



# LEDBURY TOWN COUNCIL

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5 May 2023

To: All Members of Ledbury Town Council

Dear Member

You are hereby summoned to attend the Annual Meeting of **LEDBURY TOWN COUNCIL** to be held on **Thursday, 11 May 2023 starting at 7.00 pm at The Burgage Hall, Church Lane, Ledbury** for the purpose of transacting the business shown in the agenda set out below.

Yours faithfully

Angela Price  
Town Clerk

## **FILMING AND RECORDING OF COUNCIL MEETINGS**

Members of the public are permitted to film or record meetings to which they are permitted access, in a non-disruptive manner. Whilst those attending meetings are deemed to have consented to the filming, recording, or broadcasting of meetings, those exercising the rights to film, record or broadcast must respect the rights of other people attending under the General Data Protection Regulations 2018 and the Data Protection Act 1998.

## **A G E N D A**

1. **To Elect a Town Mayor for the 2023/24 Municipal Year**  
*(Town Mayor to make Statutory Declaration of Acceptance of Office and address the Council with their opening remarks)*
2.
  - a. **Vote of Thanks to outgoing Chairman**
  - b. **Retiring Mayor's Response and closing remarks**
3. **To receive apologies for absence**
4. **To elect a Deputy Town Mayor for 2023/243 Municipal Year**  
*(Deputy Town Mayor to make Statutory Declaration of Acceptance of Office)*

**5. To receive Declarations of Interest and written requests for Dispensations**

*(Members are invited to declare pecuniary interests and other interests in items on the agenda as required by the Ledbury Town Council Code of Conduct for Members and by the Localism act 2011)*

*(Note: Members seeking advice on this item are asked to contact the Monitoring officer at least 72 hours prior to the meeting)*

**6. Public Participation**

*(Members of the public are permitted to make representations, answer questions, and give evidence of any item of business included in the agenda. The period of time, which is at the Chairman's discretion, for public participation shall not exceed 15 minutes. Each member of the public is entitled to speak once only in respect of business itemised on the agenda and shall not speak for more than five minutes. Questions/comments shall be directed to the Chairman/Mayor)*

**MINUTES**

**7. To receive and note the minutes of the Annual Council meeting held on 12 May 2022, which were formally approved and signed as a correct record at a meeting of Full Council held on 31 May 2022**

**(Pages 1-10)**

**8. To approve and sign as a correct record the minutes of a meeting of Council held on 30 March 2023**

**(Pages 11-27)**

**9. To receive and note the minutes of the Annual Parish Meeting held on 27 April 2023**

**(Pages 28-37)**

**10. To receive and note the minutes of an extraordinary meeting of the Finance, Policy & General Purposes Committee held on 27 April 2023**

**(Pages 38-39)**

**GOVERNANCE**

**11. To consider a report on a newly proposed Committee Structure and if approved appoint Members to the following Council Committees for the 2023/24 Municipal year**

**(Pages 40-44)**

- a) Environment & Leisure Committee
- b) Finance, Policy & General Purposes Committee
- c) Finance, Policy & General Purposes Committee
- d) Personnel Committee (ad-hoc meetings)

**12. Suspension Of Standing Orders**

Members are requested to suspend Standing Orders to elect Chairs and Vice Chairs of Standing Committees

**13. To elect Chairs and Deputy Chairs to the following Committees**

- Management Committee
- Environment & Leisure Committee
- Finance, Policy & General Purposes Committee
- Planning, Economy & Tourism Committee

**14. Reinstatement Standing Orders**

Members are requested to reinstate Standing Orders to allow the remainder of the business of the agenda to be carried out

**15. To consider and approve a draft Schedule of Meetings for the 2023/24 Municipal Year**  
(Page 45)

**16. To approve and adopt the Council's Standing Orders**  
(Pages 46-68)

**17. To approve and adopt the Council's Financial Regulations**  
(Pages 69-88)

**18. To note the Council's Code of Conduct** (Pages 89-102)

**19. To appoint Council Representatives to serve on Outside Bodies**  
(Page 103)

**20. To review the Council's Asset Register** (Pages 104-107)

**21. To review the Council's Risk Register** (Pages 108-118)

**22. To receive and note arrangements for the Council's insurance cover in respect of all insurable risks for 2022/23**  
(Pages 119-136)

**23. Corporate Plan** (Pages 137-169)

**24. Co-option** (Pages 170-178)

**FINANCE**

**25. To determine the Council's Cheque signatories for 2023/24**  
Pages 179-180)

**26. Date of next meeting**

The next meeting of Full Council will be held on 25 May 2023, subject to approval of the Draft Schedule of Meetings at agenda item 11

**Distribution: - Full agenda reports to all Councillors  
Agenda reports excluding Confidential items to Local Press,  
Library and Police**

## LEDBURY TOWN COUNCIL

### MINUTES OF THE ANNUAL COUNCIL MEETING HELD ON 12 MAY 2022

**PRESENT:** Councillors Bannister, Bradford, Chowns, Eakin, Howells, Hughes, Morris, Sinclair, and Troy

**ALSO PRESENT:** Angela Price – Town Clerk  
3 Members of the public

#### C586. **TO ELECT THE TOWN MAYOR FOR THE 2022/23 MUNICIPAL YEAR**

Councillor Bannister proposed Councillor Phillip Howells for the position of Town Mayor for the 2022/23 Municipal year, this was seconded by Councillor Hughes.

Councillor Morris pointed out that Councillor Howells had recently been the Mayor and Deputy Mayor and suggested that someone else should be nominated. Councillors Bradford and Sinclair both raised concerns over the discussions that had been taking place on social media about the role of Mayor and both urged Councillor Howells to consider his position carefully.

Councillor Howells advised that he would be happy to accept the nomination, but if any other councillor were to be nominated he would welcome the nomination.

Councillor Sinclair nominated Councillor Bradford; however, Councillor Bradford declined the nomination.

Councillor Morris proposed the following councillors for the position of Mayor in 2022/23, however all declined the nomination:

Councillors Troy, Chowns, Bannister, Hughes, Eakin.

All those present agreed that to avoid such issues arising in future years, the council should find a less contentious means of electing Mayors and Deputy Mayors in the future, and it was agreed that the Clerk would provide a report to a future meeting of council with options for an election policy.

Councillor Sinclair requested a named vote, the result of which was:

<b>For</b>	<b>Against</b>	<b>Abstention</b>
Councillor Bannister	Councillor Sinclair	Councillor Bradford
Councillor Chowns	Councillor Morris	Councillor Howells
Councillor Troy		
Councillor Hughes		
Councillor Eakin		

**RESOLVED:**

1. That Councillor Phillip Howells be duly elected to the position of Town Mayor for the 2022/23 Municipal Year.
2. That the Clerk submit a report on a future Mayoral election policy for consideration at a future Council meeting.

C587.

- a. **Vote of Thanks to outgoing Mayor**

**RESOLVED: That a vote of thanks be given to the outgoing Mayor, Councillor Andrew Manns, for all his hard work over the past year.**

- b. **Retiring Mayor's Response**

Unfortunately, the outgoing Mayor was unable to attend the meeting due to ill health, however he had provided an outgoing speech which the Town Clerk read out.

"It has been a very interesting year as Mayor to say the least. At the beginning things were a little slow due to the Covid restrictions, and the lockdown partially easing, and also missing almost two months of my term due to Covid restrictions.

Once the event invitations started coming in I began to attend various functions which even though strenuous for me were a pleasure to go to.

The events that were put on in Ledbury were quite well attended with the exception of one or two coffee mornings where people were still reserved about social mixing.

Notable events of attendance in Ledbury were:- the start of the car rally, Carnival in the car park, Ledbury Mop Fair, Remembrance Day and Remembrance Sunday, Traders late night opening and Christmas lights switch on.

Starting this year there were spikes in Covid and still restrictions on, which were most unhelpful to start with and later coincided with transport problems and very serious and severe health issues for me.

There wasn't much I could do for a month or two and I have almost virtually been housebound since. Things are still not good and I'm trying a very slow, gradual slide back into my council role and hope it works out.

I have met some really great people at outside events that I would like to remain in contact with as I feel that being connected will be beneficial for our town and county.

I wish I could have done more but circumstances are out of my control and far from ideal. It has been an absolute pleasure, privilege, and honour to be Mayor of Ledbury for the period I had."

**c. Retiring Mayor's response and closing remarks**

The Deputy Mayor advised that due to the ill health of the Mayor he had provided support in attending civic events whenever possible, noting that the main part of his role had been to support the Mayor by chairing Council and Resources meetings. He stated that it had been an honour to support Councillor Manns throughout the year.

**C588. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Harvey, Knight and Manns.

**C589. TO ELECT A DEPUTY TOWN MAYOR FOR THE 2022/23 MUNICIPAL YEAR**

Councillor Sinclair nominated Councillor Nick Morris; this was seconded by Councillor Troy.

Councillor Hughes nominated Councillor John Bannister; this was seconded by Councillor Eakin.

Councillor Morris withdrew his nomination in favour of Councillor Bannister.

**RESOLVED:**

**That Councillor John Bannister be duly elected to the position of Deputy Town Mayor for the 2022/23 Municipal Year.**

**C590. PAST MAYOR'S BADGE**

Councillor Howells advised that he would deliver the Past Mayor's badge to the outgoing Mayor.

**C591. TO RECEIVE DECLARATIONS OF INTEREST AND WRITTEN REQUESTS FOR DISPENSATION**

None received.

**C592. TO RECEIVE AND NOTE THE NOLAN PRINCIPLES**

**RESOLVED: That the Nolan Principles be received and noted.**

C593. **PUBLIC PARTICIPATION**

Councillor l'Anson spoke in relation to her experience of Mayoral elections in other Councils and advised that it was often the practice that the Deputy Mayor role automatically becomes the Mayor.

C594. **TO RECEIVE AND NOTE THE MINUTES OF THE ANNUAL COUNCIL MEETING HELD ON 24 JUNE 2021**

Members were reminded that the minutes of the Annual Council meeting held on 24 June 2021 had been approved at the first Council meeting following the Annual Meeting and therefore there were only on the agenda for noting.

Councillor l'Anson advised that she had raised an error in respect of Minute No. C380 at the following Council meeting, however this did not appear to have been amended. The Mayor advised that amendments are not made to the minutes following minutes, but that any amendments raised would have been reported in the minutes of the following Council meeting.

C595. **TO APPROVE AND SIGN AS A CORRECT RECORD THE MINUTES OF A MEETING OF THE COUNCIL HELD ON 11 APRIL 2022 AND THE RECONVENED MEETING HELD ON 25 APRIL 2022**

Councillor Sinclair advised that his comment at minute no. C542 was incorrect and should have read as follows:

"If you had behaved better at the 2019 Election Hustings, Bill might have been more amenable towards you."

**RESOLVED:**

**That the minutes of the meetings of Council held on 11 and 25 April 2022 be approved as a correct record, subject to the above amendment to minute no. C542.**

C596. **TO APPROVE THE DRAFT SCHEDULE OF MEETINGS FOR THE 2022/23 MUNICIPAL YEAR**

Councillor Chowns asked whether it would be possible to move the proposed meeting of the Environment & Leisure Committee from 21 July 2022 to an alternative date.

Concerns were raised about the number of meetings being proposed, with a suggestion that the work being carried out by the working parties should be carried out within the remit of the Standing Committees.

Councillor Eakin advised that the rationale behind the working parties is that the working parties can have informed discussions about items, and

make recommendations to the relevant Standing Committees, thus reducing the workload of the Standing Committees, which allowed for more items to be considered and actioned. Councillor Eakin particularly referred to the budget meetings, stating these had proven to be extremely useful.

Councillor Sinclair asked the Chair permission to ask a question of the members of the public who were present at the meeting. He asked if any of those attending were members of any of the Council's working parties, to which the response was that they were not. Councillor Sinclair suggested that all working parties should be dissolved, and the work undertaken in the Standing Committees.

