

**CONGLETON TOWN COUNCIL**

**COMMITTEE REPORTS AND UPDATES**

COMMITTEE:	Council												
MEETING DATE AND TIME	12 <sup>th</sup> June 2025 7.00 pm	LOCATION	Congleton Town Hall										
REPORT FROM	David McGifford C.O / Serena Van Schepdael: R.F.O												
AGENDA ITEM REPORT TITLE	8.3 Standing Orders, Financial Regulations, Standing Orders for Contracts and Code of Conduct Review												
Background	In accordance with our Standing Orders, the Standing Orders and Financial Regulations must be reviewed annually and presented to the Annual Town Meeting for adoption. (Section 6 J vix) The Code of Conduct is named in these documents; this shall also be reviewed alongside the two main documents.												
Updates	<p>There have been updates from NALC for both the Standing Orders and Financial Regulations, this is to update the Procurement Requirements, and this has been considered for this annual review.</p> <p>Update shave been made to the Standing Orders and Financial Regulations. The Code of Conduct will be reviewed later in the year.</p> <p>See Appendix 1 and 2 for updates, the documents have been condensed to just show sections that are being updated. The current Code of Conduct can be found on our website: <a href="#">Code of Conduct</a> (Approved 25APR2019).</p> <p>The Standing Orders for Contacts policy does not require an update at this stime, the current policy can be found here: <a href="#">Standing Orders for Contracts</a></p> <p>Updates: Standing Orders: Current document can be found here: <a href="#">3.-Standing-Orders-V17-03.10.2024-CTC-47-2425.pdf</a></p> <table><tr><td>Item</td><td>Update</td></tr><tr><td>Page 2</td><td>Added version control</td></tr><tr><td>Page 10 Item ix</td><td>Added Code of Conduct to be reviewed annually.</td></tr><tr><td>Section 19 Financial Controls and Procurement</td><td>Removed all items relating to the old Procurement regulations and replaced with new details item g, in accordance with the Model Standing Orders.</td></tr><tr><td>Section 19, page 20</td><td>Added the below to ensure full considerations are taken in to</td></tr></table>			Item	Update	Page 2	Added version control	Page 10 Item ix	Added Code of Conduct to be reviewed annually.	Section 19 Financial Controls and Procurement	Removed all items relating to the old Procurement regulations and replaced with new details item g, in accordance with the Model Standing Orders.	Section 19, page 20	Added the below to ensure full considerations are taken in to
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		<p>account:</p> <p><i>F: The Councils Financial Regulations and Standing Orders for Contracts must also be adhered to for all procurement.</i></p>
	<p>Financial Regulations: Current document can be found here:  <a href="#">5.-Financial-Regulations-V15-03.10.2024-CTC-48-2425.pdf</a></p>	
	Item	Update
	Page 1	Added version control and page numbers.
	Page 2: 1.4	Updated the name of the panel who issue the Practitioner Guide.
	Pages 3 & 4: 5.4 and 5.7 and footer note	Updated with new Procurement details in accordance with the Model Regulations and removed all old reference and items to the old procurement regulations.
	Page 4: 5.8	Updated to include the word expenditure
<b>Decision Request</b>	Page 6: 5.23	Added Management Accounts information.
	<p>To approve:</p> <ol style="list-style-type: none"> <li>1. The updates to the Standing Orders and adopt into the constitution.</li> <li>2. The updates to the Financial Regulations and adopt into the constitution.</li> <li>3. That the current Standing Orders for Contracts remains in place.</li> <li>4. That the current Code of Conduct is to remain in place.</li> </ol>	

## **Congleton Town Council**

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<u>VERSION CONTROL</u>	<u>Version 18</u>
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## 1. Rules of debate at meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Chair of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the Chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Chair of the meeting, is expressed in writing to the Chair.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.

- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply not exceeding 3 minutes either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the Chair of the meeting, a councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which they consider has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the Chair of the meeting and their decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
  - i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;

- viii. to adjourn the meeting; or
- ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

- s Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the Chair of the meeting.

## 2. Disorderly conduct at meetings

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

## 3. Meetings generally

Full Council meetings	●
Committee meetings	●
Working Groups	●

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include**

the day on which the notice was issued or the day of the meeting.

- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes in total unless directed by the Chair of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than 5 minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
- i A person shall either raise his hand or use an automated system, when requesting to speak. Traditionally Councillors and Officers have stood when speaking in Council meetings, however they may remain seated, unchallenged, if they choose to do so.
- j A person who speaks at a meeting shall direct his comments to the Chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**

- m A person present at a meeting may not provide an oral report or oral
- commentary about a meeting as it takes place without permission.
  
- n The press shall be provided with reasonable facilities for the taking of their
- report of all or part of a meeting at which they are entitled to be present.
  
- o Subject to standing orders which indicate otherwise, anything authorised
- or required to be done by, to or before the Mayor may in his absence be
- done by, to or before the Deputy Mayor of the Council.
  
- p The Mayor, if present, shall preside at a meeting. If the Mayor is absent
- from a meeting, the Deputy Mayor of the Council if present, shall preside. If
- both the Mayor and the Deputy Mayor are absent from a meeting, a
- councillor as chosen by the councillors present at the meeting shall preside
- at the meeting.
  
