



19th March 2019

In accordance with Paragraphs 7 & 10(2) (b) of Schedule 12A of the Local Government Act 1972 I hereby summon you to attend a Meeting of **PETERLEE TOWN COUNCIL** to be held in the **Council Chamber**, Shotton Hall, Peterlee, SR8 2PH, on **MONDAY 25TH MARCH 2019 at 6.30pm**

Ian Morris M.C.I.H., P.S.L.C.C

Town Clerk

(Proper Officer of the Council)

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.

BUSINESS TO BE TRANSACTED

1. **Apologies for Absence**
2. **Public Participation Session**

Will be held to allow Members of the public an opportunity to put questions to the Council. This item of business to last no more than 15 minutes, as per Council Standing Orders.

3. 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>

4. To Approve the Minutes of the last meeting of the 25TH February 2019

The minutes of the previous meeting are attached for consideration and approval as a true and correct record. (attached)

5. The Minutes of the Resources Committee of the 4th March 2019

The minutes of the meeting of the Resources Committee are attached for Members to note their contents. (attached)

6. The Minutes of the Community & Environment Committee of the 11th March 2019

The minutes of the Community & Environment meeting are attached for Members to note their contents. (attached)

7. The Minutes of the Joint Health & Safety Committee of the 18th March 2019

The Minutes of the Joint Consultative Health & Safety Committee are attached for members to note their contents. (attached)

8. NEP Applications

Final opportunity to make a grant from Member's NEP Fund applications received as below:-

- (a) Peterlee Community Garden Group, funding towards the purchase of tools and equipment, £500.00
- (b) Inspired Gymnastics Academy, funding towards their team of gymnasts representing GB at the World Gymnaestrada in Austria, £5,000 requested
- (c) East Durham Partnership, funding towards their Haven Project, £250.00 requested

9. 2018/19 Debt Write Off

Members will receive a report from the Town Clerk recommending the write-off of three bad debts to the value of £4,136.41 in line with the Council's Debt Recovery policy.

10. Review of the use of Direct Debit, Standing Order and BACS/CHAPS payments

Members will receive a report from the Town Clerk seeking approval for the use of Direct Debit, Standing Order and BACS/CHAPS payments as per Financial Regulations.

11. Review of Financial Orders

Members will be asked to approve a number of amendments to the Council's Financial Regulations in line with recommendations from internal audit and general updating. A list of amendments is included in the attached document, section 1 page 2.

(Proposed amended Regulations attached)

12. Review of Officers' Scheme of Delegation

Members will be asked to approve a number of amendments to the Council's Officers' Scheme of Delegation. A list of amendments is included in the attached document, section 2 page 2.

(Proposed amended Scheme of Delegation attached)

13. Twinning Visit – July 2019

Members will receive a verbal update regarding correspondence from the Chair of the Peterlee & Nordenham Friendship Association regarding the visit by Nordenham guests in 2019.

(verbal report of the Town Clerk)

14. Spokesperson of the North East Party's Report

15. Spokesperson of the Labour Political Party's Report

PETERLEE TOWN COUNCIL

MINUTES OF THE MEETING OF THE TOWN COUNCIL

HELD IN THE COUNCIL CHAMBER, SHOTTON HALL, PETERLEE

ON MONDAY 25TH FEBRUARY 2019 at 6.30PM

PRESENT:- COUN T DUFFY (CHAIR)

Mesdames:- K Hawley, K Liddell, K Duffy, L Fenwick, M A Cartwright & S Simpson

Messrs:- S Miles, R Moore, G Carne, A Wilkinson, A Watson & C Watkins

126. Apologies for Absence

Apologies for absence were offered and accepted from Councillors AC Long, S McDonnell, R Kyle and S McGlen.

127. Public Participation Session

A public participation session was held to allow members of the public an opportunity to put questions to the Council. Representatives of Lowhills Road Leisure Gardens had come along to the meeting to address the Council on a number of issues outstanding issues at the site. It was agreed that a meeting between the representatives and Council Officers be arranged as soon as possible.

128. 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 received. Councillor S Meikle declared an interest in the item relating to the County Durham Community Foundation.

129. The Peterlee Fund

The Chair welcomed Michelle Cook from the County Durham Community Foundation who spoke about the work of the Foundation and proposals for a Peterlee Fund and gave a presentation to Members on the potential to bring funding into Peterlee. There was a question and answer session and at the close the Chair thanked Ms Cook for attendance at the meeting. **RESOLVED the Town Clerk look into this proposal further to see if a future model could work in Peterlee and to what financial benefit.**

The Chair then introduced Sgt Dave Watson to the meeting. Sgt Watson explained he was now the dedicated Sergeant for Peterlee. Members asked about the allocation of additional resource that had been offered by Ron Hogg when he attended a public

meeting last year. It was asked that the Town Clerk chase this up and an invite be extended for Mr Hogg to attend a future meeting.

Councillor S Meikle left the meeting at 7.40.

130. The Minutes of the Council Meeting of the 28th January 2019 a copy of which had been circulated to each Member, were approved, subject to Councillor Cartwright's apologies being included along with the deletion of "animals and wildlife" in Minute Number 124.

Progress with prices on acoustic panels for the Pavilion was requested and given, with a further report to be made as soon as prices had been compared.

131. The Minutes of the Resources Committee of the 4th February 2019 a copy of which had been circulated to each Member, were noted.

