

SUDBURY TOWN COUNCIL

**MINUTES OF THE MONTHLY MEETING OF SUDBURY TOWN COUNCIL
HELD IN THE TOWN HALL, SUDBURY, ON TUESDAY 13th FEBRUARY 2024 AT 7.00PM**

Present: Mrs J Osborne - Mayor of Sudbury, in the CHAIR.

Mrs M Barrett	Mr A Osborne
Mr P Beer	Ms J Rawlinson
Mr N Bennett	Mr T Regester
Ms J Carter	Mr A Stohr
Mr S Hall	Mr A Welsh
Ms E Murphy	Mr N Younger

In attendance: Mr C Griffin Town Clerk

1 **APOLOGIES**

Apologies for absence were received from Councillors Mrs P Berry-Kilby, Mr M Olyver and Ms A Owen.

2 **DECLARATIONS OF INTEREST**

Councillors Mr Beer, Ms Carter, Mr Osborne, and Mr Regester declared they were Babergh District Councillors.

Councillors Mr Beer and Ms Carter declared that they were Suffolk County Councillors.

3 **DECLARATIONS OF GIFTS AND HOSPITALITY**

No declarations of gifts or hospitality were made.

4 **REQUESTS FOR DISPENSATION**

No requests for dispensation had been received.

5 **MINUTES**

There was a manuscript amendment to the name of the road in the fourth paragraph of item 7 on page 26. In the third line the name 'Ashmore Rise' was amended to 'Ashmere Rise' before the minutes were signed.

RESOLVED

That the minutes of the Full Council meeting held on 9TH January 2024 be confirmed and signed as an accurate record.

6 ACTIONS FROM PREVIOUS MINUTES

The Town Clerk advised that there were no outstanding actions from the previous meeting.

7 REPORTS**a)** Suffolk County Council (SCC) reports

County Councillor Mr Philip Faircloth-Mutton summarised his report which had been circulated to all members prior to the meeting and asked for any questions . A copy is included at page 97. There were no questions.

County Councillor Ms Jessie Carter hoped that members had read her report which had been circulated to all of them prior to the meeting and asked for any questions. A copy is included at pages 98 to 100. There were no questions.

RESOLVED

That Councillors Ms Jessie Carter and Mr Philip Faircloth-Mutton thanked for their reports.

b) Babergh District Council (BDC) report – District Councillor Ms L Smith hoped that members had read her report which had been circulated to all of them prior to the meeting and asked for any questions. A copy is included at page 101. Members raised the following points;

- The deadline for bids to run the café in Belle Vue Park had been extended to allow time for more bidders to come forward.
- The attachment with the car park survey report had not been circulated with the main report and the Town Clerk offered to find it and pass it on.

RESOLVED

That Councillor Ms L Smith be thanked for her report.

c) Policing report – Sgt Olly Williams, the community police sergeant for Sudbury attended the meeting accompanied by PC Deon Ramdhanie and the Mayor expressed her gratitude for having them present. Sgt Williams gave a verbal report highlighting;

- How well the new community policing model had operated over its first month.
- How successful the police gazebo had been in public engagement on market days.
- How the police were re-vitalising the community safety accreditation scheme (CSAS) which would allow the Town Council's community wardens to exercise some limited police powers once they were trained and accredited.

The Mayor noted that the Police and Crime Commissioner had yet to respond to the Town Council's letter sent on 7th December 2023 asking for an update on the request for a trial of an automatic number plate recognition (ANPR) system in the Sudbury area.

RESOLVED

That Sgt Williams be thanked for his report.

d) Mayor's Announcements – The Mayor explained that she had had a quiet month with few engagements. She asked members to make their best efforts to attend the Annual Town Meeting on Friday 22nd March and to encourage as many members of the public as possible to attend.

RESOLVED

That the Mayor be thanked for her report.

e) Public Forum – A member of the public spoke on behalf of the Sudbury Chamber of Commerce. He expressed his concern on the planned closure of Market Hill to parking over the summer months and asked if all the businesses on Market Hill had been consulted by the Town Council. It was noted that this would be discussed under item 9.

8 TO NOTE THE MINUTES OF THE FOLLOWING COMMITTEES:

Planning, Development & Highways on 15th January and 29th January – The Chairman recommended noting the minutes.
It was **RESOLVED** to note the minutes.

Leisure and Environment on the 30th January – The Chairman recommended noting the minutes.
It was **RESOLVED** to note the minutes.

Finance on the 6th February – The Chairman recommended noting the minutes.
It was **RESOLVED** to note the minutes.

HR on 19th January and 2nd February – The Chairman recommended delaying her report on these minutes until the Private and Confidential section at the end of the meeting.

9. TO CHANGE THE COUNCIL'S POLICY ON CLOSING MARKET HILL TO TRAFFIC AND PARKING FOR THE WHOLE SUMMER, AS DECIDED IN JUNE 2022

Councillor Mrs M Barrett had submitted the following motion for debate and it was seconded.

To change the council's policy on closing market hill to traffic and parking for the whole summer, as decided in June 2022, and instead retain the current traffic flow and parking system throughout the year. This change is required as the economic viability of the town is being threatened by Babergh district council's proposals on reducing the free parking period in their car parks. In their original consideration of the plan to pedestrianize the market hill Sudbury town councillors were hoping that impact on closing parking bays would be mitigated by the availability of free parking nearby. That cannot now be assured. No economic impact assessment has been conducted in the summer period although this was agreed. This closure cannot take place without a thorough and timely

impact assessment that provides comparative data to allow proper evaluation to take place at the end of the temp closure.

