



# **STANDING ORDERS**

**Revised June 2016**

**Model Code of Conduct (adopted 13.5.15)**

**Cotgrave Town Council  
Cotgrave Leisure Centre  
Woodview  
Cotgrave  
Nottingham  
NG12 3PJ**

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## STANDING ORDERS FOR COTGRAVE TOWN COUNCIL

### Preface

Some of the following Standing Orders are compulsory as they are laid down in Acts of Parliament. These are printed in **BOLD** type. These standing orders cannot be altered.

### Meetings

1. Meetings of the Council will be held on Wednesday evenings at Cotgrave Futures commencing at 7.00 pm and shall not continue after 9.00 pm, unless the Council decides to extend by a maximum of thirty minutes.
2. **The statutory Annual Meeting (a) in a year which is not an election year shall be held on the third Wednesday in May and (b) in an election year shall be held on the 4<sup>th</sup> day after the date of the election or within fourteen days thereafter.**

### Chairman of Meeting

3. **The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.**

### Proper Officer (See Appendix A)

4. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he/she shall be the Clerk of the Council:
  - (a) to receive declarations of acceptance of office.
  - (b) to receive and record notices disclosing pecuniary interests
  - (c) to receive and retain plans and documents
  - (d) to sign notices or other documents on behalf of the Council
  - (e) to receive copies of bylaws made by a District Council
  - (f) to certify copies of bylaws made by the Council
  - (g) to sign summonses to attend meetings of the Council

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

### Quorum

5. Six members shall constitute a quorum.
6. If a quorum is not present when the Council meets or if during a meeting the number of Councillors present and not debarred by reason of a declared pecuniary interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other days as the Chairman may fix.

### Voting

7. Members shall vote by show of hands, or, if at least two members so request, by signed ballot.
8. **If a member so requires, the Clerk of the Council shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving onto the next business.**

9. (1) Subject to (2) and (3) below the Chairman may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though he or she gave no original vote.
- (2) If the person presiding at the annual meeting would have ceased to be a member of the Council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.
- (3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.

Order of Business

(In an election year Councillors should execute Declarations of Acceptance of Office in each others presence, or in the presence of a proper officer previously authorised by the Council to take such declarations, before the annual meeting commences).

10. At each Annual Meeting the first business shall be
- (a) to elect a Chairman
  - (b) to receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received
  - (c) to elect a Vice-Chairman
  - (d) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations
  - (e) to decide when any declarations of acceptance of office which have not been received as provided by law shall be received
  - (f) to receive apologies for absence
  - (g) to receive declarations of interest
  - (h) to appoint committees
  - (i) to make appointments to other bodies
- and shall thereafter follow the order set out in Standing Order 12.
11. At the second meeting after the Cotgrave Town Council Annual General Meeting, Council should review the pay and conditions of service of all employees of the Council.
12. At meetings of the Council, other than the Annual Meeting, the order of business unless the Council decides otherwise on the grounds of urgency, shall be:-
- (a) to appoint a Chairman if the Chairman or Vice-Chairman are absent.
  - (b) apologies
  - (c) to receive declarations of interest
  - (d) confirmation and signing of the minutes of the previous meeting
  - (e) to deal with business expressly required by statute to be done
  - (f) Chairman's announcements
  - (g) to dispose of business, if any, remaining from the last meeting
  - (h) to receive and consider reports and minutes of standing committees
  - (i) to receive and consider reports from officer of the Council
  - (j) correspondence and communication
  - (k) to consider motions or recommendations in the order in which they have been notified
  - (l) any other business specified in the summons

13. A motion to vary the order of business on the ground of urgency.
- (a) may be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
  - (b) shall be put to the vote without discussion.