Matters Arising

Minute Number 68 – Lighting

It was noted that this meets matter related to potential future floodlighting and it was asked if this could be chased up with the electrician.

It was noted that Councillor Cartwright had taken ill and that was why she had left the meeting.

132. The Minutes of the Community & Environment Committee of the 11th February 2019 a copy of which had been circulated to each Member, were noted.

133. Durham's Year of Culture

The report of the Corporate Services Manager updating Members on this initiative and making suggestions as to how the Town Council may contribute was circulated for the information of Members. **RESOLVED the information given, be noted.**

134. Planning

(i) Gas fueled capacity mechanism embedded generation plant to support the National Grid, Land to the North of Hackworth Road NW Industrial Estate

It was reported an appeal had been lodged, for information (App ref DM/18/00225/FPA).

(ii) Construction and operation of gas powered generators for the provision of flexible energy generation, Land at Mill Hill, NW Ind Estate

It was reported details of this application had been received, and feedback was requested, (App Ref DM/19/00171/FPA). **RESOLVED this be considered further at the Resources Committee.**

(iii) Redevelopment of the former college site etc (App Ref DM/18/03002/FPA) It was reported there had been amendments made to this application.

135. Brass on the Bus Event – 16th July 2019

Members received a verbal report from the Town Clerk on a proposal to host a 'Brass on the Bus' event a Peterlee Pavilion on 16th July as part of the Passmore Pavilion 50th

anniversary celebrations. **RESOLVED** that whilst Member supported this proposal, they asked if DCC would seek alternative funding for it.

136. Lowhills Road Changing Rooms and Former Bowling Facility

The Town Clerk outlined the current use and facilities provided on the Lowhills Road site which included the Scout Hut, a play area, Hill Rigg House, DCC former Sure Start building, the former bowls pavilion and the former tennis courts. There were many issues to consider at the site and it was felt there were potential funding opportunities available. It was suggested a working party be established, initially with the local ward Members and Council Officers, to discuss what was wanted and needed for the area and this group report back to the Community and Environment Committee. **RESOLVED** a series of meetings with Local Ward Members be arranged to take place as soon as possible and this group prepare an options report to the Community & Environment Committee.

137. Review of Members' Allowances

Members were circulated with a report of the Town Clerk reviewing the current levels of Members allowances and recommending a 0% increase in the allowance for 2019/20 at £1,206.84.

RESOLVED the contents of the report be noted and

- (i) set the level of Members allowance for 2019/20 at £1,206.84, representing a 0% increase from 2018/19; and
- (ii) accept the Remuneration Panel's recommendation to adopt Durham County Council's allowances scheme for other allowable expenses, in line with the 2003 regulations.

138. Final Budget 2019/2020

Members considered and agreed the final budget for the forthcoming financial year, a copy of which had been circulated prior to the meeting.

RESOLVED the contents of the report be noted and:-

- (i) the extension of the Citizen Advice case worker project from 2 days to 3 days a week for the 2019/20 budget year at a cost of £20,000, be approved;
- (ii) the renewal of NAIC and CDAIC membership for the 2019/20 financial year at an estimated cost of £2,606.61 be approved;
- (iii) the budget for 2019/20 as detailed in this report, be approved.

139. Exclusion of the Press & Public

RESOLVED that in view of the confidential nature of the items to be discussed, the committee pass the formal resolution to exclude the press and public from the meeting, pursuant to schedule 12A s.5 of the Local Government Act 1972.

140. Horden Cemetery Contribution

Members were asked to consider the matter of past donations to Horden Parish Council relating to a contribution to the costs of Horden Cemetery. The Town Clerk made Members aware of the potential risk to the Town Council both financial and reputational, that was involved in reinforcing the Council's original decision.

RESOLVED

(i) the previous decision of October 2017 stood, that the Town Council would not be making a contribution to Horden Parish Council's cemetery service for 2017/18 or any future financial years;

(ii) it was also noted that in February 2018 the Town Council offered to meet with representatives from Horden Parish Council to discuss possible arrangements to mitigate the budgetary impact of this decision on Horden Parish Council and that the offer was declined by Horden Parish Council.

141. Spokesperson of the North East Party's Report

Councillor A Watson congratulated one of his colleagues who had recently qualified as a Justice of the Peace.

142. Spokesperson of the Labour Political Party's Report

Councillor L Fenwick commented on the good news that the Town Centre Management were to offer free parking for users of the Centre.

THE MINUTES OF THE MEETING OF THE
RESOURCES COMMITTEE HELD IN THE COUNCIL CHAMBER, SHOTTON HALL,
PETERLEE ON MONDAY 4th MARCH 2019 AT 6.30PM

PRESENT: COUN A WATSON (CHAIR)

**Mesdames:- V Watson, L Fenwick, K Liddell, K Hawley, S Simpson,
K J Duffy & M A Cartwright**

Messrs:- C Watkins, R Kyle, S McGlen, G Carne, S Miles & R Moore

70. Apologies for Absence

Apologies had been submitted and accepted from Councillors A C Long, T Duffy, S Meikle, S Kirkup & J Robinson. **RESOLVED the Council approve the reasons submitted at the meeting for absence received from the Councillors listed, and their apologies for absence be recorded.**

71. To receive declarations of interest

Members were reminded of the need to disclose any interests in items on this agenda, whether pecuniary or otherwise. No declaration of interests were received.

