



1<sup>st</sup> July 2020

You are hereby summoned to attend a Meeting of the **GOVERNANCE AND AUDIT COMMITTEE** on **TUESDAY 7<sup>TH</sup> JULY 2020** at **6.30PM**

**Committee:** Cllrs Northeast (Chair), Blanchard-Cooper, Long, Molloy, Price and Seex

**PETER HERBERT**  
Town Clerk

## **AGENDA**

**2020/2021**

### **VIRTUAL MEETING PROTOCOL**

The provisions of the Coronavirus Act 2020 allow local authorities to put in place different meeting arrangements for the period from 4 April 2020 to 7 May 2021. This meeting will be a 'virtual meeting' and any member of the press and public may listen-in and view the proceedings via a weblink which will be publicised on the Town Council website at least 24 hours before the meeting.

**The Town Council's Protocol and Procedures for 'virtual meetings' can be viewed at <https://www.littlehampton-tc.gov.uk/committee-meetings>**

Any members of the public wishing to address the Council or any of its Committees during the Public Forum or seeking further information on the items to be discussed, will need to email [lrc@littlehampton-tc.gov.uk](mailto:lrc@littlehampton-tc.gov.uk) one clear working day before the meeting and provide details of their question.

#### **1. MOBILE PHONES**

Members are requested to switch their mobile devices to silent for the duration of the meeting and are asked to note the previously approved protocol for remote meetings which is in place for the duration of this meeting.

#### **2. APOLOGIES**

#### **3. DECLARATIONS OF INTEREST**

Members and Officers are reminded to make any declaration of disclosable pecuniary or personal and/or prejudicial interests that they may have in relation to items on this Agenda.

You should declare your interest by stating:

- (a) the item you have the interest in
- (b) whether it is a disclosable pecuniary interest, whereupon you will be taking no part in the discussions on that matter, or
- (c)
  - (i) whether it is a personal interest and the nature of the interest
  - (ii) whether it is also a prejudicial interest
  - (iii) If it is a prejudicial interest, whether you will be exercising your right to speak under PUBLIC FORUM

It is recorded in the register of interests that:

- Councillor Northeast is a Member of Arun District Council
- Councillor Blanchard-Cooper is a Member of Arun District Council
- Councillor Seex is a Member of Arun District Council

These interests only need to be declared at the meeting if there is an agenda item to which they relate.

#### **4. MINUTES**

To confirm the Minutes of the meeting held on 4<sup>th</sup> February 2020, circulated herewith (pages 3 - 6). In accordance with the Town Councils' Standing Orders, Section 9 (a), Members are reminded that no discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy.

#### **5. CHAIR'S REPORT and URGENT ITEMS**

#### **6. PUBLIC FORUM**

Any members of the public wishing to address the Council or any of its Committees during remote meetings should email [lrc@littlehampton-tc.gov.uk](mailto:lrc@littlehampton-tc.gov.uk) one clear working day before the meeting with their submission. These will be read out by the Chair or a supporting officer at the meeting. During this period, and to enable the Council to answer as many questions as possible at the meeting, the submission should not exceed 200 words. The Clerk, in consultation with the Chair of the meeting, reserves the right to summarise written questions. All written questions and responses will be made available on the Town Council website alongside the meeting minutes.

#### **7. OFFICER'S REPORTS**

- 7.1 **Internal Audit Report 2019/20** – report attached (pages 7 - 19)
- 7.2 **Code of Conduct for Members** – report attached (pages 20 - 46)
- 7.3 **Review of Financial Regulations** – report attached (pages 47 - 74)
- 7.4 **Review of Delegations** – report attached (pages 75 - 104)
- 7.5 **Complaints Policy Review** – report attached (pages 105 - 109)
- 7.6 **Draft Committee Workplan** – attached for consideration (page 110)

#### **8. EXEMPT BUSINESS**

It is **RECOMMENDED** that:

***The public and accredited representatives of the press be excluded from the Meeting under Section 100 Local Government Act 1972 due to the confidential nature of the business to be conducted.***

**MINUTES** of a meeting of the **GOVERNANCE AND AUDIT COMMITTEE**  
held in the **NEW MILLENNIUM CHAMBER, MANOR HOUSE, CHURCH**  
**STREET, LITTLEHAMPTON** on **TUESDAY 4<sup>TH</sup> FEBRUARY 2020** at **6.30PM**

**Present:** Cllrs Northeast (Chair),  
B Blanchard-Cooper, Chace,  
Long, Price and Dr Walsh  
KStJ

**2019/2020**

11. **EVACUATION PROCEDURES**  
The evacuation procedures were noted.
12. **FILMING OF COUNCIL MEETINGS, USE OF SOCIAL MEDIA AND MOBILE PHONES**  
The procedures were noted.
13. **APOLOGIES**  
There were apologies from Councillor Seex, with Councillor Chace attending as substitute.
14. **DECLARATION OF INTEREST**  
Members and Officers were reminded to make any declarations of disclosable pecuniary or personal and/or prejudicial interests that they might have in relation to items on the Agenda. The standing declarations were noted, and no further declarations were made.
15. **MINUTES**  
The Minutes of the meeting held on 2<sup>nd</sup> July 2019 (previously circulated) were confirmed as a true record and signed by the Chair.
16. **PUBLIC FORUM**  
There were no members of the public present.
17. **CHAIR'S REPORT AND URGENT ITEMS**  
There was none.
18. **OFFICER'S REPORT**
- 18.1 **Internal Audit Report 2019/20**  
The Committee considered a report (previously circulated) which set out the outcome of the first Internal Audit Report for the financial year 2019/20 and Action Plan. The Responsible Financial Officer (RFO) explained that there were only minor recommendations which were set out in the report. These related to the recording of high value payments

in Committee minutes, annual approval of standing orders and direct debits, insurance policy renewal and testing computer data back ups. The RFO explained the emergency procedures and action in the event that the Manor House and or the Town Councils computer system was unavailable. It was noted that the Town Councils Business Continuity Plan was being reviewed following Council agreeing the Priorities for 2019/2023. Members welcomed the positive report from the internal auditor and thanked the RFO and her team for their hard work. It was therefore **RESOLVED** that:

**The interim Internal Audit report for the year ending 31st March 2020 and the action to implement the Internal Auditor's recommendations be noted.**

#### **18.2 Standing Orders Review**

The Assistant Town Clerk explained that having recently undertaken a review of them with the Town Clerk and the Deputy Town Clerk and Responsible Financial Officer, no changes were proposed. Members were satisfied that no significant changes were required to the document and it was therefore **RESOLVED** that:

**The outcome of the review be noted and no further action be taken.**

#### **18.3 Financial Regulations Review**

It was noted that the Town Councils financial regulations were being reviewed in light of recent changes published by the National Association of Local Councils (NALC). The outcome of this review would be presented to the next meeting of the Committee or Full Council if required. It was **RESOLVED** that:

**The update be noted.**

#### **18.4 Annual Governance Review**

The Assistant Town Clerk explained that having recently undertaken a review of the Councils Governance arrangements with the Town Clerk and the Deputy Town Clerk and Responsible Financial Officer, no changes were proposed. Members were satisfied that the Town Council's Code of Conduct and Register of Members Interests were robust and up to date and it was **RESOLVED** that:

**No further action be taken in respect of the Town Council's existing Governance arrangements in respect of the Members Code of Conduct and Declarations of Interests.**

#### **18.5 Annual Review of Internal Controls**

The Committee considered a report which set out details of the Town Council's Internal Controls (previously circulated). It was noted that the Internal Auditor assessed the effectiveness of the Town Council's Internal Controls as part of his inspection. The Committee was satisfied that the Annual Governance Statement was robust and had been complied with. It was therefore **RESOLVED** that:

- 1. The Councils Internal Control System be approved.**
- 2. Council be RECOMMENDED to approve Statements 2, 5, 6 and 7 of the Annual Governance Statement and that they have been complied with.**

## **18.6 Annual Review of Corporate Risk Register**

**18.6.1** The Committee considered a report (previously circulated) that outlined the changes to the updated Corporate Risk Register relating to the Town Councils' Strategic Priorities. The RFO explained that the documents had been reviewed by the Service Managers and that minor changes were proposed to bring the document in line with current practice. This included changes to the Code of Conduct section to align with the new Councillor ID Policy and Guidance and the introduction of online banking.

**18.6.2** Members proceeded to review the Registers in more detail and identified three areas that required further clarification. Regarding areas of work where the Council relied on contractors, it was considered that the controls should reference all necessary documentation relating to the service provided. It was also noted that the control in relation to the maintenance of Council owned Vehicles should include insurance. Regarding the Council Priorities and the Community Infrastructure Levy (CIL), it was noted that clarity on the process for passing these payments to local councils was awaited from the Local Planning Authority. Once known, this section of the Register would be updated for review. A minor amendment to the Identified Risk was agreed to clarify it was for the Town Council to identify opportunities to maximise CIL income. It was therefore **RESOLVED** that:

- 1. The Council's Corporate Risk Management Strategy and Procedures be approved and RECOMMENDED to Full Council for approval.**
- 2. Subject to strengthening the wording as set out in Minute 18.6.2 above, the Risk Registers be RECOMMENDED to Full Council for approval.**

## **18.7 Annual Complaints and Compliments Review 2019**

The Committee considered a report (previously circulated) which set out complaints and compliments for 2019. It was **RESOLVED** that:

**The complaints and compliments review  
2019 be noted.**

**18.8 Council's Policies Aims and Objectives**

Following the Council's decision regarding Priorities for 2019/2023 the Policies, Aims and Objectives document had been reviewed and a revised document (previously circulated) was considered by the Committee. It was noted that the revised document will be presented to Policy and Finance Committee who will be asked to make a recommendation to Full Council in March 2020. A risk assessment of the approved version will be undertaken and brought to this Committee for review in July 2020. It was **RESOLVED** that:

**The revised document and the procedure  
be noted.**

**19. EXEMPT BUSINESS**

There was none.

The meeting closed at 7:07pm

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**CHAIR**

# LITTLEHAMPTON TOWN COUNCIL

## Non- Confidential

**Committee:** Governance and Audit

**Date:** 7<sup>th</sup> July 2020

**Report by:** The Town Clerk

**Subject:** Internal Audit Report 2019/20

### 1. Summary

- 1.1 Attached, as Appendix 1, is the final Internal Audit Report for Littlehampton Town Council for the financial year 2019/20. The audit was conducted by the Town Council's independent Internal Auditor, Mike Platten from Farsight Consulting.
- 1.2 One of the functions of Internal Audit is to give assurance to Members of the Council that the systems, financial and otherwise, are following best practice, operating correctly, compliant with all laws and regulations and can be relied upon.
- 1.3 All areas were found to be in order and no significant recommendations were made.

### 2. Recommendations

The Committee is RECOMMENDED to:

Note the Internal Audit report for the year ending 31<sup>st</sup> March 2020 and the actions proposed.

### 3. Background

- 3.1 The Internal Auditor has made 2 visits in the year. The attached report covers both visits. The Internal Auditor was newly appointed for the 2019/20 financial year following a tender process.
- 3.2 The areas that were audited were:
  - Review of the Books of Account
  - Review of Financial Regulations and Payments
  - Review of Risk Management and Insurance
  - Review of Budget preparation and monitoring, Precept and Reserves
  - Testing of Income and expenditure including Petty Cash
  - Review of Salaries and wages
  - Review of Annual Accounts and Annual Return
  - Review of Fixed Asset Register and investments
  - Review of Bank Reconciliations
  - Review of Year End Accounts for external auditor

### 3.3 Financial Regulations and Payments

3.3.1 As previously reported to this Committee, the auditor noted that the Council had made a considerable payment of £81,000 to Arun District Council for the Skate Park. Whilst the auditor was able to confirm the amount paid to reports presented to Council, the auditor recommended that explicit approval for payments of this size are minuted. This has been noted and will be actioned in future.

3.3.2 The auditor recommended an annual statement of Direct Debits or Standing Orders is taken to the Policy and Finance Committee annually for approval to strengthen the approval process. This has been actioned and was approved by Full Council as part of the annual budget setting process in January.

### 3.4 Risk Management and Insurance

3.3.1 The auditor noted that the Council's insurance policy is due for renewal in 2020 and suggested the Council may wish to approach a town and parish council insurance specialist when seeking insurers for October 2020.

3.3.2 The current provider is a town and parish council insurance specialist and the RFO has contacted them. One other town and parish council insurance specialist who sources quotes from other providers has also been contacted.

3.3.3 The auditor noted that the Council has a well-established process for backing up computer data. The auditor recommended that given the Council has a new IT provider back-ups are retested in the next 6 months.

3.3.4 The RFO has contacted the IT provider to request this, however the work has been delayed due to COVID-19. This will be actioned as soon as the circumstances allow.

### 3.5 Financial Regulations and Payments

3.5.1 The expenditure over £500 information on the Town Council's website as required by the Local Government Transparency Code 2015 had not been published for Quarter 4 at the time of the Internal Audit.

3.5.2 Due to COVID-19 and the more convoluted financial processes this was unfortunately missed. This has now been published.

3.5.3 The auditor noted that the Council had not yet moved to electronic payments and recommended this was done as a matter of urgency.

3.5.4 Further work has been done on this and subject to the approval of the revised Financial Regulations, which are the subject of a separate report on this agenda, should be implemented imminently.

## 4. **Conclusion and Opinion**

4.1 The inherent risk in the system is low.

- 4.2 The Council has robust policies and procedures in place that are fit for purpose and it has provided evidence to show it is following its own financial regulations and standing orders.
- 4.3 The Council has risk management strategies in place and monitors and reviews risks on an ongoing basis and where there is a financial risk this is appropriately insured for. The Council clearly takes risk assessment seriously.

Peter Herbert  
**Town Clerk**

Mr P Herbert

Littlehampton Town Council

8 June 2020

Dear Peter

**Littlehampton Town Council**

**Internal Audit 2019-20**

The internal audit of Littlehampton Town Council for the 2019-20 financial year is now complete. I am pleased to be able to report that I have signed off the attached internal audit report with no comments.

As stated in the engagement letter, the scope of our work is limited to completing the audit testing and enquiries we deem necessary to complete Section 4 of the Annual Report for Local Councils in England. We do not provide assurance over or accept responsibility for areas of work not included in this scope, unless specifically agreed with the Council during the financial year.

In providing internal audit services we are not conducting a financial statement audit in accordance with standards and guidelines issued by the Audit Practices Board and our procedures are not designed to provide assurance over the reliability and quality of your financial statements and management information – that is the job of external audit.

We are required by the Annual Internal Audit Report included in the Annual Governance and Accountability Return (AGAR) to review controls in place at the Council against predefined control assertions. These control assertions are set out below, together with the results of my internal audit work for 2019-20.

The audit was carried out in two stages. The interim audit visit on 24 October 2019 concentrated on in year financial transactions and governance controls. The final audit was carried out remotely, due to Covid 19 restrictions. This work was carried out on 1 and 5 June 2020 and concentrated on the statement of accounts and balance sheet.

**Guidance on sign off of the AGAR**

External audit (PKF) have provided advice on sign off procedures for the 2019-20 AGAR. These are set out below

“there are no changes in the requirement for wet signatures on the AGAR. Our understanding is that wet signatures need to be added to the AGAR in the same order as previous years and that the AGAR will need to be passed between the relevant individuals

for signature. Where individuals are self-isolating it is hoped that local assistance will be available to facilitate this. “

I will leave the Council to work out if this is achievable, given restrictions currently in place, but please do not put yourselves at risk to comply with this minor administrative requirement.

#### **A. Books of Account**

##### **Interim Audit**

The Council continues to use RBS, an industry specific accounting package. I have tested the brought forward balances against the audited prior year annual return and can confirm these have been brought forward correctly.

The RBS system is used daily to report and record the financial transactions of the Council, it is used to make bookings for hires, allotments, and fixed asset register recording. A review of the cashbook shows that all data fields are being entered, supporting documentation is easily located from references recorded on the general ledger.

I have confirmed that the Council's VAT returns are up to date, with the most recent claim for the 3 months to 30 September 2019 submitted to HMRC. I checked that balances in the return could be agreed to schedules produced by the accounting system.

The Council has loaded the signed accounts and audit certificate for the 2018-19 financial year to its website, as required by regulations. The Council received a clear report from the external auditors, with a very minor comment in the matters identified section of the external audit report. The Completion of Audit Notice was completed by the deadline of 30 September, and has been published on the Council website. I also confirmed that both internal and external audit reports for 2018-19 were taken to a meeting of the Full Council and the review of these reports properly noted in minutes.

##### **Final Audit**

I audited to the annual return statement produced from the RBS accounting system. The RFO will transfer figures from this statement to the Annual Governance and Accountability Return for review by external audit. The accounting statements have been agreed back to balance sheet and income and expenditure reports produced from the RBS Accounting system. All comparatives reported in the financial statements have been agreed back to the audited 2018-19 accounts as published on the Council website. Arithmetic within the accounts has been checked and found to be correct

The Council reviewed my interim audit report at the February meeting of the Governance and Audit Committee. Recommendations were properly considered, and the review of my report was properly minuted.

The Responsible Finance Officer has confirmed that the quarter 4 VAT return has been submitted to HMRC.