Resolutions Moved on Notice

14. Except as provided by these Standing Orders, no resolution may be moved unless the business to which it related has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 7 clear days before the next meeting of the Council.
15. The Clerk shall insert the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
16. If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
17. If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he or she considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
18. Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

Resolutions Moved Without Notice

19. Resolutions dealing with the following matters may be moved without notice:-
- (a) to appoint a Chairman of the meeting
  - (b) to correct the Minutes
  - (c) to approve the Minutes
  - (d) to alter the order of business
  - (e) to proceed to the next business
  - (f) to close or adjourn the debate
  - (g) to refer a matter to a Committee
  - (h) to appoint a Committee or any members thereof
  - (i) to adopt a report
  - (j) to authorise the sealing of documents
  - (k) to amend a resolution
  - (l) to give leave to withdraw a resolution or any amendment
  - (m) to extend the time limit for speeches
  - (n) to consider otherwise than in Committee a question affecting an employee of Council
  - (o) to exclude the public (see order 60 below)
  - (p) to silence or eject from the meeting a member named for misconduct
  - (q) to invite a member having an interest in the subject matter under debate to remain
  - (r) to give the consent of the Council where such consent is required by these Standing Orders
  - (s) to suspend Standing Orders
  - (t) to adjourn the meeting

### Questions

20. A member may ask the Chairman or the Clerk any question concerning the business of the Council, provided notice of the question has been given to the person to whom it is addressed before the meeting begins.
21. No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.
22. Every question shall be put and answered without discussion.
23. A person to whom a question has been put should answer immediately, or be permitted to submit a written answer by the next Cotgrave Town Council meeting, or answer verbally at the next Council meeting.

### Rules of Debate

24. No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
25.
  - (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and unless proper notice has already been given. It shall, if required by the Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.
  - (b) A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
  - (c) A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
  - (d) No speech shall exceed 3 minutes, except by consent of the Council (The mover of the resolution shall be allowed 5 minutes).
  - (e) An amendment shall be either:-
    - (i) To leave out words
    - (ii) To leave out words and insert or add others
    - (iii) To insert or add words
  - (f) An amendment shall not have the effect of negating the motion before the Council.
  - (g) If an amendment be carried, the resolution as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
  - (h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
  - (i) The mover of a resolution or of an amendment shall have a right of reply.
  - (j) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move the closure.
  - (k) A member may make a point of order or a personal explanation. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood. A member shall be heard forthwith.
  - (l) A resolution or amendment may be withdrawn by the proposer with the unanimous consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

- (m) When a resolution is under debate no other resolution shall be moved except the following:-
  - i) To amend the resolution
  - (ii) To proceed to the next business
  - (iii) To adjourn the debate
  - (iv) That the question be now put
  - (v) That a member named be not further heard
  - (vi) That a member named do leave the meeting
  - (vii) That the resolution be referred to a Committee
  - (viii) To exclude the public and press
  - (ix) To adjourn the meeting

- 26. (a) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (b) Members shall address the Chairman and observe the authority of the Chairman at all times
- (c) If two or more members wish to speak the Chairman shall decide upon the order in which they speak.

#### Closure

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

#### Right of Reply

- 28. The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

#### Alteration of Resolution

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

#### Rescission of Previous Resolution

- 30. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months save by a special resolution, the written notice whereof bears the names of at least 5 members of Council or by a resolution moved in pursuance of the report or recommendation of a Committee.
- (b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

Disorderly Conduct (including Clause 12(2))

31. (a) **All members must observe the Code of Conduct which was adopted by the Council on 13<sup>th</sup> May 2015, a copy of which is annexed to the Standing Orders, as Appendix D.**
- (b) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly **or in such a manner as to bring the Council into disrepute.**
- (c) If, in the opinion of the Chairman, a member has so mis-conducted himself, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or do leave the meeting, and the motion, if seconded, shall be put forth with and without discussion.
- (d) If either of the motions mentioned in paragraph (b) is disobeyed the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

Voting on Member Appointments

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

Discussions and Resolutions Affecting Employees of the Council

33. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service of any person employed by the Council, it shall not be considered until the Council or Committee (as the case may be) has decided whether or not the public shall be excluded. (See Standing Order No 60).

Resolutions on Expenditure

34. Any resolution (which is moved by Council or another committee) and which, if carried, would, in the opinion of the Chairman, substantially increase the expenditure upon any service which is under the management of, or reduce the revenue at the disposal of, any Committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any Committee affected by it shall consider whether it desires to report thereon, and the Finance Committee shall report on the financial aspect of the matter.