72. Internal Audit Progress Report, final quarter and outstanding Actions

The Chair welcomed Mr Stephen Carter, Audit & Fraud Manager who presented his report. The report advised Members on the work undertaken by Internal Audit between 1 April 2018 and 31 March 2019 with coverage provided in accordance with DCC's agreed SLA for the audit service. A summary of the agreed plan showing the status of each audit as at 31 December 2018 was circulated. Assurance reviews incorporate a consideration of the Council's Risk and Governance arrangements within each activity inspected. Members considered the outturn position on progress made in delivering the internal audit plan for 2018/19 together with that made by managers in responding to the work of internal audit to gain assurance on the adequacy and effectiveness of the internal control environment. Mr Carter was thanked for his report and attendance at the meeting. **RESOLVED the contents of the report be accepted.**

73. The Minutes of the Last Meeting

Members approved the content of the draft minutes as a true and correct record of the last meeting of this Committee held on 11th February 2019 subject to the alteration agreed at the Council meeting to omit the word “the” when referring to floodlights at the Pavilion, as there are currently no floodlights installed.

74. Report of the Finance Sub Committee of the 21st February 2019 a copy of which had been circulated to each Member, was agreed.

75. Neighbourhood Engagement Project Applications Received:-

(a) Young Heroes, Peterlee Police, requesting funding of £360.00 to purchase 12 trophies for the Young Heroes Event

RESOLVED a NEP grant of £360.00 be made towards the purchase of trophies for this event.

(b) Street Games Sessions, Groundwork NE & Cumbria,

-requesting £250.00 to purchase equipment for the project. At the Council Meeting a verbal request was made by Peterlee Police for funding towards continuing the Street Games Sessions. **RESOLVED** a NEP grant of £250.00 be made towards the cost of equipment for this project.

- request for an additional £1,000 to allow the Street Games Sessions to continue for the 11 weeks as planned. **RESOLVED** the Town Council support the Street Games Sessions and £1,000 be paid to continue the 11week sessions. **FURTHER RESOLVED** that Groundwork/Police be invited to submit a business plan outlining the future sustainability of the project.

(c) Bradley Improtech FC Under 11s, requesting funding of £450.00, to purchase new tracksuits for the players

RESOLVED a grant from the NEP fund be made of £450.00 to purchase new strips.

(d) Peterlee Pumas ARLFC, requesting £1,210.00, to purchase new kit

RESOLVED a grant from the NEP fund be made of £650.00 towards the purchase of a new kit.

(e) Peterlee Neighbourhood Policing Team a bid for £5,500 – 7,500 for an Automated Number Plate recognition camera

RESOLVED no funding be provided for this equipment, but that the Police be assured that the Town Council supports this initiative and suggest the ANPR camera be funded from police or crime commissioner budgets.

Powers used:- Under the power of GPC, The Localism Act 2018, as 1-8.

(ii) Letter of thanks and appreciation - Great North Air Ambulance

RESOLVED the letter be circulated and the information given in it be noted.

76. Review of Cemetery Fees and Charges

Report of the Town Clerk intended provided Members with a review of fees and charges for Peterlee Cemetery. The report compared the Town Council's current fees and charges against other neighbouring burial authorities' and recommended that an increase be applied from 1st April 2019 to better reflect the cost of the cemetery service. The report provided a robust review of the service and following discussion of the various options available to the Town Council it was **RESOLVED the cemetery fees be increased in line with inflation using 2.5%. FURTHER RESOLVED an interment fee not be charged for under 18's, whether resident or non resident.**

77. Construction and operation of gas powered generators for the provision of flexible energy generation, Land at Mill Hill, NW Ind Estate (App Ref DM/19/00171/FPA)

Members were advised of receipt of details relating to this application and asked for their feedback. **RESOLVED the Town Council object to this application on the grounds of noise and disturbance, emissions and odours and hazardous materials.**

THE MINUTES OF THE MEETING OF THE
COMMUNITY & ENVIRONMENT COMMITTEE HELD IN THE
COUNCIL CHAMBER, SHOTTON HALL,
PETERLEE ON MONDAY 11TH MARCH 2019 AT 6.30PM

PRESENT: COUN M A CARTWRIGHT (CHAIR)

**Mesdames:- S McDonnell, L Fenwick, K Hawley, K J
Duffy & K Liddell**

**Messrs:- A Wilkinson, S Franklin, S Kirkup, S McGlen,
G Carne, S Miles, C Watkins & A Watson**

The Chairman advised Members of the committee that part of the meeting may be recorded by both audio and video, and it may be that photographs were taken.

83. Apologies for Absence

Apologies had been submitted and accepted from Councillors T Duffy, S McGlen, A C Long, R Kyle, V Watson & S Simpson. **RESOLVED** the Council approve the reason submitted for absence received from the Councillors listed, and their apologies for absence be recorded.

84. To receive declarations of interest

Members were reminded of the need to disclose any interests in items on this agenda, whether pecuniary or otherwise. Councillor K Duffy declared an interest in item No 8 – Review of allotment provision and Councillor Miles and Carne on item 9 – parking on playing fields at Lowhills Road.

85. The Minutes of the Last Meeting

Members agreed the minutes of the meeting held on 11th February 2019, a copy of which had been previously circulated, as a true and correct record of the meeting and they were duly signed.

