

## **Budget Working Party Sub-Committee**

**You are hereby summoned to attend a meeting of the Budget Working Party Sub-Committee to be held on TUESDAY the 7<sup>th</sup> May,2019 at the Welfare Hall, Loughor commencing at 7.00pm, for the transaction of the following business:-**

1. To appoint a Chair
  
- 2 Apologies for absence.
  
3. To receive disclosures of Personal Interests from Members under the Council's Code of Conduct.

(Note: Members are requested to identify the item number and subject matter that their Personal Interest relates to. Where the Personal Interest is a Prejudicial Interest they must withdraw from the meeting while that item of business is discussed).

4. To consider the Report of the Clerk (copy attached).

Dated this 25<sup>th</sup> April,2019

Clerk to the Council

Circulation – Councillors J.Bowen,William Evans, I. James, C.Phillips,  
C.Richards and R.Smith

Agenda Item 4

**LLWCHWR TOWN COUNCIL**

**BUDGET WORKING PARTY SUB-COMMITTEE**

**Date 7<sup>th</sup> May,2019**

**Report of the Clerk**

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1-Revision of the Council's Constitution

**Dated this 25<sup>th</sup> April, 2019**

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**BUDGET WORKING PARTY SUB-COMMITTEE**

**Date 7<sup>th</sup> May,2019**

**Report of the Clerk**

**1-Revision of the Council's Constitution**

**i)General**

The Clerk has received notification from BDO,the External Auditors,that some of the matters that they will be investigating in the Annual Governance Statement will include-

a)list of Committees established by the Council-the Council addresses this matter in the AGM.

b)terms of reference for each Committee-the Clerk has been unable to locate any such terms

c)the Council's standing orders and financial regulations-the current ones being utilised by the Council are dated 2<sup>nd</sup> December 2002 and it would seem likely that the Auditors would find this situation unsatisfactory.

The matter was reported to the Meeting of Full Council in March and the relevant Minute is set out below-

"Auditor General for Wales-Report on Financial Management and Governance

The Clerk's Report was **NOTED** and it was **RESOLVED** that-

(i)the Clerk bring forward a Report to the Budget Working Party in respect of amending the Council's Standing Orders and Terms of Reference for the Council's Sub-Committees-the Budget Working Party then to report to Full Council"

The Clerk has taken the advice of OVW/NALC who have supplied the latest versions of the Standing Orders and Financial Regulations ;the Clerk has amended these as appropriate.Generally the new documents have been updated and tend to be longer.OVW were unable to supply Terms of Reference and the Clerk has drafted these from scratch.

ii)Procedural Standing Orders

The proposed amended Orders are included in Appendix 1.The differences between the existing Standing Orders and the new version are highlighted in a different font and italicized.The Clerk has only attached the proposed new Orders to this Report but if Members wish to see the existing Standing Orders these can be supplied.

iii)Financial Regulations

Again based on the existing Regulations but updated.Members attention is drawn to Regulation 4.1 which is based on the model version supplied by NALC which gives the Clerk in conjunction with the Mayor or Deputy Mayor powers of expenditure.Also Members will note the terms of Paragraph 6 –it is not intended at this time to commence internet banking or apply for a debit or corporate credit card.

Again only the proposed new Order is attached as Appendix 2 but if Members wish to see the existing Regulations these can be supplied.

iv)Terms of Reference for Committees and Sub-Committees

These are attached as Appendix 3 ;they have been drafted so as to be as straightforward as possible and in the same format

v)Resolution

Members are asked to consider and amend the three documents as appropriate and thereafter to resolve to recommend the documents to Full Council for adoption

**APPENDIX 1**

**LLWCHWR TOWN COUNCIL**

**PROCEDURAL**

**STANDING ORDERS**

## **STANDING ORDERS**

### **1. Meetings**

- a) Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct.
- b) Smoking is not permitted at any meeting of the Council and Members shall refrain from using mobile phones or other noise emitting devices save on medical grounds when they should inform the Chair of the meeting.
- c) *The minimum three days for notice of a Meeting shall not include the day on which the Notice was issued or the day of the Meeting.*

### **2. The Statutory Annual Meeting**

- a) In an election year the Annual Council Meeting shall be held on or within 14 days following the day on which the Members elected take office and
- b) In a year which is not an election year the Annual Council Meeting shall be held on such day in May as the Council may direct.

### **3. Chair of the Meeting**

The person presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting.

The Chair of Council shall be the Mayor and the Vice Chair shall be the Deputy Mayor and references in these Standing Orders to Chair and Vice Chair shall be interpreted accordingly where necessary.

### **4. Proper Officer**

Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he shall be the clerk or nominated officer:-

- a) To receive declarations of acceptance of office.
- b) To receive and record notices disclosing interests at meetings.
- c) To receive and retain plans and documents.
- d) To sign notices or other documents on behalf of the Council.
- e) To receive copies of bylaws made by another local authority.
- f) To certify copies of bylaws made by the Council.
- g) To sign and issue the summons to attend meetings of

the Council *and serve on Members (at least 3 days*

*before the Meeting) by delivery or post at their*

*residence a signed summons confirming the time, place*

*and agenda*

*h) To provide, in a conspicuous place including the Council's*

*Notice Boards, public notice of the time, place and*

*agenda and publish electronically notice of the time and*

*place and, so far as reasonably practicable, any*

*documents relating to the business to be transacted at the Meeting unless they relate to business which is likely to be considered in private or if their disclosure would be contrary to any enactment*

- i) To keep proper records for all Council meetings
- j) To assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation

## **5. Quorum of the Council**

- a) The quorum of the Council shall be one quarter of all Members.
- b) If a quorum is not present or if during a meeting the number of Members present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chair may fix.
- c) For a quorum relating to a committee or sub-committee, please refer to Standing Order 26(c).

