2012, then he/she shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required. A copy of the Code of Conduct is available on request and published on the Town Council's website.
- 30.2 If a member who has declared a non pecuniary interest then considers the interest to be pecuniary, he/she must withdraw from the room or chamber during consideration of the item to which the interest relates.
- 30.3 The Town Clerk may be required to compile and hold a Register of Member's Interests, or a copy thereof, and in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by Statute.

- 30.4 If a candidate for any appointment under the Council is, to his/her knowledge related to any member of, or the holder of any office under the Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Town Clerk. A candidate who fails so to do shall be disqualified for such appointment and, if appointed, may be dismissed without notice. The Town Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed this Standing Order shall apply.
- 30.5 The Town Clerk shall make known the purpose of this Standing Order to every candidate.

31. Canvassing of and Recommendation by Members

- 31.1 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 purpose of this paragraph of this Standing Order to every candidate.
- 31.2 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. 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.

32. Tenders and Contracts

- 32.1 Standing Orders 39(e) and (f) shall apply to tenders and contracts for work as if the person making the tender or applying for a contract for work were a candidate for an appointment.
- 32.2 The Town Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the council of a pecuniary interest in a contract or tender, and the book shall be open during reasonable hours of the day for the inspection of any member.

33. Inspection of Documents

- 33.1 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.
- 33.2 **All Minutes kept by the Council and by any Committees shall be open for the inspection of any member of the council.**
- 33.3 **The Minutes of the Council shall be open to inspection by any elector of the parish.**

- 33.4 All other documents of the Council shall be open to inspection in accordance with the Publication Scheme adopted by the Council under the Freedom of Information Act 2000.

34. Unauthorised Activities

- 34.1 No member of the Council or of any committee or sub-committee shall in the name of, or on behalf of, the Council:-

34.1.1 Inspect any lands or premises which the Council has a right or duty to inspect, or

34.1.2 Issue orders, instructions or directions

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

35. Admission of Public and Press to Meetings

- 35.1 The public and the press shall be admitted to all meetings of the Council and its Committees and Sub-Committees, which may, however, temporarily exclude the public or the press or both by means of the following resolution:

"That in view of the confidential nature of the business about to be transacted, it is advisable in the public interest that the public and press be excluded and they are instructed to withdraw."

- 35.2 The Council, committee or sub-committee shall state the special reason for exclusion.
- 35.3 The Town Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.
- 35.4 Audio or video recording the recording of proceedings on a device or photographs may be made of any part of the the meeting from which the press and public are not excluded without the express permission of the Chairman provided that they cause no disruption or intrusion into the business of the Council. Oral commentary is not permitted during a meeting and children or vulnerable adults should not be filmed or photographed.
- 35.5 If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that the person be removed from the meeting room or that the part of the meeting room open to the public be cleared. The Chairman may adjourn the meeting for such period as is necessary to restore order.

36. Confidential Business

- 36.1 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.
- 36.2 Any Member in breach of the provisions of paragraph 36.1 of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

37. Liaison with Unitary Councillors

- 37.1 A notice of Council meetings and minutes shall be sent to the Unitary Authority Liaison Officer.

38. Planning Applications

- 38.1 Every planning application notified to the Council shall be recorded in the Minutes of the Planning Committee.
- 38.2 The Town Clerk shall refer every planning application to the Planning Committee except in the case of major planning applications of a strategic nature when the application shall be referred to Council.

39. Contracts

39.1 Contracts to comply with Standing Orders

- (a) Every contract, whether made by the Council or by a committee or sub-committee to which the power of making contracts shall have been delegated, shall comply with these Standing Orders and no exception from any of the following provisions of these Orders shall be made otherwise than by direction of the Council or, in an emergency, by such a committee or sub-committee as aforesaid with the approval of the Chairman of the Policy and Finance Committee.

Exceptions

- (b) Every exception made by a committee or sub-committee to which the power of making contracts has been delegated shall be reported to the Council and the report shall specify the emergency by which the exception shall have been justified.
- (c) Express note of any exception from any of the provisions of these Standing orders and of the emergency, if any, by which the exception shall have been justified shall, unless recorded, in the report of a committee or sub-committee, which is laid before the Council, be made in the minutes of the Council.

