



PETERLEE TOWN COUNCIL

Date of Issue: 7th September 2021

A Meeting of the Resources Committee will be held on Monday 13th September 2021 in The Banqueting Suites, Shotton Hall, Peterlee, SR8 2PH at 6.30pm

Mr I Morris P.S.L.C.C.

Town Clerk

A G E N D A

Due to the current COVID situation the capacity of the meeting room is reduced and public admission to the meeting will be limited. Any members of the public wishing to attend Shotton Hall to observe the meeting are strongly advised to contact the Council in advance to reserve a seat: council@peterlee.gov.uk or 0191 5862491

Members of the Committee and members of the public are reminded that the public part of the meeting may be recorded in both audio and video, and photographs may be taken.

1. Apologies for Absence

Members are cordially invited to inform the Deputy Town Clerk of their apologies as soon as practicable.

2. To receive declarations of interest

Members are reminded of the need to disclose any interests in items on this agenda, whether pecuniary or otherwise. Please seek advice from the Town Clerk or Deputy Town Clerk prior to the meeting if in doubt.

Members are reminded that they can check their published declaration of interests here: <https://bit.ly/2wVyeLA>

3. To approve the minutes of the previous meeting

Members are recommended to approve the minutes of the previous meeting of the Resources Committee on Monday 14th June 2021 as a true and correct record.

(Minutes of previous meeting, copy attached)

4. Policies

Members will be asked to review and adopt the following policies:

Standing Orders - updated to reflect post-Brexit procurement regulations (draft policy attached)

Financial Regulations – updated to reflect post-Brexit procurement regulations and the Council’s move from cheque payments to internet banking (draft policy attached)

Peterlee Town Council Complaints Procedure - first adopted in April 2017, no substantive amendments proposed (policy attached).

Abusive, unreasonable and vexatious complaints policy – first adopted in July 2017, no substantive amendments proposed (policy attached).

5. Budget outturn report for 2021/22 financial year – quarter 1

Members will be asked to consider and approve a report from the Responsible Financial Officer providing the first quarter budget outturn for the 2021/22 financial year.

(Report of the RFO, to follow)

PETERLEE TOWN COUNCIL

MINUTES OF THE MEETING OF THE RESOURCES COMMITTEE

HELD ONLINE USING VIDEO CONFERENCING TECHNOLOGY

ON MONDAY 21ST JUNE 2021 at 6.30PM

PRESENT:- COUN M A CARTWRIGHT (CHAIR)

Mesdames:- K J Duffy, D Quinn, J Black, S Simpson & M McCue

Messrs:- R Burnip, B Fishwick, M Sanderson, D Hawley & G Johnson

1. Apologies for Absence

Apologies for absence were offered to the meeting and accepted from Councillors K Liddell, K Hawley, E Watson, T Duffy, A Laing, D Howarth, R Moore and S McDonnell.

2. To receive declarations of interest

Members were reminded of the need to disclose any interests in items on this agenda, whether pecuniary or otherwise. None were offered. **RESOLVED the information given, be noted.**

3. To approve the minutes of the previous meeting

RESOLVED the minutes of the previous meeting of the Resources Committee on Monday 8th February 2021 be confirmed as a true and correct record.

4. Updated Policy

RESOLVED the updated Staff Maternity Policy, with the only amendment being to the level of maternity allowance, be approved and adopted immediately.

5. Review of the Effectiveness of the Council's System of Internal Control for the 2020/21 Financial Year

Member received a report from the Town Clerk on the review of the Effectiveness of the Council's System of Internal Control for the 2020/21 Financial Year.

RESOLVED the contents of the report be noted and approval be given to the review of internal systems of control for the 2020/21 financial year.

6. 2020/21 Financial Year – End of Year Budget Summary Report

Members received a report from the Town Clerk on the budget outturn for the 2020/21 financial year.

RESOLVED the contents of the report be noted and the Councils 2020/21 budget out turn position.

7. Development of a Medium Term Financial Plan

Members received a presentation from the Town Clerk on the development of a 4-year Medium Term Financial Plan, (MTFP), for the Town Council, and considered the initial 'big questions' to be addressed as part of the Medium Term Financial Plan process.

Following discussions it was **RESOLVED the Resources Committee be convened every month to consider and discuss the MTFP with the Clerk providing updates on specific costs ie the cost of repairs to buildings, the Committee to decide in which priority they wish to discuss issues.**



PETERLEE TOWN COUNCIL STANDING ORDERS

Reviewed
September 2021

EXPLANATORY NOTE

These 'Standing Orders' set out how the Council regulates its business and proceedings. Our Standing Orders have been adopted from the National Association of Local Councils model standing orders and this latest version was reviewed and adopted by Council in September 2021 with no substantive changes from the previous 2017 version other than a minor amendment to reflect post-brexit procurement rules.

Ian Morris, Chief Officer & Town Clerk

PETERLEE TOWN COUNCIL

FINANCIAL REGULATIONS

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1. Table of Amendments

This is a list of amendments from the previous version of the standing orders.

Page	Item	Original	Revised
All	All	n/a	Minor editorial & formatting
19	Df	Where the value of a contract is likely to exceed £164,176 (or other threshold specified by the Cabinet Office from time to time) the council must consider whether the Public Contracts Regulations 2015 or the Concession Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the council must comply with EU procurement rules.	Where the value of a contract is likely to exceed £164,176 (or other threshold specified by the Cabinet Office from time to time) the council must consider whether the Public Contracts Regulations 2015 or the Concession Contracts Regulations 2016 (or equivalent) apply to the contract.

2. Rules of debate at meetings

N.B Bold black print = mandatory standing orders

Plain black print = discretionary standing order

- 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 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.
- j Subject to standing order 2(k) below, 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 of 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. in exercise of a right of reply.
- p During the debate of 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 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 2(r) above, 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.

3. 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 excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

- c If a resolution made under standing order 3(b) above 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.