Before the debate Councillor Mrs M Barrett asked to amend her motion to the version below.

Since this council gave approval in June 2022 for the temporary closure of the Market Hill to parking and to traffic on its north side there has emerged another threat to jobs and local economy. We may see the unwelcome parking charges imposed on town car parks owned by Babergh.

In the light of this new threat to our town economy which relies on visitors coming into the centre of the town to do their shopping we must reverse this decision to close 44 parking bays which could further hasten the end of retail in the town. In addition, Councillors called for and have raised concerns during this last year that no economic assessment has been made and some business owners have not even been aware of this step.

I propose that council retain parking bays on the Market Hill and only remove parking bays on north side of Market Hill in the summer months. This is the side that runs from near McColls to the Lady Elizabeth public house whilst retaining approximately 3 bays outside Boots as disabled parking, the bays beyond this to Greggs bakers are on double yellow lines. Bays to the east from Clarks to McColls could also be retained as valuable parking bays.

The dedicated bays could be protected by relocating the town's black plastic planters that are located around town but were originally intended for the market hill. The closed bays would be immediately adjacent to cafes/pub on this side of the hill thus allowing operators to service tables positioned close by. People will be familiar with this type of arrangement as this is common in towns and villages across the continent. This new scheme would result in the loss of approximately 8 parking bays whilst achieving what I think the previous council wanted to achieve, that of a cafe culture in Sudbury.

In summary my amendment is to overturn this council resolution of June 22 to close the entire area to traffic and parking and instead to close just 8 bays along the north side of the Market Hill and allow cafes to use the space to offer outdoor tables in summer months, subject to the approval of at least 3 of the hospitality businesses on the north side of Market Hill (Prado Lounge, Costa Coffee and the Lady Elizabeth)

After an extensive debate, the amended motion was put to a vote.

RESOLVED

That the members do not support the amended proposal for Market Hill.

After further debate, the original version of the motion was put to a vote.

RESOLVED

That the members do not support the original motion to change the Council's policy on pedestrianising Market Hill during the summer months. The Council's policy set in June 2022 stands.

10. TO APPROVE THE RECOMMENDATION FROM THE LEISURE AND ENVIRONMENT COMMITTEE THAT £10,230.21 EXCLUDING VAT BE SPENT FOR SCOPING, DESIGN AND ARTWORK FOR THE NEW TOWN CENTRE SIGNS.

The Chair of the Leisure and Environment Committee proposed approval of the spending on the new town centre signs.

RESOLVED

That, under the power of the Local Government Act 1972, s.144, members approve the expenditure of £10,230.21 excluding VAT for scoping, design and artwork for the new town centre signs.

11. TO APPROVE THE RECOMMENDATION FROM THE LEISURE AND ENVIRONMENT COMMITTEE THAT £7,250 EXCLUDING VAT BE SPENT FOR ILLUSTRATION, ARTWORK AND DESIGN DRAWINGS FOR THE NEW BOUNDARY SIGNS.

The Chair of the Leisure and Environment Committee proposed approval of the spending on the new boundary signs.

RESOLVED

That, under the power of the Local Government Act 1972, s.144, members approve the expenditure of £7,250 excluding VAT for illustration, artwork and design drawings for the new boundary signs.

12. TO APPROVE THE RECOMMENDATION FROM THE LEISURE AND ENVIRONMENT COMMITTEE THAT UP TO £7,750 EXCLUDING VAT BE SPENT FOR BABERGH DISTRICT COUNCIL TO EMPTY THE DOG AND LITTER BINS IN THE FINANCIAL YEAR 2024 - 2025.

The Chair of the Leisure and Environment Committee proposed approval of the spending on emptying dog and litter bins in the next financial year.

RESOLVED

That, under the power of the Litter Act 1983, s.6, members approve the expenditure of up to £7,750 excluding VAT for emptying dog and litter bins in FY 2024-2025.

13. TO APPROVE THE RECOMMENDATION FROM THE LEISURE AND ENVIRONMENT COMMITTEE THAT £6,500 EXCLUDING VAT BE SPENT ON A REPLACEMENT TOWN HALL CCTV SYSTEM.

The Chair of the Leisure and Environment Committee proposed approval of the spending on replacement of the Town Hall CCTV system.

RESOLVED

That, under the power of the Local Government Act 1972, s.111, members approve the expenditure of up to £6,500 excluding VAT for the replacement Town Hall CCTV system.

14. TO APPROVE THE RECOMMENDATION FROM THE LEISURE AND ENVIRONMENT COMMITTEE THAT £11,500 EXCLUDING VAT BE SPENT ON A NEW MARKET WASTE DISPOSAL CONTRACT.

The Chair of the Leisure and Environment Committee proposed approval of the spending on a new market waste disposal contract.

RESOLVED

That, under the power of the Local Government Act 1972, s.111, members approve the expenditure of up to £11,500 excluding VAT for a new waste disposal contract with the district council for market waste.

15. TO APPROVE THE EXPENDITURE OF £11,000 EXCLUDING VAT PER ANNUM FOR A NEW 3-YEAR SERVICE LEVEL AGREEMENT WITH BABERGH DISTRICT COUNCIL FOR THE TOWN CENTRE CCTV.

