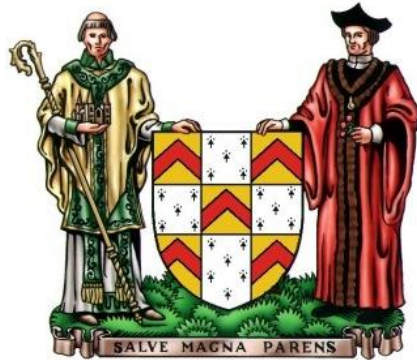


# Lichfield City Council



# STANDING ORDERS AND FINANCIAL REGULATIONS

(Approved by Council 31 July 2006)

[Revised to January 2019]



# STANDING ORDERS

## **1 Meetings of the Council**

The Annual Meeting of the Council shall be held in May each year and other meetings of the Council for the transaction of general business shall be held as the Council so directs, subject to the Council meeting on a minimum of four occasions per annum.

## **2 Mayor**

Any power or duty of the Mayor in his capacity as Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

## **3 Election of Deputy Mayor**

The Deputy Mayor as vice-chairman of the Council shall be appointed at the Annual Meeting.

## **4 Quorum**

The Quorum for meetings of Council shall be the greater of three or one-third of the qualified total membership, or as otherwise amended by statute. If during any meeting of the Council after counting the number of members present, the Chairman declares that there is not a quorum present the meeting shall *ipso facto* stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or, if he does not fix a time, to the next ordinary meeting of the Council.

## **5 Order of Business**

5.1 Except as otherwise provided by paragraph 5(2), the order of business at every meeting of the Council shall be:

- (a) To appoint a person to preside if the Chairman and Vice-Chairman be absent.
- (b) To deal with any business required by statute to be done before any other business.
- (c) To approve as a correct record and sign the minutes of the last meeting of the Council.
- (d) To deal with any business expressly required by statute to be done.
- (e) Any correspondence, communications or other business specially brought forward by direction of the Chairman.
- (f) To dispose of business (if any) remaining from the last meeting.
- (g) To receive and consider reports, minutes and recommendations of committees.
- (h) To answer questions asked pursuant to standing order 8.

- (i) To consider motions in the order in which notice has been received.
- (j) To receive and consider reports, minutes and recommendations of sub committees, advisory committees and working parties.
- (k) Other business, if any, specified in the summons.

5.2 Business falling under items (a), (b), or (c) of paragraph (l) shall not be displaced, but subject thereto the foregoing order of business may be varied:

- (a) by the Chairman at his discretion
- (b) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

## **6 Notices of Motion**

- 6.1 Notice of every motion, other than a motion which under Standing Order 7 may be moved without notice, shall be given in writing, signed by the member or members of the Council giving the notice, and delivered at least ten clear days before the next meeting of the Council, at the office of the Proper Officer by whom it shall be dated, numbered in the order in which it is received, and entered in a book which shall be open for inspection by every member of the Council.
- 6.2 The Proper Officer shall set out in the summons for every meeting of the Council all motions of which notice has been duly given in the order in which they have been received, unless the member giving such a notice intimated in writing when giving it, that he proposed to move it at some later meeting, or has since withdrawn it in writing.
- 6.3 If a motion thus set out in the summons be not moved either by a member who gave notice thereof or by some other member on his behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 6.4 If the subject matter of any motion of which notice has been duly given is within the province of any committee or committees it shall, upon being moved and seconded, stand referred without discussion to such committee or committees, or to such other committee or committees as the Council may determine, for consideration and report. Provided that the Chairman may, if he considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.
- 6.5 Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the City.

## **7 Motions and amendments which may be moved without notice**

The following motions and amendments may be moved without notice:

- 7.1 Appointment of a Chairman of the meeting at which the motion is made.
- 7.2 Motions relating to the accuracy of the minutes.
- 7.3 That an item of business specified in the summons have precedence.
- 7.4 Reference back to a committee.
- 7.5 Appointment of a committee or members thereof, occasioned by an item mentioned in the summons to the meeting.
- 7.6 Adoption of reports and recommendations of committees or officers and any consequent resolutions.
- 7.7 That leave be given to withdraw a motion.
- 7.8 Extending the time limit for speeches.
- 7.9 Amendments to Motions.
- 7.10 That a member be permitted to speak for longer than the period permitted by Standing Order 10.4.
- 7.11 That the Council proceed to the next business.
- 7.12 That the question be now put.
- 7.13 That the debate be now adjourned.
- 7.14 That the Council do now adjourn.
- 7.15 Authorising the sealing of documents.
- 7.16 Suspending Standing Orders, in accordance with Standing Order 36.
- 7.17 Motion under section 19(2) of the Public Bodies (Admission to Meetings) Act, 1960, to exclude the public.
- 7.18 That a member named under Standing Order 12 be not further heard or do leave the meeting.
- 7.19 Giving consent of the Council where the consent of the Council is required by these Standing Orders.
- 7.20 In connection with voting on appointments in accordance with Standing Order 16.