4. Meetings generally

Key:

FC Full Council meetings

CM Committee meetings

SCM Sub-committee meetings

Bold black print = mandatory standing order

Black print = discretionary standing order

- FC** 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.**
- FC** b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- CM** c **The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting.**
- CM/FC** 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.**

(in line with the Government's 'Open and Accountable Local Government guide' (2014), examples of confidential information include discussing the conduct of employees, negotiations of contracts or terms of tender, or the early stages of a legal dispute)
- 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 4(e) above shall not exceed fifteen minutes unless directed by the chairman of the meeting. A public participation session is held each month prior to the start of the Council Meeting.
- g Subject to standing order 4(f) above, a member of the public shall not speak for more than 15 minutes.

- h In accordance with standing order 4(e) above, 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 may sit or stand 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.

SCM/
CM/FC

- l (i) In line with the Government's 'Open and Accountable Local Government guide' (2014) and s40 of the Local Audit and Accountability Act 2014 members of the public may film, photograph, make sound recordings or use social media to report the proceedings of any Council meeting at which they are entitled to be present.
(ii) persons **may not orally report or comment** about a meeting as it takes place if he (she) is present at the meeting.

SCM/
CM/FC

- m **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.**

FC

- n **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if any).**

FC

- o **The Chairman, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**

p **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**

q **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(i) and (j) below for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the council.

r **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.

s 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 present and absent;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- v. if there was a public participation session; and
- vi. the resolutions made.

SCM/
CM/FC

t **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.**

SCM/
CM/FC

u **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 5d(viii) below for the quorum of a committee or subcommittee meeting.

SCM/
CM/FC

SCM/
CM/FC

v **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.**

- w A meeting shall not exceed a period of 2 1/2 hours (e.g. commencing at 6.30pm closing no later than 9.00pm).

5. Committees and sub-committees

- a **Unless the council determines otherwise, a committee may appoint a subcommittee 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 full 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 5(b) and (c) above, appoint and determine the terms of office of members of such a committee;
 - v. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vi. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - vii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three;
 - viii. shall determine if the public may participate at a meeting of a committee;
 - ix. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
 - x. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - xi. may dissolve a

6. Ordinary council meetings

- a **In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of a council shall be held on such day in May as the council may direct.**
- c **The annual meeting of the council shall take place at 6.30pm.**
- 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 directs.**
- e **The first business conducted at the annual meeting of the council shall be the election of the Chairman and Vice-Chairman (if any) of the Council.**
- f **The Chairman of the Council, 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 Vice-Chairman of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the council.**
- h **In an election year, if the current Chairman of the Council has not been re-elected as a member of the council, he shall preside at the meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the council, he shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- j **Following the election of the Chairman of the Council and Vice-Chairman (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall include:**
 - i. **In an election year, delivery by the Chairman of the Council 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 Chairman of the Council 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 above;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements, including any charters and agency agreements, with other local authorities and review of contributions made to expenditure incurred by other local authorities;
- 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 assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insured 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 procedures for handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998;
- xviii. Review of the council's policy for dealing with the press/media; and
- xix. Determining the time and place of ordinary meetings of the full council up to and including the next annual meeting of full council.

7. Extraordinary meetings of the council and committees and sub-committees

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

8. Previous resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 2 councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 8(a) above has been disposed of, no similar motion may be moved within a further six months.

9. Voting on appointments

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

10. 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 which it is tabled for 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 10(b) above, 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 10(b) above is not clear in meaning, the motion shall be rejected until the

mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 4 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 Subject to standing order 10(e) above, 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 in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

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

- a The following motions may be moved at a meeting without written notice to the 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 sensitive 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 requirements);**
 - xvi. to adjourn the meeting; or
 - xvii. to close a meeting.

12. Handling confidential or sensitive information

- a The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential or sensitive information which for special reasons would not be in the public interest.
- b Councillors and staff shall not disclose confidential or sensitive information which for special reasons would not be in the public interest.

13. Draft minutes

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 11(a)(i) above.
- 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 Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

14. Code of conduct and dispensations

See also standing order 4(t) above.

- 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 14(d) and (f) above, dispensations requests shall be considered at the beginning of the meeting of the council, or committee or a sub-committee for which the dispensation is required.
- h A dispensation may be granted in accordance with standing order 14(e) above if having regard to all relevant circumstances the following applies:**
 - 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 or**

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

15. Code of conduct complaints

- a Upon notification by Durham 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 12 above, report this to the council.
- b Where the notification in standing order 15(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman 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 15(d) below.
- c The council may:
 - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
 - 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.**

16. 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 three clear days before a meeting of the council, a committee and a sub-committee serve on councillors, by delivery or post at their residences, a signed summons confirming the time, place and the agenda.**
See standing order 4(b) above for the meaning of clear days for a meeting of a full council and standing order 4 (c) above for a meeting of a committee.
 - ii. **give public notice of the time, place and agenda at least three clear days before a meeting of the council or a meeting of a committee or a sub-committee (provided that the public notice with agenda of an extraordinary**

- meeting of the council convened by councillors is signed by them);**
See standing order 4(b) above for the meaning of clear days for a meeting of a full council and standing order 4(c) above for a meeting of a committee.
- iii. subject to standing order 10 above, include on the agenda all motions in the order received unless a councillor has given written notice at least six days before the meeting confirming his withdrawal of it;
 - iv. **convene a meeting of full council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
 - v. facilitate inspection of the minute book by local government electors;
 - vi. **receive and retain copies of byelaws made by other local authorities;**
 - vii. retain acceptance of office forms from councillors;
 - viii. retain a copy of every councillor's register of interests;
 - ix. assist with responding to requests made under the Freedom of Information Act 2000 and Data Protection Act 1998, in accordance with and subject to the council's policies and procedures relating to the same;
 - x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary;
 - xi. manage the organisation, storage of, access to and destruction of information held by the council in paper and electronic form;
 - xii. arrange for legal deeds to be executed;
See also standing order 23 below.
 - xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the council in accordance with the council's financial regulations;
 - xiv. record every planning application notified to the council and the council's response to the local planning authority in a book for such purpose;
 - xv. refer a planning application received by the council to the next Committee available. Should it be a time of recess then details be sent to Members for immediate comment.
 - xvi. manage access to information about the council via the publication scheme.
 - xvii. Action or undertake activity or responsibilities instructed by resolution or contained in standing orders.
 - xviii. To Act with delegated authority as indicated in the Council's Scheme of Delegation.

