

FELIXSTOWE TOWN COUNCIL

STANDING ORDERS

THE STATUTORY ANNUAL MEETING

1. [a] In an election year shall be held on or within 14 days following the day on which the Councillors elected take office and
[b] In a year which is not an election year shall be held on such day in May as the Council may direct.
2. In addition to the Statutory Annual Meeting at least three other statutory meetings shall be held in each year on such dates and times and at such place as the Council may direct. The statutory and other meetings of the Council shall be held on the first Wednesday in the months of February, April, June, August, October and December.

CHAIRMAN OF MEETINGS

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

PROPER OFFICER

4. Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, he shall be the Town Clerk:
 - [a] To receive declarations of acceptance of office.
 - [b] To receive and record notices required by the Parish Councils' [Model Code of Conduct] Order 2007 No.1159.
 - [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 the District Council.
 - [f] To certify copies of bylaws made by the Council.
 - [g] To sign summonses to attend meetings of the Council.
 - [h] To keep proper records for all Council meetings.

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

QUORUM

5. Three members or one-third of the total membership, whichever is the greater, shall constitute a quorum at meetings of the Council.
6. If a quorum is not present or if during a meeting the number of Councillors 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 Chairman may fix.

VOTING

7. Members shall vote by show of hands.
8. If a member so requires, the Town Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.

9. **[1] Subject to [2] below the Mayor shall give an original vote on any matter put to the vote.**

[2] Subject to [3] below the Mayor may not give an original vote in the election of the Mayor on any occasion when he will himself immediately after such election retire from the Council.

[3] In any case of an equality of votes, the Mayor may give a casting vote.

ORDER OF BUSINESS

10. **[1] At each Annual Parish Council meeting the first business shall be:**
- [a] To elect a Chairman of the Council**
 - [b] To receive the Chairman's declaration of acceptance 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 which have not been received as provided by law shall be received.**
 - [e] To elect a Vice-Chairman of the Council
 - [f] To appoint representatives to outside bodies
 - [g] To appoint committees and sub-committees
 - [h] To consider the payment of any subscriptions falling to be paid annually
 - [i] To inspect any deeds and trust investments in the custody of the Council as required

and shall thereafter follow the order set out in Standing Order 12.

[2] Nominations in writing for the post of Mayor and Deputy Mayor shall be received before or at the April meeting of the Council and reported to that meeting, except in an election year when nominations shall be received not later than eight days prior to the Annual General Meeting. Such nominations shall be circulated with the notices of the Annual General Meeting and voted on at that meeting.

11. **At every meeting other than the Annual General Meeting of the Council the first business shall be to appoint a Chairman if the Mayor and Deputy Mayor be absent and to receive such declarations of acceptance of office (if any) and undertake to observe the Council's Code of Conduct as required by law to be made or, if not then received, to decide when they shall be received.**

12. 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: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.

[b] **After consideration to approve the signature of the Minutes by the presiding chairman as a correct record.**

[c] **To deal with business expressly required by statute to be done.**

[d] To receive such communications as the presiding chairman may wish to lay before the Council.

[e] To answer questions from Councillors.

[f] To dispose of business, if any, remaining from the last meeting.

[g] To receive and consider reports and minutes of committees and advisory committees; to receive and consider reports from officers of the Council; to consider motions or recommendations in the order in which they have been notified and to carry out any other business specified in the summons.

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

[a] May be proposed by the Mayor or by any member and, if proposed by the Mayor, may be put to the vote without being seconded, and

[b] Shall be put to the vote without discussion.

RESOLUTIONS MOVED ON NOTICE

14. Except as provided by these Standing Orders, no resolution may be moved unless the mover has given notice in writing of its terms and has delivered the notice to the Town Clerk at least TEN clear days before the next meeting of the Council.

15. The Clerk shall date every notice of motion or recommendation when received by him, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.

16. 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 intends to move at some later meeting or that he withdraws it.

17. If a resolution or recommendation specified in the summons be not moved, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

18. 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 the Mayor, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

19. Every resolution or recommendation shall be relevant to some question over which the Council has power or which affects its area.

RESOLUTIONS MOVED WITHOUT NOTICE

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

- [a] To appoint a chairman of the meeting.
- [b] To correct the Minutes.
- [c] To approve the Minutes.
- [d] To alter the order of the business.
- [e] To proceed to the next business.
- [f] To close or adjourn the debate.
- [g] To refer a matter to a committee.
- [h] To appoint a committee or any other members thereof.
- [i] To adopt a report.
- [j] To authorise the sealing of documents.
- [k] To amend a motion.
- [l] To give leave to withdraw a motion or an amendment.
- [m] To extend the time limit for speeches.
- [n] To adjourn the meeting.
- [o] To exclude the press.
- [p] To exclude the public.
- [q] To silence or eject from the meeting a member named for misconduct.
- [r] To give the consent of the Council where such consent is required by these Standing Orders.
- [s] To suspend any portion of Standing Orders in relation to any specific item of business.

