

- iv) to give a personal explanation; or
- v) in exercise of a right of reply.

g) Points of Order and Personal Explanation

- i) During the debate of a motion, a Councillor may interrupt only on a point of order or a personal explanation and shall be entitled to be heard forthwith and the Councillor who was interrupted shall stop speaking.
- ii) A Councillor raising a point of order shall identify the Standing Order or statutory provision which s/he considers has been breached and the way s/he considers it has been breached or specify the irregularity in the meeting s/he is concerned by.
- iii) A point of order shall be decided by the Chairman and her/his decision shall be final.
- iv) A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood in the present debate.

h) Withdrawal of a Motion

A motion amendment may be withdrawn by the proposer with the consent of the Council and in cases of Motions Moved Without Notice with the consent of the seconder, which shall be signified without discussion, and no Councillor may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

i) Motions Which May be Moved During a Debate

When a Councillor's motion is under debate no other motion shall be moved except:

- i) To amend the motion
 - ii) To proceed to the next business
 - iii) To adjourn the debate
 - iv) To put the motion to a vote
 - v) To ask a person to be no longer heard or to leave the meeting
 - vi) To refer a motion to a committee or sub-committee for consideration
 - vii) To exclude the public and press
 - viii) To adjourn the meeting
 - ix) To suspend particular Standing Order, excepting those which reflect mandatory statutory requirements.
- j) Before an original or substantive motion is put to the vote, the Chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his/her right of reply.

k) Standing

A Councillor shall stand when speaking unless permitted by the Chairman to sit on account of infirmity.

l) Ruling on Point of Order or Personal Explanation

The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.

m) Mode of Address

During the sitting of the Council, Councillors shall address the Chairman and every Councillor shall, in referring to the Chairman, Vice-Chairman, Councillors and Officers, employ their respective official titles.

n) Only One Councillor to Stand and Speak at a Time

A Councillor when speaking shall stand and address the Chairman. If two or more Councillors rise, the Chairman shall call on one to speak; the other or others shall then sit. While a Councillor is speaking the other Councillors shall remain seated and silent, unless rising on a point of order or in personal explanation.

o) Respect for the Chairman

Whenever the Chairman speaks during a debate a Councillor then standing shall resume her/his seat and the Council shall be silent.

p) Closure Motions

A Councillor may move without comment at the conclusion of a speech of another Councillor:

- i) "That the Council proceed to the next business".
- ii) "That the motion be now put".
- iii) "That the debate be now adjourned".
- iv) "That the Council do now adjourn".

On the seconding of which the Chairman shall proceed as follows:

- On a motion "That the Council proceed to the next business", unless in her/his opinion the matter before the meeting has been insufficiently discussed, s/he shall first give the mover of the original motion a right of reply, and then put to vote the motion to proceed to the next business.
- On a motion "That the motion be now put", unless in her/his opinion the matter before the meeting has been insufficiently discussed, s/he shall first put to the vote the motion that the motion be now put, and if it is passed then give the mover of the original motion her/his right of reply under Standing Order 5(f) before putting her/his motion to the vote.
- On a motion "That the debate be now adjourned" or "That the Council do now adjourn"; if in her/his opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discuss on that occasion, s/he shall put the adjournment motion to the vote without giving the mover of the original motion her/his right of reply on that occasion.
- On resuming an adjourned debate, the Councillor who moved its adjournment shall be entitled to speak first.

(NOTE: Where a meeting is adjourned the subsequent proceedings are part of the original meeting and no new notices or agendas need to be issued except a notification to Councillors not present of the date of the continuation of the meeting.)

g) Alterations of Motions

- i) For Motions Moved on Notice a Councillor may:
 - a) With the consent of the Council without discussion alter a motion of which s/he has given notice, provided the alteration is one which could be made as an amendment thereto;
 - and
 - b) Move amendments to her/his own motion.
- ii) For Resolutions Moved Without Notice a Councillor may:
 - a) With the consent of her/his seconder and the Council signified without discussion alter a motion, provided the alteration is one which could be made as an amendment thereto;
 - and
 - b) With the consent of her/his seconder, move amendments to her/his own motion.