**RESOLVED:**

1. **That the draft schedule of Standing Committee meetings be approved, subject to the meeting of the Environment & Leisure Committee proposed for 21 July 2022 being moved to 7 July 2022.**
2. **That the draft schedule of Working Party meetings be accepted as a provisional schedule, subject to consideration of the meetings and dates by each Standing Committee.**

C597.

**TO APPOINT THE FOLLOWING COUNCIL COMMITTEES FOR THE 2022/23 MUNICIPAL YEAR AND CONSIDER THEIR TERMS OF REFERENCE**

Members were requested to give consideration to dissolving the Economy & Tourism Committee and distributing the projects from that committee to two other Standing Committees. They were also requested to give consideration to name changes of some of the committees.

Members were advised that a request had been received to give consideration to the membership of the Resources Committee being extended to Chairs and Vice Chairs. However, it was felt that due to the need to ensure there are sufficient members available to sit on an appeals panel, should one be required, taking into account the current councillor numbers it would be prudent to keep the membership as Chairs, with Vice-Chairs as substitutes.

Members were requested to give consideration in respect of which venue to hold future Standing Committees. The majority of councillors present felt that the Standing Committees should return to the Committee Room at the Council Offices with Council meetings to continue to be held in the Burgage Hall. Councillor Bradford advised that he was not happy with this decision as he did not feel comfortable attending meetings in the committee room due to its size. Members expressed their concern over Councillor Bradford's impending absence from meetings and it was agreed that the Clerk would take advice on

whether holding the meetings in the committee room raised any constitutional issues in respect of Councillor Bradford's decision not to attend the meetings due to health concerns relating to the pandemic.

**RESOLVED:**

1. That the Economy & Tourism Committee be dissolved, and the Economy element of the committee be incorporated into the Planning Committee, with Tourism being incorporated into the Environment & Leisure Committee.
2. That the following amendments be made to the Standing Committee titles:
  - a. Planning Committee to be known as Economy & Planning – noting that the economy part of the committee will be considered as the first business of the committee with the planning element to follow
  - b. Environment & Leisure Committee – no change.
  - c. Finance, Policy & General Purposes Committee – no change.
  - d. Resources Committee to be known as Resources and Personnel.
3. That the Terms of Reference for each of the above committees be approved, subject to submission to each committee for consideration at their inaugural meeting of the 2022/23 Municipal Year.
4. That the Membership of the Council's Standing Committees for the 2022/23 Municipal Year be as follows:

**Economy & Planning**

Councillor Bannister  
Councillor Bradford  
Councillor Harvey  
Councillor Howells  
Councillor Hughes  
Councillor Knight  
Councillor Manns  
Councillor Morris

#### **Environment & Leisure**

**Councillor Bradford  
Councillor Chowns  
Councillor Eakin  
Councillor Howells (Town Mayor - ex-officio)  
Councillor Knight  
Councillor Manns  
Councillor Morris  
Councillor Sinclair  
Councillor Troy  
Councillor Whattler**

#### **Finance, Policy & General Purposes Committee**

**Councillor Bradford  
Councillor Eakin  
Councillor Harvey  
Councillor Howells  
Councillor Hughes  
Councillor Knight  
Councillor Sinclair**

#### **Resources & Personnel Committee**

**To consist of the Mayor, Deputy Mayor, and Chairs of Standing Committees once committees are established.**

- 5. That future Standing Committee meetings be held in the Committee Room of the Council Offices, with full council meetings to be held in the Burgage Hall.**
- 6. That the Clerk seek advice on whether holding the meetings in the committee room raised any constitutional issues in respect of Councillor Bradford's decision not to attend the meetings due to health concerns relating to the pandemic.**

#### **C598. TO APPROVE AND ADOPT THE COUNCIL'S STANDING ORDERS**

**Members felt that as there were no longer any restrictions in place in respect of the Covid 19 Pandemic there was no requirement for the Covid 19 Interim Standing Orders to be included within the Standing Orders.**

**RESOLVED:**

That the Standing Orders be approved, subject to the removal of the Covid 19 Interim Standing Orders.

- C599. **TO APPROVE AND ADOPT THE COUNCIL'S FINANCIAL REGULATIONS**

**RESOLVED:**

That the financial regulations be approved and adopted.

- C600. **TO NOTE THE COUNCIL'S CODE OF CONDUCT**

**RESOLVED:**

That the Council's Code of Conduct be received and noted.

- C601. **TO APPOINT COUNCIL REPRESENTATIVES TO SERVE ON OUTSIDE BODIES**

**RESOLVED:**

That the following Members be elected as Outside Body Representatives for the 2022/23 Municipal year:

<b>Outside Body</b>	<b>Councillor Representative 2022/23</b>
<b>Age Concern</b>	<b>Councillor Morris</b>
<b>Community Choir</b>	<b>Town Mayor (President)</b>
<b>Herefordshire Council- Parish Summits</b>	<b>Appropriate Chair or Vice Chair</b>
<b>Ledbury Carnival Association</b>	<b>Councillor Morris</b>
<b>Ledbury Consolidated Charities</b>	<b>Councillor Eakin</b>
<b>Ledbury in Bloom</b>	<b>Councillor Morris Councillor Bannister</b>
<b>Ledbury Strömstad Twinning</b>	<b>Town Mayor Councillor Chowns*</b>
<b>Ledbury Food Group</b>	<b>Councillor Morris</b>
<b>Ledbury Food Bank</b>	<b>Councillor Manns Councillor Bradford Town Mayor*</b>
<b>Ledbury Children's Centre</b>	<b>Town Mayor</b>

<b>RMTG Local Councillor Panel – Rural Vulnerable Young</b>	<b>Councillor Phillip Howells</b>
<b>RMTG Local Councillor Panel – Rural Vulnerable Elderly</b>	<b>Councillor Sinclair</b>
<b>LYAS</b>	<b>Councillor Bradford*</b>

**\*Clerk to contact organisations and request additional/new representation on outside bodies.**

**C602. TO REVIEW THE COUNCIL'S ASSET REGISTER**

**RESOLVED:**

**That the asset register be approved.**

**C603. TO REVIEW THE COUNCIL'S RISK REGISTER**

**RESOLVED:**

**That the risk register be approved.**

**C604. TO RECEIVE AND NOTE ARRANGEMENTS FOR THE COUNCIL'S INSURANCE COVER IN RESPECT OF ALL INSURABLE RISKS FOR 2022/23**

**RESOLVED:**

**That the arrangements for the Council's insurance cover in respect of all insurable risks be received and noted.**

**C605. CORPORATE PLAN**

**RESOLVED:**

**That the Corporate Plan be received and noted, noting that the Clerk will arrange a workshop for all Councillors and staff to update the Corporate Plan.**

**C606. TO DETERMINE THE COUNCIL'S CHEQUE SIGNATORIES FOR 2022/23**

**RESOLVED:**

- 1. That the cheque signatories should include the Chair and Vice Chair of the Finance, Policy & General Purposes Committee, once established, as well as the Mayor and Deputy Mayor.**

2. That confirmation of the Council's cheque signatories for 2022/23 be referred back to Council once the Chair and Vice Chair have been elected.

C607. DATE OF NEXT MEETING

RESOLVED:

To note that the next meeting of Full Council is scheduled for 9 June 2022.

The meeting ended at 8.50 pm.

Signed ..... Dated .....

**LEDBURY TOWN COUNCIL  
MINUTES OF A MEETING OF FULL COUNCIL  
HELD ON 30 MARCH 2023**

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**PRESENT:** Councillors Bannister, Bradford, Chowns, Eakin, Howells (Chair), Hughes, Morris, Shields, Sinclair & Whattler.

**ALSO PRESENT:** Angela Price – Town Clerk  
Julia Lawrence – Deputy Clerk  
Charlotte Bartrop – Minute Taker  
Councillor l'Anson  
7 Members of the public

**C710 APOLOGIES**

Apologies were received from Councillors Harvey, Manns and Sims.

**C711 DECLARATIONS OF INTERESTS**

Councillor Sinclair declared a personal interest in the Agenda Item 12, Finance, Policy & General Purposes Committee Minutes, in respect of the Coronation Mugs due to him having recommended a company.

Councillor Hughes declared an interest in Agenda Item 12, Finance, Policy & General Purposes Committee Minutes, in respect of the Grant Applications submitted by Ledbury Carnival due to Mrs Hughes sitting on the Carnival Committee.

**C712 TO RECEIVE AND NOTE THE NOLAN PRINCIPLES**

Councillor Sinclair made the following statement:

"We note these at every meeting, but some people believe they don't apply to them. This is directed at the Mayor, who responded to an email I sent to Councillor Shields. I have no idea why she couldn't answer the questions herself, but the response was from Mayor.

In an email dated 26 February 2023, you made a number of accusations about me breaching the code of conduct; specifically, Respect, Bullying, harassment and discrimination. You also accused me of questioning the minutes.

I responded on 27 February 2023, stating: Your response to the email I sent to Councillor Shields, is unbelievable and inaccurate. Firstly, I did not question the accuracy of the minutes, why have you made this accusation? Secondly, you have accused me of breaching the Code of Conduct; specifically, Respect, Bullying, harassment and discrimination. Please provide evidence to support these allegations.

I emailed you on 14 March 2023, stating: You have made a number of allegations against me, where is the evidence I asked for? If you can't provide evidence, you should apologise for making defamatory comments.

On 28 March, I emailed you and said: Two weeks have passed since I asked you to evidence the allegations made, where is it?

It is now the 30 of March, are you going to withdraw the allegations, apologise and put it in writing?"

**RESOLVED:**

**That the Nolan Principles be received and noted.**

**C713 TO APPROVE AND SIGN THE MINUTES OF EXTRAORDINARY MEETINGS OF COUNCIL HELD ON 2 AND 9 MARCH 2023**

**RESOLVED:**

**That the minutes of the extraordinary meetings of Full Council held on 2 and 9 March 2023 be approved and signed as a correct record with the highlighted errors to be corrected prior to the next meeting.**

**C714 HEREFORDSHIRE COUNCILLOR'S REPORTS**

Ward reports were received from Ledbury Ward Members:

- i. Councillor Harvey
- ii. Councillor Howells
- iii. Councillor l'Anson

**RESOLVED:**

**That the Ward Councillor's reports be received and noted.**

**C715 MAYORS COMMUNICATIONS**

The Mayor made the following statement:-

"Given this is the last full Council meeting of Ledbury Town Council for this Administration, as the Mayor I'd like to propose a vote of thanks for the work our clerk, Mrs Angie Price, and her staff have done on behalf of the Council and the residents of Ledbury since she joined us four years ago. She has introduced many improvements, such as reshaped our procedures and policies to improve how the council is governed, updated our financial reports and budgets to make them clearer and easier to understand, introduced detailed reports for meetings which has enabled quicker and more informed decision making, and built a team of capable and enthusiastic staff who make the office a friendly and helpful place in which to work and visit for staff, councillors, residents and visitors alike. It's been a tough 4 years, with a new team to meld together, Covid to deal with and having to pick up on past War Memorial decisions that has not been at all

straightforward, so inevitably there have been some mistakes. However, Angie has never failed to be open and quick to admit them when they happen and I for one have been grateful for a mutually supportive working relationship which I am sure future Mayors will appreciate as much as I have."

The Mayor asked Members to give a vote of thanks to the Clerk and Ledbury Town Council staff and requested a named vote the outcome of which was:

For

Councillors Bannister, Bradford, Chowns, Eakin, Howells, Hughes, Morris, Shields, Sinclair & Whattler

Against

None

Abstentions

None

**RESOLVED:**

1. That a vote of thanks be given to the Town Clerk and Ledbury Town Council staff for all their hard work over the last 4 years.
2. That the Mayor's Communications be received and noted.

**C716 TO CONSIDER QUESTIONS/COMMENTS FROM MEMBERS OF THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF STANDING ORDERS 3(E) AND 3(F)**

Nick Bryant spoke to the War Memorial Agenda item:

I have seen various communications that have been shared online by various Councillors about certain Councillors and their intentions. As an observation, you're not addressing the points, so I have taken matters into our own hands, because when I spoke to you the best part of two years ago several councillors believe that I was talking out of my rear with regards to CDM, planning and various other legislations.