QUESTIONS

21. [a] A member may ask the Mayor any question concerning the business of the Council provided two clear days notice has been given to the Town Clerk specifying the question to be answered.
- [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.
- [e] The questioner shall be enabled to put a single supplementary question.

RULES OF DEBATE

22. 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 Mayor.
23. 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 Mayor, be reduced to writing and handed to him before it is further discussed or put to the meeting.
24. During the discussion on a resolution, amendment or an item of committee business reported to the Council that the following shall apply:
- [a] A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.

- [b] A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- [c] No speech shall exceed FIVE minutes, except by consent of the Council.
- [d] An amendment shall be either:
 - [i] To leave out words.
 - [ii] To leave out words and insert or add others.
 - [iii] To insert or add words.
- [e] An amendment shall not have the effect of negating the motion before the Council.
- [f] 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.
- [g] A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
- [h] The mover of a resolution or of an amendment shall have a right of reply.
- [i] A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution or item of committee business except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation or to move the closure.
- [j] A member may rise to make a point of order or a personal explanation. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood. A member rising for these purposes shall be heard forthwith.
- [k] A motion or amendment may be withdrawn by the proposer with the concurrence of the seconder and 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.
- [l] When a resolution is under debate no other resolution shall be moved except the following:
 - [i] To amend the resolution.
 - [ii] To proceed to the next business.
 - [iii] To adjourn the debate.
 - [iv] That the question be now put.
 - [v] That a member named be not further heard.
 - [vi] That a member named do leave the meeting.
 - [vii] That the resolution be referred to a committee.
 - [viii] To exclude the public or the press or both.
 - [ix] To adjourn the meeting.

25. A member shall stand when speaking unless permitted by the Mayor to sit on account of infirmity.

26. [a] The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be discussed.

[b] Members shall address the Mayor.

[c] If two or more members rise, the Mayor shall call upon one of them to speak and the others shall resume their seats.

[d] Whenever the Mayor rises during a debate all other members shall be seated and silent.

CLOSURE

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

DISORDERLY CONDUCT

28. [a] **All members must observe the Code of Conduct which was adopted by the Council on 1st August, 2007, a copy of which is annexed to these Standing Orders.**

[b] No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly **or in such a manner as to bring the Council into disrepute.**

[c] If, in the opinion of the Chairman, a member has broken the provisions of paragraph [a] or [b] of this Order, the Chairman 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.

[d] If either of the motions mentioned in paragraph [c] is disobeyed, the Chairman may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

RIGHT OF REPLY

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

ALTERATION OF RESOLUTION

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

RECISSION OF PREVIOUS RESOLUTION

31. [a] A decision [whether affirmative or negative] of the Council shall not be reversed within six months save by a special resolution, the written notice whereof bears the names of at least SIX members of the Council.
- [b] When a special resolution has been disposed of, no similar resolutions may be moved within a further six months.
- [c] This Standing Order shall not apply to resolutions moved in pursuance of the report or recommendations of a committee.

VOTING ON APPOINTMENTS

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

DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

33. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded.

SEALING OF DOCUMENTS

34. The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council, but a resolution of the Council authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address, the making of any precept or contract or any other matter or thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.

The seal shall be attested by one at least of the following persons present at the sealing, via, the Mayor, Deputy Mayor or the Town Clerk.

COMMITTEES AND SUB-COMMITTEES

35. The Council shall have seven committees, the Plans Committee, the Town Members Committee, the Newsletter Editorial Committee, the Hearings Committee, the Appeals Committee, the Premises Committee and the Finance and General Purposes Committee. The terms of reference of these committees shall be:

[a] The Plans Committee

The Plans Committee shall have delegated authority to make recommendations concerning all planning matters within the Parish of Felixstowe to the appropriate local authority, government department or other body;

[b] The Town Members Committee

The Town members Committee shall have delegated authority to deal with all matters on which those members of the Town Council who are also members of Suffolk Coastal District Council and have a prejudicial interest because of their membership of Suffolk Coastal District Council are disqualified;

[c] Newsletter Editorial Committee

The Newsletter Editorial Committee shall have delegated authority to approve the content and to publish the newsletter of Felixstowe Town Council.