- (d) Before any contract for the supply of goods and materials, execution of works, or any provision as to the maintenance or servicing thereof is made, the Town Clerk or Head of Service initiating such order shall ensure that the estimated cost of said supply or works has been included in the annual budget of the Council under the appropriate heading.
- (e) Any proposed contract for the supply of goods and materials, execution of works or any provision as to the maintenance or servicing thereof which has not been included in the annual budget shall be the subject of a separate report to the appropriate committee or the Council. If approved, normal tender procedures will apply.

Financial Variations

- (f) All financial figures contained within these Standing Orders are agreed as at 8th July 2008.

39.2 Tendering Procedures

Arrangements for invitation of tenders

- (a) Where the estimated cost of works, goods and materials and related services is as set below and the requisite provision thereof has been made in the approved budget, the arrangements for the invitation of tenders or quotations and the subsequent acceptance thereof shall be as shown.

<u>Estimated Value</u>	<u>Method of Invitation</u>	<u>Acceptance by</u>
£7,500 to £20,000	Minimum of three invitations for quotations	Town Clerk and Committee Chairman
£20,001 to £65,000	Minimum of four invitations for quotations	Town Clerk and Chairman of appropriate Committee
Above £65,000	Minimum of five invitations for tenders (with discretion to invite tenders by public advertisement up to £95,000)	Town Clerk and Chairmen of appropriate Committee and Policy and Finance Committee

In all cases up to £20,000 where the lowest tender received is in excess of 5% above the original estimate, or in cases over £20,000 where it is in excess of the original estimate, it shall be reported to the appropriate committee for acceptance or otherwise.

(b) Public Advertisement

Contracts which exceed £95,000 in value or amount for the supply of goods or materials or the execution of any work for which provision has been made in the annual budget shall not be made unless at least ten days public notice has been given in one or more of the local newspapers circulating in the district. Provided that it shall not be obligatory for the Council or any committee or sub-committee exercising powers delegated by the Council to invite tenders for a contract or materials where effective competition is prevented by Government control or where the Town Clerk reports in writing to the Council or to the committee or sub-committee exercising such powers that effective competition is prevented by the special nature of the goods or materials required. Nor shall it be necessary to give public notice of the intention to enter into such a contract.

(c) Standing Lists of Tenderers

- (i) Where the Council has determined that lists shall be kept of persons to be invited to tender for contracts for the supply of goods and materials of specified categories, values or amounts or for the execution of specified categories of work, notices inviting applications for inclusion in the lists shall be published in one or more newspapers or journals circulating amongst such persons as undertake contracts of specified values or amounts or categories.
- (ii) The list shall contain the names of all persons who wish to be included in it and are approved by the appropriate committee and indicate whether a person whose name is included on it is approved for contracts for all, or only some of the specified values or amounts or categories.
- (iii) The said list shall be amended as required from time to time and shall be reviewed at intervals not exceeding five years.
- (iv) Where, by virtue of a decision of the Council or of the committee or the Town Clerk duly authorised on that behalf, invitation to tender for a contract is limited to persons whose names appear on the list maintained under this Order, an invitation to tender for a particular contract shall be sent:

In respect of contracts of above £7,500 but less than £20,000 to three tenderers, less than £65,000 to four tenderers, £65,000 and above to five tenderers. Should the said list not include the required number of tenderers, then a minimum of three will be invited to tender.

(d) Exceptions to procedures

The Order shall not apply to:-

- (i) the supply of goods and materials or the execution of works of less than £7,500 in value;
- (ii) purchase by auction;
- (iii) purchase or repair of patented or proprietary goods or materials sold at fixed price;
- (iv) purchase of materials normally supplied by specialist contractors;
- (v) the execution of work, the purchase of goods or materials or the provision of services involving special, scientific or artistic knowledge;
- (vi) the execution of work or the purchase of goods or materials which are a matter of urgency after prior reference to the appropriate Committee Chairman;
- (vii) the purchase of goods or materials which the Town Clerk may, from time to time, deem it expedient to make in the open market provided that before making any such purchase the approval of the Chairman of the appropriate committee concerned is obtained and finance is available in the appropriate budget;
- (viii) contracts with professional persons for the execution of works in which the personal skills of the person is of primary importance, and
- (ix) those contracts where a committee may expressly determine that it is in the Council's interest that a tender be negotiated directly with a contractor or supplier of goods or services.

