



Town Development Manager Report  
For Town Council Meeting 5<sup>th</sup> August 2024

1. *Neighbourhood Plan Review*

New Milton Town Council has successfully received further grant funding of £9,299 for the Neighbourhood Plan review. The funding from Locality will support the review over the 2024 / 25 financial year. Further support will be sought in technical packages.

New Milton Town Council began the review of its Neighbourhood Plan in late 2023. The review will look to address affordable housing, walking and cycling connectivity through our town, land use to support tourism and progress on modernising community hubs and health and wellbeing.

The review will be carried out in line with NFDC's Local Plan review.

2. *Ashley Parade*

*Ashley saw a successful opening of its new Youth Hub on the 20<sup>th</sup> July, along with the newly surfaced Ashley Parade and its floral displays. Ribbon cutting was performed at the Youth Hub by the Mayor and Cllr Geoff Blunden on behalf of NFDC cut the ribbon for Ashley Parade and as Amenities Chairman for Ashley Play area.*

*Business owners and their representatives joined in photographs and celebrated the improvements with us.*

*A positive morning was had with smiles all round and thanks and praise for the work put into the regeneration. The regeneration project saw improvements to the Ashley area in support of Ashley's community and its businesses. Funding for the regeneration was achieved from the Levelling Up and Regeneration fund, match funded by CIL monies.*

*We are pleased to see the positive impact on Ashley.*



# NEW MILTON

## TOWN COUNCIL

Town Hall, 2 Ashley Road, New Milton, Hampshire BH25 6AS.

# STANDING ORDERS

### **Mission Statement**

New Milton Town Council will work to provide a high-quality environment to meet the needs of residents and visitors and defend the best interests of the Town.

### **Aims and Objectives**

- To enable residents of New Milton to enjoy high-quality social, recreational and cultural facilities within the Town and seek the continuing improvement and development of these facilities.
- To encourage and promote the economic and commercial vitality of New Milton.
- To preserve the unique identity of New Milton and promote its heritage.
- To encourage harmony between commercial, ecological and residential requirements.
- To consult with and take due regard of all comments from individuals and other organisations to provide a high standard of service to meet local needs.
- To help create a socially inclusive and caring community that embraces all residents.

VERSION 18 – ISSUED **AUGUST 2024**

## Amendment Record

Amendment Number	Date of Approval	Minute number
001	31 May 2005	5
002	29 Jan 2008	84
003	01 Sept 2008	40
004	14 Feb 2011	96
005	26 Nov 2012	75c
006	17 March 2014	117
007	29 February 2016	122
008	3 April 2018	125
009	1 April 2019	120
010	16 March 2020	117
011	28 March 2022	123c
012	26 June 2023	31
013	<b>5 August 2024</b>	

### Town Council Wards and Councillors

Ashley North	-	2	Ashley South	-	2
Ballard	-	3	Barton & Becton	-	5
Bashley	-	1	Milton	-	5

## **The Ten General Principles**

The general principles governing member conduct under the *Relevant Authorities (General Principles) Order 2001* are set out below:

### ***Selflessness***

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

### ***Honesty and Integrity***

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

### ***Objectivity***

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

### ***Accountability***

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

### ***Openness***

5. Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

### ***Personal Judgement***

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

### ***Respect for Others***

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

### ***Duty to Uphold the Law***

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

### ***Stewardship***

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

### ***Leadership***

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Introduction .....	5
Rules of debate at meetings.....	6
Disorderly conduct at meetings .....	8
Meetings generally .....	8
Committees and sub-committees .....	11
Ordinary council meetings.....	12
Extraordinary meetings of the council, committees and sub-committees.....	14
Previous resolutions.....	14
Voting on appointments .....	15
Motions for a meeting that require written notice to be given to the proper officer .....	15
Motions at a meeting that do not require written notice .....	16
Management of information.....	17
Draft minutes.....	17
Code of conduct and dispensations .....	18
Code of conduct complaints .....	20
Proper officer .....	21
Responsible financial officer.....	22
Responsibilities to provide information .....	22
Responsibilities under data protection legislation .....	23
Relations with the press/media .....	23
Execution and sealing of legal deeds .....	23
Communicating with district and county councillors.....	23
Restrictions on councillor activities.....	24
Standing orders generally .....	24
 <b>Appendices</b>	
A – Terms of Reference.....	25
B – Financial Regulations.....	28
C – Tender Process .....	42
D – Complaints Procedure.....	42
E – The Code of Conduct.....	43

## INTRODUCTION

These Standing Orders are based on National Association of Local Councils (NALC) version 2 Model Standing Orders 2018 (England) updated on April 2022.

## HOW TO USE MODEL STANDING ORDERS

Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.

Local councils operate within a wide statutory framework. NALC model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council's standing orders.

Our standing orders incorporate NALC model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council's Responsible Financial Officer. The most recent model has been used, published in 2019. These have been updated by the two legislative requirements on financial controls from the model standing orders amended in 2022.

### Drafting notes

Model standing orders that are in **bold type contain legal and statutory requirements**. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs. It is NALC's view that all model standing orders will generally be suitable for councils.

For convenience, the word "councillor" is used in model standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights. The text also refers to 'he' whereas the position referred to is not gender specific.

## 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 (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the 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 of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the 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 on 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 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. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which 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 or legal 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 under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 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 be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the 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 does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 30 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 3 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.
- 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 about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- 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 there is one).**
- p **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The 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 (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

- s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
  
- t The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of councillors who are present and the names of councillors who are absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.
  