## **6. Voting**

- a) Subject to a Meeting being quorate all questions at a Meeting shall be decided by a majority of the Members and non-councillors with voting rights present and voting*
- b) Members shall vote by show of hands or, if at least two Members so request, by signed ballot
- c) If a Member so requires, the Clerk shall record the names of the Members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.
- d)(i) Subject to (ii) and (iii) below the Chair may give an original vote on any

matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he/she gave an original vote.

(ii) If the person presiding at the annual meeting would have ceased to be a Member of the Council but for the statutory provisions which preserve the membership of the Chair and Vice-Chair until the end of their term of office he /she may not give an original vote in an election for Chair.

(iii) the person presiding must give a casting vote whenever there is an equality of votes in an election for Chair.

## **7. Order of Business**

i) At each Annual Council Meeting the first business shall be:-

a) To elect a Chair of the Council

b) To receive the Chair's declaration of acceptance of office or, if not then received, to decide when it shall be received.

c) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.

d) To decide when any declarations of acceptance of office and written undertakings to observe the code of conduct adopted by the Council which have not been received as provided by law, shall be received.

e) To elect a Vice-Chair of the Council.

f) To appoint committees and sub-committees.

g) To appoint representatives to outside bodies

h) To consider the payment of any subscriptions falling to be paid annually.

and shall thereafter follow the order set out in the Standing Order 7(iv)

ii) At every meeting other than the Annual Council Meeting the first business shall be to appoint a **Member to preside at the Meeting** if the Chair and Vice-Chair be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.

iii) In every year, not later than the meeting at which the estimates for next

year are settled, the Council shall review the pay and conditions of service

of existing employees. Standing Order 20 must be read in conjunction with this requirement.

iv) After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows-

- a) To read and consider the Minutes
- b) After consideration to approve the signature of the Minutes by the person presiding as a correct record.
- c) To deal with business expressly required by statute to be done.
- d) To consider any recommendations made by a committee*
- e) To dispose of business, if any, remaining from the last meeting.
- f) To receive such communications as the person presiding may wish to lay before the Council.
- g) To answer questions from Members.
- h) To receive and consider reports and minutes of committees and Members attending meetings/functions.
- i) To consider the reports of the Clerk.
- j) To receive and consider resolutions or recommendations in the order in which they have been notified.
- k) To authorise the sealing of documents.
- l) If necessary, to authorise the signing of orders for payment.
- m) Any other business which the Chair determines to be urgent.

## **8. Urgent Business**

A motion to vary the order of business on the ground of urgency:

- a) May be proposed by the Chair or by any Member and, if proposed by the Chair, may be put to the vote without being seconded, and
- b) Shall be put to the vote without discussion.

#### **9. Extraordinary Meeting**

*The Chair of the Council may convene an extraordinary meeting of the Council at any time*

#### **10. Resolutions Moved On Notice**

- a) Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 14 clear days before the next meeting of the Council. *The Clerk may, before including a motion on the agenda, correct any obvious grammatical or typographical errors in the wording of the motion. If the wording or subject of a proposed motion is considered improper or not clear in meaning the Clerk shall consult with the Chair of the forthcoming Meeting to consider whether the motion shall be included in the agenda or rejected*
- b) The Clerk shall date every notice of resolution or recommendation when received by him, shall number each notice in the order in which it was received.
- c) The Clerk shall insert in the summons for every Meeting all notices of motion or recommendation properly given in the order in which they have been received unless the Member giving a notice of motion has stated in writing that he/she intends to move at some later meeting or that he/she withdraws it.
- d) If a resolution or recommendation specified in the summons is not moved either by the Member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- e) If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chair, if he/she considers it to be a matter of urgency, may allow it to be dealt with at the Meeting at which it was moved.
- f) Every resolution or recommendation shall be relevant to some subject over which the Council has power, functions or duties which affects its area **or residents**

#### **11. Resolutions Moved Without Notice**

Resolutions dealing with the following matters may be moved without notice:-

- a) To appoint a Chair of the meeting.
- b) To correct the Minutes.
- c) To approve the Minutes.
- d) To alter the order of business.
- e) To proceed to the next business.
- f) To temporarily suspend Meeting**
- g) To close or adjourn the debate.
- h) To refer a matter to a committee **or sub-committee**.
- i) To appoint a committee **or sub-committee** or any Members thereof.
- j) To adopt a report.
- k) To require a written report**
- l) To authorise the sealing of documents.
- m) To amend a motion.
- n) To defer consideration of a motion**
- o) To give leave to withdraw a resolution or amendment.
- p) To extend the time limit for speeches.
- q) To exclude the press and public, (see Standing Order 37(a) below)
- r) To not hear further from a Member or a member of the public**
- s) To silence or eject from the Meeting a Member **or member of the public** named for misconduct, (see Standing Order 15 below)
- t) To give the consent of the Council where such consent is required by these Standing Orders.
- u) To suspend any Standing Order, (see Standing Order 42 below)

v) To adjourn the meeting.

w) *To move to a vote*

## **12 Questions**

a) A Member may ask the Chair of the Council or the Clerk any question concerning the business of the Council, provided 8 clear days notice of the question has been given to the person to whom it is addressed.

b) No questions not connected with business under discussion shall be asked except during the part of the Meeting set aside for questions.

c) Every question shall be put and answered without discussion.

d) A person to whom a question has been put may decline to answer.