## **8 Questions**

- 8.1 A member of the Council may ask the Chairman of a committee any question upon an item of the report of a committee when that item is under consideration by the Council.
- 8.2 A member of the Council may:
  - a) if two clear days' notice in writing specifying the subject has been

given to the Proper Officer ask the Chairman or the Chairman of any committee any questions on any matter in relation to which the Council has powers or duties or which affects the City.

b) with the permission of the chairman, put to him or the Chairman, of any committee any question relating to urgent business, of which such notice has not been given; but a copy of any such question shall, if possible, be delivered to the Proper Officer not later than 12 noon on the day of the meeting.

8.3 a) Members of the public may make representations and ask questions at full City Council meetings but must give appropriate notice of their intention to do so not later than 12 Noon on the day of the meeting.

b) Subject to Standing Order 8.3 (a) a member of the public shall not speak for more than 3 minutes.

8.4 Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.

8.5 An answer to a question put under standing orders 8.1 and 8.3 may take the form of

(a) A direct oral answer; or

(b) Where the desired information is contained in a publication of the Council, a reference to that publication; or

(c) Where the reply to the question cannot conveniently be given orally, a written answer circulated if necessary to all members of the Council.

## **9 Minutes**

9.1 The Chairman shall put the question that the minutes of the meeting of the Council held on the ..... day of ..... be approved as a correct record.

9.2 In considering the question under Standing Order 9.1 above no discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.

## **10 RULES OF DEBATE FOR COUNCIL MEETINGS**

### **10.1 Mover and Seconder**

A motion or amendment, other than a motion for the reception or

adoption of the whole or any part of the report of a committee, shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Standing Order 6 it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.

10.2 A member when seconding a motion or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

**10.3 One member to stand at a time**

A member when speaking shall stand and address the Chairman. If two or more members rise, the Chairman shall call on one to speak, the other or others shall then sit. While a member is speaking the other members shall remain seated, unless rising to a point of order or in personal explanation.

**10.4 Content of Speeches**

A member shall direct his speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed 5 minutes without the consent of the Council.

**10.5 Amendments to motions**

An amendment shall be relevant to the motion and shall be either:

- a) to refer a subject of debate to a committee for consideration or reconsideration;
- b) to leave out words;
- c) to leave out words and insert or add others;
- d) to insert or add words; but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.

**10.6 One amendment at a time**

Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.

**10.7 Further amendments**

If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion, and shall become the motion upon which any further amendments may be moved, except in the case of such an amendment as is referred to in Standing Order 10.5(a) when no further amendment may be moved.

10.8 A member may with the consent of the Council signified without

discussion:

- a) alter a motion of which he has given notice, or
- b) with the further consent of his seconder alter a motion which he has moved, if (in either case) the alteration is one which could be made as an amendment thereto.

#### **10.9 Withdrawal of motion**

A motion or amendment may be withdrawn by the mover with the consent of his seconder and of the Council which shall be signified without discussion, and no member may speak upon it after the mover has asked permission for its withdrawal, unless such shall have been refused.

#### **10.10 Right of reply**

The mover of a motion has a right to reply at the close of the debate of the motion, immediately before it is put to the vote but such reply must be relevant to the motion. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his amendment.

#### **10.11 Motions which may be moved during debate**

When a motion is under debate no other motion shall be moved except the following:

- (i) to amend the motion
- (ii) to adjourn the meeting
- (iii) to adjourn the debate
- (iv) to proceed to the next business
- (v) that the question be now put
- (vi) that a member be not further heard
- (vii) by the Chairman under Standing Order 12 that a member do leave the meeting
- (viii) a motion under section 1(2) of the Public Bodies (Admission to Meetings) Act, 1960, to exclude the public

#### **10.12 Closure motion**

A member may move without comment at the conclusion of a speech of another member, "That the Council proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Council do now adjourn", on the seconding of which the Chairman shall proceed as follows:

- a) On a motion to proceed to next business; unless in his opinion the



matter before the meeting has been insufficiently discussed, he shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business:

- b) On a motion that the question be now put: unless in his opinion the matter before the meeting has been insufficiently discussed, he shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his right of reply under paragraph 10.10 of this Standing Order before putting his motion to the vote;
- c) On a motion to adjourn the debate or the meeting: if in his opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he shall put the adjournment motion to the vote without giving the mover of the original motion his right of reply on that occasion.

### **10.13 Points of order**

A member may rise on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the member shall specify the Standing Order or statutory provision and the way in which he considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him which may appear to have been misunderstood in the present debate.

### **10.14 Chairman's Ruling**

The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

### **10.15 Respect for Chair**

Whenever the Chairman rises during a debate a member then standing shall resume his seat and the Council shall be silent.

## **11 Motions affecting persons employed by the Council**

If any question arises at a meeting of the Council or committee as to the appointment, promotion, dismissal, salary or condition of service, or as to the conduct of any persons employed by the Council it shall not be considered by the Council or committee until the public has been excluded from the meeting under section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, unless the Council or committee otherwise resolve.

## **12 Misconduct of a member**

- 12.1 If at a meeting any member of the Council, in the opinion of the Chairman notified to the Council, misconducts himself by persistently disregarding the

ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council the Chairman or any other member may move "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.