Expenditure

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

Sealing of Documents

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



### Committees and Sub-Committees

37. The Council may at the Annual Meeting appoint standing Committees and may at any other time appoint such other Committees as are necessary, but subject to any statutory provision in that behalf:-
- (a) shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting and
  - (b) may at any time dissolve or alter the membership of a Committee
  - (c) May subject to the provisions of Standing Order No 30 at any time dissolve or alter the membership of committee.

(If a Finance Committee is formed, all members must be members of Council. In other committees, non-members may be appointed but the non-members have no vote).

38. The Chairman and Vice-Chairman shall be members of every Committee and shall have the powers of full members of that Committee.
39. Every Committee shall at its first meeting before proceeding to any other business, elect a Chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council.

### Special Meetings

40. The Chairman of a Committee or the Chairman of the Council may summon a special meeting of that Committee at any time. A special meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the Committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

### Sub-Committees

41. Every Committee may appoint Sub-Committees for purposes to be specified by the Committee.
42. Except where ordered by the Council in the case of a Committee or by the Council or by the appropriate Committee in the case of a Sub-Committee, the quorum of a standing Committee shall be one third of its members and not less than four members.
43. The Standing Orders on rules of debate and the Standing Order on interests of members in contracts and other matters shall apply to all Committee and Sub-Committee meetings.

### Advisory Committees

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

### Voting in Committees

45. Members of all Committees and Sub-Committees shall vote by show of hands, or, if at least two members so request, by signed ballot.
46. **Chairman of Committees and Sub-Committees shall in the case of an equality of votes, have a second or casting vote.**

Presence of Non-Members of Committees at Committee Meetings

47. A member who has proposed a resolution which has been referred to any Committee of which he is not a member, may explain his resolution to Committee but shall not vote.
48. Any Council member shall, unless the Council otherwise orders, be entitled to be present as a spectator at the meetings of any Committee or Sub-Committee of which he is not a member.
49. Council members attending Committees but not members of those Committees shall not take part in the proceedings unless invited to do so by the Chairman.

Accounts and Financial Statement

50. Council's Financial Regulations are contained as Appendix C.
  - (a) Except as provided in paragraph (b) of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.
  - (b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the Clerk. Unless it has been otherwise authorised by the Council, payment shall be authorised by the Committee, if any, having charge of the business to which it relates or by the Chairman or Vice Chairman of the Council.
  - (c) All payments authorised under sub-paragraph (b) of this Standing Order or made without authority of the Council shall be separately included in the next schedule of payments laid before the Council.
51. The Clerk shall supply to each member as soon as practicable after 31<sup>st</sup> March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis for a year to 31<sup>st</sup> March shall be presented to each member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

Estimates

52.
  - (a) The Council shall approve written estimates for the coming Financial Year at its first meeting of the year.
  - (b) Any Committee desiring to incur expenditure, shall not later than November give to the Clerk a written estimate of expenditure recommended for the coming year.

Interests

53. **If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 16<sup>th</sup> May 2007, then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**
54. **If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room during consideration of the item to which the interest relates.**
55. **The Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the Council of a pecuniary interest in a contract, and the book shall be open during reasonable hours of the day for the inspection by any member.**

56. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate Committee any such disclosure. Where relationship to a member is disclosed the Standing Orders on interests of members in contracts and other matters shall apply. The Clerk shall make known the purport of this Standing Order to every candidate.

#### Canvassing of and Recommendations by Members

57. (a) Canvassing of members or of any Committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.
- (b) A member of the Council shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, a member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.
58. Standing Orders Numbers 55 and 56 shall apply to tenders as if the person making the tender were a candidate for an appointment.

#### Inspection of Documents

59. A member for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a Committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
60. (a) **All Minutes kept by The Council and by any Committee shall be open for the inspection of any member of the Council**
- (b) **The Minutes of the Council shall be open to inspection by any local government elector of the parish without charge.**

#### Unauthorised Activities

61. No member of the Council or of any Committee or Sub-Committee shall in the name of or on behalf of the Council
- (a) inspect any lands or premises which the Council has a right or duty to inspect, or
- (b) issue orders, instructions or direction
- unless authorised to do so by the Council or the relevant Committee or Sub-Committee.

#### Admission of the Public and Press to Meetings

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

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

(Note – the special reasons should be stated).

At all meetings of the Council, the Chairman may choose at a convenient point in the transaction of business, to adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.