## **13 Rules of Debate**

i) No discussion shall take place upon the Minutes except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chair.

ii) (a) A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Chair, be reduced to writing and handed to him/her before it is further discussed or put to the meeting.

b) A Member when seconding a resolution or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.

c) A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a question of order.

d) No speech by a mover of a resolution shall exceed 5 minutes and no other speech shall exceed 3 minutes except by consent of the Council.

e) An amendment shall be either:-

aa) To leave out words.

bb) To leave out words and insert others

cc) To insert or add words.

f) An amendment shall not have the effect of negating the resolution before the Council.

- g) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
- h) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- i) The mover of a resolution or of an amendment shall have a right of reply, not exceeding 3 minutes.
- j) A Member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.
- k) A Member may speak on a point of order or a personal explanation. A Member speaking for these purposes shall be heard forthwith. *A Member raising a point of order shall identify the Standing Order which he/she considers has been breached or specify the other irregularity in the proceedings of the Meeting he/she is concerned by. A point of order shall be decided by the Chair and his/her decision shall be final.* A personal explanation shall be confined to some material part of a former speech by him/her which may have been misunderstood.
- l) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no Member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
- m) When a resolution is under debate no other resolution shall be moved except the following:-
  - aa) To amend the resolution.
  - bb) To proceed to the next business.
  - cc) To adjourn the debate.
  - dd) That the question be now put.
  - ee) That a Member named be not further heard.
  - ff) That a Member named do leave the meeting.
  - gg) That the resolution be referred to a committee *or sub-committee*
  - hh) To exclude the public and press.
  - ii) To adjourn the meeting.

*jj) To suspend particular standing order(s) excepting those which reflect statutory or legal requirements*

n) A Member shall remain seated when speaking unless requested to stand by the Chair

o) aa) the ruling of the Chair on a point of order or on the admissibility of a

personal explanation shall not be discussed.

bb) Members shall address the Chair. If two or more Members wish to speak, the Chair shall decide who to call upon.

cc) Whenever the Chair speaks during a debate all other Members shall be silent.

#### **14. Closure**

At the end of any speech a Member may, without comment, move "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded, the Chair shall put the motion but, in the case of a motion "that the question be now put", only if he/she is of the opinion that the question before the Council has been sufficiently debated. If the motion "that the question be now put" is carried, he/she shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption. For the avoidance of doubt a motion "that the question be now put" may only be moved by a Member who has not already spoken on the matter under debate provided always that the Chair may move such a motion should he feel it necessary in all the circumstances.

#### **15. Code of Conduct and Disorderly Conduct**

*a) Members and non-councillors with voting rights shall observe the code of conduct adopted by the Council*

b) No Member shall at a meeting persistently disregard the ruling of the Chair, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to bring the Council into disrepute.

c) If, in the opinion of the Chair, a Member has acted in a manner contrary to that required, the Chair shall express that opinion to the Council and thereafter any Member may move that the Member named be no longer heard or that the Member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. If a Member reasonably believes another Member is in breach of the code of conduct, that Member is under a duty to report the breach.

d) If the motion mentioned in paragraph (c) is disobeyed, the Chair may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them *or to restore*

*order or to progress the meeting. This may include temporarily suspending or closing the meeting.*

## **16. Right of Reply**

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

## **17. Alteration of Resolution**

A Member may, with the consent of his seconder, move amendments to his/her own resolution.

## **18. Rescission of Previous Resolution**

- a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least 11 members of the Council, or by a resolution moved in pursuance of the report of the Clerk or recommendation of a committee.
- b) When a special resolution or any other resolution moved under the provisions of paragraph (a) of this Order has been disposed of, no similar resolution may be moved within a further six months.

## **19. Voting On Appointments**

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

## **20. Discussions and Resolutions Affecting Employees of the Council**

If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (See Standing Order No. 37.)

## **21. Resolutions on Expenditure**

Any resolution which, if carried, would, in the opinion of the Chair substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon.

## **22. Expenditure**

Orders for the payment of money shall be authorised by resolution of the Council.

## **23. Sealing of Documents**

- a) A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.
- b) Any two Members of the Council named in a resolution moved under the provisions of paragraph (a) of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

## **24 Committees and Sub Committees**

i) The Council may at its Annual Council Meeting appoint standing committees *and sub committees* and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-

- a) Shall not appoint any Member of a committee so as to hold office later than the next Annual Meeting.
- b) May appoint persons other than Members of the Council to any Committee *unless it is a committee which regulates and controls the finances of the Council*
- c) May subject to the provisions of Standing Order 18 above at any time dissolve or alter the membership of committee
- d) *Shall from time to time determine the terms of reference for such committees or sub-committees;and*
- e) *Shall permit a committee or sub-committee to determine the number and time of its meetings*
- f) *May dissolve a committee or sub committee*

ii) The Chair and Vice-Chair ex-officio shall be voting members of every committee.

iii) Every committee shall at its first meeting before proceeding to any other business, elect a Chair and may elect a Vice-Chair who shall hold office until the next Annual Meeting of the council, and shall settle its programme of meetings for the year.

## **25. Special Meeting**

The Chair of a committee or the Chair of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the Members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

## **26 .Sub-Committees**

a) Every committee may appoint sub-committees for purposes to be specified by the committee.

b) The Chair and Vice-Chair of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

c) Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be three members or one-half of the total membership, whichever is the greater.

d) The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of Members in contracts and other matters shall apply to committee and sub-committee meetings.