- u **A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
  
- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than 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 Proceedings shall not begin before 6.00pm and not proceed beyond 9.00pm. Should there be outstanding business a vote must be taken to decide if an additional meeting is required or items be added to the next scheduled meeting agenda. If an additional meeting is required no additional matter will be introduced without prior agreement of the Chairman and due notification to the Members.
- y A period of public participation will take place before the formal start of the meeting, specifically to speak on items shown on the agenda. The 'Democratic Half Hour' will, at Chairman discretion, take place at the end of the Public session. The speaker should provide their name and subject they wish to speak on.
- z At the Chairman's discretion a public participation period will take place prior to the commencement of the formal business of the meeting. The subject should be one within the committee remit. Please refer to Terms of Reference (Appendix A)

#### 4. COMMITTEES AND SUB-COMMITTEES

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;

- v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 5 days 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, in both cases, shall be no less than three;
- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

## **5. ORDINARY COUNCIL MEETINGS**

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.**
- d **The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.**
- e **The Chairman of the Council, 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.**
- f **The Vice-Chairman of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.**

- g **In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.**
- h **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.**
- i Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
- i. **In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council 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;
  - v. Appointment of members to existing committees (Amenities and F&GP upto 9 members, Planning 9 members ideally, fairly representing each ward) (Executive Committee being Chairman and Vice of Council and Chairman of each standing committee);
  - vi. Appointment of any new committees in accordance with standing order 4;
  - vii. Review and adoption of appropriate standing orders and financial regulations;
  - viii. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
  - ix. Review of representation on or work with external bodies and arrangements for reporting back;
  - x. 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.

See Terms of Reference (Appendix A)

## **6. ANNUAL TOWNS MEETING**

- a After the minutes have been signed the order of business at the Annual Towns Meeting shall be as follows
- i. to receive the Annual Report of the Town Council from its Chairman;
  - ii. to receive the accounts of any Chairites in which the Town Council has an interest, together with any comments or observations thereon;
  - iii. to consider motions on notice in order of date received;
  - iv. to receive reports of the delegate for New Forest Association of Local Councils;
  - v. to receive statements/reports from representatives of voluntary organisations in the town;
  - vi. to deal with any other business appropriate to the Annual meeting of the Town;
  - vii. Chairmans' announcements (if any);
  - viii. Guest Speaker (if any).

NOTE: The Annual Towns meeting is a public meeting required by statute to be held in the period between 1 March and 1 June inclusive each year, at which any elector for the town may speak at any time at the discretion of the Chairman, on matters arising or of direct concern in the area. It is not a Town Council meeting.

## **7. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES**

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

## **8. 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 6 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

**9. 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.

**10. MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER**

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 10 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 10 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 The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.



## **11. 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 authorise the signing of documents, requiring the formal approval of Council;
  - x. to appoint a committee or sub-committee and their members;
  - xi. to authorise the signing of the Schedule of Payments;
  - xii. to extend the time limits for speaking;
  - xiii. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
  - xiv. to not hear further from a councillor or a member of the public;
  - xv. to exclude a councillor or member of the public for disorderly conduct;
  - xvi. to temporarily suspend the meeting;
  - xvii. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
  - xviii. to confirm date of the next meeting;
  - xix. to adjourn the meeting; or
  - xx. to close the meeting.

## **12. MANAGEMENT OF INFORMATION**

*See also standing order 20.*

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

## **13. DRAFT MINUTES**

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

#### 14. CODE OF CONDUCT AND DISPENSATIONS

*See Appendix D and 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 order 13(d), a dispensation request shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**

- ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
- iii. **it is otherwise appropriate to grant a dispensation.**

**I All members shall disclose to the District Council Monitoring Officer their disclosable pecuniary interests. Please refer to Appendix D.**

All members shall disclose to the Monitoring Officer their non-pecuniary interests that comprise the membership, or position of general control or management, of any body:

- i. to which the council has appointed or nominated them; or
- ii. exercising functions of a public nature; or
- iii. directed to charitable purposes; or
- iv. one of whose principal purposes includes the influence of public opinion or policy.

The District Council Monitoring Officer shall record all such disclosures in a Register of Interests. The Register shall be open to public inspection and as a matter of law has to appear on the Council's and the District Council's websites.

j Members shall notify any changes to the above disclosable pecuniary interests and non-pecuniary interests to the Monitoring Officer within 28 days of the change occurring, and the Monitoring Officer will amend the Register accordingly.

k Any member who has a dis-closable pecuniary interest, or a non-pecuniary interest falling within (a) above, in any matter that a meeting is considering, shall disclose the existence and nature of that interest to the meeting. The disclosure shall be at the beginning of the consideration of the matter, or when the interest becomes apparent.

l Specifically relating to Planning Committee – Prior to the meeting, members should assess their interest in an application against the following 'Proximity Framework'

- i. Is the site for discussion adjacent your property, or within easy view?
- ii. Is the applicant a regular customer of your business?
- iii. Is the applicant well known to you, through other means than those listed in Section 8 of your Register of Interests form (non-pecuniary)?

If you answer YES to any of the above, you must disclose a Pecuniary interest at the meeting, explaining the reason and withdraw from the room.

l A member who fails to attend meetings of Council or standing committee, for six consecutive months shall be deemed to have resigned from the council or committee unless leave of absence has been granted by the Chairman of Council in discussion with the Town Clerk.

- m Each elected member must hold a position on at least one of the standing committees, to ensure best practice and fairness in terms of workload and decision making.
- n A member shall not solicit for any person any appointment under the Council. However this will not preclude a member giving a written testimonial of a candidates ability, experience or character for submission to the Council with the application for employment.

## 15. 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 investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the District 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.**
- e In certain straightforward circumstances the District Council Monitoring Officer is entitled to dismiss a complaint at the outset. This will happen if
  - i. The person complained about is no longer a Councillor, or
  - ii. The conduct complained about happened in the Councillors private life, not when they were acting as a Councillor, or
  - iii. The conduct complained about happened over a year beforehand, or was known about for more than 6 months prior to the complaint.
- f For complaints on procedure or administration, see Appendix C.