12.2 If the member named continue his misconduct after a motion under the foregoing paragraph has been carried the Chairman shall: **EITHER** move "That the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion; **OR** adjourn the meeting of the Council for such period as he in his discretion shall consider expedient.

12.3 In the event of general disturbance which in the opinion of the Chairman renders the due and orderly dispatch of business impossible, the Chairman in addition to any other power vested in him may, without question put, adjourn the meeting of the Council for such period as he in his discretion shall consider expedient.

### **13 Disturbance by members of the public**

If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him. If he continues the interruption the Chairman shall order his removal from the Council Chamber. In the case of general disturbance in any part of the Chamber open to the public the Chairman shall order that part to be cleared.

### **14 Rescission of Preceding Resolutions**

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Standing Order 6 bears the names of at least six members of the Council. When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months. Provided that neither this Standing Order nor Standing Order 6 (relating to Notices of Motion) shall apply to motions moved by the Chairman or other members of a committee acting for him and made in pursuance of a recommendation contained in the report of a committee.

### **15 Voting at Meetings of the Council**

15.1 Except as provided by Standing Order 16 the mode of voting at meetings of the Council shall be by show of hands and on the requisition of any member of the Council the voting on any question shall be recorded in the minutes of the meeting so as to show whether each member present voted for or against that question or abstained from voting.

15.2 In the case of an equality of votes, the person presiding shall have a second or casting vote.

## **16 Voting on appointments**

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

## **17 Record of Attendance**

Every member of the Council attending a meeting of the Council, or of any of its committees of which he is a member, shall sign his name in the attendance book or sheet provided for that purpose.

## **18 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 eight Councillors, any eight Councillors may convene an extraordinary meeting of the Council.

## **19 Media Policy**

A person may not orally report or comment about a meeting as it takes place but otherwise is permitted to:

- a) Film, photograph or record a meeting. This includes using a mobile phone or tablet, recording for a TV/radio broadcast or social networking sites such as Twitter and Facebook.
  - b) Unless the meeting has resolved to hold all or part of the meeting without the public present or such activities disrupt the proceedings.
- 19.1 The photographing, recording, filming or other reporting of a child or vulnerable adult at a Council meeting is not permitted unless an adult responsible for them has given permission.
- 19.2 Oral reporting or commentary about a Council or committee meeting by a person who is present at the meeting is not permitted.

## **20 Code of Conduct**

All members of Council will be bound by the Lichfield City Council Code of Conduct as adopted by Council 25 June 2012, or any subsequent amendment thereof. All members of Council on their election or co-option will be supplied with a copy of the Code of Conduct.

## **21 Interest of Officers in Contracts**

The Proper Officer shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under Section 117 of the Local Government Act, 1972 of a pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any member of the Council.

## **22 Custody of Seal**

The Seal of the Council shall be kept in the custody of the Proper Officer.

## **23 Sealing of Documents**

22.1 The Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of a committee to which the Council has delegated its powers in this behalf, but a resolution of the Council (or of a committee where so empowered) authorising the acceptance of any tender, the purchase, sale, letting or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address, the making of any rate or contract, or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

22.2 The Town Clerk or in his absence the Proper Officer shall attest every document which has been sealed and an entry of the sealing of every document to which the Common Seal has been attached shall be made and consecutively numbered in a book to be provided for that purpose and each entry duly signed by the Town Clerk or Proper Officer.

## **24 Authentication of documents for legal proceedings**

Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by the Town Clerk unless any enactment otherwise requires or authorises, or the Council gives the necessary authority to some other person for the purpose of such proceedings.

## **25 Inspection of Minutes and other documents by Members**

25.1 A member of the Council may, for purposes of his duty as such member but not otherwise, on application to the Town Clerk or Proper Officer inspect any document which has been considered by a committee or by the

Council and if copies are available shall on request be supplied for the like purpose with a copy of such a document provided that a member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he has a prejudicial interest as defined by the City Council's Code of Conduct and that this Standing Order shall not preclude the Town Clerk or Proper Officer from declining to allow inspection of any document which is, or in the event of legal proceedings, would be protected by privilege arising from the relationship of solicitor and client.

25.2 All reports made or minutes kept by any committee shall as soon as the committee has concluded action in the matter to which such reports or minutes relate, be open for the inspection of any member of the Council.

## **26 Inspection of Lands, Premises, etc., by Members**

Unless specifically authorised to do so by the Council or a committee, a member of the Council shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of his membership of the Council any right to inspect or to enter upon any lands or premises which the Council has the power or duty to inspect or enter.

## **26 Appointment of Committees**

The Council shall at the annual meeting appoint such committees as they are required to appoint, and may at any time appoint such other committees as are necessary to carry out the work of the Council, but shall not appoint any member of a committee so as to hold office later than the next annual meeting of the Council, provided that this paragraph shall not apply to a special committee appointed for a particular purpose.

## **27 Dissolution and Amendment of Committees**

The Council may at any time dissolve a committee or alter its membership.

## **28 Election of Chairman of Committee**

Every committee shall, at its first meeting, before proceeding to any other business, elect a Chairman for the year, and may at any time appoint a Vice-Chairman. In the absence from a meeting of the Chairman (and Vice-Chairman if elected) a Chairman for that meeting may be appointed.