86. Update on Parks Activities

The Parks Manager gave a verbal report of the Parks Department activities in and around the Town. He reported on pruning and re planting works in Woodhouse Park that were now complete. Work in partnership with the Skills Mill in the Dene Parks, the tree survey that was now complete and permissions applied for to carry out the necessary works, the installation of the Christmas tree at Shotton Hall, progress with the parks and play area strategy and maintenance at the two leisure garden sites. Details were also given on works to repair pipes where there were water leaks, road repairs, clearing out the former TIC and grounds maintenance. The Parks Manager gave an update report of the Cemetery Officer Team Leader. The Parks Manager reported on staffing and then offered to answer any questions from Members. **RESOLVED the information given be noted and the Parks Manager be thanked for his comprehensive report.**

87. Update on Sports Development Activities

The Sport & Wellbeing Manager gave a verbal update on classes being held, events, Dementia activities, Taste Buddies, a sponsored run, and an Easter Egg hunt. A Local Member reported feedback from a friend of his on his positive experience using and visiting the Pavilion, and he commended the Team. It was asked if it could be looked into further the swapping of football and rugby pitches at the site. It was agreed the Sports & Well Being Manager speak to the Head Groundsman and get a costing for such a proposal and bring this back to Council to consider. It was asked if there had been any reports of anti social behaviour at the site following the erection of the fencing around the cricket ground, it was confirmed there had not been. **RESOLVED the information contained within the report, be noted.**

88. Minutes of the Woodhouse Park Working Party of the 6th February 2019 a copy of which had been circulated, were noted.

89. Minutes of the Events Park Working Party of the 20th February 2019 a copy of which had been circulated, were noted. It was suggested that ice cream could be sold using Town Council staff and equipment at all Town events held at Helford Road. It was confirmed the Ladies Day had gone ahead, and the suggestion of a canopy over the outside bar area from the Pavilion for the Show would be looked into.

90. Review of Allotment Provision

This item had been referred for consideration by the Resources Committee held on 4 February 2019 with the recommendation that the Community & Environment Committee review the current allotment provision in the Town. The Town Clerk gave a verbal report

to Members and advised the current provision of allotments/leisure gardens in the town, currently 49 plots at Lowhills Road and 17 plots at Thorntree Gill. During discussion Members suggested the idea of potentially setting up some new smaller community garden plots in Peterlee and maybe Edenhill area would be ideal for a pilot project. **RESOLVED** the Town Clerk contact East Durham Trust and Groundwork, (Edenhill) to seek their interest in such a pilot and if there was interest in this, Councillor Cartwright be invited to attend a meeting when arranged.

91. Parking on the playing fields at Lowhills Road

The report of the Sports & Wellbeing Manager highlighting the ongoing issue of cars not parking in the designated car parks at Lowhills road and parking on the grass areas near to their allocated pitches was considered. Following considerable discussion and debate it was **RESOLVED**:-

- (i) **consultation be carried out prior to installing a fence at Lowhills Road to prevent vehicular access to the playing fields on the grounds of safety;**
- (ii) **appropriate No Parking signs be erected at the site as soon as practicable;**
- (iii) **the Teams be advised the No Parking Rules would be strictly applied effective from the next football season with permission for use by Teams being revoked as per their contract with the Town Council.**

92. Pony Fields Eden Lane

For PTC to investigate the feasibility of creating a woodland/recreational area on the land commonly known as the Pony Fields at Eden Lane

Notice of Motion received from Councillor A Watson

RESOLVED as the meeting was out of time, this item be considered at the next meeting of the Resources Committee.

PETERLEE TOWN COUNCIL

THE MINUTES OF THE MEETING OF THE

HEALTH & SAFETY CONSULTATIVE COMMITTEE

HELD IN THE COUNCIL CHAMBER, SHOTTON HALL, PETERLEE

ON MONDAY 18TH MARCH 2019 AT 10.00AM

PRESENT:- A C LONG (CHAIR)

Messrs:- G L Carne & S Miles

Representatives:- Mr P Forster

7. Apologies for Absence

Apologies had been submitted and accepted from Councillor S Meikle.

RECOMMENDED the Council approve the absence received and the apologies for absence be recorded.

8. The Minutes of the Last Meeting held on 17th September 2018, a copy of which had been previously circulated, were approved.

9. Regular reports from Managers

(a) Parks

The Parks Manager introduced the newly elected representative of the Parks Team to the meeting, Mr Paul Forster. He then went on to outline the problems with airborne dust in the two offices at Eden Lane. This was discussed at some length and it was **Agreed the Parks Manager look into the cost and availability of cabins to be sited to use as Offices at Eden Lane.** The Parks Manager also reported on the cracks appearing in the depot and that the structural engineer's report was awaited.

(b) Democratic Services

The Deputy Town Clerk/Democratic Services Manager reported there were no issues.

(c) Corporate Services

The Corporate Services Officer reported that Team's representative at these meetings was to be Mrs Woodhall.

(d) Facilities

There were no issues to report.

10. Outstanding issues from previous meetings

11. Requests or issues to be considered by management

These were standard items on the new template agenda and would be reported on for future meetings.

12. Progress on any internal/external reviews of policies, processes and procedures

It was reported the Health & Safety Policy required reviewing and updating.

Agreed this be placed on the SMT Agenda for discussion and action.