7. CO-OPTION: PROCEDURE TO FILL A CASUAL VACANCY OCCURRING ON THE TOWN COUNCIL

- a) If a casual vacancy should arise on the Council due to:
 - a Councillor's failure to make his/her Declaration of Acceptance of Office within the proper time,
 - resignation or
 - death;then the Chief Executive Officer will normally start the proceedings to fill the vacancy without further recourse to a meeting of the Town Council.
- b) If a casual vacancy arises for any other reason, e.g. disqualification due to six months absence from meetings or other reason for disqualification, then the Chief Executive Officer on behalf of the Town Council shall declare the office vacant and start the proceedings to fill the vacancy without further recourse to a meeting of the Town Council.
- c) If a casual vacancy arises within six months of the day when the Councillor whose office is declared vacant would ordinarily have retired then no by-election may be demanded. As the Council is permitted either to advertise the vacancy for co-option or to leave the office vacant until the date of the next ordinary election, the Council will be asked at its next suitable meeting which option it wishes to pursue.
- d) Except in the circumstances described in (c) above, notice of the vacancy will be issued by the Town Council in consultation with the Electoral Services section of Lichfield District Council; notices will normally be placed on the Council's notice board, on the Council's web site, in Burntwood Library and in the local press.

- e) If a by-election is called, Electoral Services will inform the Town Council and will then make all the necessary arrangements for the by-election. Poll cards for the by-election will be issued by Electoral Services; poll cards are optional and the Town Council will incur a cost for issuing them.
- f) If no by-election is called, Electoral Services will inform the Town Council and the Town Council can co-opt a new Member. Normally the Chief Executive Officer will invoke the procedure to do this immediately without recourse to a meeting of the Council.
- g) Co-option vacancies will be advertised on the Council's notice board and through any other medium which the Council or Chief Executive Officer consider suitable.
- h) Applications for co-option will be considered at the next suitable meeting of the Council.
- i) Applicants for co-option will be asked to submit information about themselves and must confirm their eligibility for the position of councillor within the statutory rules. They will be invited to give a presentation of up to two minutes to the Council meeting at which the co-option will be considered.
- j) At the meeting there will be no further discussion following the presentations. The Council shall vote upon the applicant(s). The Council will suspend Standing Order 1(s) and agree to conduct the vote by signed ballot. Ballot papers will be distributed and the Council will proceed immediately to vote. The Council reserves the right not to make a co-option.
- k) Voting will be according to the statutory requirements, i.e. by a clear majority of those present and voting.
- l) The successful application will execute the Declaration of Acceptance of Office within the specified timeline after the decision has been made and will therefore receive summonses to meetings of the Council and may act as a Member of the Council.

8. CODE OF CONDUCT (ENGLAND)

See also Standing Orders 1(d)-(i) above.

- a) All Councillors shall observe the Code of Conduct adopted by the Council on 12 July 2012.
- b) If a Councillor has a personal interest as defined by the Code of Conduct adopted by the Council on 12 July 2012 then s/he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.
- c) Councillors with a Disclosable Pecuniary Interest (DPI) will leave the room when the item in which they have interest is discussed by the Council.
- d) If a Councillor who has declared a personal interest then considers the interest to be prejudicial, s/he must withdraw from the room or chamber during consideration of the item to which the interest relates.
- e) **Dispensation requests shall be in writing to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- f) A decision as to whether to grant a dispensation shall be made by a meeting of the Council, or committee or sub-committee for which the dispensation is required and that decision is final.