I am satisfied that the Council has met this control objective

## **B. Financial Regulations & Payments**

### **Interim Audit**

The Council's financial regulations and standing orders have been reviewed. Both documents were reviewed at Governance and Audit Committee in February 2019 and formally adopted at Full Council in March 2019. The Littlehampton documents are based on NALC templates. The RFO is in process of checking financial regulations against recent changes published by NALC and this document will undergo further revision in due course.

The Council has a clear process to ensure all members sign acceptance of office forms. This was confirmed by sample testing, appropriate forms signed and dated by both the councillor and the Clerk were located for all councillors tested.

Council is given authority to spend via the annual budget process. The Council has a strong procedure in place to ensure that all expenditure is authorised in line with financial regulations. I selected a sample of transactions from the ledger and I was able to confirm that:

- Transactions could be agreed back to invoice
- Payment approval slip was on file, authorised by appropriate officers, with evidence of councillor sign off
- Cheque signed to provide appropriate councillor authorization ( copy cheques saved electronically)
- VAT accounted for appropriately.

The Council made a payment of £81K to the District Council as a contribution towards works on the skate park. Whilst I was able to confirm the amount paid to reports presented to Council, there was no minute recording the decision to make this contribution. I would expect to see explicit approval for a payment of this size.

There is scope to strengthen the process for approving payments made by direct debit or standing order. I recommend an annual statement of all such payments should be taken to the Policy and Finance Committee for review and approval.

I note that the Council continues to work on the project to move to electronic banking. This should be in place in time for the start of the new financial year.

I can confirm that the Council is compliant with the 2015 Transparency Code. Information is disclosed in the "Littlehampton Town Council Finance" section of the website, and regular information on payments, fixed assets, grants and staffing is loaded to the website. I tested a sample of information loaded on to the website and found it was up to date. Details of contracts are now published in response to previous audit recommendations.

I am satisfied this control objective has been met.

## **Final Audit**

Non pay expenditure per box 6 to the accounts amounted to £671,302 , up from £645,672 in 2018-19.

As a larger Council, with income / expenditure in excess of £200K, Littlehampton is required to follow the 2015 Transparency Code. Littlehampton meets Code requirements by publishing required data on the Council website, mainly on the “ how we spend” page. I sample checked the following data

<b>Transparency Data Published 19-20</b>	<b>Status at time of audit ( 1 June)</b>
Expenditure over £500	Published to 31.12.19 – quarter 4 data not yet published
Procurement and tenders	Up to date
Grants	Up to date – all 2019 grants published on website

Transparency Code compliance has been demonstrated – expenditure data should be brought up to date before the accounts are submitted to external audit.

I selected a further sample of expenditure transactions for the last 5 months of the financial year. For all transactions tested I was able to confirm that:

- Payment per cash book agreed to remittance advice note produced for payee
- Expenditure signed off by 2 councillors as authorised signatories
- Expenditure appropriate for this council

I am satisfied that the Council has met this control objective.

## **C. Risk Management & Insurance** **Interim Audit**

The Council has a risk strategy in place and monitors and reviews risk on an ongoing basis. The RFO has confirmed that this will be formally reviewed at the February Governance and Audit Committee with Full Council sign off at the March 2020 meeting. I will review the approved risk assessment at my year end visit.

The Council is in year three of a 3 year deal with Zurich insurance. I have viewed the insurance policy and can confirm it is valid until September 2020. Money cover is set at £1million. This is satisfactory, given the Council’s documented approach to risk management in this area, which has been discussed in previous audit reports. Asset cover appeared consistent with the asset register. The insurance policy is due for renewal next year. I suggest the Council may wish to approach a town and parish council insurance specialist when seeking insurers for October 2020.

The Council has a well-established process for backing up computer data, with backups held at remote locations. Given that the Council has new ICT providers in place, I would recommend that back ups are retested in the next 6 months.

I am satisfied this control objective has been met.

### **Final Audit**

The Council reviewed the risk assessment at the Governance and Audit Committee meeting in February 2020 and this review was properly minuted. The assessment was due to be approved at the Full Council meeting in March, but this did not happen due to the Covid emergency. The risk assessment will be reviewed at the Full Council meeting on 25 June. This is satisfactory, given the circumstances faced by the Council.

I have reviewed the risk assessment; it is a detailed document and covers risks appropriate for a council of this level of activity. The risk assessment is clearly taken seriously and there is of proper annual review to ensure that it takes account of changing circumstances at the Council.

I am satisfied that this control objective has been met.

## **D. Budget, Precept & Reserves**

### **Interim Audit**

The Council is in the process of preparing the budgets for 2020/21. At the time of my audit, meetings had been held with budget managers. The RFO was in the middle of a cycle of meetings with committee chairs and council leaders. The RFO is next due to produce budget reports for the December cycle of committee meetings. The Policy and Finance Committee will consider the overall budget in December 2019, with Full Council due to approve the budget and precept on January 23<sup>rd</sup>. I was pleased to note that reserves statements are considered as part of the budget setting process. All precepting authority deadlines will therefore be met.

I have confirmed that regular budget monitoring reports are issued to committees in line with financial regulations. At the time of my audit, the budget reports for quarter 2 were passing through the committee cycle. I reviewed the budget v actual report on RBS as at mid November 2019. There were no significant overspends that were not covered by funding from earmarked reserves.

The Council has an investment policy in place which is compliant with statutory guidance on local government investments. The RFO is due to prepare report on Council investments before the end of the financial year.

### **Final Audit**

Reserves at 31 March 2020 were £2,566,171 ( 2018-19 £2,575,765).

Of this £253K is held in general reserves, plus £500k which is held as long term investment on the asset register. General reserves are therefore £753K, which is 57% of precept plus income. This is an appropriate level of general reserve for a council of this level of activity.

£2.3m is held in several well managed earmarked reserves. This includes £1.5m in the capital receipts reserve. I understand from the RFO that work continues proposals to utilise this capital receipt.

I confirmed that the budget and precept were set at the January meeting of Full Council and all precepting authority deadlines were therefore met. Proper recording of both budget and precept was evidenced in Full Council minutes

I am satisfied that this control objective is being met.

## **E. Income**

### **Interim Audit**

I carried out a small sample test of non-precept income. For all items sampled I was able to agree

- credit in the cashbook back to an appropriate voucher
- Entry on ledger could be agreed back to invoice
- Fees charged on invoice could be agreed back to approved hire rates ( e.g. room hire) or third party confirmation of income due
- Correct VAT levied

I confirmed fees and charges for 2019-20 had been properly approved at a meeting of the Council. A discount was offered to one hirer, due to the volume of hires being placed. This was properly recorded as an officer decision under delegated powers.

### **Final Audit**

Precept per box 2 to the accounts was £1,197,150 (2018-19 £1,132,449). This has been agreed to third party documentation provided by external audit.

Other income per box 3 to the accounts was £123,171, down from £132,666 in 2018-19.

I carried out a sample test of non-precept income from last 4 months of the financial year. For all items sampled I was able to agree credit in the cashbook back to invoice or remittance advice note. I am satisfied that the Council has met this control objective.

## **F. Petty Cash**

### **Final Audit**

Year end petty cash is £250. I was able to confirm amount held to year end petty cash count, signed off by RFO, plus cash top up drawn from bank

I am satisfied proper controls over petty cash are in place

## **G. Payroll**

### **Interim Audit**

The Council processes the payroll in house using Sage 50 payroll. The RFO inputs all payroll changes and expense claims each month. The payroll is processed and a telepay document is produced and faxed to the bank. Payments are made electronically to staff.

I tested the July 2019 payroll in detail. I was able to confirm the payroll posted to the general ledger back to the telepay document that had been authorised by the clerk and by the RFO. I then agreed pay for 4 officers back to payslips, Rates of pay were checked back to appropriate NJC scales. I am satisfied that the Council has satisfactory controls over payroll.

### **Final Audit**

Staff costs per box 4 to the accounts were £626,823 ( 2018-19 £622,789).

I confirmed that the January payroll per cashbook could be agreed to Telepay documentation, and that appropriate authorisation had been applied to the payroll by RFO and Town Clerk. No further testing was carried out at the final audit because of the complexity of auditing personal data remotely. However, I have sufficient assurance from interim audit testing to confirm that this control objective has been met

## **H. Assets and Investments**

### **Final Audit**

Fixed assets per box 9 to the accounts are £3,095,313 ( no change from 2018-19)

I have agreed the balance in the accounts back to the asset register. The asset register appears complete and to record assets at cost or proxy cost, as required by regulations. Long term investment with LAPF correctly recorded in the asset register. I have confirmed with the RFO that there were no additions or disposals of fixed assets in 19-20.

I am satisfied that the asset register can be reconciled to the fixed asset balance recorded in the accounts

## **I: Bank Reconciliations**

### **Interim Audit**

Reconciliations for all bank accounts are carried out regularly and in accordance with regulations. This is clearly evidenced in the Council's bank reconciliation file. The September 2019 bank reconciliation was tested in detail. I confirmed the following.

- The face of the bank statements and the bank reconciliations had been signed off by the reviewing councillor
- All balances on the bank reconciliation were agreed back to bank statements / cashbooks

- Cashbook /bank statement differences were explained by schedules of unrepresented cheques / lodgments. Testing of these items to subsequent clearance through the bank account confirmed these adjusting items to be genuine – I tested 5 large items to confirm this.
- Bank reconciliations were reported to a meeting of the Policy and Finance Committee, and this review was minuted.

### **Final Audit**

Cash per box 8 to the accounts was £2,562,021 (2018-19 £2,659,208)

I reperformed the year end bank reconciliation. For all bank accounts I was able to agree the balance on the bank reconciliation back to bank statements and cashbook balances recorded on RBS.

There are unrepresented cheques amounting to £123K on the year end bank reconciliation. I tested all unrepresented cheques above £2000 in value to presentation at bank in the new financial year. The purpose of this test is to confirm that entries on the bank reconciliation are genuine. With the exception of 1 cheque, I was able to confirm that cheques had cleared bank in the new financial year.

A cheque for £5,500 payable to the Littlehampton Bonfire Society had still not cleared bank by early June. The RFO confirmed that she had followed this up with the Society and asked them to bank the cheque – issues around changes in personnel at the Society had caused the delay. However, I am satisfied that this was a genuine unrepresented cheque at year end.

The Council has not yet completed the transfer to electronic banking, and at present payments are still made by cheque. The RFO is progressing work on this project, and card readers have recently been received by the Council. LTC is a large organisation to be reliant on cheque payments, and it is likely that this acceptance of cheques will reduce as a result of the Covid 19 situation. I therefore recommend that the move to electronic bank payments is completed as a matter of urgency.

Loans outstanding at year end per box 10 to the accounts were £60,000 (2018-19 £90,000). This has been agreed to the year end loans statement supplied by Public Works Loans Board.

I am satisfied that the Council is meeting this control objective.

### **J. Year-end accounts**

Littlehampton TC has produced accounts on an accruals basis, this is required as income / expenditure is above £200k. A reconciliation between Box 7-8 of the accounts has been prepared and can be agreed to supporting schedules of debtors and creditors. I do not audit this in detail, this is the responsibility of external audit.

An explanation of year on year variances has also been prepared and provides detailed explanations for review by external audit.

I am satisfied this control objective has been met.

## K. Trusteeship

No trusts – no change from last year, confirmed by RFO.

## L: Arrangements for Inspection of Accounts Final Audit

Inspection periods for 2018-19 accounts were set as follows

Inspection - Key date	2018-19 Actual
Accounts approved at Full Council	20 June 2019 Full Council
Date Inspection Notice Issued and how published	24 June 2019 - noticeboards and website
Inspection period begins	24 June 2019
Inspection period ends	2 August 2019
Correct length	Yes - 30 working days
Common period included?	Yes – 1 <sup>st</sup> 2 weeks of July

I can confirm that regulations were followed in this respect and that the Council can therefore sign off that it has met control objective 4 on the annual governance statement – inspection rights.

I recommend that the RFO takes care to set the inspection period correctly for the 2019-20 accounts, due to the exceptional circumstances in place due to Covid 19. Guidance from external audit can be found at <https://www.pkf-littlejohn.com/services-limited-assurance-regime-useful-documents-and-links>

I would like to take this opportunity to thank Laura and Clare for their assistance with the audit. I attach my invoice for your consideration. Please do not hesitate to contact me if I can be of any assistance, and I look forward to working with you in 2020-1.

Yours sincerely

*M Platten*

Mike Platten CPFA

## Points Forward – Action Plan - Interim Audit

Matter Arising	Recommendation	Council Response
<p>The Council made a payment of £81K to the District Council as a contribution towards works on the skate park. Whilst I was able to confirm the amount paid to reports presented to Council, there was no minute recording the decision to make this contribution.</p>	<p>I would expect to see explicit approval for a payment of this size.</p>	
<p>There is scope to strengthen the process for approving payments to made by direct debit or standing order.</p>	<p>I recommend an annual statement of all such payments should be taken to the Policy and Finance Committee for review and approval.</p>	
<p>The insurance policy is due for renewal next year.</p>	<p>I suggest the Council may wish to approach a town and parish council insurance specialist when seeking insurers for October 2020.</p>	
<p>The Council has a well-established process for backing up computer data, with backups held at remote locations.</p>	<p>Given that the Council has new ICT providers in place, I would recommend that back ups are retested in the next 6 months</p>	

## Points Forward – Action Plan - Final Audit

Matter Arising	Recommendation	Council Response
<p>Expenditure date on website - quarter 4 data not yet published</p>	<p>Update before accounts are submitted to audit</p>	
<p>The Council has not yet completed the transfer to electronic banking, and at present payments are still made by cheque.</p>	<p>I recommend that the move to electronic bank payments is completed as a matter of urgency</p>	

## **LITTLEHAMPTON TOWN COUNCIL**

### **Non- Confidential**

**Committee:** Governance and Audit

**Date:** 7<sup>th</sup> July 2020

**Report by:** Town Clerk

**Subject:** Code of Conduct

### **1. Background and update**

- 1.1 Attached is an update on the Code of Conduct review by the Sussex Association of Local Councils (SALC) which is currently being progressed by the Local Government Association (LGA). This includes a proposed new “Model” Code of Conduct and a consultation.
- 1.2 Members may recall that the Committee on Standards in Public Life has been investigating and has made recommendations on changes to the sanctions for breaches of the Code of Conduct which the Government has yet to consider. Whilst Members may wish to comment on the draft it is not thought at this stage that this has any impact on the current arrangements.
- 1.3 The annual review of this Council’s Code of Conduct has maintained that the Town Council’s arrangements in this respect are robust. It should be noted that these arrangements are overseen by the District Council in their role as the Principal Authority as set out in the current legislation. A view frequently stated is that more robust sanctions for breaches of the Code of Conduct are required as the current legislation lacks “teeth”. Members are invited to note the update and consider whether they wish to respond to the consultation.

### **2. Recommendations**

The Committee is RECOMMENDED to:

Note the update and consider whether they wish to respond to the consultation.

### **3. Financial Implications**

There are none arising from this report.

Peter Herbert  
**Town Clerk**

**UPDATE FROM THE SUSSEX ASSOCIATION OF LOCAL COUNCILS (SALC) RE: CODE OF CONDUCT FOR MEMBERS – this is currently being reviewed by the Local Government Association (LGA).**

“When the Code was first introduced in early 2000 there was considerable consternation amongst elected members, fuelled by the national media, who claimed it to be an intrusion of privacy and felt it demonstrated a lack of trust.

It also caused a degree of havoc! Complaints, many with ‘hidden agendas’, came flooding in (a lot of ‘axes to grind’). As ever, it all settled down. In fact over the years it did unquestionably assist Councils to better manage potential conflicts.

Hence, when, in later years, the government proposed dispensing with a Code of Conduct for Members, there was an ‘about turn’ and many Parish Councils pressed for the Code of Conduct to remain in place. A ‘new’ Code of Conduct emerged which endeavoured to find a balance of ‘trust’ with a requirement to declare items primarily of a financial nature. It removed sanctions of suspension and disqualification and replaced Personal and Prejudicial interests (which included well-being interests) with Disclosable Pecuniary Interests (DPIs) and Non Pecuniary Disclosable Interests. Councils were permitted to add their own ‘standards’ requirements.

The Code of Conduct still has some critics for various reasons. ‘Hidden Agendas’ still exist. However, on balance, it has been more of a benefit than a detriment as it has given clear direction to members on what is/is not acceptable conduct. It is about ensuring that everyone affected by the Council’s business can have ‘trust’ in the Council that it will act at all times with integrity.

The proposed draft Code aims to be more effective, user friendly and easier to understand. It has long been felt that the Code of Conduct was not sufficiently effective to prevent some members from fragrantly breaching the Code of Conduct because it had ‘no teeth’. Hence The National Association of Local Councils (NALC) are pressuring the LGA and Government to include tougher sanctions to address the perceived weaknesses in the Code so that it can be effective in maintaining trust in the way Councils conduct their business.

Everyone is invited to respond to the Consultation document (draft Model and response form attached) and hopefully will take the opportunity to do so because your views do matter”.

# Local Government Association Model Member Code of Conduct

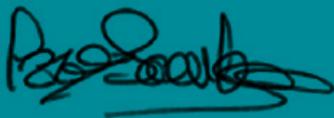
# Introduction

The Local Government Association (LGA) is providing this Model Member Code of Conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance.

The role of councillor in all tiers of local government is a vital part of our country's system of democracy. In voting for a local councillor, the public is imbuing that person and position with their trust. As such, it is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to and want to participate with. We want to continue to attract individuals from a range of backgrounds and circumstances who understand the responsibility they take on and are motivated to make a positive difference to their local communities.