The Town Clerk explained that the current service level agreement (SLA) for support to the town centre CCTV system would expire on 31st March 2024. Babergh District Council had recently confirmed the conditions that they would offer for a new SLA for support to this CCTV system. Babergh District Council would offer another 3-year agreement with the same wording as the previous SLA with only the relevant costs and dates changed. The changes would be;

- The period of the new agreement would be 3 years from 1st April 2024 to 31st March 2027.
- The payment by Sudbury Town Council would be £11,000 (excluding VAT) per annum.

RESOLVED

That, under the power of the Local Government Act 1972, s.111, members approve the expenditure of £11,000 excluding VAT per annum for 3-year service level agreement to provide CCTV coverage in Sudbury Town Centre.

That the Town Clerk is authorised to sign the new service level agreement for the CCTV.

16. TO APPROVE THE EXPENDITURE OF £4,240 EXCLUDING VAT FOR THE ANNUAL MICROSOFT SOFTWARE LICENCES FOR THE TOWN COUNCIL

The Town Clerk explained that the current annual agreement for software licences would run out on 20 February 2024. Paying a single annual charge was cheaper than monthly bills for the Microsoft Office365 software. The annual cost for the next 12 months would be £4,239.60. This would cover 3 enhanced accounts for those staff who needed to set up and run MS Teams broadcasts, standard accounts for the rest of the office based staff and basic email accounts for all councillors.

RESOLVED

That, under the power of the Local Government Act 1972, s.111, members approve the expenditure of £4,240 excluding VAT for the annual Microsoft software licences for the town council.

17. TO APPROVE THE REVISED STANDING ORDERS.

The Town Clerk explained that the Standing Orders needed to be approved by the full council at least once every year. The only change proposed was the uplift in the figures for the public supply, public service contracts and public works contracts.

RESOLVED

That the revised Standing Orders at pages 102 to 124 be adopted for immediate use by Sudbury Town Council.

18. TO APPROVE THE REVISED FINANCE REGULATIONS.

The Town Clerk explained that the Financial Regulations needed to be approved by the full council at least once every year. All the proposed changes were shown in red 'track changes' in the draft that had been circulated with the agenda. The changes removed the old staff roles which no longer existed and replaced these with the roles in the new staff structure. The new figures for the public supply, public service contracts and public works contracts were also included.

RESOLVED

That the revised Financial Regulations at pages 125 to 143 be adopted for immediate use by Sudbury Town Council.

19. TO AUTHORISE THE EXECUTION OF THE NEW LEASE FOR THE SUFFOLK REGISTRARS USE OF THE TOWN HALL.

The Town Clerk explained that the draft lease for the parts of the Town Hall used by the Suffolk Registrar Service had been delayed for a long time as the county council had insisted on some unnecessarily onerous clauses. The county council had recently agreed to the removal of these clauses from the draft lease and the town council's solicitor was now able to recommend that the lease be sealed and signed.

RESOLVED

That the Town Clerk is authorised to execute and seal the legal deeds for the lease for part of the Town Hall to Suffolk County Council Registrars and this is to be signed in accordance with Standing Order 23.

20. TO AGREE THE RESPONSE TO THE BDC PARKING SURVEY.

Babergh District Council had sent an email asking the town council for feedback on their proposal to vary parking charges in Sudbury, Hadleigh, Lavenham and Chelmondiston as they were no longer able to afford to subsidise 'free parking'.

RESOLVED

That the Town Clerk is to reply on behalf of the Town Council using the policy agreed at their extraordinary meeting on 2nd January 2024. In addition, he should emphasise the degree of local opposition to the increased charges shown by the large number who had

signed the petition. The fourth question on sustainable transport had not been covered in the letter, so the Town Clerk was to say that suitable alternative sustainable travel methods were not likely to be viable for many in the foreseeable future and that revenue from increased parking charges would be insufficient to make any significant impact on sustainable travel in the next 20 years.

21. TO APPOINT MEMBERS TO A WORKING GROUP TO CONSIDER OPTIONS FOR PARTY IN THE PARK.

The Leisure and Environment Committee had established a working group to investigate the options for Party in the Park and asked that the members be appointed from any councillors interested across the full council.

RESOLVED

That Councillors Ms E Murphy, Mr A Osborne, Miss A Owen and Mr T Register be appointed to the new Party in the Park Working Group. Their terms of reference are to investigate the options for Party in the Park and to report their recommendations to the Leisure and Environment Committee.

22. TO APPOINT MEMBERS TO A WORKING GROUP TO CONSIDER OPTIONS FOR THE CHRISTMAS FAIR AND LIGHTS.

The Leisure and Environment Committee had established a working group to investigate the options for the Christmas fair and lights and asked that the members be appointed from any councillors interested across the full council.

RESOLVED

That Councillors Mrs M Barrett, Ms E Murphy, Mr S Hall and Miss A Owen be appointed to the new Christmas fair and lights Working Group. Their terms of reference are to investigate the options for Christmas fair and lights and to report their recommendations to the Leisure and Environment Committee.

23. TO APPOINT MEMBERS TO A WORKING GROUP TO CONSIDER OPTIONS FOR MILL ACRE.

The Leisure and Environment Committee had established a working group to investigate the options for Mill Acre and asked that the members be appointed from any councillors interested across the full council.

RESOLVED

That Councillors Mr N Bennett, Ms J Carter, Mr S Hall and Mrs J Rawlinson be appointed to the new Mill Acre Working Group. Their terms of reference are to investigate the options for Mill Acre and to report their recommendations to the Leisure and Environment Committee.