(e) Requirements for submission of tenders

Where in pursuance of Standing Order 39.2(a) public invitation to tender is required, every notice of such invitation shall state that no tender will be received except in a plain sealed envelope which shall bear the word "Tender" followed by the subject to which it relates, but shall not bear any name or mark indicating the sender and such envelopes shall remain in the custody of the Town Clerk until the time appointed for their opening.

(f) Declarations as to conduct of Tenderer

In connection with the submission of tenders for the execution of works or supply of goods and materials, declaration shall be obtained from each tenderer in the following form:-

"We declare that we are not parties to any scheme or arrangement under which

- (i) we communicate the amount of our tender to any other person or body before the contract is let;
- (ii) any other tenderer for the works, which are the subject of our tender, is reimbursed any part of his tendering costs, and
- (iii) our tender prices are adjusted by reference directly or indirectly to the prices of any other tenderer for the works.

No provision is made in our tender price for any reimbursement of any adjustment of any contribution thereto."

(g) Procedure for opening tenders

Tenders shall be opened by the Town Clerk or an official of the Council designated by him at one time and only in the presence of such Member or Members of the Council as may have been designated for the purpose by the Council or by the committee or sub-committee to which the power of making the contract to which the tenders relate has been delegated. Where tenders have been opened in pursuance of this paragraph they shall be recorded and reported to the next meeting of the appropriate committee or sub-committee.

(h) Limitations of acceptance of tenders

A tender other than the lowest tender if payment is to be made by the Council or the highest tender if payment is to be received by the Council shall not be accepted until the Council shall have considered a written report from the appropriate Officer or other appointed specialist advisor.

39.3 Contracts for Supplies and Services, etc.

Every contract which exceeds £10,000 in value or amount shall be in writing.

Every contract in writing shall be signed by the Town Clerk on behalf of the Council.

39.4 Contracts for Supplies, Services or Works

Every contract for which provision has been made in the approved annual estimates and/or approved by the appropriate committee or Sub-Committee of the Council pursuant to Standing Orders and being in value of amount less than £10,000 shall be entered into on behalf of the Council by the Town Clerk or his nominated representative by issuing an official order only.

39.5 Contents of written Contracts and Penalties

Every written contract shall specify:-

- (i) the work, materials, matters or things to be furnished, had or done;
- (ii) the price to be paid with a statement of discounts or other deductions, and
- (iii) the time or times within which the contract is to be performed.

39.6 Corrupt Practices

There shall be inserted in every written contract a clause empowering the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do for having done or forborne to do any action in relation to the obtaining or execution of the contract or any other contract with the Council, or for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Council, or if the like acts shall have been done by any person employed by him/her or acting on his/her behalf (whether with or without the knowledge of the contractor) or if in relation to any contract with the Council the contractor or any person employed by him/her or acting on his/her behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or shall have given any fee or reward the receipt of which is an offence under section 117(2) of the Local Government Act 1972.

40. Complaints Procedure

- 40.1 The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner outlined in the Council's adopted Complaints Procedure, other than those complaints which should be properly directed to the North Somerset Standards Committee.

41. Variation, Revocation and Suspension of Standing Order

- 41.1 Any part of these Standing Orders except those printed in bold type may be suspended by resolution in relation to any specific item of business.
- 41.2 A motion 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 to allow time for the Town Clerk to research the implications of the proposal.

42. Record of Attendance at Meetings

- 42.1 The Town Clerk shall maintain a Record of Attendances in respect of meetings of the Council and of its Committees.

43. Distribution and Construction of Standing Orders

- 43.1 A printed copy of these Standing Orders shall be given to each member by the Town Clerk upon delivery to the Town Clerk of the Member's Declaration of Acceptance of Office.
- 43.2 The ruling of the Chairman as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council, shall not be challenged at a meeting of the Council.

44. Code of Conduct

- 44.1 Members of the Council shall be bound by the Code of Conduct which was adopted by Weston-super-Mare Town Council on 2nd July 2012. The Code is available on request and published on the Town Council's website.

45. Financial Regulations

- 45.1 These Standing Orders shall be read in conjunction with the Financial Regulations of the Council as amended from time to time, which shall be available on request and published on the Town Council's website.

6.

WESTON-SUPER-MARE TOWN COUNCIL



FINANCIAL REGULATIONS

(Adopted 14th March 2016)

These Financial Regulations were adopted by the Council at its meeting held 14th March 2016..