17. Responsible Financial Officer

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

18. Accounts and accounting statements

- a “Proper practices” in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners’ Guide (England).
- 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 for each quarter;
 - ii. the council’s aggregate receipts and payments for the year to date;
 - iii. the balances held at the end of the quarter being reported

and which 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 for the last quarter and the year to date for information; and
 - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual 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 applying the form of accounts determined by the council (income and expenditure) for a year to 31 March. A completed draft annual return shall be presented to each councillor before the end of the following month of May. The annual return of the council, which is subject to external audit, including the annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

19. Financial controls and procurement

- a The council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required 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. procurement policies (subject to standing order 19(c) below) including the setting of values for different procedures where a contract has an estimated value of less than £50,000.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c Financial regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £50,000 shall be procured on the basis of a formal tender as summarised in standing order 19(d) below.
- 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, (iv) whether tenders are to be assessed on the basis of lowest price, or a balance of price and quality, and (v) 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, on the government Contracts Finder website, 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 The council shall, at its discretion, reject any tender that does not meet the requirements expressed in the tender documents, or which is submitted after the deadline date. Neither the council, nor a committee or a sub-committee with delegated responsibility for considering tenders, shall be compelled to award a contract. The council shall always reserve the right to cancel a tender process without awarding a contract.
- f Where the value of a contract is likely to exceed £164,176 (or other threshold specified by the Cabinet Office from time to time) the council must consider whether the Public

Contracts Regulations 2015 or the Concession Contracts Regulations 2016 (or equivalent) apply to the contract..

20. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 12 above.
- b Matters pertaining to staff will be dealt with under the relevant Council policies as appropriate to the matter under consideration.
- c Subject to the council's policy regarding absences from work, the council's most senior member of staff shall notify the committee of absence occasioned by illness or other reason and that person shall report such absence to the Establishment Committee at its next meeting.
- d The chairman of the Council 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 is subject to approval by resolution by Establishment committee.
- e Subject to the council's policy regarding the handling of grievance matters, the council's most senior employee, the Town Clerk, shall contact the Mayor of Council or in his absence, the Deputy Mayor of Council in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Establishment Committee.
- f Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by Town Clerk relates to the Mayor or Deputy Mayor of Council, this shall be communicated to another member of Council which shall be reported back and progressed by resolution of the Establishment committee.
- g Any persons responsible for all or part of the management of staff shall treat the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters as confidential and secure.
- h The council shall keep all written records relating to employees secure. All paper records shall be secured and locked and electronic records shall be password protected.
- i Only persons with line management responsibilities shall have access to staff records referred to in standing orders 20(f) and (g) above if so justified.

- j Access and means of access by keys and/or computer passwords to records of employment referred to in standing orders 20(f) and (g) above shall be provided only to the post holder and/or the Town Clerk.

21. Requests for information

- a Requests for information held by the council shall be handled in accordance with the council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.
- b Correspondence from, and notices served by, the Information Commissioner shall be referred by the Town Clerk & Proper Officer to the Mayor of the Council and full Council. Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.

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 16(b)(xii) and (xvii) above.

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.

Subject to standing order 23(a) above, any two councillors may sign, (usually the Mayor and another) on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.

24. Communicating with District and County or Unitary councillors

- a An invitation to attend a meeting of the council shall be sent, together with the agenda, to the ward councillor(s) 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

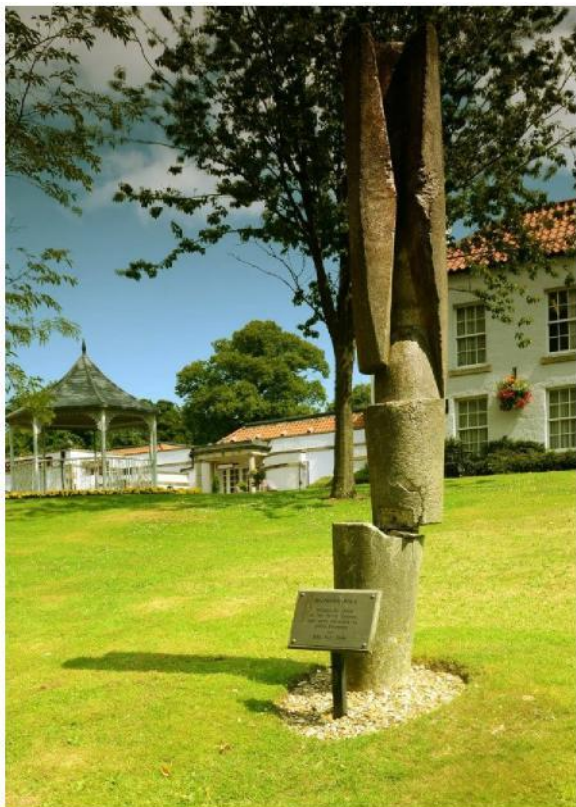
Council shall be sent to the ward councillor(s) representing the area of the council.

25. Restrictions on councillor activities

- a. Unless authorised by a resolution, 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. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory 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 above.
- 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.



PETERLEE TOWN COUNCIL FINANCIAL REGULATIONS

Adopted September 2021

EXPLANATORY NOTE

These 'Financial Regulations' compliment the Council's Standing Orders and set out the way that the Council conducts its financial affairs. Our Financial Regulations have been adopted from the National Association of Local Councils model financial regulations and this version was reviewed and updated by the Council in September 2021. The main substantive changes from the previous version are the updating of post-Brexit procurement rules and updating the regulations in relation to the Council's use of internet banking.