[d] The Hearings Committee

The Hearings Committee will consider and decide on any complaints and disciplinary matters. The membership of this committee will be different from the Appeals Committee.

[e] The Appeals Committee

The Appeals Committee will consider and decide any appeals against the decisions of the Hearings Committee. The membership of this committee will be different from the Hearings Committee.

[f] The Premises Committee

The Premises Committee shall have delegated authority to deal with all matters relating to the assets of the Town Council other than those which are the responsibilities of the Cemetery and Allotments Sub-Committee

[g] The Finance and General Purposes Committee

The Finance and General Purposes Committee will consider all items of Council business other than those under sub paragraphs [a, b, c, d, e and f] above and will report to the full Council on these items.

36. The Council may at the Annual Meeting appoint standing committees and may at any other time appoint such other committees as necessary, but subject to any statutory provision in that behalf:

[a] Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting, and

[b] May at any time dissolve or alter the membership of a committee.

[c] The terms of reference of a committee shall be as determined, from time to time by the Town Council.

[d] A committee shall report the results of its deliberation to a meeting of the Town Council.

[e] All motions of a committee, except where that committee has delegated powers shall be determined finally by the Town Council. The Chairman of the committee shall at any time during the debate have the power to remit the motion to a full meeting of the Town Council without further discussion.

37. The Mayor shall be a member of every committee except where the Mayor is a member of Suffolk Coastal District Council in which case the Mayor shall not be a member of the Town Members Committee.
38. Every committee shall either at the Annual Meeting or at its first meeting before proceeding to any other business, elect a chairman and may elect a Vice-Chairman who shall hold office until the next Annual Meeting of the Council.
39. The Chairman of a committee or the Mayor may summon a special meeting of that committee at any time. A special meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
40. Every committee may appoint sub-committees for purposes to be specified by the committee.
41. The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
42. The quorum of a committee or sub-committee shall be one-third of its members but not less than three.
43. The Standing Orders on voting and rules of debate [except those parts relating to standing and 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 insofar as they are appropriate and by substituting reference to chairman and vice-chairman for Mayor and Deputy Mayor.

ADVISORY COMMITTEES

44. [a] The Council may create advisory committees, who's 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

VOTING IN COMMITTEES

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

[b] **Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

46. A member who has proposed a motion which has been referred to any committee of which he is not a member, may explain his motion to the committee but shall not vote.

47. Any member of the Council may attend any meeting of any standing committee or sub-committee of the Council of which he is not a member, but shall not take any part in the proceedings of any such meeting without the consent of the chairman of the committee or sub-committee and in no circumstances shall he be entitled to vote.

CODE OF CONDUCT

48. **All members of the Council will abide by the Parish Councils [Model Code of Conduct] Order 2007 No. 1159.**

49. If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 1st August, 2007 then he shall declare such interest as soon as it becomes apparent, disclosing the nature and extent of that interest as required.

50. If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.

51. The Clerk may be required to compile and hold a register of members' interests in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.

52. A printed copy of the Parish Councils [Model Code of Conduct] Order 2007 No. 1159 shall be given to each member by the Town Clerk upon delivery to the Clerk of the member's Declaration of Acceptance of Office.

CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

53. If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Town Clerk. The Town Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed the Standing Orders on interests of members in contracts and other matters shall apply.

The Town Clerk shall make known the purpose of this Standing Order to every candidate.

54. [a] Canvassing of members or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Standing Order to every candidate.

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

INSPECTION OF DOCUMENTS

55. A member may for the purpose of his duty as such [but not otherwise], inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.
56. **All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**
57. [a] All documents specified in the Town Council's Model Publication Scheme made under the Freedom of Information Act 2002 shall be open for inspection by any member of the Council.
- [b] All documents specified in the Town Council's Model Publication Scheme made under the Freedom of Information Act 2002 shall be open for inspection by any member of the public.

UNAUTHORISED ACTIVITIES

58. 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;
- unless authorised to do so by the Council or the relevant committee or sub-committee.

ATTENDANCES

59. For the purposes of Section 86 of the Local Government Act 1972 meetings of Felixstowe Town Council shall be defined as:
- [a] meetings of the full council;
- [b] meetings of any committee or sub-committee of the Council;
- [c] meetings of any joint committee, or joint board or other body by whom for the time being any of the functions of the authority are being discharged or who were appointed to advise the authority on any matter relating to the discharge of their functions.
- [d] Attendances as a representative of the Council at a meeting of any body of persons, provided the member has been authorised to attend the meeting by resolution of the Council.

ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

60. The public and the press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public or the press or both by means of the following resolutions, viz:

"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
- press and public
- public

be temporarily excluded and they are instructed to withdraw."

61. A public question time of up to 15 minutes shall be included in the agenda of each ordinary meeting of the Council. The question time shall be part of the formal proceedings of the meeting and minuted as such. Questions shall be answered by the Mayor or at the Mayor's request any committee Chairman, member or official of the Council.

62. In accordance with section 12(2) of the Code of Conduct Order 2007 No.1159 a member of the Council may participate in public question time on the same basis as any member of the public.

63. If a member of the public interrupts the proceedings at any meeting, the Mayor may, after warning, order that he be removed from the Council Chamber or that that part of the chamber open to the public be cleared.

CONFIDENTIAL BUSINESS

64.[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.

PLANNING APPLICATIONS

65. The Clerk shall, as soon as it is received refer every planning application to the next meeting of the Plans Committee.

FINANCIAL STANDING ORDERS

66. The Financial Standing Orders of the Council are included at Appendix [1].

CODE OF CONDUCT ON COMPLAINTS

67. The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for these complaints which should be properly directed to the Standards Board for consideration.

VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

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

STANDING ORDERS TO BE GIVEN TO MEMBERS

70. A printed copy of these Standing Orders shall be given to each member by the Town Clerk upon delivery to him of the member's declaration of acceptance of office.

FELIXSTOWE TOWN COUNCIL

FINANCIAL REGULATIONS AND STANDING ORDERS

These Financial Regulations and Standing Orders were adopted by the Council at its Meeting held on 3rd December, 2008

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. 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 financial control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk and for the prevention and detection of fraud and corruption. These financial regulations are designed to demonstrate how the council meets these responsibilities.
- 1.2 The Responsible Financial Officer (RFO) is a statutory office and shall be appointed by the council. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly. The RFO, acting under the policy direction of the Council, shall administer the Council's financial affairs in accordance with proper practices. The RFO shall determine on behalf of the council its accounting records, and accounting control systems. The RFO shall ensure that the accounting control systems are observed and that the accounting records of the council are maintained and kept up to date in accordance with proper practices.
- 1.3 The RFO shall produce financial management information as required by the council.
- 1.4 At least once a year, prior to approving the annual return, the council shall conduct a review of the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.5 In these financial regulations, references to the Accounts and Audit Regulations shall mean the Regulations issued under the provisions of section 27 of the Audit Commission Act 1998 and then in force.
- 1.6 In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in Governance and Accountability in local Councils in England and Wales – a Practitioners' Guide which is published jointly by NALC and SLCC and updated from time to time.

2. ANNUAL ESTIMATES (BUDGET)

- 2.1 Detailed written estimates of all receipts and payments including the use of reserves and all sources of funding for the year shall be prepared each year by the RFO in the form of a budget to be considered by the council.
- 2.2 The Council shall review the budget not later than the end of January each year and shall fix the Precept to be levied for the ensuing financial year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved budget.
- 2.3 The annual budgets shall form the basis of financial control for the ensuing year.
- 2.4 The Council shall consider the need for and shall have regard to a three year forecast of Revenue and Capital Receipts and Payments which may be prepared at the same time as the annual Budget.

3 BUDGETARY CONTROL

- 3.1 Expenditure on revenue items may be incurred up to the amounts included for that class of expenditure in the approved budget.
- 3.2 No expenditure may be incurred that will exceed the amount provided in the revenue budget for that class of expenditure. 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.
- 3.3 The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head 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.
- 3.4 The RFO will operate an imprest account for the wages and day to day expenditure of the Town Council up to a limit of £8000.
- 3.5 The Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1000. The Clerk shall report the action to the Council as soon as practicable thereafter.
- 3.6 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless placed in an earmarked reserve by resolution of the council.
- 3.7 No expenditure shall be incurred 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, or the requisite borrowing approval has been obtained.
- 3.8 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.

4. ACCOUNTING AND AUDIT

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations.