That leads me nicely on to Councillor Hughes, I think that you've done a wonderful job with your report, it's highlighted a few things, I would like to thank Councillor Bradford for standing up regarding the War Memorial and certainly Councillor Sinclair who has quite clearly tried at every possible opportunity to highlight this issue. I have seen an email from Councillor Bannister where he believes that throwing accusations at Councillor Bradford when he believes that you should be held responsible and accountable to the public. It seems that you are hiding this War Memorial malarkey, I can appreciate that you want to learn lessons to reinforce your processes and I applaud that. But if there's a

lesson to learn, which you know yourself as an ex-serviceman, you should be held accountable for your actions. When it was actually put out to the Stone Workshop, when would you actually submit yourselves to proper scrutiny. For the best part of two years, I have had no reply of any substance to these questions. So, could you tell me, are you going to answer this or not?

The Mayor thanked Mr Bryant for his statement and advised that he would give consideration as to whether his questions require a written reply.

The Mayor stated that the Council have never said that they would not provide a response to the various questions raised by members of the public in respect of this issue, however he pointed out that it had previously been necessary to restrict what could be said due to the ongoing legal situation. He advised that the Council will at some point provide a response.

Mr Bryant asked one more question directed at the Mayor:

"Is it your intention to stand for Ledbury again?" The Mayor advised that this information was in the public domain.

#### **C717 TO RECEIVE MOTIONS PRESENTED BY COUNCILLORS IN ACCORDANCE WITH STANDING ORDER 9**

Motion received from Councillor Hughes, seconded by Councillor Sinclair:

To receive and note the contents of the report from the Internal Auditor in respect of matters relating to the repair and renovations on the Town Memorial in 2020.

Councillor Hughes read the following statement, "I move the motion: to receive and note the contents of the report from the Internal Auditor in respect of matters relating to repairs and renovation in 2020 of the Town War Memorial (Appendix 2).

The Auditor's report forms a small part of the three-stage plan adopted by Council in attempted remediation of the damage done during the renovation of the War Memorial; the use of inferior materials; and the self-evident poor workmanship.

The three-stage plan is to:

1. Retrieve monies paid to the contractor.
2. Put right our War Memorial.
3. Find out what went wrong at Ledbury Town Council and put in place measures to ensure it cannot happen again.

I remind Council that the Auditor's report was commissioned on 1st December 2022 by Ledbury Town Council in response to the report of an internal investigation carried out by myself and Councillor Bradford.

One of the purposes of commissioning a further investigation by the Internal Auditor was to check the main finding of the internal investigation. May I remind you of the main finding.

In the matter of renovation and repair of the War Memorial (2019-2020) Councillor Bradford and I determined that:

Ledbury Town Council did not act entirely within the Regulatory Framework provided by Standing Orders, Financial Regulations, and the Construction (Design and Management) Regulations (2015).

In his report, the Internal Auditor does not explicitly agree with this main finding. Instead, he concentrates almost exclusively on, and I quote from the Auditor's report:

*'Failure to appoint 'expert supervision' is the root cause of the subsequent failure to successfully deliver the project.'*

This 'root cause' of 'failure to appoint expert supervision' was already established at a Full Council meeting on 31<sup>st</sup> of August 2021 (19 months ago) and since that time Council has put in place specific measures to ensure that expert advice and supervision will always be engaged for any contracted work of £5000 or more. (It may be that Council should regularly revisit this lower-limit figure.)

One of the purposes of commissioning the Auditor to investigate, was to establish how the contractor had been selected and a full investigation of payments including payments for 'additional work'.

Amongst the nineteen questions we specifically asked the Auditor to investigate and answer, were:

- (1) Was proper authority obtained for the appointment of all suppliers?
- (2) Was proper authority obtained for the commitment of all expenditure?
- (3) Were all payments made with proper authority?

The Auditor has not provided any answers to these three questions and also the sixteen other questions posed by this Council in the specification provided by Council to the Auditor (Appendix 1). The Auditor indirectly acknowledges that he has not provided the answers we required (he refers to the nineteen questions as 'format' and 'structure') and gives his reason for not attempting to answer the questions we posed:

I quote: "I am also concerned that preparing the report in the structure provided could, perhaps, provide the wrong conclusion, that it was individual failings, or failure by specific individuals that caused this problem, rather than it being a systemic failure by the entire Council over a number of years."

Surprisingly, he roots the failings in 2019/ 2020 to systemic failure going right back to 2013.

There are some anecdotal accounts of off-the-record actions, private on-site meetings and mis-undertakings by individual Councillors and officers acting alone in 2018 and 2019, that appeared to tie this Council into acting outside of Standing Orders and Financial Regulations. Many of the senior and experienced Councillors and staff I spoke to as part of my initial investigation, told me that they regretted not calling a halt to the process and not insisting that we begin the proper process again.

However, it is this whole Council who must take collective responsibility.

I contend that we should receive the report; note the contents but understand the limitations of the findings of the Auditor's report for any forensic examination of Council's behaviour; and then consider three questions:

1. Does Council have a clear idea, and can Council explain to the people of Ledbury, what went wrong and why?
2. What went wrong is the responsibility of this current administration. As we approach the end of our period of office, is it now time that this Council makes a full and unreserved apology to the people of Ledbury?
3. Has Council acted to ensure that this cannot happen again? I warn Council as your outgoing Chair of Finance that I see incidents where there remains a lack of understanding about Financial Regulations, Standing Orders and CDM 2015 and that the potential for poor governance remains.

I move the motion and ask that this statement be entered into the public record."

Councillor Bradford stated that Full Council had initiated the investigation into the War Memorial and that it was not a witch hunt, as had been implied. Ledbury Town Council now have systems in place to ensure that this doesn't happen again. He posed the question that if the auditor has stated that Financial Regulations are not necessary, why are Ledbury Town Council debating the matter?

He reiterated his thanks to Councillor Hughes for his report and suggested that the Council needs to move on from this, noting the plans to have the work carried out to the War Memorial later in the year.

Councillor Sinclair read the following statement to summarise what had happened to the War Memorial:-

"No work was carried out to the Specification or the Quotation, but payment was invoiced and made for the Full Amount. The Paving Stones are a prime example. Quoted and invoiced at £6,357; what was supplied cost circa £1,600. Even worse TSW invoiced LTC for £800 to replace cracked paving stones.

LTC hired the TSW(The Stone Workshop), a contractor who was not qualified to do repairs to the War Memorial. Paul Jones was clueless about Contracts

or Statutory Regulations. I pointed this out to all Councillors in an email dated 4 Feb 22, I stated:

"This sorry episode must end we have a duty to Stuart Heaton and the People of Ledbury to rectify matters. On Wednesday, 7 February, we must decide Police or incompetence? Neither of these were accepted because this Council has refused to accept responsibility for actions taken re. the War Memorial."

It has been proven beyond any doubt that TSW presented invoices for £5,025 more than they should have. LTC Paid these, where were the check and balances. During a telephone call on Fri 10 March, the Mayor stated all payments to TSW were genuine, I challenged him to prove my summary of payments wrong. Stating if the Mayor can prove me wrong, I will withdraw from both Herefordshire Council and LTC Elections, if he couldn't, I expected him to withdraw.

There has been little concern for the victims, they have been ignored:

1. WW2 Veteran Stuart Heaton who donated £30,642
2. The men whose names are on the WM.
3. The People of Ledbury, especially those who have Family Members, named on the WM.
4. Ledbury Council Taxpayers.

LTC had a quote from TSW for £17,355, to change the sub-standard paving, he had knowingly wrongly laid. Steve Ellis pointed the shortcomings out in Mid Oct 21 and wrote an Interim Report. This it seems was ignored because the quote from TSW is dated 7 Dec 21. This was redacted from my Second FOI, by Cllrs Howells and Manns, they were trying to hide what had gone on. Two Local Contractors pointed out the failing, one of the emails was dated 4 January 2021, still nothing was done. To make matters worse, LTC were still getting TSW to quote. A quotation was sent by Paul Jones, dated 22 February 2021, the cost has increased to £19,155, this was also redacted. Three people warned them that Sub-Standard Materials had been used and they were still communicating with TSW, we must ask why?

If the information from the two local contractors had been available, the Police may have looked at the case differently. Their findings and timings are crucial. Then there is the Internal Auditor, he wrote a report stating that Mal Hughes the current Chair of Finance, was unhelpful for pointing out that LTC had broken the law! I Propose a Resolution to take this to the Police as a council, to finally get closure on this sorry episode. This is based on a recommendation (F579 - Pages 3, 4 and 5) from FPGP meeting dated 23 March 23."

Councillor Shields asked Members to reflect upon whether the Council take sufficient advice from the Clerk at the appropriate time, as this was a big question in her mind.

Councillor Howells asked Councillor Hughes to clarify the motion to be voted on.

**RESOLVED:**

That the internal auditors report be received and noted.

Councillor Sinclair asked that the recommendations within the Finance, Policy & General Purposes Committee minutes, in particular those in relation to the War memorial be adopted.

**RESOLVED:**

**That agenda item 12, Finance, Policy & General Purposes Committee minutes be brought forward.**

**C721 TO RECEIVE AND NOTE THE MINUTES OF A MEETING OF THE FINANCE, POLICY & GENERAL PURPOSES COMMITTEE HELD ON 23 MARCH 2023 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN**

Councillor Sinclair proposed a Resolution to take this to the Police as a council, to finally get closure on this sorry episode, as per the recommendation from the Finance, Policy & General Purposes Committee.

Councillor Bradford advised that to do this the Council would need to have evidence. He pointed out that at the recent Finance meeting those present had voted on the matter of the overspend and resolved that it should be brought to Full Council for consideration, which was correct. He pointed out that at that meeting it had been agreed that they needed evidence to provide to the Police and it was agreed that Councillor Sinclair would do a presentation of evidence, suggesting that until this was available no action could be taken.

Councillor Eakin agreed with the principles put forward by Councillor Bradford with regard the need for evidence being available.

Councillor Sinclair responded by saying that he was unsure why Councillor Bradford had made his statement, pointing out that evidence of invoices etc. had been provided at a recent meeting between the Mayor and Councillor Hughes that they had both been present at. He listed the evidence that had been presented at that meeting, stating that he was not sure what more evidence was needed to provide to the Police to show wrongdoing.

Councillor Bradford advised that he agreed with what Councillor Sinclair had said, but pointed out that this information needs to be presented to the Police. He also stated that he believed that the Council should write to the contractor to demand he repay the overpayment. He reiterated the resolution of the Finance Committee that Councillor Sinclair had been asked to provide a document containing all the information that could be presented to the Police.

Councillor Hughes asked Members to receive and note the Finance, Policy & General Purposes Committee minutes, to ensure the correct process is being followed, prior to further discussion in relation to those minutes.

Following this he brought Members attention to the resolution within those minutes that:

Ledbury Town Council pursue the repayment of the overcharge from the Stone Workshop for the full amount as detailed in the report provided to the Finance, Policy & General Purposes Committee and proposed that this is what the Council does.

Councillor Shields raised concerns over whether the Council should consider the content of the agreement between the Council and TSW in relation to the dispute over the work undertaken to the War Memorial.

Councillor Hughes advised that the wording of the agreement should be checked, however he did not believe that this would prevent the Council from writing to TSW making them aware that there has been an overpayment and requesting that this money be paid back to the Council. He pointed out that it is the moral duty of the Council to seek repayment of those monies.

Councillor Hughes pointed out that without the written report from Councillor Sinclair being provided at the meeting, the recommendation within the Finance, Policy & General Purposes Committee would fall.

Councillor Sinclair advised that it could potentially take a week to put this information together, which is why he had provided a summary to this meeting. Once it had been agreed by Council to proceed he would be willing to put a report together.