Ian Morris, Chief Officer & Responsible Financial Officer

**PETERLEE TOWN COUNCIL
FINANCIAL REGULATIONS**

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2. GENERAL

- 2.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders¹ and any individual financial regulations relating to contracts.
- 2.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.
- 2.3. The council's accounting control systems must include measures:
- for the timely production of accounts;
 - that provide for the safe and efficient safeguarding of public money;
 - to prevent and detect inaccuracy and fraud; and
 - identifying the duties of officers.
- 2.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.
- 2.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 2.6. A deliberate breach of these Regulations by an employee may constitute gross misconduct.
- 2.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations is likely to be regarded as bringing the office of Councillor into disrepute.
- 2.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.
- 2.9. The RFO:
- acts under the policy direction of the council;
 - administers the council's financial affairs in accordance with all Acts, proper practices;

¹ A copy of the Council's standing orders can be found on the Council's website here:
<https://www.peterlee.gov.uk/policies/>

- determines on behalf of the council its accounting records and accounting control systems;
- ensures the accounting control systems are observed;
- maintains the accounting records of the council up to date in accordance with proper practices;
- assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
- produces financial management information as required by the council.

2.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations².

2.11. The accounting records determined by the RFO shall in particular contain:

- entries from day to day of all sums of money received and expended by the council and the matters to which the income and expenditure or receipts and payments account relate;
- a record of the assets and liabilities of the council; and
- wherever relevant, a record of the council's income and expenditure in relation to claims made, or to be made, for any contribution, grant or subsidy.

2.12. The accounting control systems determined by the RFO shall include:

- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
- measures to ensure that risk is properly managed.

² Accounts and Audit Regulations 2015 <https://www.legislation.gov.uk/uksi/2015/234/contents>

2.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- setting the final budget or the precept (Council Tax Requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the power of well-being; and
- addressing recommendations in any report from the internal or external auditors,

shall be a matter for the full council only.

2.14. In addition, the council must:

- determine and keep under regular review the bank mandate for all council bank accounts;
- approve any grant or a single commitment in excess of £5,000; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant Committee in accordance with its terms of reference.

2.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of the Local Audit and Accountability Act 2014 and Accounts and Audit Regulations 2015, or any superseding legislation, and then in force unless otherwise specified..

2.16. In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils— a Practitioners' Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC) available from the website of SLCC, as well as any practices set out in Procurement Policy Notes issued by the Cabinet Office or Crown Commercial Service.

3. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

- 3.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate Guidance and proper practices.
- 3.2. On a regular basis, at least once in each quarter, and at each financial year end, one or more members, other than the Chairman, shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the council and/or Resources Committee.
- 3.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.
- 3.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.
- 3.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the council in accordance with proper practices.
- 3.6. The internal auditor shall:
 - be competent and independent of the financial operations of the council;
 - report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
 - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
 - have no involvement in the financial decision making, management or control of the council.
- 3.7. Internal or external auditors may not under any circumstances:
 - perform any operational duties for the council;

- initiate or approve accounting transactions; or
 - direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.
- 3.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.
- 3.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by the Local Audit and Accountability Act 2014, or any superseding legislation, the Local Government Transparency Code, and the Accounts and Audit Regulations.
- 3.10. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

4. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

- 4.1. The Resources Committee shall review its three year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the council not later than the end of December each year including any proposals for revising the forecast.
- 4.2. The RFO must each year, by no later than January, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by council.
- 4.3. The council shall consider annual budget proposals in relation to the council's three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.
- 4.4. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 4.5. The approved annual budget shall form the basis of financial control for the ensuing year.

5. BUDGETARY CONTROL AND AUTHORITY TO SPEND

5.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the council for all items over £5,000;
- a duly delegated committee of the council for items between £5,000 - £2,500; or
- the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items between £5,000 - £2,500; or
- The Clerk for any items up to and including £2,500.

Such authority is to be evidenced by a Minute or by a suitable alternative form of communication (e.g. email) duly 'signed' by the Clerk, and where necessary also by the appropriate Chairman..

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

5.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council, or duly delegated committee. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').

5.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.

5.4. The salary budgets are to be reviewed at least annually in October for the following financial. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.

5.5. In cases of extreme risk to the delivery of council services, the Clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £5,000. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.

5.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.

5.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.

- 5.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose “material” shall be in excess of 15% of the budget.
- 5.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

6. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

- 6.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 6.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to the Finance Sub Committee. The sub committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the finance committee. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 6.3. All invoices for payment shall be examined, verified and certified by the RFO or relevant SMT budget holder to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.
- 6.4. The RFO or relevant SMT budget holder shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available Finance Sub Committee Meeting..
- 6.5. The Clerk /RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
- a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, or where late payment would violate the requirements of Regulation 113 of the Public Contracts Regulations 2015, and the due date for payment is before the next scheduled Meeting of council, where the Clerk/ RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next

appropriate meeting of council. An expenditure item authorised under 6.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council or finance sub committee or

- b) fund transfers within the councils banking arrangements up to the sum of £100,000, provided that a list of such payments has either already been approved by Council, Resources Committee or Financial Sub Committee or shall be submitted to the next appropriate meeting of council or resources committee.

6.6. For each financial year the Clerk/RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council or resources Committee.

6.7. A record of regular payments made under 6.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.

6.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by council and in accordance with any Policy statement approved by council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the council.

6.9. Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.

6.10. The council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.

6.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

7. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

7.1. The council will make safe and efficient arrangements for the making of its payments.

- 7.2. Contracts for supplies, services and works shall provide for 30-day maximum payment terms, as required by Regulation 113 of the Public Contracts Regulations (or other relevant legislation).
- 7.3. Following authorisation under Financial Regulation 6 above, the council, a duly delegated committee or, if so delegated, the Clerk /RFO shall give instruction that a payment shall be made.
- 7.4. All payments shall be effected by electronic payment or other instructions to the council's bankers, or otherwise, in accordance with a resolution of Council or duly delegated Committee.
- 7.5. Cheques, or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by three members of council in accordance with a resolution instructing that payment. If a member who is also a bank signatory has declared a disclosable pecuniary interest, or has any other interest, in the matter in respect of which the payment is being made, that Councillor shall be required to consider Standing Orders, and thereby determine whether it is appropriate and / or permissible to be a signatory to the transaction in question.
- 7.6. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 7.7. Cheques or orders for payment shall not normally be presented for signature other than at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the Resources Committee at the next convenient meeting.
- 7.8. If thought appropriate by the council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable Direct Debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable Direct Debit shall be renewed by resolution of the council at least every two years.
- 7.9. If thought appropriate by the council, payment for certain items (principally Salaries) may be made by Banker's Standing Order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to council as made. The approval of the use of a Banker's Standing Order shall be renewed by resolution of the council at least every two years.
- 7.10. If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories are retained and any payments are reported to council as made. The approval of

the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.