EXCLUSION OF PUBLIC (WHICH TERM INCLUDES THE PRESS)

RESOLVED

That pursuant to the Public Bodies (Admission to Meetings) Act 1960 s.1(2), the public be excluded from the meeting for the business specified in items 8, 24 and 25 as the publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

- 24. TO RECEIVE AN UPDATE FROM THE BELLE VUE WG (CONFIDENTIAL).

Members resolved to extend the meeting by and extra 15 minutes so that it could continue until 9:15pm if necessary.

See CONFIDENTIAL report on pages 143, 145, 146 and 147.

- 25. TO RECEIVE AN UPDATE FROM THE HR COMMITTEE ON THE NEW STAFF STRUCTURE (CONFIDENTIAL).

See CONFIDENTIAL report on pages 143 and 144.

The business of the meeting was concluded at 9:04pm

Chairman..... J.F.O'SL

Sudbury East & Waldingfield County Councillor's Report to Sudbury Town Council 13 February 2024

2024/25 Revenue and Capital Budget

Following the January Scrutiny Committee meeting of the Administration's proposed budget, the County Council will meet on Thursday 15 February to consider the details as circulated in my January report.

- The only points of amendment come in respect of an additional £7.2 million being awarded from HM Treasury as a result of intensive lobbying by the Administration, James Cartledge MP and Suffolk's Conservative MPs.
- If passed, £500,000 per year will be allocated to local arts and heritage organisations across Suffolk, which will replace the current core funding arrangements under which only 9 organisations receive funding. £45,000 will also be awarded to the school music service, which was previously earmarked to be cut. To ensure medium term fiscal sustainability, £6.65 million will be allocated to unallocated reserves to reduce the initial £14 million drawdown to £6.35 million.

Reformed SEND Strategy

Following the recent OFSTED report on the County Council's SEND services, the Cabinet leadership team has been shaken up. Cllr Andrew Reid has been appointed Cabinet Member for SEND and Education, and Cllr Bobby Bennett to Children and Young People's Services.

A new SEND Improvement Board will be established with an Independent Chairperson, along with an additional £4.4 million in the 2024/25 budget on top of the ongoing £55 million capital programme to create additional capacity, such as through the hiring of Educational Psychologists.

Windemere Road Grit Bin

Following last month's Town Council meeting, I liaised with my local highways officer to consider an alternative location at the above-mentioned location.

Unfortunately, it will not be possible to locate a bin on Windemere Road as there are already bins present on the junctions of Landsdown Road and Park Road and also Windemere Road and Ashmere Rise. Further, the gradient of the road is measured as greater than 1 in 15.

I appreciate that this is not the response we had hoped for, but residents should be referred to the alternative locations for grit, when needed, which will continued to be filled by the County Council.

Philip Faircloth-Mutton
February 2024

Report for February 2024 to Sudbury Town Council - From Jessie Carter (SCC Councillor)



Date: 12/02/2024

Email: jessie.carter@suffolk.gov.uk

Phone: 07955 434411

HGV / Lorry Directional Signs

Plans have now been confirmed for new directional HGV and Lorry in Sudbury in hope that this will ease some on roads in the centre of town and unsuitable residential streets. The remainder of my highways budget is being spent on this project.

Faulty ANPR

The faulty ANPR has now been calibrated and should now log speeds correctly.

Locality Budget

Using my locality budget, I have been able to fund a device for the CAB to help able a specialised debt advisor better assist those in need.

Blue Badge Team - Change of Telephone Number

As a direct result of customer feedback, the Blue Badge phone number will be changing, and there will now be a dedicated phone line for Blue Badge customers. From **31 January** the Blue Badge team will be answering enquires on **03456 066 077**, this number will be visible online across the SCC Website, InfoLink and any future published materials. This is a change from the current telephone number, which is 0808 800 4005.

For more information about how you can apply for a blue badge or assist someone to make an application, please visit <https://www.suffolk.gov.uk/roads-and-transport/parking/blue-badge-scheme>

SEND – Ofsted Report

The latest Ofsted report has stated that there are still huge problems in SCC's SEND services.

The council's executive director of people services, and director of children and young people, both left the local authority late last year. Now three senior councillors have resigned their cabinet positions considering the report and new cabinet members have been appointed.

DEFRA's Property Flood Resilience Grant

Those whose homes or businesses were flooded by Storm Babet and have not yet applied for the initial £500 flood recovery grant payment should do so as soon as possible as this is the first step in applying for the further £5,000 for flood protection from the government's

Property Flood Resilience (PFR) Grant. The application process for the latter will begin in early 2024 and after initial eligibility checks by SCC, property owners will be responsible for sourcing an independent surveyor and PFR contractor. Payment of up to £5,000 including VAT will be paid retrospectively to the property owner once the Council receives proof of the completed installation and invoicing for the approved measures.

Further information about the grant eligibility, conditions and the forthcoming application process can be found here: <https://www.suffolk.gov.uk/property-flood-resilience-grant>

For more information about the flood investigations which are due to take place in the wake of Storm Babet, please see <https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/storm-babet>

SCC Budget 20245 / 2025

Budget proposals will go ahead on the next full council on Thursday the 15th of February.