All councils are required to have a local Member Code of Conduct. This Model Member Code of Conduct has been developed in consultation with the sector and is offered as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it continues to be fit-for-purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code, whilst the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

As a councillor we all represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent everyone (in our ward/town/parish), taking decisions fairly, openly, transparently and with civility. Councillors should also be treated with civility by members of the public, other councillors and council employees. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations. This Code, therefore, has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.



**Councillor Izzi Seccombe OBE**  
Leader, LGA Conservative Group



**Councillor Nick Forbes CBE**  
Leader, LGA Labour Group



**Councillor Howard Sykes MBE**  
Leader, LGA Liberal Democrats Group



**Councillor Marianne Overton MBE**  
Leader, LGA independent Group

## Purpose

The purpose of this Code of Conduct is to assist councillors in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. It is also to protect yourself, the public, fellow councillors, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

## Application of the Code

The Code of Conduct applies to you when you are acting [or claiming or giving the impression that you are acting]<sup>1</sup> in [public or in]<sup>2</sup> your capacity as a member or representative of your council, although you are expected to uphold high standards of conduct and show leadership at all times. The Code applies to all forms of member communication and interaction, including written, verbal, non-verbal, electronic and via social media, [including where you could be deemed to be representing your council or if there are potential implications for the council's reputation.] Model conduct and expectations is for guidance only, whereas the specific obligations set out instances where action will be taken.

## The seven principles of public life

Everyone in public office at all levels – ministers, civil servants, members, council officers – all who serve the public or deliver public services should uphold the seven principles of public life. This Code has been developed in line with these seven principles of public life, which are set out in appendix A.

## Model member conduct

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

- act with integrity and honesty
- act lawfully
- treat all persons with civility; and
- lead by example and act in a way that secures public confidence in the office of councillor

In undertaking my role, I will:

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

## Specific obligations of general conduct

This section sets out the minimum requirements of member conduct. Guidance is included to help explain the reasons for the obligations and how they should be followed. These obligations must be observed in all situations where you act [or claim or give the impression that you are acting] as a councillor [or in public], including representing your council on official business and when using social media.

**As a councillor I commit to:**

## Civility

- 1. Treating other councillors and members of the public with civility.**
- 2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.**

Civility 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 civil manner. You should not subject individuals, groups of people or organisations to unreasonable or excessive personal attack.

In your contact with the public you should treat them courteously. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

In return you have a right to expect courtesy from the public. If members of the public are being abusive, threatening or intimidatory you are entitled to close down any conversation in person or online, refer them to the council, any social media provider or if necessary, the police. This also applies to members, where action could then be taken under the Member Code of Conduct.

## Bullying and harassment

- 3. Not bullying or harassing any person.**

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The 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 not always be obvious or noticed by others.

The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

## Impartiality of officers of the council

- 4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.**

Officers work for the council 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. Although 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, 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.

## Confidentiality and access to information

- 5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.**
- 6. Not preventing anyone 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 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 council are treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## Disrepute

### **7. Not bringing my role or council into disrepute.**

Behaviour that is considered dishonest and/or deceitful can bring your council into disrepute. As a member you have been entrusted 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 other councillors and/or your council.

## Your position

### **8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the council provides you with certain opportunities, responsibilities and privileges. However, you should not take advantage of these opportunities to further private interests.

## Use of council resources and facilities

### **9. Not misusing council resources.**

You may be provided with resources and facilities by the council to assist you in carrying out your duties as a councillor. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given

to you to help you carry out your role as a councillor more effectively and not to benefit you personally.

## Interests

### **10. Registering and declaring my interests.**

You need to register your interests so that the public, council employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest. The register also protects you. You are responsible for deciding whether or not you should declare 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 declared by you or other members, 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. Discuss the registering and declaration of interests with your Monitoring Officer/Town or Parish Clerk and more detail is set out in appendix B.

## Gifts and hospitality

### **11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.**

### **12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.**

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 member. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you may wish to notify your monitoring officer of any significant gifts you are offered but refuse which you think may have been offered to influence you.

Note – items in square brackets [x] refer to recommendations made by the Committee on Standards in Public Life and may be part of a future Government consultation. This includes possible future sanctions and appeals processes.

## Breaches of the Code of Conduct

Most councillors conduct themselves appropriately and in accordance with these standards. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Each local authority must publish a code of conduct, and it must cover the registration of pecuniary interests, the role of an 'independent person', and sanctions to be imposed on any councillors who breach the Code.

The 2011 Act also requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct, and arrangements under which decisions on allegation may be made.

Failure to comply with the requirements to register or declare disclosable pecuniary interests is a criminal offence. Taking part in a meeting or voting, when prevented from doing so by a conflict caused by disclosable pecuniary interests, is also a criminal offence.

Political parties may have its own internal standards and resolution procedures in addition to the Member Code of Conduct that members should be aware of.

# Example

## LGA guidance and recommendations

### Internal resolution procedure

Councils must have in place an internal resolution procedure to address conduct that is in breach of the Member Code of Conduct. The internal resolution process should make it clear how allegations of breaches of the Code of Conduct are to be handled, including the role of an Independent Person, the appeals process and can also include a local standards committee. The internal resolution procedure should be proportionate, allow for members to appeal allegations and decisions, and allow for an escalating scale of intervention. The procedure should be voted on by the council as a whole.

In the case of a non-criminal breach of the Code, the following escalating approach can be undertaken.

If the breach is confirmed and of a serious nature, action can be automatically escalated.

1. an informal discussion with the monitoring officer or appropriate senior officer
2. an informal opportunity to speak with the affected party/ies
3. a written apology
4. mediation
5. peer support
6. requirement to attend relevant training
7. where of a serious nature, a bar on chairing advisory or special committees for up to two months
8. where of a serious nature, a bar on attending committees for up to two months.

Where serious misconduct affects an employee, a member may be barred from contact with that individual; or if it relates to a specific responsibility of the council, barred from participating in decisions or information relating to that responsibility.

## Endnotes

1. CSPL recommend that “Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority”.
2. CSPL recommend that “councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.”
3. Subject to footnotes 1 and 2 above
4. See CSPL website for further details [www.gov.uk/government/news/the-principles-of-public-life-25-years](http://www.gov.uk/government/news/the-principles-of-public-life-25-years)
5. ACAS’s definition of bullying

# Appendices

## Code Appendix A

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 declare 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.

## Code Appendix B

### **Registering interests**

1. Within 28 days of this Code of Conduct being adopted by the council or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests).
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Table 1 or 2, or of any change to a registered interest, notify the Monitoring Officer.

### **Declaring interests**

3. Where a matter arises at a meeting which directly relates to an interest in Table 1, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
4. Where a matter arises at a meeting which directly relates to an interest in Table 2, you must declare the 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 declare the nature of the interest.

5. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the 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 declare the nature of the interest.
6. 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 friend, relative, close associate; or
  - c. a body covered by table 1 below

you must disclose the interest.

7. Where the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you must declare the 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 declare the nature of the interest.

**Table 1: Disclosable Pecuniary Interests**

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain.  [Any unpaid directorship.]
<b>Sponsorship</b>	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 by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.  This includes any payment or financial benefit from a trade union within the meaning of the <b>Trade Union and Labour Relations (Consolidation) Act 1992</b> .
<b>Contracts</b>	Any contract made between the councillor or his/her 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 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 —  (a) under which goods or services are to be provided or works are to be executed; and  (b) which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council.  ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her 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.
<b>Licences</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>	Any tenancy where (to the councillor’s knowledge)—  (a) the landlord is the council; and  (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the 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.
<b>Securities</b>	Any beneficial interest in securities* of a body where—  (a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and  (b) either—  (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (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 his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\*'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**

<b>Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;</b>	
Any Body—	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which you are a member or in a position of general control or management.	





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For a copy in Braille, larger print or audio,  
please contact us on 020 7664 3000.  
We consider requests on an individual basis.

REF 11.197

## **LGA Consultation on Draft Model Member Code of Conduct**

Thank you for taking the time to complete this consultation. This Model Member Code of Conduct [[Model Member Code of Conduct.pdf](#)] aims to be concise, written in plain English and be understandable to members, officers and the public. The Model Member Code is designed to aid members in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office. Equally, it articulates behaviour which falls below the standards that would be expected of council members. It is designed to help set a framework for public and councillor interaction, emphasising the importance of civility and that councillors should be protected from bullying, intimidation and abuse.

The LGA has reviewed the existing Model Member Code of Conduct and updated it here incorporating the recommendations from the Committee on Standard's in Public Life's recommendations on Local Government Ethical Standards and the representation from its membership. Part of the Committee's recommendations were the introduction of sanctions for breaches of the code, alongside an appeals process. This aspect is out of scope of this consultation, as it requires legislative changes by Government, but the LGA has sought to reflect some of the possible changes by using square brackets where legal changes would be necessary. The LGA is continuing to take soundings from the sector on the issue of sanctions in anticipation of a Government response to the Committee's recommendations.

This consultation addresses key areas that the LGA would like a view on to help finalise the Code. It is aimed at councillors and officers from all tiers of local government. If you would like a wider discussion about the code, please do sign up to one of the forthcoming Webinars the LGA are holding as part of this consultation. Details will be posted on our [LGA events website](#).

### **Instructions and privacy notice**

You can navigate through the questions using the buttons at the bottom of each page. Use the 'previous' button at the bottom of the page if you wish to amend your response to an earlier question.

All responses will be treated confidentially. Information will be aggregated, and no individual or authority will be identified in any publications without your consent. Identifiable information may be used internally within the LGA but will only be held and processed in accordance with our [privacy policy](#). We are undertaking this consultation to aid the legitimate interests of the LGA in supporting and representing authorities.

Please complete your response in one go - if you exit before submitting your response your answers may be lost. If you would like to see an overview of the questions before completing the consultation online, you can access a PDF [here](#).

## About you

Your name \_\_\_\_\_

### Are you...

- A councillor
- An officer
- Answering on behalf of a whole council (Please provide council name below)

\_\_\_\_\_

- Other (please specify below)

\_\_\_\_\_

### Please indicate your council type

- Community/Neighbourhood/Parish/Town
- District/Borough
- County
- Metropolitan/Unitary/London Borough
- Other (please specify below)

\_\_\_\_\_

### Application of the Code

Under the Localism Act 2012, the Code of Conduct applies to councillors only when they are acting in their capacity as a member. The LGA believes that because councillors are elected by the public and widely recognised by the public, it makes sense for them to continue to model these behaviours when they are making public comment, are identifying as a councillor and when it would be reasonable for the public to identify them as acting or speaking as a councillor. The Committee on Standards in Public Life supported this approach in their report into Local Government Ethical Standards. Whilst the LGA is waiting for Government's response to these recommendations the option has been added in square brackets as it would need changes in legislation.

**Q1. To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?**

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

**Q1a. If you would like to elaborate on your answer please do so here:**

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**Q2. Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?**

- Yes
- No
- Don't know

**Q3. Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?**

- Personal tense ("I will")
- Passive tense ("Councillors should")
- No preference

### **Specific obligations**

The Code lists 12 specific obligations – these set out a minimum standard councillors are asked to adhere to.

Each obligation or group of obligations is put into a wider context to explain why that particular obligation is important.

**Q4. To what extent to you support the 12 specific obligations?**

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know / Prefer not to say
1. Treating other councillors and members of the public with civility.					
2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.					
3. Not bullying or harassing any person.					
4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.					
5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.					
6. Not preventing anyone getting information that they are entitled to by law.					
7. Not bringing my role or council into disrepute.					
8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.					

9. Not misusing council resources.					
10. Registering and declaring my interests.					
11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.					
12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.					

**Q5. If you would like to propose additional or alternative obligations, or would like to provide more comment on a specific obligation, please do so here:**

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**Q6. Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation?**

- As a list
- Each specific obligation followed by its relevant guidance
- No preference

**Q7. To what extent do you think the concept of 'acting with civility' is sufficiently clear?**

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

**Q7a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:**

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**Q8. To what extent do you think the concept of 'bringing the council into disrepute' is sufficiently clear?**

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

**Q8a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:**

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**Q9. To what extent do you support the definition of bullying and harassment used in the code in a local government context?**

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

**Q9a. If there are other definitions you would like to recommend, please provide them here.**

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**Q10. Is there sufficient reference to the use of social media?**

- Yes
- No
- Don't know/prefer not to say

**Q10a. Should social media be covered in a separate code or integrated into the overall code of conduct?**

- Separate code
- Integrated into the code
- Don't know/prefer not to say

**Q10b. If you would like to make any comments or suggestions in relation to how the use of social media is covered in the code please do so here:**

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## Registration and declarations of interests

The law at present requires, as a minimum, registration and declaration of 'Disclosable Pecuniary Interests' - that is matters which directly relate to the councillor and their partner if applicable.

The LGA is proposing that all councillors are required to declare interests where matters also relate to or affect other family members or associates. The LGA has broadened the requirement to declare interests beyond this current statutory minimum in line with a recommendation from the Committee on Standards in Public Life. These specific provisions are set out in **Appendix B** of the Code.

**Q11. To what extent do you support the code going beyond the current requirement to declare interests of the councillor and their partner?**

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

**Q11a. If you would like to elaborate on your answer please do so here:**

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**Q12. Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model code currently references it?**

- In the main body of the code
- In the appendix
- Other (please specify below)
- Don't know/prefer not to say

**Q12a.** If you would like to make any comments or suggestions in relation to how the requirement to declare interests is covered in the code please do so here:

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It is also suggested that more outside interests should be registered than is the current statutory minimum. These are set out in **Table 2 of the Appendix** and are designed to demonstrate to the community transparency about other bodies with which the councillor is engaged.

**Q13. To what extent do you support the inclusion of these additional categories for registration?**

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know / Prefer not to say
Any organisation, association, society or party of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council					
Any organisation, association, society or party that exercises functions of a public nature of which you are a member or in a position of general control or management					
Any organisation, association, society or party directed to charitable purposes					
Any organisation, association, society or party of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)					

**Q13a.** If you would like to propose additional or alternative **categories** for registration, please provide them here:

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**Q14. To what extent to you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?**

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q14a. If you would like to elaborate on your answer please do so here:

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**Q15. The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?**

- Yes
- Yes, but the amount should be reviewed annually with the code's review
- No, it should be lower (please specify amount) \_\_\_\_\_
- No, it should be higher (please specify amount) \_\_\_\_\_
- Don't know/prefer not to say

**Q16. The LGA will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful? Please rank 1-5, with 1 being the most useful.**

- \_\_\_\_\_ Regularly updated examples of case law
- \_\_\_\_\_ Explanatory guidance on the code
- \_\_\_\_\_ Case studies and examples of good practice
- \_\_\_\_\_ Supplementary guidance that focuses on specific areas, e.g., social media
- \_\_\_\_\_ Improvement support materials, such as training and e-learning packages

**Q16a. If you would like to suggest any other accompanying guidance please do so here:**

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**Q17. If you would like to make any further comments about the code please do so here:**

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Once you press the 'Submit' button below, you will have completed your response.

Many thanks for taking the time to respond to this consultation. You are in control of any personal data that you have provided to us in your response. You can contact us at all times to have your information changed or deleted. You can find our full privacy policy here: [click here to see our privacy policy](#)

# LITTLEHAMPTON TOWN COUNCIL

## Non-Confidential

**Committee:** Governance and Audit

**Date:** 7<sup>th</sup> July 2020

**Report by:** The Town Clerk and Deputy Town Clerk

**Subject:** Financial Regulations Review

### 1. Summary

- 1.1 For the Committee's consideration and endorsement, attached as Appendix 1 to this report, are proposed amendments to the Town Council's Financial Regulations and Procurement Policy to reflect a review following revised model regulations from NALC (National Association of Local Councils).

### 2. Recommendation

The Committee is RECOMMENDED to:

Comment upon the proposed amendments to the Financial Regulations and Procurement Policy: then recommend its proposals to the Policy and Finance Committee and finally Full Council for approval.

### 3. Background

- 3.1 In developing the proposed amendments to the Financial Regulations the NALC (National Association of Local Council's) model Financial Regulations, which were revised in 2019, have been referred to.
- 3.2 Some proposed changes made are minor (for example to improve the wording or bring the regulation more in line with the NALC model regulations) other changes are major due to requirements (e.g. online banking).
- 3.3 The order of the various sections in the Town Council's Financial Regulations have been revised to be more in line with the NALC model regulations but also to be more coherent.
- 3.4 For ease of reference the additions have been highlighted in yellow and proposed deletions struck through. A list of changes is provided in the table below with notes about the proposed change.