- 7.11. If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 7.12. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.
- 7.13. No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.
- 7.14. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 7.15. The council, and any members using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.
- 7.16. Where internet banking arrangements are made with any bank, the Clerk/RFO or other delegated officer shall be appointed as the Service Administrator. The Bank Mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 7.17. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 7.18. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Clerk/RFO. A programme of regular checks of standing data with suppliers will be followed.

- 7.19. Any Debit Card issued for use will be specifically restricted to the Clerk and will also be restricted to a single transaction maximum value of **£5,000** unless authorised by council or finance committee in writing before any order is placed. Use of this debit card will be reported to finance committee on a quarterly basis, for information and appropriate scrutiny.
- 7.20. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the council or resources committee. Transactions and purchases made will be reported to the council and authority for topping-up shall be at the discretion of the council
- 7.21. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk/RFO **unless otherwise authorised by the scheme of delegation** and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances..
- 7.22. The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.
- a) The RFO may maintain as petty cash float of £75.00 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
 - b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
 - c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to council under 6.2 above.

8. PAYMENT OF SALARIES

- 8.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.
- 8.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available council meeting, as set out in these regulations above.
- 8.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the council, unless provided for in the Officers Scheme of Delegation.

- 8.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
- a) by any councillor who can demonstrate a need to know;
 - b) by the internal auditor;
 - c) by the external auditor; or
 - d) by any person authorised under Local Audit and Accountability Act 2014, or any superseding legislation.
- 8.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 8.6. An effective system of personal performance management should be maintained for the senior officers.
- 8.7. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.
- 8.8. Before employing interim staff the council must consider a full business case.

9. LOANS AND INVESTMENTS

- 9.1. All borrowings shall be effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for Borrowing Approval, and subsequent arrangements for the Loan shall only be approved by full council.
- 9.2. Any financial arrangement which does not require formal Borrowing Approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 9.3. The council will arrange with the council's Banks and Investment providers for the sending of a copy of each statement of account to the Chairman of the council at the same time as one is issued to the Clerk/ RFO.
- 9.4. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with council policy.
- 9.5. The council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 9.6. All investments of money under the control of the council shall be in the name of the council.
- 9.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 9.8. Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 6 (Authorisation of payments) and Regulation 7 (Instructions for payments).

10. INCOME

- 10.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the Clerk/RFO.
- 10.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the council.
- 10.3. The council will review all fees and charges annually, following a report of the Clerk.

- 10.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.
- 10.5. All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.
- 10.6. The origin of each receipt shall be entered on the paying-in slip.
- 10.7. Personal cheques shall not be cashed out of money held on behalf of the council.
- 10.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 10.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 10.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 17 below)].

11. ORDERS FOR WORK, GOODS AND SERVICES

- 11.1. 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.
- 11.2. Order books shall be controlled by the Clerk/RFO.
- 11.3. All members and Officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 12 (l) below.
- 11.4. A member may not issue an official order or make any contract on behalf of the council.
- 11.5. The Clerk/RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported

to the meeting at which the order is approved so that the Minutes can record the power being used.

12. CONTRACTS

12.1. Procedures as to contracts are laid down as follows:

- a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vii) below:
 - i. for the supply of water and sewerage services;
 - ii. for the execution of mandatory works by statutory undertakers, where the statutory undertaker is the only body which can perform the works. Such statutory undertakers include:
 - (i) British Telecom – specifically for telecoms infrastructure works;
 - (ii) Network Rail – specifically for works affecting the railway infrastructure;
 - (iii) Northern Gas Networks – specifically for gas supply infrastructure works;
 - (iv) Northern Powergrid – specifically for electricity infrastructure works;
 - (v) Northumbria Water – specifically for water and sewerage infrastructure works;
 - (vi) Highways England – specifically for works to the core road network under their management;
 - iii. for legal services declared exempt from the Public Contracts Regulations 2015;
 - iv. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant, where this requirement can be satisfied by only one possible contractor;
 - v. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council, where the possibility of such extension was provided for in the original contract, or where the contract may be modified in accordance with Regulation 72 of the Public Contracts Regulations 2015;
 - vi. for additional audit work of the external Auditor up to an estimated value of £500 (in excess of this sum the Clerk/ RFO shall act after consultation with the Chairman and Vice Chairman of council); and

- vii. for goods or materials proposed to be purchased which are proprietary articles only available from one possible supplier and / or are only sold at a fixed price.
 - b. Where it is intended to enter into a contract at or exceeding £50,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall, as a minimum, invite tenders from at least three capable firms and in accordance with Standing Order regulation 19(d).
 - c. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council. Waivers should only be used where at least one of the following circumstances applies:
 - i. with an organisation already engaged by the Council for a similar and related procurement and where there is significant benefit to extending the contract to cover this additional requirement, without exposing the Council to unacceptable risk;
 - ii. involving cases of genuine, unforeseen urgency, where it is not possible to operate a competitive procedure;
 - iii. for the purchase of a work of art or museum specimen, to meet the specific requirements of an artistic, cultural, or performing arts event, or otherwise for the protection of exclusive rights which cannot be procured competitively due to the nature of the requirement;
 - iv. in relation to time-limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this; or
 - v. where relevant UK or EU legislation not otherwise referred to in these regulations prevents the usual procurement process from being followed.
 - d. Invitations to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. If the tenders are to be returned by post, each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
 - e. Invitations to tender shall make clear whether tenders are to be assessed on the basis of lowest price, or a balance of price and quality and, in the latter case, the weightings applied to each of these criteria.
 - f. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.