1. General

- 1.1 These financial regulations govern the conduct of the financial transactions of the Council and may only be amended or varied by resolution of the Council.
- 1.2 The Responsible Financial Officer (RFO), under the Policy direction of the Council, shall be responsible for the proper administration of the Council's affairs. Allowing that delegation to other members of staff is necessary, the Responsible Financial Officer's duties are as follows.

6.

- 1.1.1 Prepare Financial Reports for the Council and Committees as required. These reports will cover budget monitoring, fund balances, receipts, payroll, payments of accounts and other relevant financial matters
- 1.1.2 Prepare Draft Estimates which, when approved by the Council, will form the Annual Budget for monitoring and control purposes, as well as report on comparisons between actual and budgeted expenditure to appropriate committees and the Council.
- 1.1.3 Submit the Precept to the District Council.
- 1.1.4 Control the banking of all money received and payments expended by the Council, manage cash flow and control investments and bank transfers.
- 1.1.5 Ensure that all money due to the Council is billed, collected and banked promptly.
- 1.1.6 Identify the duties of all officers responsible for financial transactions and ensure, as far as possible, the division of responsibility of those officers to avoid potential conflict.
- 1.1.7 Control and manage all payments by cheque, autopay, Bank Transfer / BACS, cash or Direct Debit.
- 1.1.8 Undertake the overall management of payroll including the Local Government Pension Scheme. Ensure the prompt payment of tax and national insurance payments at the correct times and ensure, where appropriate, the prompt payment of sums due to the Pension Authority.
- 1.1.9 Ensure all VAT returns are submitted promptly and VAT inspections are dealt with in a proper and timely manner.
- 1.1.10 Ensure that all invoices for payment are allocated to the correct expenditure heads.
- 1.1.11 Ensure the production of final accounts and financial statements and report to the appropriate committee and Council in accordance with the Accounts and Audit (England) Regulations 2011 and the Audit Commission Act 1998.
- 1.1.12 Ensure the productions of accounts and records for external audit in accordance with the Accounts and Audit (England) Regulations 2011 and the Audit Commission Act 1998.
- 1.1.13 Monitor compliance with the Council's Financial Regulations to ensure correct financial systems are in place and to ensure compliance with accounting requirements and legislation.
- 1.1.14 Manage insurance and other risks, process claims as necessary and report as appropriate to the Council or appropriate Committee.
- 1.1.15 Maintain the Council's register of property and assets as required by section 5 (3b) of the -Accounts and Audit (England) Regulations 2011

2 Annual Estimates

- 2.1 The policy and Finance Committee, together with each Standing Committee, shall formulate and submit proposal to the Council in respect of Revenue and Capital costs for the following financial year not later than the end of November each year.
- 2.2 Detailed estimates of all receipts and payments for the year shall be prepared each year by the RFO
- 2.3 The Council shall review and set the Budget not later than the end of ~~December~~ January each year and shall fix the Precept to be levied for the ensuing financial year. The RFO shall supply each member with a copy of the approved Budget
- 2.4 The annual Budget shall form the basis of financial control for the ensuing year.
- 2.5 The Council shall prepare and have regard to a 5 year forecast (Medium Term Financial Plan) which shall be prepared and reviewed annually.

3. Budget Control

- 3.1 Expenditure on Revenue items may be incurred up to the amounts included in the approved budget. Virement within individual budget headings shall be delegated to the Town Clerk having been prepared by the RFO. Virement between one cost centre and another shall be determined by the Town Council.
- 3.2 No expenditure may be incurred which will exceed the amount provided in the revenue budget without reference to the Policy and Finance Committee, who may decide to refer the matter to the Town Council
- 3.3 The RFO shall provide the Policy and Finance Committee and the Council with a monthly statement of Income and Expenditure under each head of the budgets, comparing actual expenditure against the Budget.
- 3.4 The Town Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is a budgetary provision for the expenditure, subject to a limit of £5,000. Such decisions will be reported to the Town Council at the earliest opportunity.
- 3.5 The Town Clerk, together with the Leader of the Council and Chairman of the Policy and Finance Committee, shall be authorised under extreme urgency to incur such expenditure up to the sum of £10,000. Such decision will be reported to the Town Council at the earliest opportunity.