<b>Changed Regulation</b>	<b>Notes</b>
1.5	Correct reference
1.6	Regulation added as per NALC model regulations
2.2	Improved wording
2.4	Improved wording and as per NALC model regulations

3	Header reflects NALC model regulations
3.8	Improved wording
4	Header reflects NALC model regulations
4.6	Regulation added as per NALC model regulations
4.9	Improved wording and as per NALC model regulations
6	Header reflects NALC model regulations
6.6, 6.7, 6.8	This has been amended to reflect the changes approved by Council
6.10	This is not a new regulation but has been moved from the 'Payment Procedures' section (7) into the 'Authorisation of payments' section (6)
7.3	The wording 'Authorised Member Signatories' refers to Members who are authorised signatories as per 6.10 and differentiates from 'authorised signatories' which are recognised by the bank but could be a Member or the Town Clerk or RFO. The struck through text has been moved to 6.10 as this is not a payment procedure but determines authorisation of payments in line with the NALC model regulations.
7.6	This has been added to incorporate the payment procedure for salaries
7.12	Having progressed work to move to online banking it has become clear that the regulation previously agreed needed to be adapted to reflect the procedures required to operate the online bank account securely and in accordance with financial regulations. The first 3 sentences of regulation 7.12 are taken from the NALC model regulations.
7.14 and 7.15	Regulations added as per NALC model regulations
13.1	Amended to reflect withdrawal of the UK from the EU. The sentence that is struck through is a repetition of 13.2.
15.5	Amended to reflect withdrawal of the UK from the EU and an update to the Utilities Contracts Regulations
21.1, 21.2, 21.3,	Improved wording and as per NALC model regulations
22.4	Additional sentence added to regulation, based on NALC model regulations
22.5	Amended as per NALC model regulations

3.5 Appendix 1 of the Financial Regulations is the Town Council's Procurement Policy. Section 3 includes an additional bullet point to reflect the need to publish details of all tenders and contracts over £5,000 on the Council's website.

Peter Herbert  
Town Clerk

Laura Chrysostomou  
Deputy Town Clerk



## Littlehampton Town Council Financial Regulations

<b>Date</b>	<b>TBC</b>
<b>Document Number</b>	<b>4</b>
<b>Edition Number</b>	<b>5</b>
<b>Replaces</b>	<b>Financial Regulations 2019</b>
<b>Policy Maker</b>	<b>Responsible Financial Officer</b>
<b>Responsibility</b>	<b>Full Council</b>
<b>Resolution Number</b>	<b>Full Council TBC</b>
<b>Review Cycle</b>	<b>Annually</b>

**This information pack contains:**

<b>please insert document title</b>
Littlehampton Town Council Financial Regulations
Littlehampton Town Council Procurement Policy – Appendix 1
Littlehampton Town Council Financial Regulations Declaration Form – Appendix 2

# LITTLEHAMPTON TOWN COUNCIL

## FINANCIAL REGULATIONS

### 1. FINANCIAL ADMINISTRATION

- 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 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 financial control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk and for the prevention and detection of fraud and corruption. These Financial Regulations are designed to demonstrate how the Council meets these responsibilities.
- 1.3 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 Statement of Accounts Governance and Accountability Return, the Council shall conduct a **must** review of 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) is a statutory office and shall be appointed by the Council.
- 1.9 The RFO, acting under the policy direction of the Policy & Finance Committee, shall

- administer the Council's financial affairs in accordance with all Acts, Regulations and proper practices.;
- determine on behalf of the Council its accounting records, and accounting control systems;
- ensure that the accounting control systems are observed and that the accounting records of the Council are maintained and kept up to date in accordance with proper practices;
- assist the Council to secure economy, efficiency and effectiveness in the use of its resources;
- produce financial management information as required by the Council; and
- be responsible for the Council's Internal Audit procedures.

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, statement of balances or management information requested by the Council shall 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 they 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 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, wherever possible;
- procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the Policy and Finance Committee 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;
- declaring eligibility for the General Power of Competence.

- 1.14 In addition the Council (or relevant Committee) 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 £10,000;
  - 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;
  - deal with the writing off of bad debts.

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.

1.16 In these Financial Regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in Governance and Accountability for Local Councils – a Practitioners' Guide (England) issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).

## **2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)**

2.1 All accounting procedures and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit Regulations, appropriate guidance and proper practices.

2.2 The bank statements will be ~~printed out weekly and~~ **presented to and** checked by the Town Clerk **weekly**, or in their absence the Assistant Town Clerk or other senior manager, for large extraction of funds. This check will be evidenced by the signature of whoever carries out the check and the date when the check was undertaken.

2.3 On a regular basis, at least once in each quarter, and at each financial year end, the Chair of Policy & Finance shall verify bank reconciliations (for all accounts) produced by the RFO. The Chair 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 Policy & Finance Committee.

2.4 The RFO shall be responsible for completing the Council's **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 ~~before 30 June the following financial year~~ **within the timescales set by the Accounts and Audit Regulations.**

2.5 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.

2.6 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.

- 2.7 The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the RFO, or by Council in accordance with proper practices.
- 2.8 The internal auditor shall:
- be competent and independent of the financial operations of the Council;
  - report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
  - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - have no involvement in the financial decision making, management or control of the Council.
- 2.9 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.
- 2.10 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.
- 2.11 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.
- 2.12 The Governance & Audit Committee will receive all Internal Audit reports. They will consider the recommendations and recommend to the appropriate Standing Committee any action required in order to address the issues.
- 2.13 The RFO shall, without undue delay as soon as practicable, bring to the attention of all Councillors any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.
- 2.14 The Internal Auditor will carry out an annual review of the Financial Regulations. It shall be the duty of the Governance & Audit Committee to receive and consider recommendations from this review and after consultation with any other Committees concerned, make such recommendations to the Council.

### **3. FINANCIAL PLANNING AND ANNUAL ESTIMATES (BUDGETS) AND FORWARD PLANNING**

- 3.1 The Town Clerk shall each year, before the end of February, recommend to Council a programme of estimates for consideration and the programme is to include adequate time for such discussion between the Policy and Finance Committee, other Committees and Council.
- 3.2 The RFO must each year, by no later than November, prepare detailed estimates of all receipts and payments including a three year forecast of Revenue and Capital Receipts and Payments, 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 Standing Committee and the Council.
- 3.3 Each Standing Committee shall review its three year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the Policy & Finance Committee not later than the end of December each year including any proposals for revising the forecast.
- 3.4 The Policy and Finance Committee shall review the estimates and submit them to the Council not later than the end of February in each year, together with such summaries, statements and reports as are considered desirable in order to enable Council to determine the Precept to be levied for the ensuing year.
- 3.5 Concurrently with the report to the Council and the proposed Precept to be levied for the ensuing year, the Town Clerk and RFO shall report on the funding of the capital programme, in order to enable a definite programme for the following year to be determined.
- 3.6 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.
- 3.7 The Council shall fix the Precept, and relevant basic amount of Council Tax to be levied for the ensuing financial year not later than by the end of February each year. The RFO shall issue the Precept to the billing authority and shall supply each Member with a copy of the approved budget.
- 3.8 The approved annual budgets shall form the basis of financial control for the ensuing year.

### **4. BUDGETARY CONTROL AND AUTHORITY TO SPEND**

- 4.1 Expenditure on the revenue account may be authorised up to the amounts included in the approved budget, subject to the requirements of the Standing Orders & Financial Regulations. Such authority is to be evidenced by a Minute or by an authorisation slip duly signed by the Clerk. Contracts may not be disaggregated to avoid controls imposed by these regulations, in accordance with the scheme of delegation.

- 4.2 During the budget year and with the approval of the Policy and Finance Committee, having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings (vired) or to an earmarked reserve as appropriate.
- 4.3 The Town Clerk has powers to vire amounts up to £1,000 between budget heads provided within the approved revenue budget, except in the case of sums provided for pay and allowances or when any continuing expenditure is to be generated, subject to the approval of the appropriate Committee.
- 4.4 Expenditure may not be incurred which cannot be met from the amount provided within the net revenue budget or when it is likely to result in an overspend in the year, unless a request for a supplementary estimate has been approved by the Policy and Finance Committee. This regulation shall apply where such event would result in an increase in net cost within the financial year.
- 4.5 Unspent provisions in the revenue or capital budgets shall not be carried forward to a subsequent year unless placed in an earmarked reserve by resolution of the Council.
- 4.6 The salary budgets are to be reviewed at least annually for the following financial year and reported to the Property and Personnel Committee as part of the budget cycle. The RFO will inform Committees of any changes on their budget requirement for the coming year in good time.
- 4.7 The Clerk may incur expenditure on behalf of the Council which is necessary to carry out any repair, replacement or other work which is of such extreme urgency that it must be done at once, whether or not there is any budgetary provision for the expenditure. The Clerk shall report the action to the Chairman as soon as possible and to the Council as soon as practicable thereafter.
- 4.8 Except as provided in Standing Orders and Financial Regulations, all proposals involving expenditure on the capital account shall be the subject of an annual report to the appropriate Committee and the report shall include the full financial implications of the proposals.
- 4.9 No expenditure shall be incurred **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 **or** **and** the requisite borrowing approval has been obtained.
- 4.10 All capital works shall be administered in accordance with the Council's Procurement Policy (Appendix 1), Standing Orders and Financial Regulations relating to contracts.
- 4.11 The RFO shall regularly provide each Committee with a statement of income and expenditure to date, 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.

4.12 Changes in earmarked reserves shall be approved by the Policy and Finance Committee as part of the budgetary control process.

## **5. EARMARKED RESERVES POLICY**

5.1 Reserves will only be earmarked in line with the CIPFA Code of Practice on Local Authority Accounting in the UK (the Statement of Recommended Practice). The amount Earmarked in any one financial year will not exceed the difference (surplus) between the budgeted net expenditure and the actual net expenditure.

5.2 Reserves can be spent or Earmarked at the discretion of the Town Council. They can result from:

- events which have allowed monies to be set aside,
- surpluses,
- decisions causing anticipated expenditure to have been postponed or cancelled,
- monies set aside for major anticipated capital schemes, projects or service arrangements the Town Council may wish to carry out.

5.3 Expenditure will not be charged direct to Earmarked Reserves and transfers to and from Earmarked Reserves will be distinguished from service expenditure in the Statement of Accounts.

5.4 For each reserve established the following will be clearly documented:

- The reason for or the purpose of the Earmarked Reserve will be clearly defined within the above guidelines.
- The types of expenditure the Earmarked Reserve will be used for and the basis of transactions will be clearly defined.
- Any circumstances for which the reserves cannot be used.

5.5 Reserves will be managed, controlled and reviewed by the RFO;

- On a transaction by transaction basis to ensure that the correct expenditure is being taken from the correct reserve and that no reserve is overspent.
- Twice per year, once during the budget review procedure and once at the year end. The RFO, in consultation with the Town Clerk, will review the appropriateness of each reserve, making recommendations as to which reserves should be earmarked in the next financial year. At such time any reserves considered no longer appropriate will be transferred back to the General Reserve.

5.6 The Town Clerk or in his/her absence the RFO, is authorised to spend Earmarked Reserves up to the amounts included in the approved EMRs in line with the Financial Regulations, Standing Orders and Scheme of Delegation.

## **6. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS**

6.1 All arrangements with the Council's Bankers shall be made by the Town Clerk and the RFO and approved by the Policy and Finance Committee. The

above-mentioned Officers shall be authorised to operate such banking accounts as they may consider necessary.

- 6.2 Before authorising an invoice Officers shall satisfy themselves that the work, goods or services to which the invoice relates have been received, carried out, examined and represent expenditure previously approved. Where there is any doubt about the receipt of goods or services, invoices for payment shall be examined and verified by the authorised Officer issuing the order.
- 6.3 The RFO shall ensure invoices are examined in relation to arithmetical accuracy and coded to the appropriate expenditure head. The RFO shall take all reasonable steps to settle all invoices submitted, and which are in order, within 30 days of their receipt.
- 6.4 When the Town Clerk, or Responsible Financial Officer or duly authorised Officer is satisfied that the invoices are in order they shall finally authorise them for payment.
- 6.5 In respect of grants a duly authorised Committee shall approve expenditure within any limits set by Council and in accordance with any Policy statement approved by Council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the Council.
- 6.6 In respect of the Mayors Discretionary Fund the maximum the Mayor may allocate from the Discretionary Fund in one year will be decided by Full Council in its budget. The purpose of the budget provided by Council is to meet those one-off initiatives that the Town Mayor might identify whilst out and about in the Community in accordance with the guidance in the Mayoral Induction Pack. It is not intended to provide another round of grant funding.
- 6.7 An individual award from the Discretionary Fund will not exceed £200, unless by referral to The Policy and Finance Committee, and will only be made on one occasion per year to any recipient. Funding can be awarded anytime during the Mayoral year up to 31<sup>st</sup> March.
- 6.8 The discretionary funding will be approved by the Town Clerk on the recommendation of the Town Mayor and will be reported at the next Council Meeting.
- 6.9 Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 6.10 Specified Members will be approved by Council to be authorised Member signatories. These Members shall be the Mayor, Chairs of the Policy and Finance, Community Resources, Property and Personnel, Planning and Transportation Committees. In cases of duplication the Vice-Chair of the appropriate Committee shall be the designated signatory. If a member who is also a bank signatory has declared a disclosable pecuniary interest, or has

any personal or prejudicial interest, in the matter in respect of which the payment is being made, that Councillor shall be required to consider Standing Orders, and thereby obtain the confirmation of the Town Clerk as to whether it is appropriate and / or permissible to be a signatory to the transaction in question.

- 6.11 The Town Clerk or in his/her absence, the RFO, is authorised to sign cheques on the Imprest Account to a value not exceeding £200 approved as part of the Town Council's annual budget and precept setting process.

## **7. PAYMENT PROCEDURES**

- 7.1 The Council will make safe and efficient arrangements for the making of its payments. Apart from petty cash payments, the normal method of payment of money due from the Council shall be by online banking, cheque, business charge card, or other order drawn on the Council's Bank (e.g. Direct Debit or Standing Order).
- 7.2 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.
- 7.3 All schedules to approve payment of cheques shall be presented to and all cheques up to a value of £249,999 shall be signed by two specified authorised Member signatories and cheques over £250,000 shall be signed by three authorised Member signatories specified Members as approved by Council. ~~These Members shall be the Mayor, Chairs of the Policy and Finance, Community Resources, Property and Personnel, Planning and Transportation Committees. In cases of duplication the Vice-Chair of the appropriate Committee shall be the designated signatory. If a member who is also a bank signatory has declared a disclosable pecuniary interest, or has any personal or prejudicial interest, in the matter in respect of which the payment is being made, that Councillor shall be required to consider Standing Orders, and thereby obtain the confirmation of the Town Clerk as to whether it is appropriate and / or permissible to be a signatory to the transaction in question.~~
- 7.4 To indicate agreement of the details shown on the cheque or order for payment with sight of the invoice or similar supporting documentation, the Town Clerk, or in his/her absence an officer designated by him/her, shall also initial the corner of the cheque.
- 7.5 Payment for utility supplies (energy, telephone and water) and rates may be made by variable Direct Debit provided that the instructions are signed by two authorised Member signatories. The approval of the use of variable direct debit shall be renewed by resolution of the Council at least every two years.
- 7.6 Payment for salaries may be made by variable Direct Debit using the Lloyds telepay system once authorised by the Town Clerk, or in his/her absence an officer designated by him/her, who shall also sign the payment list and the reverse of the telepay form.

- 7.7 Payment for certain items may be made by BACS or CHAPS provided that the instructions for each payment are signed by two authorised Member signatories and documentary evidence retained.
- 7.8 Payment may be made by internet banking transfer provided evidence is retained showing which Members approved the payment.
- 7.9 No employee or Councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or a duly delegated Committee.
- 7.10 Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 7.11 The Council, and any Members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.
- 7.12 Where internet banking arrangements are made with any bank, the Clerk and RFO shall be appointed as Service Administrator. The bank mandate approved by the Council shall identify the number of Members who will be authorised to approve transactions on those accounts along with the Town Clerk. The bank mandate will state clearly the maximum value of payments that can be instructed by the Service Administrator. ~~Online transactions will require the approval of the Town Clerk and one authorised Member signatory who are authorised to approve payments up to a value of £50,000.~~ All schedules to approve payment of online transactions shall be presented to and authorised by two authorised Member signatories up to a value of £50,000 before the online transaction is authorised. Online transactions will require the approval of the Town Clerk, or in his/her absence the RFO, who are authorised to approve payments up to a value of £50,000. The Officer creating the payment must be different to the Officer authorising the payment.
- 7.13 For payments using online banking, the RFO, or in his/her absence an officer designated by him/her, shall initial the printed copy of online payments to indicate agreement of the details shown on the payment with sight of the invoice or similar supporting documentation.
- 7.14 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 password facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.
- 7.15 Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Town Clerk and the RFO. A programme of regular checks of standing data with suppliers will be followed.
- 7.16 The RFO may maintain such petty cash floats as are deemed necessary for operational purposes up to a maximum of £250 for any one float and provide petty cash to officers for the purpose of defraying operational and other expenses or

miscellaneous items of an urgent nature. Such petty cash accounts to be maintained on the Imprest system in the manner and form prescribed by the RFO:

- a) Vouchers for payments made from petty cash shall be kept to forwarded to the RFO with a claim for reimbursement and kept to substantiate the payment.
- b) Income received must not be paid into any petty cash float but must be separately banked, as provided elsewhere in these regulations.

7.17 The Council shall have a business charge card through Lloyds TSB Bank for use by the Town Clerk and shall be subject to automatic payment in full at each month-end.