13. Progress on health & safety improvements

The Chair asked that an item on breathing/air quality be included on the next agenda.

14. Scheduling the next meeting – Monday 16th September 2019 at 10.00am Council Chamber, Shotton Hall

Item 9. 2018/19 Debt Write offs

Report To: Peterlee Town Council

Date: 25th March 2019

Subject: 2018/19 Debt Write Offs

Report of: Ian Morris, Town Clerk

Purpose: This report proposes to write off bad debts to the value of £4,136.41 owed from 3 companies, in line with the Council's Debt Recovery Procedures.

Background: members will recall that in March 2019 the Town Council reviewed and adopted a new Debt Management policy. As part of this policy the Council pursues debts through phone calls and letters but if they remain unresolved will use the HM Courts & Tribunal Service 'Money Claim Online' service¹. Money Claim Online is a convenient and secure way of making a money claim via the internet, and enables council officers to instigate debt recovery action through the courts without the need to refer to a solicitor in most cases.

Further detail of the process is provided in Appendix 1 to this report.

Write-offs: Following the adoption of the new process in March 2018 the Council has successfully recovered a number of the longstanding debts from companies and individuals. However three companies have not repaid the debts despite court action:

COMPANY	INV NO	DATE	AMOUNT	ACTION TAKEN
Simple Leaflet Distribution	C1343	23.1.15	£926.20	Judgement Entered; unable to locate debtor.
Virtuoso	8922	8.3.18	£2,099.20	Judgement Entered; unable to locate debtor.
JB Skills Training	9072	30.6.18	£510.25	Company in liquidation; completed creditors form
	9077	10.7.18	£600.76	

As the Town Council has exhausted the Debt Recovery process the Town Clerk has consulted the Council's internal auditor and it is recommended that the council writes these debts off the current accounts at the end of financial year. Obviously if any of the debtors do come forward with payment in the future this will be received as income and accounted for in the financial year in which it is received.

¹ <https://www.moneyclaim.gov.uk/web/mcol/welcome>

Item 9. 2018/19 Debt Write offs

Recommendations: Members are recommended to note the contents of this report and approve the writing off of the listed debts to a value of £4,136.41.

Appendix 1 : Peterlee Town Council Debt Recovery Process

- 1. Invoices will be issued with a request to pay within 28days.**
- 2. A statement is issued at the end of the month when the invoice was originally issued.**
- 3. A second statement is sent out the following month.**
- 4. After three months if the invoice is still not paid, a letter before action is issued, (ensuring no disagreement about any contract terms), giving 7 days to pay.**
- 5. If the amount still remains unpaid, the Accounts Team consider the amount owing. If it is under £100 write the debt off (report to Resources Committee for endorsement). A "Write off" of a debt may incur further sanctions e.g. withdrawal of access to credit for services, room bookings, MUGA use etc until such time as debt is recovered.**
- 6. If the amount owed is £100 or more then Accounts Team proceed through the Money Online Claims Process and issue a summons in the small claims court.**
- 7. the amount owed will include the cost of issuing the claim via the court.**

Appendix 2: Implications

Finance – The writing off of these debts will remove £4,136.41 from the debtors list in the current accounts; if income is received from any of these debts in the future this will be credited to the appropriate budget code.

Staffing - no direct implications

Risk – no direct implications

Equality and Diversity / Public Sector Equality Duty - no direct implications

Accommodation - no direct implications

Crime and Disorder - no direct implications

Human Rights - no direct implications

Consultation – The Council's Internal Auditors have been consulted in the preparation of this report

Procurement - no direct implications

Disability Issues - no direct implications

Legal Implications – The debt recovery process has been followed, including obtaining county court judgements (CCJs) on two of the debtors; the third debtor is subject to a liquidation process and the Council has lodged a claim with the appointed administrators

Item 10. Review of Direct Debits, Standing Orders, BACS/CHAPS

Report To: Peterlee Town Council

Date: 25th March 2019

Subject: **Review of the use of Direct Debit, Standing Order and BACS/CHAPS payments**

Report of: Ian Morris, Town Clerk

Purpose: This report provides a review of the current use of Direct Debit, Standing Order and BACS/CHAPS payments by the Town Council and seeks approval of their continued use as per s7.8-7.10 of the Council's Financial Regulations.

Background: Members will be aware that the Town Council makes use of Direct Debit, Standing Order and BACS/CHAPS for a number of different payments ranging from individual suppliers through to staff wages. The Council's Financial Regulations¹ require that approval for the use of such processes should be renewed by resolution of the Council at least every two years.

Payments: The Council's Finance Officer has provided the following summary of payments made by the Council as at 15th March 2019:

Type	For	Recipient	Frequency
DD	Electricity	EDF	Monthly
DD	Gas	Corona	Monthly
DD	Water	Anglian Water	Monthly
DD	Rates	Durham County Council	Monthly
DD	Bank & Card Fees	Coop Bank/Global Payments	Monthly
DD	Post Franker rental/credits	FP Mailing	Quarterly/as and when
DD	Hygiene Services	Grenke	Quarterly
DD	Telephones & internet	NTE/Russell Telecom/Plusnet	Monthly
DD	Loan Repayment	Public Works Loans Board	Half yearly
DD	Satellite TV	SKY	Monthly
BACS/CHAPS	Members Participation Allowance	Elected Members	Monthly
BACS/CHAPS	Staff Wages	Staff	Weekly/Monthly

¹ See s7.8-7.10 at <http://www.peterlee.gov.uk/wp-content/uploads/sites/37/2016/04/Financial-regs-amended-June-2017.pdf>

Item 10. Review of Direct Debits, Standing Orders, BACS/CHAPS

The Town Council does not currently use Standing Orders for any payments.

