



## **Constitution and Committee Terms of Reference**

### **1. INTRODUCTION**

- 1.1 Local Councils are not required by law to adopt a constitution. However, many councils recognise that it is a valuable document which helps everyone understand how they are set up, how they make decisions, how they are financed, how they are governed, the roles of members and officers and what services they provide to the community.
- 1.2 Stanley Town Council has decided to adopt a Constitution for the reasons outlined above. It is a living document, which is regularly reviewed and confirmed at each Annual General Meeting. It contains details of who or what body, within the Council, can make various decisions. It contains procedural rules which apply to the conduct of meetings of the Full Council and its Committees (Standing Orders). It also contains guidance to ensure the sound management of the Council's financial affairs and rules that apply to the letting of contracts for the ordering of goods, works and services (Financial Regulations; Standing Orders Relating to Contracts). In addition, it includes a number of other policies and procedures which assist in the efficient management of the Council.

### **2. BACKGROUND - GENERAL**

- 2.1 In County Durham there is only one principal authority, Durham County Council, which is responsible for all major services, including Education, Housing, Social Services, Highways, Planning, Refuse Collection etc. The Council was created on 1 April 2009 following the abolition of the seven existing District Councils. Full details of County Council services are provided on their website.
- 2.2 In addition to the County Council there are over 150 parish and town councils, which are the first tier of local government. Like all Councils, they are created by statute and may provide a range of services primarily aimed at improving amenity in the areas they serve. However, the Localism Act 2011 introduced a

general power of competence for certain qualifying councils. There are very few legal duties on local councils but they have a wide range of powers, and details are provided in Appendix 1.

### **3. HOW THE COUNCIL IS FUNDED**

#### **3.1 How the Town Council is funded**

Local Councils are funded primarily from Council tax contributions made by local residents. They also at present receive a grant from Durham County Council under the Local Council Tax Reduction Scheme (which was implemented when Council Tax benefit was abolished in 2012 to make up the shortfall in revenue). The size of the grant from Durham County Council is reducing over time and must be expected to disappear completely in the future. The Town Council receives no contributions from Business Rates.

#### **3.2 The Parish Precept**

The name given to the Council tax which is collected for the Town Council is the 'precept'. The Town Council calculates its budgetary requirement in January each year and issues a 'demand' (this is a legal term, it's not an actual demand) to the County Council to collect the required amount of Council Tax from residents to raise the required budget.

#### **3.3 How is the precept calculated?**

In December each year, the County Council advises each Town and Parish Council what their 'tax base' is. The tax base is a figure that is calculated by taking the total number of properties in the area which are liable to pay Council tax and converting them to a number of 'Band D' equivalents. This is done using a formula which expresses each band in ninths. For example, a Band A property is 6/9 of a Band D, a 'Band D' property is 9/9 and a band H property is 18/9. The total budget requirement of the Town Council is then divided by the tax base to give the cost per 'Band D' property.

3.4 The Civic Hall generates income in the form of hire charges, ticket, merchandising and bar sales arising from bookings at the Hall.

3.5 The Town Council receives no grant of any sort from Central Government.

### **6. THE COUNCIL**

6.1 The Council comprises twenty Councillors who are elected in May every four years by the electors of the town council area. Councillors have an over-riding duty to the whole community, but have a special duty to the residents of the Ward that they represent.

- 6.2 The Council area is made up of seven Wards, each electing a number of Councillors as follows:

Annfield Plain Ward	3 Councillors
Catchgate Ward	2 Councillors
Craghead & South Stanley Ward	2 Councillors
Havannah Ward	3 Councillors
Stanley Hall Ward	4 Councillors
South Moor Ward	3 Councillors
Tanfield Ward	3 Councillors

- 6.3 The Council is committed to making a positive difference to the local community that it represents. It aims to be a modern, forward-thinking and effective local decision maker, and acts as a focus - a “sounding board” - for local opinion providing a way to get things done which best suits the needs of the local community. It does this by recognising it can’t do everything itself, and works with other agencies (such as the Police), local voluntary organisations and other tiers of government with the aim of improving local services and amenities. This may include the Council providing services and taking a stake in land/or property assets.
- 6.4 Only the full Town Council has authority to make decisions on behalf of the residents of Stanley. It can, however, delegate some decisions to Committees, Sub-Committees and the “Proper Officer” (the Town Clerk) to enable it to operate more effectively.

## 7. HOW THE COUNCIL OPERATES

- 7.1 Under Schedule 12, Part II of the Local Government Act 1972 the Council must hold an annual general meeting and at least three other meetings in any year. A Chairman (who in Stanley is known as the Town Mayor) of the Council must be elected at each Annual General Meeting and serves for a period of one year until the next Annual General Meeting. The Town Mayor, if present, must preside at all meetings of the Full Council or, in his/her absence, the Deputy Town Mayor will preside.
- 7.2 The Council itself can make all of the policy and other decisions within the powers given to local councils by law. However, under Section 101 (1) of the Local Government Act 1972, it can also establish Committees and Sub-Committees to make decisions on issues specifically delegated by the Council, or only to make recommendations on these issues, or a combination of both. Chairs of any Committee established are also elected at the Annual General Meeting, although the Chair of any Sub-Committee or Working Group is elected by that particular body.

7.3 The following matters cannot be delegated to a Committee, Sub-Committee or Officer of the Council:

- The borrowing of money.
- The setting of a precept.
- The disposal of land, other than lettings for two years or less.
- The introduction of new major policy or a material change in the Council's established policy.
- The making of bye-laws.
- The purchase of land not provided for, or at a cost in excess of a sum previously allowed for.

7.4 Stanley Town Council has one standing Committee to make decisions and recommendations regarding the policies and services it provides. Details of the scheme of delegation are given in Appendix 2 below. The current Committee is called the Finance & General Purposes Committee.

The Town Council is a statutory consultee on Planning Matters. Any Planning matters which two or more members wish to be discussed by the Council can be dealt with by the Full Council or the Finance & General Purposes Committee.

7.5 The Council, or its Committees, may appoint sub-committees or working groups to consider issues delegated to them by the parent committee.

7.6 The Council meets on the 4th Tuesday of every month (excluding August and December) and its Committees meet in accordance with the agreed Schedule of Meetings. Meetings are open to the public and press, although there may be occasions when matters need to be discussed in private and the press and public will be excluded.

7.7 The Council is required by law to appoint a "Proper Officer" and a "Responsible Financial Officer". It has the power to appoint any additional staff required to deliver its programme. Stanley Town Council employs a Town Clerk who fulfils the role of both Proper Officer and Responsible Financial Officer.

7.8 Officers are employed to deliver the Council's services in line with the policies and direction determined by the Members at meetings of the Council and its Committees. They advise Members on policy issues and the statutory requirements the Council has to meet. In addition, the Town Clerk, as Proper Officer, is by law required to undertake certain functions, both administratively and financially, detailed in **Appendix 4**.

## **8. Role of Members and Officers**

8.1 To ensure good governance and the effective running of the Council it is important to understand the respective roles of Members and officers. They are both servants of the public, and they are indispensable to one another, but their responsibilities are distinct.

8.2 Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council as a corporate body. Their job is to give advice to both individual Members and to the Full Council, and to carry out the Council's work under the direction and control of the Council and its relevant Committees. It is also the role of the Proper Officer to ensure the Council does not do anything which it does not have the legal power to do.

8.3 Mutual trust and respect between Members and officers is essential.

### **Members**

8.4 Elected members have four main areas of responsibility:

- (i) To determine council policy and provide community leadership;
- (ii) To monitor and review council performance in delivering services;
- (iii) To represent the Council externally; and
- (iv) To act as advocates for their constituents.

8.5 In more detail, a Member should be concerned with most or all of the following:

- (i) To be involved actively and constructively in the governance of the Town;
- (ii) To participate fully in the formation and scrutiny of the Town Council's strategies, policies, budgets and service delivery, including the Medium Term Plan;
- (iii) To ensure, with other Members, that the Town Council is properly managed;
- (iv) To keep up to date with significant developments affecting local councils;
- (v) To be accessible to the electorate of the ward for which the Member is elected, to represent their views and to be receptive to complaints, questions and suggestions;
- (vi) To represent the whole electorate and reflect their views in considering Council policies and actions;
- (vii) To attend Council meetings;
- (viii) To adequately prepare for Council meetings by reading reports and being properly informed on the matters to be discussed;
- (ix) To take part in meetings, form a view on what is best for the community and then abide by majority decisions taken;
- (x) To represent the Council on outside bodies;
- (xi) To abide by the Council's Code of Conduct.

8.6 All Members have the same rights and obligations in their relationship with the Town Clerk and other officers, regardless of their status or political party and must be treated equally, subject to section 9 below.

8.7 Individual Members:

- (i) **must not** involve themselves in the day to day running of the Council. This is the Town Clerk's responsibility, and he/she will be acting on instructions from the Council or its Committees, within an agreed job description;
- (ii) **do not have and cannot be given** any powers to make decisions on behalf of the Council, including decisions which result in financial commitments for the Council. This includes the Town Mayor although he/she does have personal responsibilities in connection with the running of formal meetings (see also **Appendix 3**).

8.8 All decisions taken by Councillors should be in the best interests of the people of the Stanley Town Council area.

**Officers**

8.9 In general, it is the role of officers to provide information and advice to Members, and to implement policies agreed by the Council. The Town Clerk has the senior role in ensuring that Council decisions are implemented and the operation of the Council is effectively managed. His/her duties are wide and varied, some of which are statutory, and cover financial, legal, secretarial and administrative functions, as well as line managing the other officers. (see also **Appendix 4**).

8.10 Other officers carry out duties as detailed in their job descriptions.

8.11 In giving advice to Members, and in preparing and presenting reports, it is the responsibility of an officer to express his/her professional views and to make recommendations where appropriate. An officer may reflect on the views of individual Members on an issue, but the recommendations should be the officer's own. If a Member wishes to express a different view they must not pressurise the officer to make a recommendation contrary to the officer's view.

**9. Political Groups**

9.1 The legal framework of Town and Parish Councils is such that only the Full Council has the authority to make decisions. However, Stanley Town Council recognises that the vast majority of Councillors who have been elected since the Council's formation have been members of a political party. As such, if there is a political group on the Council which comprises more than three members, the group may, upon service on the Town Clerk a notice signed by all members of the group confirming their intention to do so, appoint a Leader.

9.2 The role of the group Leader will be to act as the conduit between the recognised political groups and the Town Clerk in agreeing business to be put forward to the agendas of Council and its Committees and to act as a spokesperson for the group in relation to political matters.

- 9.3 Where a political group has a majority on the Town Council, the Leader of that political group may use the style "Leader of Stanley Town Council"
- 9.4 The role of Leader is separate and distinct from the Town Mayor, which is a non-political, civic and administrative role. The two positions may not be concurrently held by the same member of Council.

## **10. The Town Mayor**

- 10.1 At the Annual General Meeting held on 16th May 2017, the Council resolved to adopt the style of Town Mayor and Deputy Town Mayor for the Chairman and Vice Chairman respectively.
- 10.2 The role of Town Mayor, as described by the Local Government Association's publication 'Preparing for the role of Civic Mayor', is:

*"The mayor is often seen as a symbol of an open society because the role is no longer restricted to an elite group within the population. The 'first citizen', as they are sometimes known, can come from any class, gender or ethnic background and has a key democratic role to play. After being chosen and appointed by fellow councillors, he or she must act as a politically impartial chairman of the council, making sure that proper conduct takes place in the council chamber during meetings. The civic mayor also has a duty and privilege to support local initiatives aimed at providing benefit to the council area and its diverse communities. In this role, the mayor can speak and act in multiple capacities, as ambassador, facilitator, promoter and encourager. This may involve highlighting relevant causes and helping members of the local community to receive the recognition they deserve. However, it is probably the mayor's ceremonial role that most people are familiar with. Mayors are frequently invited to attend events in the community, such as openings and fundraising events organised by voluntary and charitable organisations. Fundraising events may also be held for charities that are chosen by the new mayor at the start of the civic year."*

## **11. Governance Documents**

- 11.1 The Council has a number of documents which set the environment in which the Council discharges its duties and powers. They are the internal rules, practical arrangements and processes which are essential to those who form and work for the Council. Members and officers should be able to demonstrate compliance with the governance documents in relation to all activities, decisions and decision making processes.
- 11.2 The governance documents are:
- The Constitution, including the Scheme of Delegation
  - Standing Orders

- Financial Regulations
- Member Code of Conduct
- Budget
- Publications Scheme
- Complaints Procedure
- Gifts and Hospitality Policy
- Member/Officer Relations Policy
- Bullying and Harassment Policy
- Grants Policy
- Whistleblowing Policy
- Anti-Fraud and Corruption Policy
- Child and Vulnerable Adult Protection Policy
- Health and Safety Policy
- Risk Management Strategy
- Media Policy, including Social Media
- Business Continuity Policy
- Data Protection Policy

11.3 Not all of these documents are currently in place and there may be others added to the list as time progresses. It is not the purpose of this part of the Constitution to repeat the content of these documents. However, they will be available from the Town Council when complete.

11.4 The documents will be kept under regular review and any amendments must be approved by the Full Council.



## APPENDIX 1

### LIST OF PARISH COUNCIL POWERS

Function	Powers & Duties	Statutory Provisions
Allotments	Duty to provide allotments. Power to improve and adapt land for allotments, and to let grazing rights	Small Holding & Allotments Act 1908, ss. 23, 26, and 42
Baths and washhouses	Power to provide public baths and washhouses	Public Health Act 1936, ss. 221, 222, 223 and 227
Burial grounds, cemeteries and crematoria	Power to acquire and maintain Power to provide Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, Ss 9 and 10; Local Government Act 1972, s. 214; Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s. 1 Local Government Act 1972, s. 214(6)
Bus shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provision) Act 1953, s. 4
Bye-laws	Power to make bye-laws in regard to pleasure grounds Cycle parks Baths and washhouses Open spaces and burial grounds Mortuaries and post-mortem rooms	Public Health Act 1875, s. 164 Road Traffic Regulation Act 1984, s. 57(7) Public Health Act 1936, s.223 Open Spaces Act 1906, s.15 Public Health Act 1936, s.198
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed churchyards	Powers as to maintenance	Local Government Act 1972, s.215
Common pastures	Powers in relation to providing common pasture	Smallholdings and Allotments Act 1908, s.34

Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144
Community centres	Power to provide and equip buildings for use of clubs having athletic, social or recreational objectives	Local Government (Miscellaneous Provisions) Act 1976 s.19
Crime prevention	Powers to install and maintain equipment and establish and maintain a scheme for detection or prevention of crime	Local Government and Rating Act 1997, s.31
	Power to contribute to police services e.g. PCSOs	Police Act 1996, s.92
	Duty on Parish Councils to consider crime reduction in every policy and action	s17 Crime and Disorder Act 1998 (as amended)
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260
Dogs	Power to make a Dog Control Order Power to take enforcement action against those who commit an offence against a Dog Control Order	Cleaner Neighbourhoods and Environment Act 2005
Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145
Flyposting and Graffiti	Power to take enforcement action against those that flypost or graffiti	Cleaner Neighbourhoods and Environment Act 2005
Gifts	Power to accept	Local Government Act 1972, s.139

Highways	<p>Power to maintain footpaths and bridle-ways</p> <p>Power to light roads and public places</p> <p>Provision of litter bins</p> <p>Powers to provide parking places for bicycles and motor-cycles, and other vehicles</p> <p>Power to enter into agreement as to dedication and widening</p> <p>Power to provide roadside seats and shelters</p> <p>Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway</p> <p>Power to complain to highway authority as to unlawful stopping up or obstruction of highway or unlawful encroachment on roadside wastes</p> <p>Power to provide traffic signs and other objects or devices warning of danger</p> <p>Power to plant trees and lay out grass verges etc. and to maintain them</p>	<p>Highways Act 1980, ss.43,50</p> <p>Parish Councils Act 1957, s.3;</p> <p>Highways Act 1980, s.301</p> <p>Litter Act 1983, ss.5,6</p> <p>Road Traffic Regulation Act 1984, ss.57,63</p> <p>Highways Act 1980, ss.30,72</p> <p>Parish Councils Act 1957, s.1</p> <p>Highways Act 1980, ss.47,116</p> <p>Highways Act 1980, s.130</p> <p>Road Traffic Regulation Act 1984, s.72</p> <p>Highways Act 1980, s.96</p>
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11
Land	<p>Power to acquire by agreement, to appropriate, to dispose of</p> <p>Power to accept gifts of land</p>	<p>Local Government Act 1972, ss. 124, 126, 127</p> <p>Local Government Act 1972, s.139</p>
Litter	<p>Provision of receptacles</p> <p>Power to take enforcement action against those that litter</p>	<p>Litter Act 1983, ss.5,6</p> <p>Cleaner Neighbourhoods and Environment Act 2005</p>
Lotteries	Powers to promote	Lotteries and Amusements Act 1976, s.7
Mortuaries and post mortem rooms	Powers to provide mortuaries and post mortem rooms	Public Health Act 1936, s.198

Open spaces	Power to acquire land and maintain	Public Health Act 1875, s.164 Open Spaces Act 1906, ss.9 and 10
Parish documents	Powers to direct as to their custody	Local Government Act 1972, s.226
Telecommunications facilities	Power to pay public telecommunications operators any loss sustained providing telecommunication facilities	Telecommunications Act 1984, s.97
Public buildings and village hall	Power to provide buildings for public meetings and assemblies	Local Government Act 1972, s.133
Public conveniences	Power to provide	Public Health Act 1936, s.87
Sustainable communities	Able to be represented on a panel of representatives to be consulted on proposals that would contribute to sustainable communities	Sustainable Communities Act 2007
Town and country planning	Right to be notified of planning applications	Town and Country Planning Act 1990, Sched.1, para. 8
Tourism	Power to encourage visitors and provide conference and other facilities	Local Government Act 1972, s.144
Traffic calming	Powers to contribute financially to traffic calming schemes	Highways Act 1980, s.274A
Transport	Powers in relation to car-sharing schemes, taxi fare concessions and information about transport Powers to make grants for bus services	Local Government and Rating Act 1997, s.26, 28 and 29 Transport Act 1985, s.106A

War memorials	Power to maintain, repair, protect and alter war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s. 133
Water supply	Power to utilise well, spring or stream and to provide facilities for obtaining water from them	Public Health Act 1936, s.125
Well-Being	Power to well-being of the area (for eligible councils)	s2 and 4 of the Local Government Act 2000

## APPENDIX 2

### COMMITTEE STRUCTURE AND SCHEME OF COMMITTEE DELEGATION

1. **All Committees have the power to act immediately on all delegated decisions reached without waiting for endorsement by the full Council.**  
However, a Committee considering an item of business which they have a delegated power to make decision on may refer that item to Full Council for decision by resolution if they wish.
2. The Town Mayor and Deputy Town Mayor shall be ex-officio members of any standing Committees
3. **Planning Committee**
  - PC1 The Planning Committee (a Standing Committee) shall comprise all members of the Council.
  - PC2 The Committee shall meet at the discretion of the Chair of the Committee who shall be Town Mayor. In addition, any two members of the Committee (Full Council) may convene a meeting of the Committee if the Chairman does not or refuses to within 7 days of a written request for a meeting to be called.
  - PC3 The quorum shall be six Members.
  - PC4 The Committee is delegated with authority to pursue the following role and functions:
    - (i) To formulate the Council's policies and case specific position relating to land use;
    - (ii) To exercise the Council's legal right to act as a statutory consultee in the planning process;
    - (iii) To make representations to the Local Planning Authority on any application referred to the Council and on any other planning matter that affects the Parish;
    - (iv) To consider and respond to any strategic planning proposals by the principal authority;
    - (v) To comment on highways/footways issues that affect the Parish;
    - (vi) To submit to the Finance and Governance Committee bids for funds as part of the annual budget process;
    - (vii) To lead the Neighbourhood planning process on behalf of Council, including the establishment and oversight of any steering groups that may be required.

- (viii) To administer an agreed, delegated budget for the pursuit of the above activities, subject to compliance with Financial Regulations and Standing Orders.

#### **4. Finance and General Purposes Committee**

- FG1 The Finance and General Purposes Committee (a Standing Committee) shall comprise all elected members of the Council.
- FG2 The Committee shall meet a minimum of five times a year and otherwise as required at the discretion of the Chair of the Committee. In addition, any two members of the Committee may convene a meeting of the Committee if the Chairman does not or refuses to within 7 days of a written request for a meeting to be called.
- FG3 The quorum shall be six Members.
- FG4 The Committee is delegated the authority to pursue the following role and functions:

##### **Finance**

- (i) To make recommendations to the Council on the annual budget and precept (consistent with the Council's agreed priorities and policies);
- (ii) To receive from sub-committees and working groups, and to collate prior to the submission to the Council, all bids for financial provision to be included in the annual revenue and capital budget relating to the work of the Committee;
- (iii) To formulate and present to the Council recommendations for annual expenditure and income;
- (iv) To oversee the Council's financial performance through the review of budget monitoring reports;
- (v) To oversee the Council's Accounts;
- (vi) To oversee and control borrowing by the Council and the investment of funds within the Council's control;
- (vii) To make recommendations to the Council on the capital programme, its content, phasing and monitoring;
- (viii) To execute and carry out, in the name and on behalf of the Council, all resolutions and instructions from time to time given with reference to finances and accounts;
- (ix) To have the direction and control of insurance in respect of the Council's property, members, and employees;
- (x) To provide efficient financial services and advice for the benefit of the Council;
- (xi) To monitor and make recommendations in relation to the process for applying for grant funding to support the Council's activities;
- (xii) To regularly review the Council's treasury management activities;

- (xiii) To review proposed amendments to Financial Regulations before submission to the Council for approval;
- (xiv) To periodically review risk;
- (xv) To monitor and approve payments;
- (xvi) To receive and respond to internal and external audit reports;
- (xvii) To administer an agreed, delegated budget for the pursuit of the above activities, subject to compliance with Financial Regulations and Standing Orders.

### **Staffing**

- (xviii) To consider issues concerning the employment and salaries, terms and conditions of all staff and make recommendations to the full Council;
- (xix) To consider issues concerning Council personnel policy and make recommendations to the full Council;
- (xx) To review the staffing structure and levels, and make recommendations to the full Council;
- (xxi) To review health and safety at work for all Council employees.
- (xxii) To ensure the Council complies with all legislative requirements relating to the employment of staff;
- (xxiii) To interview staff for appointments to the posts of Town Clerk and the Management Team, and make recommendations to full Council;
- (xxiv) To keep under review a system for regular staff appraisals;
- (xxv) To have responsibility for the line management of the Town Clerk.
- (xxvi) To review and make recommendations on all aspects of communication involving the Council, with the aim of ensuring that the community is aware of the aims, policies and activities of the Council;

### **Communications**

- (xxvii) To review and make recommendations on how information is to be circulated to all interested groups regarding the Council's activities;
- (xxviii) To review and make recommendations on how the Council may encourage feedback from the community to inform it on the need for policy changes and development;
- (xxix) To review and develop initiatives to improve communications within the Council;
- (xxx) To develop and review policies for dealing with the media;
- (xxxi) To monitor and review the policy for the use of social media as a means of communicating with the community;
- (xxxii) To oversee the effectiveness of the Council's websites;

### **Events & Entertainment**



- (xxxiii) To consider the options for delivering and/or supporting events in the communities of Stanley which may further the overall objectives of the Council;
- (xxxiv) To oversee the operation, development and promotion of the Civic Hall;

### **Community Safety**

- (xxxv) To keep under review the safety of the community within the Town Council area, and make recommendations to the Council on any matters involving community safety;
- (xxxvi) To consider and develop initiatives involving the Council's partners aimed at reducing crime and helping make the community feel more secure;
- (xxxvii) To review the issue of anti-social behaviour, particularly among the youth of the community, and consider how this may be addressed;
- (xxxviii) To monitor and review arrangements relating to environmental issues, such as dog fouling, litter etc., with a view to developing initiatives to address the situation;
- (xxxix) To monitor the performance of any environmental improvement contracts and make recommendations to Council to improve their effectiveness
- (xl) To consider and make recommendations on how the community may be educated and informed on issues concerning the environment, crime and community safety;
- (xli) To create an effective partnership with other agencies involved in matters relating to the remit of the Committee;

### **Grievance Panel**

5. The Grievance Panel is set up as part of the Council's Grievance Process. It will meet as and when required to hear grievances from officers of the Council. The Panel shall comprise three members who have undergone the necessary training in handling grievance matters. Members selected for the Panel will have had no direct involvement in any issue to be heard by the Panel. The Panel will make recommendations on how the grievance may be resolved.

### **Disciplinary Panel**

6. The Disciplinary Panel is set up as part of the Council's Disciplinary Procedure. It will meet as and when required to hear reports prepared by an appropriate officer or other approved person following a disciplinary investigation, together with the response from the Council officer concerned. The Panel shall comprise three members who have undergone the necessary training in handling disciplinary matters. Members selected for the Panel will have had no direct involvement in any issue to be heard by the Panel. The Panel will be required to

make a decision as to what disciplinary action, if any, should be taken as a result of the hearing.

### **Appeals Panel**

7. The Appeals Panel is set up as part of the Council's Disciplinary Procedure. It will meet as and when required to hear appeals by Council officers against any decision made by the Disciplinary Panel. The Panel shall comprise three members who have undergone the necessary training in handling disciplinary matters. Members selected for the Panel will have had no direct involvement in any issue to be heard by the Panel, or in the process prior to the hearing of the appeal. The decision of the Appeals Panel is final.

## APPENDIX 3

### ROLE AND RESPONSIBILITIES OF THE TOWN MAYOR

The main rules of law governing the role of the Town Mayor of a parish council are set out in the Local Government Act 1972, principally within Schedule 12, which sets out, for example:

- That the Town Mayor must preside at a meeting of the parish council if he or she is present; and
- That it is the person who presided at the meeting who has the responsibility to sign the minutes as a true record.

#### **It is the duty of the Town Mayor:**

“to preserve order, and to take care that the proceedings are conducted in a proper manner, and that the sense of the meeting is properly ascertained with regard to any question which is properly before the meeting”

*National Dwellings Society v Sykes (1894)*

#### **It is the Town Mayor's responsibility:**

- (a) To determine that the meeting is properly constituted and that a quorum is present;
- (b) To inform himself as to the business and objects of the meeting;
- (c) To preserve order in the conduct of those present;
- (d) To confine discussion within the scope of the meeting and reasonable limits to time;
- (e) To decide whether proposed motions and amendments are in order;
- (f) To formulate for discussion and decision questions which have been moved for the consideration of the meeting;
- (g) To decide points of order and other incidental questions which require decision at the time;
- (h) To ascertain the sense of the meeting by:
  - (i) Putting relevant questions to the meeting and taking the vote thereon (and if so minded giving a casting vote);
  - (ii) Declaring the result; and
  - (iii) Causing a ballot to be taken if duly demanded;
- (i) To approve the draft of the minutes or other record of proceedings (with the consent of the meeting);
- (j) To adjourn the meeting when circumstances justify or require that course; and
- (k) To declare the meeting closed when its business has been completed

*“Knowles on Local Authority Meetings” (ICSA Publishing)*

#### **Voting**

During the meeting, if a vote on a matter is tied, the Town Mayor, or other person presiding, has a second or casting vote.

The Town Mayor's term of office continues until the appointment of a successor, other than where the Town Mayor resigns or is disqualified. This continuity also applies when the Town Mayor has not been re-elected following local elections. In this case, the Town Mayor does not have a vote on the appointment of a successor but does have a casting vote in the event of equal votes.

### **Outside of the Meeting**

The Town Mayor:

- Is the person to whom notice of resignation is given by other Councillors or the Town Clerk;
- May convene meetings of the Council (on proper notice to the Town Clerk);
- When attending ceremonial events, is the proper person to represent the parish;
- May receive an allowance to meet the expenses of his or her office.

Beyond that, the workings and decisions not taken by the Council or through the delegation scheme, by one of its Committees or Sub-committees are to be taken by the Town Clerk.

The Town Mayor may have an enhanced role, as functions may be delegated to the Town Clerk in consultation with the Town Mayor (or the Chair of a Committee). This means that the decision and the responsibility for it, remains with the Town Clerk (not the Town Mayor) but that he or she must first bring the matter to the attention of the Town Mayor and take into account the views of the Town Mayor in coming to his or her decision.