- q Subject to a meeting being quorate, all questions at a meeting shall be
- decided by a majority of the councillors and non-councillors with voting
- rights present and voting.
  
- r The Chair of a meeting may give an original vote on any matter put to the
- vote, and in the case of an equality of votes may exercise their casting vote
- whether or not they gave an original vote.

*See standing orders 6(h) and 6(i) for the different rules that apply in the election of the Mayor at the annual meeting of the Council.*

- s Unless standing orders provide otherwise, voting on a question shall be by
- a show of hands. At the request of a councillor, the voting on any question
- shall be recorded so as to show whether each councillor present and voting
- gave his vote for or against that question.** Such a request shall be made
- before moving on to the next item of business on the agenda.
  
- t The minutes of a meeting shall include an accurate record of the following:
  - i. the time and place of the meeting;
  - ii. the names of councillors who are present and the names of councillors who are absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;



- v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vi. if there was a public participation session; and
- vii. the resolutions made.

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

- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

*See standing order 4f(vii) for the quorum of a committee or sub-committee meeting.*

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

- x A meeting shall not exceed a period of 2 hours unless council members vote to continue beyond 2 hours.

#### **4. Committees and sub-committees**

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d Non-councillors on a committee do not have voting rights.
- e The Mayor and Deputy Mayor shall be members of every committee.

- f The Council may appoint standing committees or other committees as may be necessary, and:
- i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v. shall, after it has appointed the members of a standing committee, appoint the Chair of the standing committee;
  - vi. shall permit a committee other than a standing committee, to appoint its own Chair at the first meeting of the committee;
  - vii. shall determine the place, notice requirements and quorum for a meeting of a committee and a working group which, in both cases, shall be three members or a third of its total membership whichever is the larger.
  - viii. shall determine if the public may participate at a meeting of a committee;
  - ix. shall determine if the public and press are permitted to attend the meetings of a working group and also the advance public notice requirements, if any, required for the meetings of a working group;
  - x. shall determine if the public may participate at a meeting of a working group that they are permitted to attend; and
  - xi. may dissolve a committee or a working group.

**5. Presence of Non-members of Committees at Committee meetings.**

- a. A member who has proposed a resolution which has been referred to any committee of which they are not a member, may explain their resolution to the committee but shall not vote.

- b. Any Council member shall, unless the Council otherwise orders, be entitled to be present as a spectator at the meetings of any committee or working group of which they are not a member

**6. Ordinary council meetings**

- a. In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.
- b. In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.
- c. If no other time is fixed, the annual meeting of the Council shall take place in Congleton Town Hall at 7pm.
- d. In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.
- e. The first business conducted at the annual meeting of the Council shall be the election of the Mayor and Deputy Mayor of the Council.
- f. The Mayor, unless they have resigned or become disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.
- g. The Deputy Mayor, if there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Mayor at the next annual meeting of the Council.
- h. In an election year, if the current Mayor has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Mayor has been elected. The current Mayor shall not have an original vote in respect of the election of the new Mayor but shall give a casting vote in the case of an equality of votes.
- i. In an election year, if the current Mayor has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Mayor has been elected. They may exercise an original vote in respect of the election of the new Mayor and shall give a casting vote in the case of an equality of votes.

- j Following the election of the Mayor and Deputy Mayor at the annual meeting, the business shall include:
- i. **In an election year, delivery by the Mayor and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Mayor of their acceptance of office form unless the Council resolves for this to be done at a later date;**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - iii. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, working groups, staff and other local authorities;
  - vi. Review of the terms of reference for committees;
  - vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with standing order 4;
  - ix. Review and adoption of appropriate ~~Standing Orders~~, ~~Financial Regulations~~ **and Code of Conduct**;
  - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
  - xi. Review of representation on or work with external bodies and arrangements for reporting back;
  - xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
  - xiii. Review of inventory of land and other assets including buildings and office equipment;
  - xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
  - xv. Review of the Council's complaints procedure;

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- xvi. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 12, 21 and 22*);
- xvii. Review of the Council's policy for dealing with the press/media;
- xviii. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xix. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

**7. Extraordinary meetings of the council, committees and working groups.**

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

**8. Previous resolutions**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the Chief Officer in accordance with standing order 10, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 8(a) has been disposed of, no similar motion may be moved for a further six months.

**9. Voting on appointments**

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

**10. Motions for a meeting that require written notice to be given to the Chief Officer**

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Chief Officer at least 7 clear working days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Chief Officer may, before including a motion on the agenda received in accordance with standing order 10(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Chief Officer considers the wording of a motion received in accordance with standing order 10(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Chief Officer at least 7 clear working days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Chief Officer shall consult with the Chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Chief Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Chief Officer of the reason for rejection.

## **11. Motions at a meeting that do not require written notice**

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

## 12. Management of information

See also standing order 21.

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

## 13. Draft minutes

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

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 11(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chair of the meeting does not consider the minutes to be an accurate



record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The Chair of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

- e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 13(e) and standing order 21(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

#### **14. Code of conduct and dispensations**

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b In line with the Members' Code of Conduct 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. Any member in breach of 14b shall be excluded from the confidential part of any meeting of the Council and may also be in breach of the Members Code of Conduct.
- c Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have a disclosable pecuniary interest. They may return to the meeting after it has considered the matter in which they had the interest.
- d Unless they have been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which they have another interest if so required by the Council's code of conduct. They may return to the meeting after it has considered the matter in which they had the interest.