- g. If no tenders are received, or if all of the tenders received are non-compliant, the council may, at its discretion, make such arrangements as it sees fit, with a competent supplier, to meet the requirements of the contract.
- h. Any invitation to tender issued under this regulation shall be subject to Standing Order 19, Financial controls and Procurement, and shall refer to the terms of the Bribery Act 2010.
- i. When it is to enter into a contract of less than £50,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk/RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the Clerk/RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.
- j. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- k. Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.
- l. The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 shall apply and the terms of the Public Contracts Regulations 2015 and the including thresholds shall be followed.
- m. Where openly advertising a contract opportunity by any other means, such as appropriate newspapers, the council will also ensure an appropriate advertisement is placed on the Contracts Finder website.
- n. The award of any contract worth more than £25,000 shall be publicised by a notice on Contracts Finder or equivalent. This includes contracts which have not been subject to prior advertising.

13. CAPITAL PROGRAMME WORKS

- 13.1 The Council's rules for procurement, the award and management of contracts and tendering are set out separately in Standing Orders.
- 13.2 Capital programme projects should only be undertaken where the project is included within the approved Capital Programme for the year and where sufficient budget is available to meet the cost of the works. This is particularly important for capital projects that span more than one financial

year, in which case a full financial appraisal should include identification of payments and receipts for the project over its full lifetime.

- 13.3 In addition, where a capital project involves expenditure over the value of £5,000 or where a tender process or contract is to be entered into involving capital expenditure, approval from the appropriate Committee is required before proceeding.
- 13.4 In such cases a report should be submitted to the Committee setting out details of the capital project, the capital expenditure, quotes, any exemptions to standing orders, the preferred contractor and details of any tender process or contract details.

14. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

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

15. STORES AND EQUIPMENT

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

16. ASSETS, PROPERTIES AND ESTATES

- 16.1. The Clerk/RFO shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The Clerk/RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 16.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed **£2,500**.
- 16.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law, In each case a Report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 16.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a Report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 16.5. Subject only to the limit set in Reg. 15.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a Report in writing shall be provided to council with a full business case.
- 16.6. The Clerk/RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

17. INSURANCE

- 17.1. Following the annual risk assessment (per Financial Regulation 18), the Clerk/RFO shall effect all insurances and negotiate all claims on the council's insurers
- 17.2. The Clerk/RFO shall give prompt notification to the Insurers of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

- 17.3. The Clerk/RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 17.4. The Clerk/RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.
- 17.5. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council

18. CHARITIES

- 18.1. Where the council is sole managing trustee of a charitable body the Clerk/ RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

19. RISK MANAGEMENT

- 19.1. The council is responsible for putting in place arrangements for the management of risk. The Clerk/RFO shall prepare, for approval by the council, risk management policy statements in respect of all relevant activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.
- 19.2. When considering any new activity, the Clerk/RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

20. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

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



Peterlee Town Council Complaints Procedure

SUMMARY

This complaints procedure has been adapted from the national model Town & Parish Council complaints procedure published by the Society of Local Council Clerks (SLCC). The model is based on the guidance on handling complaints produced by the Local Government Ombudsman. This document sets out how you may complain to the Council and how we shall go about resolving your complaint.

Ian Morris, Town Clerk
September 2021

Complaints Procedure

Adopted April 2017, reviewed September 2021

1. Peterlee Town Council is committed to providing a quality service for the benefit of the people who live or work in the Peterlee area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council, or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we shall try to resolve your complaint.
2. This Complaints Procedure applies to complaints about council administration, procedures and services and may include complaints about how council employees have dealt with your concerns.
3. This Complaints Procedure does not apply to:
 - 3.1. complaints by one council employee against another council employee, or between a council employee and the council as employer. These matters are dealt with under the council's disciplinary and grievance procedures.
 - 3.2. complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council in 2021 and if a complaint against a councillor is received by the Town council it will be referred to the Standards Committee of Durham County Council in line with this policy. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of Durham County Council here: <http://www.durham.gov.uk/ethicalstandards> or by contacting the Committee's Support Officer on 03000 269 703
4. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed, or by contacting your local Town Council ward member. You can find out who your local ward members are via the Town Council's website here: <http://www.peterlee.gov.uk/councillors/>

Town Council meeting agendas are published at least 3 days before all of our meetings here: <http://www.peterlee.gov.uk/agendas-minutes/>

There may also be the opportunity to raise your concerns in the public participation section of Council meetings. This section usually occurs between 6.30pm – 6.45pm at full Council meetings.
5. If you are unhappy with a Council decision, you may raise your concerns with the Council, but [Standing Orders](#) prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.

6. You may make your complaint about the council's procedures, services or administration to the Town Clerk. You may do this in person, by phone, or by writing to or emailing the Clerk:

Ian Morris, Town Clerk 0191 586 2491

clerk@peterlee.gov.uk

Peterlee Town Council, Shotton Hall, Old Shotton, Peterlee SR8 2PH

7. Wherever possible, the Town Clerk will try to resolve your complaint immediately and without referring to the formal procedure. If this is not possible, the Clerk will normally try to acknowledge your complaint within five working days and will instigate the formal procedure.
8. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of the Council who will liaise with the Clerk in resolving your complaint:

Cllr Mary Cartwright c/o Peterlee Town Council, Shotton Hall, Peterlee SR8 2PH

(0191) 7160779 maryrosemarie@hotmail.com

9. If the formal procedure is invoked you will be asked to put your complaint in writing, either on paper or by email. You must submit your name, address and either a telephone or email address where you can be contacted. The Town Clerk will investigate your complaint, obtaining further information as necessary from you and/or from staff or members of the Council (as appropriate).
10. The Clerk will notify you within 20 working days of the outcome of your complaint of what action (if any) the Council proposes to take as a result of your complaint. (In exceptional cases the twenty working days timescale may have to be extended. If it is, you will be kept informed.)
11. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Appeals Committee of the Town Council. This referral will be made by the Clerk or Chairman of the Council at their discretion and the result of the referral will be reported to full Council. You will be notified in writing of the outcome of the review of your original complaint, usually within 8 weeks of the complaint, although this period may be extended in exceptional circumstances.
12. If the complaint is about the Town Clerk, the Chairman of the Council will manage the process for the complaint in conjunction with another suitable officer, most probably a Senior Officer from Durham County Council.
13. Some disputes may need to be handled outside of this complaints procedure, for instance where legal proceedings are involved or where a claim for compensation is made that we need to refer to our insurers. If this is the case the Town Clerk will seek legal advice before advising you of the process to be followed.