## **27 Advisory Committees**

a) The Council may create advisory committees, whose name, and number of Members and the bodies to be invited to nominate Members shall be specified.

b) The Clerk shall inform the Members of each advisory committee of the terms of reference of the committee.

c) An advisory committee may make recommendations and give notice thereof to the Council

d) An advisory committee may consist wholly of persons who are not members of the Council.

## **28 Voting in Committees**

a) Members of committees and sub-committees entitled to vote, shall vote by show of hands, or, if at least two Members so request, by signed ballot.

b) Chair of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.

## **29. Presence of Non-Members of Committees at Committee Meetings**

A Member who has proposed a resolution which has been referred to any committee of which he/she is not a member, may explain his/her resolution to the committee but shall not vote.

## **30. Minutes of a Meeting**

***i) The Minutes of a Meeting shall include an accurate record of the following:***

***a) the time and place of the meeting;***

- b) the names of the Members who are present and the names of the Members who are absent;*
  - c) interests that have been declared by Members and non-councillors with voting rights;*
  - d) the grant of dispensations(if any) to Members and non-councillors with voting rights*
  - e) whether a Member or a non-councillor with voting rights left the meeting when matters that they held interests in were being considered; and*
  - f) the resolutions made*
- ii)The accuracy of draft Minutes, including any amendments made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.*

### **31. Accounts and Financial Statement**

**i)** a) Except as provided in paragraph **i)(b)** of this Standing Order or by statute, all accounts for payment and claims upon the Council shall be laid before the Council.

b) Where it is necessary to make a payment before it has been authorised by the Council, such payment shall be certified as to its correctness and urgency by the Clerk. Such payment shall be authorised by the committee, if any, having charge of the business to which it relates, or with the approval of the Chair or Vice-Chair of the Council.

c) All payments ratified under sub-paragraph (b) of this Standing Order shall be included in the next schedule of payments before the Council.

**ii)** The Responsible Financial Officer shall supply to each Member as soon as practicable after 31 March in each year a statement of the receipts and payments of the Council for the completed financial year. A Financial Statement prepared on the appropriate accounting basis (receipts and payments, or income and expenditure) for a year to 31 March shall be presented to each Member before the end of the following month of May. The Statement of Accounts of the Council (which is subject to external audit) shall be presented to Council for formal approval before the end of the following month of September.

### **32 Estimates / Precepts**

a) The Council shall approve written estimates for the coming financial year

at its meeting before the end of the month of January.

- b) Any committee desiring to incur expenditure shall give the Clerk a written estimate of the expenditure recommended for the coming year no later than the end of December in any year.

### **33. Interests**

*a) A Member or non-councillor with voting rights who has a personal or prejudicial interest in a matter being considered at a meeting which limits his/her right to participate in a discussion or vote on that matter is subject to the obligations in the code of conduct adopted by the Council.*

b) The Clerk shall compile and hold a Register of Member's Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Council of the City and County of Swansea and/or as required by statute.

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

d) The Clerk shall make known the purpose of Standing Order 33 to every candidate.

### **34. Canvassing of And Recommendations By Members**

a) Canvassing of Members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purpose of this sub-paragraph of this Standing Order to every candidate.

b) A Member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such Member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

### **35. Inspection of Documents**

a) A Member may for the purpose of his/her duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

b) All minutes kept by the Council and by any committee shall be open for the inspection of any Member of the Council.

### **36. Unauthorised Activities**

No Member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:-

- a) Inspect any lands or premises which the Council has a right or duty to inspect; or
- b) Issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee or sub-committee.

### **37. Admission of The Public and Press to Meetings**

a) The public and press shall be admitted to all meetings of the Council and its committees and subcommittees, which may, however, temporarily exclude the public and press by means of the following resolutions:-

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

- b) The Council committee or sub-committee shall state the reason for exclusion.
- c) At all meetings of the Council, the Chair may at his/her discretion and at a convenient time in the transaction of business, *permit members of the public to make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. A question shall not require a response at the meeting nor start a debate on the question. The Chair may direct that a written or oral response be given. Only one person is permitted to speak at a time. If more than one person wants to speak the Chair shall direct the order of speaking.*
- d) The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.
- e) If a member of the public interrupts the proceedings at any meeting, the Chair may, after warning, order that he/she be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

### **38. Confidential Business**

- a) No Member of the Council or of any committee or sub-committee shall disclose to any person not a Member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
- b) Any Member in breach of the provisions of paragraph (a) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.

### **39 Planning Applications**

- i) The Clerk shall, as soon as it is received, enter in a book kept for the purpose the following particulars of every planning application notified to the Council:-
  - (a) the date on which it was received
  - (b) the name of the applicant
  - (c) the place to which it relates;

#### 40 Financial Matters

i) The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer.

a) Such Regulations shall include detailed arrangements for the following:

aa) the accounting records and systems of internal control;

bb) the assessment and management of risks faced by the Council;

cc) the work of the Internal Auditor and the receipt of regular reports from the Internal Auditor which shall be required at least annually;

**dd) *the inspection and copying by Members and local electors of the Council's accounts and/or payments***

ee) procurement policies (subject to (b) below) including the setting of values for different procedures where the contract has an estimated value less than £25,000.00

b) Any proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000.00 shall be procured on the basis of a formal tender as summarised in (c) below.

c) Any formal tender process shall comprise the following steps:

aa) either a public notice of intention to place a contract to be placed in a local newspaper; or at least three tenders are invited from at least three firms to be taken from the appropriate approved list maintained by the Council of the City and County of Swansea

bb) a specification of the goods, materials, services and the execution of works shall be drawn up;

cc) tenders are to be sent, in a sealed marked envelope, to the Clerk by a stated date and time;

dd) tenders submitted are to be opened, after the stated closing date and time, by the Clerk and at least **two** Members of Council;

ee) tenders are then reported to the appropriate meeting of Council or Committee.

d) The Council or a committee, is not bound to accept the lowest tender, estimate or quote.

e) Standing Order No.34 shall apply to tenders

f)The Financial Regulations of the Council shall be subject to regular review, at least once every four years.