63. The Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present. Film or photograph or audio recordings of a meeting is permitted of Council, but any members of the public present have the right to express their permission to refuse to be filmed, photographed or recorded. The 1960 Act was amended by the Openness of Local Government Bodies Regulations 2014 ("the 2014 Regulations"). The amended 1960 Act provides that a person may not orally report or comment about a meeting as it takes place if he is present at the meeting of a parish council or its committees.
64. If a member of the public interrupts the proceedings of the meeting, the Chairman may, after warning, order that he/she be removed from the Council Chamber.

#### Confidential Business

65. (a) No member of the Council or of any Committee or Sub-Committee shall disclose to any Person not a member of the Council any business declared to be confidential by the Council, the Committee or the Sub-Committee as the case may be.
- (b) Any member on breach of the provisions of paragraph (a) of this Standing Order shall be removed from any Committee or Sub-Committee of the Council by the Council.

#### Liaison with County and District Councillors

66. A notice of meeting shall be sent together with an invitation to attend to the County Councillor for the division and to the District Councillor or Councillors for the ward.
67. Unless the Council otherwise orders, a copy of each letter ordered to be sent to the County or District Council shall be transmitted to the County Councillor for the division or to the District Councillor for the ward as the case may require.

#### Planning Applications

68. The Clerk shall refer every planning application to the next meeting of Council. In the case of committee meetings, non-members attending that meeting will be entitled to vote on planning applications.

In circumstances where the next meeting of the Council is too late to meet the required response time, the Clerk will liaise with the Ward members and respond on Council's behalf.

#### Standing Orders on Contracts

69. (a) Where it is intended to enter into a contract exceeding £1,000 but not exceeding £5,000 the Council or by delegation, to a Committee, shall decide how to advertise or to invite tenders.
- (b) Where it is intended to enter into a contract exceeding £25,000 in value, notice should be placed on the Contract Finder Website and the other light touch rules in the Public Contracts Regulation 2015.
- (c) The notice shall state the general nature of the intended contract and shall, in addition, state the name and address of the person to whom tenders are to be addressed and the last date by which those tenders should reach that person.
- (d) Neither the Council nor any Committee or Sub-Committee is bound to accept the lowest tender.
- (e) If no tenders are received or if all the tenders are identical the Council may make such arrangements for procuring the goods or materials or executing the works as it thinks fit.

#### Code of Conduct on Complaints by members or the public

70. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in Circular 2/86 issued by the National Association of Local Councils.

Variation, Revocation and Suspension of Standing Orders

71. Any part of the Standing Orders except those printed in bold type may be suspended by resolution in relation to any specific item of business.
72. A resolution permanently to vary or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

Cotgrave Futures

73. In recognition of the special relationship between Cotgrave Town Council and Cotgrave Futures in that Cotgrave Town Council is custodian Trustee of the building, requests from the Trustees of Cotgrave Futures for financial assistance will be considered in the same way as any other request for a grant. Any such requests must be accompanied by a business plan and will be considered at the first available Council meeting.

Standing Orders to be Given to Members

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

## **Clerk of the Council and Responsible Finance Officer**

### **Overall Responsibilities**

The Clerk to the Council will be the Proper Officer of the Council and as such is under a statutory duty to carry out all the functions, and in particular to serve or issue all the notifications required by law of a local authority's Proper Officer. The Clerk will be totally responsible for ensuring that the instructions of the Council in connection with its function as a Local Authority are carried out.

The Clerk is expected to advise the Council on, and assist in the formation of, overall policies to be followed in respect of the Authority's activities and in particular to produce all the information required for making effective decisions and to implement constructively all decisions. The person appointed will be accountable to the Council for the effective management of all its resources and will report to them as and when required.

Section 151 of the Local Government Act 1972 requires councils to appoint a Responsible Finance Officer (RFO) to manage their financial affairs. The Clerk will be RFO under the direction of the Council.