7.18 Internal Control Procedures for purchases paid for by Charge Card:

- (i) Monthly expenditure on the Business Charge Card shall be limited to £3,000.
- (ii) Only the Town Clerk shall be authorised to use the Business Charge Card. With his/her written instructions the use of the card may be delegated to the RFO up to the value of £500 per week.
- (iii) The Town Clerk (or as above) shall be authorised to spend up to £500 in any one transaction on items identified in the budget (e.g. stationery) or that has previously been approved by Committee up to the value of £500.
- (iv) Prior to a purchase being made or an order placed;
  - (a) An official order shall be raised and signed by the Town Clerk
  - (b) A Business Charge Card authorisation form shall be completed with purchase details attached.
- (v) The expenditure must be authorised by:
  - (a) The RFO, or in his/her absence, an officer designated by him/her and
  - (b) Any two of the authorised Member signatories who will sign the monthly Business Charge Card statement when it is received with sight of the invoice or similar supporting documentation.

## **8. PAYMENT OF SALARIES**

8.1 The payment of all salaries, wages and other emoluments shall be made by the RFO in accordance with the instructions of the Town Clerk, taking into account national pay awards and other information likely to have a bearing on individual staff members' conditions of service.

8.2 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. Salaries shall be as agreed by Council or duly delegated Committee.

8.3 The RFO is responsible for keeping all payments 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.

- 8.4 No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the relevant Committee.
- 8.5 Confidential payroll records are not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
- a) by any Councillor who can demonstrate a need to know;
  - b) by the internal auditor;
  - c) by the external auditor; or
  - d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.
- 8.6 Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 8.7 Before employing interim staff the relevant Committee must consider a full business case.

## **9. MEMBERS' ALLOWANCES**

- 9.1 Allowances as recommended by the Independent Panel on Members' Allowance for the District Council, or otherwise agreed by the Town Council, shall be paid on a monthly basis to those Members who have indicated through agreed procedures that they wish to receive such payments. Where a Member fails to register their interest, in receiving the payment of the Basic Allowance, by 31 March in each municipal year, then that Member, shall forego their entitlement to the Basic Allowance. In a year with elections, Members wishing to receive the Basic Allowance in that year, who have either not stood for re-election or are not returned, must indicate accordingly by 31 May of that year. Failure to do so will indicate that they wish to forego their entitlement. Payment in these cases will be pro-rata.
- 9.2 Travel and Subsistence allowance shall not be paid for travel within the boundaries of the Town but will be available to Members representing the Council on approved duties which will be agreed by the appropriate Committee. The Mayor and Deputy Mayor shall be entitled to Travel and Subsistence Allowances when carrying out approved, official duties on behalf of the Council.

## **10. LOANS AND INVESTMENTS**

- 10.1 All borrowings shall be affected in the name of the Council and be subject to approval of the Council who shall determine the terms and purpose of the application for the necessary borrowing approval.
- 10.2 Once the borrowing approval has been received, the Council shall approve the application for borrowing. The decision to borrow must be taken by the full

Council (2003 Act, Schedule 1 paragraph 2(4)). This is a separate decision from the decision to apply for borrowing approval.

- 10.3 Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.
- 10.4 All investments of money under the control of the Council shall be in the name of the Council and made under arrangements approved by the Town Clerk and RFO.
- 10.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 10.6 The Council shall agree an annual investment strategy, in accordance with relevant regulations, proper practices and guidance and shall be reviewed by Council at least annually.
- 10.7 Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 6 (Authorisation of Payments) and Regulation 7 (Payment Procedures). The RFO (or in his/her absence the Town Clerk) shall be authorised to make all necessary transfers between the Council's bank accounts and investments to achieve the best possible interest within the guidance of the Council's Annual Investment Strategy.

## **11. INCOME**

- 11.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 11.2 The RFO shall make and maintain adequate arrangements for prompt and proper banking and accounting for all cash, including its collection, custody, control and deposit.
- 11.3 All sums received on behalf of the Council shall be banked intact without undue delay, 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.
- 11.4 The Town Council shall agree the scale of fees and charges for each service on, at least, an annual basis following a report of the Town Clerk.
- 11.5 Personal cheques shall in no circumstances be cashed out of money held on behalf of the Council.
- 11.6 Any sums found to be irrecoverable and any bad debts shall be reported to the Policy and Finance Committee and shall be written off in the year.
- 11.7 The RFO shall promptly complete any VAT Return that is required. Any

repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

## **12. ORDERING PROCEDURES**

- 12.1 Official Orders shall be issued for all work, goods or services to be supplied to the Council and such orders should be signed by the Town Clerk or any other Officer duly authorised by Council, such authorisation to be evidenced in writing.
- 12.2 The Order Books shall be issued under the control of the RFO.
- 12.3 Each Order raised shall conform with the directions of the Council with respect to Standing Orders and Financial Regulations.
- 12.4 Copies of official orders should be retained. One filed with the purchase invoice and a second copy in a separate file.
- 12.5 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 15 below.
- 12.6 A member may not issue an official order or make any contract on behalf of the Council.

## **13. CONTRACTS**

- 13.1 Every contract made by the Council or by a Committee or Officer acting on its behalf shall comply with the EU Treaty and with any relevant Directives of the EU **and Regulations arising from the withdrawal of the UK from the EU** for the time being in force in the United Kingdom and except as hereinafter provided, the Town Council's Procurement Policy (Appendix 1), ~~these Standing Orders and Financial Regulations. These Standing Orders and Financial Regulations apply only to contracts for the supply of goods, services or materials, or the execution of works and in particular, shall not apply to the following:~~
- 13.2 Procedures as to contracts are laid down as follows:  
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 below:
- contracts of employment;
  - any contract, for the sale or purchase of any right in or over land or premises;
  - to any other agreement, licence or wayleave relating to land or premises;
  - for the supply of gas, electricity, water, sewerage and telephone services;
  - for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants;

- 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;
- for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
- for additional audit work of the external Auditor up to an estimated value of £500 (in excess of this sum the Town Clerk and RFO shall act after consultation with the Chair and Vice-Chair of Council);
- for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.

13.3 It shall be a condition of any contract between the Council and any person (not being an Officer of the Council) who is required to supervise a contract on their behalf or nominate there under a sub-contractor or supplier that, in relation to such contract or nomination, he/she shall comply with the requirements of these Standing Orders and Financial Regulations as if he/she were an Officer of the Council. In these Standing Orders and Financial Regulations, any reference to an Officer of the Council shall be deemed to include a reference to any such person aforesaid.

13.4 Before any contract for the supply of goods and materials, execution of works, or any provision as to the maintenance or servicing thereof is made, the Town Clerk and/or Responsible Financial Officer shall ensure that the estimated cost of said supply or works has been included in the annual budget of the Council under the appropriate heading.

13.5 Any proposed contract for the supply of goods and materials, execution of works or any provision as to the maintenance or servicing thereof which has not been included in the annual budget shall be the subject of a separate report to the appropriate Committee or the Council. If approved, normal tender procedures will apply.

#### **14. CONTRACT EXEMPTIONS**

14.1 Exemption from any of the following provisions of these Financial Regulations may be made by direction of the Council or a Committee within whose Terms of Reference the subject matter of the contract falls where the Council or Committee is satisfied that the exemption is justified in special circumstances.

14.1 Every exemption made by a Committee to which the power of making contracts has been delegated shall be reported to the Council and the report shall specify the circumstances by which the exemption shall have been justified.

14.2 Express note of any exemption from any of the provisions of these Standing Orders and of the emergency, if any, by which the exemption shall have been justified shall, unless recorded in the report of a Committee which is laid before the Council, be made in the Minutes of the Council meeting.

#### **15. TENDERING PROCEDURES**

15.1 An invitation to tender shall state the general nature of the intended contract and

the Town 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 Town 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.

- 15.2 Any invitation to tender issued under this regulation shall be subject to the Town Council's Procurement Policy (Appendix 1), Standing Orders and shall refer to the terms of the Bribery Act 2010.
- 15.3 The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
- 15.4 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.
- 15.5 The European Union Procurement Directive and Public Procurement (Amendment etc.)(EU Exit) Regulations 2019 shall apply and the terms of the Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2001<sup>16</sup> including published thresholds shall be followed.
- 15.6 Where the estimated cost of works, goods and materials and related services is as set out below and the requisite provision thereof has been made in the approved budget, the arrangements for the invitation of tenders or quotations and the subsequent acceptance thereof shall be as shown:

Estimated Value			Method of Invitation	Acceptance by
0	to	£1,499	Best Practice to be followed, in line with Procurement Strategy	Town Clerk
£1,500	to	£16,000	Minimum of three invitations for quotations	Town Clerk
£16,000	to	£32,500	Minimum of four invitations for quotations. <u>Advertise contracts over £25,000 on Contracts Finder website within 24 hours of advertising elsewhere.</u>	Town Clerk
£32,500	to	£60,000	Minimum of five invitations for quotations with discretion to invite tenders by public advertisement. <u>Advertise contracts over £25,000 on Contracts Finder website within 24 hours of advertising elsewhere.</u>	Chair of the appropriate Committee or nominee and Town Clerk

above		£60,000	Invite tenders by public advertisement. <u>Advertise contracts over £25,000 on Contracts Finder website within 24 hours of advertising elsewhere.</u>
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In all cases up to £16,000 where the lowest tender received is in excess of 5% above the original budget, or in cases over £16,000 where it is in excess of the original budget, it shall be reported to the appropriate Committee for acceptance or otherwise.

#### 15.7 Tenders to be invited by Public Advertisement

Contracts which exceed £60,000 in value or amount for the supply of goods or materials or the execution of any work for which provision has been made in the annual budget shall not be made unless at least ten days public notice has been given in one or more of the local papers circulating in the district. Provided that it shall not be obligatory for the Council or any Committee exercising powers delegated by the Council to invite tenders for a contract or materials where effective competition is prevented by Government control or where the Town Clerk reports in writing to the Council or to the Committee exercising such powers that effective competition is prevented by the special nature of the goods or materials required. Nor shall it be necessary to give public notice of the intention to enter into such a contract.

#### 15.8 Exceptions to Tendering Procedures

The Order shall not apply to:-

- (i) purchase by auction;
- (ii) purchase or repair of patented or purchase of patented or proprietary goods or materials sold at fixed price;
- (iii) purchase of materials normally supplied by specialist contractors;
- (iv) the execution of work, the purchase of goods or materials or the provision of services involving special, scientific or artistic knowledge;
- (v) the execution of work or the purchase of goods or materials which are a matter of urgency after prior reference to the appropriate Committee Chair;
- (vi) the purchase of goods or materials which the Town Clerk may from time to time deem it expedient to make in the open market provided that before making any such purchase the approval of the Chair of the appropriate Committee concerned is obtained and finance is available in the appropriate budget;
- (vii) contracts with professional persons or companies for the execution of work and for advice in which the personal skills of the person or company is of primary importance, and
- (viii) those contracts where a Committee may expressly determine that it is in the Council's interests that a tender be negotiated directly with a contractor or supplier of goods or services.

#### 15.9 Requirements for Submission of Tenders

Where in pursuance of Financial Regulation 16 a public invitation to tender is required, every notice of such invitation shall state that no tender will be received except in a plain sealed envelope which shall bear the word "Tender" followed by the subject to which it relates, but shall not bear any name or mark indicating the sender and such envelopes shall remain in the custody of the Town Clerk until the time appointed for their opening.

#### 15.10 Declarations as to Conduct of Tenderer

In connection with the submission of tenders for the execution of works or supply of goods and materials, declaration shall be obtained from each tenderer in the following form:

"We declare that we are not parties to any scheme or arrangement under which:

- (i) we communicate the amount of our tender to any other person or body before the contract is let;
- (ii) any other tenderer for the works, which are the subject of our tender, is reimbursed any part of his tendering costs, and
- (iii) our tender prices are adjusted by reference directly or indirectly to the prices of any other tenderer for the works.

No provision is made in our tender price for any reimbursement of any adjustment of any contribution thereto".

#### 15.11 Procedure for Opening Tenders

- (i) All sealed tenders shall be opened at the same time on the prescribed date by the Town Clerk or an official of the Council designated by him/her in the presence of such Member(s) of the Council as may have been designated for the purpose by the Council or by the Committee or Sub-Committee to which the power of making the contract, to which the tenders relate, has been delegated. Where tenders have been opened in pursuance of this paragraph they shall be recorded and reported to the next meeting of the appropriate Committee.
- (ii) If less than three tenders are received for contracts above £60,000 or if all the tenders are identical the Council or relevant Committee may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.

#### 15.12 Limitations of Acceptance of Tenders

A tender other than the lowest tender if payment is to be made by the Council or the highest tender if payment is to be received by the Council shall not be accepted until the Council shall have considered a written report from the appropriate Officer.

### **16. CONTRACTS FOR SUPPLIES AND SERVICES ETC. EXCEEDING £25,000**

16.1 Every contract which exceeds £25,000 in value or amount shall be in writing and in a form prescribed or approved by the Council's legal adviser and signed by the Town Clerk on behalf of the Council.

## **17. CONTRACTS FOR SUPPLIES, SERVICES OR WORKS ETC. LESS THAN £25,000**

17.1 Every contract for which provision has been made in the approved estimates and/or approved by the appropriate Committee of the Council pursuant to the Town Council's Procurement Policy (Appendix 1), Standing Orders and Financial Regulations and being in value of an amount less than £25,000 shall be entered into on behalf of the Council by the Town Clerk or authorised Officer by issuing of an official order only.

17.2 The Town Clerk shall take legal advice on the contract if they consider it necessary due to the need for expertise or the complexity of the contract.

## **18. CONTENTS OF WRITTEN CONTRACTS AND PENALTIES**

18.1 Every written contract shall specify:-

- the work, materials, matters or things to be furnished, had or done;
- the price to be paid with a statement of discounts or other deductions;
- the time or times within which the contract is to be performed;
- whether the contractor is accredited to ISO 9000 and approved by and will carry out work to the standard laid down by an appropriate national organisation such as Gas Safe or National Inspection Council for electrical Installation Contractors (NICEIC) and that such work will be covered by guarantees issued by these bodies.

## **19. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS**

19.1 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).

19.2 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.

19.3 Any variation to a contract or addition to or omission from a contract must be approved by the Town Clerk and issued to the Contractor in writing, the Council being informed of significant changes and where the final cost is likely to exceed the financial provision.

## **20. CORRUPT PRACTICES**

20.1 There shall be inserted in every written contract a clause empowering the

Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if in relation to the contract or in relation to any other contract with the Council:

- The contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any action in relation to the favour or disfavour to any person;
- The contractor or any person employed by him/her or acting on his/her behalf;
  - (a) shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916 or
  - (b) shall have given any fee or reward, the receipt of which is an offence under Section 117 (2) of the Local Government Act 1972.

## **21. ASSETS, PROPERTIES AND ESTATES**

- 21.1 The Town Clerk shall make appropriate arrangements for the custody of all title deeds **and Land Registry Certificates** of properties ~~owned~~ **held** by the Council. The RFO shall ensure a record is maintained of all properties ~~owned~~ **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 the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.
- 21.2 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 £500. 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).
- 21.3 No real property (interests in land) shall be **purchased or otherwise acquired, sold, leased or otherwise disposed of** ~~purchased or acquired~~ without the authority of the Council, **together with any other consent 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).
- 21.4 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.

## **22. INSURANCE**

- 22.1 Following risk management arrangements (per Regulation 24), the RFO shall

effect all insurance cover and negotiate all claims on the Council's insurers.

- 22.2 All members of staff with line management responsibility are responsible for notifying the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing risks or insurances.
- 22.3 A comprehensive record of all insurances effected by the Council and the property and risks covered thereby shall be maintained and reviewed annually.
- 22.4 All members of staff are responsible for immediately notifying the RFO, in writing, of any loss, theft, liability or damage, or of any event likely to lead to a claim. The RFO shall ensure that the Town Clerk and relevant Committee Chair are informed.
- 22.5 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 by the Council.

### **23. INTERNAL CONTROL**

- 23.1 The Town Clerk and RFO, under the direction of the Governance & Audit Committee shall be responsible for all internal control matters.
- 23.2 The Council's system of internal control shall cover:
- i) Appointment of Proper Officers and the RFO;
  - ii) Proper book-keeping and financial reporting arrangements;
  - iii) Financial Regulations including Standing Orders and payment controls;
  - iv) Risk management arrangements;
  - v) Budgetary controls;
  - vi) Income controls;
  - vii) Petty cash controls;
  - viii) Payroll controls;
  - ix) Capital controls covering asset management, investments and borrowing;
  - x) Bank reconciliation;
  - xi) Other areas identified from time to time in risk assessments.

### **24. RISK MANAGEMENT**

- 24.1 The Council is responsible for putting in place arrangements for the management of corporate risk. The Town Clerk in conjunction with the RFO, under the direction of the Governance & Audit Committee, shall be responsible for all corporate risk management matters and prepare, for approval by the Council, corporate risk management policy statements in respect of all activities of the Council. The Council's Corporate Risk Register shall be reviewed by the Council at least annually.
- 24.2 When considering any new service provision, the Town Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

## **25. REVISION AND SUSPENSION OF FINANCIAL REGULATIONS**

- 25.1 All financial figures contained within Standing Orders and these Financial Regulations will be increased as and when appropriate following review by the Governance & Audit Committee and approval by Council.
- 25.2 It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Town 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.
- 25.3 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.

# **LITTLEHAMPTON TOWN COUNCIL**

## **Procurement Policy**

### **1 Introduction**

- 1.1 The Council's overall objective in the procurement of goods and services will be to secure value for money and be able to clearly demonstrate how this has been achieved.
- 1.2 The Council's Standing Orders (SO) and Financial Regulations (FR) on contracts are the foundation on which this Procurement Policy is based, ensuring that fair, robust and transparent procurement processes are in place. These set out the process by which the Town Council will acquire the supply of goods or materials or the execution of works and provide details in respect of the tendering procedures and the thresholds which apply for the purchase of works, goods, materials or related services.