- e **Dispensation requests shall be in writing and submitted to the Chief Officer**

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as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.

- f A decision as to whether to grant a dispensation shall be made by the Chief Officer and that decision is final.
- g A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- h Subject to standing orders 14(d) and (f), a dispensation request shall be considered by the Chief Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- i **A dispensation may be granted in accordance with standing order 14(e) if having regard to all relevant circumstances any of the following apply:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**
  - ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
  - iii. **it is otherwise appropriate to grant a dispensation.**

## **15. Code of conduct complaints**

- a Upon notification by the Monitoring Officer of Cheshire East Borough Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Chief Officer shall, subject to standing order 12, report this to the Council.
- b Where the notification in standing order 15(a) relates to a complaint made by the Chief Officer, the Chief Officer shall notify the Mayor of this fact, and the

Mayor shall nominate another staff member to assume the duties of the Chief Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 15(d).

- c The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by CEC's Monitoring Officer that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

**16. Proper Officer**

- a The Proper Officer shall be the Chief Officer or (ii) other staff member(s) nominated by the Council to undertake the work of the Chief Officer when the Chief Officer is absent.
- b The Chief Officer shall:
  - i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
    - **serve on councillors by email authenticated in such manner as the Chief Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
    - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

*See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*

- ii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his office;**
- iii. **facilitate inspection of the minute book by local government electors;**
- iv. **receive and retain copies of byelaws made by other local authorities;**
- v. hold acceptance of office forms from councillors;
- vi. hold a copy of every councillor's register of interests;
- vii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- viii. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- ix. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- x. arrange for legal deeds to be executed;  
*(see also standing order 24);*
- xi. refer a planning application received by the Council to the Chair or in his absence the Vice-Chair of the Planning Committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the Planning committee;
- xii. manage access to information about the Council via the publication scheme.

#### **17. Responsible Financial Officer**

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

#### **18. Accounts and accounting statements**



- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".

- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The duties of the Responsible Financial Officer shall include:
  - 1. To prepare financial reports for the Finance and Policy Committee and/or the Council.
  - 2. To prepare draft estimates. When approved by Council these will form the basis of budget monitoring during the year. To report thereon to Finance and Policy Committee.
  - 3. To submit the precept requirements to CEC and supply any breakdown requested.
- d The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to the Finance and Policy committee prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

#### 19. Financial controls and procurement

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required as agreed either 3 or 4 times annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below **£30,000 inclusive of VAT** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for

fitness of purpose.

- c. 
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders can submitted in writing in a sealed marked envelope addressed to the Chief Officer; or electronically to a specific email address (See Financial Regulations Appendix 1 and Standing Orders for Contracts). Method of tendering for each contract will be decided by the Chief Officer
  - v. tenders shall be opened by the Chief Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. The Councils Financial Regulations and Standing Orders for Contracts must also be adhered to for all procurement.
- g. Where the Value of a contract is likely to exceed the threshold specified by the Government from time to time, the Council must consider whether the contract is subject to the requirements of the current procurement legislation and, if so, the Council must comply with these procurement rules. Nalcs's procurement guidance contain further details. 

**Deleted:** A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £30,000 inclusive of VAT but less than the relevant thresholds in standing order 19(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).

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**Deleted:** A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £214,904 for a public service or supply contract or in excess of £5,372,609 for a public works contract; or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU. ¶  
A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £429,809 for a supply, services or design contract; or in excess of £5,372,609 for a works contract; or £884,720 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016. ¶

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## **20. Handling staff matters**

- a A matter personal to a member of staff that is being considered by a meeting of Council or the Personnel committee is subject to standing order 12.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chair of the Personnel committee or, if they are not available, the vice-Chair of the Personnel committee of absence occasioned by illness or other reason and that person shall report such absence to the Personnel committee at its next meeting.
- c The Chair of Personnel committee and the vice-Chair shall conduct a review of the performance and annual appraisal of the work of Chief Officer.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the Chair of the Personnel committee or in their absence, the vice-Chair of the Personnel committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel Committee.
- e Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- f In accordance with standing order 12(a), persons with line management responsibilities shall have access to staff records referred to in standing order 20(e).

## **21. Responsibilities to provide information**

See also standing order 22.

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

## **22. Responsibilities under data protection legislation**

Below is not an exclusive list. See also standing order 12.

- a The Council may appoint a Data Protection Officer.

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

#### **23. Relations with the press/media**

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

#### **24. Execution and sealing of legal deeds**

See also standing order 16(x)

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 24(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Chief Officer shall witness their signatures.**

#### **25. Communicating with unitary councillors**

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

#### **26. Restrictions on councillor activities**

- a Unless duly authorised no councillor shall:



- i. inspect any land and/or premises which the Council has a right or duty to inspect; or
- ii. issue orders, instructions or directions.

#### **27. Standing orders generally**

- a. All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b. A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 6 councillors to be given to the Chief Officer in accordance with standing order .
- c. The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d. The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

#### **28. Constitution**

- a. The Council shall maintain and periodically update a Constitution to advise Members and the public how the Council conducts its business and how decisions are made.
- b. The contents of the Constitution will be determined by Council but will always contain Standing Orders, Standing Orders for Contracts, Financial Regulations, Members' Code of Conduct and the Publication Scheme.