## 16. 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 the agenda (provided the councillor has consented to service by email), and**
    - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

*See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*
  - ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least (3) days before the meeting confirming his withdrawal of it;
  - iii. **convene a meeting of the Council for the election of a new Chairman 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. hold acceptance of office forms from councillors;
  - vii. hold a copy of every councillor's register of interests with original held by the District Council Monitoring Officer;
  - viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
  - ix. hold position as the Council's Data Protection Officer;
  - 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 (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;  
(see also *standing order 23*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority;
- xv. manage access to information about the Council via the publication scheme; and
- xvi. provide promotion and protection of the interests of the inhabitants as the Town Council may prosecute or defend legal proceedings and take or defend proceedings with the object of defending its constitution, property, rights or reputation.

#### **17. 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.
- b At the date of print the Town Clerk/Proper Officer was also the Responsible Finance Officer.

#### **18. 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 **As gross annual income or expenditure (whichever is the higher) exceeds £200,000 the Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

**19. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list). *See also standing order 11.*

- a **As referred to previously, the Town Clerk is the 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.**

**20. 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.

**21. EXECUTION AND SEALING OF LEGAL DEEDS**

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

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

*The above is applicable to a Council without a common seal.*

**22. 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.



## **23. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

Unless duly authorised, no councillor shall:

- i. inspect any land and/or premises which the Council has a right or duty to inspect;
- ii. conduct private meetings, or undertake business deals, with external commercial bodies on behalf of the Council, without being accompanied by at least one Councillor colleague or authorised Officer, both for reasons of transparency and to maintain member protection;
- iii. issue orders, instructions or directions to any third parties on behalf of the Town Council.
- iv. No individual member, or informal group of members may issue an official order unless instructed to do so in advance by a resolution of the council or make any contract on behalf of the council. (Financial Regulation 5.16)

## **24. STANDING ORDERS GENERALLY**

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

# APPENDICES

## A - Terms of Reference

1. Finance and General Purposes Committee - This Committee shall:-
  - (a) Be responsible for allocating and controlling the financial and personnel resources of the Council. This shall include insurance arrangements and the internal audit of accounts.
  - (b) Ensure that the organisational and administrative processes of the Council are designed to make effective contribution to the achievements of the Council's objectives. The Committee will keep these processes under review in the light of changing circumstances making recommendations as necessary for changes in either Committee structures, or the administrative, financial and executive arrangements of the Council.
  - (c) Make arrangements for the establishment, engagement and dismissal of staff through appraisal for their cost effective employment and service.
  - (d) To conduct an annual performance appraisal of the Town Clerk, to include review of performance targets for the post and those managed by the post holder. (Chairman of F & GP to nominate from members of Council)
  - (e) Make arrangements to deal expeditiously with all matters of a routine nature which are not the responsibility of other Committees, so that matters are either determined or, where appropriate, made the subject of recommendation to the Council to enable them to be determined.
  - (f) Be responsible for determining/making recommendations to Council, in respect of Capital or Revenue applications for Grant Aid. Where appropriate the recommendations of the Amenities or Planning Committees shall be sought prior to consideration by this Committee. Where applications are approved/recommended for approval, the following criteria will apply:-
    - i) The Committee may approve Capital and Revenue Grants up to and including £2,500.
    - ii) Where it is proposed to award a grant in excess of the sums at (i) above the Committee shall submit an appropriate recommendation to the Council for consideration.
  - (g) Whenever possible meet on a Monday evening two weeks prior to a Council meeting.

2. Amenities Committee - This Committee shall:-

- (a) *Promote leisure activities and facilities which shall include maintenance of public recreation grounds, parks, sports fields, open spaces, allotment sites, flower/shrub beds, bus shelters and similar areas which are the responsibility of the Council.*
- (b) *As appropriate, monitor, liaise, advise and where necessary arrange activities or functions connected with powers relating to entertainment, the arts, welfare services, public library, and tourism. This shall include recommendations for financial assistance.*
- (c) *Decision to allow or refuse events on the War Memorial Recreation Ground in Whitefield Road (specifically) is delegated to the Amenities Chairman (or Deputy) and the Town Clerk (or Assistant) if there is no meeting in a reasonable timescale.*
- (d) *Monitor the provision and maintenance of all outdoor recreational sports and similar amenity services in the town area and make recommendations on these aspects as appropriate, to the Council or other responsible authority.*
- (e) *Be responsible for the provision of street markets and all aspects associated with it, together with Car Boot sales.*
- (f) *Be responsible for the provision and/or maintenance of public seats, litter bins and footpaths which are the recognised responsibility of the Council.*
- (g) *Arrange and publish its own programme of meetings.*
- (h) *Whenever possible meet on a Monday evening two weeks prior to the meeting of the Finance and General Purposes Committee.*

3. Planning Committee - This Committee shall:-

- (a) *Advise the Council on all actions required to be taken concerning the planning, highway and associated authorities and utility boards on matters relating to local planning applications, local and district highways, road safety, coastal protection, utility services and similar matters affecting the town area.*
- (b) *Have a standing responsibility to examine all planning applications and appeals affecting the town area and shall, WITHOUT reference to the Council, make known its comments thereon to the local planning authority within the statutory time limits imposed.*
- (c) *Appoint, if appropriate, a Member or Members and/or other suitable person(s) to represent the inhabitants of parts or the whole of the town area of the Council at any public or other inquiry by a Ministry or public body under any act relating to development control or any other aspect of the Committee's responsibilities.*