### **2 Aims**

- 2.1 The key aims of the Council are:
- 2.1.1 To deliver value for money, efficiencies and savings
  - 2.1.2 To support growth in the local economy
  - 2.1.3 To improve sustainability
  - 2.1.4 To build strong governance
  - 2.1.5 To put our residents and the local communities at the heart of everything we do

### **3 Policy Statement**

The Town Council will:

- Undertake procurement of all goods and services in accordance with the Council's Standing Orders & Financial Regulations and in compliance with UK and EU Regulations.
- Wherever possible appoint local suppliers and organisations in their procurement of goods and services.
- Pay all suppliers within 30 days of receipt of an acceptable invoice, providing that the goods or service have been received.
- Not be obliged to accept the lowest of any tender, quote or estimate but in all cases will specify the circumstances by which the exemption shall have been justified.
- Ensure all staff involved in procurement have the appropriate training, skills

and awareness of procurement regulations/policies/procedures.

- Keep up to date with best practice in procurement.
- Be open, fair and transparent in all their procurement without breaching supplier confidentiality.
- Manage all procurement related risks in accordance with the Council's risk management strategy.
- Collaborate with other public bodies for procurement where efficiencies can be made.
- Ensure that environmental and social issues form part of the decision making process in procurement.
- Ensure our contracts promote equality and diversity.
- Evaluate recurring contracts to ensure that value for money is being achieved.
- Publish all expenditure over £500 on its website.
- Publish details of all tenders and contracts over £5,000 on its website.

#### **4 Rules of procurement**

- 4.1 Before placing an order, checks must be made to ensure that:
- There is a suitable budget available for the purchase and
  - appropriate authority has been given i.e. a Committee decision or delegated authority.

If this is not the case then the potential purchase will need to go to Committee for approval after consultation with the Town Clerk and Responsible Financial Officer.

- 4.2 Purchases should always follow the rules laid down in the Council's Standing Orders and Financial regulations.
- 4.3 Wherever possible 2 or 3 comparative quotes should be obtained for expenditure under £1,500.
- 4.4 With regards to recurring tasks (goods/services), having established through quotations and tenders a preferred supplier for a specific service and/or goods, if sufficient confidence exists that future and similar work will be done economically based on past performance, it will not generally be necessary to seek a quotation for individual tasks with the chosen supplier. E.g. electricity, gas, security, plumbing work. Project work will still need to be quoted for as per Standing Orders & Financial Regulations. For smaller services, such as janitorial or stationery supplies prices should be regularly checked to combat complacency and ensure value for money is being achieved.

#### **5 E Procurement**

- 5.1 If the purchase is to be paid by invoice normal rules apply as above. If the purchase is via charge card Financial Regulations should be followed and the purchase must be done by the Finance Team and the order raised must be signed by the Town Clerk.



**LITTLEHAMPTON TOWN COUNCIL**  
**FINANCIAL REGULATIONS**  
**DECLARATION FORM**

I have been provided with and read the Town Council's **FINANCIAL REGULATIONS** and agree to adhere to this policy. I understand that by accepting these conditions that any intentional transgression or misuse may result in the Council instigating its disciplinary procedure or seek criminal prosecution.

NAME: \_\_\_\_\_  
(print)

SIGNED: \_\_\_\_\_

DATE: \_\_\_\_\_

**LITTLEHAMPTON TOWN COUNCIL**  
**Non-Confidential**

**Committee:** Governance and Audit

**Date:** 7<sup>th</sup> July 2020

**Report of:** The Town Clerk

**Subject:** Review of Delegations

**1. Summary & Background**

- 1.1** Under section 101 of the Local Government Act 1972, local authorities may arrange for the discharge of any of their functions by a committee, a sub-committee, or an officer of the authority. Where such arrangements are in place, they are recorded in a Scheme of Delegation which is part of the authority's Standing Orders.
- 1.2** The role of the Governance and Audit Committee is to monitor the effectiveness of the Town Council's internal governance systems and to recommend to Council improvements as required. These are live documents which should be reviewed on a regular basis to ensure that they meet the operational needs of the Council.
- 1.3** The Town Clerk and Deputy Town Clerk have undertaken a review of the current Scheme of Delegation to Officers and Committees which were approved by Full Council in October 2018. The Scheme of Delegation to Committees was up to date and the Committee is therefore recommended to recommend to Full Council that no changes be made.
- 1.4** The Scheme of Delegation to Officers has however been updated to reflect the changes to the staff structure over the past year, are highlighted in red and will be removed as the post no longer exists. The Committee is asked to consider and comment upon the updated version attached to this report and if satisfied with the delegations, recommend to Full Council that it is adopted.

**2. Recommendations**

The Committee is Recommended to:

- 1) Recommend to Full Council that no changes be made to the Scheme of Delegation to Committees.
- 2) Endorse the revised Scheme of Delegation to Officers attached to this report and to recommend them to Full Council for approval.

**3. Financial Implications**

- 3.1** There are none relating to this report.

Peter Herbert  
**Town Clerk**

# LITTLEHAMPTON TOWN COUNCIL

## SCHEME OF DELEGATION TO COMMITTEES

### 1. COMMUNITY RESOURCES COMMITTEE

Membership:	Council Nominations
Matters Delegated To Committee:	<p>All matters including the preparation of a draft budget for consideration by the Policy and Finance Committee and Council and the recommendation to Council of fees and charges relating to:-</p> <ul style="list-style-type: none"><li>• Youth Services.</li><li>• The Littlehampton Museum (excluding the provision and maintenance of the building).</li><li>• Parks and Open Spaces, including Rosemead Park.</li><li>• Community Arts and Events.</li><li>• Allotments.</li><li>• Community Centres excluding the provision and maintenance of the buildings.</li><li>• Tourism.</li><li>• Leisure.</li><li>• Community Grants.</li><li>• Wick Community Initiatives.</li><li>• The planting of roundabouts, the purchase of additional cuts of highway verges, tree planting and the occasional cleaning of alleyways etc.</li><li>• Stage-by-the-Sea.</li><li>• Ferry.</li></ul>

Membership	The Chair or Vice-Chair of the other Committees and Council nominations
Matters Delegated to Committee	<ul style="list-style-type: none"> <li>• The development of policy for recommendation to Council.</li> <li>• The annual review of the Council’s expenditure and income; the receipt of budget requests from other Committees and the formulation of the Council’s annual budget for Council approval.</li> <li>• The funding and monitoring of the Council’s support for economic regeneration.</li> <li>• Police liaison.</li> <li>• Health liaison.</li> <li>• Liaison with other local authorities and outside bodies.</li> <li>• The Mayoralty, for recommendation to Council.</li> <li>• All matters relating to the day-to-day administration of the Council.</li> <li>• Town Centre liaison and support.</li> <li>• Retail, employment and business matters.</li> <li>• Community Right to Challenge issues for approval by Council.</li> <li>• New Homes Bonus and Community Infrastructure Levy.</li> <li>• The oversight and delivery of the use of S.106 sums allocated to the Town Council.</li> </ul>

Membership:	Council nominations to include Chair and Vice-Chair from a minority political group.
Matters Delegated To Committee:	<p><u>Governance, Standards, Ethics and Probity</u></p> <ul style="list-style-type: none"> <li>• To promote a culture of openness, ready accountability and probity in order to ensure the highest standards of conduct of Councillors and employees.</li> <li>• To lead on all aspects of Corporate Governance by promoting the values of putting people first, valuing public service and creating a norm of the highest standards of personal conduct.</li> <li>• To oversee and manage probity for Councillors and employees and on the Members Code of Conduct.</li> <li>• To be responsible for the Council's Register of Members' interests.</li> <li>• To be responsible for written guidance and advice on the operation of the system of declarations of Members' Interests and to receive reports from the Monitoring Officer and Town Clerk on the operation of the system of declarations from time to time.</li> <li>• To establish, monitor, approve and issue advice and guidance to Councillors on the scheme of dispensation.</li> <li>• To establish when required a Standards Sub-Committee to determine how to comply with the recommendations of the Monitoring Officer (Standards Committee on Code of Conduct cases).</li> <li>• To receive regular reports on the performance of the complaints process and to form a panel to act as final arbiter when a complaint has been lodged against the Council. Furthermore, to recommend consequent revisions to related policies and procedures as appropriate.</li> <li>• To ensure the external operation of the Equal Opportunities policy.</li> <li>• The periodic review of the Council's Standing Orders.</li> <li>• The setting up and monitoring of control systems for the oversight of Council expenditure.</li> </ul> <p style="text-align: right;">cont.....</p>

Membership:	Council nominations to include Chair and Vice-Chair from a minority political group.
Matters Delegated To Committee:	<p><u>Audit Role</u></p> <ul style="list-style-type: none"> <li>• To provide independent assurance on the adequacy of the risk management framework and the internal control and reporting environment, including (but not limited to) the reliability of the financial reporting process and the Annual Governance Statement.</li> <li>• To be satisfied and provide assurance that appropriate action is being taken on risk and internal control related issues identified by the internal and external auditors and other review and inspection bodies.</li> <li>• To receive, and make recommendation on, such reports as are required in relation to all audit matters and including the Strategic Internal Audit Plan.</li> <li>• The Committee shall specifically have responsibility for oversight of and provision of assurance on the following functions: <ul style="list-style-type: none"> <li>❖ Internal audit, including its efficiency;</li> <li>❖ ensuring that Council assets are safeguarded;</li> <li>❖ maintaining proper accounting records;</li> <li>❖ ensuring the independence, objectivity and effectiveness of internal and external audit;</li> <li>❖ the arrangements made for cooperation between internal and external audit and other review bodies;</li> <li>❖ considering the reports of internal and external audit and other bodies, ensuring recommendations are considered by the appropriate standing Committee;</li> <li>❖ the scope and effectiveness of the internal control systems established by management to identify, assess, manage and monitor financial and non-financial risks (including measures to protect against, detect and respond to fraud and the Whistle Blowing Policy);</li> <li>❖ to recommend to Council any matters relating to improving Financial Regulations.</li> <li>❖ to recommend to Council the Annual Governance Statement.</li> </ul> </li> </ul> <p style="text-align: right;">cont.....</p>

Membership:	Council nominations to include Chair and Vice-Chair from a minority political group.
Matters Delegated To Committee:	<p><u>Performance oversight</u></p> <ul style="list-style-type: none"> <li>• The development and formulation of strategies, policies and procedures for the assessment and monitoring of performance.</li> <li>• The agreement of targets for service delivery after consultation with other Committees.</li> <li>• The review of the effectiveness of service delivery in all areas of the Council's functions and the making of recommendations to relevant Committees on the implementation of improvements.</li> <li>• The review of performance against agreed targets and subsequent making of recommendations to other Committees (and Council where appropriate) for improvement.</li> <li>• The examination of the Council's policy on consultation including its effectiveness and the identification of areas for improvement.</li> <li>• The comparison of the Council's performance against other service providers and similar councils and subsequent making of recommendations to other Committees (and Council where appropriate) for improvement.</li> </ul>

Membership:	One Member from each Ward and other nominated Councillors.
Matters Delegated To Committee:	<ul style="list-style-type: none"> <li>• The making of representations to the local Planning Authority on applications for planning permission as notified by Arun District Council.</li> <li>• The making of representations in respect of appeals against the refusal of planning permission.</li> <li>• Monitoring and commenting upon Strategic and Local Plans.</li> <li>• The making of representations to the Planning Authority on other planning matters, including Tree Preservation Orders.</li> <li>• Monitoring and commenting to the Highway Authority on all highway matters.</li> <li>• Street naming.</li> <li>• Commenting on licence applications for licensed premises.</li> <li>• Making representations to Arun District Council on Public Entertainment Licences as notified by that authority.</li> <li>• Commenting on the South Downs National Park.</li> <li>• Community and Public Transport matters.</li> <li>• All transportation matters (excluding the ferry).</li> <li>• Minerals and Waste Plans.</li> <li>• Neighbourhood Plan, Neighbourhood Development Orders and Community Right to Build.</li> <li>• Liaison with community groups and regarding the Community Right to Build and making recommendations to Council thereon.</li> <li>• Assets of Community Value – the nomination thereof and consultation with the community thereon.</li> </ul>

Membership:	Council nominations.
Matters Delegated To Committee:	<p>All matters, including the preparation of a draft budget for consideration by the Policy and Finance Committee and Council, relating to:-</p> <p><b>Property</b></p> <ul style="list-style-type: none"> <li>• The provision and maintenance of all buildings, land and capital equipment within allocated budgets.</li> <li>• The Manor House and its environs (excluding the operation of the Museum).</li> <li>• Southfields Jubilee Centre with the exception of the policy and operation of the Community Centres.</li> <li>• The acquisition and disposal of land as agreed by Council, within allocated budgets.</li> <li>• The production of an annual programme for the refurbishment and maintenance of Council owned property, together with budget estimates for consideration and approval by Council, following appropriate consultation with the responsible service Committee.</li> <li>• The provision and maintenance of street furniture and litter bins in the ownership of the Council.</li> <li>• The provision and maintenance of all street and footway lighting owned by the Town Council and to provide light in open spaces, including decorative lighting if required.</li> <li>• The drawing up of legal agreements licences and leases in connection with Council owned property (excluding allotment plot rentals and room bookings at Project 82).</li> </ul> <p style="text-align: right;">Cont...</p>

Membership:	Council nominations.
Matters Delegated To Committee:	<p><b>Personnel</b></p> <ul style="list-style-type: none"> <li>• The overseeing of the conditions of service of employees of the Town Council and making recommendations to Council on the following matters: <ul style="list-style-type: none"> <li>♦ Staffing levels.</li> <li>♦ Salary structures and pay.</li> <li>♦ Local Government Pension Scheme (LGPS).</li> <li>♦ Leave entitlement, including sick, maternity and special leave.</li> <li>♦ Hours of work.</li> <li>♦ Special conditions of service that might relate to a specific post or individual.</li> <li>♦ Allowances, expenses and subsistence.</li> <li>♦ Trade Union Membership.</li> <li>♦ Smoking at work.</li> <li>♦ Sickness.</li> </ul> </li> <li>• The internal operation of the Equal Opportunities Policy.</li> <li>• The operation of the Health and Safety Policy.</li> <li>• The operation and final arbiter, through a panel, for all staff appeals.</li> <li>• Appraisals.</li> </ul>

Membership:	Mayor and Chairs of Policy and Finance, Community Resources, Property and Personnel, Governance and Audit and Planning and Transportation Committees.
Terms of Reference:	<ul style="list-style-type: none"> <li>• To agree an appropriate way through the Committee cycle for issues that affect more than one Committee.</li> <li>• To make recommendations to Council on matters of Committee administration, including agenda layout, public fora, training needs etc.</li> <li>• To discuss the draft budget, if necessary, to enable an understanding of the pressures on other Committees when trying to achieve a budget target. (No formal recommendations would come from this meeting on this matter, but the Chairs would then be able to understand why there were pressures on their Committees and report this accordingly to their next service Committee meeting.)</li> </ul>

**7. EDITORIAL BOARD**

Membership:	Nominated representatives from each political group and the independent member, (each group to have a substitute).
Matters Delegated To Board:	<ul style="list-style-type: none"> <li>• Report to Policy and Finance Committee.</li> <li>• Publish four publications of the Newsletter annually.</li> <li>• Ensure that these publications:-             <ul style="list-style-type: none"> <li>(i) Are non-party political.</li> <li>(ii) Are produced to a timetable agreed by the Policy and Finance Committee.</li> <li>(iii) Include comprehensive coverage of all major issues affecting the Town and Town Council.</li> <li>(iv) Include all necessary performance and Quality Council Information.</li> </ul> </li> <li>• Ensure that the Procurement Policy is adhered to at all times in the publication process.</li> <li>• Ensure that the publication remains within budget.</li> <li>• Undertake regular consultation with the public of Littlehampton regarding the efficacy of Progress.</li> <li>• Report annually to the Policy and Finance Committee on the delivery of its Terms of Reference.</li> <li>• Report on all Town Council initiatives of importance or content.</li> <li>• Quote the relevant Chairs and/or Vice-Chairs of Committees and where appropriate Ward Councillors, when reporting stories.</li> <li>• Adhere strictly to the timetable agreed by the Policy and Finance Committee.</li> <li>• Be advised by the Town Clerk and Assistant Town Clerk.</li> </ul>

**8. MERIT AWARDS PANEL**

Membership:	The Mayor, the Chairs of the Policy and Finance and Community Resources Committees or their Deputies
Matters Delegated To The Panel:	To agree the recipients of the of the Annual Town Merit Awards.

# LITTLEHAMPTON TOWN COUNCIL

## SCHEME OF DELEGATION TO OFFICERS

### 1. GENERAL

#### 1.1 Powers

This Scheme of Delegation is made pursuant to the Local Government Act 1972 Section 101 and is part of Littlehampton Town Council's Standing Orders.