Members were advised that one grant application for multi-year funding had been omitted from the minutes in respect of the Ledbury Carnival and that this had been deferred due to the meeting having been inquorate at the point of this discussion.

**RESOLVED:**

- 1. That the minutes of a meeting of the Finance, Policy & General Purposes Committee held on 23 March 2023 be received and noted.**
- 2. That the Council pursue the repayment of the overcharge from the Stone Workshop in the sum of £5,025 as detailed in the report provided to the Finance, Policy & General Purposes Committee.**
- 3. That Councillor Sinclair provide an evidence pack to the next Finance, Policy & General Purposes Committee, which will be in the new Administration which will provide evidence for the Finance, Policy & General Purposes Committee to review prior to it being sent to the Police.**
- 4. That the purchase of Commemorative Coronation Mugs for the School Children of Ledbury Primary School be approved.**

5. That consideration of whether to provide mugs to John Masefield High School be referred back to the next Events Working Party.
6. That the grant application in the sum of £1,000 to the Carnival Association be approved.
7. That the multi-year grant application to the Carnival Committee in the sum of Year 1- £3,500, Year 2 - £4,000 and Year 3- £4,500 be approved.

**C722 TO RECEIVE AND NOTE THE MINUTES OF A MEETING OF THE RESOURCES COMMITTEE HELD ON 2 MARCH 2023 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN**

**RESOLVED:**

1. That the minutes of a meeting of the resources committee held on 2 March 2023 be received and noted.
2. That the outcome of the job evaluation of post holder 60 be approved.

**C723 TO RECEIVE AND NOTE THE MINUTES OF MEETINGS OF THE PLANNING, ECONOMY & TOURISM COMMITTEE HELD ON 9 FEBRUARY AND 9 MARCH 2023 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN**

**RESOLVED:**

That the minutes of the meetings of the Planning, Economy & Tourism meeting held on 9 February and 9 March 2023 be received and noted and that all highlighted errors be corrected prior to the next meeting.

**C724 TO RECEIVE AND NOTE THE MINUTES OF A MEETING OF THE ENVIRONMENT & LEISURE COMMITTEE HELD ON 16 MARCH 2023 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN**

**RESOLVED:**

1. That the Clerk contact the Council's Solicitor in respect of drawing up a Service Level Agreement between the Town Council and the Rogers Funfair in advance of the October 2023 Funfair, setting out the responsibilities for both parties.
2. That the minutes of a meeting of the Environment & Leisure Committee held on 16 March 2023 be received and noted.

**C725 TO RECEIVE INVOICES FOR PAYMENT (March final)**

**RESOLVED:**

**That the invoices for Payment for March be approved for payment in the sum of £796.50 plus VAT.**

**C726 MARKET TOWNS FUNDING 2023/24**

Members were provided with an update on the Market Towns Funding 2023/24 and asked to give consideration to a number of points raised by Balfour Beatty.

**RESOLVED:**

- 1. That the information provided in the Market Towns report be received and noted.**
- 2. That the Clerk request a breakdown of any costs from Balfour Beatty that may be incurred for the removal of item 10 from the list.**
- 3. That the Clerk advise BBLP that item 11 only related to the resurfacing of the pavement in Robinson's Meadow.**

**C727 TO RECEIVE AND NOTE INFORMATION IN RESPECT OF CAPITAL HUBS PROJECT FUNDING SCHEME**

**RESOLVED:**

**That the information in respect of the Capital Hubs project funding scheme be received and noted.**

**C728 OUTSIDE BODIES REPORTS (If any)**

- i. To consider Ledbury Town Council representation on the John Masefield Society.**
- ii. Minutes of a meeting of the Ledbury Carnival Association held on 11 January and 8 February 2023**
- iii. Minutes of a meeting of the Ledbury Strömstad Twinning Association held on 27 September 2022**

**RESOLVED:**

- 1. That Ledbury Town Council become an institutional member of the John Masefield Society.**
- 2. That Holly Welford be nominated as a representative on behalf of Ledbury Town Council and that she act as the financial representative on the Society in respect of the John Masefield Project.**

3. That Councillor Morris be nominated to act as the Council's representative on the John Masefield Society to represent the Council's interest in the John Masefield Memorial Project.
4. That the minutes of the meetings of the Ledbury Carnival Association held on 11 January and 8 February 2023 be received and noted.
5. That the minutes of the Ledbury Strömstad Twinning Association held on 27 September 2022 be received and noted.

**C729 ENQUIRY RECEIVED FROM MR CHRISTOPHER SCOTT**

**RESOLVED:**

That Ledbury Town Council would write to Mr Christopher Scott to decline to print his book and offer their best wishes with the endeavour.

**C730 LOCAL POLICING CHARTER**

There was a short discussion as to whether the Police Station had been reopened as there are vehicles using the car park on a regular basis.

**RESOLVED:**

1. That the members agreed that Councillor Hughes, in his role of police liaison officer, will meet with the Police and raise the question of the police station opening hours.
2. That the Police Charter be included on the agenda for discussion at the next Police liaison meeting.

**C731 DATE OF NEXT MEETING**

**RESOLVED:**

That the next meeting of Full Council will be the Annual Council Meeting scheduled for 11 May 2023.

**C732 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:**

That in accordance with Section 1(2) of the Public Bodies Admission to Meetings) Act 1960, in view of the confidential nature of the business about to be transacted, the press and public are excluded from the remainder of the meeting.

### **C733 CITIZEN OF THE YEAR AWARDS**

There was a short debate as to whether there should be one award or multiple, due to the wording of the award. Members agreed that there had been multiple recipients in previous years and felt that this year should be no different.

#### **RESOLVED:**

**That the Citizen of the Year Award should be jointly awarded to:**

- 1. Tom Collingwood**
- 2. Ann Lumb and Nicola Forde**
- 3. Jeremy Wolfe**

### **C734 YOUTH AWARDS**

**That there were no nominations received for the Youth Awards.**

**The meeting ended at 9.00pm.**

**Signed** ..... **Date** .....  
**(Town Mayor)**



**FULL COUNCIL**  
**01-Dec-22**

Minute No.	Action	To be Actioned by	Date Actioned	Comments	Status
C721.2	That the Council pursue the repayment to the overcharge from the Stone Workshop in the sum of £5,025 as detailed in the report provide to the Finance, Policy & General Purposes Committee	TC	12.04.2023	Letter drafted by TC and approved by MH - sent on 12.04.2023	Awaiting response
C721.3	That Councillor Sinclair provide an evidence pack to the next Finance, Policy & General Purposes Committee, which will be in the new Administration, which will provide evidence for the FPGP Committee to review prior to it being sent to the Police.	ES	First Finance Meeting in 2023/24 municipal year	Evidence pack to be provided to TC prior to agenda despatch once meeting date confirmed at annual meeting	Awaiting information from Cllr Sinclair for inclusion in first FP & GP agenda in new administration
C721.4	That the purchase of Commemorative Coronation Mugs for the School Children of Ledbury Primary School be approved.	TC	12.04.2023	Mugs ordered, delivered and presented to school on 26.04.2023	Completed

C721.5	That consideration of whether to provide mugs to John Masefield High School be referred back to the next Events Working Party	DTC	05.04.2023	Discussed at EWP on 05.04.2023 - recommendation to provide £1,000 for event at JMHS rather than purchase mugs	Due to no standing meetings being scheduled until May 2011 - TC discussed recommendation with Chair of Finance. He suggested that as there is no mechanism for this recommendation to be considered ahead of the coronation "masterley inactivity" be cited as a reason for no action to be taken. Further correspondence received from Cllr Bradford - this item to be considered at first appropriate meeting in new administration.
C721.6	That the Grant application in the sum of £1,000 to the Carnival Association be approved	TC	31.03.2023	Carnival Association advised - waiting on bank details	In progress
C721.7	That the multi-year grant application to the Carnival Committee in the sum of Year 1 - £3,500, year 2 - £4,000 and year 3 - £4,500 be approved	TC	31.03.2023	Carnival Association advised - waiting on bank details	In progress

C724.1	That the Clerk contact the Council's Solicitor in respect of draaing up a Service Level Agreement between the Town Council and Rogers Funfair in advance of the October 2023 Funfair, setting out the responsibilities for both parties	TC	19.04.2023	DTC asked to arrange meeting with Ashley Rogers to discuss contents of SLA - following this meeting TC will contact council's solicitors to request drafting of SLA	Awaiting meeting date with AR - scheduled for 15.05.2023
C726.2	That the Clerk request a breakdown of any costs from BBLP that may be incurred for the removal of item 10 from the list	TC	18.04.2023	Response sent and further information received - to be considered by Council at meeting on 11.05.2023	In progress
C726.3	That the Clerk advise BBLP that item 11 only related to the resurfacing of the pavement in Robinson's Meadow	TC	18.04.2023	BBLP advised that this related to the pavement at Robinsons Meadow only.	Completed
C728.1	That LTC become am institutional member of the John Masefield Society	TC	05.05.2023	Society advised of Membership and accounts clerk asked to raise cheque to be provided to CN at JMMWP Meeting on 12.05.2023	In progress
C728.2	That Holly Welford be nominated as a representative on behalf of LTC and that she act as the financial representative on the Society in respect of the John Masefield Project	TC	05.05.2023	As above	Holly Welford to be advised once contact details received
C728.3	That Councillor Morris be nominated to act as the Council's representative on the John Masefield Society, to represent the Council's interest in the John Masefield Memorial Project.	TC	05.05.2023	As above	In progress
C729	That LTC write to Mr Christopher Scott to decline to print his book and offer their best wishes with the endeavour	TC	05.05.2023	Letter sent	Completed

C730.1	That the members agreed that Councillor Hughes, in his role of police liaison officer, will meet with the Police and raise the question of the police station opening hours at the next Police Liaison Meeting	DTC	03.05.2023	Discussed at meeting on 03.05.2023 - advised that the station is open 24/7 but that this is dependent on someone being present	Completed
C730.2	That the Police Charter be included on the agenda for discussion at the next Police liaison meeting	DTC	TBC	Discussed at meeting on 03.05.2023 - agreed that the priorities for LTC are speeding and ASB	Completed

**LEDBURY TOWN COUNCIL**  
**MINUTES OF THE ANNUAL PARISH MEETING**  
**HELD ON**  
**27 APRIL 2023**

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**PRESENT:** Councillors Bannister (Acting Chair), Chowns, Hughes and Morris

**ALSO PRESENT:** Angela Price – Town Clerk  
Julia Lawrence – Deputy Town Clerk  
Charlotte Bartrop – Minute Taker  
14 Ledbury Residents

**5. CITIZEN OF THE YEAR AWARDS WERE PRESENTED TO:**

Jeremy Wolf  
Nicola Forde  
Anne Lumb

Unfortunately, Tom Collingwood was not present to receive his award, and it was noted that the Mayor would arrange a time to meet with Mr Collingwood to present his award.

**6. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Eakin, Harvey and Howells.

The Chair read the following statement which had been provided by the Mayor and Councillor Eakin detailing their reasons for their apologies for absence:

“Following legal election advice from their election agent, Councillor Howells, the Mayor, and Councillor Eakin give their apologies for not attending this evening’s public meeting on the grounds that it could be seen as giving them an electoral advantage over County Councillor candidates who would not receive specific invitations to attend. This meeting could also incur unintended but declarable electoral expenses.”

**7. TO CONFIRM THE ACCURACY OF THE MINUTES OF THE TOWN MEETING HELD ON 25 JANUARY 2023**

**RESOLVED:**

That the minutes of the Town Meeting held on 25 January 2023 be confirmed as accurate and signed as a correct record.

**8. CHAIRMAN’S REPORT (read out by Councillor Bannister in the absence**

**of the Mayor)**

"To be the Mayor of Ledbury for a second time has been a special honour in a year that has seen momentous national events. We mourned the death of Queen Elizabeth II after a reign of 70 years and 214 days and a lifetime during which she was Queen Regnant of 32 sovereign states. She was the Head of State of 15 realms at the time of her death. Her reign was the longest of any British Monarch and the longest verified reign of any female head of state in history when she died on 8 September 2022.