30th January , Cabinet Decision - Revenue Budget 2024-25 and Capital Programme 2024-29

The Cabinet recommended to Council on 15 February 2024:

1. the Council's Budget Strategy as outlined in paragraphs 28 to 29 of the report;
2. the Council's planned revenue expenditure, income and funding as outlined in the 2024-25 Revenue Budget leading to a 2024-25 Budget Requirement of £587,540,436 and the 2024-28 Medium Term Financial Plan as outlined in paragraphs 30 to 32 and Appendices C and E of the report;
3. an increase in Council Tax of 4.99 per cent for 2024-25, equating to a £74.61 rise for a Band D property, from £1,496.43 in 2023-24 to £1,571.04 in 2024-25. Council Tax comprises an element relating to county-wide services and an element for the Social Care Precept, with the rise consisting of:
 - a) an increase in the Council Tax relating to county-wide services of £44.68 for a Band D property, from £1,307.90 in 2023-24 to £1,352.58 in 2024-25, a rise equivalent to a 2.99 per cent increase in Council Tax;
 - b) an increase in the Social Care Precept ringfenced to help fund Adult Social Care of £29.93 for a Band D property, from £188.53 in 2023-24 to £218.46 in 2024-25, a rise equivalent to a 2.00 per cent increase in Council Tax;
4. a Council Tax requirement/total precept on the Collection Funds of Suffolk's District and Borough Councils of £418,306,666 which includes the precept to fund Adult Social Care of £58,167,376;
5. the Reserves Strategy and reserves plans for the period of the 2024-28 Medium Term Financial Plan as detailed in Appendix D of the report;
6. the Capital Strategy, and Capital Programme for 2024-29 totalling £524,995,000 of which £157,895,000 is due to be spent in 2024-25, as

- detailed in Appendix F, Section 1 & Section 2, and paragraphs 45 to 49 of this report);
7. the Minimum Revenue Provision Policy, Treasury Management Strategy, Prudential Indicators and Investment Strategy (Appendix F, Section 3, Section 4 & Section 5);
 8. The estimated additional funding announced by the Secretary of State, 24th January 2024 be used to:
 - (i) reverse the £45k savings on the music service in 2024-25
 - (ii) reduce the draw down from risk reserve by £7.155 million to £8.7 million in 2024-25
 - (iii) recognise a £500,000 per annum project pot for the Arts and Heritage sector commencing from April 2025.
 9. noted that any changes due to the final Local Government Finance Settlement for Suffolk and/or District and Borough Councils finalising their Council Tax and Business Rates tax bases would be adjusted within the transfer to reserves figure. The final settlement is expected in early February.
 10. In making these recommendations Cabinet:
 - a) noted the Scrutiny Update to Cabinet provided at Agenda Item 7, covering the outcome of Scrutiny Committee's meeting on 11 January 2024 focussing on the 2024-25 Budget;
 - b) considered the report of the Chief Financial Officer on the robustness of the budget and on the adequacy of the proposed financial reserves (Appendix A of the report) as under the Local Government Act 2003 the Council was obliged to take account of this report in making decisions on the budget;
 - c) considered the economic context within which the 2024-25 Budget was being set as outlined in Appendix B of the report;
 - d) considered the responses from the survey on the 2024-25 Budget as outlined in Appendix G of the report;
 - e) considered the financial risks, and their proposed mitigations, facing the Council as identified in Appendix D, Section 2 of the report; and
 - f) considered the output of the Equalities Impact Assessments relating to the savings identified in the report and its appendices;
 - g) considered the Chief Financial Officer Addendum report (an update following the Secretary of State Announcement re more funding).and the advice of s151 Chief Financial Officer within the Addendum report.
 11. recognised a £500,000 per annum project pot for the Arts and Heritage sector commencing from April 2025.

Babergh Councillor's report for STC meeting 13/02/24

Cllr Laura Smith (Sudbury SW); 07967 393245; laura.smith@babergh.gov.uk

Belle Vue

- The CIL bid for the new toilet block and café will be decided by Cabinet on Monday 4th March; if successful, works will be ordered the next day and are hoped to take 6 weeks. The team is hoping the facilities will be ready to open in June.
- The deadline for bids to run the café has been extended until 4th March.
- Cllr Carter has arranged for a water fountain to be installed in the park.
- The house has been put up for sale by developers McCabe and Abel who bought it from BDC last year. The planning permission to turn the building into two homes is still in place and must be adhered to.

BDC Budget

Last week the Cabinet reviewed the Budget for 2024/25, which includes a 2.99% increase in Band D Council Tax. Reserves are to be used to plug the budget gap. This will go before Full Council on 20th February (NB this will not include any decision affecting parking charges).

In the Housing Revenue budget, it was agreed to recommend an 8.9% increase in garage rents; 7.7% increase for social rents and £11.13/week increase for affordable rent. Sheltered housing service and utility charges are also recommended to be increased by £49.12/month and £28.95/month respectively, again to be agreed by Full Council.

Planning permission for AFC Sudbury 3g pitch

Permission has been granted for the new training pitch at Sudbury AFC at MEL stadium. Rubber crumb infill has been deemed acceptable.

Car Parking Charges

- The consultation on car parking charges with Town and Parish councils is now underway and will close on 3rd March.
- Cllrs Smith, Hendry and Register conducted an informal survey of car park users in Sudbury on the morning of Saturday 3rd February; results attached.
- Cllr Clover's petition against parking charges will be heard and put to a vote at February's Full Council meeting next Tuesday.



Sudbury Town Council

Standing Orders

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Introduction

Standing orders are the written rules of a local council and are used to confirm a council's internal organisational, administrative and procurement procedures and procedural matters for meetings. They are not the same as the policies of a council, but may refer to them. A local council must have standing orders for the procurement of contracts.