## **29 Special Meetings of Committees**

a)The Chairman of a committee may call a special meeting of the committee at any time. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting.

b) If the chairman of a committee or a sub-committee does not or refuses to call an extraordinary meeting within seven days of having been requested by to do so by one third of the members of the committee or the sub-committee, then one third of the members of the committee or sub-committee may convene an extraordinary meeting of a committee or sub-committee.

### **30 Sub-Committees**

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

30.2 The Chairman and the Vice-Chairman, if any, of the committee shall be ex-officio members of every sub-committee appointed by that committee unless they signify to the committee that they do not wish to serve.

### **31 Quorum of Committees**

Except where authorised by a statute or ordered by the Council business shall not be transacted at a meeting of any committee unless at least one quarter of the whole number of the committee is present, provided that in no case shall the quorum be less than two members.

### **32 Certain Standing Orders to Apply to Committees and Sub-Committees**

The following Standing Orders, namely:

16. (Voting on Appointments)
17. (Record of Attendance)
18. (Interest of Members in Contracts and other matters)
27. (Election of Chairman of Committees)
28. (Special Meetings of Committees)
29. (Sub-Committees)
30. (Quorum of Committees)
32. (Proceedings of Committees to be Confidential)
35. (Mover of Motion may attend Committee or Sub-Committee)
36. (Suspension of Standing Orders) and the Standing Order as to Contracts shall apply to the proceedings of all Standing Committees and sub-committees of the Council.

### **33 Proceedings of Committees to be Confidential**

33.1 All agenda, reports and other documents and all proceedings of committees and sub-committees shall be treated as confidential unless and until they become public in the ordinary course of the Council's business.

33.2 (a) A member of committee or sub-committee, including the Council in Committee, shall not disclose a matter dealt with by or brought

before the committee, without its permission, to anyone who is not a member or an officer of the Council until a copy of the committee's report of the relevant meeting to the Council shall either have been sent to all members of the Council or to the Press or until the committee shall have otherwise concluded the action on that matter

- (b) The restriction imposed by the preceding sub-paragraph shall apply equally to the disclosure of such matters to any member of the Council coming within the purview of Standing Order 28.
- c) The preceding sub-paragraph of this Standing Order shall not apply to matters dealt with by or brought before a committee when the press is present.

### **34 Voting in Committees and Sub-Committees**

Voting at a meeting of a committee or sub-committee shall be by show of hands.

### **35 General Business of Committees**

- 35.1 All other communications addressed to the Council, which, in the opinion of the Chairman, need to be dealt with at the next meeting of the Council and for that purpose require previous consideration by a committee shall be laid before such committee as the Chairman may direct, and the committee shall report thereon to the Council.
- 35.2 The Proper Officer may cause to be placed upon the agenda paper of each committee meeting notice of all business which in his opinion is of sufficient urgency to require the early attention of the committee.

### **36 Mover of Motion may attend Committee or Sub-Committee**

A member of the Council who has moved a motion which has been referred to any committee or sub-committee shall have notice of the meeting of the committee or sub-committee at which it is proposed to consider the motion. He shall have the right to attend the meeting and if he attends shall have an opportunity of explaining the motion.

### **37 Suspension of Standing Orders**

Any of the preceding Standing Orders in any case of urgency or upon motion made on a notice duly given under Standing Order 6 may be suspended at any meeting, so far as regards any business at such meeting, provided that three-fourths of the members of the Council present and voting so shall decide.

**38 Standing Orders to be given to Members**

A printed copy of these Standing Orders shall be given to each member of the Council by the Proper Officer on the member being elected to the Council.

**39 Interpretation of Standing Orders**

The ruling of the Chairman as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council shall not be challenged at any meeting of the Council.

**40 Variation and Revocation of Standing Orders**

Any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Council.

**41 Financial Administration**

Every committee and officer of the Council shall conform with the financial regulations made by the Council.

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**FINANCIAL REGULATIONS**

**I General**

- 1.1 These financial regulations shall govern the conduct of the financial affairs and transactions of the Council and may only be amended or varied by resolution of the Council.
- 1.2 The Town Clerk shall be the responsible financial officer (RFO) and under the policy direction of the Council shall be responsible for the proper administration of the Council's financial affairs.
- 1.3 The RFO shall be responsible for the production of financial management information.

**2 Annual Estimates**

- 2.1 Detailed estimates of income and expenditure on revenue services, and receipts and payments on capital account, shall be prepared each year by the RFO.
- 2.2 The Council shall review the estimates not later than the end of January in each year and shall recommend the precept to be levied for the ensuing financial year. The RFO shall supply each member with a copy of the approved estimates.



2.3 The annual capital and revenue budgets shall form the basis of financial control for the ensuing year.

### **3 Budgetary Control**

3.1 Expenditure on the revenue account may be incurred up to the amounts included in each approved service budget.

3.2 No expenditure may be incurred which cannot be met from the amount provided in the appropriate revenue budget unless a virement has been approved by the Council.