Recommendation: Members are recommended to note the contents of this report and approve the continuation of the use of Direct Debits and BACS/CHAPS payments as outlined in the table above.

Item 10. Review of Direct Debits, Standing Orders, BACS/CHAPS

Finance -All of the payments outlined in this report are within approved budgets; the recommendation within this report to approve the continuation of the payments is in line with s7.8 – 7.10 of the Town Council's Financial Regulations.

Staffing - no direct implications

Risk – no direct implications

Equality and Diversity / Public Sector Equality Duty - no direct implications

Accommodation - no direct implications

Crime and Disorder - no direct implications

Human Rights - no direct implications

Consultation – no direct implications.

Procurement - no direct implications

Disability Issues - no direct implications

Legal Implications – no direct implications



PETERLEE TOWN COUNCIL FINANCIAL REGULATIONS

Adopted March 2019

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 adopted by Council in March 2019. A schedule of changes has been included in this document for ease of reference.

Ian Morris, Town Clerk

PETERLEE TOWN COUNCIL
FINANCIAL REGULATIONS
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1. TABLE OF AMMENDMENTS

This is a list of amendments from the previous version of Financial Regulations approved by Council in June 2017.

Page	Item	Original	Revised
19	13	n/a new section	n/a new section
13	7.21	Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk/RFO 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.	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.

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 breach of these Regulations by an employee is 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 brings 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, Regulations and proper practices;

¹ Model standing orders for councils are available in Local Councils Explained © 2013 National Association of Local Councils

- 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

² In England - Accounts and Audit (England) Regulations 2011/817
In Wales - Accounts and Audit (Wales) Regulations 2005/368

- measures to ensure that risk is properly managed.
- 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, a member other than the Chairman [or a cheque signatory] 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 Audit Commission Act 1998, 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 year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. 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.
- 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 cheque 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 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.

- 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 Audit Commission Act 1998, 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 at least 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 (I) 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. 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 European Union Procurement Directive 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. 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 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 SCHEME OF DELEGATION

Reviewed & amended March 2019

EXPLANATORY NOTE

This scheme of delegation sets out how the Council delegates some of its powers and duties to the Town Clerk and other Officers within the Council. These delegations are necessary for the effective day to day running of the Council and to prevent every decision having to come to a Council meeting for agreement. This scheme of delegation will be reviewed by Council at least annually along with the review of the Council's Standing Orders and Financial Regulations.

Ian Morris
Town Clerk

PETERLEE TOWN COUNCIL
FINANCIAL REGULATIONS

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2. LIST OF AMENDMENTS

The Scheme of Delegation was reviewed in March 2019 and the following amendments were made from the previous June 2017 version:

Page	Item	Original	Revised
6	6.4	n/a	The clerk may also incur expenditure more than £2,500 and up to £5,000 in consultation with the Chairman of the Council and/or Chair of Resources Committee, as per Financial Regulations.
10	Appendix 1	n/a	Table of signatories updated to reflect restructure
11	Appendix 2	n/a	Authorisation sheet updated to provide clarity on spending limits

3. INTRODUCTION

- 3.1. The powers and duties set out in this scheme are delegated to the Town Clerk. The Town Clerk is the Council's Responsible Financial Officer and the Proper Officer and is responsible for the management of the organisation.
- 3.2. The Town Clerk may delegate these duties and powers to other Officers within the Council as per the Authorised Signatories list in Appendix 1, or as otherwise required following prior approval by Council or the relevant Committee.

4. EXTENT OF DELEGATION

- 4.1. All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
- 4.2. The Town Clerk will exercise these powers in accordance with:
- approved budgets
 - the Council's Standing Orders and Financial Regulations
 - the Council's Policy Framework and other adopted policies of the Council
 - all statutory common law and contractual requirements
- 4.3. The Town Clerk may do anything pursuant to the delegated power, or duty, which it would be lawful for the Council to do including anything reasonably implied or incidental to that power or duty.

- 4.4. Provided that such authorisation is not prohibited by statute the Town Clerk to whom a power, duty or function is delegated may authorise another Officer to exercise that power, duty or function, subject to:
- such authorisations being in writing
 - only be given to an Officer below the delegating officer in the organisational structure
 - only being given where there is significant administrative convenience in doing so
 - the Officer authorised by the Town Clerk acting in the name of the Town Clerk
 - such authorisation not being prohibited by statute.
- 4.5. A delegation to a subordinate Officer shall not prevent the Town Clerk from exercising the same power or duty at the same time.

5. GENERAL MATTERS

- 5.1. The Town Clerk is authorised to:
- 5.2. Sign, or where appropriate, have sealed on behalf of the Town Council, any Orders, Deeds or Documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the Town Council.
- 5.3. Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
- 5.4. Institute and appear in any legal proceedings authorised by the Council.
- 5.5. To appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Peterlee).
- 5.6. Alter the date or time of a Council Committee, Working Group, Panel or Task Group meeting but, before doing so, shall consult the Mayor of the Council, or chairman of the Committee or Task Group concerned and the Leaders of all political groups on the Council about the need for the change and about convenient alternative dates and times.
- 5.7. Decide arrangements for the closure of the Council offices in the Christmas/New Year period, subject to consultation with the Chairman and a resolution of appropriate Committee.
- 5.8. Deal with day to day matters relating to the use of office accommodation space.