- (d) *Be empowered to liaise with any body, organisation or department of any local authority or utility board on any matter within the Committee's areas of responsibility.*
- (e) *Monitor the application and effectiveness of Tree Preservation Orders in the Town Council area and make appropriate recommendations in this connection to the responsible authority.*
- (f) *The Committee shall usually meet on alternate Thursday evenings, with any potential change notified well in advance via the Calendar of Meetings.*

4. Executive Committee - This Committee shall:-

- (a) *Guide the Council in the formulation of its plan of objectives and priorities and for this purpose will recommend to the Council such forward programmes and other steps as may be necessary to achieve these objectives, either wholly or in part during specific periods of time.*
- (b) *Be responsible for reviewing the effectiveness of the Council's work standards and levels of service provided. It will identify the need for new services and keep existing ones under review. It will submit to the Council concurrent reports from other Committees on new policies or changes in existing policy formulated by such Committees, particularly those which may have a significant impact upon the resources of the Council. It will scrutinise the projects of the Standing Committees in particular regard to due process.*
- (c) *Be responsible for capital projects and land resources of the Council. This shall include arrangements for the acquisition, allocation, disposal and inventory of any land, buildings and/or substantial property.*
- (d) *Make preliminary budget recommendations to the Finance and General Purposes Committee, Amenities Committee and Planning Committee in time for them to table their formal proposals in accordance with the timetable prescribed in paragraph 3.2 of Appendix B (Financial Regulations).*
- (e) *Receive and deal with any special references from the Council.*
- (f) *Take urgent action in the interest of the Council in any situation where time precludes normal Council or Committee consideration of a particular matter.*
- (g) *Report back to Council/Committee as appropriate, all action taken with particular reference to any unavoidable departure from Standing Orders.*
- (h) *The Committee is authorised to incur expenditure on behalf of the Council up to but not exceeding £10,000. Authority to exceed this limit may be given in advance by the Council in specified instances only. (Financial Regulations refer.)*
- (i) *Hold a budget meeting in November of each year, and Strategy meeting within the first quarter of a new term.*

## ***B - FINANCIAL REGULATIONS***

### **Contents**

1. <u>General</u> .....	29
2. <u>Risk management and internal control</u> .....	30
3. <u>Accounts and audit</u> .....	30
4. <u>Budget and precept</u> .....	32
5. <u>Procurement</u> .....	33
6. <u>Banking and payments</u> .....	35
7. <u>Electronic payments</u> .....	36
8. <u>Cheque payments</u> .....	37
9. <u>Payment cards</u> .....	37
10. <u>Petty Cash</u> .....	38
11. <u>Payment of salaries and allowances</u> .....	38
12. <u>Loans and investments</u> .....	38
13. <u>Income</u> .....	39
14. <u>Payments under contracts for building or other construction works</u> .....	40
15. <u>Stores and equipment</u> .....	40
16. <u>Assets, properties and estates</u> .....	40
17. <u>Insurance</u> .....	41
18. <u>Charities</u> .....	41
19. <u>Suspension and revision of Financial Regulations</u> .....	41

These Model Financial Regulations templates were produced by the National Association of Local Councils (NALC) in May 2024 for the purpose of its member councils and county associations.

They were adopted by the council at its meeting held on 5 August 2024.

## 1. General

- 1.1. These Financial Regulations govern the financial management of the council and may only be amended or varied by resolution of the council. They are one of the council's governing documents and shall be observed in conjunction with the council's Standing Orders.
- 1.2. Councillors are expected to follow these regulations and not to entice employees to breach them. Failure to follow these regulations brings the office of councillor into disrepute.
- 1.3. Wilful breach of these regulations by an employee may result in disciplinary proceedings.
- 1.4. In these Financial Regulations:
  - 'Accounts and Audit Regulations' means the regulations issued under Sections 32, 43(2) and 46 of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force, unless otherwise specified.
  - "Approve" refers to an online action, allowing an electronic transaction to take place.
  - "Authorise" refers to a decision by the council, or a committee or an officer, to allow something to happen.
  - 'Proper practices' means those set out in *The Practitioners' Guide*
  - *Practitioners' Guide* refers to the guide issued by the Joint Panel on Accountability and Governance (JPAG) and published by NALC in England or Governance and Accountability for Local Councils in Wales – A Practitioners Guide jointly published by One Voice Wales and the Society of Local Council Clerks in Wales.
  - 'Must' and **bold text** refer to a statutory obligation the council cannot change.
  - 'Shall' refers to a non-statutory instruction by the council to its members and staff.
- 1.5. The Responsible Financial Officer (RFO) holds a statutory office, appointed by the council. The Clerk has been appointed as RFO and these regulations apply accordingly. 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 control systems;
  - ensures the accounting control systems are observed;
  - ensures the accounting records are kept up to date;
  - seeks economy, efficiency and effectiveness in the use of council resources; and
  - produces financial management information as required by the council.

1.6. **The council must not delegate any decision regarding:**

- **setting the final budget or the precept (council tax requirement);**
- **the outcome of a review of the effectiveness of its internal controls;**
- **approving accounting statements;**
- **approving an annual governance statement;**
- **borrowing;**
- **declaring eligibility for the General Power of Competence; and**
- **addressing recommendations from the internal or external auditors.**

1.7. In addition, the council shall:

- determine and regularly review the bank mandate for all council bank accounts;
- authorise any grant or single commitment in excess of £5,000; and

**2. Risk management and internal control**

**2.1. The council must ensure that it has a sound system of internal control, which delivers effective financial, operational and risk management.**

2.2. The Clerk/ RFO shall prepare, for approval by the council, a risk management policy covering all activities of the council. This policy and consequential risk management arrangements shall be reviewed by the council at least annually.

2.3. When considering any new activity, the Clerk/ RFO shall prepare a draft risk assessment including risk management proposals for consideration by the council.