#### **41. Code of Conduct on Complaints**

*i) Upon notification by the Council of the City & County of Swansea that it is dealing with a complaint that a Member or non-councillor with voting rights has breached the Council's code of conduct, the Clerk shall report this to the Council*

*ii) The Council may:*

*a) provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;*

*b) seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;*

*c) indemnify the Member or non-councillor with voting rights in respect of his/her related legal costs and any such indemnity is subject to approval by a meeting of the Council*

#### **42. Variation. Revocation and Suspension of Standing Orders**

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 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 special motion, the written notice by at least 2 Members to be given to the Clerk in accordance with Standing order 10

c) A copy of these Standing Orders shall be given to each Member by the Clerk upon delivery to him of the Member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

d) The decision of the Chair of a meeting as to the application of Standing Orders at the meeting shall be final

**N.G.Havard**

**Clerk to the Council**

**April,2019**

## **APPENDIX 2**

### **LLWCHWR TOWN COUNCIL**

### **FINANCIAL REGULATIONS**

**N.G.Havard**

**Clerk to the Council**

**V4**

These Financial Regulations were adopted by the Council at its Meeting held on

#### **1. GENERAL**

- 1.1. These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the Council's three governing policy documents providing procedural guidance for Members and officers. Financial regulations must be observed in conjunction with the Council's standing orders and any individual financial regulations relating to contracts.
- 1.2. The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of internal control which facilitates the

effective exercise of the Council's functions, including arrangements for the management of risk.

- 1.3. The Council's accounting control systems must include measures:
  - for the timely production of accounts;
  - that provide for the safe and efficient safeguarding of public money;
  - to prevent and detect inaccuracy and fraud; and
  - identifying the duties of officers.
- 1.4. These financial regulations demonstrate how the Council meets these responsibilities and requirements.
- 1.5. At regular intervals the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute and may represent a breach in the Councillor's Code of Conduct
- 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. The Clerk has been appointed as RFO for this Council and these regulations will apply accordingly.
- 1.9. The RFO;
  - acts under the policy direction of the Council;
  - administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;
  - determines on behalf of the Council its accounting records and accounting control systems;
  - ensures the accounting control systems are observed;
  - maintains the accounting records of the Council are up to date in accordance with proper practices;
  - assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
  - produces financial management information as required by the Council.
- 1.10. The accounting records determined by the RFO shall be sufficient to show and explain the Council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments comply with the

Accounts and Audit (Wales) Regulations and to prepare additional or management information, as the case may be, to be prepared for the Council from time to time.

- 1.11. The accounting records determined by the RFO shall in particular contain:
- entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure or receipts and payments account relate;
  - a record of the assets and liabilities of the Council; and
  - wherever relevant, a record of the Council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.
- 1.12. The accounting control systems determined by the RFO shall include:
- procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
  - procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
  - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
  - procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the Council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
  - measures to ensure that risk is properly managed.
- 1.13. The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:
- setting the final budget or the precept (Council Tax Requirement);
  - approving accounting statements;
  - approving an annual governance statement;
  - borrowing;
  - writing off bad debts;
  - addressing recommendations in any report from the internal or external auditors,
- shall be a matter for the full Council only.
- 1.14. In addition the Council must:
- determine and keep under regular review the bank mandate for all Council bank accounts;
  - approve any grant or a single commitment ; and

- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

1.15. In these financial regulations, references to the Accounts and Audit (Wales) Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 39 of the Public Audit (Wales) Act 2004, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils in Wales - A Practitioners' Guide* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of One Voice Wales (OVW) and SLCC as appropriate.

## **2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)**

- 2.1. All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit (Wales) Regulations, appropriate guidance and proper practices.
- 2.2. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the Council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit (Wales) Regulations.
- 2.3. The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or Member of the Council shall make available such documents and records as appear to the Council to be necessary for the purpose of the audit and shall, as directed by the Council, supply the RFO, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.
- 2.4. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices.
- 2.5. The internal auditor shall:
  - be competent and independent of the financial operations of the Council;
  - report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
  - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - have no involvement in the financial decision making, management or control of the Council.
- 2.6. Internal or external auditors may not under any circumstances:
  - perform any operational duties for the Council;
  - initiate or approve accounting transactions; or
  - direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 2.7. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 2.8. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Public Audit (Wales) Act 2004, or any superseding legislation, and the Accounts and Audit (Wales) Regulations.

- 2.9. The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from internal or external auditors.

### **3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING**

- 3.1. The RFO must each year, by no later than January, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the Council.
- 3.2. The Council shall fix the precept (Council tax requirement), and relevant basic amount of Council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each Member with a copy of the approved annual budget.
- 3.3. The approved annual budget shall form the basis of financial control for the ensuing year.

### **4. BUDGETARY CONTROL AND AUTHORITY TO SPEND**

- 4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. The Clerk may in conjunction with the Mayor or Deputy Mayor incur expenditure up to £500.00. The Clerk shall report such action to the Council as soon as possible.

Such authority is to be evidenced by an authorisation slip duly signed by the Clerk, and by the Mayor or Deputy Mayor.