- 3.6 Unspent provisions in the Revenue budget shall not be carried forward to a subsequent year unless approved by the Policy and Finance Committee.
- 3.7 No expenditure shall be incurred in relation to any Capital project and no contract entered into tender accepted involving Capital expenditure unless the Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- 3.8 All works shall be administered in accordance with the Council's Standing Orders and Financial Regulations relating to contracts.

4. Accounting and Audit

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit (England) Regulations 2011
- 4.2 The RFO shall be responsible for completing the annual financial statements of the Council as soon as practicable after the financial year and shall submit them and report thereon to the Council.
- 4.3 The RFO shall be responsible for ensuring completion of all accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed) and for submitting the Annual Return for approval and authorisation by the Council within the timescale set by the Accounts and Audit (England) Regulations 2011 as amended or set by the auditor.
- 4.4 The RFO shall be responsible for ensuring that there is an independent, adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with Regulation 5 of the Accounts and Audit (England) Regulations 2011 as amended. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.
- 4.5 An Internal Auditor, who shall be competent and independent of the operations of the Council, shall be appointed by the Council. The Internal Auditor will report to the Council in writing as per the agreed Internal Audit plan with a minimum of one annual report in respect of each financial year.
- 4.6 The Internal Auditor shall carry out work required by the RFO and the Council, with a view to satisfactory completion of the Internal Auditor's Report section of the Annual Return as compiled.

- 4.7 The RFO shall make arrangements for the opportunity for inspection of the accounts, books and voucher required by the Accounts and Audit (England) Regulations 2011 and the Audit Commission Act 1998 section 15 and any subsequent amendments thereto.
- 4.8 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor unless the correspondence is of a purely administrative matter.

5 Banking Arrangements and Cheques

- 5.1 The Council's and Youth Council's banking arrangements shall be made by the RFO and approved by the Council. They shall be regularly reviewed for efficiency.
- 5.2 A schedule of the payments made, forming part of the agenda, shall be presented to each meeting of the Policy and Finance Committee. If the schedule is in order it shall be authorised by a resolution of the Council and shall form part of the Minutes of the meeting.
- 5.3 Cheques drawn on the bank account in accordance with the schedule referred to in Paragraph 5.2 or with paragraph 6.7 shall be signed by 2 nominated members of the Council.
- 5.4 To indicate agreement of the details shown on the cheque or order for payments the signatories shall each also sign the schedule presented with the cheques for signature.

6 Payment of Accounts

- 6.1 All payment shall be effected by cheque or other payment drawn on the Council's Bankers
- 6.2 All invoices for payments shall be examined and verified by the finance department and then certified by the RFO who shall satisfy him/herself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.
- 6.3 The Finance department shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The approved Spending Officer or RFO shall approve the invoices for payment.
- 6.4 The RFO shall maintain a Petty Cash float of £250 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.

Other Petty Cash Floats will be:-

- Grounds - £50
 - Museum - £100
- 6.5 Income received must not be paid into the Petty Cash Float but must be separately banked, as provided elsewhere in these regulations.
- 6.6 Payments to maintain Petty Cash Float shall be shown separately on the schedule of payments presented to Council under 5.2 above.
- 6.7 If payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debt (interest) Act 1998 and the due date for payment is before the next scheduled Meeting of the Policy and Finance Committee, where the RFO certifies that there is no dispute or other reason to delay payment the Clerk may (not withstanding para. 6.3) take all steps necessary to settle such invoices provided that a list of such payments shall be submitted to the next appropriate meeting of the Policy and Finance Committee.
- 6.8 Small local businesses will be paid before the next scheduled Meeting of the Policy and Finance Committee if necessary, subject to the RFO certifying that there is no dispute or other reason to delay the payment.
- 6.9 The Town Council operates on an Imprest Account for the day to day administration and salaries.
- a) The balance of the Imprest Account is determined by the Policy and Finance Committee and is reimbursed monthly as such.
 - b) Funds are transferred into the Imprest Account by approval and cheque or bank transfer / BACS signed by two nominated members from the Policy and Finance Committee.
 - c) Imprest cheques are to be signed by two out of four administrative members of staff.

7 Payment of Salaries

- 7.1 The Payment of salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating and salaries shall be as agreed by Council.
- 7.2 Payment of salaries and payment of deductions from salary, such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates.