#### **29. Town Meeting**

- a. The Council will facilitate the Town Meeting, to be held between the 1<sup>st</sup> March and 1<sup>st</sup> June (both inclusive) each year.
- b. The Town Council will fix the day and time of the Town Meeting but it must not commence earlier than 6pm.
- c. At least 7 days public notice must be given of the meeting, specifying the time and place thereof and the business to be transacted.
- d. The press and public have the same rights of admission as they have to a meeting of the Town Council.

- e The Town Mayor, if present presides at the Town Meeting, or in his/her absence the Deputy Mayor. If neither are present, the meeting elects a Chair from the local government electors for the Town who are present.

### **30. Honorary Burgess**

- a The Council may award the title of “Honorary Burgess” in recognition of service to Congleton Town. There is no legal significance to this title nor does it confer any rights or privileges. Burgesses are however invited to all full Council meetings and sent copies of agendas and non confidential reports .
- b To mark the conferring of this title, the Council will present the recipient with a document which will take the form of a resolution of the Council.
- c The number of “Honorary Burgesses” shall be restricted to 15 living persons.
- d Recipients must be residents of Congleton Town who, by their actions, have served the Town for the benefit of the Community. Employees and sitting members of the Council shall not be recipients.

### **31. Certificates in Recognition of Outstanding Service.**

- a The Council may award a Certificate in recognition of outstanding service to an individual, on the recommendation of the Mayor, for service to the Town during the Mayor’s year of office.

### **32. Youth Committee**

- a The Council may make provision for an informal committee of young persons which will operate in accordance with a Constitution approved by Council. Members of the Youth Committee may attend Council meetings and at the discretion of the Mayor be allowed to make reports, ask questions or raise issues on a specific item on the Council agenda. They may not ask questions or raise issues under this agenda item for any matter which is the subject of a separate agenda item.
- b The Mayor may, subject to being advised 48 hours in advance of the meeting, ask Council to waive Standing Orders to allow members of the Youth Committee to make a statement or ask a question when any other agenda item is being considered.

## CONGLETON TOWN COUNCIL FINANCIAL REGULATIONS

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These Financial Regulations were adopted by the council at its meeting held on 3<sup>RD</sup> October 2024.  
(CTC/48/2425)

<u>VERSION CONTROL</u>	<u>Version 16</u>
<u>Previous Version Approval date</u>	<u>3<sup>rd</sup> October 2024</u>
<u>Current Version FAP Review Date</u>	<u>Presented direct to Council</u>
<u>Current Version Approval Date</u>	
<u>Current Version Approval Reference</u>	

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## 1. General

- 1.1. These Financial Regulations govern the financial management of the council and may only be amended or varied by resolution of the council. They are one of three council's governing documents providing procedural guidance for members and officers they shall be observed in conjunction with the council's Standing Orders and the code of Conduct. Financial regulations must be observed in conjunction with the council's standing orders and any individual financial regulations relating to contracts.
- 1.2. Councillors are expected to follow these regulations and not to entice employees to breach them. Failure to follow these regulations brings the office of councillor into disrepute.
- 1.3. Wilful breach of these regulations by an employee may result in disciplinary proceedings.
- 1.4. In these Financial Regulations:
  - 'Accounts and Audit Regulations' means the regulations issued under Sections 32, 43(2) and 46 of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force, unless otherwise specified.
  - "Approve" refers to an online action, allowing an electronic transaction to take place.
  - "Authorise" refers to a decision by the council, or a committee or an officer, to allow something to happen.
  - 'Proper practices' means those set out in *The Practitioners' Guide*
  - *Practitioners' Guide* refers to the guide issued by the [Smaller Authorities Proper Practices Panel](#).
  - 'Must' and **bold text** refer to a statutory obligation the council cannot change.
  - 'Shall' refers to a non-statutory instruction by the council to its members and staff.
- 1.5. The Responsible Financial Officer (RFO) holds a statutory office, appointed by the council. The RFO;
  - acts under the policy direction of the council;
  - administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
  - determines on behalf of the council its accounting records and control systems;
  - ensures the accounting control systems are observed;
  - ensures the accounting records are kept up to date;
  - seeks economy, efficiency, and effectiveness in the use of council resources; and
  - produces financial management information as required by the council.
- 1.6. **The council must not delegate any decision regarding:**
  - **setting the final budget or the precept (council tax requirement);**
  - **the outcome of a review of the effectiveness of its internal controls**
  - **approving accounting statements;**
  - **approving an annual governance statement;**

**Deleted:** Joint Panel on Accountability and Governance (JPAG) and published by NALC in England or Governance and Accountability for Local Councils in Wales – A Practitioners Guide jointly published by One Voice Wales and the Society of Local Council Clerks in Wales.