### **Specific Responsibilities**

#### **1. Legal**

- (i) To ensure that legal, statutory and other provisions governing or affecting the running of the Council are observed.
- (ii) To issue notices, prepare agendas and reports and provide minutes for approval in respect of all meetings of the Council, its Committees, Sub-Committees and Working Parties and to attend all such meetings within the terms of Conditions of Service.
- (iii) To issue notices and prepare agendas and reports for parish meetings and to attend and implement the decisions made at all such meetings.
- (iv) To comply and ensure compliance at all meetings of the Council, its Committee, Sub-Committees and Working Parties with the Standing Orders of the Council.
- (v) To attend hearings, proceedings and tribunals in respect of the business of the Council and to represent, or arrange for the Council to be represented as may be required in any civil or criminal proceedings.
- (vi) To receive correspondence and documents on behalf of the Council and to deal with the correspondence or documents or bring such items to the attention of the Council. To issue correspondence as a result of the instructions of, or the known policy of, the Council.

#### **2. Financial**

- (i) To prepare the annual capital and revenue budget of the Council.
- (ii) To monitor and balance the Council's accounts and to submit these annually to the Council for approval.

- (iii) To submit the Council's approved accounts to audit.
- (iv) To comply and ensure compliance with the Financial Regulations of the Council and to keep such Regulations under regular review.
- (v) To provide Members of the Council regularly with financial reports and such other information relating to the Council's budget as may be required.

**3. Resources Management**

- (i) To supervise all members of staff in keeping with the policies of the Council and to undertake all necessary activities in connection with the management of the salaries, conditions of employment and work of other staff.
- (ii) To ensure compliance with Employment Protection, Health and Safety at Work, Equal Opportunities regulations and all other legislation relating to the employment of staff.
- (iii) To develop programmes for the cost effective management of all Council services and facilities and report thereon to the appropriate Standing Committees of the Council.

**4. Public Relations**

- (i) To promote the policies and activities of the Council and provide information, advice and help to parishioners and the general public on all aspects of the Council's services.
- (ii) To prepare, in consultation with the Chairman of Council, press releases about the activities of, or decisions of, the Council and to deal with any enquiries received from the press or media.

**5. Other Duties and Responsibilities**

- (i) To study reports and other data on activities of the Council and on matters bearing on those activities. Where appropriate, to discuss such matters with administrators and specialists in particular fields.
- (ii) To draw up both on the post holder's own initiative and as a result of suggestions by Councillors proposals for consideration by the Council and to advise on practicability, costs and the likely effects of specific courses of action.
- (iii) To monitor the implemented policies of the Council to ensure they are achieving the desired result and where appropriate suggest modifications.
- (iv) To attend training courses on the work and role of the Clerk of the Council as required by the Council.
- (v) To attend the Conferences and Seminars of the Association of Local Councils, Society of Local Council Clerks, and other relevant bodies, as a representative of the Council.

### **Cotgrave Town Council Public Complaints Procedure**

The Town Council strives to deliver the best possible service and wants to know when the public is dissatisfied with it. However please note that complaints regarding anything of a minor nature should be detailed on a Cotgrave Town Council report form.

If the complaint concerns the Clerk or another member of the Council Staff, it should be discussed with the Clerk in the first place. If the Clerk is the subject of the complaint, then the complaint should be directed to the Chairman of Council. If you continue to be dissatisfied you are asked to submit details of your complaint in writing to the Chairman and it will be dealt with internally as an employment matter and appropriate action taken.

In establishing the attached complaints procedure to deal with complaints about its administration or about its procedures, Council hopes that complainants will feel satisfied that their grievance has been properly and fully considered.

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### **CODE OF PRACTICE**

#### **Before the Meeting**

1. The complainant should be asked to put the complaint about the Council's procedures or administration in writing to the Clerk or other nominated proper officer.
2. If the complainant does not wish to put the complaint to the Clerk or other proper officer, they may be advised to put it to the Chairman of the Council.
3. The Clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Council or by the committee established for the purpose of hearing complaints.
4. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
5. 7 clear working days prior to the meeting, the complainant shall provide the Council with copies of any documentation or other evidence, which they wish to refer to at the meeting. The Council shall similarly provide the complainant with copies of any documentation upon which they wish to reply at the meeting.

#### **At the Meeting**

6. The meeting to be chaired by the Vice Chairman of Council or by any other Councillor appointed.
7. Chairman to introduce everyone.
8. Chairman to explain procedure.
9. Complainant (or representative) to outline grounds for complaint.
10. Members to ask any question of the complainant.
11. If relevant, clerk or other proper officer to explain the Council's position.