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

- 4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council, or duly delegated committee. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. The salary budgets are to be reviewed at least annually in January for the following financial year. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.5. In cases of extreme risk to the delivery of Council services, the Clerk may authorise revenue expenditure on behalf of the Council which in the Clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £500. The Clerk shall report such action to the Council as soon as practicable thereafter.

- 4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.
- 4.7. All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- 4.8. The RFO shall regularly provide the Council with a statement of receipts and payments
- 4.9. Changes in earmarked reserves shall be approved by Council as part of the budgetary control process.

## **5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS**

- 5.1. The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and present the schedule to Council. The Council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Council. A detailed list of all payments shall be disclosed within or as an attachment to the Minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information. The Minutes shall be initialled by the Chair of the Meeting.
- 5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available Council meeting.
- 5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
  - a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of Council.
- 5.6. Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable or other interest, unless a dispensation has been granted.

## **6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS**

- 6.1. The Council will make safe and efficient arrangements for the making of its payments.
- 6.2. Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be effected by cheque or other instructions to the Council's bankers, or otherwise, in accordance with a resolution of Council or duly delegated committee.
- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to Council or committee shall be signed by two Members of Council in accordance with a resolution instructing that payment. A Member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.
- 6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. Cheques or orders for payment shall not normally be presented for signature other than at a Council or committee meeting (including immediately before or after such a meeting).
- 6.7. If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two Members and any payments are reported to Council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the Council regularly.
- 6.8. If thought appropriate by the Council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two Members are retained and any payments are reported to Council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the Council regularly.
- 6.9. If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories are retained and any payments are reported to Council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the Council regularly.
- 6.10. If thought appropriate by the Council payment for certain items may be made by internet banking transfer provided evidence is retained showing which Members approved the payment.

- 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 a duly delegated committee.
- 6.12. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.13. 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.
- 6.14. Where internet banking arrangements are made with any bank, the Clerk shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify a number of Councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.15. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for Council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 6.16. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Clerk and the Mayor.
- 6.17. Any Debit Card issued for use will be specifically restricted to the Clerk and will also be restricted to a single transaction maximum value of £500 unless authorised by Council in writing before any order is placed.
- 6.18. Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Clerk and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of Members or staff shall not be used under any circumstances.
- 6.19. The Council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

## **7. PAYMENT OF SALARIES**

- 7.1. As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council, or duly delegated committee.

- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available Council meeting, as set out in these regulations above.
- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council.
- 7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
- a) by any Councillor who can demonstrate a need to know;
  - b) by the internal auditor;
  - c) by the external auditor; or
  - d) by any person authorised under Public Audit (Wales) Act 2004, or any superseding legislation.
- 7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 7.6. Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 7.7. Before employing interim staff the Council must consider a full business case.

## **8. LOANS AND INVESTMENTS**

- 8.1. All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full Council.
- 8.2. Any financial arrangement which does not require formal borrowing approval from the Welsh Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.
- 8.3. The Council will arrange with the Council's banks and investment providers for the sending of a copy of each statement of account to the Mayor of the Council at the same time as one is issued to the Clerk or RFO.

- 8.4. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.5. The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.
- 8.6. All investments of money under the control of the Council shall be in the name of the Council.
- 8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.8. Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

## **9. INCOME**

- 9.1. The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 9.2. Particulars of all fees, charges to be made for work done, services rendered or goods supplied shall be reviewed regularly by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 9.3. Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- 9.4. All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 9.5. The origin of each receipt shall be entered on the paying-in slip.
- 9.6. Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.7. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.8. Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.9. Any income arising which is the property of a charitable trust shall be paid into a separate 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 (see also Regulation 16 below) .

## **10. ORDERS FOR WORK, GOODS AND SERVICES**

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

## **11. CONTRACTS**

- 11.1. Procedures as to contracts are laid down as follows:
  - a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (v) below:
    - i. for the supply of gas, electricity, water, sewerage and telephone services;
    - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;
    - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
    - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
    - v. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

- b. The full requirements of The Public Contracts Regulations 2015 (“the Regulations”), as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)
- c. Where it is intended to enter into a contract exceeding £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall invite tenders from at least three firms
- d. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- e. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- f. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one Member of Council.
- g. Any invitation to tender issued under this regulation shall be subject to any relevant Standing Order of the Council and shall refer to the terms of the Bribery Act 2010.
- h. When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.
- i. The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j. Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.

11.2. The Proper Officer shall maintain a register of personal interests, in respect of Members

- a. Members and senior staff should not, so far as is practicable, be involved in the award of orders and/or contracts with organisations or individuals in respect of which a personal interest exists, whether declared or not.

- b. Members and senior staff should not, so far as is practicable, be involved in the making or authorising payments in respect of orders and/or contracts with organisations or individuals in respect of which a personal interest exists, whether declared or not.

## **12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS**

- 12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 12.3. Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

## **13. STORES AND EQUIPMENT**

- 13.1. The Caretaker of the Council shall be responsible for the care and custody of stores and equipment in the Welfare Hall.

## **14. ASSETS, PROPERTIES AND ESTATES**

- 14.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The RFO shall ensure a record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit (Wales) Regulations.
- 14.2. 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, save where the estimated value of any one item of tangible movable property does not exceed £250.
- 14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, In each case ,if practicable and feasible,a report in writing shall be provided to Council in respect of valuation

and surveyed condition of the property including matters such as planning permissions and covenants.

- 14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full Council. In each case ,if practicable and feasible,a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property including matters such as planning permissions and covenants.
- 14.5. Subject only to the limit set in Reg. 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council with a full business case.
- 14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified regularly, possibly in conjunction with a health and safety inspection of assets.