Abusive, unreasonable and vexatious complaints policy

SUMMARY

This document sets out the council's policy on dealing with abusive, unreasonable or vexatious complaints. The policy is intended to support the council's complaints procedure which was adopted in April 2017 and reviewed by Council in 2021. It is also intended to help us to protect our staff, in line with our duty of care as an employer.

Ian Morris, Town Clerk
September 2021

Peterlee Town Council

Abusive, unreasonable and vexatious complaints policy

Adopted June 2017, reviewed September 2021

Introduction

1. Dealing with a complaint is a straightforward process covered by the Council's complaints procedure, but in a minority of cases people pursue their complaints in a way that is abusive to staff or can either impede the investigation of their complaint or have significant resource issues for the council. This can happen either as part of making the complaint, while their complaint is being investigated, or once the council has finished dealing with the complaint.
2. If this occurs as part of the making of a statutory or corporate complainant, the incident will be dealt with using this policy.
3. We will not normally limit the contact which complainants have with council employees. It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are simply being difficult. It must be recognised that people may sometimes act out of character at times of anxiety or distress and reasonable allowances should be made for this.
4. We do not expect staff to tolerate abusive, vexatious or unacceptable persistent behaviour by complainants. Where a person's behaviour threatens the immediate safety and welfare of staff, a decision will be taken to place that person on the council's Potentially Violent Persons Register (PVPR). Abusive, vexatious or unacceptable persistent behaviour in the context of the PVPR is defined as conscious, deliberate or malicious acts of violent, aggressive or abusive behaviour towards Council employees including physical assault. The following behaviours will not be tolerated and apply to all of the access channels including: telephone, face to face, email, web form and social media:
 - Using abusive or foul language
 - Multiple contact to the service
 - Physical assault
5. Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant.
6. Even where an applicant displays abusive, vexatious or unacceptable persistent behaviour they can still make requests for information. These will be assessed according to the relevant access to information legislation, and there are grounds within the Freedom of Information Act to declare a request as vexatious in certain conditions.¹
7. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her

¹ See 'Dealing with vexatious request (section 14)', Information Commissioner's Office, here: <https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

to be labelled vexatious or unreasonably persistent. The principles outlined in paragraph 10 must be applied.

Abusive, unreasonably persistent and/or vexatious definitions

8. The Council defines abusive, vexatious or unreasonably persistent complainants as those complainants who, because of the frequency or nature of their contacts with the council, hinder our consideration of their or other people's complaints. The description 'abusive', 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.
9. Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.
10. Features of an abusive, unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, one single feature on its own does not necessarily mean the person will be considered as being in this category):

An abusive, unreasonably persistent and/or vexatious complainant may:

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious);
- refuse to specify the grounds of a complaint despite offers of assistance;
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure (e.g. staff disciplinary issues; policy decisions);
- refuse to accept that issues are not within the power of the council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation);
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint);
- make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced;
- make an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints;
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails);
- harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive language;
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed; 10 Corporate Complaints Policy
- deny statements he or she made at an earlier stage in the complaint process;
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given;
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences

make these 'new' complaints which should be put through the full complaints procedure;

- persistently approach the council through different routes about the same issue;
- persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons;
- refuse to accept documented evidence as factual;
- complain about or challenge an issue based on a historic (more than a year old) and irreversible decision or incident;
- have knowingly recorded meetings or face to face/telephone conversations without prior knowledge and consent by the parties involved.

Imposing restrictions

11. We will seek to ensure that the complaint is being, or has been, investigated properly according to the corporate complaints procedure if possible. In the case of an abusive complainant, we may refrain from investigating the complaint until such time as the complainant stops the abusive behaviour.
12. In the first instance the service manager will consult with the Town Clerk prior to issuing a warning to the complainant. The service manager or Town Clerk will contact the complainant either in writing, by phone or face to face to explain why this behaviour is causing concern, and ask them to change this behaviour. If a complainant has a disability, reasonable adjustments will be made if necessary. The service manager or Town Clerk will explain the actions that the council may take if the behaviour does not change. All telephone or face to face conversations will be documented.
13. If the abusive, vexatious or persistent unacceptable behaviour continues, the Town Clerk will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact the council in future will be restricted. The Town Clerk will make this decision and inform the complainant in writing of what restrictions have been put in place and for what period.
14. Any restriction imposed on the complainant's contact with the council will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between 3 and 6 months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis. Any entry onto the Potentially Violent Person's Register will be for 12 months, any repeat instance of violence or aggression within the PVPR timeframe will result in a reset of the PVPR entry, effectively resetting the entry for a further 12 months.
15. Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:
 - banning the complainant from making contact by telephone except through a third party e.g. councillor/friend acting on their behalf;
 - banning the complainant from using some council buildings to access services;
 - banning the complainant from accessing any council building except by appointment agreed by relevant service manager;
 - requiring contact to take place with one nominated single point of contact;
 - restricting telephone calls to specified days / times / duration;
 - requiring any personal contact to take place in the presence of an appropriate witness and/or advising that the conversation will be recorded;

- letting the complainant know that we will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence);
 - in extreme circumstances, the Council may involve the Police. Where this is the case, the complainant will be advised that this is the course of action that the Council is taking and why. Examples include:
 - abusive and threatening behaviour
 - physical abuse
 - refusal to leave the premises
16. When the decision has been taken to apply this policy to a complainant, the Town Clerk will contact the complainant in writing (and/or as appropriate) to explain:
- why we have taken the decision;
 - what action we are taking;
 - the duration of that action;
 - the review process of this policy
17. The Town Clerk will enclose a copy of this policy in the letter to the complainant.
18. Where a complainant continues to behave in a way which is unacceptable, the Town Clerk, in consultation with the Councils Legal advisors, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.
19. The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Town Clerk after three months and at the end of every subsequent three months within the period during which the policy is to apply. During this period an integrated restorative practice approach will be considered to try and find a positive way forward for all parties involved.
20. The complainant will be informed of the result of this review if the decision to apply this policy to them has been changed or extended.
21. Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action. In those cases the complainant will be put on the Potentially Violent Persons Register for a minimum of 12 months.