It is also likely to be the case that in the absence of a Council Leader, the Town Mayor will be the person whom the Town Clerk will approach;

- for information about the Council and the parish;
- to seek to informally discuss matters with and;
- to informally consult on decisions that are in the Town Clerk's remit to make or pass back to a formal meeting.

Correspondence to and from the Council will normally be dealt with by the Clerk, not by the Town Mayor.

## APPENDIX 4

### SCHEME OF OFFICER DELEGATION

#### TOWN CLERK

1. The Town Clerk shall be the Proper Officer in accordance with Section 112 of the Local Government Act 1972.
2. The Town Clerk shall be the Responsible Financial Officer in accordance with Section 151 of the Local Government Act 1972.
3. The Town Clerk is the Proper Officer for any purpose in respect of which a Proper Officer is mentioned in any statute.
4. As Proper Officer, the Town Clerk is specifically authorised to:
  - (i) Receive declarations of acceptance of office;
  - (ii) Receive and record notices disclosing pecuniary interests;
  - (iii) Receive and retain plans and documents;
  - (iv) Sign notices or other documents on behalf of the Council and arrange for legal deeds to be sealed and witnessed reference Standing Order 22
  - (v) Receive copies of bye-laws made by a Primary Local Authority;
  - (vi) Certify copies of bye-laws made by the Council;
  - (vii) Sign summonses to attend meetings of the Council.
5. In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:
  - (i) The day to day administration of services, facilities and assets together with routine inspection and control;
  - (ii) Day to day supervision and control of all staff employed by the Council in accordance with the Council's policies, procedures and budgets;
  - (iii) Authorisation of routine expenditure within agreed budgets;
  - (iv) Emergency expenditure because of an unforeseeable emergency involving immediate risk to persons, property or other assets or serious disruption to Council Services;
  - (v) To institute, defend and appear in any legal proceedings authorised by the Council;
  - (vi) To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Stanley);
  - (vii) To agree the terms of any lease, licence, conveyance or transfer;
  - (viii) Variations of restrictive covenants of a routine nature;
  - (ix) The granting of easements, wayleave and licenses over Council land;

- (x) To respond to planning applications on behalf of the Council, where, due to timescales the Planning Committee is unable to comment, provided that the Town Clerk has consulted with the Chair and Vice-Chair of the Committee. All members will receive details of planning applications which are dealt with under this delegation and may make comments;
  - (xi) To act as the Council's designated officer for the purpose of the Freedom of Information Act 2000;
  - (xii) To arrange for interviews and appoint staff graded below the post of Civic Hall Manager to a vacant post in the staffing establishment where authority to recruit has been granted by Council;
  - (xiii) To take editorial decisions in relation to digital and printed media issued by the Town Council in accordance with any policies agreed by Council;
  - (xiv) Actions taken under delegated authority by the Town Clerk shall be in accordance with Standing Orders, Financial Regulations, Contracts and Procurement and this Scheme of Delegation and with directions given by the Council from time to time.
6. The Town Clerk shall be the Responsible Financial Officer (RFO) to the Council under Section 151 of the Local Government Act 1972. The Town Clerk shall be the RFO for any purpose in which a Responsible Financial Officer is mentioned in any statute. The Town Clerk, as RFO, is specifically authorised:
- (iii) To determine the Council's accounting system and the form of the accounts and supporting accounting records;
  - (iv) To be responsible for the proper administration of the Council's financial affairs which includes reviewing the Council's Financial Regulations and submitting revisions to the Council for approval.



## **Constitution and Committee Terms of Reference**

May 2019 rev. 2.0

### **1. INTRODUCTION**

- 1.1 Local Councils are not required by law to adopt a constitution. However, many councils recognise that it is a valuable document which helps everyone understand how they are set up, how they make decisions, how they are financed, how they are governed, the roles of members and officers and what services they provide to the community.
- 1.2 Stanley Town Council has decided to adopt a Constitution for the reasons outlined above. It is a living document, which is regularly reviewed and confirmed at each Annual General Meeting. It contains details of who or what body, within the Council, can make various decisions. It contains procedural rules which apply to the conduct of meetings of the Full Council and its Committees (Standing Orders). It also contains guidance to ensure the sound management of the Council's financial affairs and rules that apply to the letting of contracts for the ordering of goods, works and services (Financial Regulations; Standing Orders Relating to Contracts). In addition, it includes a number of other policies and procedures which assist in the efficient management of the Council.

### **2. BACKGROUND - GENERAL**

- 2.1 In County Durham there is only one principal authority, Durham County Council, which is responsible for all major services, including Education, Housing, Social Services, Highways, Planning, Refuse Collection etc. The Council was created on 1 April 2009 following the abolition of seven existing District Councils. Full details of County Council services are provided on their website.
- 2.2 In addition to the County Council there are over 150 parish and town councils, which are the first tier of local government. Like all Councils, they are created by statute and may provide a range of services primarily aimed at improving amenity in the areas they serve. However, the Localism Act 2011 introduced a general power of competence for certain qualifying councils. There are very few

legal duties on local councils but they have a wide range of powers, and details are provided in Appendix 1.

### **3. HOW THE COUNCIL IS FUNDED**

#### **3.1 How the Town Council is funded**

Local Councils are funded primarily from Council tax contributions made by local residents. They also at present receive a grant from Durham County Council under the Local Council Tax Reduction Scheme (which was implemented when Council Tax benefit was abolished in 2012 to make up the shortfall in revenue). The size of the grant from Durham County Council is reducing over time and must be expected to disappear completely in the future. The Town Council receives no contributions from Business Rates.

#### **3.2 The Parish Precept**

The name given to the Council tax which is collected for the Town Council is the 'precept'. The Town Council calculates its budgetary requirement in January each year and issues a 'demand' (this is a legal term, it's not an actual demand) to the County Council to collect the required amount of Council Tax from residents to raise the required budget.

#### **3.3 How is the precept calculated?**

In December each year, the County Council advises each Town and Parish Council what their 'tax base' is. The tax base is a figure that is calculated by taking the total number of properties in the area which are liable to pay Council tax and converting them to a number of 'Band D' equivalents. This is done using a formula which expresses each band in ninths. For example, a Band A property is 6/9 of a Band D, a 'Band D' property is 9/9 and a band H property is 18/9. The total budget requirement of the Town Council is then divided by the tax base to give the cost per 'Band D' property.

3.4 The Civic Hall generates income in the form of hire charges, ticket, merchandising and bar sales arising from bookings at the Hall.

3.5 The Town Council receives no grant of any sort from Central Government.

### **4. THE COUNCIL**

4.1 The Council comprises twenty Councillors who are elected in May every four years by the electors of the town council area. Councillors have an over-riding duty to the whole community, but have a special duty to the residents of the Ward that they represent.



- 4.2 The Council area is made up of seven Wards, each electing a number of Councillors as follows:

Annfield Plain Ward	3 Councillors
Catchgate Ward	2 Councillors
Craghead & South Stanley Ward	2 Councillors
Havannah Ward	3 Councillors
Stanley Hall Ward	4 Councillors
South Moor Ward	3 Councillors
Tanfield Ward	3 Councillors

- 4.3 The Council is committed to making a positive difference to the local community that it represents. It aims to be a modern, forward-thinking and effective local decision maker, and acts as a focus - a “sounding board” - for local opinion providing a way to get things done which best suits the needs of the local community. It does this by recognising it can’t do everything itself, and works with other agencies (such as the Police), local voluntary organisations and other tiers of government with the aim of improving local services and amenities. This may include the Council providing services and taking a stake in land/or property assets.
- 4.4 Only the full Town Council has authority to make decisions on behalf of the residents of Stanley. It can, however, delegate some decisions to Committees, Sub-Committees and the “Proper Officer” (the Town Clerk) to enable it to operate more effectively.

## **5. HOW THE COUNCIL OPERATES**

- 5.1 Under Schedule 12, Part II of the Local Government Act 1972 the Council must hold an Annual Meeting, an elector's meeting and at least three other meetings in any year. A Chairman (who in Stanley is known as the Town Mayor) of the Council must be elected at each Annual Meeting and serves for a period of one year until the next Annual Meeting. The Town Mayor, if present, must preside at all meetings of the Full Council or, in his/her absence, the Deputy Town Mayor will preside.
- 5.2 The Council itself can make all of the policy and other decisions within the powers given to local councils by statute. However, under Section 101 (1) of the Local Government Act 1972, it can also establish Committees and Sub-Committees to make decisions on issues specifically delegated by the Council, or only to make recommendations on these issues, or a combination of both. Chairs of any Committee established are also elected at the Annual General Meeting, although the Chair of any Sub-Committee or Working Group is elected by that particular body.

- 5.3 The following matters cannot be delegated to a Committee, Sub-Committee or Officer of the Council:
- The borrowing of money.
  - The setting of a precept.
  - The disposal of land, other than lettings for two years or less.
  - The introduction of new major policy or a material change in the Council's established policy.
  - The making of bye-laws.
  - The purchase of land not provided for, or at a cost in excess of a sum previously allowed for.
- 5.4 Stanley Town Council has one standing Committee to make decisions and recommendations regarding the policies and services it provides. Details of the scheme of delegation are given in **Appendix 2** below. The current Committee is called the Finance & General Purposes Committee.
- 5.5 The Town Council is a statutory consultee on Planning Matters. Any Planning matters which two or more members wish to be discussed by the Council can be dealt with by the Full Council or the Finance & General Purposes Committee.
- 5.6 The Council, or its Committees, may appoint sub-committees or working groups to consider issues delegated to them by the parent committee.
- 5.7 The Council meets on the 4th Tuesday of every month (excluding August and December) and its Committees meet in accordance with the agreed Schedule of Meetings. Meetings are open to the public and press, although there may be occasions when matters need to be discussed in private and the press and public will be excluded.
- 5.8 The Council is required by law to appoint a "Proper Officer" and a "Responsible Financial Officer". It has the power to appoint any additional staff required to deliver its programme. Stanley Town Council employs a Town Clerk who fulfils the role of both Proper Officer and Responsible Financial Officer.
- 5.9 Officers are employed to deliver the Council's services in line with the policies and direction determined by the Members at meetings of the Council and its Committees. They advise Members on policy issues and the statutory requirements the Council has to meet. In addition, the Town Clerk, as Proper Officer, is by law required to undertake certain functions, both administratively and financially, detailed in **Appendix 4**.

## **6. ROLE OF MEMBERS AND OFFICERS**

- 6.1 To ensure good governance and the effective running of the Council it is important to understand the respective roles of Members and officers. They are both servants of the public, and they are indispensable to one another, but their responsibilities are distinct.

- 6.2 Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council as a corporate body. Their role is to give advice to both individual Members and to the Full Council, and to carry out the Council's work under the direction and control of the Council and its relevant Committees. It is also the role of the Proper Officer to ensure the Council does not do anything which it does not have the legal power to do.
- 6.3 Mutual trust and respect between Members and officers is essential.

### **Members**

- 6.4 Elected members have four main areas of responsibility:
- (i) To determine Council policy and provide community leadership;
  - (ii) To monitor and review Council performance in delivering services;
  - (iii) To represent the Council externally; and
  - (iv) To act as advocates for their constituents.
- 6.5 In more detail, a Member should be concerned with most or all of the following:
- (i) To be involved actively and constructively in the governance of the Town;
  - (ii) To participate fully in the formation and scrutiny of the Town Council's strategies, policies, budgets and service delivery, including the Medium Term Plan;
  - (iii) To ensure, with other Members, that the Town Council is properly managed;
  - (iv) To keep up to date with significant developments affecting local councils;
  - (v) To be accessible to the electorate of the ward for which the Member is elected, to represent their views and to be receptive to complaints, questions and suggestions;
  - (vi) To represent the whole electorate and reflect their views in considering Council policies and actions;
  - (vii) To attend Council meetings;
  - (viii) To adequately prepare for Council meetings by reading reports and being properly informed on the matters to be discussed;
  - (ix) To take part in meetings, form a view on what is best for the community and then abide by majority decisions taken;
  - (x) To represent the Council on outside bodies;
  - (xi) To abide by the Council's Code of Conduct.
- 6.6 All Members have the same rights and obligations in their relationship with the Town Clerk and other officers, regardless of their status or political party and must be treated equally, subject to section 7 below.

## 6.7 Individual Members:

- (i) **must not** involve themselves in the day to day running of the Council. This is the Town Clerk's responsibility, and he/she will be acting on instructions from the Council or its Committees, within an agreed job description;
- (ii) **do not have and cannot be given** any powers to make decisions on behalf of the Council, including decisions which result in financial commitments for the Council. This includes the Leader and the Town Mayor although these members do have personal responsibilities in connection with the running of formal meetings and other matters (see also **Appendices 3 and 5**).

6.8 All decisions taken by Councillors should be in the best interests of the people of the Stanley Town Council area.

### **Officers**

6.9 In general, it is the role of officers to provide information and advice to Members, and to implement policies agreed by the Council. The Town Clerk has the senior role in ensuring that Council decisions are implemented and the operation of the Council is effectively managed. His/her duties are wide and varied, some of which are statutory, and cover financial, legal, secretarial and administrative functions, as well as managing other officers. (see also **Appendix 4**).

6.10 Other officers carry out duties as detailed in their job descriptions.

6.11 In giving advice to Members, and in preparing and presenting reports, it is the responsibility of an officer to express his/her professional views and to make recommendations where appropriate. An officer may reflect on the views of individual Members on an issue, but the recommendations should be the officer's own. If a Member wishes to express a different view they must not pressurise the officer to make a recommendation contrary to the officer's view.

## 7. POLITICAL GROUPS

7.1 The legal framework of Town and Parish Councils is such that only the Full Council has the authority to make decisions. However, Stanley Town Council recognises that the vast majority of Councillors who have been elected since the Council's formation have been members of a political party. As such, if there is a political group on the Council which comprises more than three members, the group may, upon service on the Town Clerk a notice signed by all members of the group confirming their intention to do so, appoint a group Leader.

7.2 The role of a group Leader is to be a link between the recognised political group and the Town Clerk in discussion of business to be put forward to the

agendas of Council and its Committees and to act as a spokesperson for that group in relation to political matters.

- 7.3 A group Leader may also require the Town Clerk to make such reasonable resources as are necessary available to the group to enable meetings of the group to take place in Council premises, subject to the proviso that the arrangement of such meetings will not prevent paid bookings taking place.

## **8. LEADER OF THE COUNCIL**

- 8.1 The Leader and Deputy Leader of the Council are to be elected at the Annual Meeting of Council after the election of the Town Mayor and Deputy Town Mayor.
- 8.2 The role of Leader is separate and distinct from the Town Mayor, which is a non-political, civic and administrative role. The two positions may not be concurrently held by the same member of Council.
- 8.3 The Leader of the Council may be the Leader of a political group as defined in Paragraph 7 above but does not have to be.
- 8.4 The Leader (or Deputy Leader) will have responsibility for the day to day supervision of the Town Clerk. If for any reason the Council has not appointed a Leader, the Town Mayor will undertake this role.
- 8.5 The process for the election of the Leader and Deputy Leader shall be as follows:
- (i) Any elected member of the Council may be nominated for the position of Leader.
  - (ii) All seconded nominations will be determined by a show of hands.
  - (iii) In circumstances where more than 2 members are put forward for the role(s), candidates with the fewest votes will be eliminated in as many rounds of voting as are necessary for one candidate to have a clear simple majority of members present.
  - (iv) In the event of an equality of votes in a run off between 2 candidates, the Town Mayor must exercise a casting vote.
- 8.6 The Leader of the Council shall have the delegations listed in **Appendix 5 and Standing Order 26**.

## **9. THE TOWN MAYOR**

- 9.1 At the Annual General Meeting held on 16th May 2017, the Council resolved to adopt the style of Town Mayor and Deputy Town Mayor for the Chairman and Vice Chairman respectively.
- 9.2 The role of Town Mayor, as described by the Local Government Association's publication "Preparing for the role of Civic Mayor", is:

*"The mayor is often seen as a symbol of an open society because the role is no longer restricted to an elite group within the population. The 'first citizen', as they are sometimes known, can come from any class, gender or ethnic background and has a key democratic role to play. After being chosen and appointed by fellow councillors, he or she must act as a politically impartial chairman of the council, making sure that proper conduct takes place in the council chamber during meetings. The civic mayor also has a duty and privilege to support local initiatives aimed at providing benefit to the council area and its diverse communities. In this role, the mayor can speak and act in multiple capacities, as ambassador, facilitator, promoter and encourager. This may involve highlighting relevant causes and helping members of the local community to receive the recognition they deserve. However, it is probably the mayor's ceremonial role that most people are familiar with. Mayors are frequently invited to attend events in the community, such as openings and fundraising events organised by voluntary and charitable organisations. Fundraising events may also be held for charities that are chosen by the new mayor at the start of the civic year."*

9.3 The role of the Town Mayor is defined in **Appendix 3**.

## **10. Governance Documents**

10.1 The Council has a number of documents which establish the framework in which the Council discharges its duties and powers. They are the internal rules, practical arrangements and processes which are essential to those who form and work for the Council. Members and officers should be able to demonstrate compliance with the governance documents in relation to all activities, decisions and decision making processes.

10.2 The governance documents are:

- The Constitution, including the Scheme of Delegation
- Standing Orders
- Financial Regulations
- Member Code of Conduct
- Budget
- Publication Scheme
- Complaints Procedure
- Gifts and Hospitality Policy
- *Member/Officer Relations Policy*
- Bullying and Harassment Policy
- Strategic Grants Policy
- *Whistleblowing Policy*

- Anti-Fraud and Corruption Policy
- *Child and Vulnerable Adult Protection Policy*
- *Health and Safety Policy*
- Risk Management Strategy
- Media Policy, including Social Media
- *Business Continuity Policy*
- Privacy Policy

10.3 *Italicised documents* are currently not in place and others may be added to this list as time progresses. It is not the purpose of this part of the Constitution to repeat the content of these documents. However, they will be available from the Town Council when complete.

10.4 The documents will be kept under regular review and any amendments must be approved by the Full Council.

<b>Function</b>	<b>Powers &amp; Duties</b>	<b>Statutory Provisions</b>
Allotments	Duty to provide allotments. Power to improve and adapt land for allotments, and to let grazing rights	Small Holding & Allotments Act 1908, ss. 23, 26, and 42
Baths and washhouses	Power to provide public baths and washhouses	Public Health Act 1936, ss. 221, 222, 223 and 227
Burial grounds, cemeteries and crematoria	Power to acquire and maintain Power to provide Power to agree to maintain monuments and memorials Power to contribute towards expenses of cemeteries	Open Spaces Act 1906, Ss 9 and 10; Local Government Act 1972, s. 214; Parish Councils and Burial Authorities (Miscellaneous Provisions) Act 1970, s. 1 Local Government Act 1972, s. 214(6)
Bus shelters	Power to provide and maintain shelters	Local Government (Miscellaneous Provision) Act 1953, s. 4
Bye-laws	Power to make bye-laws in regard to pleasure grounds Cycle parks Baths and washhouses Open spaces and burial grounds Mortuaries and post-mortem rooms	Public Health Act 1875, s. 164 Road Traffic Regulation Act 1984, s. 57(7) Public Health Act 1936, s.223 Open Spaces Act 1906, s.15 Public Health Act 1936, s.198
Clocks	Power to provide public clocks	Parish Councils Act 1957, s.2
Closed churchyards	Powers as to maintenance	Local Government Act 1972, s.215
Common pastures	Powers in relation to providing common pasture	Smallholdings and Allotments Act 1908, s.34
Conference facilities	Power to provide and encourage the use of facilities	Local Government Act 1972, s.144



Community centres	Power to provide and equip buildings for use of clubs having athletic, social or recreational objectives	Local Government (Miscellaneous Provisions) Act 1976 s.19
Crime prevention	<p>Powers to install and maintain equipment and establish and maintain a scheme for detection or prevention of crime</p> <p>Power to contribute to police services e.g. PCSOs</p> <p>Duty on Parish Councils to consider crime reduction in every policy and action</p>	<p>Local Government and Rating Act 1997, s.31</p> <p>Police Act 1996, s.92</p> <p>s17 Crime and Disorder Act 1998 (as amended)</p>
Drainage	Power to deal with ponds and ditches	Public Health Act 1936, s.260
Dogs	<p>Power to make a Dog Control Order</p> <p>Power to take enforcement action against those who commit an offence against a Dog Control Order</p>	Cleaner Neighbourhoods and Environment Act 2005
Entertainment and the arts	Provision of entertainment and support of the arts	Local Government Act 1972, s.145
Flyposting and Graffiti	Power to take enforcement action against those that flypost or graffiti	Cleaner Neighbourhoods and Environment Act 2005
Gifts	Power to accept	Local Government Act 1972, s.139

Highways	<p>Power to maintain footpaths and bridle-ways</p> <p>Power to light roads and public places</p> <p>Provision of litter bins</p> <p>Powers to provide parking places for bicycles and motor-cycles, and other vehicles</p> <p>Power to enter into agreement as to dedication and widening</p> <p>Power to provide roadside seats and shelters</p> <p>Consent of parish council required for ending maintenance of highway at public expense, or for stopping up or diversion of highway</p> <p>Power to complain to highway authority as to unlawful stopping up or obstruction of highway or unlawful encroachment on roadside wastes</p> <p>Power to provide traffic signs and other objects or devices warning of danger</p> <p>Power to plant trees and lay out grass verges etc. and to maintain them</p>	<p>Highways Act 1980, ss.43,50</p> <p>Parish Councils Act 1957, s.3;</p> <p>Highways Act 1980, s.301</p> <p>Litter Act 1983, ss.5,6</p> <p>Road Traffic Regulation Act 1984, ss.57,63</p> <p>Highways Act 1980, ss.30,72</p> <p>Parish Councils Act 1957, s.1</p> <p>Highways Act 1980, ss.47,116</p> <p>Highways Act 1980, s.130</p> <p>Road Traffic Regulation Act 1984, s.72</p> <p>Highways Act 1980, s.96</p>
Investments	Power to participate in schemes of collective investment	Trustee Investments Act 1961, s.11
Land	<p>Power to acquire by agreement, to appropriate, to dispose of</p> <p>Power to accept gifts of land</p>	<p>Local Government Act 1972, ss. 124, 126, 127</p> <p>Local Government Act 1972, s.139</p>
Litter	<p>Provision of receptacles</p> <p>Power to take enforcement action against those that litter</p>	<p>Litter Act 1983, ss.5,6</p> <p>Cleaner Neighbourhoods and Environment Act 2005</p>
Lotteries	Powers to promote	Lotteries and Amusements Act 1976, s.7
Mortuaries and post mortem rooms	Powers to provide mortuaries and post mortem rooms	Public Health Act 1936, s.198

Open spaces	Power to acquire land and maintain	Public Health Act 1875, s.164 Open Spaces Act 1906, ss.9 and 10
Parish documents	Powers to direct as to their custody	Local Government Act 1972, s.226
Telecommunications facilities	Power to pay public telecommunications operators any loss sustained providing telecommunication facilities	Telecommunications Act 1984, s.97
Public buildings and village halls	Power to provide buildings for public meetings and assemblies	Local Government Act 1972, s.133
Public conveniences	Power to provide	Public Health Act 1936, s.87
Sustainable communities	Able to be represented on a panel of representatives to be consulted on proposals that would contribute to sustainable communities	Sustainable Communities Act 2007
Town and country planning	Right to be notified of planning applications	Town and Country Planning Act 1990, Sched.1, para. 8
Tourism	Power to encourage visitors and provide conference and other facilities	Local Government Act 1972, s.144
Traffic calming	Powers to contribute financially to traffic calming schemes	Highways Act 1980, s.274A
Transport	Powers in relation to car-sharing schemes, taxi fare concessions and information about transport Powers to make grants for bus services	Local Government and Rating Act 1997, s.26, 28 and 29 Transport Act 1985, s.106A

War memorials	Power to maintain, repair, protect and alter war memorials	War Memorials (Local Authorities' Powers) Act 1923, s.1; as extended by Local Government Act 1948, s. 133
Water supply	Power to utilise well, spring or stream and to provide facilities for obtaining water from them	Public Health Act 1936, s.125
Well-Being	Power to well-being of the area (for eligible councils)	s2 and 4 of the Local Government Act 2000

## APPENDIX 2

### COMMITTEE STRUCTURE AND SCHEME OF COMMITTEE DELEGATION

1. **All Committees have the power to act immediately on all delegated decisions reached without waiting for endorsement by the full Council.**  
However, a Committee considering an item of business which they have a delegated power to make decision on may refer that item to Full Council for decision by resolution if they wish.

2. The Town Mayor and Deputy Town Mayor shall be ex-officio members of any standing Committees

### 3. Planning Committee

PC1 The Planning Committee (a Standing Committee) shall comprise all members of the Council.

PC2 The Committee shall meet at the discretion of the Chair of the Committee who shall be Town Mayor. In addition, any two members of the Committee (Council) may convene a meeting of the Committee if the Chairman does not or refuses to within 7 days of a written request for a meeting to be called.

PC3 The quorum shall be six Members.

PC4 The Committee is delegated with authority to pursue the following role and functions:

- (i) To formulate the Council's policies and case specific position relating to land use;
- (ii) To exercise the Council's legal right to act as a statutory consultee in the planning process;
- (iii) To make representations to the Local Planning Authority on any application referred to the Council and on any other planning matter that affects the Parish;
- (iv) To consider and respond to any strategic planning proposals by the principal authority;
- (v) To comment on highways/footways issues that affect the Parish;
- (vi) To submit to the Finance and General Purpose Committee bids for funds as part of the annual budget process;
- (vii) To lead the Neighbourhood planning process on behalf of Council, including the establishment and oversight of any steering groups that may be required.
- (viii) To administer an agreed, delegated budget for the pursuit of the above activities, subject to compliance with Financial Regulations and Standing Orders.

#### **4. Finance and General Purposes Committee**

- FG1 The Finance and General Purposes Committee (a Standing Committee) shall comprise ten (10) members of the Council.
- FG2 The Committee shall meet a minimum of five times a year and otherwise as required at the discretion of the Chair of the Committee. In addition, any two members of the Committee may convene a meeting of the Committee if the Chairman does not or refuses to within 7 days of a written request for a meeting to be called.
- FG3 The quorum shall be four Members.
- FG4 The Committee is delegated the authority to pursue the following role and functions:

##### **4.1 Finance**

- (i) To make recommendations to the Council on the annual budget and precept (consistent with the Council's agreed priorities and policies);
- (ii) To receive from sub-committees and working groups, and to collate prior to the submission to the Council, all bids for financial provision to be included in the annual revenue and capital budget relating to the work of the Committee;
- (iii) To formulate and present to the Council recommendations for annual expenditure and income;
- (iv) To oversee the Council's financial performance through the review of budget monitoring reports;
- (v) To oversee the Council's Accounts;
- (vi) To oversee and control borrowing by the Council and the investment of funds within the Council's control;
- (vii) To make recommendations to the Council on the capital programme, its content, phasing and monitoring;
- (viii) To execute and carry out, in the name and on behalf of the Council, all resolutions and instructions from time to time given with reference to finances and accounts;
- (ix) To have the direction and control of insurance in respect of the Council's property, members, and employees;
- (x) To provide efficient financial services and advice for the benefit of the Council;
- (xi) To monitor and make recommendations in relation to the process for applying for grant funding to support the Council's activities;
- (xii) To regularly review the Council's treasury management activities;

- (xiii) To review proposed amendments to Financial Regulations before submission to the Council for approval;
- (xiv) To periodically review risk;
- (xv) To monitor and approve payments;
- (xvi) To receive and respond to internal and external audit reports;
- (xvii) To administer an agreed, delegated budget for the pursuit of the above activities, subject to compliance with Financial Regulations and Standing Orders.
- (xviii) The Committee may hear a request for the award of a community use in the Civic Hall and may grant a request if it would be inexpedient to defer the request to the next meeting of the Full Council and if there is sufficient allocated in the relevant revenue budget.