#### 1.2 Preliminary

- (a) Where the Council, a Committee or Sub-Committee or this Scheme of Delegation to Officers gives authority for the doing of any thing, the officer designated shall be entitled to take all necessary steps to complete the task.
- (b) Where authority is given but without naming an officer such authority shall be deemed as authorising the Town Clerk to take such steps.
- (c) The Town Clerk may exercise the powers delegated to any other Officer, except in relation to those functions allocated to the Deputy Town Clerk and Responsible Financial Officer as Responsible Financial Officer (unless deputising for him/her) (within the meaning of s 151 of the Local Government Act 1972) and to the Monitoring Officer (within the meaning of ss 5, 5A of the Local Government and Housing Act 1989).
- (d) The Town Clerk is the head of paid service.
- (e) The Monitoring Officer for The Town Council is the Arun District Council Monitoring Officer
- (e) The Heads of Service for the purpose of this Scheme of Delegation:  
Deputy Town Clerk and Responsible Financial Officer  
Assistant Town Clerk  
Communications Manager  
Events Manager  
Museum Curator  
Major Projects and Democratic Services Manager
- (f) In the event that a Head of Service's post ceases to exist or his or her responsibilities are transferred to another Head of Service (as the case may be), temporarily or permanently, then the powers given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.
- (g) Any reference to an Act of Parliament includes reference to any subordinate legislation made under it and to any modification and/or replacement of it or of such subordinate legislation.

- (h) The Deputy Town Clerk and Responsible Financial Officer shall be the first deputy for the Town Clerk and the Assistant Town Clerk shall be the second deputy if both the Town Clerk and Deputy Town Clerk and Responsible Financial Officer are absent.
- (i) The Town Clerk shall deputise for the Responsible Financial Officer in their absence.
- (j) This Scheme of Delegation came into effect on 1st June 2014.
- (k) Nothing in this Scheme of Delegation shall prejudice the validity of any actions taken by the officers before 1st June 2014 under any previous scheme or delegation.

### **1.3 Absence of Town Clerk (and deputies as set out in paragraph 1.2 (i))**

The Town Clerk may appoint one or more deputies to exercise his or her functions owing to absence or illness and such deputy is or such deputies are authorised to exercise the functions of the Town Clerk pursuant to the Standing Orders, Financial Regulations and this Scheme of Delegation except in relation to those functions allocated to the Deputy Town Clerk and Responsible Financial Officer as Responsible Financial Officer (within the meaning of s 151 of the Local Government Act 1972 and ss 112-114A of the Local Government Finance Act 1988 (unless he or she is qualified under s 113)) and to the Monitoring Officer (within the meaning of ss 5, 5A of the Local Government and Housing Act 1989).

### **1.4 General Principles**

Where decisions are taken by officers under delegated powers the following principles and conditions shall apply:

- (a) Powers shall be exercised in accordance with the Policies, Standing Orders and Financial Regulations of the Council.
- (b) The officer exercising such power shall give effect to any resolution of the Council, Committee or Sub-Committee upon any matter of principle or policy in relation to the functions concerned.
- (c) Where an officer is authorised to take decisions, action to implement such decisions shall be taken in the name of (but not necessarily personally by) that officer but where the officer is the Town Clerk or a Head of Service he or she may authorise any other officer or an officer of another body referred to and by virtue of an agreement under the Local Government Act 1972 Section 113 specifically or generally to take such action either in the name of the Town Clerk or the Head of Service (as the case may be) or the sub-delegate's own name. Such sub-delegation must be evidenced in writing and a copy of the written authority must be sent to the Town Clerk, the Deputy Town Clerk and Responsible Financial Officer and Assistant Town Clerk.

- (d) The officer dealing with a matter shall arrange any inter-team or member-level consultation that shall be required. If inter-team agreement is not reached at Head of Service level, the matter shall be referred to the Town Clerk for consideration.
- (e) In any case where the officer exercising the power considers that a new departure in policy is likely to be involved, or if the implications are such that the officer considers that such course is necessary, the matter shall be referred to the Town Clerk for consideration before reference to the appropriate body.
- (f) Decisions within the meaning of The Openness of Local Government Bodies Regulations 2014 taken by officers shall, where indicated, be reported to the Town Clerk, who shall record the action taken in a register which shall be available for inspection in hard copy and online by Members and the public.
- (g) The Town Clerk may decide to seek Council, Committee or Sub-Committee authority rather than to exercise delegated authority in any matter.
- (h) The exercise of delegated authority shall be subject to there being appropriate and adequate budgetary provision both in the year of exercise and future years. Where an officer ('the instructing officer') requests another officer to exercise powers delegated to the other officer the instructing officer shall ensure that appropriate and adequate budgetary provision has been made.
- (i) The exercise of delegated authority shall be documented in the prescribed form (including the use of any electronic database) and copies sent to the Town Clerk and Deputy Town Clerk and Responsible Financial Officer.
- (j) Any decision which could attract legal liability to the Council shall be taken in consultation with the Town Clerk (see 1.2(j))
- (k) Any decision which has financial implications shall be taken in consultation with the Council's Responsible Financial Officer (within the meaning of the Local Government Act 1972 section 151) (see 1.2(j))
- (l) Any decision which could involve the exercise by the Council's Monitoring Officer of any of his or her powers shall be taken in consultation with him or her or in his or her absence, the Deputy Monitoring Officer.
- (m) The exercise of functions delegated under the Scheme of Delegation shall have regard to all relevant considerations and shall not take into account irrelevant matters. In particular officers exercising delegated authority must take proper account of the Council's duties to promote compliance with the Convention rights scheduled in the Human Rights Act 1998, to reduce crime and disorder, to promote harmonious race relations and to assess and manage relevant risks.

## 2. POWERS DELEGATED TO OFFICERS

Function	Delegated to	Deputy	Consultation
<b>2.1 Appointment of Staff</b> (a) The selection, interview and appointment of candidates for appointment to all posts on the establishment not specifically the responsibility of the Council. (See Appendix 1 for the interview panel criteria).	Town Clerk & Heads of Service within the criteria of Appendix 1	None	Deputy Town Clerk and Responsible Financial Officer
(b) The temporary appointment of relief staff where essential during periods of absence through maternity, sickness or holidays or as a result of resignation.	Town Clerk	Deputy Town Clerk and Responsible Financial Officer	Deputy Town Clerk and Responsible Financial Officer
<b>2.2 Discipline and Dismissal of Staff</b> The discipline of all employees and, with the agreement of the Town Clerk, the dismissal of any employee in accordance with the Council's disciplinary procedures.	Town Clerk & Heads of Service	None	Deputy Town Clerk and Responsible Financial Officer
<b>2.3 Overtime, Leave etc</b> (a) The authorisation of overtime working by personnel where unavoidable.	Town Clerk	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	Heads of Service
(b) The approval of the carrying over of more than the automatic entitlement of up to 3 days annual leave.	Town Clerk	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	None

	<b>Delegated to</b>	<b>Deputy</b>	<b>Consultation</b>
(c) Approval of taking more than 2 weeks consecutive leave.	Town Clerk	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	Deputy Town Clerk and Responsible Financial Officer
(d) The granting of concessionary leave on compassionate grounds up to seven days a year.	Town Clerk	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	Deputy Town Clerk and Responsible Financial Officer
(e) The granting of unpaid leave in accordance with the Council's local conditions of service.	Town Clerk	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	Deputy Town Clerk and Responsible Financial Officer
(f) The authorisation of timesheets, mileage and Subsistence claims and other expenses.	Town Clerk	Assistant Town Clerk (1) Deputy Town Clerk and Responsible Financial Officer (2)	Deputy Town Clerk and Responsible Financial Officer
<b>2.4 Adjustment to Staffing</b> The authorisation of minor regrading and accelerated increment progression within grade.	Town Clerk	None	Deputy Town Clerk and Responsible Financial Officer

### 2.5 Visits etc.

The authorisation of attendance by staff at such meetings, discussion groups, exhibitions, and conferences as may appear to be desirable in the interests of the Council and the granting of any reasonable and proper expenses.

### 2.6 Entertainment

The incurring of expenditure on the reception and entertainment by way of official courtesy of persons representative of or connected with local government or other public services whether inside or outside the United Kingdom in the sum not exceeding an annual total of £500.

### 2.7 Contracts \*

(a) In relation to his or her area of responsibility, the acceptance of tenders where required and the entering into of contracts for supplies or services or the carrying out of works in line with Contract Standing Orders.

(b) The compilation of select lists of tenderers.

(c) The selection of suitable persons for contracts in line with Contract Standing Orders.

\* The exercise of the power given by Paragraph 2.7 shall be subject to the requirements of Contract Standing Orders and all other requirements relating to the Council's contracts.

	<b>Delegated to</b>	<b>Deputy</b>	<b>Consultation</b>
2.5 Visits etc.	Town Clerk, Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	Assistant Town Clerk	None
2.6 Entertainment	Town Clerk	Deputy Town Clerk and Responsible Financial Officer	None
2.7 Contracts * (a)	Town Clerk	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	Deputy Town Clerk and Responsible Financial Officer
(b)	Deputy Town Clerk and Responsible Financial Officer	Town Clerk	Assistant Town Clerk (1) Major Projects and Democratic Services Manager (2)
(c)	Town Clerk	Assistant Town Clerk (1) & Deputy Town Clerk and Responsible Financial Officer (2)	Deputy Town Clerk and Responsible Financial Officer

**2.8 Licences, Notices etc.**

(a) Subject to this Scheme of Delegation the determination of any application for permissions, consents or licences or for registration.

(b) The issue and service of any notice, fixed penalty notice or requisition for information concerned.

(c) The carrying out of works in default following non-compliance with any notice.

(d) Subject to Paragraph 4.1 (legal proceedings), the management of any appeal, challenge or objection process against or in support of any of the Council's decisions.

**2.9 Contract Standing Orders etc**

The taking of any action authorised by Contract Standing Orders and Financial Regulations.

	<b>Delegated to</b>	<b>Deputy</b>	<b>Consultation</b>
(a)	Town Clerk	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	None
(b)	Town Clerk	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	None
(c)	Town Clerk	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	Deputy Town Clerk and Responsible Financial Officer
(d)	Town Clerk	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	Deputy Town Clerk and Responsible Financial Officer
2.9	Town Clerk	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	None

**2.10 Consultation Responses**

The responding to formal consultations from external organisations.

Delegated to	Deputy	Consultation
Town Clerk	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	Relevant Committee Chair

**3. POWERS DELEGATED SOLELY TO THE TOWN CLERK**

**Function**

**3.1 Urgency**

The taking on the Council's behalf of any action requiring urgency.

Deputy	Consultation
Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	Town Mayor or Deputy Mayor for Council matters. Relevant Committee Chair where matter delegated to Committee and Deputy Town Clerk and Responsible Financial Officer where finance is involved.
Deputy Town Clerk and Responsible Financial Officer	Deputy Town Clerk and Responsible Financial Officer & Heads of Service
Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	Deputy Town Clerk and Responsible Financial Officer & Heads of Service

**3.2 Staff**

(a) The confirmation or otherwise of appointments on completion of probationary period.

(b) The implementation of the Council's approved training policy including the assessment of training needs, the approval of attendance at courses as necessary and the determination of appropriate conditions.

	<b>Deputy</b>	<b>Consultation</b>
(c) The determination of the need to fill vacant posts and the advertising of any vacancy in the Council's establishment. (Subject to Appendix 1).	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	Deputy Town Clerk and Responsible Financial Officer & Assistant Town Clerk (where that post has line management responsibilities)
(d) The implementation of all the conditions of service on which the Council's staff are employed.	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	Deputy Town Clerk and Responsible Financial Officer
(e) The application of all legislation and regulations relating to industrial relations, employment and health and safety.	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	Deputy Town Clerk and Responsible Financial Officer
(f) The application of the Pensions Regulations including admissions to the scheme.	Deputy Town Clerk and Responsible Financial Officer	Deputy Town Clerk and Responsible Financial Officer
<b>3.3 Planning Applications etc.</b> The seeking of planning permission by the Council.	Assistant Town Clerk (1) <b>Major Projects and Democratic Services Manager</b> (2)	None
<b>3.4 Elections</b> The taking of any action required in connection with the organisation or holding of local elections or referenda.	Deputy Town Clerk and Responsible Financial Officer	None
<b>3.5 Emergencies, disasters and emergency planning</b> The exercise of the Council's powers in respect of emergencies, disasters and emergency planning.	Assistant Town Clerk (1) & Deputy Town Clerk and Responsible Financial Officer (2)	None
<b>3.6 Planning Agreements</b> The entering into of planning or other agreements regulating or controlling the use or development of land.	<b>Major Projects and Democratic Services Manager</b> (1) & Assistant Town Clerk (2)	Deputy Town Clerk and Responsible Financial Officer

	<b>Deputy</b>	<b>Consultation</b>
<b>3.7 Asset Management</b> The determination as land owner or landlord of applications for licences, consents and permissions in respect of the Council's buildings or land.	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	Chair of Property & Personnel Committee (excluding allotments, rental, room / hall hire)
<b>3.8 Community Safety</b> The implementation of the Council's policies regarding community safety and the reduction of crime and disorder.	Assistant Town Clerk	None
<b>3.9 Leisure Functions</b> The exercise of the Council's functions relating to the provision and management of recreational facilities and activities.	Assistant Town Clerk	None
<b>3.10 Leisure Management and Maintenance etc</b> The management and maintenance of parks, gardens, open spaces, recreational facilities, museums, youth centres and allotments within the Council's ownership or control.	Assistant Town Clerk (1), Deputy Town Clerk and Responsible Financial Officer (2)	None
<b>3.11 Social Well-being</b> The exercise of the Council's functions concerning social well-being.	Assistant Town Clerk	None
<b>3.12 Anti-social behaviour</b> The taking of any action to combat anti-social behaviour.	Assistant Town Clerk	None
<b>3.13 Community Development</b> The implementation of the Council's policies regarding community development.	Assistant Town Clerk	None
<b>3.14 Parking</b> The exercise of the Council's functions regarding off-street parking.	Assistant Town Clerk	None

<p><b>3.15 Events, Tourism, Arts and Sports</b> The exercise of the Council's functions regarding Events &amp; Tourism.</p>	<p><b>Deputy</b> Events Manager (1) Assistant Town Clerk (2)</p>	<p><b>Consultation</b> Events Manager</p>
<p><b>3.16 Community Centres</b> The exercise of the Council's functions regarding community and youth centres.</p>	<p>Assistant Town Clerk (1) &amp; Deputy Town Clerk and Responsible Financial Officer (2)</p>	<p>Assistant Town Clerk</p>
<p><b>3.17 Publicity and Progress Newsletter</b> The exercise of the Council's functions regarding publicity and the Progress newsletter.</p>	<p>Communications Manager (1) Events Manager (2)</p>	<p>Communications Manager</p>
<p><b>3.18 Allotment Management</b> The exercise of the Council's functions relating to its allotments, including (in line with policies) (a) The administration and collections of fees and charges. (b) Letting of vacant plots. (c) Ensuring adherence to the allotment rules and regulations. (d) The resolution of disputes. (e) The promotion of allotments. (f) The repossession of plots.</p>	<p>Assistant Town Clerk (1) PA to the Town Clerk (2)</p>	<p>Assistant Town Clerk</p>
<p><b>3.19 Grants and Service Funding Agreements</b> The exercise of the Council's functions regarding grants and service funding agreements.</p>	<p>Assistant Town Clerk</p>	<p>Assistant Town Clerk</p>
<p><b>3.20 Highways Functions and Other Delegated Function</b> The delivery of any such scheme that has been approved by Council.</p>	<p>Assistant Town Clerk</p>	<p>Assistant Town Clerk</p>
<p><b>3.21 Non-Strategic Policies</b> The making of minor amendments to ensure the policies are contemporaneous and remain legal.</p>	<p>Deputy Town Clerk and Responsible Financial Officer</p>	<p>Deputy Town Clerk and Responsible Financial Officer</p>

	<b>Deputy</b>	<b>Consultation</b>
<b>3.22 Buses, Bus Services and Bus Shelters</b> The exercise of the Council's functions regarding buses, bus services and bus shelters.	Assistant Town Clerk	Deputy Town Clerk and Responsible Financial Officer
<b>3.23 Complaints/Freedom of Information/Data Protection</b> The delivery of the Council's responsibilities arising from complaints and requests under Freedom of Information and Data Protection.	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	None
<b>3.24 Mayoralty</b> The exercise of the Council's functions regarding the Mayoralty.	Deputy Town Clerk and Responsible Financial Officer (1) & PA to the Mayor (2) PA to Town Clerk (3)	The Town Mayor (Deputy Mayor)
<b>3.25 Other Town Council Property, Land and Equipment</b> The exercise of the Council's responsibilities and functions regarding any land, building or equipment owned by or licensed to or otherwise in the keeping of the Town Council.	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	None
<b>3.26 Charge Card</b> To be used in line with Financial Regulations.	*Deputy Town Clerk and Responsible Financial Officer * In accordance with Financial Regulation <a href="#">6.77.18</a>	None
<b>3.27 Purchases</b> To approve purchases within Budget and in line with the Council's Standing Orders and Financial Regulations	Assistant Town Clerk (1) & Responsible Financial Officer (2) Amenity Team Leader up to £150	Deputy Town Clerk and Responsible Financial Officer
<b>3.28 Mayor's Discretionary Fund</b> Funding approved by Town Clerk on the recommendation of the Mayor.	Deputy Town Clerk and Responsible Financial Officer	Deputy Town Clerk and Responsible Financial Officer to report to Council at next meeting

	<b>Deputy</b>	<b>Consultation</b>
<p><b>3.29 Legal Proceedings (subject to Standing Orders)</b></p> <p>(a) The institution, prosecution or termination of any proceedings which the Council is empowered to undertake in or before any court, tribunal or inquiry.</p> <p>(b) The defence or settlement of any proceedings brought against the Council.</p> <p>(c) The taking of any action incidental or conducive to or which would facilitate any action under this Paragraph (3.29).</p>	Deputy Town Clerk and Responsible Financial Officer	Town Mayor / Deputy Mayor
<p><b>3.30 Writing off Debts*</b> The writing off of debts not exceeding £500. * In accordance with Financial Regulation <a href="#">5.511.6</a></p>	Deputy Town Clerk and Responsible Financial Officer	Chair of Policy & Finance Committee
<p><b>3.31 Cheque Signing</b> The signing of petty cash cheques as agreed from time to time in line with Financial Regulations.</p>	Deputy Town Clerk and Responsible Financial Officer	None
<p><b>3.32 Authorisation of Payments</b> Authorisation of invoices for payment.</p>	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	None
<p><b>3.33 Salaries</b> To pay salaries monthly as per agreed pay scales.</p>	Deputy Town Clerk and Responsible Financial Officer (1) Assistant Town Clerk (2)	None
<p><b>3.34 Museum Collection <u>Care</u></b> The day-to-day management of the Museum collection, including acquisitions, disposals, display, exhibitions and presentation, all within Council policies.</p>	Museum Curator (1) Assistant Town Clerk (2)	Deputy Town Clerk and Responsible Financial Officer

**3.35 Websites**

The day to day management of the Town Council's websites including material and editorial control of the content in line with Council policies.