3.3 At four-monthly intervals the RFO shall provide the Council with a statement of income and expenditure to date under each head of the approved annual revenue and capital budgets.

3.4 The RFO may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure. The RFO shall report the action to Council as soon as practicable thereafter.

3.5 Where expenditure is incurred in accordance with regulation 3.4 above and the sum required cannot be met from savings made elsewhere within that approved budget, it shall be subject to the provisions of a supplementary estimate approved by the Council.

3.6 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving expenditure on the capital account unless the Council is satisfied that it is contained in the rolling capital programme and that the necessary capital funds are available, or the requisite borrowing approval can be obtained.

### **4 Accounting and Audit**

4.1 All accounting procedures and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit (England) Regulations 2011 SI 2011/817, or subsequent legislation.

4.2 The RFO shall be responsible for completing the annual accounts of the Council as soon as practicable after the end of the financial year, and within the time limit prescribed by statute and shall submit them to and report thereon to the Council

#### **4.3 Anti-Fraud and Corruption**

4.3.1 In accordance with regulation 4(b) of the Accounts and Audit Regulations 1996 the separation of duties of officers shall be carried out wherever practical thus, reducing the risk of fraud or the suspicion of fraud

- 4.3.2 Wherever possible arrangements shall be made to ensure that no officer carries out more than one of the following:
- The ordering of works, goods or services
  - The acknowledgement of their receipt, and
  - The examination and certification of invoices and accounts

4.3.3 Wherever possible officers responsible for the examination and checking of records of cash transactions shall not be engaged in any of these transactions.

#### **4.4 Internal Audit**

4.4.1 In accordance with regulation 5, of the Accounts and Audit Regulations 1996, the Authority shall maintain an adequate and effective system of internal audit of all the Council's activities. Such internal audit shall be performed by the designated Internal Auditor and carried out in accordance with Accounts and Audit Regulations and the policy statements on internal audit issued by the Chartered Institute of Public Finance and Accountancy (CIPFA).

4.4.2 Whenever any matters arise which involve, or are thought to involve, irregularities concerning cash, stores or other Council property the appropriate officer shall notify the RFO who will take necessary steps to facilitate an investigation audit and report thereon.

4.4.3 The RFO will report directly to the Leader of Council, wherever such an audit is required and the subsequent outcome of the audit.

4.4.4 All officers and employees of the Council will give all assistance and comply with all disclosure requirements to enable the Internal Auditor to perform his duties.

#### **5 Banking Arrangements, Cheques and Electronic Banking**

5.1 The Council's banking arrangements shall be made by the RFO and approved by the Council. Two current accounts shall be maintained at the bank, a General Account and an Imprest Account. In addition there will be interest-bearing accounts maintained by transfer in and out of the General Current Account.

5.2 A schedule of the payments of money, from the General and Imprest Accounts, shall be prepared by the RFO and presented to the Council. The schedule shall be confirmed by a resolution of the Council and signed by the Mayor.

- 5.3 Cheques, autopay sheets and/or electronic payments of any nature drawn on the two bank accounts in accordance with the schedule referred to in the previous paragraph shall be signed by:

**General Account, Autopay sheets and Electronic Payments**

1st signatory - Mayor or Deputy Mayor

2nd signatory - Leader or Deputy Leader

3rd signatory - Town Clerk, Deputy Town Clerk or Accounts Officer

In the case of electronic payments via Bankline (or similar software) where there may be a limitation on the number of individuals who are able to authorise the physical transfer of monies, the schedule of payments to be made by the transfer must be signed by a representative from each of the three signatory groups prior to the transfer; the completed and signed schedule to be presented to the payment authorisers for inspection prior to payment authorisation.

**Imprest Account**

Sole signatory - Town Clerk, Deputy Town Clerk or Accounts Officer

- 5.4 If thought appropriate by the council, payment for utility supplies, Business Rates and other regular services may be made by variable Direct Debit provided that the instructions are signed by three signatories as detailed in the provisions for General Account and Autopay Statements at section 5.3 above. Each proposed new Direct Debit instruction must be authorised by Council prior to entering into any agreement.
- 5.5 Any payments by Direct Debit are to be entered on the Schedule referred to in 5.2 above. Existing Direct Debit arrangements shall be subject to consideration and subsequent resolution by the City Council each year.
- 5.6 The Imprest Account shall not be overdrawn at the bank. Transfers to fund it shall be made from the Council's General Account up to a balance of £2,500 and shall be shown separately on the schedule of the payment of money presented to the Council (under 5.2 above).
- 5.7 Payments from the Imprest account shall be for:
- a) payment of wages and subsistence.
  - b) payment of other accounts not exceeding £400 as at 1 April 2006 (this limit to be amended annually thereafter in accordance with the published Retail Price Index) **[£568 as at 1 April 2018]**

**6 Payment of Accounts**

- 6.1 Apart from petty cash payments, all payments shall be effected by cheque or by BACS transfer drawn on the Council's bankers, or otherwise in

accordance with a resolution of Council or duly delegated committee.