- borrowing;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations from the internal or external auditors
- writing off bad debts over £150. (See 13.3)

1.7. In addition, the council shall:

- determine and regularly review the bank mandate for all council bank accounts;
- authorise any grant or single commitment in excess of £3,000

## **2. Risk management and internal control**

- 2.1. **The council must ensure that it has a sound system of internal control, which delivers effective financial, operational and risk management.**
- 2.2. The Chief Officer shall prepare, for approval by Council, a risk management policy covering all activities of the council. This policy and consequential risk management arrangements shall be reviewed by the council at least annually.
- 2.3. When considering any new activity, the Chief Officer shall prepare a draft risk assessment including risk management proposals for consideration by the council.
- 2.4. **At least once a year, the council must review the effectiveness of its system of internal control, before approving the Annual Governance Statement.**
- 2.5. **The accounting control systems determined by the RFO must include measures to:**
  - For the timely production of accounts;
  - That provide for the safe and efficient safeguarding of public money;
  - ensure that risk is appropriately managed;
  - ensure the prompt, accurate recording of financial transactions;
  - prevent and detect inaccuracy or fraud; and
  - allow the reconstitution of any lost records;
  - identify the duties of officers dealing with transactions and
  - ensure division of responsibilities.
- 2.6. At least once in each quarter, and at each financial year end, a member other than the Chair shall be appointed to verify the bank reconciliations (for all accounts) produced by the RFO. The member shall sign and date the reconciliations and the original bank statements (or similar document) as evidence of this. This activity, including any exceptions, shall be reported to and noted by the Finance and Policy Committee.

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

### 3. Accounts and audit

- 3.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.
- 3.2. **The accounting records determined by the RFO must be sufficient to explain the council's transactions and to disclose its financial position with reasonable accuracy at any time. In particular, they must contain:**
  - **day-to-day entries of all sums of money received and expended by the council and the matters to which they relate;**
  - **a record of the assets and liabilities of the council;**
- 3.3. The accounting records shall be designed to facilitate the efficient preparation of the accounting statements in the Annual Governance and Accountability Return.
- 3.4. The RFO shall complete and certify the annual Accounting Statements of the council contained in the Annual Governance and Accountability Return in accordance with proper practices, as soon as practicable after the end of the financial year. Having certified the Accounting Statements, the RFO shall submit them (with any related documents) to the council, within the timescales required by the Accounts and Audit Regulations.
- 3.5. **The council must ensure that there is an adequate and effective system of internal audit of its accounting records and internal control system in accordance with proper practices.**
- 3.6. **Any officer or member of the council must make available such documents and records as the internal or external auditor consider necessary for the purpose of the audit** and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary.
- 3.7. The internal auditor shall be appointed by Council and shall carry out their work to evaluate the effectiveness of the council's risk management, control and governance processes in accordance with proper practices specified in the Practitioners' Guide.
- 3.8. The council shall ensure that the internal auditor:
  - is competent and independent of the financial operations of the council;
  - reports to council in writing, or in person, on a regular basis with a minimum of one written report during each financial year;
  - can demonstrate competence, objectivity and independence, free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - has no involvement in the management or control of the council.

- 3.9. Internal or external auditors may not under any circumstances:
- perform any operational duties for the council;
  - initiate or approve accounting transactions;
  - provide financial, legal or other advice including in relation to any future transactions; or
  - direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 3.10. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as described in The Practitioners Guide.
- 3.11. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts, including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and documents required by the Local Audit and Accountability Act 2014, or any superseding legislation, and the Accounts and Audit Regulations.
- 3.12. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

#### 4. Budget and precept

- 4.1. **Before setting a precept, the council must calculate its council tax (England) requirement for each financial year by preparing and approving a budget, in accordance with The Local Government Finance Act 1992 or succeeding legislation.**
- 4.2. Budgets for salaries and wages, including employer contributions shall be reviewed by the council at least annually in December for the following financial year and the final version shall be evidenced by a hard copy schedule signed by the Chief Officer and the Chair of the Council and Chair of Finance. The Chief Officer and RFO will inform committees of any salary implications during budget setting as Council consider their draft their budgets.
- 4.3. No later than November each year, the RFO shall prepare a draft budget with detailed estimates of all income and expenditure for the following financial year, along with a forecast for the following year, taking account of the lifespan of assets and cost implications of repair or replacement.
- 4.4. Unspent budgets for completed projects shall not be carried forward to a subsequent year. Unspent funds for partially completed projects may only be carried forward (by placing them in an earmarked reserve) with the formal approval of the full council.
- 4.5. Each committee chair shall review its draft budget and submit any proposed amendments to the Finance and Policy Committee. Nno later than October each year.

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

## 5. Procurement

- 5.1. **Members and officers are responsible for obtaining value for money at all times.** Any officer procuring goods, services or works should ensure, as far as practicable, that the best available terms are obtained, usually by obtaining prices from several suppliers.
- 5.2. The RFO should verify the lawful nature of any proposed purchase before it is made and in the case of new or infrequent purchases, should ensure that the legal power being used is reported to the meeting at which the order is authorised and also recorded in the minutes.
- 5.3. Every contract shall comply with these the council's Standing Orders and these Financial Regulations and no exceptions shall be made, except in an emergency.

**5.4. For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Procurement Act 2023 and The Procurement Regulations 2024 or any superseding legislation ("the Legislation"), must be followed in respect of the tendering, award and notification of that contract.**

5.5. Where the estimated value is below the Government threshold, the council shall (with the exception of items listed in paragraph 5.12) obtain prices as follows:

5.6. For contracts estimated to exceed £30,000 including VAT, the Chief Officer must comply with The Council's Standing Orders for Contracts Policy and any regulations for tenders in compliance with any relevant provisions of the Legislation. Tenders shall be invited in accordance with Appendix 1.