- g) The existence, duration and nature of any dispensations granted will be clearly minuted and included in the Register of Disclosable Interests.
- h) The Proper Officer is required to compile and hold a Register of Councillors' Interests, or a copy thereof, in accordance with agreement reached with the Monitoring Officer of the Responsible Authority and/or as required by statute.
- i) **A dispensation may be granted in accordance with standard order 8(f) above if having regard to all relevant circumstances the following applies:**
 - i) **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**
 - ii) **granting the dispensation is in the interests of persons living in the Council's area or**
 - iii) **it is otherwise appropriate to grant a dispensation.**

9. QUESTIONS

- a) A Councillor may seek an answer to a question concerning any business of the Council provided 2 clear days notice of the question has been given to the Proper Officer.
- b) Questions not related to items of business on the Agenda for a meeting shall only be asked during the part of the meeting set aside for such questions.
- c) Every question shall be put and answered without discussion.
- d) A person to whom a question has been put may decline to answer.

10. MINUTES

- a) If a copy of the draft Minutes of a preceding meeting has been circulated to Councillors no later than the day of service of the summons to attend the scheduled meeting they shall be taken as read.
- b) No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be moved in accordance with standing order 5(ii) above.
- c) Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the Minutes relate.
- d) If the Chairman of the meeting does not consider the Minutes to be an accurate record of the meeting to which they relate, s/he shall sign the Minutes and include a paragraph in the following terms or to the same effect:

"The Chairman of this meeting does not believe that the Minutes of the meeting of the () held on [date] in respect of () were a correct record but her/his view was not upheld by the majority of the () and the Minutes are confirmed as an accurate record of the proceedings."
- e) Upon a resolution which confirms the accuracy of the Minutes of a meeting, any previous draft Minutes or recordings of the meeting shall be destroyed.

f) Presentation of Committee Minutes and Reports

The Chairman of the committee concerned, or in her/his absence the Vice-Chairman or, should s/he also be absent, such other Councillor as the Chairman may select, shall move an original motion that the Minutes of her/his committee be received or approved and adopted as the case may be. On such a motion being duly seconded it shall operate as a series of motions that each item of the Minutes or report be received and the recommendations therein (if any) be adopted. The committee minutes shall here upon be open to discussion by the Council.

11. DISORDERLY CONDUCT

- a) No person shall obstruct the transaction of business at a meeting or behave offensively or improperly.
- b) If, in the opinion of the Chairman, there has been a breach of Standing Order 11(a) above, the Chairman shall express that opinion and thereafter any Councillor (including the Chairman) may move that the person be silenced or excluded from the meeting and the motion, if seconded, shall be put forth with and without discussion.
- c) If a resolution made in accordance with Standing Order 11(b) above is disobeyed the Chairman may take such further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

d) General Disturbance

In the event of general disturbance which, in the opinion of the Chairman renders the due and orderly dispatch of business impossible, the Chairman may, without the question being put, adjourn the meeting for such period as s/he at her/his discretion shall consider expedient.

e) Disturbance by Members of the Public

If the public interrupts the proceedings of any meeting, the Chairman of the Council or committee Chairman may, after warning, order that s/he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

12. REVISION OF PREVIOUS RESOLUTIONS

- a) A resolution (whether affirmative or negative) of the Council shall not be reversed within 6 months except either by a special motion, the written notice whereof bears the names of at least 11 Councillors of the Council, or by a motion moved in pursuance of the report or recommendation of a committee.
- b) When a special motion or any other motion moved pursuant to Standing Order 12(a) above has been disposed of, no similar motion may be moved within a further 6 months.

13. VOTING ON APPOINTMENTS

Where more than 2 persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of the votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. Any tie may be settled by the Chairman's casting vote.

14. EXPENDITURE

- a) Any expenditure incurred by the Council shall be in accordance with the Council's Financial Regulations.
- b) **The Council's Financial Regulations shall be reviewed once a year.**
- c) **The Council's Financial Regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a committee, sub-committee or to an employee.**
- d) **Orders for the payment of money shall be authorised by resolution of the Council and signed by two Councillors.**

15. EXECUTION AND SEALING OF LEGAL DEEDS

See also Standing Order 5(a)(xv) above.