## **4.2 Staffing**

- (i) To consider issues concerning the employment and salaries, terms and conditions of all staff and make recommendations to full Council;.
- (ii) To consider issues concerning Council personnel policy and make recommendations to full Council;
- (iii) To review the staffing structure and levels and make recommendations to full Council;
- (iv) To review health and safety at work for all Council employees.
- (v) To ensure the Council complies with all legislative requirements relating to the employment of staff;
- (vi) To interview staff for appointments to the posts of Town Clerk and the Management Team, and make recommendations to full Council;
- (vii) To keep under review a system for regular staff appraisals;
- (viii) To review and make recommendations on all aspects of communication involving the Council, with the aim of ensuring that the community is aware of the aims, policies and activities of the Council;
- (ix) To have responsibility for setting the appraisal objectives of the Town Clerk

## **4.3 Communications**

- (i) To review and make recommendations on how information is to be circulated to all interested groups regarding the Council's activities;
- (ii) To review and make recommendations on how the Council may encourage feedback from the community to inform it on the need for policy changes and development;
- (iii) To review and develop initiatives to improve communications within the Council;

- (iv) To develop and review policies for dealing with the media;
- (v) To monitor and review the policy for the use of social media as a means of communicating with the community;
- (vi) To oversee the effectiveness of the Council's websites;

#### **4.4 Events & Entertainment**

- (i) To consider the options for delivering and/or supporting events in the communities of Stanley which may further the overall objectives of the Council;
- (ii) To oversee the operation, development and promotion of the Civic Hall;

#### **4.5 Community Safety**

- (i) To keep under review the safety of the community within the Town Council area, and make recommendations to the Council on any matters involving community safety;
- (ii) To consider and develop initiatives involving the Council's partners aimed at reducing crime and helping make the community feel more secure;
- (iii) To review the issue of anti-social behaviour, particularly among the youth of the community, and consider how this may be addressed;
- (iv) To monitor and review arrangements relating to environmental issues, such as dog fouling, litter etc., with a view to developing initiatives to address the situation;
- (v) To monitor the performance of any environmental improvement contracts and make recommendations to Council to improve their effectiveness
- (vi) To consider and make recommendations on how the community may be educated and informed on issues concerning the environment, crime and community safety;
- (vii) To create an effective partnership with other agencies involved in matters relating to the remit of the Committee;

### **5. Grievance Panel**

The Grievance Panel is set up as part of the Council's Grievance Process. It will meet as and when required to hear grievances from officers of the Council. The Panel shall comprise three members who have undergone the necessary training in handling grievance matters. Members selected for the Panel will have had no direct involvement in any issue to be heard by the Panel. The Panel will make recommendations on how the grievance may be resolved.



## **6. Disciplinary Panel**

The Disciplinary Panel is set up as part of the Council's Disciplinary Procedure. It will meet as and when required to hear reports prepared by an appropriate officer or other approved person following a disciplinary investigation, together with the response from the Council officer concerned. The Panel shall comprise three members who have undergone the necessary training in handling disciplinary matters. Members selected for the Panel will have had no direct involvement in any issue to be heard by the Panel. The Panel will be required to make a decision as to what disciplinary action, if any, should be taken as a result of the hearing.

## **7. Appeals Panel**

The Appeals Panel is set up as part of the Council's Disciplinary Procedure. It will meet as and when required to hear appeals by Council officers against any decision made by the Disciplinary Panel. The Panel shall comprise three members who have undergone the necessary training in handling disciplinary matters. Members selected for the Panel will have had no direct involvement in any issue to be heard by the Panel, or in the process prior to the hearing of the appeal. The decision of the Appeals Panel is final.

## APPENDIX 3

### ROLE AND RESPONSIBILITIES OF THE TOWN MAYOR

The main rules of law governing the role of the Town Mayor of a parish council are set out in the Local Government Act 1972, principally within Schedule 12, which sets out, for example:

- That the Town Mayor must preside at a meeting of the parish council if he or she is present; and
- That it is the person who presided at the meeting who has the responsibility to sign the minutes as a true record.

#### **It is the duty of the Town Mayor:**

“to preserve order, and to take care that the proceedings are conducted in a proper manner, and that the sense of the meeting is properly ascertained with regard to any question which is properly before the meeting”

*National Dwellings Society v Sykes (1894)*

#### **It is the Town Mayor's responsibility:**

- (a) To determine that the meeting is properly constituted and that a quorum is present;
- (b) To inform himself as to the business and objects of the meeting;
- (c) To preserve order in the conduct of those present;
- (d) To confine discussion within the scope of the meeting and reasonable limits to time;
- (e) To decide whether proposed motions and amendments are in order;
- (f) To formulate for discussion and decision questions which have been moved for the consideration of the meeting;
- (g) To decide points of order and other incidental questions which require decision at the time;
- (h) To ascertain the sense of the meeting by:
  - (i) Putting relevant questions to the meeting and taking the vote thereon (and if so minded giving a casting vote);
  - (ii) Declaring the result; and
  - (iii) Causing a ballot to be taken if duly demanded;
- (i) To approve the draft of the minutes or other record of proceedings (with the consent of the meeting);
- (j) To adjourn the meeting when circumstances justify or require that course; and
- (k) To declare the meeting closed when its business has been completed

*“Knowles on Local Authority Meetings” (ICSA Publishing)*

#### **Voting**

During the meeting, if a vote on a matter is tied, the Town Mayor, or other person presiding, has a second or casting vote.

The Town Mayor's term of office continues until the appointment of a successor, other than where the Town Mayor resigns or is disqualified. This continuity also applies when the Town Mayor has not been re-elected following local elections. In this case, the Town Mayor does not have a vote on the appointment of a successor but does have a casting vote in the event of equal votes.

### **Outside of the Meeting**

The Town Mayor:

- Is the person to whom notice of resignation is given by other Councillors or the Town Clerk;
- May convene meetings of the Council (on proper notice to the Town Clerk);
- When attending ceremonial events, is the proper person to represent the parish;
- May receive an allowance to meet the expenses of his or her office.

Beyond that, the workings and decisions not taken by the Council or through the delegation scheme, by one of its Committees or Sub-committees are to be taken by the Town Clerk.

The Town Mayor may have an enhanced role, as functions may be delegated to the Town Clerk in consultation with the Town Mayor (or the Chair of a Committee). This means that the decision and the responsibility for it, remains with the Town Clerk (not the Town Mayor) but that he or she must first bring the matter to the attention of the Town Mayor and take into account the views of the Town Mayor in coming to his or her decision.

It is also likely to be the case that in the absence of a Council Leader, the Town Mayor will be the person whom the Town Clerk will approach;

- for information about the Council and the parish;
- to seek to informally discuss matters with and;
- to informally consult on decisions that are in the Town Clerk's remit to make or pass back to a formal meeting.

Correspondence to and from the Council will normally be dealt with by the Clerk, not by the Town Mayor.

The Deputy Town Mayor has the same roles and responsibilities as the Town Mayor in the absence of, or at the request of the Town Mayor.

## APPENDIX 4

### SCHEME OF OFFICER DELEGATION

#### TOWN CLERK

1. The Town Clerk shall be the Proper Officer in accordance with Section 112 of the Local Government Act 1972.
2. The Town Clerk shall be the Responsible Financial Officer in accordance with Section 151 of the Local Government Act 1972.
3. The Town Clerk is the Proper Officer for any purpose in respect of which a Proper Officer is mentioned in any statute.
4. As Proper Officer, the Town Clerk is specifically authorised to:
  - (i) Receive declarations of acceptance of office;
  - (ii) Receive and record notices disclosing pecuniary interests;
  - (iii) Receive and retain plans and documents;
  - (iv) Sign notices or other documents on behalf of the Council and arrange for legal deeds to be sealed and witnessed reference Standing Order 22
  - (v) Receive copies of bye-laws made by a Primary Local Authority;
  - (vi) Certify copies of bye-laws made by the Council;
  - (vii) Sign summonses to attend meetings of the Council.
5. In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:
  - (i) The day to day administration of services, facilities and assets together with routine inspection and control;
  - (ii) Day to day supervision and control of all staff employed by the Council in accordance with the Council's policies, procedures and budgets;
  - (iii) The authority to commence disciplinary investigations against staff, in consultation with the Leader of the Council and the Chair of the Finance & Governance Committee and subject to HR advice.
  - (iv) Where any investigations are commenced under 5 (iii) above, the matter must be reported to the next available meeting of the Finance & Governance Committee and all members notified that an investigation has been commenced.
  - (v) Authorisation of routine expenditure within agreed budgets;
  - (vi) Emergency expenditure because of an unforeseeable emergency involving immediate risk to persons, property or other assets or serious disruption to Council Services;
  - (vii) To institute, defend and appear in any legal proceedings authorised by the Council;

- (viii) To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Stanley);
  - (ix) To agree the terms of any lease, licence, conveyance or transfer;
  - (x) Variations of restrictive covenants of a routine nature;
  - (xi) The granting of easements, wayleave and licenses over Council land;
  - (xii) To respond to planning applications on behalf of the Council, where, due to timescales the Planning Committee is unable to comment, provided that the Town Clerk has consulted with the Chair and Vice-Chair of the Committee. All members will receive details of planning applications which are dealt with under this delegation and may make comments;
  - (xiii) To act as the Council's designated officer for the purpose of the Freedom of Information Act 2000;
  - (xiv) To arrange for interviews and appoint staff graded below **Grade 10** to a vacant post in the staffing establishment (where authority to recruit has been granted by Council;)
  - (xv) To (in consultation with the Leader of the Council) take editorial decisions in relation to digital and printed media issued by the Town Council in accordance with any policies agreed by Council;
  - (xvi) Actions taken under delegated authority by the Town Clerk shall be in accordance with Standing Orders, Financial Regulations, Contracts and Procurement and this Scheme of Delegation and with directions given by the Council from time to time.
6. The Town Clerk shall be the Responsible Financial Officer (RFO) to the Council under Section 151 of the Local Government Act 1972. The Town Clerk shall be the RFO for any purpose in which a Responsible Financial Officer is mentioned in any statute. The Town Clerk, as RFO, is specifically authorised:
- (iii) To determine the Council's accounting system and the form of the accounts and supporting accounting records;
  - (iv) To be responsible for the proper administration of the Council's financial affairs which includes reviewing the Council's Financial Regulations and submitting revisions to the Council for approval.

## **APPENDIX 5**

### **SCHEME OF DELEGATION**

#### **LEADER OF THE COUNCIL**

Where a Leader of the Council has been appointed in accordance with paragraph 8.1 above, the Council delegates to the Leader of the Council the authority to:

1. Work with the Town Clerk and other elected members to develop and propose to Council the strategic direction and policy objectives of the Council;
2. Work with the Town Clerk and other elected members to ensure the strategic direction and operational management of the Council are working effectively;
3. Work with the Town Clerk as authorised by Council to negotiate on behalf of the Council with other local authorities and organisations in order to further progress toward strategic and policy objectives.
4. The Leader of the Council and Mayoral roles remain separate.
5. The Town Clerk
  - (i) will brief the Leader of the Council on a weekly basis on the operational work of the Council;
  - (ii) will have their leave or time off in lieu agreed in advance by the Leader of the Council; and,
  - (iii) will ensure the Leader of the Council is aware of any upcoming meetings with external organisations (and the Leader of the Council will keep the Proper Officer so informed.)
6. The Leader of the Council and Town Clerk will jointly consider the medium term plan and other relevant strategic documents on a monthly basis and jointly propose changes and additions required to Council and/or the relevant Committee.
7. The Leader of the Council may not alter the strategic direction agreed by the Council or add or remove any agreed projects without the authorisation of the Council or relevant committee.
8. In the absence of the Leader of the Council the Deputy Leader of the Council will undertake those matters delegated to the Leader of the Council in accordance with this Appendix and Standing Order.
9. The Leader of the Council will have responsibility for day to day supervision of the Town Clerk, however the Clerk remains accountable to relevant Committees and the Full Council itself.

10. The Leader may have an enhanced role, as functions may be delegated to the Town Clerk in consultation with the Leader/ Town Mayor (and/or the Chair of a Committee). This means that the decision and the responsibility for it, remains with the Town Clerk (not the Leader) but that he or she must first bring the matter to the attention of the Leader and take into account the views of the Leader in coming to his or her decision.
11. It is also likely to be the case that the Council Leader will be the person whom the Town Clerk will approach;
  - for information about the Council and the parish;
  - to seek to informally discuss matters with; and
  - to informally consult on decisions that are in the Town Clerk's remit to make or pass back to a formal meeting.
12. It is acknowledged that this Appendix does not confer upon the Leader or Deputy Leader of Council any executive decision making powers to act on the Council's behalf.



**Stanley**  
**Town**  
**Council**



# STANDING ORDERS

May 2019 rev. 1.0



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## INTRODUCTION

These model standing orders update the National Association of Local Council (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.

## MODEL STANDING ORDERS

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

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

## 1. RULES OF DEBATE AT MEETINGS

- a. Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b. A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c. A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d. If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e. An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f. If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g. An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h. A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i. If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- j. Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k. One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l. A councillor may not move more than one amendment to an original or substantive motion.
- m. The mover of an amendment has no right of reply at the end of debate on it.
- n. Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o. Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:

- i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p. During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q. A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r. When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s. Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t. Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed three minutes without the consent of the chairman of the meeting.

## **2. DISORDERLY CONDUCT AT MEETINGS**

- a. No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the

meeting shall request such person(s) to moderate or improve their conduct.

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

### 3. MEETINGS GENERALLY

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

- a. **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b. A minimum of five clear days notice of a meeting shall be given to elected members. **(The statutory minimum is three days). A clear day for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c. **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d. **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e. Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f. The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chairman of the meeting.
- g. Subject to standing order 3(f), a member of the public shall not speak for more than three minutes.

- h. In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i. A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- j. A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k. Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l. **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m. **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n. **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o. **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Town Mayor may in his absence be done by, to or before the Deputy Town Mayor.**
- p. **The Town Mayor, if present, shall preside at a meeting. If the Town Mayor is absent from a meeting, the Deputy Town Mayor shall preside. If both the Town Mayor and the Deputy Town 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 chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**
- *See standing orders 5(h) and (i) for the different rules that apply in the election of the Town 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 or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
- v. **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

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



- w. **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- 
- x. A meeting shall not exceed a period of two and a half 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. The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 2 days before the meeting that they are unable to attend;
  - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
  - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;

- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

## **5. ORDINARY COUNCIL MEETINGS**

- a. **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b. **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c. **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- 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 Town Mayor and Deputy Town Mayor of the Council.**
- f. **The Town Mayor, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g. **The Deputy Town Mayor, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Town Mayor at the next annual meeting of the Council.**
- h. **In an election year, if the current Town Mayor has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Town Mayor has been elected. The current Town Mayor shall not have an original vote in respect of the election of the new Town Mayor but shall give a casting vote in the case of an equality of votes.**
- i. **In an election year, if the current Town Mayor has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Town Mayor has been elected. He may exercise an original vote in respect of the election of the new Town Mayor and shall give a casting vote in the case of an equality of votes.**
- j. **Following the election of the Town Mayor and Deputy Town Mayor of the**

Council at the annual meeting, the business shall include:

- i. **In an election year, delivery by the Town 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 Town Mayor of his acceptance of office form unless the Council resolves for this to be done at a later date;**
- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
- iii. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, 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 and financial regulations;
- 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 and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. 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 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local

Government Act 1972 or the general power of competence.

- xxi.** Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

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

- a. The Town Mayor may convene an extraordinary meeting of the Council at any time.**
- b. If the Town 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 chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d. If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee [or the sub-committee], any 2 members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].

## **7. 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 11 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b. When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

## **8. VOTING ON APPOINTMENTS**

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

settled by the casting vote exercisable by the chairman of the meeting.

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

- a. A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d. If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 7 clear days before the meeting.
- e. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f. The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g. Motions received shall be recorded and numbered in the order that they are received.
- h. Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

## **10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE**

- a. The following motions may be moved at a meeting without written notice to the Proper Officer:
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;

- iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular committee or sub-committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to 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.
- b. No motion under standing order 10 (a) (xv) above will be permitted to require a vote on any item of business to be conducted by a secret ballot unless there is a specific and justifiable reason, which must be notified to the Town Clerk in advance of the meeting and must be debated in advance of the motion to suspend standing order 3 (s).

## 11. MANAGEMENT OF INFORMATION

*See also standing order 20.*

- a. **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b. **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention**

**policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**

- c. The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d. Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

## **12. 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 10(a)(i).
- c. The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d. If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

“The chairman 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 his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e. Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

### 13. 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. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c. Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council's code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d. **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e. A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.
- f. A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g. Subject to standing orders 13(d) and (f), a dispensation request shall be considered at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required.
- h. **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;**



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

#### 14. CODE OF CONDUCT COMPLAINTS

- a. Upon notification by the County Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.
- b. Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Town Mayor of this fact, and the Town Mayor shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- c. The Council may:
  - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d. **Upon notification by the County Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

#### 15. PROPER OFFICER

- a. The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b. The Proper Officer shall:
  - i. at least five clear days **(three clear days is the statutory limit) before a meeting of the council, a committee or a sub-committee,**
    - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda, and**

- **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

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

- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 5 days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Town Mayor, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of bye-laws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;  
(*see also standing order 23*);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. maintain a record of every planning application notified to the Council and the Council's response to the local planning authority;
- xv. refer a planning application received by the Council to the Town Mayor or Deputy Town Mayor of the Council 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 Council.

- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.  
(see also standing order 23).

## 16. 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.

## 17. 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 Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the Council's receipts and payments (or income and expenditure) for each quarter;
  - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii. the balances held at the end of the quarter being reported andwhich includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d. As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.

- e. 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 all councillors at least 14 days 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.

## 18. 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 at least 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 **£25,000** 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. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(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.**
- 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 are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper 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. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works 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.**
- g. **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 £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 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.**

## 19. HANDLING STAFF MATTERS

- a. A matter personal to a member of staff that is being considered by a meeting of Council or the Finance & Governance Committee is subject to standing order 11.

- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the Finance & Governance Committee or, if he is not available, the vice-chairman of the Finance & Governance Committee] of absence occasioned by illness or other reason and that person shall report such absence to Finance & Governance Committee at its next meeting.
- c. The chairman of the Finance & Governance Committee or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Town Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Finance & Governance Committee.
- 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 chairman of the Finance & Governance Committee or in his absence, the vice-chairman of the Finance & Governance Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Finance & Governance Committee.
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by Town Clerk or other employee relates to the chairman or vice-chairman of the Finance & Governance Committee the, which shall be reported back and progressed by resolution of the Finance & Governance Committee.
- f. Any persons responsible for all or part of the management of staff shall treat as confidential and secure the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g. In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

## 20. RESPONSIBILITIES TO PROVIDE INFORMATION

*See also standing order 21.*

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

## 21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

*See also standing order 11.*

- a. **The Council shall 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.**

## 22. 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.

## 23. EXECUTION AND SEALING OF LEGAL DEEDS

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

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

## **24. COMMUNICATING WITH COUNTY COUNCILLORS**

- a. An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the division councillors of the County Council representing the area of the Council.
- b. Unless the Council determines otherwise, a copy of each letter sent to the County Council shall be sent to the division councillor(s) representing that part of the area of the Council.

## **25. 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.

## **26. THE LEADER OF THE COUNCIL**

Where a Leader of the Council has been appointed in accordance with the Council's constitution, the Council delegates to the Leader of the Council the authority to:

- a. Work with the Town Clerk and other elected members to develop and propose to Council the strategic direction and policy objectives of the Council;
- b. Work with the Town Clerk and other elected members to ensure the strategic direction and operational management of the Council are working effectively;
- c. Work with the Town Clerk as authorised by Council to negotiate on behalf of the Council with other local authorities and organisations in order to further progress toward strategic and policy objectives.
- d. The Leader of the Council and Mayoral roles remain separate.
- e. The Town Clerk
  - (i) will brief the Leader of the Council on a weekly basis on the operational work of the Council;
  - (ii) will have their leave or time off in lieu agreed in advance by the Leader of the Council; and,



- (iii) will ensure the Leader of the Council is aware of any upcoming meetings with external organisations (and the Leader of the Council will keep the Proper Officer so informed.)
- f. The Leader of the Council and Town Clerk will jointly consider the medium term plan and other relevant strategic documents on a monthly basis and jointly propose changes and additions required to Council and/or the relevant Committee.
- g. The Leader of the Council may not alter the strategic direction agreed by the Council or add or remove any agreed projects without the authorisation of the Council or relevant committee.
- h. In the absence of the Leader of the Council the Deputy Leader of the Council will undertake those matters delegated to the Leader of the Council in accordance with this Appendix and Standing Order.
- i. The Leader of the Council will have responsibility for day to day supervision of the Town Clerk, however the Clerk remains accountable to relevant Committees and the Full Council itself.
- j. The Leader may have an enhanced role, as functions may be delegated to the Town Clerk in consultation with the Leader/ Town Mayor (and/or the Chair of a Committee). This means that the decision and the responsibility for it, remains with the Town Clerk (not the Leader) but that he or she must first bring the matter to the attention of the Leader and take into account the views of the Leader in coming to his or her decision.
- k. It is also likely to be the case that the Council Leader will be the person whom the Town Clerk will approach;
  - for information about the Council and the parish;
  - to seek to informally discuss matters with; and
  - to informally consult on decisions that are in the Town Clerk's remit to make or pass back to a formal meeting.
  - It is acknowledged that this Appendix does not confer upon the Leader or Deputy Leader of Council any executive decision making powers to act on the Council's behalf.

## 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

## Item 4 - ATTACHMENT C

orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 11 councillors to be given to the Proper Officer in accordance with standing order 9.

- c. The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible after he has delivered his acceptance of office form.
- d. The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

# FINANCIAL REGULATIONS



**STANLEY TOWN COUNCIL**

Civic Hall, Front Street, Stanley DH90NA

## **FINANCIAL REGULATIONS**

The purpose of Financial Regulations is to formalise the process used by Stanley Town Council to govern the conduct of the financial transactions of the Council.

### **1.0 GENERAL**

- 1.1 These Financial Regulations may only be amended or varied by recommendation of the Finance and General Purposes Committee followed by resolution of the Full Council.
- 1.2 The Responsible Financial Officer (RFO), under the policy direction of the Full Council, shall be responsible for the proper administration of the Council's affairs.
- 1.3 The RFO shall be responsible for the production of financial management information.

### **2.0 ANNUAL ESTIMATES**

- 2.1 Committees and working groups shall formulate and submit proposals to the Council in respect of revenue and capital costs for the following financial year, not later than the end of November each year.
- 2.2 Detailed (estimated) receipts and payments for the full financial year, shall also be prepared at this time each year by the RFO. These shall be used as the basis for the budget for the ensuing financial year.
- 2.3 The Full Council shall review the estimates and proposed budget not later than the beginning of January following the preceding November (see 2.1), and use these to fix the precept to be levied for the ensuing financial year. The RFO shall supply each member with a copy of the approved estimates and budget.
- 2.4 The annual budget shall form the basis of financial control for the ensuing year.
- 2.5 The Council shall prepare and have regard to a three year forecast of Revenue and Capital Receipts and Payments (Medium Term Financial Plan) which shall be prepared at the same time as the annual Budget.

### **3.0 BUDGETARY CONTROL**

- 3.1 Expenditure on revenue items may be incurred up to the amounts included in the approved budget.
- 3.2 Any expenditure which would exceed the amount provided in the revenue budget. may be incurred only by resolution of the Full Council.

## Item 4 – ATTACHMENT D

- 3.3 The RFO shall regularly (on a monthly basis) provide the Finance and General Purposes Committee with a statement of receipts and payments to date under each head of the budget, comparing actual expenditure against that planned, and including a projection of the likely outcome for the full year.
- 3.4 The RFO and Chair of the Council 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 £7,500. Such expenditure shall be reported to Full Council by email immediately confirming the value and reason, and then to be retrospectively reviewed and approved at the next Full Council meeting.
- 3.5 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless approved by the Full Council, on the recommendation of the Finance and General Purposes Committee.
- 3.6 No expenditure shall be incurred in relation to any capital project or service, 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.
- 3.7 All capital works shall be administered in accordance with the Council's standing orders and these financial regulations relating to contracts.

### **4.0 ACCOUNTING AND AUDIT**

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit Regulations in effect at the time.
- 4.2 The RFO shall be responsible for completing the annual financial statements of the Council as soon as practicable after the year-end of the financial year and shall submit them and report thereon to the Full Council.
- 4.3 The RFO shall be responsible for completing the accounts of the Council contained in the Annual Return (as supplied by the External Auditor appointed from time to time by the Audit Commission), and for submitting the Annual Return for approval and authorisation by the Full Council, within the timescale set by the Accounts and Audit Regulations in effect at the time or set by the Auditor.
- 4.4 The RFO shall be responsible for ensuring that there is an adequate and effective system of internal control of the Council's accounting, financial and other operations, in accordance with the appropriate Regulation of the Accounts and Audit Regulations in effect at the time. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply

## Item 4 – ATTACHMENT D

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 carry out the work required in accordance with a risk based audit plan to be determined by the Auditor and approved by the Finance and General Purposes Committee. Additional work may, from time to time, be requested by the RFO, or by the Council. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to the Finance and General Purposes Committee in writing on a regular basis with a minimum of one annual report in respect of each financial year.
- 4.6 The RFO shall make arrangements for the exercise of electors' rights to inspect the accounts, books and vouchers required by Section 15 of the Audit Commission Act 1998 and the Accounts and Audit Regulations in effect at the time.
- 4.7 The RFO shall, as soon as practicable, bring to the attention of all Councillors, any relevant correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.

### **5.0 BANKING ARRANGEMENTS AND CHEQUES**

- 5.1 The Council's banking arrangements shall be made by the RFO and approved by the Full Council. They shall be regularly reviewed for efficiency.
- 5.2 Cheques drawn on the Council's bank account shall be signed by one Officer and one Member of Council.
- 5.3 Payments drawn on the Council's bank account by BACS or other electronic means shall be raised by one authorized bank signatory and authorised by a second. The BACS files shall be checked and signed by a Member of Council who is also a bank signatory and reported to Council or the relevant Committee of Council.

### **6.0 PAYMENT OF ACCOUNTS**

- 6.1 The Council shall ensure that safe and efficient arrangements are in place for the making of any payments.
- 6.2 All payments (other than petty cash [6.5]) shall be made by cheque, Debit Card, direct debit, or other order drawn on the Council's bankers, including BACS payments. With regard to payments by any means other than cheque, approval will be renewed by resolution of the full Council every two years.
- 6.3 The appropriate Manager shall satisfy him/herself that the work, goods or services to which the invoice relates, have been received or carried out in accordance with the relevant order. He/she shall insert the appropriate budget code to which the cost is to be charged.

## Item 4 – ATTACHMENT D

- 6.4 The Finance Officer shall examine invoices in relation to arithmetic accuracy, correct application of VAT and correct coding and shall take all steps to settle invoices submitted, and which are in order, at the earliest possible opportunity.
- 6.5 The RFO shall countersign all invoices prior to payment being processed.
- 6.6 If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and where the RFO and Finance Manager certify that there is no dispute or other reason to delay payment, the RFO may (notwithstanding paragraph 6.3), take all steps necessary to settle such invoices, provided that such payments shall subsequently be scrutinised by the Chair of the Finance and General Purposes Committee.
- 6.7 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 Finance Manager with a claim for reimbursement:
- a) The RFO shall maintain a petty cash float of £100 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 on the next available working day, 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 the Council.
- 6.8 Subject to 6.2, wherever possible payments to staff and service providers will be made by the Banking Automated Credit System (BACS). This is subject to strict compliance with the agreed procedure for the operation of an electronic payments system.

### **7.0 PAYMENT OF SALARIES**

- 7.1 The payment of all salaries shall be made by Durham County Council (the Principal Authority) in accordance with payroll records and the rules of PAYE and National Insurance currently operating. Salaries shall be according to employees' contractual agreements, which have been previously agreed by the Council.
- 7.2 Payment of salaries, and deductions from salary for tax, national insurance and pension contributions, will be made in accordance with the payroll records and on the appropriate dates.
- 7.3 Payment of excess additional hours worked (in accordance with contractual agreements), will be made in accordance with the payroll records and on the appropriate dates provided that each payment is reported to, and resolved by, the next available Full Council Meeting.