12. Members to ask any question of the clerk or other proper officer.
13. Clerk or other proper officer and complainant to be offered opportunity of last word (in this order).
14. Clerk or other proper officer and complainant to be asked to leave room while Members decide whether or not the grounds for the complaint have been made. (If a point of clarification is necessary, both parties to be invited back).
15. Clerk or other proper officer and complainant return to hear decision, or to be advised when decision will be made.

**After the Meeting**

16. Decision confirmed in writing within seven working days together with details of any action to be taken.

**Appeals Procedure**

17. The Council will convene a meeting to review all the evidence at which the Chairman will preside.
18. The Chairman's decision would be final.

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## **A Protocol for Members and Officers working relations**

In the interests of maintaining good working relations and clear lines of reporting it is advisable for council to consider adopting a protocol.

In order for the council to operate efficiently it is important to recognise that the Council, its Chairman and its Clerk have individual roles and responsibilities. The councillors act as a corporate body, making decisions for the benefit of the community. The council works within an overall local government structure. The Chairman works in partnership with the clerk to ensure that the council is properly informed for making lawful decisions during meetings. The chairman with the support of the clerk manages meetings of the council. In between these meetings, the clerk is required to provide administrative support and professional advice for the council's activities.

It is important to recognise that no one individual councillor can instruct officers to carry out any particular piece of work. Only Council can carry out this function. Working groups may be tasked by council to prepare a paper or written response to an event – these actions must be put as recommendations to Council.

### Attendance of Members at Council Meetings

Apologies will not be approved if submitted within three hours of the start of the meeting, unless in extreme circumstances, or it is demonstrable that they could not have been submitted by the time the Clerk, to whom apologies should ordinarily be submitted, leaves the office. (3pm on meeting days)

If the Chairman suspects or knows they will be absent, they should inform the Vice Chairman as soon as possible, in the interests of the meeting, and not less than three hours before the start of the meeting.

### Attendance at External Meetings

It is good practice for any members attending outside meetings in a representative capacity to report the outcome of such meetings at the next available meeting.

### Liaison with staff

All staff are required to report to their line manager ie the Clerk. Therefore, any requests for assistance or advice should be directed through the clerk in the first instance.

### Archive Material

Requests to research any background items must be directed to the clerk in the first instance.

### Urgent Matters

Council may agree to delegate actions to an officer in circumstances where an urgent response is required.

### Council Resources

No councillor or staff member may pledge any council resource on behalf of the Town Council. Such undertakings may only be agreed with the consent of the council as a whole.

## **A Protocol for Council Members Allowances**

### Councillor Allowances

Councillor allowances should be reviewed annually by the Personnel Committee, at the same time of reviewing of staff salaries, and any recommendations they have should be made to Council for approval.

## **COTGRAVE TOWN COUNCIL – FINANCIAL REGULATIONS**

### **1. General**

The Accounts and Audit Regulations, 2012, require each Council to adopt formally a framework for financial management.

- 1.1 These financial regulations shall govern the conduct of the financial transactions of Cotgrave Town Council and may only be amended or varied by resolution of the Council.
- 1.2 Section 151 of the Local Government Act 1972 requires Parish Councils to appoint a Responsible Financial Officer (RFO) to manage their financial affairs. The Clerk will be Council's responsible financial officer (RFO) under the policy direction of the Council and shall be responsible for the proper administration of the Council's financial affairs.
- 1.3 The RFO shall be responsible for the production of financial management information. It is the responsibility of the council as a whole, however, to put in place proper arrangements to ensure the proper conduct of their financial affairs and to monitor the adequacy and effectiveness of those arrangements.

### **2. Annual Estimates**

- 2.1 Each committee or working party, if required, shall formulate and submit proposals to the Council respect of revenue services and capital projects for inclusion in the rolling capital programme not later than the end of November each year.
- 2.2 Detailed estimates of income and expenditure or revenue services, and receipts and payments on capital account, shall be prepared each year by the RFO.
- 2.3 The Council shall review the estimates and submit them for Council approval not later than end of January in each year and shall recommend the precept to be levied for the ensuing financial year. The RFO shall supply each member with a copy of the approved estimates.
- 2.4 The annual capital and revenue budgets shall form the basis of financial control for the ensuing year.