She was the only Monarch most of us had ever known in our lives until we then marked the Proclamation of a new King. It can be only said to be any Mayor's proudest moments to be a part of history in making the Declaration of the Ascension of King Charles III to the throne in front of the Market House to a packed Ledbury Town centre.

To still be the Mayor on the formal Coronation weekend of the new King will be a special occasion at which to conclude my year as Mayor. To be the Civic representative of Ledbury on these and many other occasions during the year has been a huge and enjoyable privilege.

The Mayor's diary of invitations has been very full as people have returned to a more normal life after the restrictions of the covid years. I've attended many events nearly into treble figures, with formal occasions such as the Declaration of Robert Robinson as the new High Sheriff and the Civic Services of my own and other neighbouring Mayors.

There have been many fun and often charity fund raising occasions too numerous to mention, but including the Ledbury Big Breakfast, the opening of new and very welcome business ventures such as the Roger Oates Design Showroom in Tinsmiths Alley and the Pot & Page launch of a new evening restaurant service, attending street parties and holding Mayor's coffee mornings.

All have been most enjoyable and demonstrated the best of the human spirit and endeavour. I am grateful to the Mayor's Consort, Hilary Jones, for her splendid and energetic support throughout the year and to the Deputy Mayor, Cllr John Bannister for backing me up at the few events I was unable to attend. I must also thank the Clerk and the office staff, and especially Sophie, the Mayor's Secretary, for her diligent and very competent handling of the Mayor's Diary and creative organisation with other staff of many of the Mayoral events held in the town.

I am very pleased to note that we have raised considerable sums into four figures and raised the profile of my charity for the year, Strong Young Minds, and I would like to thank all those who have contributed so generously.

The Mayor is of course also the Chair of the Council, chairing the full Council meetings, the Resources Committee and being the Line Manager for our Clerk.

Resources is all about staff and office matters, much of which has to be confidential because it often relates to matters affecting individual members of staff. But, along with the other committee chairs who make up the committee, we have done good work in organising staff and councillor training, the job evaluations of several members of staff, producing some new and useful related policies for council approval and at long last filling the Town Maintenance post.

Working with the Clerk as her Line Manager has been mostly productive and rewarding, and we have already thanked her for her work since becoming our clerk at the last full Council meeting. There have been some difficult situations during the year we have both had to manage and which has sometimes been unnecessarily distressing for us both, but I am grateful to her for working on them together to ensure that they have been managed with the dignity and integrity the public would expect to see.

I'd like to close by saying many thanks to the very many people of Ledbury who have supported and encouraged me during my term of office."

## **9. COMMITTEE CHAIR REPORTS:**

### **a. Environment & Leisure Committee (Councillor Chowns)**

"The Committee's responsibilities embrace concerns ranging from the physical infrastructure of the town to cultural events and activities. The Events Working Party and the Climate Change Working Party have worked during the year under the oversight of this Committee, and a new working party established to plan the John Masefield Memorial and Celebrations. We record our appreciation of the work of the Chairs of these Working Parties, and the support of the Town Council staff. We also wish to record the contribution made to this sphere of the Council's work over recent years by the late Cllr Dee Knight.

Our remit covers the Recreation Ground, including the Skateboard Park, the Children's play area, the 'half-dome' Shelter, the CCTV coverage of the area, and the routine maintenance and repair thereof. Vandalism occurred in several locations, and liaison with the Police has been regular and constructive. The upgrading of CCTV equipment, here and elsewhere in the Town, is a continuing priority. A substantial sum was spent during 2022 and early 2023 in improving the skate park and play equipment.

The other significant 'green space' for which we are responsible is Dog Hill Wood, above the town to the east. The Woodland Management Plan has highlighted necessary improvements, and we arranged for the restoration of some of the seating and the signage in this area. A volunteer group was set up last Autumn whereby members assisted with the coppicing of trees and clearing vegetation to allow new growth. As a result of a recent Tree Survey, a programme of tree felling and removal of crowns in some of the

trees is planned to take place this coming winter, although some trees have already been felled for safety.

The Cemetery Chapel was opened for visitors on the last Sunday before Christmas for residents to come and light a candle in memory of their loved ones. Some interior refurbishment took place in the Chapel last year and it is hoped that further works can take place this year to enhance the Chapel pews and lecterns.

A digital mapping system has been created to improve information and records of the cemetery contents.

The Christmas Lights contractor improved the installation in 2022, and the lights continue to be well-received by the public.

The Events Working Party includes representatives of the traders, and organisers of the Community Day, the Carnival, Poetry Festival, and other town events. This year it once again promoted a World Book Day, a Careers and Jobs Fair, and the celebration of the Queen's Platinum Jubilee celebrations in June 2022 and is now planning for the Coronation event in May 2023.

The Town Council gazebos, purchased last year, have been extensively utilised by a variety of organisations, including for example the Twinning Committee and we would remind residents that these are available for free for use by Ledbury based organisations. The Climate Change Working Party supported several volunteer groups which have been tidying and clearing the Town Trail and organising 'Litter picks' The WP aims to promote its concerns during the national 'Big Green Week' event in June 2023.

The E & L Committee is glad to report that a new contractor has been engaged to rectify the unsatisfactory restoration of the War Memorial. This work is due to be carried out during the summer, so that the Memorial will be at its best for the Service of Remembrance in November."

**b. Finance, Policy & General Purposes Committee (Councillor Hughes)**

"This report is a statement of the work of the of Finance, Policy and General Purposes Committee. You can access the Year End Statement of audited accounts 1st April 2021 to 31<sup>st</sup> March 2022 on the Finance pages of Council's website. The End of Year documents for 1st April 2022 to 31<sup>st</sup> March 2023 will be published on the Finance pages of Council's website by the end of June 2023.

The Committee has continued the day-to-day management of the financial affairs of the Council; and engaged in the continual review and approval of Council policies and procedures and the Risk Register. There are a number

of powers delegated to the Committee by Full Council and these include authorising expenditure on works, goods, and services.

The Committee also meets bi-monthly to approve payment of invoices received; scrutinise the record of receipts and payments; monitor monthly spending and balance sheets; verify bank statements and reconciliations and to receive the outcomes of external audit processes.

The Committee makes recommendations to Full Council including priorities for the Corporate Plan; makes changes and updates to Council policies to maintain quality of governance; and recommends an annual budget to Council.

The Committee has also established two working groups. One group is tasked with monitoring the budget month-by-month. The other group determines recommendations for grant applications received by Council and also recommends spending priorities and choices for monies granted to the Council. Two recent examples of such grants are UK government funded 'Welcome Back' funds post-COVID, and secondly, the Great Places to Visit fund.

My thanks to councillors and officers who are members of or support our working groups.

In partnership with auditors, the Committee also investigates any errors or anomalies in accounting and the proper application of financial regulations and Standing Orders; the two principal instruments of governance. We also receive reports of any monies owing to Council funds and we make arrangements for the recovery of those monies. This year we have also investigated matters of governance and regulation in relation to works carried out to our Town War Memorial.

We have set a budget which maintains services and reserves needed for current and future stewardship of the historic assets of our town. The Precept (the towns income from local taxation) has increased by 3.1%. This increase is made at a time when general inflation in the form of the Consumer Prices Index rose by 10.4% in the 12 months to February 2023 and building renovation and refurbishment prices have risen by more than 20% in the last 12 months, mostly due to rising costs of materials.

The Committee is grateful for the ongoing work of the Finance Clerk and Senior Finance Officer, our Town Clerk. I am grateful for the contribution and guidance offered by other members of the Committee; and I commend the work of the Committee to the people of Ledbury."

**c. Planning, Economy & Tourism Committee (Councillor Morris)**

"This has been our first full year, post-pandemic. This is also my first year as Chair of this committee. Succeeding Cllr Bannister was no easy task! I have been motivated by his report of last year and much still applies.

**The purposes of this committee are:**

- 1) To promote events and businesses which attract visitors to Ledbury and boost the local economy; and;
- 2) Develop programmes and actions to support local businesses and attract grants and inward investment

The majority of the day-to-day work, in pursuance of these purposes is completed by an officer of the Council, the Community Development Officer, directed and supported by our Town Clerk. This was a new appointment to the staffing structure of the Council, and we have been most fortunate in the selection of our substantive CDO and, subsequently, her maternity cover.

It was agreed to concentrate the work of the committee into two main areas:

- 1) To promote the Charter Market and any other speciality markets in the town, concentrating effort into the market pitches under, and adjacent to the Market House.
- 2) To promote the work of the guides of the Painted Room, the custodians of other historic attractions and organisers of other cultural and community events.

Part of this work is to replace the Tourist Information Centre with:

- i) much enhanced TIC in the reception area of the Council Offices and;
- ii) when feasible, with a second TIC in our iconic Master's House as part of the development of the area at the barn end of St Katherine's car park.

We have endeavoured to spend money on items that enhance the town from the following two central government grants – the *Welcome Back Fund* and the *Great Places to Visit Fund*.

In April 2022, the current CDO went on maternity leave.

Prior to this, she had managed the town's promotion of World Book Day 2022 and set up the plans for the Platinum Jubilee Celebrations.

**CDO's achievements, April 2022-January 2023**

Her maternity cover took over the following responsibilities. The first of which was to oversee the celebration we held on the Recreation Ground for the Platinum Jubilee.

With the help of some councillors and staff, our gazebos were erected and decorated for this event. A large number of people attended and enjoyed the acceptable weather.

## **Heritage Open Days**

Mid-September after H-Art, the CDO coordinated all the groups taking part (Burgage Hall, Butcher Row House Museum, Heritage Centre, The Painted Room, The Poetry House, The Market House, The Master's House and St Michael's Church and Bell Tower). As this was only our second year, there was a very positive and encouraging response to the three-day event.

## **Charter Markets**

The CDO regularly visited the traders and sought new ones, maintaining favourable relationships with our regulars, and establishing good ties with the newcomers.

## **John Masefield Memorial**

This is an ongoing plan for the town, backed unanimously by Full Council. With extensive knowledge and appreciation of the subject, the CDO laid the foundation for the Working Party, and it became clear that a Project Manager should be sought. With the support of Full-Council and the Environment & Leisure Committee, funds were made available. There was a very positive response to our advertisement, and we selected a talented professional for this role. Her enthusiasm and experience will push this project forward.

We are looking forward to Masefield's birthday on 1<sup>st</sup> June which marks the launch of the project's next phase.

## **Planning Applications**

Firstly, in succeeding Cllr Bannister as Chair, I would like to thank him for his impeccable hard work for this committee.

We have looked at a multitude of applications, challenging and questioning the predatory developers in local builds. There have been issues highlighted by Ledbury Town Council to Planning Officers at Hereford Council in respect of the new development at Hawk Rise, and it is hoped that these can and will be resolved via discussions between Hereford Council Planners and the Developers, without too much disruption to the families living in these properties.

I have to thank the Clerk and her staff in supporting and undertaking the enormous amount of work that this committee requires. At our last meeting, I thanked all members of the committee for their hard work and productive contributions.

Looking forward there remain significant challenges to properly coordinating the mission and work of our community organisations; to harnessing the Herculean effort of so many individual members of our community and particularly those who aspire to work with our young people."

**10. TOWN COUNCIL BUDGET 2023/24**

**RESOLVED:**

**That the information regarding the Town Council Budget 2023/24 be received and noted.**

**11. COMMENTS AND QUESTIONS FROM ANY ELECTOR OF LEDBURY PARISH**

Q1 – ES – I became a Councillor due to the botch job which was done on the War Memorial. Steve Ellis told Phillip Howells of the problems and on 3 January 2020, Steve provided an interim report at the end of 2020 confirming that it was substandard. When Ledbury Town Council knew that the work was substandard, why were they still getting quotes from The Stone Workshop?