Deputy	Consultation
Communications Manager (1) Deputy Town Clerk and Responsible Financial Officer (2)	None

**4. POWERS DELEGATED TO THE DEPUTY TOWN CLERK AND RESPONSIBLE FINANCIAL OFFICER (IN CONSULTATION WITH THE TOWN CLERK)**

<b>Function</b>	<b>Consultation</b>
<p><b>4.1 Insurance</b> The making of payments into the insurance fund and the settlement of any claims where the Council's insurers may be involved.</p>	Town Clerk
<p><b>4.2 Investments</b> The investment of available funds on appropriate terms.</p>	Town Clerk
<p><b>4.3 Payments</b> The making of any payments due.</p>	Town Clerk
<p><b>4.4 Asset Management</b> The management and maintenance of the Council's property portfolio.</p>	Town Clerk
<p><b>4.5 Investment Transfers</b> The transfer of funds between the Council's bank/investment accounts including transfers to new fixed deposits.</p>	Town Clerk
<p><b>4.6 Earmarked Reserves</b> In line with Financial Regulations to earmark relevant underspends at year end.</p>	Town Clerk & Report to Council
<p><b>4.7 Mayor's and Deputy Mayor's Allowances</b> To pay in line with policy</p>	Town Clerk
<p><b>4.8 Councillor's Allowances</b> To pay in line with policy</p>	Town Clerk

**5. PROPER OFFICER APPOINTMENTS**

**5.1 Local Government Act 1972**

	<b>Proper Officer</b>	<b>Deputy</b>
S83(1) (members' acceptance of office)	Town Clerk	Deputy Town Clerk and Responsible Financial Officer
S84 (resignation of members)	"	"
S88(2) (filling of casual vacancy)	"	"
S89(1)(b) (filling of casual vacancy)	"	"
Part VA (access to information)	"	"
S115(2) (account for money)	Deputy Town Clerk and Responsible Financial Officer	Town Clerk
S146(1)(a) & (b) (transfer of securities)	"	"
S151 (financial administration)	"	"
S225(1) (deposit of documents)	Town Clerk	Deputy Town Clerk and Responsible Financial Officer
S229(5) (public inspection of documents)	"	"
S234(1) & (2) (authentication of documents)	"	"
Schedule 12 (Council minutes)	"	"
Schedule 14 Para. 25(7) (public health resolutions)	"	"

**5.2 Any other provision for which arrangements are not specifically made under this Scheme of Delegation**

<b>Proper Officer</b>	<b>Deputy</b>
Town Clerk	Deputy Town Clerk and Responsible Financial Officer

**6. AUTHORISATION TO ENTER LAND OR PREMISES**

**6.1 GENERAL**

- (a) This authorisation authorises those Officers named in Paragraph 1.2(f) to enter land or premises for or in connection with their duties and pursuant to the functions mentioned.
- (b) The authority to enter land or premises shall be exercisable subject to any statutory constraints and Paragraph 1.
- (c) A reference to any Act shall include reference to any amendment or re-enactment and any subordinate legislation.
- (d) 'Head of Service' shall have the same meaning as in Paragraph 1.2(d).
- (e) In the event that a post ceases to exist or the name of the post is changed or the responsibilities of that post are transferred to another post, temporarily or permanently, then the authority given by this authorisation shall be exercisable by the officer in whose area of responsibility the right to enter falls to be exercised.
- (f) The right to enter given by Paragraph 6 shall extend to the exercise of the power to make inspections, to provide samples and to examine and seize goods.
- (g) A person authorised to enter land may take with him or her such other persons and equipment as may be necessary.
- (h) This authorisation entitles a person authorised to enter land to seek a warrant to enter.
- (i) The authorisation of an officer to enter land shall be taken as the appointment of that officer among other things for that purpose.

**6.2 ALL PURPOSES**

The following are authorised to enter land or premises for any purposes for which the Council is empowered to authorise entry:

- Town Clerk
- The Deputy Town Clerk and Responsible Financial Officer
- Assistant Town Clerk

## APPENDIX 1

### MEMBER INVOLVEMENT IN THE INTERVIEW PROCESS

Town Clerk	<ul style="list-style-type: none"> <li>• An Extraordinary Meeting of Property &amp; Personnel Committee to be called within 7 days of resignation to agree process to fill vacancy</li> <li>• Interview panel to comprise Mayor and Chair of Property &amp; Personnel (Deputy Mayor or Vice Chair in their absence) and a third Member to achieve some political balance.</li> <li>• Advice to panel from Town Clerk and/or a Town Clerk from another Quality Town Council.</li> </ul>
Deputy Town Clerk and Responsible Financial Officer	<ul style="list-style-type: none"> <li>• Two Members from the Mayor, Deputy Mayor, Chair of Policy &amp; Finance and Chair of Property &amp; Personnel, together with the Town Clerk.</li> <li>• Further advice to be sought from the Responsible Financial Officer from another Best Value and Quality Town Council.</li> </ul>
Assistant Town Clerk	<ul style="list-style-type: none"> <li>• Two Members from the Mayor, Deputy Mayor, Chairs of Policy &amp; Finance, Property &amp; Personnel or Community Resources Committees, with the Town Clerk.</li> </ul>
PA to Town Clerk	<ul style="list-style-type: none"> <li>• Town Clerk and DTC &amp;RFO</li> </ul>
Major Projects Manager	<ul style="list-style-type: none"> <li>• Town Clerk, DTC &amp;RFO and Chair or Vice-Chair of P&amp;F</li> </ul>
Management Team (Project 82 Manager, Museum Curator, Events Manager, Communications Manager)	<ul style="list-style-type: none"> <li>• One Member from the Chair or Vice Chair of the Community Resources or Property &amp; Personnel Committees with the Town Clerk or DTC &amp;RFO or ATC. (Project Manager: advice from Neighbourhood Youth Worker Museum Curator: advice from West Sussex Museums Council)</li> </ul>
Mayor's Secretary	<ul style="list-style-type: none"> <li>• Mayor or Deputy Mayor, Town Clerk and DTC and RFO</li> </ul>
Project 82 Staff	<ul style="list-style-type: none"> <li>• Project Manager - with Assistant Town Clerk )</li> </ul>
All other staff	<ul style="list-style-type: none"> <li>• At least one of Town Clerk, DTC &amp;RFO and ATC.</li> </ul>

Approved 4<sup>th</sup> July 2017 – Reviewed 7<sup>th</sup> July 2020

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## **LITTLEHAMPTON TOWN COUNCIL**

### **Non- Confidential**

**Committee:** Governance and Audit  
**Date:** 7<sup>th</sup> July 2020  
**Report by:** Town Clerk  
**Subject:** Complaints Policy Review

#### **1. Background and update**

- 1.1** The current Complaints Policy was approved in March 2016 and was the result of a significant review that introduced fundamental changes which brought it up to date in terms of the access and contacts that the public have with the Council. A register of all complaints, comments and complements and information requests was also formally established, and this is reported annually to this Committee in February. The last report was considered by Members at the Meeting on 4<sup>th</sup> February 2020.
- 1.2** The Policy has recently been reviewed by the Town Clerk and the Deputy Town Clerk and Responsible Financial Officer and minor changes are proposed to bring it into line with the staff structure, update some of the terminology in the text and the Data Protection Regulations (GDPR). These are highlighted in red and blue as track changes in the revised document attached to this report (Appendix A).

#### **2. Recommendations**

The Committee is RECOMMENDED to

Comment upon and endorse the updated Complaints Policy and should there be any significant changes that it be referred to Council for approval.

#### **3. Financial Implications**

There are none arising from this report.

Peter Herbert  
**Town Clerk**

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## Littlehampton Town Council Complaints Policy

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### 1. Introduction

1.1 This Policy sets out the formal Complaints Procedure of Littlehampton Town Council.

1.2 [The Town Council is committed to dealing effectively with any concerns or complaints about our service. If we have got something wrong, we will apologise, and we will try to put things right. We also learn from our mistakes and use the information we gain to improve our services.](#)

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1.2.1.3 This Policy covers all activities of the Town Council and may be used by members of the public who have a specific complaint about the conduct, [administration](#)~~administration~~, or operation of the Council.

1.3.1.4 A complaint can be defined as "An expression of dissatisfaction about the standard of the Town Council's service, actions or lack of action by staff, particularly where a problem has not been remedied to the satisfaction of the complainant".

1.4.1.5 This Policy does *not* cover

i) *complaints against services or actions for which the Town Council is not responsible such as those provided by District, County or Central Government, to whom the complaint must be made direct.*

ii) *complaints made about elected Town Council Members. These complaints must be made direct to the Monitoring Officer, at Arun District Council. The address is Arun Civic Centre, Maltravers Road, Littlehampton, West Sussex BN17 5LF. The telephone number is 01903 737500.*

ii)iii) [matters relating to a Freedom of Information or Data Protection issue. In this circumstance, you should contact the Town Clerk or Deputy Town Clerk and Responsible Financial Officer.](#)

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### 2. Objectives of the Complaints Policy

2.1 The objectives of the Policy are:

- a. To provide the public with a formalised system if a complaint is made against the Town Council.
- b. To fix the timescales during which a complaint must be investigated.
- c. To state how the complaint will be investigated.
- d. To state who will investigate the complaint.
- e. To formalise how the response to the complainant will be made.
- f. To allow the Town Council to review its procedures to prevent a further occurrence of this nature.

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### 3. Procedure for making a Complaint

- 3.1 Members of the public may make a complaint about Town Council services and administration in the following ways:-ways:-
- a. To a Town Councillor.
  - b. In person at the Town Council offices.
  - c. By writing to the Town Clerk at the Council offices.
  - d. Via the 'contact us' page of the Council's website.
  - e. By email.
  - f. By telephone or fax.
  - g. Through a representative, e.g. friend, advocateadvocate, or solicitor.  
*Contact details are set out at the end of this policy.*
- 3.2 When making a complaint the complainant is encouraged to give as much detail as possible, for example:-example:-
- a. What service, policy, personperson, or aspect of the Council is the complaint about?
  - b. If appropriate, the date, timetime, and location where an incident may have taken place and who may have been affected.
  - c. The expectations held of Council services, particularly as a result of information provided or that staff or Councillors may have given.
  - d. Name, address and contact details so that the Council can respond to the complaint.
  - e. Anything else which would help to make the point and the subsequent investigation.
- 3.3 Should a complaint be specifically about the conduct of the Town Clerk the complaint should be sent to either the Town Mayor or **Deputy Town Clerk and Responsible Financial Officer** who will conduct the investigation to progress the complaint.

### 4. The Complaints Process

- 4.1 Upon receiving a complaintcomplaint, the Town Clerk or **Deputy Town Clerk and Responsible Financial Officer** will acknowledge this in writing to the complainant.
- 4.2 The complaint will be kept on file and logged in a spreadsheet specifically keptspecifically kept for this purpose.
- 4.3 The complaint should be resolved and answered within ten working days. If this is not possible the complainant should be advised of this in writing within ten working days.
- 4.4 The Town Clerk or **Deputy Town Clerk and Responsible Financial Officer** should investigate the complaint and record the result in the Complaints spreadsheet and when the complaint has been investigated, write to the complainant with the results. If the complaint involves one of these OfficersOfficers, then another should deal with the complaint.
- 4.5 If the complaint cannot satisfactorily be resolved in this way, a panel will be

convened comprising three of the following Councillors **one of whom will Chair the panel:-panel: -**

- Mayor,
- Deputy Mayor
- Committee Chair
- Committee Vice-Chairs.

- 4.6 The complainant should be informed of the date of the panel and should be invited to attend either personally or with a friend.
- 4.7 The Panel should be conducted in accordance with the National Association of Local Council's guidance as set out in Legal Topic Note 9E, as set out in paragraph 5 of this policy.
- 4.8 A summary report on the Panel's judgement must be reported to the next meeting of the appropriate Committee or Full Council.
- 4.9 The Panel hearing is the final stage of the Complaints Procedure. The Panel and Town Council are not covered by the Local Government Ombudsman.

## 5. The Panel Hearing

5.1 The public and press are not permitted at Complaints Panel hearings. ~~However~~the Town Mayor will report on the complaint at the next appropriate Council meeting. The order of business for the Complaints Panel meeting is in accordance with the National Association of Local Council's guidance as set out in Legal Topic note 9E as follows:-follows: -

- a. Chair to introduce everyone.
- b. Chair to explain procedure.
- c. Complainant (or representative) to outline grounds for complaint.
- d. Members to ask any question of the complainant.
- e. If the Panel believe that the matter has legal or technical complexities, support, (in the form of advice and guidance) from a Senior Officer of the Council, who has not been involved, or in exceptional circumstances from another Council, will be sought.
- f. If relevant, the Town Clerk or other proper Officer in attendance will explain the Council's position.
- g. Members to ask any question of the Town Clerk or other proper Officer.
- h. The Town Clerk or other proper Officer and the complainant to be offered opportunity of last word (in this order).
- i. The Town Clerk or other proper Officer and the complainant to be asked to leave the room while Members decide whether or not the grounds for complaint have been made. (If a point of clarification is necessary both parties to be invited back).
- j. Clerk or other proper Officer and complainant return to hear the decision or to be advised when the decision will be made.
- k. Following the conclusion of the meeting the complainant will be advised of the decision of the Panel, which is final with no right of further appeal. This will be confirmed in writing within 7 days with

**Appendix A**

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details of any action to be taken.

**6. Confidentiality and Data Protection**

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No information should be released to a third party without first seeking the agreement of the complainant. The Town Council will treat all personal data in accordance with the Data Protection Act.

**7. Our Governance and Audit Committee also considers our response to complaints at least once a year.**

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**1. 8. Contact Details**

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Address: Littlehampton Town Council  
Manor House  
Church Street  
Littlehampton  
West Sussex BN17 5EW

Telephone: 01903 732063  
Fax: 01903 731690

Email: [lrc@littlehampton-tc.gov.uk](mailto:lrc@littlehampton-tc.gov.uk)  
Web Site: [www.littlehampton-tc.gov.uk](http://www.littlehampton-tc.gov.uk)

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**GOVERNANCE AND AUDIT COMMITTEE WORK PLAN 2020/21**

<b>Description</b>	<b>* Frequency</b>	<b>Date of last review</b>	<b>Date of Next review</b>
<b>Annual Governance Review incorporating:</b> a) Members Code of Conduct b) Register of Members' interests c) Scheme of Dispensation	Annually / dictated by changes to legislation	Feb.2020	Feb.2021
Standing Orders *	Quadrennially	Feb. 2020	Feb. 2023
Scheme of Delegation to Committees *	Annually	July 2018	Report to this meeting
Scheme of Delegation to Officers *	Annually	July 2018	Report to this meeting
Review Financial Regulations *	Every 2/3 years	Feb. 2019	Report to this meeting
Annual Governance Statement	Annually	Feb.2020	Feb. 2021
Internal Audit Report	Half yearly	Feb. 2020	Report to this meeting
Review List of Internal Control Systems	Annually	Feb 2020	Feb. 2021
Corporate Risk Management Strategy and Procedures	Annually	Feb 2020	Feb. 2021
Corporate Risk Register (LCRS & Strategic Policies Risk Register)	Every 2/3 years	Feb 2020	Feb. 2021
Council's Aims and Objectives	Performance Review Annually / Every 2 /3 years as required	Wide ranging review following election of new Council in May 2019, concluded June 2020	Strategic Aims and Objectives to be reviewed by new Council - next review 2023
Complaints / Compliments Review	Annually	Feb 2020	Feb 2021
Complaints Policy	Every 2 /3 years as required	March 2016	Report to this meeting
Electronic Communications	Quadrennially	June 2015	Review on hold, to be revisited post COVID19 Pandemic

**\* unless there is a change to key staff / as a result of legislative or regulatory change.**

**Frequency of Meetings:** Tuesday 9<sup>th</sup> February 2021 and Tuesday 6<sup>th</sup> July 2021