**2.4. At least once a year, the council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.**

2.5. **The accounting control systems determined by the RFO must include measures to:**

- **ensure that risk is appropriately managed;**
- **ensure the prompt, accurate recording of financial transactions;**
- **prevent and detect inaccuracy or fraud; and**
- **allow the reconstitution of any lost records;**
- **identify the duties of officers dealing with transactions; and**
- **ensure division of responsibilities.**

2.6. Regular back-up copies shall be made of the records on any council computer and stored either online or in a separate location from the computer. The council shall put measures in place to ensure that the ability to access any council computer is not lost if an employee leaves or is incapacitated for any reason.

### 3. Accounts and audit

- 3.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- 3.2. **The accounting records determined by the RFO must be sufficient to explain the council's transactions and to disclose its financial position with reasonable accuracy at any time. In particular, they must contain:**
  - **day-to-day entries of all sums of money received and expended by the council and the matters to which they relate;**
  - **a record of the assets and liabilities of the council.**
- 3.3. The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return.
- 3.4. The RFO shall complete and certify the annual Accounting Statements of the council contained in the Annual Governance and Accountability Return in accordance with proper practices, as soon as practicable after the end of the financial year. Having certified the Accounting Statements, the RFO shall submit them (with any related documents) to the council, within the timescales required by the Accounts and Audit Regulations.
- 3.5. **The council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.**
- 3.6. **Any officer or member of the council must make available such documents and records as the internal or external auditor consider 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.
- 3.7. The internal auditor shall be appointed by the council and shall carry out their work to evaluate the effectiveness of the council's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.
- 3.8. The council shall ensure that the internal auditor:
  - is competent and independent of the financial operations of the council;
  - reports to council in writing, or in person, on a regular basis with a minimum of one written report during each financial year;
  - can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - has no involvement in the management or control of the council.
- 3.9. Internal or external auditors may not under any circumstances:
  - perform any operational duties for the council;



- initiate or approve accounting transactions;
  - provide financial, legal or other advice including in relation to any future 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.
- 3.10. For the avoidance of doubt, in relation to internal audit, the terms 'independent' and 'independence' shall have the same meaning as described in The Practitioners Guide.
- 3.11. 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 documents required by the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.
- 3.12. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

#### **4. Budget and precept**

- 4.1. **Before setting a precept, the council must calculate its council tax requirement for each financial year by preparing and approving a budget, in accordance with The Local Government Finance Act 1992 or succeeding legislation.**
- 4.2. Budgets for salaries and wages, including employer contributions shall be reviewed by the council at least annually in October for the following financial year and the final version shall be evidenced by a hard copy schedule signed by the Clerk and the Chair of Finance & General Purposes Committee. The RFO will inform committees of any salary implications before they consider their draft budgets.
- 4.3. No later than December each year, the RFO shall prepare a draft budget with detailed estimates of all receipts and payments/income and expenditure for the following financial year along with a forecast for the following three financial years, taking account of the lifespan of assets and cost implications of repair or replacement.
- 4.4. *Unspent budgets for completed projects shall not be carried forward to a subsequent year. Unspent funds for partially completed projects may only be carried forward by placing them in an earmarked reserve with the formal approval of the full council.*
- 4.5. Each committee shall review its draft budget and submit any proposed amendments to the council not later than the end of December each year.
- 4.6. The draft budget with any committee proposals and three-year forecast, including any recommendations for the use or accumulation of reserves, shall be considered by the Finance and General Purposes committee and a recommendation made to the council.

- 4.7. Having considered the proposed budget and three-year forecast, the council shall determine its council tax requirement by setting a budget. The council shall set a precept for this amount no later than the end of January for the ensuing financial year.
- 4.8. **Any member with council tax unpaid for more than two months is prohibited from voting on the budget or precept by Section 106 of the Local Government Finance Act 1992 and must disclose at the start of the meeting that Section 106 applies to them.**
- 4.9. The RFO shall **issue the precept to the billing authority no later than the end of February** and supply each member with a copy of the agreed annual budget.
- 4.10. The agreed budget provides a basis for monitoring progress during the year by comparing actual spending and income against what was planned.
- 4.11. Any addition to, or withdrawal from, any earmarked reserve shall be agreed by the Finance and General Purposes Committee.

## 5. Procurement

- 5.1. **Members and officers are responsible for obtaining value for money at all times.** Any officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices from several suppliers.
- 5.2. The RFO or his delegated officer/s should verify the lawful nature of any proposed purchase before it is made and in the case of new or infrequent purchases, should ensure that the legal power being used is reported to the meeting at which the order is authorised and also recorded in the minutes.
- 5.3. Every contract shall comply with these Standing Orders and these Financial Regulations and no exceptions shall be made, except in an emergency when the Executive Committee is authorised to spend up to £10,000.
- 5.4. **For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Public Contracts Regulations 2015 or any superseding legislation (“the Legislation”), must be followed in respect of the tendering, award and notification of that contract.**
- 5.5. Where the estimated value is below the Government threshold, the council shall (with the exception of items listed in paragraph 6.12) obtain prices as follows:
- 5.6. For contracts estimated to exceed £100,000 including VAT, the Clerk shall seek formal tenders from at least three suppliers agreed by the council. Tenders shall be invited in accordance with Appendix 1.

5.7. **For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation<sup>1</sup> regarding the advertising of contract opportunities and the publication of notices about the award of contracts.**

5.8. For contracts greater than £100,000 excluding VAT, the Clerk/RFO shall seek at least 3 fixed-price quotes;

5.9. where the value is between £100,000 and £25,000 excluding VAT, the Clerk/RFO shall try to obtain 3 estimates which might include evidence of online prices, or recent prices from regular suppliers.