- a) A legal deed shall not be executed on behalf of the Council unless the same has been authorised by resolution.
- b) **In accordance with a resolution made under Standing Order 14(a) above, any two Members of the Council may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**
- c) **Authentication of Documents for Legal Proceedings**

Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by the Proper Officer or a person authorised by him unless any enactment otherwise requires or authorises, or the Council give the necessary authority to another officer for the purpose of such proceedings.

16. COMMITTEES

See also Standing Order 1 above.

- a) The Council may, at its Annual Meeting, appoint committees and may at any other time appoint such committees as may be necessary, and:
 - i) Shall determine their terms of reference.
 - ii) May permit committees to determine the date of their meetings.
 - iii) Shall appoint and determine the term of office of members of such a committee so as to hold office no later than the next Annual Meeting.
 - iv) May appoint substitute Councillors to a committee whose role is to replace ordinary Councillors at a meeting of a committee if ordinary Councillors of the committee have confirmed to the Proper Officer 2 days before the meeting that they are unable to attend.
 - v) An ordinary Member of a committee who has been substituted at a meeting by a substitute Member (in accordance with Standing Order 16(a)(iv) above shall not be permitted to participate in debate or vote on business at that meeting and may only speak during any public participation session during the meeting.
 - vi) May in accordance with Standing Orders, dissolve a committee at any time.
 - vii) Except where authorised by statute or ordered by the Council, in the case of a committee, the quorum of a committee shall be one-half of its Members.

17. SUB-COMMITTEES

See also Standing Order 1 above.

- a) Unless there is a Council resolution to the contrary, every committee may appoint a sub-committee whose terms of reference and Members shall be determined by resolution of the committee.
- b)
 - i) No act of the sub-committee shall have effect until approved by the committee or the Council as appropriate.
 - ii) All sub-committees will report to the parent committee on a regular basis.
- c) The Chairman and Vice-Chairman of the committee shall be Members of every sub-committee appointed unless they signify that they do not wish to serve.

18. EXTRAORDINARY MEETINGS

See also Standing Order 1 above.

- a) **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b) **If the Chairman of the Council does not or refuses to call an extraordinary meeting of the Council within 7 days of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of the Council. The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.**
- c) The Chairman of a committee (or a sub-committee) may convene an extraordinary meeting of the committee or sub-committee at any time.
- d) If the Chairman of a committee (or a sub-committee) does not or refuses to call an extraordinary meeting within 7 days of having been requested to do so by two Councillors, those two Councillors may convene an extraordinary meeting of a committee (or sub-committee). The statutory public notice giving the time, venue and agenda for such a meeting must be signed by the two Councillors.

19. ADVISORY COMMITTEES

See also Standing Order 1 above.

- a) The Council may appoint Advisory Committees comprised of a number of Councillors.
- b) The name of an Advisory Committee, the number of Members and the bodies to be invited to nominate Members shall be specified.
- c) The Proper Officer shall inform the Members of each Advisory Committee of the terms of reference of the committees.
- d) An Advisory Committee may make recommendations and give notice thereof to the Council but its decisions and recommendations shall not be mandatory.

20. RESPONSIBLE FINANCIAL OFFICER

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

21. ACCOUNTS AND ACCOUNTING STATEMENTS

- a) "Proper practices" in Standing Orders refer to the most recent version of *Governance and Accountability for Local Councils – a Practitioners' Guide (England)*.
- b) All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.
- c) The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
 - i) the Council's receipts and payments for each quarter;
 - ii) the Council's aggregate receipts and payments for the year to date;
 - iii) the balances held at the end of the quarter being reportedand which includes a comparison with the budget for the financial year and highlights any actual or potential overspend.
- d) As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i) each Councillor with a statement summarising the Council's receipts and payments for the last quarter and the year to date for information; and
 - ii) to the Full Council the accounting statements for the year in the form of Section 2 of the Annual Return, as required by proper practices, for consideration and approval.
- e) The year end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft Annual Return shall be presented to each Councillor before the end of the following month of May. The Annual Return of the Council, which is subject to external audit, including the governance statement, shall be presented to Council for consideration and formal approval before 30 June.