- 6.2 All invoices for payment shall be examined, verified and certified by the officer issuing the order. Before certifying an invoice the officer shall be satisfied that the work, goods or services to which the invoice relates have been received, carried out, examined and approved.
- 6.3 Duly certified invoices shall be passed to the RFO who shall arrange for them to be examined in relation to arithmetical accuracy and authorisation, and shall code them to the appropriate expenditure head. The RFO shall take all possible steps to settle all invoices submitted, and which are in order, within 30 days of their receipt.
- 6.4 All duly certified invoices will then be entered on the schedule referred to in 5.2 above.
- 6.5 The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.
  - (a) The RFO shall maintain a petty cash float to a limit of £300 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment. All reimbursements and payments of expenses must be made within the confines of a Notice of Dispensation, under section 166(1)/144(1) ICTA 1988, received from the Inland Revenue.
  - (b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
  - (c) Payments to maintain the petty cash float shall be shown separately on the schedule of the payment of money presented to the Council (under 5.2 above).
- 6.6 If thought appropriate by the Council, payment for certain items may be made by internet banking transfer or through other means of electronic payment as resolved by the Council, providing such payment is made in accordance with approvals/delegated powers as resolved by the Council and records are retained to confirm compliance. These records will include a schedule of payments in the same or similar format to that at 5.2 above, duly signed prior to the transfer of monies by a representative from each of the three signatory groups as listed at 5.3; the signed schedule to be retained for audit purposes.

- 6.7 Where electronic banking arrangements are made in any form the Town Clerk will be appointed as a Service Administrator, together with the Leader of the Council. The panel of payment Authorisers are to be the incumbent Mayor, Deputy Mayor, Leader, Deputy Leader, Town Clerk and Deputy Town Clerk. All electronic payments must be authorised by at least one Member and one Officer drawn from the list above.
- 6.8 Payment Authorisers are to be provided with the schedule described at 5.3 prior to Authorising transfer of monies. No transfer of monies is to be made without a correctly completed and certified schedule.
- 6.9 Authorisation of payments will ordinarily take place at the City Council offices utilising City Council computer equipment.
- 6.10 Any payments by electronic banking arrangements in any form are to be entered on the Schedule referred to in 5.2 above.
- 6.11 No employee or Councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or duly delegated committee.
- 6.12 The Council, and any members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.
- 6.13 Access to any internet banking accounts will be directly to the access page (which may be saved under 'favourites'), and not through a search engine or e-mail link. Remembered or saved password facilities must not be used on any computer used for council banking work.
- 6.14 Resolution of Council will determine any variations to these arrangements.

## **7 Electronic Payments – Face to face and Telephone**

- 7.1 The City Council will accept appropriate payments for goods and services provided by the Council electronically following the Legislative Reform (Payments by Parish Councils, Community Councils and Charter Trustees) Order 2014.
- 7.2 The Council will accept a range of payment options through its card machines, though reserves the right to not accept certain types of card.
- 7.3 The City Council will remain Payment Card Industry Data Security Service (PCI DSS) compliant at all times. Current arrangements are for

recertification every 12 months.

- 7.4 Detail of payments made to the Council by card and the transaction fees incurred will be available to any signatory to the Council's accounts at all times at their request.
- 7.5 Transfers from the Merchant account following an electronic payment to the Council will be made to the Council's General account.
- 7.6 Fees incurred will be taken from the City Council's account either through direct debit or corresponding reductions in the payments transferred from the Merchant account to the Council's General account. Details of these fees will be available to signatories of the Council's accounts upon request.

## **8 Internet Based Electronic Payments**

- 8.1 The City Council will accept appropriate payments for goods and services provided by the Council via its website following the introduction of the Legislative Reform (Payments by Parish Councils, Community Councils and Charter Trustees) Order 2014.
- 8.2 Website based electronic payments to the Council will be through a third party facility such as PayPal (or similar).
- 8.3 The RFO will be notified of all electronic payments.
- 8.4 Payments to the Council from the PayPal (or similar) account will be made to the Council's General account. These transfers will be included in the schedule of financial transactions presented to the Council as referred to in 5.2.

## **9 Payment of Salaries and Wages**

- 9.1 The payment of all salaries, wages and other emoluments shall be made by the RFO, or an approved officer, from the General or Imprest Account in accordance with the payroll records.
- 9.2 All time records shall be in a form prescribed by the RFO and certified as to accuracy by or on behalf of the appropriate officer.
- 9.3 The RFO shall notify the Administrative Officer – Accounts as soon as possible of all matters affecting the payment of salaries and wages and in particular:
  - Appointments, resignations, retirements, dismissals, suspensions, secondments and transfers.

- Absences from duty for sickness or other reasons.
- Information necessary to maintain records of service for Superannuation, Income Tax and National Insurance.
- Changes in remuneration, allowances or working times.