- 5.9. Negotiate and enter into contractual arrangements for artistes and promoters in relation to events held in Peterlee organised by the Town Council.
- 5.10. Manage all of the Council's services including:
- Shows and events
 - Parks & Cemeteries
 - Facilities Management including Shotton Hall and the Helford Road Pavilion
 - Services agreed under contract for other authorities and bodies
 - Websites and social media accounts relating to the council and council activities
- 5.11. In consultation where appropriate with the relevant Chairman, introduce, set and vary as necessary fees and charges for the delivery of Council services and for the issue of any license, registration, consent or approval.
- 5.12. To act as the Council's designated Officer for the purposes of the Freedom of Information Act 2000.
- 5.13. To apply for planning consent for the carrying out of development by the Council.
- 5.14. To respond to consultations on planning applications and licensing applications subject to the comments by the Planning Committee.
- 5.15. Under the Regulation of Investigatory Powers Act 2000 to authorise directed surveillance or the use of a human intelligence source.
- 5.16. To respond to complaints made under the Council's complaints procedure and to make such ex gratia payments in settlement of such complaints as are considered justified, subject to ratification by an appropriate Committee.
- 5.17. To manage, monitor and review the Council's internal control procedures.
- 5.18. To manage, monitor and review the Council's Corporate Risk Management Strategy.

6. FINANCIAL MATTERS

- 6.1. The Town Clerk is authorised to:
- 6.2. Be the Responsible Financial Officer for the purposes of Section 151 of the Local Government Act 1972.

- 6.3. Operate the Council's banking arrangements including arranging overdrafts.
- 6.4. Incur expenditure up to a maximum of £2,500 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution and Financial Regulations. The clerk may also incur expenditure more than £2,500 and up to £5,000 in consultation with the Chairman of the Council and/or Chair of Resources Committee, as per Financial Regulations.
- 6.5. Pay all accounts properly incurred.
- 6.6. Pay all subscriptions to organisations to which the Council belongs.
- 6.7. Make all necessary arrangements for the provision of an internal and external audit service for the Council.
- 6.8. Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate.
- 6.9. Incur expenditure on revenue items within the approved estimates and budgets.
- 6.10. Incur expenditure on capital schemes within the Council's approved capital Programme.
- 6.11. Use the Repairs and Maintenance Budgets for the maintenance, replacement or repair of existing plant, vehicles or equipment.
- 6.12. Enter into leasing and contract hire agreements for the acquisition of vehicles machinery and equipment on such terms as are considered appropriate.
- 6.13. Accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:
 - the cost not exceeding the approved estimate
 - the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation
 - all the requirements of the Council's Financial Regulations being complied with.
- 6.14. Carry out virement of sums between cost centres in accordance with the Council's Financial Regulations.

- 6.15. Manage investments and raise and repay loans as appropriate and obtain such other sources of credit as are required in accordance with the Financial Regulations.
- 6.16. Authorise action for the recovery of debts.
- 6.17. Write-off debts up to the level set by the Council.
- 6.18. Maintain a Register of Assets and Inventory of Equipment.
- 6.19. Determine the Town Council's insurance requirements on the Council's behalf.
- 6.20. Make all necessary arrangements for the Council's insurances.

7. STAFFING MATTERS

- 7.1. The Town Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:
 - 7.2. Appointments to posts including apprentices.
 - 7.3. Employment of temporary employees.
 - 7.4. Preparation of the job description and person specification, placing of the advertisement and short-listing of applicants.
 - 7.5. Management of staff performance.
 - 7.6. Control of discipline and performance, including the power of suspension and dismissal.
 - 7.7. Exercise of disciplinary and grievance procedures in accordance with the Council's procedures.
 - 7.8. Determine approved duties for the payment of travel and subsistence expenses to Members and Officers where they represent the Council outside of the Town Council area.
 - 7.9. Approve or refuse applications for re-grading, remove any bars in salary scales and to authorise salary increments and accelerated increments.
 - 7.10. Approve payment of overtime.
 - 7.11. Agree minor variations to the condition of employment.

- 7.12. Implement and monitor the arrangements for annual leave, flexi time, sickness absence, maternity and paternity leave in accordance with the Council's policies.
- 7.13. Authorise training in line with the Council's policies.
- 7.14. Authorise the provision of uniforms or protective clothing.
- 7.15. Approve payment of claims from employees for compensation for loss of or damage to personal property.
- 7.16. Negotiate and agree settlements on behalf of the Council in relation to any proceedings in the Employment Tribunal.
- 7.17. Agree to premature retirement on the grounds of duly certified ill health.
- 7.18. Terminate employment during probation and to review salary on completion of probationary periods.
- 7.19. Commission legal and professional advice on staffing matters.

8. PROPERTY MATTERS

- 8.1. The Town Clerk is given authority to manage the land and property of the Council including:
- 8.2. Agreeing the terms of any lease, licence, conveyance or transfer.
- 8.3. The granting or refusal of the Council's consent under the terms of any lease.
- 8.4. Variations of restrictive covenants of a routine nature.
- 8.5. The granting of easements, wayleaves and licences over Council land.
- 8.6. Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land.
- 8.7. Directing the custody of Town Council property and documents in accordance with the provisions of Local Government Act 1972 S226.
- 8.8. Exercising responsibility for the safe custody and maintenance of the civic regalia.