22. ESTIMATES/PRECEPTS

- a) **The Council shall approve written estimates for the coming financial year at its meeting before the end of January.**
- b) Any committee desiring to incur expenditure shall give the Proper Officer a written estimate of the expenditure recommended for the coming year no later than 31 October.

23. CANVASSING OF AND RECOMMENDATIONS BY COUNCILLORS

- a) Canvassing Councillors or the Members of a committee or sub-committee directly or indirectly, for appointment to or by the Council shall disqualify the candidate from such appointment. The Proper Officer shall disclose the requirements of this Standing Order to every candidate.
- b) A Councillor or a Member of a committee or sub-committee shall not solicit a person for appointment to or by the Council or recommend a person for such appointment or for promotion; but, nevertheless, any such person may give a written testimonial of a

candidate's ability, experience or character for submission to the Council with an application for appointment.

- c) This Standing Order shall apply to tenders as if the person making the tender were a candidate for appointment.

24. INSPECTION OF DOCUMENTS

- a) Subject to Standing Orders to the contrary a Councillor may, for the purposes of her/his official duties (but not otherwise) inspect any documents in the possession of the Council or a committee or a sub-committee and request a copy for the same purpose.
- b) The minutes of meetings of the Council, its committees or sub-committees shall be available for inspection by Councillors.

25. UNAUTHORISED ACTIVITIES

Unless authorised by a resolution, no individual Councillor shall in the name or on behalf of the Council, a committee or a sub-committee:

- a) inspect or enter any land and/or premises which the Council has a right or duty to inspect or enter; or
- b) issue orders, instructions or directions.

26. CONFIDENTIAL BUSINESS

- a) Councillors and employees shall not disclose confidential or sensitive information which for special reasons would not be in the public's interest.
- b) A Councillor in breach of the provisions of Standing Order 26(a) above may be removed from a committee or a sub-committee by a resolution of the Council.
- c) An employee in breach of the provisions of Standing Order 26(a) above may be subject to disciplinary action by the Council.

27. GENERAL POWER OF COMPETENCE (ENGLAND)

- a) Before exercising the general power of competence, a meeting of the Full Council shall have passed a resolution to confirm it has satisfied the prescribed statutory criteria required to qualify as an eligible Parish Council.
- b) The Council's period of eligibility begins on the date that the resolution under Standing Order 27(a) above was made and a resolution should be passed at each subsequent relevant annual meeting confirming that the Council meets the conditions set out below:

(1) At the time a resolution under paragraph 1 is passed:

- (a) the number of members of the Council that have been declared to be elected, whether at ordinary elections or at a by-election, is equal to or greater than two-thirds of the total number of members of the Council;
- (b) the clerk to the parish council holds:

- (i) the Certificate in Local Council Administration;
- (ii) the Certificate of Higher Education in Local Policy;
- (iii) the Certificate of Higher Education in Local Council Administration; or
- (iv) the first level of the foundation degree in Community Engagement and Governance awarded by the University of Gloucestershire or its successor qualifications; and

(c) the clerk to the parish council has completed the relevant training, unless such training was required for the purpose of obtaining a qualification of a description mentioned in paragraph (b).

(2) For the purposes of this paragraph "relevant training" means training:

- (a) in the exercise of the general power;
- (b) provided in accordance with the national training strategy for parish councils adopted by the National Association of Local Councils, as revised from time to time.

c) After the expiry of its preceding period of eligibility, the Council continues to be an eligible council solely for the purpose of completing any activity undertaken in the exercise of the general power of competence which was not completed before the expiry of the Council's preceding period of eligibility referred to in Standing Order 27(b) above.