## **10 Loans and Investments**

- 10.1 All loans and investments shall be negotiated by the RFO in the name of the Council, and shall be for a set period of time in accordance with Council policy. Changes to loans and investments should be reported to the Council at the earliest opportunity.
- 10.2 All investments of money under the control of the Council shall be in the name of the Council.
- 10.3 All borrowings shall be effected in the name of the Council
- 10.4 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

## **11 Income**

- 11.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 11.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be notified to the RFO and the RFO shall be ultimately responsible for the collection of all accounts due to the Council.
- 11.3 The Council will review all fees and charges annually, following a report by the RFO.
- 11.4 Any bad debts shall be reported to the Council.
- 11.5 All sums received on behalf of the Council shall either be paid to the RFO for banking or be banked by the officer collecting the money as directed by the RFO. In all cases all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 11.6 A reference to the related debt, or otherwise, indicating the origin of each cheque, shall be entered on the paying-in slip.
- 11.7 Every transfer of official money from one member of staff to another shall be signed for by the receiving officer.
- 11.8 Personal cheques shall not be cashed out of money held on behalf of the Council.

## **12 Orders for Work, Goods and Services**

- 12.1 An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be

inappropriate e.g. petty cash purchases. Where an order number is given verbally a written order must be raised and sent to the supplier. Copies of all orders issued shall be maintained.

- 12.2 Order books shall be controlled by, or on behalf of, the RFO.
- 12.3 All officers are responsible for obtaining value for money at all times. An officer issuing an official order is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction.
- 12.4 Invoice copies of all orders raised should be passed to the RFO immediately after authorisation by, or on behalf of, the Town Clerk

### **13 Payments Under Contracts for Building or Other Construction Works**

- 13.1 Payments on account of the contract sum shall be made within the time specified in the contract, by the RFO, upon receipt of authorised certificates issued by the architect or other consultants engaged to supervise the contract and a valid claim for payment from the contractor.
- 13.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case when it is estimated that the total cost of work carried out under a contract, excluding fluctuation clauses, will exceed the contract sum by 10% or more a report shall be submitted to the appropriate committee.
- 13.3 Any variation to a contract or addition to or omission from a contract must be approved by the clerk in writing, the Council being informed where the final cost is likely to exceed the financial provision.

### **14 Stores and Equipment**

- 14.1 The officer in charge of each section shall be responsible for the care and security of all buildings, stores, furniture, equipment, cash and other property in that section.
- 14.2 Appropriate officers shall ensure that all conditions of insurance are complied with in respect of cash, valuables and property.
- 14.3 Delivery notes must be obtained in respect of all goods received into store and goods must be checked as regard quantity at the time delivery is made.
- 14.4 Stocks shall generally be maintained at the minimum levels consistent with operational requirements.
- 14.5 The RFO shall be responsible for an annual check of all stocks and stores.

### **15 Properties and Estates**

- 15.1 The Town Clerk shall make appropriate arrangements for the custody of all



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

- 15.2 No property shall be sold, leased or otherwise disposed of without the authority of the Council, save where the estimated value does not exceed £1,000.

## **16 Insurance**

- 16.1 The RFO shall effect all insurances and negotiate all claims on the Council's insurers.
- 16.2 The RFO shall give prompt notification to the insurers of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 16.3 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 16.4 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim.
- 16.5 All appropriate employees of the Council shall be included in suitable fidelity guarantee insurance.

## **17 Security and Management of Information**

- 17.1 Records of a financial nature shall be retained in accordance with a schedule of minimum periods as stipulated by the RFO, to comply with tax and insurance requirements. All records must be retained, as a minimum, until after completion of each year's external audit.
- 17.2 All employees will be responsible for compliance with the Council's Information Security Policy, Computer Misuse Act, Access to Information Act, The Human Rights Act and any other applicable legislation ruling at a given time.

## **18 Revision of Financial Regulation**

- 18.1 It shall be the duty of the Council to review the financial regulations of the Council from time to time.

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- 1 Every contract made by the Council shall comply with these Standing Orders, and no exception from any of the following provisions shall be made otherwise than by the direction of the Council.
- 2 Except as provided by Standing Orders 3 and 4 below, where it is intended to enter into a contract:
  - (i) exceeding £13,500 [£19,209 at 1 April 2018] in value for the supply of goods or services or for the executing of works, the Clerk shall invite tenders from at least three firms.
  - (ii) for expenditure greater than £4,500 [£6,349 at 1 April 2018] but less than £13,500 [£19,209 at 1 April 2018] the Clerk shall invite at least three competitive quotations.
  - (iii) for expenditure of £4,500 [£6,349 at 1 April 2018] or less the Clerk shall have executive power in consultation with the Leader of Council or Deputy Leader.
- 3 The requirements of Standing Order 2 above shall not apply:
  - (i) for continuation or extension of contracts for the supply of gas, electricity, water, and telephone services but these contracts and supplies shall be periodically reviewed for competitive value
  - (ii) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery, equipment or plant.
  - (ii) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council.
  - (iii) for goods or materials proposed to be purchased which are proprietary articles and/or which are sold only at a fixed price.
  - (iv) for works required to be undertaken in an emergency, in which case (should the nature and cost of the works have otherwise required compliance with Standing Order 2(i) or 2(ii) above), a report shall be submitted to a subsequent meeting of Council specifying the emergency by which the exception shall have been justified.
- 4 The requirements of Standing Order 2 above shall not apply in respect of providers of specialist and professional services such as architects, solicitors, accountants, surveyors and planning consultants, etc. but wherever practical such providers shall be selected by a competitive process which assesses a combination of both the quality and cost of service to be provided.
- 5 When applications are made to waive standing orders relating to contracts to enable a tender to be negotiated without competition the reason shall

be embodied in a recommendation to the Council.