## **15. INSURANCE**

- 15.1. Generally and in particular following any regular risk assessment (per Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the Council's insurers
- 15.2. The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 15.3. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Council at the next available meeting.
- 15.4. 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 by the Council, or duly delegated committee.

## **16. CHARITIES**

- 16.1. Where the Council is sole managing trustee of a charitable body the Clerk and 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, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.

## **17. RISK MANAGEMENT**

- 17.1. The Council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed regularly by the Council.
- 17.2. When considering any new relevant activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

## **18. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS**

- 18.1. It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these financial regulations.
- 18.2. The Council may, by resolution of the Council duly notified prior to the relevant meeting of Council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all Members of Council.

## **APPENDIX 3**

## **LLWCHWR TOWN COUNCIL**

### **TERMS OF REFERENCE FOR COMMITTEES**

#### **1-Welfare Hall Management Committee**

- a)Composition-shall consist of all Members of the Council
- b)Quorum-a minimum of 9 Members is required for a valid Meeting
- c)Chair-The Committee shall appoint a Chair and Vice Chair from among its membership .
- d)Function-to consider and approve of all matters relating to the Welfare Hall including
  - i)the structure of the building and any works of replacement,refurbishment ,enhancement and maintenance required
  - ii)approving the appointment of any contractors or specialists of whatsoever description to carry out any or all of the works referred to in i) above
  - iii)to oversee and approve any bookings relating to the Hall
  - iv)to receive and consider any Reports from either the Clerk or the Caretaker
  - v)to approve the terms of any prospective letting or licence of the Hall or any part thereof
  - vi)the operation and running of the Hall generally
- e) Decision Making-the Committee shall have full decision making powers ;the Minutes of the Committee shall be reported to Full Council
- f)Legal
  - i)the Members of the Committee acknowledge that the Welfare Hall is vested in the name of Llwhwr Town Council as Trustee of the Parish Hall Charity by virtue of a Scheme endorsed by the Charity Commission dated the 4<sup>th</sup> June ,1992
  - ii)the Members of the Committee acknowledge that any Meeting of the Committee is a Meeting of the Trustees of the Charity and that such Meeting is subject to the terms of the Scheme and Charity law generally

#### **2-Functions Sub-Committee**

- a)Composition-shall consist of 14 Members to be appointed at the Council's Annual General Meeting
- b)Quorum-a minimum of 7 Members is required for a valid Meeting
- c)Chair-The Committee shall appoint a Chair and Vice Chair from among its membership .
- d)Function-

i)to consider any proposals for an Event(a social gathering of whatsoever description) to be held or hosted by the Council or to which the Council is a party and whether held at the Welfare Hall or another location and without prejudice to the generality of the foregoing shall include

aa)the Council's Annual Dinner

bb)the Council's Awards Evening

cc)Cawl a Chan

ii)to receive and consider any Report from the Clerk

iii)to consider any social invitation made to the Council generally or where appropriate made to individual Members

e)Decision Making-the Sub Committee shall have full decision making powers;the Minutes of the Sub-Committee shall be reported to Full Council

### **3-Budget Working Party**

a)Composition-shall consist of 6 Members and the Chair of the Welfare Hall Management Committee to be appointed at the Council's Annual General Meeting

b)Quorum-a minimum of 4 Members is required for a valid Meeting

c)Chair-The Committee shall appoint a Chair and Vice Chair from among its membership .

d)Function-

i)to consider and approve the proposals for the Council's annual Budget

ii)when required to consider and approve any financial matter appertaining to the Council

iii)when required to consider any matter relating to the Council's Annual Return

iv)when required to consider any audit or governance issues including any proposals for amendment to the Council's Constitution

v)when required to consider any issues in respect of –

aa)risk assessments

bb)financial plans or strategies

cc)assets

vi)to receive and consider any Report from the Clerk

e)Decision Making-the Working Party does not have decision making powers but can make recommendations to Full Council

### **4-Joint Working Party with the Town Trust**

a)Composition-shall consist of 7 Members to be appointed at the Council's Annual General Meeting

b)Quorum-a minimum of 4 Members is required for a valid Meeting

c)Chair-The Committee shall appoint a Chair and Vice Chair from among its membership .

d)Function-

i)to consider any matter,issue or proposal relating to or in respect of the Council's relationship with Loughor Town Trust

ii) to receive and consider any Report from the Clerk

e)Decision Making-the Working Party does not have decision making powers but can make recommendations to Full Council

### **5-Regalia and Plate Sub-Committee**

a)Composition-shall consist of 10 Members to be appointed at the Council's Annual General Meeting

b) Quorum-a minimum of 5 Members is required for a valid Meeting

c)Chair-The Committee shall appoint a Chair and Vice Chair from among its membership .

d)Function-when required to consider and approve all matters or issues relating to or in respect of-

i)Regalia-meaning or including the emblems symbols or badges indicative of the Council including decorations or insignia indicative of an office of the Council including but without prejudice to the generality of the foregoing those relating to the Mayor or Deputy Mayor of the Council.

ii)Plate including those to which the Council's heading or emblem or symbol is attached or superimposed

iii)Council Awards(presented at the Council's Awards Evening)

iv)the Council's Maces

v) to receive and consider any Report from the Clerk

e)Decision Making-the Sub-Committee does not have decision making powers but can make recommendations to Full Council