- 4.2 The RFO shall complete the annual financial statements of the Council, including the council's annual return, as soon as practicable after the end of the financial year and shall submit them and report thereon to the Council.
- 4.3 The RFO shall complete the Accounts of the Council contained in the Annual Return (as supplied by the Auditor appointed from time to time by the Audit Commission) and shall submit the Annual Return for approval and authorisation by the Council within the timescales set by the Accounts and Audit Regulations.
- 4.4 The RFO shall ensure that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with proper practices. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.
- 4.5 The Internal Auditor shall be appointed by and shall carry out the work required by the council in accordance with proper practices. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing, or in person, on a regular basis with a minimum of one annual written report in respect of each financial year. In order to demonstrate objectivity and independence, the internal auditor shall be free from any conflicts of interest and have no involvement in the financial decision making, management or control of the council.
- 4.6 The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers and for the display or publication of any Notices and statements of account required by Audit Commission Act 1998 and the Accounts and Audit Regulations.
- 4.7 The RFO shall, as soon as practicable, bring to the attention of all councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

5. BANKING ARRANGEMENTS AND CHEQUES

- 5.1 The Council's banking arrangements, including the Bank Mandate, shall be made by the RFO and approved by the Council. They shall be regularly reviewed for efficiency.
- 5.2 The Town Council will operate the following accounts with the following signatories:

Clerk's Imprest Account

Signatory:
The Clerk

Felixstowe Town Council Account

Signatories:
Chairman – Finance and General Purposes Committee
Vice Chairman – Finance and General Purposes Committee
Chairman - Plans Committee
Vice Chairman – Plans Committee
Mayor
Deputy Mayor

Felixstowe Town Council Felixstowe in Flower Account

Signatories:

Chairman – Finance and General Purposes Committee

Vice Chairman – Finance and General Purposes Committee

Chairman Plans Committee

Vice Chairman – Plans Committee

Mayor

Deputy Mayor

Felixstowe Town Council Mayor's Charity Ball Account

Signatory:

Mayor

Felixstowe Town Council Mayor's Official Allowance

Signatories:

Mayor

Deputy Mayor

- 5.3 A schedule of the payments required, forming part of the Agenda for the Meeting, shall be prepared by the RFO and, together with the relevant invoices, be presented to Council. If the schedule is in order it shall be authorised by a resolution of the Council and shall be initialled by the Chairman of the Meeting. If more appropriate the detail may be shown in the Minutes of the Meeting.
- 5.4 Cheques drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 or in accordance with paragraph 6.4, shall be signed by two members of Council.
- 5.5 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 PAYMENT OF ACCOUNTS

- 6.1 All payments shall be effected by cheque or other order drawn on the Council's bankers.
- 6.2 All invoices for payment shall be examined, verified and certified by the Clerk. The Clerk shall satisfy him/herself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.
- 6.3 The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The Clerk shall take all steps to settle all invoices submitted, and which are in order promptly.
- 6.4 A list of all payments in accordance with paragraph 6.3 above shall be submitted to the next appropriate meeting of the Council.
- 6.5 The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.
- a) The RFO shall maintain as petty cash float of £250 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.

- b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
- c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to Council under 5.2 above.

6.6 If thought appropriate by the council, payment for utility supplies (energy, telephone and water) 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 at least every two years.

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 salaries shall be as agreed by Council.

7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to and ratified by the next available Council Meeting.

8 LOANS AND INVESTMENTS

8.1 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.

8.2 The council shall consider the need for an Investment Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Policy shall be reviewed at least annually.

8.3 All investments of money under the control of the Council shall be in the name of the Council.

8.4 All borrowings shall be affected 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 terms and conditions of borrowings shall be reviewed at least annually.

8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

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 charges to be made for work done, services rendered or goods supplied shall be agreed annually 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 The Council will review all fees and charges annually, following a report of the Clerk.

9.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.

- 9.5 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.
- 9.6 The origin of each receipt shall be entered on the paying-in slip.
- 9.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8 The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9 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.

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 minimise provisions in Regulation 11 (I) below.
- 10.4 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 these regulations shall not apply to contracts which relate to items (i) to (vi) 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 £250 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of Council);

- (vi) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
- (b) Where it is intended to enter into a contract exceeding £50,000 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 to be taken from the appropriate approved list.
- (c) 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.
- (d) 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) If less than three tenders are received for contracts above £50,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (h) When it is to enter into a contract less than £50,000 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 obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £1,000 and above £100 the Clerk 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.

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 officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.

- 13.2 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.
- 13.3 Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4 The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14 ASSETS, PROPERTIES AND ESTATES

- 14.1 The Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 14.2 No property shall be 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 £50.
- 14.3 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 at least annually, possibly in conjunction with a health and safety inspection of assets.

15 INSURANCE

- 15.1 Following the annual 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 affected 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 employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

16 RISK MANAGEMENT

- 16.1 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 by the council at least annually.
- 16.2 When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

17 REVISION OF FINANCIAL REGULATIONS

- 17.1 It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. 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.