### **3. Budgetary Control**

- 3.1 Expenditure on the revenue account may be incurred up to the amounts included in each approved committee budget.
- 3.2 No expenditure may be incurred which cannot be met from the amount provided in the appropriate committee revenue budget unless a virement has been approved by the Council.
- 3.3 The RFO shall periodically provide the Council with a statement of receipts and payments to date under each heading of the approved annual revenue and capital budgets.
- 3.4 The Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £5,000. The Clerk shall report the action to the appropriate committee as soon as practicable thereafter.

- 3.5 Where expenditure is incurred in accordance with regulation 3.4 (above) if the sum required cannot be met from savings made elsewhere within that committee's approved budget, it shall be subject to the provisions of a supplementary estimate approved by the Council.
- 3.6 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year.
- 3.7 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving expenditure on capital account unless the committee concerned are satisfied that it is contained in the rolling capital programme and that the necessary capital funds are available, or the requisite borrowing approval can be obtained.
- 3.8 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

#### **4. Accounting and Audit**

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit Regulations 2003 as set out in Local Councils' Governance and Accountability Guidance.
- 4.2 The RFO shall be responsible for completing the annual accounts of the Council as soon as practicable after the end of the financial year and shall submit them to and report thereon to the Council. Such accounts must be approved by Council by the statutory approval date of 30<sup>th</sup> September.
- 4.3 The Council shall be responsible for maintaining an adequate and effective system for internal audit of the Council's accounting, financial and other operations in accordance with regulation 5 of the Account and Audit Regulations 2003.
- 4.4 The Internal Auditor is expected to examine the system of internal control with a view to satisfactory completion of the Internal Auditor's report section of the Annual Return. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing on a regular basis with a minimum of one annual report in respect of each financial year.
- 4.5 The RFO will report to Council on an annual basis on its system of internal control, including risk management and measures designed to prevent fraud and corruption.

#### **5. Banking Arrangements and Cheques**

- 5.1 The Council's banking arrangements shall be made by the Clerk and approved by the Council.
- 5.2 A schedule of the payment of money shall be prepared by the Clerk and, together with the relevant invoices etc, presented to the relevant committee. If the schedule is in order it shall be authorised by a resolution of that committee and signed by the Chairman or Vice Chairman.
- 5.3 Cheques drawn on the bank accounts in accordance with the schedule referred to in paragraph 5.2 shall be signed by two of the Council's authorised signatories, who will also each initial the cheque counterfoil.

#### **6. Payments of Account**

- 6.1 Apart from petty cash payments all payments shall be effected by cheque or other order drawn on the Council's bankers.

- 6.2 All invoices for payment shall be examined, verified and certified by the Clerk. Before certifying an invoice the Clerk shall be satisfied that the work, goods or services to which the invoice relates have been received, carried out, examined and approved. All possible steps shall be taken to settle invoices, which are in order, within 30 days of their receipt.
- 6.3 All Section 137 expenditure should be separately recorded and be within statutory limits. (from 1<sup>st</sup> April 2015/16 £7.42 per elector, increased annually with inflation).
- 6.4 The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses.
  - (a) The RFO shall maintain a petty cash float to a limit of £25 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payments.
  - (b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
  - (c) Payments to maintain the petty cash float shall be shown separately on the schedule of the payment of money presented to the Council (under 5.2 above).

## **7. Payment of Salaries and Wages**

- 7.1 The payment of all salaries and wages shall be made by the RFO in accordance with the payroll records and the rules of PAYE and National Insurance currently operating. Payment to be made via Nottinghamshire County Council, paid by direct debit to Nottinghamshire County Council.
- 7.2 All time sheets shall be certified as to accuracy by the Clerk.
- 7.3 The payroll account will be shown separately on the schedule of the payment of money presented to the Council (under 5.2 above).