Meetings of full council, councillors, the Responsible Financial Officer and Proper Officer are subject to many statutory requirements. A council should have standing orders to confirm those statutory requirements. A council should have standing orders to control the number, place, quorum, notices and other procedures for committee and sub-committee meetings because these are subject to fewer statutory requirements. If it does not, committees and sub-committees may adopt their own standing orders.

Sudbury Town Council standing orders are based on a model published by the National Association of Local Councils.

Standing orders shown in bold type contain statutory requirements and councils are recommended to adopt them without changing them. Others may be amended to suit a council's needs. For convenience, the word "councillor" is used in model standing orders and includes a non-councillor with or without voting rights unless otherwise stated.

The standing orders do not include financial regulations, which are standing orders to regulate and control the financial affairs and accounting procedures of a local council. Financial regulations, as opposed to standing orders, include most of the requirements relevant to the Responsible Financial Officer.

Unless the contexts otherwise demands, words importing any gender shall be interpreted to mean any or all genders.

1. Rules of debate at meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman.
- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the

original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.

- o Unless permitted by the chairman of the meeting, a councillor may only speak once in the debate on a motion except:
 - i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.

- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the Councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.

- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.

- r When a motion is under debate, no other motion shall be moved except:
 - i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.




- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.





- t Excluding motions moved understanding order 1(r) above, the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed **three** minutes without the consent of the chairman of the meeting.

2. Disorderly conduct at meetings

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


3. Meetings generally


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


-  a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
-  b **The minimum three clear days for notice of a meeting of the Council does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
-  c **The minimum three clear days' public notice for the meeting of a committee does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
-  d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by resolution, which shall give reasons for the exclusion.**
- e Members of the public may make representations, answer questions and give evidence in respect of the business on the agenda at a meeting which they are entitled to attend.
- f The period of time designated for public participation at a meeting in accordance with


standing order 3(e) shall not exceed 15 minutes unless directed by the chairman of the meeting.


- g Subject to standing order 3(f), a member of the public shall not speak for more than three minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The Chairman of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak(except when a person has a disability or is likely to suffer discomfort)..
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.


 l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To 'report' means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary is available as the meeting takes place or later to persons not present.**


 m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**

 n **Any person (including the press) wishing to report on the proceedings of a meeting as in paragraph (l) shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**

 o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**

 p **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from the meeting, the Vice Chairman, if present, shall preside. If both the Chairman and Vice Chairman are absent from a meeting, a councillor as chosen by the councillors present at a meeting shall preside at the meeting.**

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

 r **The Chairman of a meeting may give an original vote on any matter put to the vote,**

and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote. *See standing orders 5(h) and (l) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

- s** **Voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving onto the next item of business on the agenda.
- t** **The minutes of a meeting shall include an accurate record of the following:**
- i. The time and place of the meeting;
 - ii. The names of councillors present and absent;
 - iii. Interests that have been declared by councillors and non-councillors with voting rights;
 - iv. The grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. Whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vi. If there was a public participation session: and
 - vii. The resolutions made.



- u** **A councillor (or a non-councillor member of a committee or sub-committee with voting rights) who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**



- v** **No business may be transacted at a meeting of the Council unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**
See standing order 4d(viii) for the quorum of a committee or sub-committee meeting.



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

- x** **A meeting shall not exceed a period of two hours.**

4. Committees and sub-committees

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

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

5 Ordinary council meetings

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the Council may direct.**
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**

- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council directs.**
- e The first business conducted at the annual meeting of the Council shall be the election of the Mayor and Deputy Mayor of the Council.**
- f The Mayor, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g The Deputy Mayor, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Mayor at the next annual meeting of the Council.**
- h In an election year, if the current Mayor has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Mayor has been elected. The current Mayor shall not have an original vote in respect of the election of the new Mayor but must give a casting vote in the case of an equality of votes.**
- i In an election year, if the current Mayor has been re-elected as a member of the Council, he shall preside at the meeting until a new Mayor has been elected. He may exercise an original vote in respect of the election of the new Mayor and must give a casting vote in the case of an equality of votes.**
- j Following the election of the Mayor and Deputy Mayor at the annual meeting of the Council, the business of the annual meeting shall include:
 - i. In an election year, delivery by the Mayor and councillors of their Acceptance of Office forms, unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Mayor of his acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;**
 - iii. Receipt of the minutes of the last meeting of a committee;**
 - iv. Consideration of the recommendations made by a committee.****

The following items under section j will be dealt with annually by the Committee in which it relates.

- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;**
- vi. Review of the terms of reference for committees;**
- vii. Appointment of members to existing committees;**
- viii. Appointment of any new committees in accordance with standing order 4 above;**

- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (see also standing orders 11, 20 and 21);
- xviii. Review of the Council's policy for dealing with the press/media; and
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s. 137 of the Local Government Act 1972 or the general power of competence;
- xxi. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

6 Extraordinary meetings of the Council and committees and sub-committees

- a **The Mayor may convene an extraordinary meeting of the Council at any time.**
- b **If the Mayor does not or refuses to call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting must be signed by the two councillors.**
- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by two members of the committee [or sub-committee], any two members of the committee [or sub-committee] may convene an extraordinary meeting of a committee [or sub-committee].