**8.0 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's Investment Policy, shall be in accordance with the Trustee Investments Act 2000, and shall be reviewed on a regular basis (at least annually).
- 8.3 All investments of money under the control of the Town Council shall be in the name of the Council.
- 8.4 All borrowings shall be made in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by the Full Council as to its terms and purpose.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

**9.0 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 and notified to the RFO.
- 9.3 The Council shall review all fees and charges annually (where relevant), following a report of the RFO. Any sums found to be irrecoverable and any associated bad debts shall be reported to the Full Council, and shall be written off in the relevant financial year.
- 9.4 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers, with such frequency, as the RFO considers necessary.
- 9.5 The origin of each receipt shall be entered on the paying-in slip and recorded in the accounts.
- 9.6 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.7 The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994, Section 33, shall be made on a quarterly basis in accordance with HMRC procedures.
- 9.8 Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council, to ensure that more than one person is present when the cash is counted in the first instance, that there is a



## Item 4 – ATTACHMENT D

reconciliation to some form of control (such as ticket issues), and that appropriate care is taken in the security and safety of individuals banking such cash.

- 9.9 Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere within these regulations.

### **10.0 ORDERS**

- 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 All Purchase Orders 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 is to ensure as far as reasonable and practicable, that the best available terms are obtained in respect of quality, value and service for each transaction

### **11.0 PROCUREMENT**

- 11.1 Contracts are subject to any de minima provisions current at the time they are agreed:
- These provisions are commonly referred to as the 'De Minimis' rules/exceptions, under which local authorities are in some cases excepted from the requirement to let contracts through competitive tender.
  - There is no obligation on authorities to make use of the de minimis provisions; the limits set are not to be exceeded but it is a matter for individual authorities to decide to what extent they are used, or even if they are used at all.
  - At the time of adopting this policy it is now possible to let any number of individual de minimis contracts up to a value of £29,999 expenditure each in any one year (the previous limit was £24,999).
  - However, subject to the individual contract limit, there will no longer be any limit on the total value of de minimis contracts that may be let with an individual organisation in any year.

- 11.2 Procedures as to contract are laid down as follows:

#### **General**

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, 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 for existing machinery or equipment or plant;

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- iv) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Town Council;
- vi) for additional audit work of the external Auditor up to an estimated value of £750 (in excess of this sum the RFO shall act after consultation with the Chair and Vice Chair of the Council);

b) Where it is intended to enter into a contract 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 11.2.a.i (above) the following shall apply:

### **Contracts Exceeding £60,000 in Value**

- c) For Contracts exceeding £60,000 in value, the RFO shall invite tenders from at least three firms to be taken from the appropriate approved list.
- d) Such invitations to tender shall state the general nature of the intended Contract, and the RFO shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
- e) The invitation shall, in addition, state that a 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 Town Clerk in the presence of at least one Member of the Council
- g) If less than three tenders are received for contracts over £60,000, 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) Any invitation to tender issued under this regulation, shall contain a statement to the effect that “Neither the Town Council, nor any committee, is bound to accept the lowest tender, estimate or quote, provided a justifiable reason is stated.”

### **Contracts Over £20,000 and up to £60,000**

- i) For Contracts of above £20,000 and up to £60,000 in value the RFO shall endeavour to obtain three written quotations (priced descriptions of proposed supply).

### **Contracts Between £5,000 and up to £25,000**

- j) Where the value of a Contract is between £5,000 and £20,000, the RFO shall endeavour to obtain three estimates.

### **Contracts Below £5,000**

## Item 4 – ATTACHMENT D

k) Where the value of a Contract is below £5,000, the RFO shall obtain one or more estimates, as appropriate.

l) The Council shall not be obliged to accept the lowest, or any tender, quote or estimate.

m) Where applications are made to waive financial regulations relating to Contracts (of whatever value), to enable a price to be negotiated without competition, the RFO shall state the reason in a recommendation to the Full Council.

### **12.0 PAYMENTS UNDER CONTRACT 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 withholdings 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 Full Council.

12.3 Any variations to, addition to or omission from a Contract, must be approved by the Full Council and the RFO in writing to the Contractor, the Council being informed where the final cost is likely to exceed the financial provision.

### **13.0 STORES, EQUIPMENT AND ASSETS**

13.1 The relevant Manager shall be responsible for the care and custody of stores and equipment in their control.

13.2 Delivery notes shall be obtained in respect of all goods received or otherwise delivered, and goods must be checked as to order and quantity 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.

13.5 Non Current Assets - all expenditure on the acquisition, creation or enhancement of non current assets below the Council de minimus of £10,000 is written off to the Council's Income and Expenditure account in the year of acquisition. Expenditure on the acquisition, creation or enhancement of non current assets above the de-minimus of £10,000 and which provide economic benefits to the council for a period over one year are capitalised in accordance with accounting requirements in effect at the time.

- 13.6 Asset depreciation – in accordance with current accounting requirements asset values should not be adjusted for depreciation. The cost value will remain as the asset value in the asset register and on the Annual Return until the asset is disposed.

**14.0 PROPERTIES**

- 14.1 The RFO shall make appropriate arrangements for the custody of all title deeds for 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 the appropriate Regulation of the Accounts and Audit Regulations in effect at the time.
- 14.2 No property shall be sold, leased or otherwise disposed of without the authority of the Full Council, together with any other consents required by law, except where the estimated value of any one item of tangible, movable property, does not exceed £50.

**15.0 INSURANCE**

- 15.1 Following an annual risk assessment, the Finance Manager shall effect all insurances and negotiate all claims on the Council's insurers (in consultation with the RFO).
- 15.2 The RFO shall give prompt notification to the Finance Manager of all new risks, properties or vehicles, which require to be insured, and of any alterations affecting existing insurances.
- 15.3 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby, and annually review it.
- 15.4 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 the Council at the next available meeting.
- 15.5 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.

**16.0 RISK MANAGEMENT**

- 16.1 The RFO, with the Finance Manager, shall prepare and promote Risk Management policy statements in respect of all activities of the Council.
- 16.2 When considering any new activity, the RFO and Finance Manager shall prepare a draft Risk Management Policy for the activity, and shall bring a draft addressing the legal and financial liabilities and Risk Management issues that arise to Council for consideration and, if thought appropriate, adoption.

**17.0 REVISION OF FINANCIAL REGULATIONS**

- 17.1 It shall be the duty of the Finance and General Purposes Committee to review the Financial Regulations of the Town Council from time to time, and recommend such amendments to Full Council as are appropriate.
- 17.2 Irrespective of 17.1 above, the Town Council shall review the Financial Regulations at least annually.

# POLICY DOCUMENT

Name of Policy:	Complaints Procedure
Date policy created:	11/12/12
Author:	Russell Morgan
Date endorsed by Finance & General Purposes Committee:	23/10/2012
Signed: (Chair of Finance & General Purposes Committee)	
Date adopted by Full Council:	13/11/2012
Signed: (Chair of Council)	

1. This Policy sets out the procedure for dealing with complaints that members of the public may have about Stanley Town Council's administration and procedures.
2. It also includes complaints relating to the Council's employees.
3. The Code of Conduct adopted by the Council covers councillors.
4. Complaints against policy decisions made by the Council are to be referred back to Council to be considered in accordance with the Council's Standing Orders.
5. If a complaint about procedures or administration as practiced by the Council's employees is notified orally to a Councillor or the Clerk to the Council, they are to advise the complainant to put the complaint in writing to the Clerk to the Council and be assured that it will be dealt with within fourteen days of receipt.
6. If the complainant prefers not to put the complaint to the Clerk to the Council he or she should be advised to put it to the Leader of the Council. On receipt of a written complaint the Leader of the Council or the Clerk to the Council (except where the complaint is about his or her own actions), should try to settle the complaint directly

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with the complainant. This must not be done without first notifying the person complained against and giving him or her an opportunity to comment.

7. Efforts should be made to attempt to settle the complaint at this stage.
8. Where the Clerk to the Council receives a written complaint about his own actions, he is to refer the complaint to the Leader of the Council.
9. The Clerk to the Council is to be given an opportunity to comment. The Clerk to the Council or Leader of the Council is to report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
10. The Clerk to the Council or Leader of the Council is to bring any written complaint that has not been settled to the next meeting of the Council.
11. The Clerk to the Council is to notify the complainant of the date of the meeting at which the complaint will be considered, and the complainant will be offered an opportunity to explain the complaint orally.
12. If the complaint is likely to result in the Disciplinary or Grievance Procedures being used, or Standards Committee action being taken, then it must be deferred until such action is completed.
13. As soon as possible after the decision has been made, both it and the nature of any action to be taken are to be communicated in writing to the complainant.
14. The Council can defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which advice is necessary. The complaint is to be dealt with at the next meeting after the advice has been received.
15. Complaints about elected, co-opted and independent councillors behaving inappropriately should be made to the Standards Committee of the Durham County Council (via the Monitoring Officer).
16. For more information on how to complain, please contact the Monitoring Officer of Durham County Council, Head of Legal & democratic Services, County Hall, Durham, DH1 5UL.



## Stanley Town Council Community Engagement Strategy

**The Town Council recognises that it is uniquely placed to represent the views of its residents and provide community leadership. This strategy sets out how we engage with the local community to identify their needs and aspirations and how it can improve community engagement to give people a voice and involve them in decisions affecting their quality of life.**

### **1. Stanley Town Council aims to:**

- (i) Represent and promote the interests of Stanley and its people of all ages in all its activities;
- (ii) Provide the best possible amenities and services by the efficient use of available resources;
- (iii) Actively involve local people in decisions affecting activities in the local area;
- (iv) Promote equality of opportunity and oppose discrimination;
- (v) Be open and accountable in all it does;
- (vi) Enhance quality of life by protecting and enhancing Stanley's ecological and environmental assets.

### **2. In order to achieve these aims, the Council will:**

- (i) Work closely with residents, local businesses and community groups;
- (ii) Engage with as many people as possible who want to participate in decision making, monitoring services and planning for the future;
- (iii) Ensure, that through the use of a wide range of approaches to public involvement and community engagement, we actively encourage the involvement of residents to capture their views and learn their concerns, and effectively use those views as an integral part of the decision-making process; and
- (iv) Ensure that residents have opportunities to be heard at every stage and the capacity to be effective citizens.

### **3. Defining the community**

The Town Council considers the community of Stanley to comprise:

- (i) All residents of the parish;
- (ii) Users of the Town Council's services and facilities;
- (iii) Those who work or own businesses within the parish;
- (iv) Young people who live and/or go to school within the parish; and
- (v) Local voluntary organisations, clubs and societies and any group or organisation that represents some or any of the members of the above sections of the community.

In addition to the above, the Town Council recognises that there are certain bodies that are crucial to the quality of life in Stanley and aims to maintain excellent working relationships



with these bodies, including Durham County Council, the local Area Action Partnership, Durham Police, Durham & Darlington Fire Service, NHS providers and, in order to share best practice and innovation, other town and parish councils in the County.

#### **4. How community engagement is facilitated**

The Town Council provides the following:

- (i) A website providing information about the parish, Council initiatives and documents detailing the Council's decisions, expenditure and governance;
- (ii) A strong social media presence, recognising that a significantly higher number of residents can be reached through this medium than they can through the standalone website;
- (iii) An annual report providing details of the activities and expenditure of the Council;
- (iv) Regularly updated noticeboards promoting the work of the Council, its partners and other local organisations;
- (v) Residents may contact the Town Council offices in person and by telephone Monday to Thursday 9.30am – 4.30pm and Friday 9.30am – 4.00pm with an answerphone provided for messages outside these hours;
- (vi) Details of how to contact the Town Clerk's office and elected members are provided in the newsletter, on noticeboards and on the website;
- (vii) Ensuring all meetings of the Council are open to the public and press with a period set aside for residents to speak;
- (viii) Full Council meetings are video recorded and broadcast live on Facebook to maximise engagement, accountability and transparency;
- (ix) A quarterly newsletter, Stanley Life, delivered to all residents and businesses across the town and also available from libraries/community centres and on the website;
- (x) Community forums will be held when required to address important issues affecting the area;
- (xi) Additional public meetings will be arranged to address controversial issues;
- (xii) Holding a wide range of community events which provide opportunities to engage with the public and raise community spirit and Civic Pride;
- (xiii) Press releases to manage the media effectively to promote and enhance the reputation and community ownership of the Council;
- (xiv) Effective use of the Arms of Stanley to promote the work of the Council and the parish to the wider area;
- (xv) Good internal communications – making sure staff and members are informed and give consistent messages and representations on behalf of the community;
- (xvi) To seek opportunities for Town Councillors to represent the Council on various outside bodies to ensure good two-way communication with regular reports of these meetings made to the Council; and
- (xvii) Councillors to hold regular surgeries and provide other informal opportunities for residents to speak to them.

#### **5. Improving community engagement**

The Town Council will:

- (i) Publicise the positive results from working with the community and other partners;
- (ii) Seek to work with North Durham Academy and Tanfield School to ensure the views of young people are heard and taken into account;
- (iii) Identify new and innovative opportunities to work with local community groups;
- (iv) Make the fullest possible use of modern communication methods; and
- (v) Review the Community Engagement Strategy annually to ensure its relevance.

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**STANLEY TOWN COUNCIL**

# Communications Policy

Prepared for: Annual Meeting, 28th May 2019

Prepared by: Alan Shaw, Town Clerk

Date: 9th May 2017 (reviewed May 2019)

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## INTRODUCTION

This policy covers the Council's non-statutory external communications both in printed media, broadcast media and on the internet. It does not extend to communication by elected members of the Council who are free to give their own personal views on any subject as long as they do not purport those views to be the settled will of the Town Council and are mindful of the Code of Member Conduct when communicating with the public.

## PURPOSE OF POLICY

As a local Council, a key role of Stanley Town Council is to understand public opinion locally and be well connected with community based groups, organisations and service providers throughout the Parish. This objective will not be met unless the Council creates and maintains effective channels of communication with residents that do not just broadcast information about the activities of the Town Council but support the wider best interests of the Parish and promote the parish of Stanley in a positive way to people in the wider region.

## EDITORIAL GUIDELINES

**We will:**

1. Promote our own activities in the Community, and aim to increase participation in local democracy, encourage attendance at Council organised events and raise our profile both locally and in the North Durham area.
  2. Promote the activities of other statutory service providers in the local area including but not limited to Durham County Council, Durham Police, Durham & Darlington Fire Service etc.
  3. Seek to support and promote through our media channels local groups and organisations which are not for profit or charitable, or the aims of similar organisations based outside Stanley if they are active in Stanley.
  4. Develop civic pride by providing information about local history and events.
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## **STANLEY TOWN COUNCIL**

5. Encourage participation in democracy in general (e.g. encouraging residents to register to vote and vote in elections.)

### **We will not:**

1. Publish any material which is overtly political or presents one political group more favourably than another.
2. Promote the commercial interests of businesses unless there is a community aspect (e.g. a grant from a major retailer, sponsorship of an event, relevant information from utility companies)
3. Publish material (even if meets all other relevant criteria) which portrays Stanley or its communities negatively.

## **COMMUNITY NOTICE BOARDS**

The Community Notice Board in Front Street (and any there notice boards the Town Council may subsequently put in place) will be made available for the display of any posters that meet the editorial guidelines

## **DELEGATED AUTHORITY**

The authority to make editorial decisions about whether or not to publish any information, promotion or advertising using the media channels of the Town Council or Civic Hall is delegated to the Town Clerk, who will apply the provisions of this policy, or if an issue is unclear, exercise discretion in line with the broader purpose of the policy.

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# PUBLICATION SCHEME



**STANLEY TOWN COUNCIL**

Civic Hall, Front Street, Stanley DH90NA

## Freedom of information

The publication scheme below is referred to in the Governance Toolkit for Parish & Town Councils (Version three April 2009) and based on the model scheme produced by the Information Commissioner in 2009 which can be downloaded from the Commissioner's website and adapted to the public authority concerned, (i.e. [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)).

The scheme which shall be reviewed at least annually, was approved by the Finance and General Purposes Committee on the 23<sup>rd</sup> October 2012 and adopted by the full Council on the 13<sup>th</sup> November 2012.

In accordance with the provisions of the Freedom of Information Act 2000, Stanley Town Council will make available the following information in hard copy on request from the Clerk of the Council or by inspection by prior appointment.

Reasonable charges may be raised for the provision of copies of the documents / information listed in each of the classes.

### 1. COUNCIL INTERNAL PRACTICE AND PROCEDURE:

Minutes of Council, Committee and Sub-Committee meetings – limited to the last two years

Procedural Standing Orders

Council's Annual Report to Town Meeting

### 2. CODE OF CONDUCT:

Members Declaration of Acceptance of Office

Members Register of Interests

Register of Members Interest Book

### 3. EMPLOYMENT PRACTICE AND PROCEDURE:

Terms and conditions of employment

Job description

### 4. PLANNING DOCUMENTS:

Stanley Town Council's responses to planning applications – all other planning information is available from Durham County Council

### 5. AUDIT AND ACCOUNTS:

Annual return form – limited to the last financial year

Annual Statutory report by auditor (internal and external) – limited to the last financial year

Receipt / Payment books, Receipt books of all kinds, Bank Statements from all accounts – limited to the last financial year

Precept request – limited to the last financial year

VAT records – limited to the last financial year

Financial Standing Orders and Regulations

Assets register – including details of recreation grounds, if applicable

Risk Assessments

All information is available from:

The Town Clerk  
Stanley Town Council  
Stanley Civic Hall  
Front Street  
Stanley  
Co. Durham  
DH9 0NA  
Telephone: 01207 299 109  
[info@stanley-tc.gov.uk](mailto:info@stanley-tc.gov.uk)

**Stanley Town Council adopted the following (Model) Publication Scheme at the Ordinary meeting held on the 13<sup>th</sup> November 2012**

### **Model Publication Scheme - V1.0**

Model Publication Scheme: This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.

### **Classes of Information**

#### **Who we are and what we do.**

Organisational information, locations and contacts, constitutional and legal governance.

#### **What we spend and how we spend it.**

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

#### **What our priorities are and how we are doing.**

Strategy and performance information, plans, assessments, inspections and reviews.

#### **How we make decisions.**

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

### **Our policies and procedures.**

Current written protocols for delivering our functions and responsibilities.

### **Lists and Registers.**

Information held in registers required by law and other lists and registers relating to the functions of the authority.

### **The Services we Offer.**

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act 2000, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

### **The method by which information published under this scheme will be made available**

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under equality, disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

### **Charges which may be made for Information published under this scheme**

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Review Date: May 2019



Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

### **Written Requests**

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act 2000.

# **MINUTES of the ORDINARY MEETING OF STANLEY TOWN COUNCIL**

Held at Stanley Civic Hall on Tuesday 23rd April 2019 at 6.30pm

**PRESENT:** A Clegg            G Binney            **C Hampson\*** H Clark            M Davinson  
                  B Nair                C Marshall        J Nicholson        J Stephenson    L Timbey  
                  D Tully                C Bell              J Clark              J Kane

\*Chairman

**OFFICERS:** Alan Shaw (Town Clerk)  
                  Nicola James (Senior Administration Officer)  
                  Alan Tubman (Deputy Town Clerk)  
                  James Harper (Operations Manager)

**IN ATTENDANCE:** 2 members of the Public

*Deputy Town Mayor Cllr Carole Hampson took the Chair at the request of the Town Mayor.*

## **289            APOLOGIES FOR ABSENCE**

Apologies from Cllrs L Christie, D Marshall, J McMahon, J Pallas, G Wilkinson & J Tully were accepted by Council.

## **290            DECLARATIONS OF INTEREST**

None.

## **291            TOWN MAYOR'S ANNOUNCEMENTS**

- (i) The Deputy Town Mayor informed Council of the appointments that the Town Mayor had attended since the last Full Council meeting:
  - Pauline Cook Dance Show
  - Barnard Castle Fun Day
- (ii) Cllr Hampson also requested that Members take the Play in the Park posters that had been left on the table to distribute around their wards.
- (iii) The Town Clerk reminded Members to wait until recognised by the Deputy Town Mayor before speaking and to stand when speaking. He announced that the meeting was being recorded by STC and 1 member of the public and that mobile phones should be switched off or turned to silent.
- (iv) The Clerk informed Council that items 9 (*Minute #297*) and 12 (*Minute #300*) would be deferred as updates are not available at this time.

## **292            LEADER'S STATEMENT**

In the absence of the Council Leader, the Deputy Leader made the following announcements:

- The open date for McDonalds has been announced at 29th May, and they are currently recruiting staff.
- The Strategic Grant Funding scheme is now open for applications.
- The defibrillator has been installed on PACT House and a photoshoot has been arranged on Thursday for the defibrillator and the new police vehicle.

- The North Road boxing event, funded by a MIF, held in the Civic Hall last week was well attended.

## 293 PUBLIC PARTICIPATION

There were no written questions and no questions from the floor.

## 294 CONFIRMATION OF MINUTES

It was proposed by Cllr M Davinson seconded by Cllr L Timbey and **RESOLVED** that the minutes of the Ordinary Council meeting held on 26 March 2019 be approved as a correct record and signed by the Deputy Town Mayor.

## 295 COMMITTEE MINUTES

It was proposed by Cllr M Davinson and **RESOLVED** that Council **RECEIVE** the minutes of the Finance & General Purposes Committee held on 10th April 2019.

## 296 RECOMMENDATIONS OF COMMITTEE

The Deputy Town Clerk noted that he had been looking into apprentices. Courses are fully funded for 16-18 year olds, however for anyone above that age the Town Council would pay a small percentage of their course fee.

It was proposed by Cllr M Davinson, seconded by Cllr L Timbey and **RESOLVED** that:

- (i) The Council should advertise the post of Finance Officer as a full time position. The Town Clerk is delegated **AUTHORITY** to undertake the recruitment process.
- (ii) The Council should look to employ 2 apprentices, Hospitality and Environmental Operative. Match funding should be sought and the Environmental Operative should be above the 16-18 year old age group.

## 297 ADVICE IN COUNTY DURHAM PROJECT

This item was deferred.

## 298 WORKING GROUPS

It was proposed by Cllr C Marshall, seconded by Cllr J Stephenson and **RESOLVED** that:

- (i) There be no Environmental Working Group.
- (ii) The Operations Manager be **TASKED** to produce a paper which outlines the work of the Environmental Caretakers, how work is prioritised and the overall approach. The Operations Manager should produce a work programme for 12 months for the Environmental Caretakers and provide Council with regular updates on the impact of their work and the difference it is making to residents lives.
- (iii) Responsibility for oversight of Christmas Lights scheme be **DELEGATED** the Events Working Group.
- (iv)

299 **OUT TURN ESTIMATE**

Members **NOTED** the information provided by the Town Clerk.

300 **IT & PHONES**

This item was deferred.

301 **CONSTITUTION**

Members were asked to consider the proposed changes to the constitution 2019/20 including:

- (i) Reverting the number of Members on the Finance and General Purposes Committee back to 10 Members.
- (ii) The addition to page 21, item 5, clause 3 - The Town Clerk has the delegated authority to undertake the following matters on behalf of Council - The authority to commence disciplinary investigations against staff, in consultation with the Leader of the Council and the Chair of the Finance and General Purposes Committee and subject to HR advice.
- (iii) Reverting the date of the Finance and General Purposes Committee meetings back to Tuesday and agreeing the proposed meeting dates for 2019-20.

Cllr J Nicholson questioned the legality of having a leader of the Council. The Town Clerk advised that the Local Councils Explained publication has an entire section on leaders of local councils and states that although it is not a statutory requirement, it is not prohibited by law.

It was proposed by Cllr C Marshall, seconded by Cllr G Binney and **RESOLVED** that the proposed changes above be **APPROVED** and that the Town Clerk add the following:

- (i) Roles and responsibilities of the Town Mayor, Deputy Town Mayor, Leader, Deputy Leader and the Finance and General Purposes Committee Chair.
- (ii) That the Deputy Leader stands in for the Leader in their absence.

The Town Clerk should also discuss with CDALC the constitutional arrangements other Councils have in respect of the position of Council Leader.

302 **BUSINESS PLAN PROGRESS REPORT**

The Town Clerk thanked the Deputy Town Clerk for pulling this report together. Complete actions have been removed and actions have been matched to the Medium Term Plan. Other planned work needs adding into the log.

The Town Clerk provided the following updates:

- (i) **Stanley Fund** - The call out for panel members for the Stanley Fund has been put onto the CDCF website and the Town Clerk will add these details on the STC website to enable residents to participate.
- (ii) **Strategic Grant Fund** - Cllr G Wilkinson has expressed that he does not want to be on the review panel so this will have to come back to the Finance and General Purposes Committee to complete membership.

- (iii) **Road Safety Visor** - The Deputy Town Clerk has met with Maxine Stubbs and Insp. D Stewart and will provide an update to the Finance and General Purposes Committee.
- (iv) **Stanley in Bloom** - The Operations Manager noted this was progressing well.
- (v) **Civic Hall Media Consultants** - Discussions are ongoing with CREO, draft artwork has been produced and will go to the next Working Group meeting.
- (vi) **Civic Hall Panto** - This is to be dealt with by the Civic Hall Working Group.
- (vii) **Events Working Group** - This is ongoing. The next meeting is Friday 26 April.
- (viii) **Recruitment** - The Finance Officer job will be advertised this week.
- (ix) **Policy Working Group** - This is ongoing.
- (x) **Heritage Plaque** - This is in hand. The builder of the wall has been booked and the house holder is ok for the plaque to go on their land.
- (xi) **South Moor Miners Banner** - This will be dealt with in August.

The new report will be fully populated with Medium Term Plan actions for the next Ordinary Council meeting.

Council **ACCEPTED** the report and updates.

303

### **DATE, TIME AND VENUE OF NEXT MEETING**

Annual Council - Tuesday, 28th May 2019, 6.30pm, Civic Hall, Stanley

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**MINUTES of the FINANCE AND GENERAL PURPOSES COMMITTEE MEETING OF STANLEY TOWN COUNCIL** held at Stanley Civic Hall on Wednesday 15th May 2019 at 6.30pm

**PRESENT:** Cllr M Davinson\*      Cllr C Bell      Cllr C Hampson      Cllr G Binney  
Cllr B Nair      Cllr D Marshall      Cllr C Marshall      Cllr J Nicholson  
Cllr J Kane

\*Chairman

**OFFICERS:** Alan Shaw (Town Clerk)  
Nicola James (Senior Administration Officer)  
Alan Tubman (Deputy Town Clerk)  
James Harper (Operations Manager)

**ABSENT:** Cllrs J Clark & J Pallas

**304            APOLOGIES FOR ABSENCE**

Apologies from Cllrs A Clegg, L Christie, H Clark, J McMahon, J Stephenson, L Timbey, D Tully, J Tully, G Wilkinson & J Tully were accepted by Committee.

**305            DECLARATIONS OF INTEREST**

None.

**306            PROCEDURAL AND APPROPRIATE ANNOUNCEMENTS FROM THE CHAIR**

The Town Clerk reminded Members to turn their mobile phones off or switch them to silent. The meeting was being recorded by the Council.

**307            PUBLIC PARTICIPATION**

None.

**308            CONFIRMATION OF MINUTES**

It was proposed by Cllr D Marshall, seconded by Cllr G Binney and **RESOLVED** that Committee **APPROVE** the minutes of the Finance and General Purposes meeting held on 10th April 2019. The Chair signed them as a correct record.

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**309 ACCOUNTS FOR PAYMENT & BANK RECONCILIATION**

It was proposed by Cllr B Nair, seconded by Cllr J Kane and **RESOLVED** that the Committee **APPROVE** the payment of accounts and **NOTE** the Bank Reconciliation for April 2019.

**310 OUT-TURN POSITION**

The Town Clerk outlined the details of the out-turn position for 2018-19. Committee **ACCEPTED** the report and **RECOMMEND** that Full Council approve the accounts at the AGM.

**311 WORKING GROUPS**

The Town Clerk gave the following updates:

- (i) **Policy Working Group** - The risk register will be discussed later in tonight's agenda.
- (ii) **Events Working Group** - Progress has been made on the Miners Sunday and Armed Forces events.
- (iii) **Civic Hall Working Group** - It was noted that the group wishes to split their meetings into 'operations' lead by James Harper and 'structural' lead by Alan Tubman. The Committee thanked Peter Burns for his excellent report on the Cinema.

The Committee **RECOMMENDS** that the Civic Hall working group meet twice a month for 'operations' and 'structural' issues and that additional secretarial support be approved.

**312 ARMED FORCES COVENANT**

The Deputy Town Clerk outlined the detail in his report. It was proposed by Cllr B Nair, seconded by Cllr D Marshall and **RESOLVED** that the Town Clerk bring a draft proposal to Full Council.