A1 - JB – I don't think that we can answer that question here. I'm not too sure that this is the right forum to do that. Councillor Hughes put three questions at the last Full Council meeting, which are still yet to be debated by the Council, it seems to me that this debate should be left for the next Full Council meeting, following which it will be able to provide a full statement in response to this issue.

ES – That's just an entirely poor answer. This Council, you included as well as Phillip, have tried to block me at every opportunity when I have tried to get to the bottom of this. Information was redacted, so that its importance was not clear on the Freedom of Information request. Information was not included on the Freedom of Information that should have been included and it's not until recently that I became aware of the redacted information, that this Council was fully appraised as to what had been done to that War Memorial but was still communicating with the Stone Workshop as if they were best friends. If a Cowboy builder did something wrong to my house, I would not be getting the Cowboy builder to quote to put the work right, so why was this Council doing that? I think that we need an answer.

JB – No doubt an answer will be forthcoming following the next Full Council meeting.

Q2 – KF – What improvements are being made to the Market?

A2 - NM – The Market is a difficult project; we are still working on getting it back to strength, but this is a Herculean task and we do think that it is a very important part of the town.

Q3 – BH – Recently there was a discussion about having a Warden on the Recreation Ground, but it was decided that a Youth Leader would be more appropriate. Can you tell me what's happening with this? And has a place been allocated for the Youth Club?

A3 - SC – Youth provision is a big issue for the town. I understand that there is some optimism that the youth drop in will be able to open by the end of 2023. It was felt that a Warden would be a retrograde step but a drop in will require volunteers in order to be viable. In a town of 10,000 to not be able to get 18 people to stand for the Council, getting volunteers to run the youth drop in may be an issue, especially as it's important to have people who are not octogenarian. We need to learn lessons from Colwall who have an excellent drop in facility.

Q4 – JW – Can outside Busy Bee's be tidied up?

A4 - SC – This is a Herefordshire Council building.

Q5 – JW – There was a bin moved, is there any possibility of any extra bins? The bins on Mables Furlong are full and Oaklands Drive is the same.

A5 - SC – We will consider this at the next meeting of Environment & Leisure Committee

JW – How often should they be emptied?

AP – They should be emptied daily. Officers will follow up with Balfour Beatty if they are not being done.

Q6 – JW – Regarding the Bus Stops, the warden was out warning people to move from the one by the Market House as it gets used as a stopping place for people popping to Greggs. They all need re-lining; I have reported this to Herefordshire Council.

A6 - JB – The Bus stop by the War Memorial has some Section 106 money allocated to improve it.

Q7 – KF – I would like to congratulate the Council for the tables and chairs, they are of real benefit to the community. Are any of the local businesses charged for them?

A7 - AP – There is no charge for any of the businesses to use them. They are only for takeaway food; the businesses are not allowed to offer table service in this area.

JB – This was originally Councillor Harvey's idea.

A member of the public stated that they would like to say what a good job has been done of the railings on the Southend, it looks really good down there now.

The meeting ended at 7.46pm.

Signed ..... Dated .....  
(Chair)

**LEDBURY TOWN COUNCIL**

**MINUTES OF A FINANCE, POLICY & GENERAL PURPOSES COMMITTEE  
HELD ON 27 APRIL 2023**

---

**PRESENT:** Councillors Howells, Hughes, and Sinclair

**ALSO PRESENT:** Angela Price – Town Clerk

**F592. APOLOGIES**

Apologies for absence were received from Councillors Bradford, Eakin, Harvey and Sims.

**F593. DECLARATIONS OF INTEREST**

None received.

**F594. PUBLIC PARTICIPATION**

No members of the public were present.

**F595. TO APPROVE AND SIGN AS A CORRECT RECORD THE MINUTES  
OF A MEETING OF THE FINANCE, POLICY & GENERAL PURPOSES  
COMMITTEE HELD ON 28 APRIL 2023**

**RESOLVED:**

That the minutes of the meeting of Finance, Policy & General purposes be approved and signed as a correct record.

**F596. TO REVIEW THE ACTION SHEET**

**RESOLVED:**

That the action sheet be received and noted.

**F597. TO APPROVE INVOICES FOR PAYMENT FOR APRIL 2023**

**RESOLVED:**

That the invoices for payment presented at the meeting be approved in the total sum of £49,426.23.

F598. TO CONFIRM VERIFICATION OF BANK STATEMENTS AND RECONCILIATIONS FOR JANUARY AND FEBRUARY 2023

**RESOLVED:**

The Chair of the Committee confirmed that he had attended the Council offices and verified the bank statements and reconciliations for January and February 2023. He also confirmed that he had verified the bank statements and reconciliations for March 2023.

F599. GRANT APPLICATIONS

**RESOLVED:**

1. That the request for a grant of £1,500 from the Ledbury Food Group be awarded.
2. That the request for a grant of £500 for three years from Beyond the Hills CSP be awarded.

F600. REQUEST TO APPROVE THE COST TO ENGAGE CITATION TO ASSIST WITH DEPUTY CLERK APPRAISAL

**RESOLVED:**

That the cost of £650 for Citation to provide support to the Clerk and Mayor for administration support in respect of the Deputy Clerks Annual Appraisal be approved.

F601. DATE OF NEXT MEETING

**RESOLVED:**

That it be noted that the next meeting of the Finance, Policy & General Purposes Committee will be agreed at the Annual Council meeting scheduled for 11 May 2023, following the local Council elections.

The meeting ended at 6.47 pm.

Signed ..... Date.....  
(Chairman)

<b>ANNUAL COUNCIL</b>	<b>11 MAY 2023</b>	<b>AGENDA ITEM: 11</b>
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Report prepared by Angela Price – Town Clerk

## **LEDBURY TOWN COUNCIL COMMITTEE STRUCTURE**

### **Purpose of Report**

The purpose of this report is to ask Members to give consideration to a potential change to the Council's current committee structure.

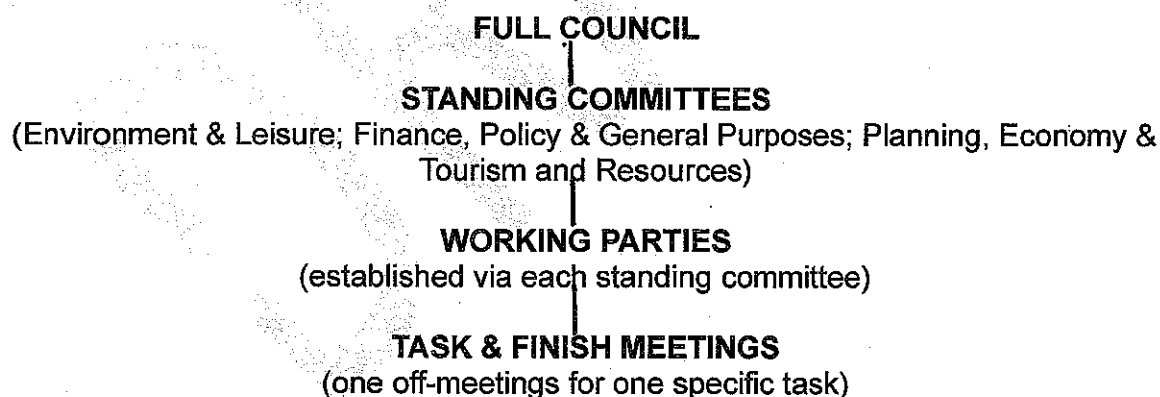
### **Detailed Information**

Over the past four years Members of Ledbury Town Council have discussed how the committee structure could be changed to be more effective and potentially reduce the number of non-decision-making meetings each year.

The current Chairs of each of the Standing Committee, along with the Mayor, have considered this and asked the Clerk to look into the Council's committee structure and provide a report to this meeting for consideration by all Members.

### **Current Committee Structure**

The current committee structure at Ledbury Town Council is made up of a number of levels as follows:



This structure is a tried and tested democratic processes, however more and more parish councils are moving away from the traditional committee structure. Many parish councils who have changed their committee structure have done so because they believe there have been significant increases in responsibilities and a compelling need to streamline decision making. Councils recognise the need to give more authority to the committees and improve streamlining of governance arrangements for autonomous decisions, without further reference to Full Council.

Two significant reasons for considering a change of committee structure at Ledbury Town Council are:

- I. a growing awareness amongst current councillors that the traditional dual role of Mayor and Chair of Council is increasingly onerous, yet is also *legitimus* – bound together by law; and yet we must
- II. provide a more efficient way of working.

Full Council is responsible in law for holding the Annual Council meeting which will include the election of the Mayor and Deputy Mayor annually; the election of members to sit on the Standing Committees; and the chair and vice chair of that committee for each Municipal Year. They are also required by law to agree the annual accounts and the annual budget/precept setting.

Standing Committees are delegated responsibility via the Full Council through the Terms of Reference, and they can, if they so wish, set up Working Parties and/or Task & Finish Groups to consider specific projects of the Council.

#### The Role of Mayor/Chairman of Council

One question that has been raised with the Clerk from Members is whether or not the roles of Mayor and Chairman of the Council could be separated. The purpose of this question is to establish whether a new role could be created to replace the role of Council Chairman, whilst keeping a Mayoral role.

The Local Government Act 1972 s 245(6) states that the Chairman of the Council (and Deputy) has the right to use the title Mayor (and Deputy) but there is no power for them to confer those rights to any other person. The legislation governing parish/town councils is specific to the sector (i.e. parish and towns) and not for principle authorities such as Herefordshire Council where control rests with whatever political party is elected.

If the Parish/Town Council are holding a Council meeting it is a legal requirement for the Chairman/Mayor to Chair the meeting if in attendance, or their Deputy in their absence. It is not lawful for another Councillor to chair the meeting if either the Chairman/Mayor or Deputy are present.

Some Parish/Town Councils have created a role within their council of a "Leader", however in the publication "Local Council's Explained" a Leader of a Parish/Town Council is defined as a councillor who is selected from and among the group of councillors in the local council that has the political majority. Indeed, in the Clerk's previous post the council was made up of political party membership and each year they elected the leader of the majority party to be the Leader of the Town Council.

However, it should be noted that politics is not formally recognised in the Parish/Town Council sector, as this can sometimes present challenges for councillors who serve on both parish/town and principal authorities.

### Suggestion for Alternative Committee Structure

The Chairs of the current committees asked the Clerk to review the Council's current structure using research of a comparable council in Herefordshire. Of particular interest was the committee structure, terms of reference and scheme of delegation adopted by Ross Town Council. Ross Town Council had recently established that a number of other parish/town councils had moved to a structure in which the role of Mayor was externally facing, and in which they created a new role (Chairman of a committee of all councillors). The role of this committee is to oversee the internal running of the Council, and many councils have entitled this the Management Committee.

### The Role and Scope of The Management Committee

1. The Management Committee oversees the internal workings and responsibilities of the Council.
2. All councillors are members of The Management Committee.
3. There are monthly meetings of The Management Committee except when there are meetings of full Council, chaired by the Mayor.
4. Full Council meets at least three times a year to:
  - i. elect a Mayor/Chair of the Council and a Deputy Mayor/Chair of the Council, establish Standing Committees; elect members for Standing Committees; and establish Terms of Reference for the Management Committee.
  - ii. set an annual budget and precept, and for any purpose of reporting to Herefordshire County Council;
  - iii. adopt and sign the Annual Accounts for External Audit purposes;
  - iv. debate and determine matters of major policy or of sufficient interest that does not meet the Terms of Reference of any other meeting, and that should be suitably debated by Full Council; and
  - v. make byelaws.
5. Full Council delegates all powers to the Management Committee except those set out in Items 4.iv to 4.v.

### The Role and Scope of Other Standing Committees and the Town Clerk

1. The current standing committees will continue with the same powers delegated by Full Council in 2022/23 but in future delegated by The Management Committee. Any meeting of a Standing Committee between the first Annual Council Meeting and the first meeting of The Standing Committee (e.g. Planning, Economy & Tourism Committee) will be delegated the current (2022/23) powers at the first Annual Meeting of Full Council.