## **8. Loans and Investments**

- 8.1 All loans and investments shall be negotiated by the RFO in the name of the Council and shall be for a set period of time in accordance with Council policy. Changes to loans and investments should be reported to the Council at the earliest opportunity.
- 8.2 All investments of money under the control of the Council shall be in the name of the Council and shall be reviewed on a regular basis (at least annually).
- 8.3 All borrowings shall be effected in the name of the Council.
- 8.4 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

## **9. Receipts**

- 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 notified to the RFO and the RFO shall be ultimately responsible for the collection of all accounts due to the Council.
- 9.3 The Council will review all fees and charges annually, following a report of the RFO.
- 9.4 Any bad debts shall be reported to the Council.

- 9.5 All sums received on behalf of the Council shall be paid to the RFO for banking. In all cases all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 9.6 A reference to the related debt, or otherwise, indicating the origin of each cheque, 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.

## 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 eg petty cash purchases. Copies of orders issued shall be maintained.
- 10.2 Order books shall be controlled by the RFO.
- 10.3 All officers are responsible for obtaining value for money at all times. An officer issuing an official order is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction.

## 11. **Contracts**

- 11.1 Procedures as to the contracts are laid down in the Council's Standing Orders as follows:-
  - (a) Every contract whether made by the Council or by a committee to which the power of making contracts has been delegated shall comply with these Standing Orders, and no exception from any of the following provisions of these Standing Orders shall be made otherwise than by direction of the Council or in an emergency by such a committee as aforesaid provided that these Standing Orders shall not apply to contracts which relate to items (i) to (v) below.
    - (i) for the supply of gas, electricity, water, sewerage and telephone services.
    - (ii) for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants.
    - (iii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant.
    - (iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council.
    - (v) for goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at a fixed price.
  - (b) Where it is intended to enter into a contract:
    - (i) exceeding £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph(a), the RFO will use the Contract Finder Website and other light touch rules in the Public Contracts Regulation 2015.

- (ii) For expenditure up to £5,000 the Chairman of Council and his appointed Vice Chairman, together with the Clerk, shall have executive power.
- (iii) Any contracts over £164,176 for a public supply or public service contract or £4,104,394 for a public works contract must use the Contract Finder and other light touch rules in the 2015 Regulations with detailed and complex requirements stated in the 2015 Regulations.
- (c) For any applications made to waive Standing Orders relating to contracts to enable a tender to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- (d) Any exception made by a committee, to which the power of making contracts has been delegated, shall be reported to the Council and the report shall specify the emergency by which the exception shall be justified.
- (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 the tenders must be addressed to the Clerk and the last date by which such tenders should reach the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specially 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 the Council.
- (g) If less than three tenders are received for contracts valued above £25,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (h) Any invitation to tender issued under this Standing Order shall contain a statement referring to the number of the Standing Order.
- (i) The Council shall not be obliged to accept the lowest or any tender.

## **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.
- 12.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case when it is estimated that the total cost of work carried out under a contract, excluding fluctuation clauses, will exceed the contract sum by 5% or more a report shall be submitted to the appropriate committee.
- 12.3 Any variation to a contract or addition to or omission from a contract must be approved by the RFO in writing, the appropriate committee being informed where the final cost is likely to exceed the financial provision.

## **13. Properties and Estates**

- 13.1 The Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council and ensure that a record is maintained of all such properties, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with regulation 4(3)(b) of the Accounts and Audit Regulations 1996.

- 13.2 No property shall be sold, leased or otherwise disposed of without the authority of the Council, save where the estimated value of any one item does not exceed £500.

**14. Insurance**

- 14.1 The RFO shall arrange all insurances and negotiate all claims on the Council's insurers.
- 14.2 The RFO shall give prompt notification of all new risk, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 14.3 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 14.4 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim.

**15. Risk Management**

- 15.1 The Clerk shall prepare and promote risk management policy statements in respect of all activities of the Council.
- 15.2 When considering any new activity the Clerk shall prepare a draft Risk Management policy for the activity and shall bring a draft addressing the legal, financial and risk management issues to Council for consideration.

**16. Reserves**

- 16.1 The RFO shall ensure that Council's recommendations regarding the de minimis level of reserves be adhered to :

2007-11 Council

( General Reserve	£65,000
Community Reserves	£30,000
Play equipment contingency	£ 5,000 )

**17. Revision of Financial Regulations**

- 17.1 It shall be the duty of the Council to review the financial regulations of the Council from time to time and to make such recommendations it considers as required.

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