5.10. For smaller purchases, the Clerk shall seek to achieve value for money.

5.11. **Contracts must not be split into smaller lots to avoid compliance with these rules.**

5.12. The requirement to obtain competitive prices in these regulations need not apply to contracts that relate to items (i) to (iv) below:

- i. specialist services, such as legal professionals acting in disputes;
- ii. repairs to, or parts for, existing machinery or equipment;
- iii. works, goods or services that constitute an extension of an existing contract;
- iv. goods or services that are only available from one supplier or are sold at a fixed price.

5.13. When applications are made to waive this financial regulation to enable a price to be negotiated without competition, the reason should be set out in a recommendation to the Finance & General Purposes Committee. Avoidance of competition is not a valid reason.

5.14. The council shall not be obliged to accept the lowest or any tender, quote or estimate.

5.15. Individual purchases within an agreed budget for that type of expenditure may be authorised by:

- the Clerk/RFO, in consultation with the Chair of the Council {or Chair of the appropriate committee}, for any items below £2,500 excluding VAT.
- a duly delegated committee of the council for all items of expenditure within their delegated budgets for items over £2,500 excluding VAT
- in respect of grants, Finance & General Purposes committee within any limits set by council and in accordance with any policy statement agreed by the council.)
- the council for all items over £10,000

Such authorisation must be supported by a minute (in the case of council or committee decisions) or other auditable evidence trail.

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<sup>1</sup> The Regulations require councils to use the Contracts Finder website if they advertise contract opportunities and also to publicise the award of contracts over £30,000 including VAT, regardless of whether they were advertised.

- 5.16. No individual member, or informal group of members may issue an official order unless instructed to do so in advance by a resolution of the council or make any contract on behalf of the council.
- 5.17. No expenditure (whether revenue or CAPEX) may be authorised that will exceed the budget for that type of expenditure other than by resolution of the council or a duly delegated committee acting within its Terms of Reference, except in an emergency.
- 5.18. In cases of serious risk to the delivery of council services or to public safety on council premises, the clerk may authorise expenditure of up to £2,000 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Clerk shall report such action to the Chair as soon as possible and to the council as soon as practicable thereafter.
- 5.19. No expenditure shall be authorised, no contract entered into or tender accepted in relation to any major project, unless the council is satisfied that the necessary funds are available and that where a loan is required, Government borrowing approval has been obtained first.
- 5.20. 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, along with evidence of receipt of goods.
- 5.21. Any ordering system can be misused and access to them shall be controlled by the Clerk/RFO.

## **6. Banking and payments**

- 6.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and authorised by the council; banking arrangements shall not be delegated to a committee. The council has resolved to bank with NatWest. The arrangements shall be reviewed annually for security and efficiency.
- 6.2. The council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. Wherever possible, more than one person should be involved in any payment, for example by dual online authorisation or dual cheque signing. Even where a purchase has been authorised, the payment must also be authorised, and only authorised payments shall be approved or signed to allow the funds to leave the council's bank.
- 6.3. All invoices for payment should be examined for arithmetical accuracy, analysed to the appropriate expenditure heading and verified to confirm that the work, goods or services were received, checked and represent expenditure previously authorised by the council before being certified by the RFO. Where the certification of invoices is done as a batch, this shall include a statement by the RFO that all invoices listed have been 'examined, verified and certified' by the RFO.
- 6.4. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of employment) may be summarised to avoid disclosing any personal information.

- 6.5. All payments shall be made by online banking/cheque, in accordance with a resolution of the council.
- 6.6. For each financial year the RFO may draw up a schedule of regular payments due in relation to a continuing contract or obligation (such as Salaries, PAYE, National Insurance, pension contributions, rent, rates, regular maintenance contracts and similar items), which the Finance and General Purposes committee may authorise in advance for the year.
- 6.7. A Schedule of Payments shall be reported to the next appropriate meeting of the Finance and General Purposes Committee for information only.
- 6.8. The Clerk/ RFO shall have delegated authority to authorise payments only in the following circumstances:
  - i. any payments of up to £2,500 excluding VAT, within an agreed budget.
  - ii. payments of up to £2,000 excluding VAT in cases of serious risk to the delivery of council services or to public safety on council premises.
  - iii. any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998 or to comply with contractual terms, where the due date for payment is before the next scheduled meeting of the Finance & General Purposes Committee, where the Clerk/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 & General Purposes Committee.
- 6.9. The RFO shall present a schedule of payments showing previously authorised payments, forming part of the agenda for the meeting, together with the relevant invoices, to the Finance and General Purposes Committee. The Committee shall review the schedule for compliance. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of that meeting.

## **7. Electronic payments**

- 7.1. Where internet banking arrangements are made with any bank, the RFO or delegated Officer shall be appointed as the Service Administrator. The bank mandate agreed by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts and a minimum of two people will be involved in any approval process. The Clerk may be an authorised signatory, but no signatory should be involved in approving any payment to themselves.
- 7.2. No employee shall disclose any PIN or password, relevant to the council or its banking, to anyone not authorised in writing by the council or a duly delegated committee.
- 7.3. The Service Administrator or delegated Officer shall set up all items due for payment online. A list of payments for approval, together with copies of the relevant invoices, shall be viewed by two authorised signatories.