7 Previous resolutions

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

8 Voting on appointments

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

9 Motions for a meeting that require written notice to be given to the Proper Officer

- a A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least seven clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least five clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the

Councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

- f Subject to standing order 9(e) above, the decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book kept for that purpose, with an explanation by the Proper Officer for their rejection.

10 Motions at a meeting that do not require written notice




- a The following motions may be moved at a meeting without written notice to the Proper Officer;
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest;
 - xii. to not hear further from a councillor or a member of the public;
 - xiii. to exclude a councillor or member of the public for disorderly conduct;
 - xiv. to temporarily suspend the meeting;
 - xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements);
 - xvi. to adjourn the meeting; or
 - xvii. to close a meeting.

11 Management of Information

See also standing order 20

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

12 Draft minutes

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

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

"The chairman of this meeting does not believe that the minutes of the meeting of the () held on [date] in respect of () were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate

record of the proceedings.”



- e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13 Code of conduct and dispensations

See also standing order 3(u).

- a All councillors (and non-councillors with voting rights) shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a councillor (or non-councillor with voting rights) shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a councillor (or non-councillor with voting rights) shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the Proper Officer and that decision is final.
- f A dispensation request shall confirm:
- i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f) above, dispensations requests shall be

considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.

- h **A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances any of the following apply:**
- i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
 - ii. **granting the dispensation is in the interests of persons living in the Council's area or**
 - iii. **it is otherwise appropriate to grant a dispensation.**

14 Code of conduct complaints

- a Upon notification by the District Council that it is dealing with a complaint that a councillor (or non-councillor with voting rights) has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- c The Council may:
- i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the District Council that a councillor (or non-councillor with voting rights) has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

15 Proper Officer

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

b The Proper Officer shall:

- i. **At least three clear days before a meeting of the Council, a committee or a sub-committee;**
 - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and agenda (provided the councillor has consented to service by email), and**
 - **Provide, in a conspicuous place, public notice of time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them**
- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least **five** days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of full council for the election of a new Mayor of the Council, occasioned by a casual vacancy in his office;**
- iv. facilitate inspection of the minute book by local government electors;
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. retain acceptance of office forms from councillors;
- vii. retain a copy of every councillor's register of interests;
- viii. assist with responding to requests under the freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. Liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (eg the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;
See also standing order 23.
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of Planning committee;
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council which shall not be used without a resolution to that effect.
See also standing order 23.

16 Responsible Financial Officer

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

17 Accounts and accounting statements

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide.
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i. the Council's receipts and payments (or income and expenditure) for each quarter;
 - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the end of the quarter being reported

and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the full council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

18 Financial controls and procurement

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

- f **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £214,904 for a public service or supply contract or in excess of £5,372,609 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU) shall comply with the relevant procurement procedures and other requirements in the Public Contracts regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and OJEU.**

- g **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or a provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

19 Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council or the Human Resources committee is subject to standing order 11.

- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the Human Resources committee or, if he is not available, the vice-chairman of the Human Resources committee of absence occasioned by illness or other reason and that person shall report such absence to the Human Resources committee at its next meeting.

- c The chairman of Human Resources committee or, in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Town Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Human Resources committee.

- d Subject to the Council's policy regarding the handling of grievance matters, the Town Clerk or, where appropriate, another employee shall contact the chairman or, in his absence, the vice-chairman of the Human Resources committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Human Resources committee.

- e Subject to the Council's policy regarding the handling of grievance matters, if an informal

or formal grievance matter raised by Town Clerk relates to the chairman or vice-chairman of the Human Resources committee, this shall be communicated to another member of the committee, and shall be reported back and progressed by resolution of the Human Resources committee.

- f Any persons responsible for all or part of the management of staff shall treat, as confidential, the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- g The Council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected and encrypted.
- h Only persons with line management responsibilities shall have access to staff records referred to in standing orders 19(f) and (g) above if so justified.
- i Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 19(f) and (g) above shall be provided only to the Town Clerk and/or Chairman of the Human Resources committee.

20 Responsibilities to provide information

see also standing order 21.

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

21 Responsibilities under Data protection legislation *see also standing order 11*

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

22 Relations with the press/media

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

23 Execution and sealing of legal deeds

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

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

24 Communicating with District and County councillors

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

25 Restrictions on councillor activities

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

26 Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements (**shown in bold**) may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least four councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible after he has delivered his Acceptance of Office form.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.



Sudbury Town Council FINANCIAL REGULATIONS

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1. GENERAL

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

- determines on behalf of the council its accounting records and accounting control systems;
 - ensures the accounting control systems are observed;
 - maintains the accounting records of the council up to date in accordance with proper practices;
 - assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
 - produces financial management information as required by the council.
- 1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.
- 1.11. The accounting records determined by the RFO shall in particular contain:
- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
 - a record of the assets and liabilities of the council; and
 - wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12. The accounting control systems determined by the RFO shall include:
- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
 - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
 - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
 - procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
 - measures to ensure that risk is properly managed.

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

- setting the final budget or the precept (council tax requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- 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 £5,000; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

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

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

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

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

2.2. On a regular basis, at least once in 3 months, and at each financial year end, a member other than the Chairman 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 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 that is responsible for revenue, capital receipts or payments shall review its annual forecast of these items. 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 mid-December, 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 Finance Committee and the council.
- 3.3. The council shall consider annual budget proposals in relation to the council's annual 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 or in the appropriate earmarked reserve. 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 £2,000;

- the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items up to £2,000;
- the Clerk alone for any items up to £500.