**5.7. For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation regarding the publication of invitations and notices.**

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**Deleted:** <#>For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Public Contracts Regulations 2015 or any superseding legislation ("the Legislation"), must be followed in respect of the tendering, award and notification of that contract.¶

**Deleted:** or contracts estimated to be over £, including , the council must comply with any requirements of the legislation regarding the advertising of contract opportunities and the publication of notices about the award of contracts.¶



- 5.9. where the value is between £500 and £3,000 excluding VAT, the Chief Officer/RFO or relevant lead officer or RFO shall try to obtain 3 estimates which can include evidence of online prices, or recent prices from regular suppliers.
- 5.10. For smaller purchases, all officers shall seek to achieve value for money.
- 5.11. **Contracts must not be split into smaller lots to avoid compliance with these rules.**
- 5.12. The requirement to obtain competitive prices in these regulations need not apply to contracts that relate to items (i) to (iv) below:
- i. 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 additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Chief Officer and RFO shall act after consultation with the Mayor and Deputy Mayor of council); and
  - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
  - vii. Goods or services that are only available from one supplier or are sold at a fixed price.
- 5.13. When applications are made to waive this financial regulation to enable a price to be negotiated without competition, the reason should be set out in a recommendation to Council. Avoidance of competition is not a valid reason.
- 5.14. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- 5.15. Individual Revenue expenditure purchases within an agreed budget for that type of expenditure may be authorised by:
- the Chief Officer for any items below £5000 excluding VAT.
  - a duly delegated committee of the council for all items of expenditure within their delegated budgets for items under £10,000 excluding VAT
  - the council for all items over £10,000;
  - in respect of grants, the Finance and Policy Committee within any limits set by council and in accordance with any policy statement agreed by the council.

Such authorisation must be supported by a minute (in the case of council or committee decisions) or other auditable evidence trail. Orders/Purchases may not be disaggregated to avoid controls imposed by these regulations.

- 5.16. No individual member, or informal group/working group of members or volunteer may issue an official order or make any contract on behalf of the council.
- 5.17. No expenditure may be authorised that will exceed the budget for that type of expenditure other than by resolution of Council except in an emergency. 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').
- 5.18. In cases of serious risk to the delivery of council services or to public safety on council premises, the Chief Officer may authorise expenditure of up to £2,000 excluding VAT on repair, replacement or other work that in their judgement is necessary, whether or not there is any budget for such expenditure. The Chief Officer shall report such action to the Chair as soon as possible and to the Council as soon as practicable thereafter.
- 5.19. No expenditure shall be authorised, no contract entered into or tender accepted in relation to any major project, unless Council is satisfied that the necessary funds are available and that where a loan is required, Government borrowing approval has been obtained first.
- 5.20. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained, along with evidence of receipt of goods.
- 5.21. Any ordering system can be misused and access to them shall be monitored controlled by the RFO
- 5.22. All Capital works shall be administered in accordance with the Councils Standing Orders and Financial Regulations relating to contracts.
- 5.23. The RFO shall regularly provide the Council with a statement of income and expenditure to date under each heading of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose "material" shall be in excess 15% as long as the variance exceeds £ 500.  
The statement of income and expenditure known as Management Accounts, will be included as part of Finance and Policy Committee minutes, and will be presented to Council as part of the approval of the final Finance and Policy Committee minutes.

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## 6. Banking and payments

- 6.1. The Council will make safe and efficient arrangements for the making of payments.
- 6.2. Following authorisation under Financial Regulations 5, The Chief Officer or RFO shall give instruction that a payment shall be made.
- 6.3. The council's banking arrangements, including the bank mandate, shall be made by the RFO and authorised by the council; banking arrangements shall not be delegated to a

committee. The arrangements shall be reviewed regularly for security and efficiency. The Council has resolved to bank with RBS Bank. The Chief Officer and RFO to be signatories on the accounts for communication purposes only and not to be used for payment.

- 6.4. The council must have safe and efficient arrangements for making payments, to safeguard against the possibility of fraud or error. Wherever possible, more than one person should be involved in any payment, for example by dual online authorisation or dual cheque signing. Even where a purchase has been authorised, the payment must also be authorised and only authorised payments shall be approved or signed to allow the funds to leave the council's bank.
- 6.5. All invoices for payment should be examined for arithmetical accuracy, analysed to the appropriate expenditure heading and verified to confirm that the work, goods or services were received, checked and represent expenditure previously authorised by the council before being certified by the RFO.
- 6.6. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of employment) may be summarised to avoid disclosing any personal information.
- 6.7. All payments shall be made by online banking or cheque, in accordance with a resolution of the council, unless the council resolves to use a different payment method.
- 6.8. For each financial year the RFO may draw up a schedule of regular payments due in relation to a continuing contract or obligation (such as Salaries, PAYE, National Insurance, pension contributions, rent, rates, regular maintenance contracts and similar items), which Council may authorise in advance for the year. This will be presented by the RFO as part of the annual budgeting process.
- 6.9. The Chief Officer and RFO shall have delegated authority to authorise payments only in the following circumstances:
  - i. payments of up to £2,000 excluding VAT in cases of serious risk to the delivery of council services or to public safety on council premises.
  - ii. any payment necessary to avoid a charge under the Late Payment of Commercial Debts (Interest) Act 1998 or to comply with contractual terms, where the due date for payment is before the next scheduled meeting of [the council], where the Chief Officer 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 the Finance Committee and then to Council.
  - iii. Fund transfers within the council's banking arrangements provided that a list of such payments shall be submitted to the next appropriate meeting of Finance and Policy. With regards to Investment transfers, these are to be made in line with the Investment Policy and Investment Strategy.