- 7.4. Two councillors who are authorised signatories shall check the payment details against the invoices before approving each payment in preparation for the Officer using the online banking system.
- 7.5. Evidence shall be retained showing which members approved the payment online and a record of the transaction confirming that the payment has been made shall be retained on the council electronic storage.
- 7.6. A full list of all payments made in a month shall be provided to the next Finance and General Purposes Committee meeting and appended to the agenda.
- 7.7. With the approval of the Finance and General Purposes Committee in each case, regular payments (such as gas, electricity, telephone, broadband, water, National Non-Domestic Rates, refuse collection, pension contributions & HMRC payments) may be made by variable direct debit, provided that the instructions are signed by two authorised members. The approval of the use of each variable direct debit shall be reviewed by the council at least every two years.
- 7.8. If thought appropriate by the council, regular payments of fixed sums may be made by banker's standing order, provided that the instructions are signed by two members, evidence of this is retained and any payments are reported to council when made. The approval of the use of a banker's standing order shall be reviewed by the council at least every two years.
- 7.9. Account details for suppliers may only be changed upon written notification by the supplier verified by the Clerk/RFO. This is a potential area for fraud and the individuals involved should ensure that any change is genuine. The online banking system with NatWest automatically requires checking of payment account details, which serves as adequate check.
- 7.10. Members and officers shall ensure that any computer used for the council's financial business has adequate security, with anti-virus, anti-spyware and firewall software installed and regularly updated.
- 7.11. Old password facilities - other than secure password stores requiring separate identity verification - should not be used on any computer used for council banking.

## **8. Cheque payments**

- 8.1. Cheque payment in accordance with a resolution or delegated decision shall be signed by two members.
- 8.2. A signatory having a family or business relationship with the beneficiary of a payment shall not be a signatory to that payment.
- 8.3. To indicate agreement of the details on the cheque with the counterfoil and the invoice or similar documentation, the signatories shall also initial the cheque counterfoil and invoice.
- 8.4. Cheques shall not normally be presented for signature other than at, or immediately before or after a committee meeting. Any signatures obtained away from council meetings shall be reported to the Finance and General Purposes Committee at the next convenient meeting.

## **9. Payment cards**

- 9.1. Any Debit Card issued for use will be specifically restricted to the Clerk/RFO and delegated Officer and will also be restricted to a single transaction maximum value of £500 unless authorised by Finance and General Purposes Committee in writing before any order is placed.
- 9.2. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk/ RFO or delegated Officer and any balance shall be paid in full each month.
- 9.3. Personal credit or debit cards of members or staff shall not be used.

## **10. Petty Cash**

- 10.1. The RFO shall maintain a petty cash float/imprest account of £250 and may provide petty cash to officers for the purpose of defraying operational and other expenses.
  - a) Vouchers for payments made from petty cash shall be kept, along with receipts to substantiate every payment.
  - b) Cash 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 any schedule of payments presented for approval.

## **11. Payment of salaries and allowances**

- 11.1. **As an employer, the council must make arrangements to comply with the statutory requirements of PAYE legislation.**
- 11.2. **Councillors' allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment.**
- 11.3. Salary rates shall be agreed by Finance and General Purposes Committee. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the committee.
- 11.4. Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts.
- 11.5. Deductions from salary shall be paid to the relevant bodies within the required timescales, provided that each payment is reported, as set out in these regulations above.
- 11.6. Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a payroll control account or other separate confidential record, with the total of such payments each calendar month reported in the cashbook.
- 11.7. Any termination payments shall be supported by a report to the council, setting out a clear business case. Termination payments shall only be authorised by the full council.
- 11.8. Before employing interim staff, the council must consider a full business case.

## **12. Loans and investments**

- 12.1. Any application for Government approval to borrow money and subsequent arrangements for a loan must be authorised by the full council and recorded in the minutes. All borrowing shall be in the name of the council, after necessary approval.
- 12.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase, Leasing of tangible assets or loans to be repaid within the financial year) must be authorised by the full council, following a written report on the value for money of the proposed transaction.
- 12.3. The council shall consider the requirement for an Investment Strategy and Policy in accordance with Statutory Guidance on Local Government Investments, which must be written in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 12.4. All investments under the control of the council shall be in the name of the council.
- 12.5. All investment certificates and other documents relating thereto shall be retained in the custody of the Clerk/RFO.
- 12.6. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, shall be made in accordance with these regulations.

## **13. Income**

- 13.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the Clerk/RFO.
- 13.2. The council will review all fees and charges for work done, services provided, or goods sold at least annually as part of the budget-setting process, following a report of the Clerk. The Clerk/RFO shall be responsible for the collection of all amounts due to the council.
- 13.3. Any sums found to be irrecoverable, and any bad debts shall be reported to the council by the Clerk/RFO and shall be written off in the year. The council's approval shall be shown in the accounting records.
- 13.4. All sums received on behalf of the council shall be deposited intact with the council's bankers, with such frequency as the Clerk/RFO considers necessary. The origin of each receipt shall clearly be recorded on the paying-in slip or other record.
- 13.5. Personal cheques shall not be cashed out of money held on behalf of the council.
- 13.6. The Clerk/RFO shall ensure that VAT is correctly recorded in the council's accounting software and that any VAT Return required is submitted from the software by the due date.
- 13.7. Where significant sums of cash are regularly received by the council, the RFO shall 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 record such as ticket issues, and that appropriate care is taken for the security and safety of individuals banking such cash.



13.8. Any income that is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting.

#### **14. Payments under contracts for building or other construction works**

14.1. Where contracts provide for payment by instalments the RFO, in conjunction with the Estates and Facilities Manager shall maintain a record of all such payments, which shall be made within the time specified in the contract based on signed certificates from the architect or other consultant engaged to supervise the works.

14.2. Any variation of addition to, or omission from a contract must be authorised by the Clerk to the contractor in writing, with the council being informed where the final cost is likely to exceed the contract sum by 5% or more, or likely to exceed the budget available.

#### **15. Stores and equipment**

15.1. The officer in charge of each project shall be responsible for the care and custody of relevant stores and equipment.

15.2. 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.