- 6 Invitation to tender as required by Standing Order 2(i) shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk and the last date by which such tenders should reach the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specially marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- 7 In respect of contracts for which tenders have been invited:
  - (a) the members appointed by Council as authorised signatories to the Council's accounts, and a member nominated from the main minority political group, shall be duly notified by the Clerk of the time and place appointed for the opening.
  - (b) tenders shall be opened at one time by the Clerk in the presence of at least two members from those appointed by Council as authorised signatories to the Council's accounts.
  - (c) the Clerk shall record the details of the name of the tender, the names and addresses of each tenderer, the amount or price of the tender and the time and place of opening, in a book kept for that purpose witnessed by all those members present at the opening of the tenders.
- 8 Any invitation to tender issued under this standing order shall contain a statement of the effect of these standing orders.
- 9 The Council shall not be obliged to accept the lowest or any tender.
- 10 The values set in Standing Order 2 above shall apply from 1 April 2006 and shall be amended annually in accordance with the nationally published Retail Price Index (RPI).

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## **DUTIES OF THE RESPONSIBLE FINANCIAL OFFICER**

- a) To prepare financial reports for the Council as required. These reports will cover budget monitoring, fund balances, receipts, payroll, payments of accounts, and other relevant financial matters.

- b) In consultation with the Clerk, to prepare draft estimates, which when approved by Council will form the annual budget for monitoring and control purposes.
- c) To report on comparisons between actual and budgeted expenditure to Council.
- d) To submit the precept to the District Council and supply any breakdown requested.
- e) To the banking of all money received and payments expended by the Council and to manage cash flow and control investments and bank transfers.
- f) To ensure that all money due to the Council is billed and collected promptly.
- g) To identify the duties of all financial officers, and ensure, as far as possible, the division of responsibilities of those officers in relation to larger transactions, i.e. ensure that there is as much internal checking as possible.
- h) To control and manage all payments by cheque, autopay or cash in accordance with item 5.
- i) To handle the overall management of payroll, including the Local Government Pension Scheme. To ensure prompt payment of tax and national insurance to the collector of taxes either monthly, or where appropriate, quarterly. Also to ensure, where appropriate, prompt payment of sums due to the pension authority.
- j) To take overall responsibility for submission of monthly VAT returns and to deal with VAT inspections
- k) To verify and code (i.e. allocate to expenditure heads) suppliers' invoices prior to certification for payment.
- l) To prepare and balance final accounts in accordance with the regulations, prepare annual financial statement and report thereon to the Council, in accordance with the Accounts and Audit (England) Regulations 2011 SI 2011/817.
- m) To produce accounts and records for external audit in accordance with the regulations.
- n) To arrange for the internal audit of all aspects of the Council's financial affairs in accordance with regulation 5 of the Accounts and Audit

## Regulations 1996.

- o) To monitor compliance with the Council's financial regulations to ensure correct financial systems are in place. The purpose of financial regulations is to set out the arrangements for governing the conduct of the financial transactions of the Council and to ensure compliance with the accounting requirements of the regulations.
- p) To manage insurance risk. To process claims as necessary. To report annually to Council on insurance risk covered.
- q) To maintain the Council's register of property and assets as required by the Accounts and Audit Regulations 1996 [regulation 4(3)(b)].

## **DUTIES OF THE INTERNAL AUDITOR**

- (a) To assist the Accounts Officer and RFO in day to day matters of a general nature and to deputise during periods of absence due to holidays or sickness.
- (b) To liaise and co-operate with District Audit to provide information and assistance as required to facilitate their effective audit of the City Council.
- (c) To compile an audit plan giving a suggested schedule of audits to be carried out in each financial year together with the frequency of each element of the audit, ensuring the completion of an optimum mix of system based audits, computer based audits, best value or value for money and risk based audit.
- (d) To review, appraise and report on:
  - The soundness, adequacy and application of financial management controls
  - The suitability and reliability of financial management data developed within the organisation.
- (e) To implement risk management strategies and assess the extent to which the organisations assets and interests are accounted for and safeguarded from losses of all kinds arising from
  - i) Fraud or other offences
  - ii) Waste, extravagance and inefficient administration, poor value for money or other causes
- (f) During the course of any audit investigations to make observations, form opinions and report on other non-financial management practices. The internal auditor will draw such matters to the attention of the Town Clerk and appropriate officers who will consider and take what action is deemed appropriate.
- (g) To enable the Internal Auditor to effectively perform his functions he/she will have the authority, without notice if necessary, to;
  - Enter, at all reasonable times, any Council occupied premises or land.
  - Have access to all records, documents and correspondence relating to any financial and other related transactions of the Council.
  - Request and receive such explanations as are necessary concerning any matter under examination
  - Request any employee of the Council to produce cash, stores or any other Council property under their control and thereafter inform the appropriate officers.

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