**313 INTERNAL AUDIT REPORTS**

All of the audits undertaken in April 2019 by the Internal Auditor were given Full Assurance. Committee **NOTED** the reports and **RESOLVED** that the Town Clerk be tasked with arranging Finance training for Members and give guidance on how Financial reports are prepared.

**314 CONSTITUTION**

The Town Clerk noted the changes made to the Constitution following the Full Council meeting in April.

Cllr C Marshall requested the following be added:

- (i) The leader of the Council be an elected position

- (ii) The leader or in his or her absence, the deputy leader, provide the line management of the Town Clerk
- (iii) The Town Clerk is to consider the view of the leader when performing his or her day to day duties
- (iv) The role of the Deputy Leader to be added as an appendix

Cllr M Davinson noted references to the Civic Hall Manager, a position which is no longer on the staffing establishment, so should be changed.

It was **RESOLVED** that the Town Clerk make the above amendments and circulate the amended Constitution to Members to send comments back via email.

### 315        **RISK REGISTER**

The Town Clerk noted the changes to the Risk Register. It was **RESOLVED** that the amended Risk Register be put forward for approval by Council at the AGM, but the Risk Register be substantially updated thereafter to include the good practice highlighted during the recent training sessions.

### 316        **DATE, TIME AND VENUE OF NEXT MEETING**

Tuesday 11th June 2019, 6.30pm, Stanley Civic Hall.





**Stanley**  
**Town**  
**Council**

## Annual Accounts

### A report to accompany the final accounts for the financial year 2018-19

#### 1. Background

The out-turn figures presented were submitted to the Finance & General Purposes Committee on 15th May 2019. The **RECOMMENDATION** of the Committee upon examination of the report and the associated budget breakdown was that the year end figures should be **ACCEPTED** and the Annual Accounts **AGREED**.

Since the Finance Committee the Internal Auditor has inspected the Annual Accounts and has certified that the Council has in place adequate policies and internal controls in place to ensure that the accounts are properly managed and the annual return presented to Council is accurate.

#### 2. Summary Budget Report

As the figures presented are the year end position, **APPENDIX 1** provides a quick overview of the final out-turn position for the year.

The Appendix shows that the year end position on revenue expenditure was a gross overspend of **£18,975**.

After taking account of expenditure incurred which has been charged to reserves, the actual out-turn figure underspent by **£21,361**.

Taking account of the standing transfers to earmarked reserves of £13,000, this leaves a final surplus on the revenue budget of **£8,361**.

The table at **APPENDIX 2** is the normal report which presents expenditure vs budget with the Cost Centres grouped under four broad headings. As has been the case since this reporting method was adopted, variances are highlighted and explained in the report below in the order they appear in that table. As these are year end figures, there are no amber statuses this month, only green or red.

*Table 1 - Expenditure recharged to earmarked reserves at year end*

Item	Amount	Charged to
<b>SHAID Grant</b>	<b>£9,473</b>	Grant Fund
<b>NEHS Grant</b>	<b>£6,000</b>	Grant Fund
<b>Defibrillator</b>	<b>£1,548</b>	Community Safety

Item	Amount	Charged to
Cinema Equipment	£23,315	Civic Hall
Total	£40,336	

### 3. Administration - Status Green

Overall this budget area was underspent significantly. The reasons for variances were:

- (i) **Stanley Town Council** - Overspends on HR support for the restructure etc have been offset by underspend on vacancy factor whilst the restructure was being implemented
- (ii) **Office Accommodation** - Budget provisions were made in this area based on expectation of Council when setting the budget that we would acquire the former Library - as this has not turned out to be the case, there is underspend in this area.
- (iii) **Administration** - Loyalty bonuses were awarded by Barclays which is why there is income in this area.

Underspend: **£44,717**

### 4. Democracy/ Publicity/ Assets/ External Services - Status Green

There was concern this budget area would be overspent. In the event a small underspend has been achieved. The reasons for variances were:

- (i) **Publicity** - The Stanley Life budget was maintained but the magazine not produced. Next year we have a redesigned Comms budget so this will not occur again.
- (ii) **Democracy** - There have been two by-elections which were un-budgeted in the last financial year which have cost around £15,000.
- (iii) **PACT House** - The buildings insurance was more than was budgeted this year and a valuation report on the building has been commissioned at the request of Committee.
- (iv) **AP Community Room** - has cost less to run than was estimated, however little maintenance has been carried out either.

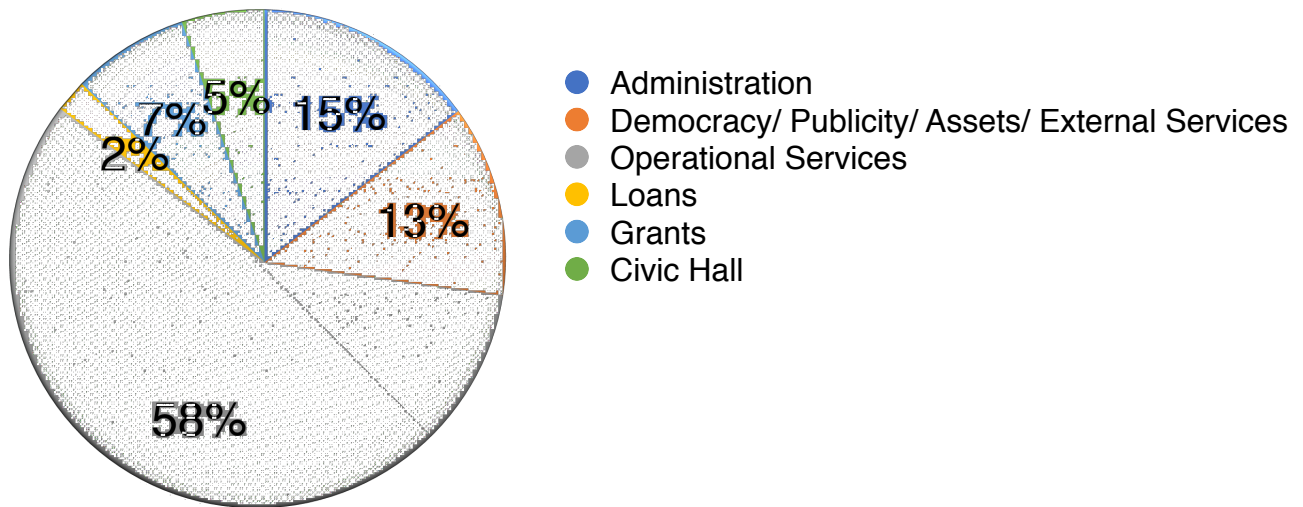
Underspend: **£5,705**

### 5. Operational Services/ Grants - Status Red

The Civic Hall has an overspent budget. Other areas are on target.

- (i) **Warden Service** - There is a small overspend in the wardens budget owing to vehicle spot hire required to cover delay in the availability of the partnership vehicle.
- (ii) **Events** - The budget is overspent due to the costs for the beacon event which were not initially budgeted for. However, these costs have been absorbed in the final budget position by underspend in other areas.
- (iii) **Civic Hall** - The Civic Hall will be overspent for reasons which have been explored in detail elsewhere. However the investment in the cinema which is currently held against this budget area will come from the dedicated reserve at the year end. **Coffee Shop** - The Coffee Shop closed at the end of April therefore un-budgeted costs were incurred.

- (iv) **Civic Hall Bar** - The bar has made a profit, however its income is less than was forecast at the time budgets were set which accounts for the variance.



## 6. Proportion of Spend per budget area

### Conclusions

As I have stated previously, the year end position has been predicted to be a small underspend overall and this is the final position, with a total of **£8,361** being paid into the General Reserve once transfers have been accounted for.

### Recommendation

The Town Clerk **RECOMMENDS** that Council:

- (i) **ACCEPTS** this report; and
- (iii) **APPROVES** the final accounts for the year 2018/19.

### Report Author

Alan Shaw  
Town Clerk  
Stanley Town Council

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01207 299109

**Stanley Town Council Accounts Outturn 2017/18**

Balance on revenue account 31/03/2018	20,610
Less expenditure funded from PWLB loan	-38,059
Adjusted balance- surplus	<u>-17,449</u>

**Requirements for earmarked reserves**

Unspent budgets 2017/18:

Crime prevention	7,000	
Mini Police	4,400	
Road Safety	2,699	
Defibrillators	2,000	
Grants Fund	<u>13,107</u>	
		29,206

Additional contributions:

Grants Fund	25,000	
Parks	8,000	
Elections	<u>5,000</u>	
		<u>38,000</u>

Total requirement	<u>67,206</u>
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Amount from revenue	17,449
Re-allocation from Front St reserve	25,000
Allocation from General Reserves	24,757
	<u>67,206</u>

**Reserves**

	Balance 01/04/2017	Transfers	Additions	Expenditure	Balance 31/03/2018
310-General reserve	178,840	-24,757			154,083
313-Grant fund		36,757	1,350		38,107
314-Community safety			16,099		16,099
315-Front St	25,000	-25,000			0
316-WW1 Cemetery	10,000				10,000
317-War memorial	50,000				50,000
318-Parks	8,000	8,000			16,000
319-Election costs	5,000	5,000			10,000
320-Civic upgrades	94,192			38,059	56,133
Balance	<u>371,032</u>	<u>0</u>	<u>17,449</u>	<u>38,059</u>	<u>350,422</u>

**Stanley Town Council Accounts Outturn 2018/19**

Balance on revenue account 31/03/2019 (deficit)	18,975
Less expenditure funded from PWLB loan	-23,315
Less expenditure funded from EMR	-17,021
Adjusted balance- surplus	<u>-21,361</u>

**Requirements for earmarked reserves**

Additional contributions:

Parks Fund	8,000	
Elections	<u>5,000</u>	<u>13,000</u>
Total requirement		13,000
Net balance on revenue account		<u>-8,361</u>
Allocation to General Reserves (this happens automatically at the opening of 2019/20)		<u>8,361</u>
		<u>0</u>

**Reserves**

	Balance 31/03/2018	Additions	Expenditure	Transfers	Balance 31/03/2019
310-General reserve	154,083				154,083
311-Capital Fund				98,551	98,551
312- St Josephs House		190,000	190,000		0
313-Grant fund	38,107		15,473		22,634
314-Community safety	16,099		1,548	-14,551	0
315-Front St	0				0
316-WW1 Cemetery	10,000			-10,000	0
317-War memorial	50,000			-50,000	0
318-Parks	16,000	8,000		-24,000	0
319-Election costs	10,000	5,000			15,000
320-Civic upgrades	56,133		23,315		32,818
Balance	<u>350,422</u>	<u>203,000</u>	<u>230,336</u>	<u>0</u>	<u>323,086</u>

As at 01/04/19, the General Reserve will also increase by the balance on the Revenue account £8,361, giving a total of £162,714

# Budget Expenditure Analysis April 2019

Item I2 - ATTACHMENT K - Appendix 2

Cost Centre	E/I			Actual YTD	Budget	Variance	Available	% Spent
<b>ADMINISTRATION</b>								
Stanley Town Council	Expenditure			£ 124,302	£ 149,500	£ 25,325	£ 25,325	83.1
Office Accommodation	Expenditure			£ 4,750	£ 21,988	£ 17,238	£ 17,238	21.6
Administration	Income			£ 1,335	£ 0	£ (1,335)		0
	Expenditure			£ 34,176	£ 36,330	£ 2,154	£ 2,154	94.1
			<b>Subtotal</b>	<b>£ 164,563</b>	<b>Budget Remaining</b>		<b>£ 44,717</b>	
<b>DEMOCRACY/ PUBLICITY/ ASSETS/ EXTERNAL SERVICES</b>								
Precept	Income			£ 823,388	£ 823,388	£ 0		100
Publicity	Expenditure			£ 3,559	£ 15,300	£ 11,741	£ 11,741	23.3
Democracy	Expenditure			£ 26,508	£ 8,850	£ (17,658)	£ (17,658)	299.5
Services	Expenditure			£ 103,754	£ 114,290	£ 10,536	£ 10,536	90.8
PACT House	Expenditure			£ 8,562	£ 8,200	£ (362)	£ (362)	104.4
AP Community Room	Income			£ 440	£ 1,500	£ 1,060		29.3
	Expenditure			£ 1,602	£ 2,900	£ 1,298	£ 1,448	55.2
			<b>Subtotal</b>	<b>£ 143,985</b>	<b>Budget Remaining</b>		<b>£ 5,705</b>	
<b>OPERATIONAL SERVICES/ GRANTS</b>								
Warden Service	Expenditure			£ 55,451	£ 54,227	£ (1,224)	£ (1,224)	102.3
Events	Expenditure			£ 87,650	£ 75,100	£ (12,550)	£ (12,550)	116.7
Environmental Services	Expenditure			£ 110,158	£ 116,789	£ 6,631	£ 6,361	94.3
Grants	Expenditure			£ 83,739	£ 85,000	£ 1,261	£ 1,261	98.5
Facilities Management	Expenditure			£ 93,502	£ 108,979	£ 15,477	£ 15,477	85.8
Civic Hall	Income			£ 123,715	£ 101,425	£ (22,290)		122.0
	Expenditure			£ 186,473	£ 116,230	£ (70,243)	£ (70,243)	160.4
			<b>Subtotal</b>	<b>£ 740,688</b>	<b>Budget Remaining</b>		<b>£ (60,918)</b>	
Coffee Shop	Income			£ 2,689	£ 0	£ 2,689		0.0%
	Expenditure			£ 6,606	£ 0	£ (6,606)	£ (3,917)	0.0%
			<b>Subtotal</b>	<b>£ 3,917</b>	<b>Budget Remaining</b>		<b>£ (3,917)</b>	
Civic Hall Bar	Income			£ 37,051	£ 65,000	£ 27,949		57.0
	Expenditure			£ 18,923	£ 29,650	£ 10,727	£ 10,727	63.8
			<b>Subtotal</b>	<b>£ 55,974</b>	<b>Budget Remaining</b>		<b>£ 10,727</b>	
			<b>Subtotal</b>	<b>£ 800,579</b>		<b>Subtotal</b>	<b>£ (54,108)</b>	
<b>LOANS/ CAPITAL SPEND</b>								
Loan Charges	Expenditure			£ 34,564	£ 47,980	£ 13,417	£ 13,417	72.0
Loan Costs	Income			£ (190,000)	£ 0			0
	Expenditure			£ 213,315	£ 190,000			0
			<b>Subtotal</b>	<b>£ 57,879</b>				
<b>TOTALS</b>								
	Grand Totals:- Income			£ 1,179,672	£ 991,313	£ (188,359)		119.0
	Expenditure			£ 1,198,648	£ 991,313	£ (207,335)		120.9
	Net Income over Expenditure			£ (18,976)		£ (18,976)		
	Movement to/(from) Gen Reserve			<b>£ (18,976)</b>				

# Annual Governance and Accountability Return 2018/19 Part 3

## To be completed by Local Councils, Internal Drainage Boards and other Smaller Authorities\*:

- where the higher of gross income or gross expenditure exceeded £25,000 but did not exceed £6.5 million; or
- where the higher of gross income or gross expenditure was £25,000 or less but:
  - are unable to certify themselves as exempt (fee payable); or
  - have requested a limited assurance review (fee payable)

## Guidance notes on completing Part 3 of the Annual Governance and Accountability Return 2018/19

1. Every smaller authority in England that either received gross income or incurred gross expenditure exceeding £25,000 **must** complete Part 3 of the Annual Governance and Accountability Return at the end of each financial year in accordance with Proper Practices.
2. **The Annual Governance and Accountability Return is made up of three parts, pages 3 to 6:**
  - The **annual internal audit report** is completed by the authority's internal auditor.
  - **Sections 1 and 2** are to be completed and approved by the authority.
  - **Section 3** is completed by the external auditor and will be returned to the authority.
3. The authority **must** approve Section 1, Annual Governance Statement, before approving Section 2, Accounting Statements, and both **must** be approved and published **before 1 July 2019**.
4. An authority with either gross income or gross expenditure exceeding £25,000 or an authority with neither income nor expenditure exceeding £25,000, but which is unable to certify itself as exempt, or is requesting a limited assurance review, **must** return to the external auditor by email or post (not both):
  - the Annual Governance and Accountability Return Sections 1 and 2, together with
  - a bank reconciliation as at 31 March 2019
  - an explanation of any significant year on year variances in the accounting statements
  - notification of the commencement date of the period for the exercise of public rights
  - Annual Internal Audit Report 2018/19

Unless requested, do not send any additional documents to your external auditor. Your external auditor will ask for any additional documents needed.

Once the external auditor has completed the review and is able to give an opinion on the limited assurance review, the Annual Governance and Accountability **Section 1, Section 2 and Section 3 – External Auditor Report and Certificate** will be returned to the authority by email or post.

## Publication Requirements

Under the Accounts and Audit Regulations 2015, authorities must publish the following information on a publicly accessible website:

Before 1 July 2019 authorities **must** publish:

- Notice of the period for the exercise of public rights and a declaration that the accounting statements are as yet unaudited;
- **Section 1 - Annual Governance Statement 2018/19**, approved and signed, page 4
- **Section 2 - Accounting Statements 2018/19**, approved and signed, page 5

Not later than 30 September 2019 authorities **must** publish:

- Notice of conclusion of audit
- **Section 3 - External Auditor Report and Certificate**
- **Sections 1 & 2 of AGAR** including any amendments as a result of the limited assurance review.

It is recommended as best practice, to avoid any potential confusion by local electors and interested parties, that you also publish the Annual Internal Audit Report, page 3.

The Annual Governance and Accountability Return constitutes the annual return referred to in the Accounts and Audit Regulations 2015. Throughout, the words 'external auditor' have the same meaning as the words 'local auditor' in the Accounts and Audit Regulations 2015.

*\*for a complete list of bodies that may be smaller authorities refer to schedule 2 to the Local Audit and Accountability Act 2014.*



## Guidance notes on completing Part 3 of the Annual Governance and Accountability Return 2018/19

- The authority **must** comply with *Proper Practices* in completing Sections 1 and 2 of this Annual Governance and Accountability Return. *Proper Practices* are found in the *Practitioners' Guide\** which is updated from time to time and contains everything needed to prepare successfully for the financial year-end and the subsequent work by the external auditor.
- Make sure that the Annual Governance and Accountability Return is complete (i.e. no empty highlighted boxes), and is properly signed and dated. Where amendments are made by the authority to the AGAR after it has been approved by the authority and before it has been reviewed by the external auditor, the Chairman and RFO should initial the amendments and if necessary republish the amended AGAR and recommence the period for the exercise of public rights. If the Annual Governance and Accountability Return contains unapproved or unexplained amendments, it may be returned and additional costs will be incurred.
- The authority **should** receive and note the annual internal audit report if possible prior to approving the annual governance statement and before approving the accounts.
- Use the checklist provided below to review the Annual Governance and Accountability Return for completeness before returning it to the external auditor by email or post (not both).
- Do not send the external auditor any information not specifically requested. However, **you must inform your external auditor about any change of Clerk, Responsible Financial Officer or Chairman, and provide relevant email addresses and telephone numbers.**
- Make sure that the copy of the bank reconciliation to be sent to your external auditor with the Annual Governance and Accountability Return covers all the bank accounts. If the authority holds any short-term investments, note their value on the bank reconciliation. The external auditor must be able to agree the bank reconciliation to Box 8 on the accounting statements (**Section 2, page 5**). An explanation **must** be provided of any difference between Box 7 and Box 8. More help on bank reconciliation is available in the *Practitioners' Guide\**.
- Explain fully significant variances in the accounting statements on **page 5**. Do not just send a copy of the detailed accounting records instead of this explanation. The external auditor wants to know that you understand the reasons for all variances. Include complete numerical and narrative analysis to support the full variance.
- If the external auditor has to review unsolicited information, or receives an incomplete bank reconciliation, or variances are not fully explained, additional costs may be incurred.
- Make sure that the accounting statements add up and that the balance carried forward from the previous year (Box 7 of 2018) equals the balance brought forward in the current year (Box 1 of 2019).
- The Responsible Financial Officer (RFO), on behalf of the authority, **must** set the period for the exercise of public rights. From the commencement date for a single period of 30 consecutive working days, the approved accounts and accounting records can be inspected. Whatever period the RFO sets it **must** include a common inspection period – during which the accounts and accounting records of all smaller authorities must be available for public inspection – of the first ten working days of July.
- The authority **must** publish the information required by Regulation 15 (2), Accounts and Audit Regulations 2015, including the period for the exercise of public rights and the name and address of the external auditor **before 1 July 2019**.

Completion checklist – 'No' answers mean you may not have met requirements		Yes	No
All sections	Have all highlighted boxes have been completed?		
	Has all additional information requested, including <b>the dates set for the period for the exercise of public rights</b> , been provided for the external auditor?		
Internal Audit Report	Have all highlighted boxes been completed by the internal auditor and explanations provided?		
Section 1	For any statement to which the response is 'no', is an explanation provided?		
Section 2	Has the authority's approval of the accounting statements been confirmed by the signature of the Chairman of the approval meeting?		
	Has an explanation of significant variations from last year to this year been provided?		
	Has the bank reconciliation as at <b>31 March 2019</b> been reconciled to Box 8?		
	Has an explanation of any difference between Box 7 and Box 8 been provided?		
Sections 1 and 2	Trust funds – have all disclosures been made if the authority as a body corporate is a sole managing trustee? <b>NB:</b> do not send trust accounting statements unless requested.		

*\*Governance and Accountability for Smaller Authorities in England – a Practitioners' Guide to Proper Practices*, can be downloaded from [www.nalc.gov.uk](http://www.nalc.gov.uk) or from [www.ada.org.uk](http://www.ada.org.uk)



# Annual Internal Audit Report 2018/19

STANLEY TOWN COUNCIL

ENTER NAME OF AUTHORITY

This authority's internal auditor, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls to be in operation **during** the financial year ended 31 March 2019.

The internal audit for 2018/19 has been carried out in accordance with this authority's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of this authority.

Internal control objective	Agreed? Please choose one of the following		
	Yes	No*	Not covered**
A. Appropriate accounting records have been properly kept throughout the financial year.			
B. This authority complied with its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for.			
C. This authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these.			
D. The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate.			
E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for.			
F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for.			
G. Salaries to employees and allowances to members were paid in accordance with this authority's approvals, and PAYE and NI requirements were properly applied.			
H. Asset and investments registers were complete and accurate and properly maintained.			
I. Periodic and year-end bank account reconciliations were properly carried out.			
J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded.			
K. IF the authority certified itself as exempt from a limited assurance review in 2017/18, it met the exemption criteria and correctly declared itself exempt. ( <i>"Not Covered" should only be ticked where the authority had a limited assurance review of its 2017/18 AGAR</i> )			
L. During summer 2018 this authority has correctly provided the proper opportunity for the exercise of public rights in accordance with the requirements of the Accounts and Audit Regulations.			Not applicable ✓
M. (For local councils only) Trust funds (including charitable) – The council met its responsibilities as a trustee.	Yes	No	Not applicable ✓

For any other risk areas identified by this authority adequate controls existed (list any other risk areas on separate sheets if needed).

Date(s) internal audit undertaken

D 8/10/18 Y

D 6/2/19 Y

D 2/4/19 Y

Name of person who carried out the internal audit

Gordon Fletcher OF INTERNAL AUDITOR

Signature of person who carried out the internal audit

SIGNATURE REQUIRED

Date

DD/MM/YY

\*If the response is 'no' you must include a note to state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

\*\*Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned, or, if coverage is not required, the annual internal audit report must explain why not (add separate sheets if needed).

## Section 1 – Annual Governance Statement 2018/19

We acknowledge as the members of:

STANLEY TOWN COUNCIL

ENTER NAME OF AUTHORITY

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2019, that:

	Agreed		
	Yes	No*	
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✓		<i>prepared its accounting statements in accordance with the Accounts and Audit Regulations.</i>
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		<i>made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.</i>
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.	✓		<i>has only done what it has the legal power to do and has complied with Proper Practices in doing so.</i>
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓		<i>during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.</i>
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		<i>considered and documented the financial and other risks it faces and dealt with them properly.</i>
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✓		<i>arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.</i>
7. We took appropriate action on all matters raised in reports from internal and external audit.	✓		<i>responded to matters brought to its attention by internal and external audit.</i>
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.	✓		<i>disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.</i>
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	N/A
			✓

\*Please provide explanations to the external auditor on a separate sheet for each 'No' response and describe how the authority will address the weaknesses identified. These sheets should be published with the Annual Governance Statement.

This Annual Governance Statement was approved at a meeting of the authority on:

DD/MM/YY

and recorded as minute reference:

MINUTE REFERENCE

Signed by the Chairman and Clerk of the meeting where approval was given:

Chairman

SIGNATURE REQUIRED

Clerk

SIGNATURE REQUIRED

### Other information required by the Transparency Codes (not part of Annual Governance Statement)

Authority web address

www.stanley-tc.gov.uk

AUTHORITY WEBSITE ADDRESS

## Section 2 – Accounting Statements 2018/19 for

STANLEY TOWN COUNCIL

ENTER NAME OF AUTHORITY

	Year ending		Notes and guidance
	31 March 2018 £	31 March 2019 £	
<b>1.</b> Balances brought forward	371,032	350,422	<i>Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.</i>
<b>2.</b> (+) Precept or Rates and Levies	674,837	706,256	<i>Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.</i>
<b>3.</b> (+) Total other receipts	399,574	473,416	<i>Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.</i>
<b>4.</b> (-) Staff costs	354,545	340,651	<i>Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and employment expenses.</i>
<b>5.</b> (-) Loan interest/capital repayments	23,534	34,564	<i>Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).</i>
<b>6.</b> (-) All other payments	716,942	823,432	<i>Total expenditure or payments as recorded in the cash-book less staff costs (line 4) and loan interest/capital repayments (line 5).</i>
<b>7.</b> (=) Balances carried forward	350,422	331,447	<i>Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).</i>
<b>8.</b> Total value of cash and short term investments	351,602	371,991	<i>The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – <b>To agree with bank reconciliation.</b></i>
<b>9.</b> Total fixed assets plus long term investments and assets	168,156	409,611	<i>The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.</i>
<b>10.</b> Total borrowings	140,000	300,500	<i>The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).</i>
<b>11.</b> (For Local Councils Only) Disclosure note re Trust funds (including charitable)	Yes	No	<i>The Council, as a body corporate, acts as sole trustee for and is responsible for managing Trust funds or assets.</i>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>N.B. The figures in the accounting statements above do not include any Trust transactions.</i>

I certify that for the year ended 31 March 2019 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

Signed by Responsible Financial Officer before being presented to the authority for approval

SIGNATURE REQUIRED

Date

DD/MM/YY

I confirm that these Accounting Statements were approved by this authority on this date:

28th May 2019

as recorded in minute reference:

12

MINUTE REFERENCE

Signed by Chairman of the meeting where the Accounting Statements were approved

SIGNATURE REQUIRED

## Section 3 – External Auditor Report and Certificate 2018/19

In respect of **STANLEY TOWN COUNCIL** ENTER NAME OF AUTHORITY

### 1 Respective responsibilities of the body and the auditor

This authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The authority prepares an Annual Governance and Accountability Return in accordance with *Proper Practices* which:

- summarises the accounting records for the year ended 31 March 2019; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

Our responsibility is to review Sections 1 and 2 of the Annual Governance and Accountability Return in accordance with guidance issued by the National Audit Office (NAO) on behalf of the Comptroller and Auditor General (see note below). Our work **does not** constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and **does not** provide the same level of assurance that such an audit would do.

### 2 External auditor report 2018/19

(Except for the matters reported below)\* on the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return, in our opinion the information in Sections 1 and 2 of the Annual Governance and Accountability Return is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met. (\*delete as appropriate).

(continue on a separate sheet if required)

Other matters not affecting our opinion which we draw to the attention of the authority:

(continue on a separate sheet if required)

### 3 External auditor certificate 2018/19

We certify/do not certify\* that we have completed our review of Sections 1 and 2 of the Annual Governance and Accountability Return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2019.