### **6-Newsletter and IT Sub-Committee**

a)Composition-shall consist of 10 Members to be appointed at the Council's Annual General Meeting

b) Quorum-a minimum of 5 Members is required for a valid Meeting

c)Chair-The Committee shall appoint a Chair and Vice Chair from among its membership .

d)Function- when required to consider and approve all matters or issues relating to or in respect of-

- i)the Council’s Newsletter including its content ,layout and distribution
- ii)Information Technology including but not limited to-
  - aa)the Council’s computer and associated hardware and software
  - bb)the Council’s website including its operation,provider,content and any legal issues or constraints
- iii) to receive and consider any Report from the Clerk
- e)Decision Making-the Sub-Committee does not have decision making powers but can make recommendations to Full Council

### **7-Electoral Review Sub-Committee**

- a)Composition-shall consist of 9 Members to be appointed at the Council’s Annual General Meeting
- b) Quorum-a minimum of 5 Members is required for a valid Meeting
- c)Chair- The Committee shall appoint a Chair and Vice Chair from among its membership .
- d)Function- when required to consider and approve all matters or issues relating to or in respect of-
  - i)polling districts and polling stations
  - ii)community governance reviews
  - iii)review of any potential Parliamentary or Council boundary changes ,proposals or amendments
  - iv)overseeing the provision of information that may be required by any Boundary Commission
  - v)review of elections held
  - vi) to receive and consider any Report from the Clerk
- e)Decision Making-the Sub-Committee does not have decision making powers but can make recommendations to Full Council

### **8-Health and Safety and Working Practices Sub-Committee**

- a)Composition-shall consist of 7 Members to be appointed at the Council’s Annual General Meeting
- b) Quorum-a minimum of 4 Members is required for a valid Meeting
- c)Chair- The Committee shall appoint a Chair and Vice Chair from among its membership .
- d)Function-
  - i) The role of the Sub-Committee is to ensure that the Council’s policies, procedures and working practices regarding health and safety meet or exceed any legal obligations, with the object of promoting the well-being and safety of the Council’s Members,its employees, its customers and others who may be affected by its activities

- ii) when required to consider and approve all matters or issues relating to or in respect of-
  - aa) Council policies for health,safety and welfare,both statutory or otherwise and monitor and review their effectiveness
  - bb)reviewing forthcoming legislation and assessing its implications and where necessary to recommend the establishment of rules governing any hazardous work activity or class of operations
  - cc) receiving detailed reports of investigations into all reportable accidents, dangerous occurrences and cases of reportable diseases and to consider the effectiveness of any action taken to prevent future similar accidents.
  - dd) receiving a list of all other recorded accidents or occurrences and to consider the effectiveness of any remedial action taken to prevent future similar incidents
- iii) to receive and consider any Report from the Clerk
- e)Decision Making-the Sub-Committee does not have decision making powers but can make recommendations to Full Council

### **9-Projects Sub-Committee**

- a)Composition-shall consist of 12 Members to be appointed at the Council’s Annual General Meeting
- b) Quorum-a minimum of 6 Members is required for a valid Meeting
- c)Chair-The Committee shall appoint a Chair and Vice Chair from among its membership .
- d)Function- when required to consider and approve all matters or issues relating to or in respect of-
  - i)any business case or proposal for any new or existing project or initiative (of whatsoever description) taking into account financial and legal implications and risks
  - ii) to receive and consider any Report from the Clerk
  - e)Decision Making-the Sub-Committee does not have decision making powers but can make recommendations to Full Council

### **10-Local Development Plan Sub-Committee**

- a)Composition-shall consist of 10 Members to be appointed at the Council’s Annual General Meeting
- b) Quorum-a minimum of 5 Members is required for a valid Meeting
- c)Chair-The Committee shall appoint a Chair and Vice Chair from among its membership .
- d)Function-
  - i)Role of Full Council-Llwchwr Town Council is currently an advisory body to the Local Planning Authority (the Council of the City and County of Swansea-“CCS”) for all planning applications that

relate to the Council's area and considers and responds to such applications and will also make representations in respect of appeals against the refusal of planning permission. Full Council will also identify and make representations to the relevant authorities in respect of enforcement action or any matters considered to be breaches of planning regulations;

ii) Role of Sub-Committee-

aa) to monitor, review and where necessary make recommendations to Full Council for amendments to the planning consultation procedure

bb) to deal with any other planning related matter that a meeting of the Full Council considers appropriate to be referred to the Sub-Committee

cc) to receive and comment upon consultative and other papers received from CCS relevant to the Local Development Plan or any other Planning Framework or Policy

iii) to receive and consider any Report from the Clerk

e) Decision Making-the Sub-Committee does not have decision making powers but can make recommendations to Full Council

### **11-Ad Hoc Pay and Performance Sub-Committee**

a) Composition-shall consist of 9 Members to be appointed at the Council's Annual General Meeting

b) Quorum-a minimum of 5 Members is required for a valid Meeting

c) Chair-The Committee shall appoint a Chair and Vice Chair from among its membership .

d) Function- when required to consider and approve all matters or issues relating to or in respect of-

i) a review of policies and terms of reference relating to current employment law

ii) the appointment and management of staff

iii) where appropriate to bring to a conclusion any matters emanating from the grievance and disciplinary procedures and policies of the Council or contained in the employment contract of any member of staff

iv) staffing levels, and re grading , appraisals and pay levels relating to staff

v) when appropriate to conduct an appraisal of the Clerk and review any appraisal of the Caretaker

vi) to consider any other staff matters which arise from time to time

vii) to receive and consider any Report from the Clerk

e) Decision Making-the Sub-Committee does not have decision making powers but can make recommendations to Full Council

May 2019