The RFO shall present a schedule of payments requiring authorisation, forming part of the agenda for the meeting, to the Finance and Policy Committee and to Council annually to

review. The Finance and Policy Committee shall review the schedule for compliance and, having satisfied itself, shall authorise payment by resolution.

## 7. Electronic payments

- 7.1. Where internet banking arrangements are made with any bank, the RFO shall be appointed as the Service Administrator. The bank mandate agreed by the council shall identify a minimum of 6 councillors who will be authorised to approve transactions on those accounts and a minimum of two people will be involved in any online approval process.
- 7.2. No employee or councillor shall disclose any PIN or password, relevant to the council or its banking, to anyone not authorised in writing by the council or a duly delegated committee.
- 7.3. The Service Administrator shall set up all items due for payment online. Payments can be delegated to the Finance Officer as a Service Administrator with reduced authorisations within online banking.
- 7.4. Payments can be authorised either in person or via email. For email approval, the schedule of payments and the list of invoices shall be sent to all signatories requesting approval. For in-person approval the schedule of payment, list of invoices and invoices will be available for approval. Two signatories are required to approve the payments by checking the schedule against the invoices list. In-person approval is the preferred method.
- 7.5. In the prolonged absence of the RFO Service Administrator an Authorised Bank Administrator shall set up any payments due before the return of the Service Administrator.
- 7.6. Evidence shall be retained showing which members approved the payment online.
- 7.7. A full list of all payments made in a month shall be provided to the next available Finance and Policy meeting.
- 7.8. With the approval of the Council in each case, regular payments (such as gas, electricity, telephone, broadband, water, National Non-Domestic Rates, and HMRC VAT payments) may be made by variable direct debit, provided that the instructions are [signed/approved online] by [two authorised members]. The approval of the use of each variable direct debit shall be reviewed by the Council] at least every two years.
- 7.9. Payment may be made by BACS or CHAPS by resolution of the council provided that each payment follows the payment rules. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
- 7.10. Account details for suppliers may only be changed upon written notification by the supplier verified by the RFO. This is a potential area for fraud and the individuals involved should ensure that any change is genuine.
- 7.11. Members and officers shall ensure that any computer used for the council's financial business has adequate security with anti-virus, anti-spyware and firewall software installed and regularly updated.
- 7.12. 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

**Deleted:** The authorised schedule shall be initialled immediately below the last item by the person chairing the meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of that meeting.

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.

## **8. Cheque payments**

- 8.1. Cheques or orders for payment in accordance with a resolution or delegated decision shall be signed by two members and the cheque stub countersigned by the RFO.
- 8.2. A signatory having a family or business relationship with the beneficiary of a payment shall not, under normal circumstances, be a signatory to that payment.
- 8.3. To indicate agreement of the details on the cheque with the counterfoil and the invoice or similar documentation, the signatories shall also initial the cheque counterfoil and invoice.

## **9. Payment cards**

- 9.1. Any Credit Card issued for use will be controlled and monitored by the RFO and will also be restricted to a single transaction maximum spend limit of £1000 and any balance shall be paid in full each month.
- 9.2. Any trade card account opened by the council will be specifically monitored and controlled by the RFO.
- 9.3. All purchases made by the Credit Card or Trade Account must follow normal procedures.
- 9.4. Personal credit or debit cards of members or staff shall not be used.

## **10. Petty Cash**

- 10.1. The RFO shall maintain a petty cash float/imprest account of £200 and may provide petty cash to officers for the purpose of defraying operational and other expenses.
  - a) Vouchers for payments made from petty cash shall be kept, along with receipts to substantiate every payment.
  - b) Cash income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
  - c) Payments to maintain the petty cash float shall be shown separately on any schedule of payments presented for approval.
  - d) The Petty Cash balance must be verified twice a year by either the Chair of Finance or another signatory.

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

- 11.1. **As an employer, the council must make arrangements to comply with the statutory requirements of PAYE legislation.**

- 11.2. **Councillors' allowances (where paid) are also liable to deduction of tax under PAYE rules and must be taxed correctly before payment.**
- 11.3. Salary rates shall be agreed by the council, or a duly delegated committee. No changes shall be made to any employee's gross pay, emoluments, or terms and conditions of employment without the prior consent of the council.
- 11.4. Payment of salaries shall be made, after deduction of tax, national insurance, pension contributions and any similar statutory or discretionary deductions, on the dates stipulated in employment contracts.
- 11.5. Deductions from salary shall be paid to the relevant bodies within the required timescales, provided that each payment is reported, as set out in these regulations above.
- 11.6 Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a payroll control account or other separate confidential record, with the total of such payments each calendar month reported in the cashbook. This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
- a) by any councillor who can demonstrate a need to know;
  - b) by the internal auditor;
  - c) by the external auditor; or
  - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 11.6. Any termination payments shall be supported by a report to the council, setting out a clear business case. Termination payments shall only be authorised by the full council.
- 11.7. Before employing interim staff, the council must consider a full business case.
- 11.8. Salaries are to be paid by bank transfer and the payment summary issued to the Chair and Vice Chair of Finance for noting, in the absence of either one the summary can be approved by another signatory. The RFO is permitted to approve the Salary Bank Bulk Payment each month.