2. The standing committees will be:

- i. Environment & Leisure Committee;
- ii. Planning, Economy & Tourism Committee;
- iii. Finance, Policy & General Purposes Committee; and
- iv. Personnel Committee. Membership will be the Chairs or Vice-Chairs of the Standing committees, chaired by the Chair or Deputy Chair of The Management Committee. Meetings will be called ad. hoc as needed.

3. The Management Committee will delegate appropriate powers similar to those delegated in (2022/23) to the standing committees but it is intended that full financial powers within the budget set by Full Council, will be fully delegated to the Standing Committees.

4. Standing Committees will establish Working Groups and set their Terms of Reference. However, it is envisioned that much of the current work undertaken by working groups will be subsumed into the regular meetings of standing committees to shorten the decision-making processes.

5. Powers delegated to the Town Clerk will continue until the first meeting of The Management Committee when current powers will be affirmed or revised. It is envisaged that The Chair of The Management Committee will be the line manager for The Town Clerk.

6. The Mayor and Deputy Mayor will be ex-officio members of all Standing Committees and will have full voting rights and count towards quoracy.

Proposed Committee Structure

**FULL COUNCIL/THE MANAGEMENT COMMITTEE**

**STANDING COMMITTEES**

(Environment & Leisure; Finance, Policy & General Purposes; Planning, Economy & Tourism and Resources)

**WORKING PARTIES**

(established by each standing committee)

**TASK & FINISH MEETINGS**

(one off-meetings for one specific task)

Recommendations

1. That Council establish The Management Committee which will meet no later than 14 days after the Annual Meeting.
2. That during this Annual Meeting elections will be held for a Chair and Deputy Chair of The Management Committee.
3. That Council delegate full powers to The Management Committee except those powers set out in items 4.i to 4.v of this report. Full terms of reference for The Management Committee will be agreed at the next Full Council Meeting.

4. That the Management Committee be delegated to review the Terms of Reference for all Standing Committees at it's first meeting.



# LEDBURY TOWN COUNCIL

## DRAFT SHEDULE OF MEETINGS 2023/24

May 2023	4 - Elections	11 - Annual Council Meeting	18 - Planning, Economy & Tourism		
June	1 - Finance, Policy & General Purposes	8 - Planning, Economy & Tourism	15 - Environment & Leisure	22 -	
July	6 -	13 - Planning, Economy & Tourism	20 - Environment & Leisure	27 - Finance, Policy & General Purposes	
August		10 - Planning, Economy & Tourism	17 -	24 -	31 -
September	7 - Environment & Leisure	14 - Planning, Economy & Tourism	21 - Finance, Policy & General Purposes		
October	5 -	12 - Planning, Economy & Tourism	19 -	26 -	
November	2 - Environment & Leisure	9 - Planning, Economy & Tourism	16 - Finance, Policy & General Purposes		30 -
December	7 -	14 - Planning, Economy & Tourism	21 -	28 -	
January 2024	4 - Environment & Leisure	11 - Planning, Economy & Tourism	18 - Finance, Policy & General Purposes		
February	1 -	8 - Planning, Economy & Tourism	15 -	22 -	29 -
March	7 - Environment & Leisure	14 - Planning, Economy & Tourism	21 - Finance, Policy & General Purposes		
April	4 -	11 - Planning, Economy & Tourism	18 -	25 - Annual Parish Meeting	
May	2 - Environment & Leisure	9 - Annual Council Meeting	16 - Planning, Economy & Tourism		

(A) - Meeting to accept Internal Audit

(B) - Meeting to set annual budget and precept





**Ledbury Town Council**

# **Standing Orders**

*Adopted 28.02.19*

*Amended 07.11.19*

*Updated 26.01.21*

*Updated 24.06.21*

*Reviewed 12.05.2022(Minute no. C598)*

*Next review 11.05.2022*

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## Introduction

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

## How to use model standing orders

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

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

The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council's Responsible Financial Officer. Model financial regulations are available to councils in membership of NALC.

## Drafting notes

Model standing orders that are in **bold type** contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council's needs. It is NALC's view that all model standing orders will generally be suitable for councils.

For convenience, the word "councillor" is used in model standing orders and, unless the context suggests otherwise, includes a non-councillor with or without voting rights.

A model standing order that includes brackets like their '( )' requires information to be inserted by a council. A model standing order that includes brackets like their '[ ]' and the term 'OR' provides alternative options for a council to choose from when determining standing orders.

**1. Rules of debate at meetings**

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

- i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since they last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which they consider has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and their decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the chairman of the meeting.

## **2. Disorderly conduct at meetings**

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

## **3. Meetings generally**

- Full Council meetings •
- Committee meetings •
- Sub-committee meetings •

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than 5 minutes.

- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct their comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
- m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in their absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- p **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one) if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**

- r **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether or not they gave an original vote.**

*See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the annual meeting of the Council.*

- s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**

t The minutes of a meeting shall include an accurate record of the following:

- i. the time and place of the meeting;
- ii. the names of councillors who are present and the names of councillors who are absent;
- iii. interests that have been declared by councillors and non-councillors with voting rights;
- iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- vi. if there was a public participation session; and
- vii. the resolutions made.

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

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

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

- ⊙ w **If a meeting is or becomes inquorate no business shall be transacted and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.**
    - ⊙
    - ⊙
  - x A meeting shall not exceed a period of 2.5 hours (2 hours plus no more than 30 minutes extra to complete the business on the agenda)
- 4. **Committees and sub-committees**
  - a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
  - b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
  - c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
  - d The Council may appoint standing committees or other committees as may be necessary, and:
    - i. shall determine their terms of reference;
    - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
    - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
    - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
    - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer ( ) days before the meeting that they are unable to attend;
    - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
    - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
    - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
    - ix. shall determine if the public may participate at a meeting of a committee;
    - x. shall determine if the public and press are permitted to attend the meetings

of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;

xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and

xii. may dissolve a committee or a sub-committee.

**5. Ordinary council meetings**

- a In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.
- b In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.
- c If no other time is fixed, the annual meeting of the Council shall take place at 6pm.
- d In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decides.
- e The first business conducted at the annual meeting of the Council shall be the election of the Chairman and Vice-Chairman (if there is one) of the Council.
- f The Chairman of the Council, unless they have resigned or becomes disqualified, shall continue in office and preside at the annual meeting until their successor is elected at the next annual meeting of the Council.
- g The Vice-Chairman of the Council, if there is one, unless they resigns or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next annual meeting of the Council.
- h In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but shall give a casting vote in the case of an equality of votes.
- i In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and shall give a casting vote in the case of an equality of votes.

- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) of the Council at the annual meeting, the business shall include:
- i. In an election year, delivery by the Chairman of the Council and councillors of their acceptance of office forms unless the Council resolves for their to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - iii. Receipt of the minutes of the last meeting of a committee;
  - iv. Consideration of the recommendations made by a committee;
  - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
  - vi. Review of the terms of reference for committees;
  - vii. Appointment of members to existing committees;
  - viii. Appointment of any new committees in accordance with standing order 4;
  - ix. Review and adoption of appropriate standing orders and financial regulations;
  - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
  - xi. Review of representation on or work with external bodies and arrangements for reporting back;
  - xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
  - xiii. Review of inventory of land and other assets including buildings and office equipment;
  - xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
  - xv. Review of the Council's and/or staff subscriptions to other bodies;
  - xvi. Review of the Council's complaints procedure;
  - xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);

- xviii. Review of the Council's policy for dealing with the press/media;
  - xix. Review of the Council's employment policies and procedures;
  - xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
  - xxi. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.
- 6. Extraordinary meetings of the council, committees and sub-committees**
- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
  - b **If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
  - c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
  - d If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by 2 members of the committee [or the sub-committee], any 2 members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a sub-committee].
- 7. Previous resolutions**
- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
  - b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.
- 8. Voting on appointments**
- a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. Their process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the chairman of the meeting.

- 9. Motions for a meeting that require written notice to be given to the proper officer**
- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
  - b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
  - c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
  - d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 7 clear days before the meeting.
  - e If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
  - f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
  - g Motions received shall be recorded and numbered in the order that they are received.
  - h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.
- 10. Motions at a meeting that do not require written notice**
- a The following motions may be moved at a meeting without written notice to the Proper Officer:
    - i. to correct an inaccuracy in the draft minutes of a meeting;
    - ii. to move to a vote;
    - iii. to defer consideration of a motion;
    - iv. to refer a motion to a particular committee or sub-committee;
    - v. to appoint a person to preside at a meeting;
    - vi. to change the order of business on the agenda;

- vii. to proceed to the next business on the agenda;
- viii. to require a written report;
- ix. to appoint a committee or sub-committee and their members;
- x. to extend the time limits for speaking;
- xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;
- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

#### **11. Management of information**

See also standing order 20.

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

## 12. Draft minutes

- Full Council meetings •
- Committee meetings •
- Sub-committee meetings •

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

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

- e **If the Council's gross annual income or expenditure (whichever is**
- **higher) does not exceed £25,000, it shall publish draft minutes on a**
- **website which is publicly accessible and free of charge not later than**
- **one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

## 13. Code of conduct and dispensations

See also standing order 3(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.

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

#### **14. Code of conduct complaints**

- a Upon notification by the District or Unitary Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11, report this to the Council.

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

#### **15. Proper officer**

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
  - b The Proper Officer shall:
    - i. **at least three clear days before a meeting of the council, a committee or a sub-committee,**
      - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
      - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**
- See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee;*
- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 3 days before the meeting confirming their withdrawal of it;
  - iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in their office;**
  - iv. **facilitate inspection of the minute book by local government electors;**

- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;  
(see also standing order 23);
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Chairman or in their absence the Vice-Chairman (if there is one) of the planning committee within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of the planning committee];
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.  
(see also standing order 23).

**16. Responsible financial officer**

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

## **17. Accounts and accounting statements**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide".
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the Council's receipts and payments (or income and expenditure) for each quarter;
  - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
  - iii. the balances held at the end of the quarter being reported andwhich includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 2 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

## **18. Financial controls and procurement**

- a. The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;

- iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b. Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d. Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.

- e. Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £189,330 for a public service or supply contract or in excess of £4,733,252 for a public works contract; or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

#### **19. Handling staff matters**

- a. A matter personal to a member of staff that is being considered by a meeting of the Resources committee is subject to standing order 11.
- b. Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the Resources or, if they are not available, the vice-chairman (if there is one) of the Resources committee of absence occasioned by illness or other reason and that person shall report such absence Resources committee at its next meeting.
- c. The chairman of Resources committee or in their absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by Resources committee.
- d. Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of Resources committee or in their absence, the vice-chairman of Resources committee in respect of an informal or formal grievance matter, and their matter shall be reported back and progressed by resolution of the Resources committee.
- e. Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Clerk relates to the chairman or vice-chairman of the Resources committee, this shall be communicated to another member of the Resources committee], which shall be reported back and

progressed by resolution of the Resources committee.

- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

## **20. Responsibilities to provide information**

See also standing order 21.

- a In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.
- b *[If gross annual income or expenditure (whichever is higher) does not exceed £25,000]* The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.

OR

*[If gross annual income or expenditure (whichever is the higher) exceeds £200,000]* The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.

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

Below is not an exclusive list. See also standing order 11.

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

**22. Relations with the press/media**

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

**23. Execution and sealing of legal deeds**

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

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

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

*The above is applicable to a Council without a common seal.*

**24. Communicating with district and county or unitary councillors**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the District and County Council OR Unitary Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the District and County Council OR Unitary Council shall be sent to the ward councillor(s) representing the area of the Council.

**25. Restrictions on councillor activities**

- a. Unless duly authorised no councillor shall:
  - i. inspect any land and/or premises which the Council has a right or duty to inspect; or
  - ii. issue orders, instructions or directions.

**26. Standing orders generally**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.





**Ledbury Town Council**

# **Finance Regulations**

*Adopted 28.02.19*

*Amended 07.11.19*

*Updated 24.06.21*

*Reviewed 12.05.2022(Minute no. C599)*

*Next review 11.05.2023*

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These Financial Regulations were adopted by the council at its meeting held on 28 February 2019.