9. URGENCY

- 9.1. The Town Clerk is authorised to act on behalf of the Council in cases of urgency or emergency.
- 9.2. Any such action is to be reported to the next meeting of the Council or relevant Committee or Working Group. The Chairman, the Leader of the Council (if appointed) and the Chairs of any relevant Committee or Working Group are to be consulted where possible before such action is taken.

10. EMERGENCY PLANNING

- 10.1. The Town Clerk is authorised to implement the Council's Emergency Plan and to incur any necessary expenditure in accordance with the Council's Standing Orders and Financial Regulations.
- 10.2. Any such action is to be reported to the next meeting of the Council or relevant Committee or Working Group. The Mayor, the Leader of the Council (if appointed) and the Chairman of any relevant Committee are to be consulted where possible before such action is taken.

11. PROCEDURAL

- 11.1. The Town Clerk can:
- 11.2. Authorise Officers to exercise statutory powers of entry and inspection for the purposes of any function under their control.
- 11.3. Serve requests for information as to ownership occupation and other interests in land for the purposes of any function under their control.
- 11.4. Appoint consultants and other professionals to carry out any function and provide any service under their control, subject to the Council's Constitution and Financial Regulations.

12. HEALTH AND SAFETY AT WORK ACT 1974

- 12.1. The Town Clerk is authorised to oversee the discharge of the Council's responsibilities under the Act.

13. LEGAL PROCEEDINGS

- 13.1. The Town Clerk is authorised to:
- 13.2. Take and discontinue legal proceedings in any Court or at any Tribunal.

- 13.3. Take Counsel's advice or instruct Counsel to represent the Council.
- 13.4. Seek injunctions and commence proceedings for the purposes of:
- enforcement in accordance with the Council's policies
 - recovering money due to the Council
 - recovering or otherwise preserving possession of the Council's land or property
 - defending the interests of the Council
 - appealing against a decision affecting the interests of the Council and responding to appeals against action taken by the Council.
- 13.5. Represent the Council at Court or any Tribunal or to make arrangements for appropriate representation.
- 13.6. Negotiate and settle the terms of documents to give effect to a decision of the Council or any of the Committees or of any Officer acting under delegated powers.
- 13.7. Apply the affixing of the Common Seal of the Council to documents in accordance with Standing Orders.
- 13.8. Be the responsible Officer for the co-ordination and operation of the legal requirements under the Data Protection Act and the Freedom of Information Act.
- 13.9. Serve Requisitions for Information.
- 13.10. Prepare a draft budget for consideration by the Council.
- 13.11. Prepare the final accounts for each financial year.

Date of Adoption

This Scheme of delegation was reviewed and adopted by Council on 25th March 2019.

APPENDIX 1: AUTHORISED OFFICERS SIGNATORY LIST

	DEBIT CARD ¹	INVOICES ²	PURCHASE ORDERS ³	CONTRACTS ⁴	TIMESHEETS ⁵
Chief Officer/Town Clerk	X	X	X	X	X
Deputy Town Clerk	X	X	X	X	X
Corporate Services Manager	X	X	X	X	X
Facilities Manager	X	X	X		X
Pavilion Manager	X	X	X		X
Parks Manager	X	X	X		X
Sports & Wellbeing Manager	X	X	X		X
Facilities & Pavilion Deputy/Duty Managers	X	X	X		X
Parks Team Leaders (SC6) (in Parks Manager's absence or as directed by Manager)	X		X		

¹ Debit card usage is restricted to expenditure under £2,500 from an identified budget with sufficient funds and with express advance approval from relevant SMT budget holder or Town Clerk. See Appendix 2 for pro forma debit card authorisation sheet

² Invoices can only be authorised in accordance with the Council's Standing Orders and Financial Regulations

³ Purchase Orders can only be authorised in accordance with the Council's Standing Orders and Financial Regulations

⁴ Contracts can only be authorised in accordance with the Council's Standing Orders and Financial Regulations

⁵ Counter-signing of timesheets is subject to the Council's policy i.e no subordinate or peers to counter-sign timesheets.

APPENDIX 2: DEBIT CARD AUTHORISATION PROFORMA

Peterlee Town Council

Debit Card Authorisation Sheet

The use of the council's debit card by an Officer is only authorised on the following basis:

- That there is an identified budget for the cost incurred
- That there are funds available in that budget to cover the cost incurred
- That the purchase is under £500 in value (gross) – any expenditure greater than this must be approved by the Town Clerk or Deputy Town Clerk
- And that the purchase has express approval from the budget holder or Town Clerk prior to the card being used.

Part 1: Authorisation			
Name of Officer receiving Card:		Reason for purchase:	
Budget Code/Heading:		Cost Code/Heading:	
Name of Manager who has authorised purchase:		Anticipated spend: (£ amount)	
Is there funding available in the identified cost centre?			Yes/No

Part 2: Issue/Return			
Date issued:		Time Issued:	
Issued to: (sig)		Issued by: (sig)	
Date Returned:		Time Returned:	
Returned by: (sig)		Received by: (sig)	
Receipt received?			Yes/No