\*We do not certify completion because:

External Auditor Name

**ENTER NAME OF EXTERNAL AUDITOR**

External Auditor Signature

**SIGNATURE REQUIRED**

Date

**DD/MM/YY**

\*Note: the NAO issued guidance applicable to external auditors' work on limited assurance reviews in Auditor Guidance Note AGN/02. The AGN is available from the NAO website ([www.nao.org.uk](http://www.nao.org.uk))

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## Stanley Town Council 2019-20

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## Annual Budget - By Centre

## Note: 2018-19 Final Budget Position

	<u>Last Year</u>		<u>Current Year</u>				<u>Next Year</u>		
	Budget	Actual	Total	Actual YTD	Projected	Committed	Agreed	EMR	Carried Forward
<b><u>101</u></b>	<b><u>Stanley Town Council</u></b>								
4000	Direct Salaries	143,550	116,255	157,292	5,360	0	0	0	0
4008	Training	2,000	675	1,915	0	0	0	0	0
4009	Clothing Costs	300	237	300	0	0	0	0	0
4010	Payroll SLA	1,500	1,962	2,100	0	0	0	0	0
4012	Recruitment	1,000	565	600	0	0	0	0	0
4013	HR Advice & Support	1,000	4,608	1,000	0	0	0	0	0
4014	Courses and Seminars	150	0	150	0	0	0	0	0
	<b>Overhead Expenditure</b>	149,500	124,302	163,357	5,360	0	0	0	0
	<b>Movement to/(from) Gen Reserve</b>	(149,500)	(124,302)	(163,357)	(5,360)	0	0		
<b><u>105</u></b>	<b><u>Office Accommodation</u></b>								
4054	Insurance	8,000	0	0	0	0	0	0	0
4061	Accommodation Rent	13,738	4,750	3,500	-250	0	0	0	0
4065	Repairs & Maintenance	250	0	0	0	0	0	0	0
	<b>Overhead Expenditure</b>	21,988	4,750	3,500	-250	0	0	0	0
	<b>Movement to/(from) Gen Reserve</b>	(21,988)	(4,750)	(3,500)	250	0	0		
<b><u>110</u></b>	<b><u>Administration</u></b>								
1050	Interest	0	1,335	0	0	0	0	0	0
	<b>Total Income</b>	0	1,335	0	0	0	0	0	0
4054	Insurance	4,000	3,963	3,500	0	0	0	0	0

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**Stanley Town Council 2019-20**  
**Annual Budget - By Centre**  
**Note: 2018-19 Final Budget Position**

	<u>Last Year</u>		<u>Current Year</u>				<u>Next Year</u>		
	Budget	Actual	Total	Actual YTD	Projected	Committed	Agreed	EMR	Carried Forward
4073 Health and Safety	0	279	450	0	0	0	0	0	0
4077 Licences	0	509	500	0	0	0	0	0	0
4100 Telephones	300	300	0	0	0	0	0	0	0
4101 Mobile Phones	500	210	200	-17	0	0	0	0	0
4102 Stationery	750	693	700	0	0	0	0	0	0
4103 Publications	100	29	100	0	0	0	0	0	0
4104 Postage	700	247	250	0	0	0	0	0	0
4105 Photocopying	600	784	600	-208	0	0	0	0	0
4106 Subscriptions	4,400	5,055	4,500	25	0	0	0	0	0
4110 Audit External	2,100	2,000	2,000	-2,000	0	0	0	0	0
4111 Audit Internal	1,500	1,800	1,500	-520	0	0	0	0	0
4112 Professional Fees	10,000	11,829	7,500	0	0	0	0	0	0
4114 Refreshments	200	0	100	0	0	0	0	0	0
4120 IT - Antivirus	80	0	90	0	0	0	0	0	0
4121 IT - Website Support	100	0	393	75	0	0	0	0	0
4122 IT - Email Maintenance	2,200	3,199	2,000	0	0	0	0	0	0
4123 IT - Support & Maintenance	4,000	990	2,000	0	0	0	0	0	0
4124 IT - Equipment	2,000	287	1,800	0	0	0	0	0	0
4125 IT - Software	800	1,189	800	40	0	0	0	0	0
4999 Bank Charges	2,000	813	1,000	77	0	0	0	0	0
<b>Overhead Expenditure</b>	36,330	34,176	29,983	-2,529	0	0	0	0	0
<b>Movement to/(from) Gen Reserve</b>	(36,330)	(32,842)	(29,983)	2,529	0		0		
<b>111 Precept</b>									

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## Stanley Town Council 2019-20

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## Annual Budget - By Centre

## Note: 2018-19 Final Budget Position

	<u>Last Year</u>		<u>Current Year</u>				<u>Next Year</u>		
	Budget	Actual	Total	Actual YTD	Projected	Committed	Agreed	EMR	Carried Forward
1176 Precept	706,256	706,256	738,230	369,115	0	0	0	0	0
1177 LCTRS Grant	117,132	117,132	106,660	53,330	0	0	0	0	0
<b>Total Income</b>	823,388	823,388	844,890	422,445	0	0	0	0	0
<b>Movement to/(from) Gen Reserve</b>	823,388	823,388	844,890	422,445	0		0		
<b>115</b>									
<b>Publicity</b>									
4075 Advertising	5,000	3,559	0	0	0	0	0	0	0
4200 Stanley Life	10,000	0	0	0	0	0	0	0	0
4201 Annual Report	300	0	0	0	0	0	0	0	0
4205 Community Engagement	0	0	20,000	300	0	0	0	0	0
<b>Overhead Expenditure</b>	15,300	3,559	20,000	300	0	0	0	0	0
<b>Movement to/(from) Gen Reserve</b>	(15,300)	(3,559)	(20,000)	(300)	0				
<b>200</b>									
<b>Democracy</b>									
4020 DBS Checks	500	0	0	0	0	0	0	0	0
4102 Stationery	100	0	100	0	0	0	0	0	0
4114 Refreshments	100	49	100	0	0	0	0	0	0
4800 Member Training	2,000	0	1,500	0	0	0	0	0	0
4801 Annual Parish Meeting	150	35	150	0	0	0	0	0	0
4802 Other Meetings	1,000	0	1,000	0	0	0	0	0	0
4803 Chairmans Fund	2,000	2,138	2,000	20	0	0	0	0	0
4805 Chairmans Awards	3,000	1,968	2,500	0	0	0	0	0	0
4806 Discretionary Room Hire	0	9,738	8,000	0	0	0	0	0	0
4808 Election Costs	0	12,579	0	0	0	0	0	0	0

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## Stanley Town Council 2019-20

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## Annual Budget - By Centre

## Note: 2018-19 Final Budget Position

	<u>Last Year</u>		<u>Current Year</u>				<u>Next Year</u>		
	Budget	Actual	Total	Actual YTD	Projected	Committed	Agreed	EMR	Carried Forward
<b>Overhead Expenditure</b>	8,850	26,508	15,350	20	0	0	0	0	0
<b>Movement to/(from) Gen Reserve</b>	<u>(8,850)</u>	<u>(26,508)</u>	<u>(15,350)</u>	<u>(20)</u>	<u>0</u>		<u>0</u>		
<b>300 Services</b>									
4300 Environmental Services	19,129	4,106	0	0	0	0	0	0	0
4305 Front Street Regeneration	4,661	0	0	0	0	0	0	0	0
4312 Police Cars - Contribution	10,500	10,500	10,500	0	0	0	0	0	0
4321 Detached Youth Project	30,000	30,000	30,000	0	0	0	0	0	0
4323 Defibrillators	0	1,648	0	0	0	0	0	0	0
4324 Money Advice Service	50,000	57,500	50,000	-28,750	0	0	0	0	0
<b>Overhead Expenditure</b>	114,290	103,754	90,500	-28,750	0	0	0	0	0
<b>Movement to/(from) Gen Reserve</b>	<u>(114,290)</u>	<u>(103,754)</u>	<u>(90,500)</u>	<u>28,750</u>	<u>0</u>		<u>0</u>		
<b>305 PACT House</b>									
4049 Rent	8,000	8,000	8,000	4,000	0	0	0	0	0
4054 Insurance	200	312	200	0	0	0	0	0	0
4112 Professional Fees	0	250	0	0	0	0	0	0	0
<b>Overhead Expenditure</b>	8,200	8,562	8,200	4,000	0	0	0	0	0
<b>Movement to/(from) Gen Reserve</b>	<u>(8,200)</u>	<u>(8,562)</u>	<u>(8,200)</u>	<u>(4,000)</u>	<u>0</u>		<u>0</u>		
<b>307 AP Community Room</b>									
1060 Rent Income	1,500	440	500	40	0	0	0	0	0
<b>Total Income</b>	1,500	440	500	40	0	0	0	0	0

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**Stanley Town Council 2019-20**  
**Annual Budget - By Centre**  
**Note: 2018-19 Final Budget Position**

	<u>Last Year</u>		<u>Current Year</u>				<u>Next Year</u>		
	Budget	Actual	Total	Actual YTD	Projected	Committed	Agreed	EMR	Carried Forward
4050 Rates	400	360	500	50	0	0	0	0	0
4051 Water Rates	300	0	0	0	0	0	0	0	0
4052 Electricity	300	429	500	0	0	0	0	0	0
4053 Gas	550	737	650	43	0	0	0	0	0
4054 Insurance	350	0	0	0	0	0	0	0	0
4065 Repairs & Maintenance	500	77	200	0	0	0	0	0	0
4112 Professional Fees	500	0	0	0	0	0	0	0	0
<b>Overhead Expenditure</b>	2,900	1,602	1,850	94	0	0	0	0	0
<b>Movement to/(from) Gen Reserve</b>	<u>(1,400)</u>	<u>(1,162)</u>	<u>(1,350)</u>	<u>(54)</u>	<u>0</u>		<u>0</u>		
<b>310 Warden Service</b>									
4116 STC Warden Service	54,227	55,451	54,288	-16,774	0	0	0	0	0
<b>Overhead Expenditure</b>	54,227	55,451	54,288	-16,774	0	0	0	0	0
<b>Movement to/(from) Gen Reserve</b>	<u>(54,227)</u>	<u>(55,451)</u>	<u>(54,288)</u>	<u>16,774</u>	<u>0</u>		<u>0</u>		
<b>320 Events</b>									
4401 Firework Festival	10,000	10,000	10,000	0	0	0	0	0	0
4410 Remembrance Services	500	388	2,000	0	0	0	0	0	0
4420 Blue Plaque Scheme	1,200	0	500	0	0	0	0	0	0
4421 Events (External)	40,000	38,774	45,000	125	0	0	0	0	0
4423 Heritage Projects	5,000	9,777	5,000	-750	0	0	0	0	0
4424 West Stanley Memorial	400	101	400	0	0	0	0	0	0
4426 Miners Sunday	0	0	10,000	0	0	0	0	0	0
4439 Christmas Decorations	18,000	28,610	17,854	0	0	0	0	0	0

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## Stanley Town Council 2019-20

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## Annual Budget - By Centre

## Note: 2018-19 Final Budget Position

	<u>Last Year</u>		<u>Current Year</u>				<u>Next Year</u>		
	Budget	Actual	Total	Actual YTD	Projected	Committed	Agreed	EMR	Carried Forward
<b>Overhead Expenditure</b>	75,100	87,650	90,754	-625	0	0	0	0	0
<b>Movement to/(from) Gen Reserve</b>	<u>(75,100)</u>	<u>(87,650)</u>	<u>(90,754)</u>	<u>625</u>	<u>0</u>		<u>0</u>		
<b>350 Environmental Services</b>									
1041 Other income	0	1,054	0	0	0	0	0	0	0
<b>Total Income</b>	<u>0</u>	<u>1,054</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
4000 Direct Salaries	91,889	88,452	93,538	4,534	0	0	0	0	0
4009 Clothing Costs	2,000	1,436	600	0	0	0	0	0	0
4058 Trade Waste	2,700	491	1,500	0	0	0	0	0	0
4065 Repairs & Maintenance	2,000	1,592	2,000	0	0	0	0	0	0
4066 Tools & Equipment	5,000	5,003	3,500	-8	0	0	0	0	0
4130 Vehicle Leasing	0	5,463	3,200	0	0	0	0	0	0
4131 Vehicle Fuel	6,000	2,571	2,500	0	0	0	0	0	0
4132 Winter Maintenance	2,200	1,804	2,200	0	0	0	0	0	0
4133 Environmental Campaigns	5,000	4,402	3,000	-2,200	0	0	0	0	0
4134 Stanley in Bloom	0	0	6,500	-2,720	0	0	0	0	0
<b>Overhead Expenditure</b>	<u>116,789</u>	<u>111,212</u>	<u>118,538</u>	<u>-394</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Movement to/(from) Gen Reserve</b>	<u>(116,789)</u>	<u>(110,158)</u>	<u>(118,538)</u>	<u>394</u>	<u>0</u>		<u>0</u>		
<b>400 Grants</b>									
4500 Members Initiative Fund	70,000	68,266	0	0	0	0	0	0	0
4502 Strategic Grants	0	15,473	35,000	0	0	0	0	0	0
4504 Youth Providers	15,000	0	0	0	0	0	0	0	0

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## Stanley Town Council 2019-20

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## Annual Budget - By Centre

## Note: 2018-19 Final Budget Position

	<u>Last Year</u>		<u>Current Year</u>				<u>Next Year</u>		
	Budget	Actual	Total	Actual YTD	Projected	Committed	Agreed	EMR	Carried Forward
4505 Stanley Fund	0	0	50,000	0	0	0	0	0	0
<b>Overhead Expenditure</b>	85,000	83,739	85,000	0	0	0	0	0	0
<b>Movement to/(from) Gen Reserve</b>	<u>(85,000)</u>	<u>(83,739)</u>	<u>(85,000)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>		
<b><u>450 Facilities Management</u></b>									
4000 Direct Salaries	108,979	93,502	114,450	5,946	0	0	0	0	0
<b>Overhead Expenditure</b>	108,979	93,502	114,450	5,946	0	0	0	0	0
<b>Movement to/(from) Gen Reserve</b>	<u>(108,979)</u>	<u>(93,502)</u>	<u>(114,450)</u>	<u>(5,946)</u>	<u>0</u>		<u>0</u>		
<b><u>500 Civic Hall</u></b>									
1000 Ticket Sales Retained	25,000	0	2,500	0	0	0	0	0	0
1002 Ticket sales ret'd- Ext shows	0	3,180	0	115	0	0	0	0	0
1005 Ticket Sales Non Retained	0	50,396	0	546	0	0	0	0	0
1010 Hall Hire	70,000	48,817	50,000	3,213	0	0	0	0	0
1012 Civic Players etc-Fees, Subs,	0	8,848	0	0	0	0	0	0	0
1013 DCC Recharges	1,760	2,394	1,760	0	0	0	0	0	0
1026 Table packages etc	500	2,986	4,000	300	0	0	0	0	0
1028 Resale Items	500	0	500	0	0	0	0	0	0
1029 Recharged buffet, disco etc	2,500	3,094	3,000	625	0	0	0	0	0
1031 PRS income	150	980	50	24	0	0	0	0	0
1032 Recharged technical	1,000	12	1,000	183	0	0	0	0	0
1061 Rent Income - Town Council	0	3,000	3,500	0	0	0	0	0	0
1091 Art Work Sales	15	9	0	0	0	0	0	0	0

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## Stanley Town Council 2019-20

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## Annual Budget - By Centre

## Note: 2018-19 Final Budget Position

	<u>Last Year</u>		<u>Current Year</u>				<u>Next Year</u>		
	Budget	Actual	Total	Actual YTD	Projected	Committed	Agreed	EMR	Carried Forward
<b>Total Income</b>	101,425	123,715	66,310	5,007	0	0	0	0	0
4005 Casual Staff	20,000	33,913	20,000	815	0	0	0	0	0
4008 Training	2,500	560	1,500	0	0	0	0	0	0
4009 Clothing Costs	1,200	364	800	0	0	0	0	0	0
4011 Travel & Subsistence	400	0	0	0	0	0	0	0	0
4012 Recruitment	650	0	500	0	0	0	0	0	0
4050 Rates	8,100	8,256	8,150	840	0	0	0	0	0
4051 Water Rates	3,000	2,356	1,800	-500	0	0	0	0	0
4052 Electricity	13,000	11,798	12,000	0	0	0	0	0	0
4053 Gas	2,000	2,594	2,000	0	0	0	0	0	0
4055 Cleaning	3,500	2,761	2,700	-405	0	0	0	0	0
4056 Alarm Maintenance	2,000	1,734	2,000	1,327	0	0	0	0	0
4057 Window Cleaning	250	150	150	0	0	0	0	0	0
4058 Trade Waste	1,500	1,186	1,300	1,221	0	0	0	0	0
4059 Laundry	1,200	203	800	0	0	0	0	0	0
4065 Repairs & Maintenance	2,500	4,243	2,500	0	0	0	0	0	0
4066 Tools & Equipment	3,000	2,238	1,000	0	0	0	0	0	0
4067 Furniture & Fittings	1,000	0	1,000	0	0	0	0	0	0
4068 Structure	800	0	800	0	0	0	0	0	0
4069 Pest Control	300	272	300	275	0	0	0	0	0
4070 Crockery,Cutlery etc	500	0	250	0	0	0	0	0	0
4071 Health & Safety - Fire	250	164	300	0	0	0	0	0	0
4072 Health & Safety First Aid	200	0	50	0	0	0	0	0	0
4073 Health and Safety	2,600	19	1,500	0	0	0	0	0	0

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## Stanley Town Council 2019-20

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## Annual Budget - By Centre

## Note: 2018-19 Final Budget Position

	<u>Last Year</u>		<u>Current Year</u>				<u>Next Year</u>		
	Budget	Actual	Total	Actual YTD	Projected	Committed	Agreed	EMR	Carried Forward
4076 Marketing & Promotion	15,000	2,992	0	0	0	0	0	0	0
4077 Licences	2,000	6,308	3,000	-971	0	0	0	0	0
4079 Security	500	0	500	0	0	0	0	0	0
4100 Telephones	3,200	3,499	3,200	0	0	0	0	0	0
4101 Mobile Phones	1,000	148	0	-8	0	0	0	0	0
4102 Stationery	1,500	817	1,000	-5	0	0	0	0	0
4104 Postage	1,500	229	1,000	-3	0	0	0	0	0
4105 Photocopying	1,200	570	1,000	-6	0	0	0	0	0
4114 Refreshments	0	26	0	0	0	0	0	0	0
4120 IT - Antivirus	180	0	100	0	0	0	0	0	0
4121 IT - Website Support	200	0	500	0	0	0	0	0	0
4123 IT - Support & Maintenance	3,000	917	1,500	0	0	0	0	0	0
4125 IT - Software	500	284	600	0	0	0	0	0	0
4425 Technical Support	2,500	1,703	3,500	0	0	0	0	0	0
4650 Events - Civic Hall	0	25,179	0	225	0	0	0	0	0
4652 Civic Hall Performers	10,000	12,641	0	0	0	0	0	0	0
4654 Purchases for weddings/parties	0	616	500	85	0	0	0	0	0
4700 Ticket Sales Paid Over	0	50,396	0	461	0	0	0	0	0
4750 Resale Items	500	0	250	0	0	0	0	0	0
4751 Technical supp-rechargeable	1,000	362	1,000	0	0	0	0	0	0
4752 Purchases weddings etc- rech	0	4,443	3,000	665	0	0	0	0	0
4998 Transaction Fees	2,000	2,531	1,000	-26	0	0	0	0	0
<b>Overhead Expenditure</b>	116,230	186,473	83,050	3,990	0	0	0	0	0
<b>Movement to/(from) Gen Reserve</b>	(14,805)	(62,758)	(16,740)	1,017	0	0	0	0	0

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## Stanley Town Council 2019-20

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## Annual Budget - By Centre

## Note: 2018-19 Final Budget Position

	<u>Last Year</u>		<u>Current Year</u>				<u>Next Year</u>		
	Budget	Actual	Total	Actual YTD	Projected	Committed	Agreed	EMR	Carried Forward
<b><u>505</u></b>	<b><u>Coffee Shop</u></b>								
1200	Hot Drinks	0	60	0	0	0	0	0	0
1220	Coffee Shop	0	2,629	0	0	0	0	0	0
	<b>Total Income</b>	0	2,689	0	0	0	0	0	0
4000	Direct Salaries	0	5,251	0	0	0	0	0	0
4560	Coffee Shop-Food	0	1,255	0	0	0	0	0	0
4602	Bar - Stocktaking Costs	0	100	0	0	0	0	0	0
	<b>Overhead Expenditure</b>	0	6,606	0	0	0	0	0	0
	<b>Movement to/(from) Gen Reserve</b>	0	(3,917)	0	0	0	0		
<b><u>510</u></b>	<b><u>Civic Hall Bar</u></b>								
1020	Bar Takings	65,000	35,777	45,000	4,386	0	0	0	0
1210	Food sales	0	1,274	1,000	389	0	0	0	0
	<b>Total Income</b>	65,000	37,051	46,000	4,775	0	0	0	0
4009	Clothing Costs	200	6	0	0	0	0	0	0
4066	Tools & Equipment	250	0	0	0	0	0	0	0
4070	Crockery, Cutlery etc	500	0	0	0	0	0	0	0
4560	Coffee Shop-Food	0	734	750	238	0	0	0	0
4600	Bar Stock	27,000	16,653	28,500	6,036	0	0	0	0
4601	Bar Supplies - Sundry Items	400	219	400	55	0	0	0	0
4602	Bar - Stocktaking Costs	900	900	950	0	0	0	0	0
4603	Bar - gas	400	411	300	0	0	0	0	0

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## Stanley Town Council 2019-20

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## Annual Budget - By Centre

## Note: 2018-19 Final Budget Position

	<u>Last Year</u>		<u>Current Year</u>				<u>Next Year</u>		
	Budget	Actual	Total	Actual YTD	Projected	Committed	Agreed	EMR	Carried Forward
<b>Overhead Expenditure</b>	29,650	18,923	30,900	6,329	0	0	0	0	0
<b>Movement to/(from) Gen Reserve</b>	35,350	18,128	15,100	(1,554)	0		0		
<b>520</b>									
<b>Loan Charges</b>									
4996 PWLB Loan - Principal	40,000	29,500	40,000	9,500	0	0	0	0	0
4997 PWLB Loan - Interest	7,980	5,064	7,980	1,886	0	0	0	0	0
<b>Overhead Expenditure</b>	47,980	34,564	47,980	11,386	0	0	0	0	0
<b>Movement to/(from) Gen Reserve</b>	(47,980)	(34,564)	(47,980)	(11,386)	0		0		
<b>800</b>									
<b>Loan Costs</b>									
1100 Loan	0	190,000	0	0	0	0	0	0	0
<b>Total Income</b>	0	190,000	0	0	0	0	0	0	0
4160 Civic Hall - Equipment	0	23,315	0	0	0	0	0	0	0
4162 St Josephs House	0	190,000	0	0	0	0	0	0	0
<b>Overhead Expenditure</b>	0	213,315	0	0	0	0	0	0	0
<b>Movement to/(from) Gen Reserve</b>	0	(23,315)	0	0	0		0		
<b>Total Budget Income</b>	991,313	1,179,672	957,700	432,267	0	0	0	0	0
<b>Expenditure</b>	991,313	1,198,648	957,700	-11,898	0	0	0	0	0
<b>Movement to/(from) Gen Reserve</b>	0	(18,975)	0	444,165	0		0		

ASSET REGISTER 2018/19							
Asset	Acquired	Location	Cost b/f 01/04/18	Additions 2018/19	Disposals 2018/19	Cost c/f 01/04/19	Supplier
LED Christmas Tree	4/1/12	Morrison Busty Dept	10,184.40			10,184.40	DCC
Tree & lights		Morrison Busty Dept		5,500.00		5,500.00	Acorn
Tree & lights		Morrison Busty Dept		16,142.00		16,142.00	Lite
Commando Boxes	10/1/13	Lamp posts throughout area	14,700.00			14,700.00	
Telephone System	5/1/14	Civic Hall, Front Street, Stanley DH9 0NA	3,808.83			3,808.83	
Sound Equipment	8/1/14	Civic Hall, Front Street, Stanley DH9 0NA	1,503.33			1,503.33	
Photocopier x 2	1/15/15	Civic Hall, Front Street, Stanley DH9 0NA	2,517.99			2,517.99	
Tables and chairs	4/4/14	Civic Hall, Front Street, Stanley DH9 0NA	6,688.82			6,688.82	
Carpet	5/5/14	Civic Hall, Front Street, Stanley DH9 0NA	1,875.00			1,875.00	
Doors and Canopy	6/1/14	Civic Hall, Front Street, Stanley DH9 0NA	14,830.00			14,830.00	
Trusses	5/1/14	Civic Hall, Front Street, Stanley DH9 0NA	8,437.50			8,437.50	
Salt Spreader	10/1/14	DCC Depot, Morrison Busty	1,700.00		-1,700.00	0.00	Donated to voluntary group
CCTV Cameras	6/17/15	Civic Hall, Front Street, Stanley DH9 0NA	1,079.00			1,079.00	ADT
20xiPad Air with covers	8/13/15	Civic Hall, Front Street, Stanley DH9 0NA	6,156.20			6,156.20	BT Business
MacBook Pros and PC	10/2/15	Civic Hall, Front Street, Stanley DH9 0NA	3,102.19			3,102.19	BT Business
Server & Battery Back-up	10/16/15	Civic Hall, Front Street, Stanley DH9 0NA	1,760.43			1,760.43	ITC
Ticket printer	7/31/15	Civic Hall, Front Street, Stanley DH9 0NA	5,200.00			5,200.00	HOGUE 100
Seating	8/13/15	Civic Hall, Front Street, Stanley DH9 0NA	32,877.66			32,877.66	Audience Systems
Fridge	9/30/15	Civic Hall, Front Street, Stanley DH9 0NA	799.99			799.99	Nisbets
Slush Machine	9/30/15	Civic Hall, Front Street, Stanley DH9 0NA	1,012.20			1,012.20	Nisbets
Coffee Machine	9/30/15	Civic Hall, Front Street, Stanley DH9 0NA	1,670.59			1,670.59	Nisbets
Folding Tower	11/2/15	Civic Hall, Front Street, Stanley DH9 0NA	1,204.17			1,204.17	Towers
CCTV cameras	7/7/15	Civic Hall, Front Street, Stanley DH9 0NA	1,170.00			1,170.00	Solar
Theatre curtains	9/7/16	Civic Hall, Front Street, Stanley DH9 0NA	2,809.11			2,809.11	Custom Group Ltd
Acoustic doors	4/7/16	Civic Hall, Front Street, Stanley DH9 0NA	4,580.00			4,580.00	Henderson
Silverlink range	2/8/17	Civic Hall, Front Street, Stanley DH9 0NA	1,183.78			1,183.78	Nisbets
Theatre lights	11/10/17	Civic Hall, Front Street, Stanley DH9 0NA	4,297.69			4,297.69	Guangzhou
Civic Hall sign	7/1/17	Civic Hall, Front Street, Stanley DH9 0NA	2,730.00			2,730.00	Funky Frog
Fly Tower	9/18/17	Civic Hall, Front Street, Stanley DH9 0NA	27,662.45			27,662.45	Custom/DJCamp
PA system	11/22/17	Civic Hall, Front Street, Stanley DH9 0NA	1,281.89			1,281.89	PAS/Solar
Macbook	11/15/17	Civic Hall, Front Street, Stanley DH9 0NA	1,332.50			1,332.50	John Lewis
Cinema equipment	2/12/19	Civic Hall, Front Street, Stanley DH9 0NA	0.00	23,551.00		23,551.00	Promotime
Defibrillator	3/22/19	Front Street, Stanley DH9 0NA	0.00	1,548.00		1,548.00	Primcare



# Item 12 - ATTACHMENT N

Beacon brazier	10/24/18	Front Street, Stanley DH9 0NA	0.00	1.00		1.00	Leander (notional cost only)
St Josephs House	4/3/18	St Josephs House Stanley		190,000.00		190,000.00	Mrs J Gannon
Skid-mounted waterer	3/21/19	Civic Hall, Front Street, Stanley DH9 0NA		1,180.00		1,180.00	Gustharts
Stihl Saw, mower, cutter, blowe	3/1/19	Civic Hall, Front Street, Stanley DH9 0NA		3,774.59		3,774.59	Gustharts
deputy mayor's pendant	12/17/18	Civic Hall, Front Street, Stanley DH9 0NA		1,459.00		1,459.00	Fattorini
						0.00	
			168,155.72	243,155.59	-1,700.00	409,611.31	



## Internal Control

**Annual Council Meeting, 28th May 2019**

### **1. Introduction**

- 1.1 The Accounts and Audit Regulations 2015 require the Council to ensure that it has a sound system of internal control which:
- (i) Facilitates the effective exercise of its functions and the achievement of its aims and objectives;
  - (ii) Ensures that the financial and operational management of the Council is effective; and
  - (iii) Includes effective arrangements for the management of risk.
- 1.2 The 2015 Regulations also require the Council each year to:
- (i) Conduct a review of the effectiveness of the system of internal control referred to above; and
  - (ii) Prepare an annual governance statement.
- 1.3 Following the review the Council must:
- (i) Consider the findings of the review by members of the Council meeting as a whole; and
  - (ii) Approve the annual governance statement by resolution of members of the Council meeting as a whole prior to the approval of the statement of accounts.
- 1.4 The 2015 Regulations also require the Council to undertake an effective internal audit to evaluate the effectiveness of its risk management, and control and governance processes. Although the Regulations do not require a “smaller relevant body” to undertake an annual review of internal audit arrangements, I consider that this would be a useful part of the review of internal control and have included such a review below.
- 1.5 A review for the year 2017-18 has been undertaken and the findings are presented below.