## 1. General

- 1.1 These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. 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 orders<sup>1</sup> and any individual financial regulations relating to contracts.
- 1.2 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.
- 1.3 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.
- 1.4 These financial regulations demonstrate how the council meets these responsibilities and requirements.
- 1.5 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.
- 1.6 Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7 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.
- 1.8 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.

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<sup>1</sup> Model Standing Orders for Councils (2018 Edition) is available from NALC (©NALC 2018)

1.9. 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;
- 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.

1.10. 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 Regulations.

1.11. 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.

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

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

1.13. 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 General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors, shall be a matter for the full council only.

1.14. 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.

1.15. In these financial regulations, references to the Accounts and Audit Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

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).

## **2. Accounting and audit (internal and external)**

2.1. 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.

2.2. 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 Finance Committee.

2.3. 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.

- 2.4. 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.
  - 2.5. 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.
  - 2.6. 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
    - has no involvement in the financial decision making, management or control of the council.
  - 2.7. 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.
  - 2.8. 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.
  - 2.9. 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 Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
  - 2.10. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.
3. **Annual estimates (budget) and forward planning**
- 3.1. Each committee (if any) 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 November each year including any proposals for revising the forecast.

- 3.2. The RFO must each year, by no later than November, 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 the relevant committee and the council.
- 3.3. 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.
- 3.4. 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.
- 3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

#### **4. Budgetary control and authority to spend**

- 4.1. 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 over £500; or
  - the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below £500.

Such authority is to be evidenced by a minute or by an authorisation slip 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.

- 4.2. 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').
- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. 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.

- 4.5. 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 £500. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.
- 4.6. 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.
- 4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.
- 4.8. 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 £100 or 15% of the budget.
- 4.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

## **5. Banking arrangements and authorisation of payments**

- 5.1. 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.
- 5.2. 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, Policy & General Purposes Committee. The committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the committee. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. 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.

- 5.3. All invoices for payment shall be examined, verified and certified by the RFO 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.
- 5.4. The RFO 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 council or Finance Committee meeting.
- 5.5. The Clerk and 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, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council or finance committee;
  - b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council or finance committee; or
  - c) fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council or finance committee.
- 5.6. For each financial year the Clerk and 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 Finance, Policy & General Purposes Committee, 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 Finance Committee.
- 5.7. A record of regular payments made under 5.6 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.
- 5.8. 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.
- 5.9. 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.

5.10. 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.

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

**6. Instructions for the making of payments**

- 6.1. The council will make safe and efficient arrangements for the making of its payments.
- 6.2. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be affected by cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council or duly delegated committee.
- 6.4. 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 two members of council and countersigned by the Clerk, in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.
- 6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. 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 council or Finance Committee at the next convenient meeting.
- 6.7. 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.
- 6.8. 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.

- 6.9. 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.
- 6.10. 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.
- 6.11. 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.
- 6.12. 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.
- 6.13. 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.
- 6.14. 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.
- 6.15. Where internet banking arrangements are made with any bank, the Clerk 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.
- 6.16. 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.

- 6.17. 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 two members and the Clerk. A programme of regular checks of standing data with suppliers will be followed.
- 6.18. Any Debit Card issued for use will be specifically restricted to the Clerk and Deputy Clerk and will also be restricted to a single transaction maximum value of £500 unless authorised by council or finance committee in writing before any order is placed.
- 6.19. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Finance Committee. Transactions and purchases made will be reported to the Finance Committee and authority for topping-up shall be at the discretion of the Finance Committee.
- 6.20. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk and Deputy Clerk 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.
- 6.21. The Clerk and Deputy Clerk will each be issued with a credit card with a limit of £1,000 per card.
- 6.22. The credit cards will be kept locked in the Council safe when not in use.
- 6.23. All purchased on the credit card will be made in accordance with Financial Regulation 4 above "Budgetary Control and Authority to Spend" and no purchase shall be made on the credit card without prior knowledge and approval by the Clerk or Deputy Clerk in their absence.
- 6.24. The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.
  - a) The RFO shall maintain a petty cash float of £250 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
  - b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
  - c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to council under 5.2 above.

## **7. Payment of salaries**

- 7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.
- 7.2. 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.
- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the council relevant committee.
- 7.4. 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.
- 7.5. 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.
- 7.6. An effective system of personal performance management should be maintained for the senior officers.
- 7.7. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.
- 7.8. Before employing interim staff, the council must consider a full business case.

## **8. Loans and investments**

- 8.1. All borrowings shall be affected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.
- 8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (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.
- 8.3. 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 or RFO.
- 8.4. 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.
- 8.5. 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.
- 8.6. All investments of money under the control of the council shall be in the name of the council.
- 8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.8. 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 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

## **9. Income**

- 9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the council.
- 9.3. The council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.

- 9.5. All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.
- 9.6. The origin of each receipt shall be entered on the paying-in slip.
- 9.7. Personal cheques shall not be cashed out of money held on behalf of the council.
- 9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.10. 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 16 below).

#### **10. Orders for work, goods and services**

- 10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2. Order books shall be controlled by the RFO.
- 10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below.
- 10.4. A member may not issue an official order or make any contract on behalf of the council.
- 10.5. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

- 10.6 Quotes for sustainable and/or renewable goods and from eco/green suppliers will be sought in the first instance.

## 11. Contracts

### 11.1. Procedures as to contracts are laid down as follows:

a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:

i. for the supply of gas, electricity, water, sewerage and telephone services;

ii. for specialist services such as are provided by legal professionals acting in disputes;

iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;

iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;

v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of council); and

vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

vii. Quotes for sustainable and/or renewable goods and from eco/green suppliers will be sought in the first instance.

b) Where the council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the council shall comply with the relevant requirements of the Regulations<sup>2</sup>.

c) The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)<sup>3</sup>.

<sup>2</sup> The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

<sup>3</sup> Thresholds currently applicable are:

a) For public supply and public service contracts 209,000 Euros (£181,302)

b) For public works contracts 5,225,000 Euros (£4,551,413)

- d) 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.
- e) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- f) All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- g) Any invitation to tender issued under this regulation shall be subject to Standing Order 18, Financial Controls and Procurement and shall refer to the terms of the Bribery Act 2020.
- h) When it is to enter into a contract of less than £25,000 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 or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.
- i) The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j) 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.

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

- 12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the council.

- 12.3. Any variation to a contract or addition to or omission from a contract must be approved by the council and Clerk to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

### **13. Stores and equipment**

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

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

- 14.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The 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.
- 14.2. 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 £250.
- 14.3. 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).
- 14.4. 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).
- 14.5. Subject only to the limit set in Regulation 14.2 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.

- 14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

**15. Insurance**

- 15.1. Following the annual risk assessment (per Regulation 17), the RFO shall affect all insurances and negotiate all claims on the council's insurers in consultation with the Clerk.
- 15.2. The Clerk shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 15.3. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.
- 15.5. 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, or duly delegated committee.

**16. Charities**

- 16.1. Where the council is sole managing trustee of a charitable body the Clerk 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 shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.

**17. Risk management**

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

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

- 18.1. 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.
- 18.2. 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.



## **LEDBURY TOWN COUNCIL**

### **LOCAL GOVERNMENT ASSOCIATION MODEL COUNCILLOR CODE OF CONDUCT – ADOPTED DECEMBER 2022**

#### **Definitions**

For the purpose of this Code of Conduct a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who:

- a. Is a member of any committee or sub-committee of the authority, or;
- b. Is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

#### **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

Everyone in public office at all levels - all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers, should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of a councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor or co-opted member.

The Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- during online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social-media communication, posts, statements, and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## **Standards of Councillor Conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

##### **1.1 Treat other councillors and members of the public with respect;**

##### **1.2 Treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions, and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider, or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with local authority's councillor/officer protocol.

## **2. Bullying, harassment and discrimination**

**As a councillor:**

- 2.1 I do not bully any person.**
- 2.2 I do not harass any person.**
- 2.3 I promote equalities and do not discriminate unlawfully against any person**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## **3. Impartiality of officers of the council**

**As a councillor:**

- 3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons

for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

#### **4. Confidentiality and access to information**

##### **As a councillor:**

##### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone;
- b. acquired by me which I believe, or ought responsibly to be aware of, is of a confidential nature, unless;
  - i. I have received the consent of a person authorised to give it;
  - ii. I am required by law to do so;
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - iv. the disclosure is:
    - 1. reasonable and in the public interest; and
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
    - 3. I have consulted the Monitoring Officer (or Clerk) prior to its release.

##### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer, or my business interests.**

##### **4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents, and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

**5. Disrepute**

**As a councillor:**

**5.1 I do not bring my role or local authority into disrepute.**

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or our local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your authority into disrepute.

**6. Use of position**

**As a councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

**7. Use of local authority resources and facilities**

**As a councillor:**

**7.1 I do not misuse council resources.**

**7.2 I will, when using the resources of the local authority or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

**As a councillor:**

- 8.1 I undertake Code of Conduct training provided by my local authority**
- 8.2 I cooperate with any Code of Conduct investigation and/or Determination**
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings**
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the Monitoring Officer.

**Protecting your reputation and the reputation of the local authority.**

## **9. Interests**

**As a councillor:**

- 9.1 I register and disclose my interests**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of our interests might give

rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer.

## **10. Gifts and hospitality**

**As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence, or other significant advantage.**
- 10.2 I register with the Monitoring Officer (or Clerk) any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer (or Clerk) any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness, in which case you could accept it, but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

**Selflessness** – Holders of public office should act solely in terms of the public interest.

**Integrity** – Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

**Objectivity** – Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**Accountability** – Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness** – Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty** – Holders of public office should be truthful.

**Leadership** – Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B – Registering Interests

Within 28-days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in **Table 1** below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A "sensitive interest" is an interest which, if disclosed, could lead to the councillor, or a person connected within the councillor, being subject to violence or intimidation.
3. Where you have a "sensitive interest" you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non-participation in cases of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion, or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a "sensitive interest", you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet Member, or in a Member executive role, in exercise of your executive function, you must notify the Clerk of the interest and must not take steps or further steps in the matter apart from arranging for someone else to deal with it.

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose this interest. You may speak on the matter only if

members of the public are also allowed to speak at the meeting, but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a "sensitive interest", you do not have to disclose the nature of the interest.

### **Disclosure of Non-Registerable Interests**

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a "sensitive interest", you do not have to disclose the nature of the interest.

8. **Where a matter arises at a meeting which affects:**

- a. Your own financial interest or well-being;
- b. A financial interest or well-being of a relative or close associate; or
- c. A financial interest or well-being of a body included under Other Registerable Interests as set out in **Table 2**;

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by decision, and
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest;

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a "sensitive interest", you do not have to disclose the nature of the interest.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet Member, or in an executive role, in exercise of your executive function, you must notify the Clerk of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession, or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.
<b>Sponsorship</b>	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred in carrying out their duties as a councillor, or towards their election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
<b>Contracts</b>	<p>Any contract made between the councillor or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such a person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>"Land" excludes an easement, servitude Interest or right in or over land which does not give the councillor or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

<b>Corporate Tenancies</b>	<p>Any tenancy where (to the councillor's knowledge)</p> <ul style="list-style-type: none"> <li>(a) the landlord is the council; and</li> <li>(b) the tenant is a body that the councillor, or their spouse or civil partner or person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities of.</li> </ul>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body were</p> <ul style="list-style-type: none"> <li>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</li> <li>(b) either <ul style="list-style-type: none"> <li>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or their spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.</li> </ul> </li> </ul>

\* "director" includes a member of the committee of management of an industrial and provident society.

\* "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registerable Interests**

You must register as an Other Registerable Interest:

- a) any unpaid directorships;
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority;
- c) any body:
  - (i) exercising functions of a public nature;
  - (ii) directed to charitable purposes or;
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);
  - (iv) is not open to the public without formal membership.