## **12. Loans and investments**

- 12.1. Any application for Government approval to borrow money and subsequent arrangements for a loan must be authorised by the full council and recorded in the minutes. All borrowing shall be in the name of the council, after obtaining any necessary approval.
- 12.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase, Leasing of tangible assets or loans to be repaid within the financial year) must be authorised by the full council, following a written report on the value for money of the proposed transaction.
- 12.3. The council shall consider the requirement for an Investment Strategy and Policy in accordance with Statutory Guidance on Local Government Investments, which must

written be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.

- 12.4. All investment of money under the control of the council shall be in the name of the council.
- 12.5. 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.
- 12.6. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 12.7. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, shall be made in accordance with these regulations.

### 13. Income

- 13.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 13.2. The council will review all fees and charges for work done, services provided, or goods sold at least annually as part of the budget-setting process, following a report of the Chief Officer. The RFO shall be responsible for the collection of all amounts due to the council.
- 13.3. Any sums found to be irrecoverable and any bad debts shall be reported to the council by the RFO and shall be written off in the year. The council's approval shall be shown in the accounting records. Council delegates the authority to write off bad debts to Finance and Policy Committee as long as the sum written off does not exceed £ 150.
- 13.4. All sums received on behalf of the council shall be deposited intact with the council's bankers, with such frequency as the RFO considers necessary. The origin of each receipt shall clearly be recorded on the paying-in slip or other record.
- 13.5. Personal cheques shall not be cashed out of money held on behalf of the council.
- 13.6. The RFO shall ensure that VAT is correctly recorded in the council's accounting software and that any VAT Return required is submitted from the software by the due date.
- 13.7. Where sums of cash are received by the council, the RFO shall ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control record, and that appropriate care is taken for the security and safety of individuals banking such cash.
- 13.8. All officers must follow the Cash Handling Policy at all times.
- 13.9. Floats for Congleton Information Centre should be kept to a maximum of £200; £100 Till float and £100 Change float and the Events to a maximum of £50.00. When not in use both floats are to be secured either in the Council's safe or lockable cabinet overnight. The RFO will arrange regular checks on the floats. The float totals to be reviewed by the RFO on an annual basis.

- 13.10. Income taken via the Congleton Information Centre shall be reconciled daily by relevant staff, and on a monthly basis by the RFO.

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

- 14.1. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments, which shall be made within the time specified in the contract based on signed certificates from the architect or other consultant engaged to supervise the works.
- 14.2. Any variation of addition to or omission from a contract must be authorised by Council to the contractor in writing, with the council being informed where the final cost is likely to exceed the contract sum by 5% or more, or likely to exceed the budget available.

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

- 15.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 15.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 15.3. Stocks shall be kept at the minimum levels consistent with operational requirements.
- 15.4. The RFO shall be responsible for periodic checks of stocks and stores, at least annually.

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

- 16.1. The Chief Officer shall make arrangements for the safe custody of all title deeds and Land Registry Certificates of properties held by the council.
- 16.2. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date, with a record of all properties held by the council, their location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held, in accordance with Accounts and Audit Regulations.
- 16.3. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.
- 16.4. No interest in land shall be purchased or otherwise acquired, sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a written report shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate where required by law).
- 16.5. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, except where the estimated value of any one item does not



exceed £3,000. In each case a written report shall be provided to council with a full business case.

- 16.6. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 16.7. Subject only to the limit set in Regulation 16.5 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.

#### **17. Insurance**

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

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

- 18.1. The council shall review these Financial Regulations annually and following any change of Chief Officer or RFO. The Chief Officer shall monitor changes in legislation or proper practices and advise the council of any need to amend these Financial Regulations.
- 18.2. The council may, by resolution duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations, provided that reasons for the suspension are recorded and that an assessment of the risks arising has been presented to all members. Suspension does not disapply any legislation or permit the council to act unlawfully.
- 18.3. The council may temporarily amend these Financial Regulations by a duly notified resolution, to cope with periods of absence, local government reorganisation, national restrictions or other exceptional circumstances.

**Appendix 1 - Tender process**

- 1) Any invitation to tender shall state the general nature of the intended contract and the Chief Officer shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
- 2) The invitation shall in addition state that tenders must be addressed to the Chief Officer.
- 3) Where a postal process is used, each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract. All sealed tenders shall be opened at the same time on the prescribed date by the Chief Officer in the presence of at least one member of the council.
- 4) Where an electronic tendering process is used, the council shall use a specific email address that will be monitored to ensure that nobody accesses any tender before the expiry of the deadline for submission.
- 5) Any invitation to tender issued under this regulation shall be subject to Standing Order 19 and the separate policy Standing Orders for Contracts and shall refer to the terms of the Bribery Act 2010.
- 6) Where the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.