### **2. Internal Audit**

- 2.1 An annual review of the effectiveness of the system of internal audit is beneficial as part of continually improving governance and accountability. The review is designed to provide

sufficient assurance for the Council that standards are being met and that the work of internal audit is effective.

### Current Arrangements

- 2.2 The Council's current Internal Auditor is Mr Gordon Fletcher, who was formerly Head of Internal Audit at Easington District Council up to its abolition in 2009 and currently provides the internal audit service for several local town and parish councils, including Ferryhill, Peterlee, Yarm and Seaham. Mr Fletcher carries out his audits in accordance with a three- year audit plan which ensures that all systems within the Council are examined, based on high, medium and low risks to the Council. Mr Fletcher has been engaged by the Council since July 2014. He is currently under contract with the Town Council until 2020.

### Review

- 2.3 Guidance recommends that the review of internal audit covers five categories and these are addressed below.
- 2.4 **Scope of Internal Audit** – Mr Fletcher's audit plan is prepared based on an examination of the Council's budget document and guidance on the level of risk that each of the Council's activities represents. No areas of the Council's activities are excluded from the audit plan. The Plan provides for 7 days' audit work, made up of 6.25 days on specific audits and audit follow-ups, and 0.75 days for administrative work. Mr Fletcher presents his Plan for each year to the Finance and Governance Committee and develops the scope in discussion with the Policy Working Group.

All reports have been submitted for consideration by the Finance and Governance Committee or Full Council. The Committee requires confirmation by follow-up audits that all agreed recommendations have been actioned.

- 2.5 **Independence:** Mr Fletcher is given complete access to all relevant personnel and to all reports, records and supporting documents. Reports are prepared in his name and there is no influence on any recommendations made. Mr Fletcher has a direct reporting line to the Finance and Governance Committee and the Policy Working Group has direct access to him. He has no other role within the Council.
- 2.6 **Competence:** Mr Fletcher is a qualified internal auditor and member of the Institute of Internal Auditors, with many years' experience in public sector auditing. There has been no evidence of a failure to carry out internal audit work ethically, with integrity and objectivity.
- 2.7 **Relationships:** Mr Fletcher operates independently within the Council, with freedom to decide his audit priorities and no influence is exerted on the outcome of any audit. The respective responsibilities of officers and internal audit are defined in relation to internal control, risk management and fraud and corruption matters.
- 2.8 **Planning and Reporting:** The audit plan takes account of all of the risks facing the Council.
- 2.9 The purpose of the review of internal audit is to assess effectiveness. Audits are undertaken on each of the high risk areas within income and expenditure,

recommendations are made in each of the audits to improve arrangements and all of the reports are submitted to Members at the appropriate Committee.

### **3. Internal Control**

- 3.1 Internal control is the range of policies, procedures and other arrangements designed to safeguard the assets of the Council, and to reduce the chances of losses through fraud, corruption and error. Internal audit is part of internal control, and this has been reviewed in Section 2 of this report. I will now address the remaining features of internal control.
- 3.2 The Town Council's Financial Regulations and Standing Orders were approved at the Annual General Meeting in May 2018. The approved Standing Orders are based on the Model issued by NALC. The standing orders have been amended through member motions, however the amendments are minor and the bulk of the rules remain unchanged. There are a number of specific policies which it would be desirable to implement or where they exist, review, including: Anti-Fraud and Corruption, Whistle-blowing, Treasury Management, Data Protection, Gifts & Hospitality and a range of others in the categories of Corporate, Finance, Consultation, Freedom of Information, Health & Safety, Members, Personnel and Services. The Policy Working Group was established to address gaps in the policy framework and address them. The Council has taken the decision to adapt policies which are derived from the Principal Authority (Durham County Council) where possible rather than attempt to develop these policies from scratch. In some areas highlighted above, we rely on the basic statutory legal framework to guide and inform decision making.
- 3.3 Internal audits undertaken resulted in a Full Assurance being given.
- 3.4 I consider that internal control arrangements are adequate, bearing in mind the size of the Council and the limited capability to ensure complete division of duties.
- 3.5 An important feature of internal control is the principle of separation of duties. This means that no one officer should be involved in the full range of income duties (i.e. collection, banking and accounting) or expenditure duties (i.e. ordering goods and services, receiving them, checking invoices, paying invoices, bank reconciliation). Whilst this is more difficult in a small organisation, such as a Town Council, we are able to ensure that the key elements of these duties are separated. In the last year, through the appointment of the Operations Manager and the Deputy Town Clerk, we have been able to further separate responsibility for placing of orders, authorisation of payments, raising of payments and making of payments and the expanded team has had specific budgetary delegations made.

### **4. Risk Management**

- 4.1 Another key element of internal control is risk management. Risk is the threat that an event or action will adversely affect an organisation's ability to achieve its objectives and to successfully execute its strategies. Risk management is the process by which risks are identified, evaluated and controlled. It is a key element of the framework of governance together with community focus, structures and processes, standards of conduct and service delivery arrangements. A risk assessment review should be undertaken at least annually and this has been reviewed by the Policy Working Group and the wider Council in 2018/19.

- 4.2 An updated Schedule of Risks is attached as **ATTACHMENT P**.
- 4.3 The Schedule lists risks in seven categories – management, finance, assets, liability, employees, members and services. Column 1 of the Appendix allocates a unique reference to each risk. Column 2 identifies the subject. Column 3 gives a brief indication of the risk areas. Columns 4, 5 and 6 identify whether the risk is classified as low (1), medium (2) or high (3) in terms of financial impact (column 4) performance impact (5) and likelihood (6). Column 7 identifies how the risk is currently managed or controlled. Column 8 suggests where further improvements may be required to reduce either the likelihood of the risk happening and/or the consequences for the Council if it does. Column 9 identifies the officer responsible and column 10 provides the date of review. Column 11 provides an overall score - the higher the score the higher the risk. The register is intended to be self explanatory.

## 5. Annual Governance Statement

- 5.1 The Accounts and Audit Regulations 2015 require Councils to prepare annually a governance statement, and have this approved by a meeting of the Full Council prior to the approval of the Statement of Accounts. The assertions required are reproduced from "Governance and Accountability for Local Councils" produced jointly by NALC and the SLCC (2014) (copy appended to this report) which itself is based on CIPFA's "Accounting Guidance Notes for Local Councils"
- 5.2 "Stanley Town Council asserts that we have:
- (i) Approved the accounting statements prepared in accordance with the requirements of the Accounts and Audit Regulations and proper practices;
  - (ii) Maintained an adequate system of internal control, including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness;
  - (iii) Taken all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and codes of practice which could have a significant financial effect on the ability of the Council to conduct its business or on its finances;
  - (iv) Provided proper opportunities during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations;
  - (v) Carried out an assessment of the risks facing the Council and taken appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required;
  - (vi) Maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems;
  - (vi) Taken appropriate action on all matters raised in previous reports from internal and external audit;
  - (vii) Considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on the body and where appropriate have included them in the accounting statements."

## 6. Conclusions

- 6.1 Having adequate systems of internal control in place and undertaking a review at least annually are statutory requirements on Councils. Systems include appropriate policies and procedures, internal audit and risk management. The aim of effective internal control is to reduce the potential risk of loss through error, fraud and corruption.
- 6.2 Managing risks effectively offers a number of benefits to the Council. It is not just about insurance or health and safety. Studies have shown that insurable risks account for only around 25% of an organisation's total risk profile. Effective risk management provides a means of improving strategic, operational and financial management. It can help to maximise opportunities and minimise loss events which might result in financial losses, service disruption, bad publicity, threats to public health and safety or claims for compensation.

## 7. Recommendations

- 7.1 The Town Clerk **RECOMMENDS** that Committee:
- (i) **CERTIFIES** that it has reviewed the Risk Register attached and **RESOLVES** that:
- (a) The risks identified are comprehensive; and
  - (b) Considers the control measures are adequate;
  - (c) Gives direction to the Town Clerk in relation to priorities.
  - (d) Moves to issue the Annual Governance Statement detailed in paragraph 5.2 above.

## Report Author

Alan Shaw  
**Town Clerk**  
**Stanley Town Council**

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01207 299109

## RISK REGISTER

Reviewed on **26th April 2019** by the Policy Working Group comprised of:

Cllr G Binney  
Cllr M Davinson  
Cllr L Timbey  
Cllr D Tully

A Shaw (Town Clerk)  
A Tubman (Deputy Town Clerk)

Scoring updated and Risk Scores added after the Risk Management Training on 7th May 2019

Ref	Subject	Risk(s) Identified	H/M/L			Management/Control of Risk	Review/Assess/Revise	Officer Responsible	Last Review Date	Risk Score
			Financial Impact	Performance Impact	Likelihood					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)(=4+5+6)
<b>MANAGEMENT</b>										
M1	Business Continuity	Council is not able to continue its business due to an unexpected event eg fire, storm etc	3	3	1	The Town Council server is backed up to the cloud nightly. Key staff are issued with laptops which would enable them to work from alternative locations. Laptops are backed up to local backup drives retained in the Council offices.	Financial records are currently only accessible at the Civic Hall but backups which could be accessed from Council laptops would be available from ITC Services' daily backup and could be downloaded and accessed in an emergency situation. <b>A procedure is to be produced and presented to Policy WG to inform staff how to access backups in the event of an emergency.</b>	Town Clerk	26th April 2019	7
M2	Business Continuity	Loss of key staff - Succession planning	2	3	2	The Council has a small complement of staff and very little capacity for training and development. If the Council were to lose one or two members of staff it would have a significant impact on service delivery.	The Council restructured in 2018 and created a new post of Deputy Town Clerk to build capacity and continuity. Day to day transactional role of the Finance officer could be bought in on a consultancy basis. More training to be provided to TC, SAO and DTC in relation to the operation of the Finance Software to build resilience against the loss off Finance Officer	Town Clerk	26th April 2019	7
M3	Location of Meetings	The Civic Hall is not always available for meetings	1	2	2	Ensure alternate venues for meetings are available before accepting bookings in the Civic Hall	Ensure that the agreed schedule of meetings is entered into the diary at the Civic Hall and that any bookings are not accepted unless the TC can secure alternative arrangements. STC has a range of alternative halls it can use for Council meetings. The Venue, Masonic Hall, AP Community Centre, Craghead Village Hall have all hosted meetings in the last 2 years.	Town Clerk	26th April 2019	5
M4	Council Records	Loss through theft, fire or other damage.	1	2	1	Key documents are not secured effectively and have not been produced.	Council records prior to 2013 (and reports from 2013 - 15) are only held in hard copy format in unindexed files. Ideally these documents should be sorted, indexed and scanned and proper minute books produced. No minute books required by LGA 172 Schedule 12 (41)(1) were ever produced before 2015/16. The signed minutes exist but have never been compiled into minute books as required	Town Clerk	26th April 2019	4
M5	Council Records (Electronic)	Loss through corruption, fire or other damage	2	2	1	The Town Council server is backed up to the cloud nightly. Key staff are issued with laptops which would enable them to work from alternative locations. Individual laptops have backup drives to enable them to be restored in the event of loss or damage.	Electronic data is backed up as detailed at M1. Data is currently stored with ITC Services Ltd	Town Clerk	26th April 2019	5
M6	Freedom of Information Act	Failure to comply with the requirements of the legislation	3	2	1	The Council has a model publication scheme for Local Councils in place. The Town Clerk is aware that if a request for information is received it needs to be addressed within prescribed time limits.	Publication Scheme and procedure for dealing with FOI Act requests are reviewed annually at AGM. This is a requirement of Quality Council status.	Town Clerk	26th April 2019	6
M7	Rights of Electors	The Council fails to meet the rights of electors in terms of inspection of the accounts, access to information and meetings etc	1	2	1	The Town Clerk and current finance officer are fully conversant with the required procedures for internal and external audit and the publication of electors' rights at the appropriate time.	The staffing structure implemented in 2018 has specified that adequate financial qualifications and/or experience are in place. <b>A procedure is to be produced and presented to Policy WG to inform staff what the practical and legal requirements are when dealing with year end accounts</b>	Town Clerk	26th April 2019	4

FINANCE										
F1	Precept	The Precept is inadequate The Precept request form is not submitted on time The Precept is not received	3	3	1	The Town Clerk ensures that 1. Sound budgeting arrangements are in place. 2. Budget is monitored regularly during the year. 3. Financial regulations are adhered to in relation to the first draft budget being reported to members in December. 4. Date for submission of Precept form is diaried. (Day after Full Council each January) 5. Bank account is monitored for receipt of Precept. 6. All the above is subject to internal audit and reported to Council or the appropriate Committee.	Recent staffing structure has ensured that suitably qualified and experienced staff are in place. <b>A procedure is to be produced and presented to Policy WG to inform staff what the requirements are in this area.</b>	Town Clerk	26th April 2019	7
F2	Financial Management	Inadequate financial management leads to overspending	3	3	2	The Town Clerk will ensure that 1. costs and income are monitored at least monthly against the budget. 2. Members receive a report monthly 3. Operational staff are consulted and involved in budget setting. 4. Members understand through the budget setting process the risk of committing to unbudgeted expenditure.	<b>A procedure is to be produced and presented to Policy WG to inform staff what the requirements are in this area.</b>	Town Clerk	26th April 2019	8
F3	Insurance	Cover is inadequate, expensive and/or incomplete	3	2	1	The Town Clerk to monitor insurance arrangements annually.	The asset register is updated annually and compared to the covered assets. Insurer notified of new assets which require additional insurance when procured. Quotes obtained annually for insurance	Town Clerk	26th April 2019	6
F4	Banking	Income is not banked promptly and completely	2	2	2	Income from the Civic Hall is collected and banked weekly	<b>Current procedure is to be documented and presented to Policy WG to inform staff what the requirements are in this area.</b>	Operations Manager	26th April 2019	6
F5	Cash	Cash is lost through error, theft or other dishonesty	2	1	1	Income from the Civic Hall is collected and banked weekly. Processes are subject to internal audit review.	<b>Current procedure is to be documented and presented to Policy WG to inform staff what the requirements are in this area.</b>	Operations Manager	26th April 2019	4
F6	Financial Records	Financial records are inadequate	1	1	1	Proper financial records are kept	Existing procedures are considered adequate and have received full assurance from internal audit (March 17)	Town Clerk	26th April 2019	3
F7	Financial Controls	Financial controls are incomplete and/or not complied with	3	3	2	Financial Regulations are in place and are reviewed annually or when required. The Town Clerk will maintain a review of financial controls.	Financial regulations are reviewed annually. Policy working group has the ability to review more regularly in its remit. Under recent restructure responsibility for control of budgets has been delegated to service managers to make accountability clear. <b>Current procedure is to be documented and presented to Policy WG to inform staff what the requirements are in this area.</b>	Town Clerk	26th April 2019	8
F8	Election Costs	Inadequate budget provision exists for by-election costs	2	1	1	No budget provision is made for the costs of by-elections. Any costs actually incurred are funded through savings or reserves.	An earmarked reserve has been established to cover the costs of the full council elections. No provision has been made for by-elections and costs must be met from reserves.	Town Clerk	26th April 2019	4
F9	VAT	Incomplete records exist for the completion of VAT returns VAT returns not completed on time	1	1	1	The Town Clerk will ensure VAT Returns are submitted on time. The RBS financial software provides all necessary information for the completion of quarterly VAT Returns	Finance Officer completes quarterly VAT returns using the RBS accounting software and submits them to HMRC.	Deputy Town Clerk	26th April 2019	3
F10	Annual Return	The Return is not submitted within time limits	1	1	1	The Town Clerk will agree the date for the external audit, and diary the events which are required to complete the year end accounts process.	<b>Current procedure is to be documented and presented to Policy WG to inform staff what the requirements are in this area.</b>	Town Clerk	26th April 2019	3
F11	Grants	Grant opportunities are missed	3	2	3	Deputy Town Clerk has been recruited under new structure and will be tasked with actively seeking external funding opportunities	<b>Council to identify strategic objectives to enable DTC to explore possible sources of funding and prepare bids</b>	Deputy Town Clerk	26th April 2019	8
F12	Investments	Surplus funds are not identified and invested appropriately to secure maximum interest while maintaining security of investment	1	2	1	The Town Clerk to ensure that surplus balances are invested appropriately.	Policy Working Group reviewed and have come to the conclusion that in the current climate there are limited options to secure a meaningful return on investment which is sufficiently secure to warrant the risk.	Town Clerk	26th April 2019	4



F13	Creditors	Procedures for the payment of creditor invoices are inadequate, leading to errors in payment, incorrect VAT accounting etc.	1	1	1	The Town Clerk to ensure that creditors are paid regularly and accurately, and reported to Members for approval.	Processes are in place to ensure payments are authorised and paid within acceptable limits. <b>Current procedure is to be documented and presented to Policy WG to inform staff what the requirements are in this area.</b>	Town Clerk	26th April 2019	3
F14	Reserves	The level of reserves is either inadequate or excessive	3	2	1	Consideration must be given through budget setting to ensure that the levels of reserves are stabilised and increased to meet the following three objectives: 1. Maintaining a working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing; 2. A contingency to cushion the impact of unexpected events or emergencies; and 3. A means of building up funds, referred to as earmarked reserves, to meet known or predicted requirements; earmarked reserves are accounted for separately but remain legally part of the general fund.	The levels of reserves have been stabilised through recent budgets. The 2019/20 outturn figure has enabled transfers to earmarked reserves to take place and a small surplus to be transferred into the general reserve. Earmarked reserves have been reviewed and consolidated.	Town Clerk	26th April 2019	6
F15	Resources	The Council now depends on decisions made by DCC for a substantial part of its resources and is therefore subject to the loss of revenues with a negative impact on services or council tax levels.	3	3	2	Reserves are inadequate to cope with any significant loss in grant from DCC	<b>Council needs to develop a medium term finance plan to support the medium term service plan</b>	Town Clerk, Members	26th April 2019	8
<b>ASSETS</b>										
A1	Buildings	Damage to Council building through fire, storm or other incident	3	3	1	Insurance cover is in place to cover all risks to Council buildings, and alarms are in place and maintained.	A review of asset values is carried out annually when the asset register is reviewed and this is used to assess insurance quotes. Insurance is reviewed annually at renewal. Contacts are in place for the maintenance and testing of fire and building alarms. Documented internal test procedures are in place and adhered to.	Town Clerk	26th April 2019	7
A3	Maintenance	The value and condition and therefore operational use of Council properties are adversely affected by inadequate maintenance	3	2	1	Budgetary provision is included for the repair and maintenance of Council property.	Revenue budgets are provided for routine maintenance. A strategic review of the Civic Hall is planned. Other buildings are inspected regularly.	Town Clerk	26th April 2019	6
A4	Health and Safety	Council buildings pose a threat to the health and safety of users and council employees	3	3	1	Regular electrical testing takes place on all appliances. The need to have buildings open to the public restricts the ability to make them fully secured. DCC have been retained to inspect and advise on H&S issues relating to the Civic Hall.	Staffing arrangements at the Civic Hall have been reviewed and adequately trained staff are in post to carry out routine risk assessments. Large projects will be risk assessed at the material time and contractors asked to provide method statements and H&S procedures as appropriate.	Town Clerk	26th April 2019	7
<b>LIABILITY</b>										
L1	Legal Powers	The Council undertakes illegal activities or makes illegal payments. Working parties/groups take decisions.	3	3	1	All activities and payments made are within the powers of the Town Council, and are approved by Members. Working Parties have clear terms of reference. The Town Clerk clarifies the legal position on any policy or other proposals and seeks advice from an appropriate source where necessary. Access to guidance regarding legislation is available from the likes of NALC, SLCC etc.	All Council business should be checked for legality before being placed onto the agenda of a meeting on a case by case basis and elected members advised if any activities they wish to undertake are outside the power of the Town Council.	Town Clerk	26th April 2019	7

L2	Minutes/Agendas/ Statutory Documents	Minutes and agendas are not accurate and are not produced in accordance with statutory requirements.	1	2	1	Minutes and agendas are produced in the prescribed method and comply with legal requirements. Minutes are approved at the following meeting. Minutes and agendas are displayed in accordance with legal requirements. Business conducted at Council meetings is managed by the Chair in accordance with Standing Orders with the support of the Town Clerk. Minutes of meetings prior to 2015 have not been compiled into minute books as required by Local Government Act and minutes of meetings prior to 2013 are retained but in unindexed files	Minutes are signed and are numbered consecutively. Minute books containing the signed minutes are created at the end of each Civic Year.	Town Clerk	26th April 2019	4
L3	Public Liability	The activities of the Council pose a risk to third parties ie play equipment, headstones, potholes etc	3	3	1	Adequate insurance is in place.	Existing procedures are considered adequate	Town Clerk	26th April 2019	7
L4	Employer Liability	The Council does not comply with employment law	3	3	1	An SLA with Durham County Council HR Department is in place to provide professional advice on employee related matters.	Further training may be required	Town Clerk	26th April 2019	7
L5	Legal Liability	The Council undertakes activities for which it has no legal power, or fails to comply with legislation such as Data Protection, Freedom of Information etc. Failure to have in place proper document control.	2	1	1	The Town Clerk clarifies the legal position on any policy or other proposals and seeks advice from an appropriate source where necessary. Access to guidance regarding legislation is available from the likes of NALC, SLCC etc.	Existing procedures are considered adequate. The Clerk has access to appropriate reference books and sources of external advice	Town Clerk	26th April 2019	4
<b>STAFFING</b>										
S1	Staffing	Loss of Key Staff	2	3	1	The Council has a small complement of staff and very little capacity for training and development. If the Council were to lose one or two members of staff it would have a significant impact on service delivery.	Locum resources are available to cover roles like the Town Clerk or other members of Management Team. The Financial software suppliers have contract staff available to backfill a vacancy in the Finance Officer position and accountants could be employed to support longer absences. Appointment of a Deputy Town Clerk means that	Town Clerk, Members	26th April 2019	6
S2	Salaries	Staff are paid incorrectly; incorrect deductions are made; requirements of HMRC are not complied with	1	1	1	Durham County Council ensure all procedures are properly followed.	Existing procedures are considered adequate	Town Clerk	26th April 2019	3
S3	Motivation of Staff	Staff morale is low leading to reduced productivity.	3	3	1	A new staffing structure has been implemented in 2018 which builds capacity and clarifies accountability in key areas.	<b>A member/ officer protocol and member training should be implemented</b> to ensure professional working relationships between members and staff and clear understanding of the roles and responsibilities of each. New structure needs to be in and be reviewed regularly to ensure it is meeting business needs	Town Clerk	26th April 2019	7
<b>MEMBERS</b>										
C1	Members Interests	Conflicts of interest Failure to register interests	1	3	1	Agendas for all meetings have an item for the declaration of interests by Members.	A new Code of Conduct was adopted by the Council on 28/11/2017. Code of Conduct Training arranged for all members in July 2018	Town Clerk, Members	26th April 2019	5
C2	Gifts and Hospitality	Failure to register the receipt of gifts and/or hospitality	1	3	1	A Gifts and Hospitality Policy and a Code of Conduct are in place which are reviewed regularly. All Members have copies.	The Officer Code of Conduct contains provisions about gifts and hospitality but the Finance & Governance Committee will review the policy in 2017/18	Town Clerk, Members	26th April 2019	5
C3	Political Conflict	Inertia due to political conflict.	3	3	2	The Code of Conduct and Standing Orders have been reviewed and are considered to be robust.	The Council agreed a medium term strategic plan in November 2017 which sets out the Members' vision for the Council's role in the town and allow officers to focus on the delivery of that vision without having to open every minor decision up to political debate. The plan is due to be reviewed and updated in June 2018.	Town Clerk, Members	26th April 2019	8
C4	Management of Staff	Elected members do not understand the structure of the Council and seek to make operational decisions	3	3	1	A member/ officer protocol and member training should be implemented to ensure professional working relationships between members and staff and clear understanding of the roles and responsibilities of each.	Training was provided for all members elected in the May 2017 elections and further training will be identified to support members to be more effective in their roles. The Council constitution has been reviewed annually and supports the new staffing structure	Town Clerk, Members	26th April 2019	7

Mr Alan Shaw  
Stanley Town Council  
Civic Hall  
Front Street  
Stanley  
County Durham  
DH9 0NA

## Local Council Policy Schedule

The Policy, the Policy Schedule, any Certificates of Insurance and Endorsements form one document and should be read together. This Schedule replaces any previous Schedule.

Policy Number	YLL-272038-7213
Insured	Stanley Town Council
Business	Parish / Town Council
Period of Insurance	
From	01 <sup>st</sup> August 2018
To	15 <sup>th</sup> July 2019
and any other period for which cover has been agreed.	
Adjustment Premium	£ -711.55
Premiums are inclusive of Insurance Premium Tax and/or VAT as appropriate.	
Schedule Number	55856787
Long Term Agreement:	Not Applicable
Preparation Date	01 <sup>st</sup> August 2018
Prepared by	Mr Vincent Liu



**Policy Cover Declaration:**

You, the Insured, are not aware of any known losses or events that could give rise to a claim, or circumstances that would be prejudicial to us, the Insurer, should the basis of cover on the below given insurance product (s) be changed.

## Important information

### **Taking reasonable care**

We require that you take reasonable care in managing your activities. Where appropriate this requires you to do the following:

- Keep written risk assessments for your key activities
- Keep written records of your staff and volunteer training. For example, manual handling training, or for use of tools and machinery
- Abide by any rules, guidelines or advice that is given to you by any relevant authority, such as a Local Authority, or the Health and Safety Executive

We want you to be confident about your insurance and understand what is required of you. Please contact us if you have any questions relating to the above.

## Lines of Cover applying

### PART A – Material Damage

#### Table Headings

Contents (a)	Furniture, fixtures, fittings and tenants improvements
Contents (b)	Other contents and consumable stock not specified below including printed books and unused stationery
Contents (c)	Computer equipment, other office equipment and sports equipment
Contents (d)	Televisions, audio-visual and photographic equipment (excluding videos), beer, wine, spirits, tools and gardening equipment
Contents (e)	Tobacco
Contents (f)	Camcorders, videos and gaming machines
Contents (g)	Civic Regalia

#### Sums Insured

Premises Address	Buildings Sum Insured	Loss of Rent	Contents (a)	Contents (b)	Contents (c)	Contents (d)	Contents (e)	Contents (f)	Contents (g)
1. Stanley TC are tenants insuring contents only, Stanley Civic Hall, Front Street, Stanley, Durham, DH9 0NA	£0.00	N/A	£0.00	£104,536.81	£0.00	£0.00	£0.00	£0.00	£0.00
2. St. Josephs House, Thorneyholme Terrace, Stanley, County Durham, DH9 0BL	£195,700.00	N/A	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00	£0.00

#### For Premises: 1

**Insured Perils applicable to Material Damage : 1-13, 15 & 16**

#### For Premises: 2

**Insured Perils applicable to Material Damage: 1-16**

#### Excesses Applicable to Premises 1

The following Excesses apply to each and every loss arising in respect of each and every separate premises:

Accidental Damage	£100
Theft	£100
Malicious Damage	£250
Storm or Flood	£250
Escape of Water	£250
Falling Trees or Branches	£250
Subsidence	£1,000

**Excesses Applicable to Premises 2**

The following Excesses apply to each and every loss arising in respect of each and every separate premises:

Accidental Damage	£100
Theft	£100
Malicious Damage	£250
Storm or Flood	£250
Escape of Water	£250
Falling Trees or Branches	£250
Subsidence	£1,000

**Operative Endorsements:** 1, 2, 3, 5, 6, 7, 8 & 9 (see pages 35 - 37)

**PART C – All Risks**

**Table Headings**

Contents (a)	Furniture, fixtures, fittings and tenants improvements
Contents (b)	Other Contents and consumable stock not specified below including printed books and unused stationery
Contents (c)	Computer Equipment, other office equipment and sports equipment
Contents (d)	Televisions, audio-visual and photographic equipment (excluding videos), beer, wine, spirits, tools and gardening equipment
Contents (e)	Tobacco
Contents (f)	Camcorders, videos and gaming machines
Contents (g)	Civic Regalia

**Additional Items:**

Where no premises address is shown, the item is not based at one location and cover is provided anywhere within the **territorial limits**.