8 Loans and Investments

- 8.1 All loans and investments shall be negotiated in the name of the Council and shall be set for a period in accordance with the Council's Treasury Management Strategy.
- 8.2 The Council's Investment Policy shall be in accordance with the Trustee Act 2000 and shall be reviewed on a regular basis.
- 8.3 All investments and money under the control of the Council shall be in the name of the Council
- 8.4 All borrowings shall be effected in the name of the Council after obtaining the necessary borrowing approval. Any application for borrowing approval shall be approved by the Council as to terms and purpose.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

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 The Council will review all fees and charges annually following a report by the RFO or other relevant officer.
- 9.3 All sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year. Any bad debts amounting to less than £100 may be written off by the RFO by reported to the Council at the next appropriate meeting.
- 9.4 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all income shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 9.5 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.6 The RFO shall ensure that any VAT Return that is required is promptly completed. Any payment claim due in accordance with VAT Act 1994 section 33 shall be made quarterly.
- 9.7 Where any significant sums of cash are received by the Council, the RFO shall take such steps as are necessary 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.

10 Orders for Works, Goods and Services

- 10.1 A Purchase Order or letter shall be issues for all works, goods and services unless a formal contract is prepared or an official order would be inappropriate. Copies of orders shall be retained and attached to invoices.
- 10.2 All members and Officer are responsible for obtaining value for money at all times. An officer issuing an official order is to 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 provision in Regulation 11 below and Standing Order 39.2. (Full details are described within the Council's approved procurement guide).
- 10.3 Order books shall be controlled by the RFO.
- 10.4 The RFO /Town Clerk shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new of 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 (as one example: grants).

11 Contracts

- 11.1 Procedures as to contracts are laid down as follows:
- 11.2 ***Any procurement and award of contracts covered by the 2015 Regulations which have a estimated value of £25,000 or more must satisfy the requirements of the 2015 Regulations which include use of the Contracts Finder website.***
 - 11.1.1 Every contract shall comply with these financial regulations and no exceptions shall be made other than in an emergency as described at regulation 3.5 provided that these Regulations shall not apply to contacts which relate to items 1 to 5 below
 - 1. for the supply of gas, electricity, water, sewerage and telephone services.
 - 2. for specialist services such as provided by solicitors, accountants, surveyors and planning consultants.

3. for works to be executed or goods/materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant.
 4. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council.
 5. for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
 6. for additional audit work of the external Auditors up to an estimated £250 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of Policy & Finance Committee);
- 11.1.2 Where it is intended to enter into a contract exceeding £5,000 in value for the supply of goods or materials or for the execution of works or specialist services other than those exceptions listed in paragraph 11.1.1 the RFO shall act in accordance with Standing Order 39.
- 11.1.3 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 Resolution of the Council.
- 11.1.4 Any invitation to tender shall state the general nature of the intended contract and the Town Clerk / RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall, in addition, state that the tenders must be addressed to the Town Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- 11.1.5 All sealed tenders shall be opened at the same time on the prescribed date by the Town Clerk or RFO in the presence of at least two Members of the Council.
- 11.1.6 If less than three tenders are received for contract above £10,000 or if all the tenders are identical the Council may make such an arrangement as it thinks fit for procuring the goods or materials or executing the works.
- 11.1.7 Any invitation to tender issued under this regulation shall contain a statement to the effect of Standing Orders 39(e) and 39(f).

- 11.1.8 When it is intended to enter into a contract of less than £7,500 in value for the supply of goods or materials or for the execution of works or specialist services other than those exceptions listed in paragraph 11.1.1, the RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £1,000 and above £100 the RFO shall strive to obtain three estimates. Otherwise, regulation 10 (2) above shall apply.
- 11.1.9 The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- 11.1.10 The Council will work within its Procurement Policy.

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 retention as may be agreed in the particular contract).
- 12.2 Where contracts provide for payments by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of the work carried out under contract, excluding agreed variations, will exceed the contract sum by 5% or more a report shall be submitted to the Council.
- 12.3 Any variations or additions to or omission from a contract must be approved by the Town Clerk to the Contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

13 Stores and Equipment

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

14 Properties and Estates

- 14.1 The Town Clerk shall make appropriate arrangements for the custody of all title deeds of the properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which help in accordance with Regulation 4(3)(b) of Accounts and Audit (England) Regulations 2011 or as amended.
- 14.2 No property shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents by law, save where the estimated value of any one item of tangible movable property does not exceed £100, in which case the Town Clerk may make the decision to dispose.