Another manager may only authorise expenditure on behalf of the Clerk when he is absent on leave and has specifically delegated this function.

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

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

- 4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council, or duly delegated committee. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. The salary budgets are to be reviewed at least annually in October for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.5. In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes professional services, repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000, or £3,000 for the Clerk with the prior approval of the Chairman of Council or relevant committee. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.
- 4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.
- 4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.
- 4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure

to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose "material" shall be in excess of £250 or 15% of the budget, whichever is the greater.

- 4.9. The structure and size of the earmarked reserves shall be approved by council as part of the budgetary control process each financial year.
- 4.10. Subscription agreements may only be entered into if they can be cancelled at any time without penalty ensuring no legal obligation for the Council to continue with the agreement thereafter. Annual subscription payments must not exceed the maximum amounts in paragraph 4.1 as an aggregate total for the financial year, in order to comply with the levels of delegated authority.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 5.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2. The RFO shall prepare a schedule of payments with the values over £500 requiring authorisation, forming part of the Agenda for the Meeting and present the schedule to the finance committee. The committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the finance committee. 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 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 meeting of finance committee;
- b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council or finance committee; or
 - c) fund transfers within the Council's banking arrangements up to the sum of £200,000, provided that a list of such payments shall be submitted to the next appropriate meeting of finance committee; or
 - d) An expenditure item authorised under 4.1 and 4.5 above (authority to spend) provided that the final cost is not more than 10% greater than the original value approved up to a maximum of £5,000. A list of such payments over £500 shall be submitted to the next appropriate meeting of council or finance committee.
- 5.6. For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which the council, or a duly authorised committee, may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council or Finance Committee.
- 5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two authorised officers 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.
- 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. Not used

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 a manager shall give instruction that a payment shall be made.
- 6.3. All payments shall be effected by instructions to the council's bankers, or otherwise, in accordance with a resolution of duly delegated committee or delegated authority.
- 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 in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.
- 6.5. Not used
- 6.6. Not used.
- 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 the 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 are retained and any payments are reported to council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the council at least every two years.
- 6.9. If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
- 6.10. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members or officers 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 Clerk in a sealed dated envelope. This envelope may not be opened other than in the presence of two 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 RFO and other finance officers shall be appointed as the Service Administrators. The finance officers shall only have authority to set-up (create) internet bank payments but are not permitted to approve them for payment without a second approval from the Town Clerk or an authorised manager, who will have authority to set-up and authorise payments. The internet banking system will be set so that it always requires two people to authorise any payments before they can be paid through the internet.
- 6.16. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by two of the Clerk, the RFO, or a member. A programme of regular checks of standing data with suppliers will be followed.
- 6.18. Any Debit Card should be only used by the Clerk or the Clerk Deputy in his absence. Any single transaction for the debit card should not exceed a maximum value of £2,000 unless authorised by the 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 Finance Committee. Transactions and purchases made will be reported to the relevant committee and authority for topping-up shall be at the discretion of the relevant committee.
- 6.20. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by a specified member of staff appointed by the decision of a relevant committee and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff should not be used unless there is no other practical method.
- 6.21. Not used.
- 6.22. The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.
- a) The RFO shall maintain a petty cash float of up to £1,000 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
 - b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - c) Not used.

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. Any overtime paid to employees must be recommended by their line manager and then authorised in advance by the Clerk. The Line Manager must sign each weekly or monthly timesheet. The Town Clerk will sign the payroll submission showing the details of each employee's overtime. A manager may only authorise payments or overtime on behalf of the Clerk when he is absent on leave and has specifically delegated this function.
- 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 relevant committee.
- 7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a confidential record. 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 effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.
- 8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 8.3. Not used
- 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 quarterly.
- 9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

10. ORDERS FOR WORK, GOODS AND SERVICES

- 10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2. Order books shall be controlled by the RFO.
- 10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11.1 below.
- 10.4. A member may not issue an official order or make any contract on behalf of the council.
- 10.5. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

11. CONTRACTS

- 11.1. Procedures as to contracts are laid down as follows:
 - a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
 - i. for the supply of gas, electricity, water, sewerage and telephone services;
 - ii. for specialist services such as are provided by legal professionals acting in disputes;
 - 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 Vice 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 the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations¹.
 - c. The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)².
 - d. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.
 - e. 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.
 - f. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
 - g. Any invitation to tender issued under this regulation shall be subject to Standing Orders for Financial Controls and Procurement paragraph 18d 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 a relevant line manager shall obtain 3 quotations (priced descriptions of the proposed

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

² Thresholds currently applicable are:

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

supply); where the value is below £5,000 and above £1,000 the Clerk or a relevant line manager shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.

- 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. Where an existing contract comes to the end of its fixed period it may be allowed to continue if the existing terms are better than the new terms available.

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 line manager in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 13.3. Stocks shall be kept at the minimum levels consistent with operational requirements.

- 13.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14. ASSETS, PROPERTIES AND ESTATES

- 14.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 14.2. No tangible moveable property shall be sold, leased or otherwise disposed of, without the authority of the council, or a duly delegated committee as per levels of authority in paragraph 4.1, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £1,000.
- 14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a full business case.
- 14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

15. INSURANCE

- 15.1. Following the annual risk assessment (per Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers in consultation with the Clerk.

- 15.2. The Clerk shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 15.3. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.
- 15.5. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council, or duly delegated committee.

16. CHARITIES – RESERVED

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 and the RFO 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.

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