Item Description	Sum Insured	Excess
Laptops	£19,295.88	£100

The excess stated applies to each and every loss.

**Operative Endorsements:** 1, 2, 3 & 7 (see pages 35 - 37)



## PART D – Money

	Limit any one loss
1. Loss of Non-Negotiable <b>money</b> in the situations specified in items 2(a), 2(b), 2(c)(i) and 2(c)(ii):	£250,000
2. Loss of other <b>money</b> :	
(a) in transit in the custody of any member or employee or in transit by registered post (limit £250), or in a Bank Night Safe	£5,000
(b) in the private residence of any member or employee	£250
(c) in the premises	
(i) in the custody of or under the actual supervision of any member or employee	£15,000
(ii) in locked safes or strongrooms	£15,000
(iii) in locked receptacles other than safes or strongrooms	£250

**Excess:** £50 each and every loss

**Personal Accident Assault Limits:** Stated in Section 3(c) (*see page 38*)

Operative Endorsements:

‘In respect of **Section 1 – Special Definitions**, the definition of Person Insured is extended to include any person between the ages of 16 and 90.’

## **PART E – Public Liability**

**Limit of Indemnity:** £10,000,000

**Excess:** £100 each and every claim in respect of Section 2(d)(ii)

### **Operative Endorsements:**

1. Environmental Clean Up Costs. The following Special Definitions are added to Section 1:

#### **Clean Up Costs**

- a) Testing for or monitoring of Pollution or Contamination
- b) the costs of Remediation required by any Enforcing Authority to a standard reasonably achievable by the methods available at the time that such Remediation commences.

#### **Remediation**

Remedying the effects of Pollution or Contamination including primary, complementary and compensatory actions as specified in the Environmental Damage (Prevention and Remediation) Regulations 2009.

#### **Enforcing Authority**

Any government or statutory authority or body implementing or enforcing environmental protection legislation within the territorial limits.

#### **Cover**

With effect from 01 July 2009 or the inception of the policy if later, the **insurer** will indemnify the **insured** in respect of all sums including statutory debts that the **insured** is legally liable to pay in respect of Clean Up Costs arising from environmental damage caused by Pollution or Contamination where such liability arises under an environmental directive, statute or statutory instrument.

Provided always that:

- a) liability arises from Pollution or Contamination caused by a sudden, identifiable, unintended and unexpected incident which takes place in its entirety at a specific time and place during the Period of Insurance. All Pollution or Contamination which arises out of one incident shall be deemed to have occurred at the same time such incident takes place
- b) the **insurer's** liability under this Extension shall not exceed £1,000,000 for any one occurrence and in the aggregate in any one Period of Insurance and will be the maximum the insurer will pay inclusive all costs and expenses. This limit will form part of and not be in addition to the Limit of Indemnity stated in the Schedule
- c) immediate loss prevention or salvage action is taken and the appropriate authorities are notified

## Exclusions

The **insurer** shall be under no liability:

1. in respect of Clean up Costs for **damage** to the **Insured's** land, premises, watercourse or body of water whether owned, leased, hired, tenanted or otherwise in the **insured's** care, custody or control
2. for **damage** connected with pre-existing contaminated property
3. for **damage** caused by a succession of several events where such individual event would not warrant immediate action
4. in respect of removal of any risk of an adverse effect on human health on the Insured's land, premises, watercourse or body of water whether owned, leased, hired, tenanted or otherwise in the **insured's** care, custody or control
5. in respect of costs in achieving an improvement or alteration in the condition of the land, atmosphere or any watercourse or body of water beyond that required under any relevant and applicable law or statutory enactment at the time Remediation commences
6. in respect of costs for prevention of imminent threat of environmental damage where such costs are incurred without there being Pollution or Contamination caused by a sudden, identifiable, unintended and unexpected incident
7. for **damage** resulting from an alteration to subterranean stores of groundwater or to flow patterns
8. in respect of costs for the reinstatement or reintroduction of flora or fauna
9. for **damage** caused deliberately or intentionally by the **insured** or where they have knowingly deviated from environmental protection rulings or where the **insured** has knowingly omitted to inspect, maintain or perform necessary repairs to plant or machinery for which they are responsible
10. in respect of fines or penalties of any kind
11. for **damage** caused by the ownership or operation on behalf of the **insured** of any mining operations or storage, treatment or disposal of waste or waste products other than caused by composting, purification or pre-treatment of waste water
12. for **damage** which is covered by a more specific insurance policy
13. for **damage** caused by persons aware of the defectiveness or harmfulness of products they have placed on the market or works or other services they have performed
14. for **damage** caused by disease in animals belonging to or kept or sold by the **insured**.

2. Section 14 – Exclusion 2 b) is amended to read as:

exemplary or punitive damages awarded by any Court of Law outside the **territorial limits**.

## 5. **Officials Indemnity**

Section 3 – Financial Loss

For the purposes of this Section, **employee** is held to include **member**

**PART F – Hirers' Liability**

**Limit of Indemnity:** £2,000,000

**Excess:** £100 each and every claim for damage to the premises or contents caused other than by fire or explosion

**Operative Endorsements**

1. Section 3 – Exclusion 2 b) is amended to read as:

exemplary or punitive damages awarded by any Court of Law outside the **territorial limits**

**PART G – Employers Liability**

**Limit of Indemnity:** £10,000,000

**Operative Endorsements:**

**PART H – Libel and Slander**

**Sum Insured**

£250,000

**Excess:** 10% each and every claim or £1,000 whichever is the lower

**PART I – Motor Vehicles**

<b>Insured Vehicle:</b>	All as described in	<b>Cover:</b> Section 23
<b>Persons Entitled to Drive:</b>	the Certificate of	
<b>Limitation as to Use:</b>	Motor Insurance	A. Comprehensive

<b>EXCESS : Section 23</b>	
<b>Amount</b>	<b>Description</b>
£ 150	Accidental Damage , Fire , Theft , Windscreen , Total Loss
£ Nil	Third party
Additional to any other Excess which applies	

<b>Age and Inexperienced Driver Excess: Section 11</b>		
(a)	Under 25 years	£150
(b)	Over 25 years inexperienced	£150
Additional to any other Excess which applies		

<b>Repair Limit:</b>	£Nil	<b>Damage to Property Limit:</b>
Section 12		£5,000,000 Applicable to any Commercial Vehicle, Minibus, Agricultural Vehicle and Special Type
		£50,000,000 Applicable to any Private Motor Car

<b>Personal Effects Limit:</b>	£150	<b>Medical Expenses Limit:</b>	£250
Section 13		Section 14	

**Additional Cover : Section 25**

U. Occasional Business Use	Not Operative
V. Loss of No Claim Discount/Excess	Not Operative

**Operative Endorsements:**

**1. Motor Insurers Database**

It is a condition precedent of this policy that you supply such details of the vehicles whose use is covered by the policy as are required by the relevant law applicable in Great Britain and Northern Ireland for entry on the Motor Insurers Database

2. The following clause is added to Part I Section 2:

**Corporate Manslaughter and Corporate Homicide Act 2007**

In respect of any event which may be the subject of indemnity under this section the **insurer** will pay legal costs and expenses incurred with the **insurer's** prior written consent in connection with the defence of any criminal proceedings (including any appeal against conviction arising from any such proceedings) brought in respect of a charge and or investigations connected with a charge of corporate manslaughter or corporate homicide under the Corporate Manslaughter and Corporate Homicide Act 2007 or any equivalent legislation in the Isle of Man or the Channel Islands committed or alleged to been committed during the period of insurance in the course of the **business**.

Provided always that:

- a) the **insurer's** liability under this clause will not exceed £5,000,000 in any one period of insurance
- b) this clause will only apply to proceedings brought in the **territorial limits**
- c) the **insurer** must consent in writing to the appointment of any solicitor or counsel who are to act for and on the **insured's** behalf
- d) the **insured** will give the **insurer** immediate notice of any summons or other process served upon the **insured** which may give rise to proceedings under this clause
- e) in relation to any appeal counsel has advised there are strong prospects of such an appeal succeeding
- f) the **insurer** will be under no liability:
  - i) where the **insured** has committed any deliberate or intentional criminal act giving rise to a corporate manslaughter or corporate homicide charge
  - ii) in respect of fines or penalties of any kind
  - iii) where indemnity for defence costs is available from any other source or is provided by any other insurance or where but for the existence of this clause indemnity would have been provided by such other source or insurance.

**PART J – Motor Legal Expenses and Uninsured Loss Recovery**

The Claims Handling Agent is DAS Legal Expenses Insurance Company Limited

**Limit of Indemnity:** £100,000 per insured incident



## PART N – Fidelity Guarantee

<b>Persons Guaranteed:</b>	<b>Sum Insured</b>
All members and employees	£1,000,000

**Excess:** £100 each and every loss

## PART O – Personal Accident

Cover is limited to £500,000 any one person and £2,000,000 any one incident.

### Persons Insured:

#### Employees

Capital Sum	£50,000.00
Weekly Sum	£200.00
Cover	Sections 2 and 3 - Accident and Assault Cover

#### Volunteers

Capital Sum	£50,000.00
Weekly Sum	£200.00
Cover	Sections 2 and 3 - Accident and Assault Cover

#### Directors/Councillors

Capital Sum	£50,000.00
Weekly Sum	£200.00
Cover	Sections 2 and 3 - Accident and Assault Cover

### Operative Endorsement:

Special Condition 4 of Section 5 is inoperative provided always that the **insurer** will not make any payment of any benefit or in respect of any expense or loss arising from any Person Insured who has attained the age of 90 years unless such expense or loss arises during the period of insurance during which the Person Insured attains the age of 90

## PART P – Legal Expenses

The Claims Handling Agent is DAS Legal Expenses Insurance Company Limited.

### Section:

3. Employment Disputes and Compensation Awards	
(A) Employment Disputes	Operative
(B) Compensation Awards	Operative
4. Legal Defence	Operative
5. Property Protection and Bodily Injury	
(A) Property Protection	Operative
(B) Bodily Injury	Operative
6. Tax Protection	Operative
7. Contract Disputes - £5,000 Limit	Operative
(b) Not operative	
8. Statutory Licence Protection	Operative
<b>Limit of Indemnity:</b>	£200,000

The following is also operative: EPL Extension  
Section 2 (c) shall read:

(c) in civil claims other than claims under Section 3 it is always more likely than not that a Person Insured will recover damages (or obtain any other legal remedy which the **insurer** has agreed) or make a successful defence.

Provisos (i) (1), (i) (2) and (ii) to Section 3 (B) are deleted.

The following is also operative: Debt Recovery

### Insured Incident

The **insurer** will negotiate for the **insured's** legal rights including enforcement of judgment to recover money and interest due from the sale or provision of goods or of services, provided always that:

- a) the amount of the debt exceeds £250 (incl VAT)
- b) the claim under this Part is made within 90 days of the money becoming due and payable
- c) the **insurer** has the right to select the method of enforcement, or to forego enforcing judgment if the **insurer** is not satisfied that there are, or will be, sufficient assets available to satisfy judgment.

### Exceptions

We will not provide indemnity in respect of or arising from or relating to:

- a) any debt arising from an agreement entered into prior to the inception date of the indemnity

provided by this section if the debt is due within the first 90 days of the indemnity provided by this section

b) the recovery of money and interest due from another party where the other party intimates that a defence exists

c) any claim relating to:

i) any settlement payable under an insurance policy

ii) any lease, licence or tenancy of land or buildings

iii) any motor vehicle owned by, or hired or leased to you other than agreements relating to the sale of motor vehicles where you are engaged in the business of selling motor vehicles

d) any dispute which arises out of the purchase, hire, sale or provision of computer hardware, software, systems or services.

## General Notes

### 1. Fair presentation of the risk

You must make a fair presentation of the risk to us at inception, renewal and variation of your policy. This means that we must be told about all facts and circumstances which may be material to the risks covered by the policy and that you must not make a misrepresentation to us about any material facts. As part of your duty of fair presentation, you must ensure that the information detailed within the schedule is correct and complete. A material fact is one which would influence the acceptance or assessment of the risk. If you have any doubt about facts considered material, it is in your interests to disclose them to us.

Failure to make a fair presentation of the risk could result in the policy either being avoided, written on different terms or a higher premium being charged, depending on the circumstances surrounding the failure to present the risk fairly.

This policy is compliant with the principles of the Insurance Act 2015 law reforms. It also incorporates an 'opt out' which has the aim to promote good customer outcomes. We have opted-out of the 'proportionate reduction of claim remedy' available to insurers under the Insurance Act 2015. This means that in cases of non-disclosure or misrepresentation which are neither deliberate nor reckless, if we would have charged an additional premium had we known the relevant facts, we will charge that premium and pay any claims in full rather than reducing claims payments in proportion to the amount of premium that would have been charged.

We believe that our 'additional premium approach' should, in most situations, be more favourable to our customers when compared to the proportionate reduction of claim remedy. Our additional premium approach does not affect our right to apply the other remedies available under the Act for non-disclosure or misrepresentation.

### 2. Cancellation

All insurance policies run for a fixed period of time. The Insured can terminate an insurance contract verbally or in writing at any time. No refund will legally be due for any unused period of cover outside of the 'cooling off period' for consumer customers or following initiation for organisations and businesses. The Insurer may cancel the policy by giving 30 days' notice in writing. In such an event the insured will be entitled to a return of premium in respect of the unexpired portion of the period of insurance.

## Claims Contact Information

If you need advice on a claim, it is important that you speak to the appropriate specialist. Claims specialists are available to discuss your cover and advise you on how to make a claim. Their contact details are:

Line of cover	Claims team	Claims contact details	
Buildings, Contents including All Risk Items	Property Claims	Tel:	01252 387 249 (out of hours Emergency: 0800 028 0336)
Business Interruption		Email:	<a href="mailto:farnboroughpropertyclaims@uk.zurich.com">farnboroughpropertyclaims@uk.zurich.com</a>
Money		Address:	Zurich Property Claims, PO Box 3303, Interface Business Park, Swindon, SN4 8WF
Works In Progress			
Public Liability	Liability Claims	Tel: Email: Address:	0800 917 7207 <a href="mailto:farnboroughnewliabilityclaims@uk.zurich.com">farnboroughnewliabilityclaims@uk.zurich.com</a> Zurich Municipal, Casualty Claims, Zurich House, PO Box 314, 2 Gladiator Way, Farnborough, GU14 6GB
Employers Liability			
Personal Assault under Money			
Personal Accident			
Professional Negligence			
Hirers Liability			
Fidelity Guarantee			
Libel and Slander			
Plant Protection			
Engineering – Deterioration of Stock			
Business Travel			
Motor	Motor Claims	Tel:	01489 882 110 (out of hours Emergency: 0800 302 9055)
		Email:	<a href="mailto:zmnewmotorclaims@uk.zurich.com">zmnewmotorclaims@uk.zurich.com</a>
		Address:	Zurich Municipal Motor Claims, PO Box 3322, Interface Business Park, Swindon, SN4 8XW
Legal Expenses	DAS Legal Claims	Tel:	0117 934 2116

### General claims procedure

This is a description of the general claims procedure you will need to follow:

1. Contact the relevant claims office, to notify the claim
2. If necessary, a claim form will be sent out to you for completion, or you will be asked to send details in writing
3. In the event of uncertainty, please call the relevant office for guidance.
4. Out of hours/Emergency Property losses - please contact 0800 028 0336

Track open claims on-line at: <http://www.zurich.co.uk/municipal/customerbenefits/register.htm>

#### **Zurich Municipal**

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Communications may be monitored or recorded to improve our service and for security and regulatory purposes.

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## Review of Expenditure under section 137 of the Local Government Act 1972

### 1. MIFS

The MIFs paid in 2018/19 have been reviewed against the statutory provision which they were authorised under and the total reproduced below.

<b>MIF Number</b>	<b>Date Paid</b>	<b>Amount</b>	<b>Organisation</b>	<b>Project Name</b>	<b>Statutory Power</b>
649	27.04.18	£1500	Beamish & East Stanley Sports Club	Renew Lighting System	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
650	27.04.18	£2625	Stanley Learning Partnership Ltd	Start Awards	Local Government Act 1972, s.145
651	27.04.18	£1600	Stanley Events	Kitchen / Office Refurbishment	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
653	16.05.18	£1765	South Moor Bowling Club	Secure Storage Container	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
654	06.07.18	£3000	Stanley Woodcraft Folk	Summer Camp	Local Government Act 1972, s.137
655	16.05.18	£500	East Stanley Allotment Assoc	Skip Hire	Small Holdings and Allotments Act 1908
656	27.06.18	£600	Consett Rugby Club	U18's USA Tour	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
657	06.06.18	£645	Consett & Stanley DLI Assoc	Eden Camp	Local Government Act 1972, s.137
658	15.06.18	£1400	Quaking Houses Village Hall Assoc	Community Fun Day	Local Government Act 1972, s.144
659	27.06.18	£1270.69	Youth Connection	Lucky Durhams	Local Government Act 1972, s.145
660	27.06.18	£1775	Catchgate & Annfield Plain Action Partnership	Summer & Autumn Events	Local Government Act 1972, s.137
661	30.08.18	£560	Annfield Plain Park Bowling Club	Bowling Uniform	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)

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662	27.06.18	£300	Annfield Plain Cricket Club	Summer Fayre	Local Government Act 1972, s.137
663	27.06.18	£150	Annfield Plain Womens Institute	Dumfries House Trip	Local Government Act 1972, s.137
664	27.06.18	£150	Tanfield Lea & District CA	Fundraising Confectionery	Local Government Act 1972, s.137
665	06.07.18	£3500	Beamish FC	Beamish Presentation Day	Local Government Act 1972, s.137
666	25.07.18	£90.00	Annfield Plain WI	WI Sashes	Local Government Act 1972, s.137
667	09.08.18	£835.20	Thorneyholme Woodcraft Folk	Summer Camp	Local Government Act 1972, s.137
668	09.08.18	£600.00	Headway Co Durham	Headway Co Durham	Local Government Act 1972, s.137
669	09.08.18	£250.00	Movers and Shakers in Stanley	Movers and Shakers	Local Government Act 1972, s.144
670	07.09.18	£1,100.00	c/o Mental Health North East	100 Years of Progress	Local Government Act 1972, s.137
671	25.09.18	£700.00	c/o Mental Health North East	100 Years of Progress	Local Government Act 1972, s.137
672	21.08.18	£250.00	White-le-Head Methodist Church	Silence' Books	Local Government Act 1972, s.137
673	21.08.18	£300.00	Tanfield PCC	Scarecrow Event	Local Government Act 1972, s.145
674	21.08.18	£2,000.00	Tanfield Lea Partnership	Lest we Forget	Local Government Act 1972, s.137
675	21.08.18	£761.50	New Kyo & Oxhill Partnership	Adventure Valley Trip	Local Government Act 1972, s.137
676	07.09.18	£300.00	South Moor Juniors	South Moor Jnrs U10s	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
677	07.09.18	£1,100.00	Durham Bangladeshi Cultural Assoc.	EID Party and Awards	Local Government Act 1972, s.137
678	30.08.18	£1,155.91	Stanley FC Veterans	Stanley FC Veterans Equipment	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
679	07.09.18	£1,165.98	Greencroft Netball Club	Greencroft Netball Club	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
680	Internal TX to Civic Hall	£261.00	Internal TX	NEHS Meetings	Local Government Act 1972, s.137
681	07.09.18	£500.00	Catchgate & Annfield Plain Action Partnership	Commemorative Services	Local Government Act 1972, s.137



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682	07.09.18	£200.00	Annfield Plain Community Centre	Handyman Toolkit	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
683	07.09.18	£750.00	Stanley Starz	Peter Pan	Local Government Act 1972, s.145
684	25.09.18	£200.00	Tanfield Lea Partnership	Miners Banner Group - Harnesses	Local Government Act 1972, s.137
685	08.10.18	£2452.00	Stanley Learning Partnership Ltd	Firework Event	Local Government Act 1972, s.144
686	29.10.18	£230.00	Greencroft Netball Club	Competition Fees and Bibs	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
687	25.09.18	£385.00	SHAID	Wear Rd Community House Security Door	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
688	19.10.18	£1000.00	Stanley Events	Fun Day	Local Government Act 1972, s.144
689	29.10.18	£1000.00	Friends of Shield Row Primary School	Friend of Shield Row Primary Events	Local Government Act 1972, s.137
690	08.10.18	£680.00	Shield Row Gardens Community Residents Association & NHW	End of WW1 Commemoration	Local Government Act 1972, s.137
691	17.10.18	£360.00	Oxhill Youth Club	Panto Costumes	Local Government Act 1972, s.145
692	19.10.18	£121.49	Catchgate Primary School	Wellbeing and Mental Health Books	Local Government Act 1972, s.137
693	19.10.18	£400.00	Tanfield Lea and District CA	Tanfield Lea Toilet Redoration	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
694	08.11.18	£150.00	Tanfield Lea Partnership	WW1 Commemoration	Local Government Act 1972, s.137
695	19.10.18	£126.00	Everest Archery Club	Target Faces	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
696	19.10.18	£360.00	Tantobie Association for Sport and the Community	Tantobie Community Centre Repairs and Maintenance	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
697	08.11.18	£389.97	Annfield Plain Bowling Club	Boiler	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)

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698	16.11.18	£2000.00	Stanley Learning Partnership Ltd	SLP Superstar Showcase	Local Government Act 1972, s.145
699	29.10.18	£375.00	South Stanley Partnership	Supporting Local Children	Local Government Act 1972, s.137
700	22.11.18	£1150.00	South Moor Musical Theatre Group	Little Shop of Horrors	Local Government Act 1972, s.145
701	08.11.18	£150.00	Tanfield Lea Community Primary School	WW1 Commemorative Mosaics	Local Government Act 1972, s.137
702	08.11.18	£849.99	Tanfield Railway	Purchase of Vibrating Plate	Local Government Act 1972, s.137
703	08.11.18	£550.00	SHAID	Fire Extinguishers, Bikes and Accessories	Local Government Act 1972, s.137
704	08.11.18	£99.31	Annfield Plain and District Community Garden	Community Garden Insurance	Small Holdings and Allotments Act 1908
705	22.11.18	£1000.00	Tanfield in Bloom	Tanfield in Bloom - Perennial	Highways Act 1980, s.96
706	22.11.18	£200.00	Stanley Indoor Bowls	End of Seasons Celebration	Local Government Act 1972, s.137
707	27.11.18	£560.00	Annfield Plain Cricket Club	Coaching Courses	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
708	27.11.18	£1665.00	Catchgate Primary School	Wellbeing Week	Local Government Act 1972, s.137
709	19.12.18	£2111.00	Catchgate and Annfield Plain Action Partnership	Winter Campaign	Local Government Act 1972, s.137
710	06.12.18	£300.00	Durham and Darlington Neighbourhood Watch Association	Neighbourhood Watch Signage	Local Government and Rating Act 1997, s.31
711	06.12.18	£1011.40	Craghead FC	Goalposts	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
712	19.12.18	£300.00	St Josephs Catholic Primary School	Christmas Tree	Local Government Act 1972, s.137

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713	19.12.18	£300.00	Beamish FC	Under 5s Jackets and Training Facilities	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
714	24.01.19	£310.10	New Kyo and Oxhill Partnership	Pantomime Outing	Local Government Act 1972, s.137
715	06.02.19	£1750.00	Tanfield Lea Community Primary School	Celebration of Musical Talent and Visit to Eden Camp	Local Government Act 1972, s.137
716	06.02.19	£1232.00	Annfield Plain Community Centre	Upgrade Rooms	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
717	06.02.19	£800.00	Movers and Shakers in Stanley	Room Hire and Advertising	Local Government Act 1972, s.144
718	06.02.19	£224.00	South Stanley Partnership	Running Costs	Local Government Act 1972, s.137
719	06.02.19	£337.50	Fools Gold	Beat the Drum	G Wilkinson
720	06.02.19	£361.00	South Moor Banner Group	Insuring the Banner	Local Government Act 1972, s.137
721	22.02.19	£293.75	Tanfield School	Tanfield Cooking Students	Local Government Act 1972, s.137
722	22.02.19	£150.00	Tanfield Lea Community Centre	Introduction to Glass Painting Course	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
723	28.02.19	£250.00	Tantobie Cricket Club	Lawnmower Repair and Maintenance	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
724	04.03.19	£968.49	PACT House	Smoothie Bike	Local Government Act 1972, s.137
725	28.02.19	£2221.00	Craghead Colliery Band	Musical Instrument Fund	Local Government Act 1972, s.145
726	02.04.19	£2238.00	Craghead Village Hall	Supporting Community Groups	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
727	12.03.19	£650.00	Craghead Football Club	Supporting Junior Football	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
728	12.03.19	£300.00	South Stanley Partnership	PACT Meetings	Local Government Act 1972, s.137
729	28.02.19	£300.00	Durham County Council	Trail Cameras	Local Government and Rating Act 1997, s.31

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730	28.02.19	£300.00	Tanfield in Bloom	Blue Plaque	Local Government Act 1972, s.137
731	28.02.19	£891.41	Love Beamish & Stanley	Railway Heritage	Local Government Act 1972, s.137
732	20.03.19	£759.00	Quaking Houses Village Hall Assoc	Community Engagement Day	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
733	20.03.19	£681.00	St Josephs Catholic Primary School	Tynemouth Beach Trip	Local Government Act 1972, s.137
734	20.03.19	£370.00	Stanley Events	Stanley Community Football Centre Paint and Pitch Repairs	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
735	02.04.19	£221.00	Annfield Plain Cricket Club	Youth Cricket Equipment	Local Government (Miscellaneous Provisions) Act 1976, s.19(3)
<b>Total MIF Expenditure</b>		<b>£69,744.69</b>			
<b>Total Expenditure under s. 137 of LGA (A)</b>		<b>£32,699.93</b>			

## 2. STC FUNDED SERVICES

The following services were provided by the Town Council in 2018/19 and are funded under s.137 of the Local Government Act 1972:

Service/ Project/ Initiative	Amount
Warden Service	£55,451
Heritage Events	£9,777
Christmas Lights	£28,610
Remembrance Events	£388

West Stanley Memorial	£101
<b>Total (B)</b>	<b>£94,327</b>
<b>Total Expenditure under section 137 LGA (A+B)</b>	<b>£127,027</b>

The Council remained well within the Statutory limit of **£192,609**, however we must continue to monitor this requirement until such time as the Council are in a position to adopt the power of General Competence, at which point the restriction under section 137 will no longer apply.

## Schedule of Meetings 2019/20

Date	Meeting
11th June 2019	Finance and General Purposes
25th June 2019	Full Council
9th July 2019	Finance and General Purposes
23rd July 2019	Full Council
10th September 2019	Finance and General Purposes
24th September 2019	Full Council
8th October 2019	Finance and General Purposes
22nd October 2019	Full Council
12th November 2019	Finance and General Purposes
26th November 2019	Full Council
10th December 2019	Finance and General Purposes
21st January 2020	Full Council
11th February 2020	Finance and General Purposes
25th February 2020	Full Council
10th March 2020	Finance and General Purposes
17th March 2020	Town Meeting
24th March 2020	Full Council
14th April 2020	Finance and General Purposes
28th April 2020	Full Council
12th May 2020	Finance and General Purposes
26th May 2020	Annual General Meeting