15 Insurance

- 15.1 Following an annual risk assessment, the RFO shall effect insurances and negotiate all claims on the Council's insurers.
- 15.2 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 15.3 The RFO shall be notified of any loss, liability, damage or any event likely to lead to a claim and shall report these to Council at the next available meeting.
- 15.4 All appropriate employees of the Council shall be included in a suitable Fidelity Guarantee insurance which shall cover the maximum risk exposure as determined by the council

16 Charities

- 16.1 Where the Council is the sole Trustee of a Charitable body the 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 RFO shall arrange for any Audit of Independent Examination as may be required by Charity Law or any Governing Document.

17 Risk Management

- 17.1 The RFO shall carry out Risk Assessment and Management using a robust, proportionate and appropriate method across all activities of the Council together with Risk Management Policy.
- 17.2 All reports prepared for a decision by the Town Council shall include sections on "Financial Implications" and "Risk Assessments".

18 Revision of Financial Regulation

- 18.1 It shall be the duty of the Council to review the Financial Regulations of the Council from time to time.

REPORT TO POLICY AND FINANCE COMMITTEE – 17TH FEBRUARY 2016

CONSULTATIONS ON THE WEST OF ENGLAND BUS STRATEGY & CYCLING AND WALKING INFRASTRUCTURE PLAN

REPORT OF THE TOWN CLERK

The Consultations

This consultations are open until 15th March 2020, please see:

www.travelwest.info/transportconsultations

In 2019 the West of England Combined Authority (WECA) plus the four West of England unitary councils consulted on a Transport Plan to steer transport and policy in our area over the next 20 years up to 2036. They are now consulting on:

- a Bus Strategy
- a Cycling and Walking Infrastructure Plan

The Bus Strategy outlines how the Regional Mayor and the West of England Combined Authority's ambition of doubling bus passenger numbers by 2036 can be achieved by improving the network, doubling frequency on some routes and creating better, faster, more reliable and more accessible services across the West of England. Although North Somerset Council previously declined to join WECA it is being included in both the Bus Strategy and the Cycling and Walking Plan and in the two consultations. The Local Cycling and Walking Infrastructure Plan outlines £400m of infrastructure projects that could dramatically improve cycling and walking across the region and help to make active travel the preferred choice for shorter trips. A Local Cycling and Walking infrastructure plan is a first step to the West of England Combined Authority identifying and securing future funding to make these projects a reality.

Climate Change Emergency

The Town Council has declared a climate change emergency. We need to urgently reduce carbon emissions, tackle traffic congestion and improve air quality. But, over time, our dependency on the private car to make many of our journeys has grown substantially and, whilst the real cost of driving has remained broadly the same, the cost of catching the bus has increased. The transport sector is the largest single source of carbon emissions contributing to climate change in the south west. All four local authorities and WECA have now also declared climate emergencies. We need to work towards ensuring that transport is carbon neutral by 2030. To do this motor vehicle use has to fall substantially. The answer therefore involves all of us using more sustainable, types of transport in the future, by walking and cycling more and using public transport.

In addition higher levels of cycling and walking in particular are demonstrably better for air quality, health and wellbeing, the economy, accessibility and place making. Employees who walk or cycle take fewer sick days, customers who walk or cycle spend more in High Street shops than those who travel by private car (source: WECA Cycling and Walking Plan pp 8 and 9)

How to Respond to the Consultations

The West of England Combined Authority (WECA) is working with Bath & North East Somerset, Bristol, North Somerset and South Gloucestershire councils to ensure the two consultations reach as many residents as possible.

Views on bus services, cycling and walking in the West of England, can be given by visiting www.travelwest.info/transportconsultations

Paper copies of the published documents and questionnaire are available on request by calling 0117 428 6210 or by email at consultation@westofengland-ca.gov.uk

Conclusion

The two consultations contain detailed questions about how to encourage more bus use, cycling and walking. As Town Clerk I have no particular expertise in transport planning; however given the Town Council's recognition of the importance of the climate change issue I would suggest that the Town Council should at least be keen to support the broad direction proposed in the two consultations. I would encourage councillors to read the two consultations online and form their own views to be included in a response from the Town Council.

Individual members of the council are also encouraged to respond direct to the two consultations with their own views.

Recommendation

The Council's instructions on how to respond are requested.

Malcolm L Nicholson LLB (Hons), DMS, PSLCC
Town Clerk
10th February 2016