15.3. Stocks shall be kept at the minimum levels consistent with operational requirements.

15.4. The RFO or delegated Officer shall be responsible for periodic checks of stocks and stores, at least annually.

#### **16. Assets, properties and estates**

16.1. The Clerk in conjunction with the Town Council Solicitor, shall make arrangements for the safe custody of all title deeds and Land Registry Certificates of properties held by the council.

16.2. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date, with a record of all properties held by the council, their 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.

16.3. 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.

16.4. No interest in land shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law. In each case a written report 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 where required by law).

No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, except where the estimated value of any one item does not exceed £1000. In each case a written report shall be provided to council with a full business case.

## **17. Insurance**

- 17.1. The RFO shall keep a record of all insurances effected by the council and the property and risks covered, reviewing these annually before the renewal date in conjunction with the council's review of risk management.
- 17.2. The Clerk shall give prompt notification to the Chairman of Finance and General Purposes Committee of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 17.3. The RFO shall be notified of any loss, liability, damage or event likely to lead to a claim, and shall report these to the council at the next available meeting. The RFO shall negotiate all claims on the council's insurers in consultation with the relevant Officer.
- 17.4. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council, or duly delegated committee.

## **18. Charities**

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

## **19. Suspension and revision of Financial Regulations**

- 19.1. The council shall review these Financial Regulations annually and following any change of clerk or RFO. The Clerk shall monitor changes in legislation or proper practices and advise the council of any need to amend these Financial Regulations.
- 19.2. The council may, by resolution 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 presented to all members. Suspension does not disapply any legislation or permit the council to act unlawfully.
- 19.3. The council may temporarily amend these Financial Regulations by a duly notified resolution, to cope with periods of absence, local government reorganisation, national restrictions or other exceptional circumstances.

## **C - Tender process**

- 1) Any 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.
- 2) The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post, unless an electronic tendering process has been agreed by the council.
- 3) Where a postal process is used, 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. 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.
- 4) Where an electronic tendering process is used, the council shall use a specific email address that will be monitored to ensure that nobody accesses any tender before the expiry of the deadline for submission.
- 5) Any invitation to tender issued under this regulation shall be subject to terms of the Bribery Act 2010.
- 6) Where 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, 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.

## **D – Complaints Procedure**

*If a complaint about procedures or administration is notified orally to a Councillor or the Clerk, and it is not possible to satisfy the complainant fully forthwith, the complainant shall be asked to put the complaint in writing to the Clerk and be assured that it will be dealt with promptly after receipt.*

- 1. If a complainant indicates that he would prefer not to put the complaint to the Clerk he shall be advised to put it to the Chairman of the Council.*
- 2. On receipt of a written complaint the Clerk or Chairman, as the case may be, shall (except where the complaint is about his own actions) try to settle the complaint directly with the complainant but shall not do so in respect of a complaint about the behaviour of the Clerk or a Councillor without first notifying the person complained of and giving him the opportunity to comment on the manner in which it is intended to attempt to settle the complaint. Where the Clerk or the Chairman receives a written complaint about his own action(s) he shall forthwith refer the complaint to the Council.*
- 3. The Clerk or Chairman shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.*
- 4. The Clerk or Chairman shall bring any written complaint which cannot be settled to the next meeting of the Council and the Clerk shall notify the complainant of the date on which the complaint will be considered.*
- 5. The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Council meeting in public.*
- 6. As soon as possible after the decision has been made it, and the nature of any action to be taken, shall be communicated in writing to the complainant.*

## **E - THE CODE OF CONDUCT (LOCALISM ACT 2011).**

*A copy of the code follows, all Members must ensure that they are fully aware of its contents.*

### **EXPLANATORY NOTE FOR COUNCIL MEMBERS**

*By law, all Councillors are required to follow their Council's Code of Conduct when acting in their capacity as a Councillor. The Code set out below has been adopted by New Milton Town Council to fulfil its obligations under section 27 (2) of the Localism Act 2011 and is consistent with the following principles of public life set out in the Act: selflessness; integrity; objectivity; accountability; openness; honesty, and leadership.*

*If you have any doubt about whether any action you propose to take may be in breach of the Code, you should seek advice from the Parish Clerk beforehand. However, please remember that responsibility for your actions remains at all times with you.*

*Anyone who considers you have failed to comply with this Code may make a formal complaint about you, which will be dealt with by New Forest District Council. The District Council has adopted procedures for dealing with complaints. If a complaint is upheld, this may lead to your formal censure, adverse publicity ("naming and shaming"), or a recommendation to the Town Council that you be removed from a Committee or other position.*

*Apart from the provisions of this Code, members are required to register and disclose both pecuniary and non-pecuniary interests, as set out in the law and the Council's Standing Orders. Failure to comply with the law as it applies to disclosable pecuniary interests is a criminal offence.*

*(This explanatory note does not form part of the Code).*

## **CODE OF CONDUCT**

*Whenever you are acting in your capacity as a Councillor:*

- 1. You must not use, or try to use, your position improperly to obtain an advantage or disadvantage for yourself or any other person or body.*
- 1. You must not use your Council's resources improperly for political purposes or any other purposes forbidden by your Council.*
- 2. You must not do anything that compromises, or is likely to compromise, the impartiality of those who work for the Council.*
- 3. You must not bully anyone.  
(Bullying is offensive, intimidating, malicious, insulting or humiliating behaviour that is directed at someone over whom you have some actual or potential influence).*
- 4. You must not intimidate, or try to intimidate, anyone who has complained about you or who may be involved with a complaint about you.*
- 5. You must not disclose information that you know, or ought to know, is confidential, without authority or a legitimate reason.*
- 6. You must not prevent, or try to prevent, anyone from obtaining information to which they are entitled by law.*
- 7. You must not do anything that may cause your Council to breach any of the Equality laws that prohibit discrimination on grounds such as age, sex, race, disability, religion/belief, sexual orientation or pregnancy.*