New complaints from complainants who are treated as abusive, vexatious or persistent

22. New complaints from people who have come under this policy will be treated on their merits. The Town Clerk will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. We do not support a 'blanket policy' of ignoring genuine service requests or complaints where they are founded.

Report to: Peterlee Town Council Resources Committee
Date of Meeting: 13th September 2021
Subject: 2021/22 financial year – first quarter budget summary report
Report of: Ian Morris, Town Clerk

Report Purpose: To provide the Council with a budget summary report to the end of the first quarter of the 2021/22 financial year, in line the Council's Financial Regulations¹.

Background: This budget report is intended to satisfy the requirement of s5.8 of the Council's Financial Regulations to provide Council with a report on income and expenditure against the Council's budget heads on a quarterly basis.

The working process that enables this report is as follows:

- End of Quarter budget report produced and circulated to Budget holders by Finance Team;
- Variance report produced and discussed with each budget holder;
- Report to Council for discussion and approval.

This report represents the Council's position at the end of the first quarter of the 2021/22 Financial Year, i.e. as at 30th June 2021.

Q1 summary: The 2020/21 quarter 1 overall budget outturn per budget head is provided in Appendix 1 to this report.

There are no particular issues or anomalies to bring to Members' attention. COVID continues to have represent a challenge in terms of reduced income and some additional areas of expenditure for items such as PPE, increased cleaning and hygiene arrangements, etc

All employees have returned from furlough and we continue to use working from home as a way to reduce in-office contact where reasonably practicable to do so.

Q1 variances: A number of individual budget heads have variances in excess of the 'material' 15% limit prescribed in the Financial Regulations. Summary explanations for these material variances are provided in Appendix 2 to this report.

Recommendation: Members are recommended to note the content of this report.

¹ Council's financial regulations are available from the Town Clerk on request or here: <http://www.peterlee.gov.uk/wp-content/uploads/sites/37/2019/03/Financial-regs-amended-March-2019.pdf>

Appendix 1: 2021/22 quarter 1 variance table by budget heads

N.B. Members' attention is drawn in particular to columns G and H which provide the *pro rata* (i.e. quarter 1 position) variances. Column H describes pro rata over or underspend at the first quarter point in the year, assuming 25% of budget.

A: Code	B: Budget Head	C: 2020/21 Budget	D: Q1 Actual	E: Variance	F: % of Budget	G: pro rata variance %	H: pro rata variance £
101	Central & Civic HQ Costs	£576,733	£128,877	£447,856	22%	11%	-£15,306
102	Democratic Costs	£32,000	£7,229	£24,771	23%	-10%	-£771
103	Corporate Management	£36,000	£8,933	£27,067	25%	-1%	-£67
105	Other Costs and Income	-£1,552,857	-£783,502	-£769,355	50%	102%	-£395,288
201	Shotton Hall banqueting suites	£123,433	£25,044	£98,389	20%	-19%	-£5,814
221	The Pavilion Sports & Community Centre	£239,619	£53,195	£186,424	22%	-11%	-£6,710
240	Sport & Leisure (pitches & equipment, etc)	£118,943	£26,588	£92,355	22%	-11%	-£3,148
241	Hill Rigg House	£12,403	-£920	£13,323	-7%	-130%	-£4,063
242	Lowhills Bowls Pavilion	£500	£0	£500	0	-100%	-£125
261	Rugby Club site	-£6,001	-£5,316	-£685	-89%	-254%	-£3,816
262	Eden Lane Parks Depot	£27,085	£10,706	£16,379	40%	58%	£3,935
293	Eden Lane Bowls Pavilion	£1,584	£307	£1,277	19%	-22%	-£89
280	Woodhouse Park	£52,563	£17,204	£35,359	33%	31%	£4,063
290	Sports Development	£35,746	£14,441	£21,305	40%	62%	£5,505
301	Parks Department general budget	£221,225	£71,164	£150,061	32%	29%	£15,858
325	Cemetery Service	£33,093	£30,434	£2,659	92%	268%	£22,161
350	Allotments	£15,974	£660	£15,314	4%	-83%	-£3,334
410	Town Activities	£43,000	£4,929	£38,071	11%	-54%	-£5,450
430	Town Events	£21,800	£0	£21,800	0%	-100%	-£5,450
901	Capital Projects	£28,000	£6,873	£21,127	25%	-2%	-£127

Appendix 2: material (>15%) variances for quarter 1 by budget head

NB: negative variances indicate an underspend, whether through reduced expenditure or increased income or both.

A: Code	B: Budget Head	G: pro rata variance %	H: pro rata variance £	Explanation
105	Other Costs and Income	102%	-£395,288	50% of precept paid in Q1
201	Shotton Hall banqueting suites	19%	-£5,814	Some costs not yet invoiced, expected later in year
241	Hill Rigg House	130%	-£4,021	Hire income received at start of year
261	Rugby Club site	254%	-£3,816	Mast hire income received at start of year
280	Woodhouse Park	31%	£4,063	Expenditure incurred earlier in year
290	Sports & Wellbeing Development	62%	£5,505	Reduced income due to COVID, grant funding not yet received
293	Eden Lane Bowls	22%	-£89	Lower than budgeted costs in Q1
301	Parks General Budget	29%	£15,858	Various in-year variations in income & expenditure
325	Cemetery Service	268%	£22,161	Un-budgeted additional payment to Horden PC
350	Allotments	83%	-£3,334	Not yet incurrent any substantial expenditure
410	Town Activities	54%	-£5,821	Activities due later in year
430	Town Events	100%	-£5,450	Events due later in year