28. MATTERS AFFECTING COUNCIL EMPLOYEES

- a) If a meeting considers any matter personal to a Council employee, it shall not be considered until the Council, committee or sub-committee has decided whether or not the press and public shall be excluded pursuant to Standing Order 1(c) above.
- b) Any persons responsible for all or part of the management of Council employees shall keep written records of all meetings relating to their performance, capabilities, grievance and disciplinary matters as confidential and secure.
- c) The Council shall keep written records relating to employees secure. All paper records shall be secured under lock and electronic records shall be password protected.
- d) No employee other than the Chief Executive Officer shall have access to staff records referred to in Standing Orders 28(b) and (c).
- e) Access and means of access by keys and/or computer passwords to records of employment referred to in Standing Orders 128(b) and (d) above shall be provided only to the Direct Services Manager and/or Senior Administration Officer if so justified.

f) Relatives of Councillors or Officers

If a candidate for any appointment under the Council is to her/his knowledge related to any Councillor or the holder of any office under the Council, s/he and the person to whom s/he is related shall disclose the relationship in writing to the Proper Officer. A candidate who fails to do so shall be disqualified for such appointment and, if appointed, may be dismissed without notice. The Proper Officer shall report to the Council or to the appropriate committee any such disclosure.

- g) The Proper Officer shall make known the purpose of this Standing Order to every candidate.

29. FREEDOM OF INFORMATION ACT 2000

Requests for Information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the Data Protection Act 1998.

Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Chairman of the Policy & Resources Committee. The said committee shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000

30. FINANCIAL CONTROLS AND PROCUREMENT

- a) The Council shall consider and approve Financial Regulations drawn up by the CFO, which shall include detailed arrangements in respect of the following:
 - i) The accounting records and systems of internal control,
 - ii) The assessment and management of financial risks faced by the Council,
 - iii) The work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the Internal Auditor, which shall be required at least annually,
 - iv) The inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments,
 - v) Procurement policies (subject to Standing Order 30(b) below) including the setting of values for different procedures where the contract has an estimated value of less than £25,000.
- b) Financial Regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c) **Financial Regulations shall confirm that a proposed contract for the supply of goods, materials, services and the execution of works with an estimated value in excess of £25,000 shall be procured on the basis of a formal tender as summarised in Standing Order 30(d) below,**
- d) Subject to additional requirements in the Financial Regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i) A specification of the goods, materials, services and the execution of works shall be drawn up.
 - ii) An invitation to tender shall be drawn up to confirm (i) the Council's specification, (ii) the time, date and address for the submission of tenders, (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process
 - iii) The invitation to tender shall be advertised in an appropriate manner.
 - iv) Tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer.
 - v) Tenders submitted shall be opened by the Proper Officer in the presence of at least one Councillor after the deadline for submission of tenders has passed

- vi) Tenders are to be reported to the appropriate meeting of the Council or committee or sub-committee with delegated responsibility
- e) Neither the Council, nor a committee or sub-committee with delegated responsibility is bound to accept the lowest value tender, estimate or quotation or indeed any
- f) **Where the value of a contract is likely to exceed £164,176 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No.5, as amended) and the Utilities Contracts Regulations 2006 (SI No. 6, as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules.**

31. ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

- a) On receipt of a notification that there has been an alleged breach of the Code of Conduct the Proper Officer (Chief Executive Officer) shall refer it to the Monitoring Officer at Lichfield District Council.
- b) Where the notification relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Leader of the Council of that fact, who, upon receipt of such notification, shall nominate a person to assume the duties of the Proper Officer set out in the remainder of this Standing Order, who shall continue to act in respect of that matter as such until the complaint is resolved.
- c) Where a notification relates to a complaint made by an employee (not being the Proper Officer) the Proper Officer shall ensure that the employee in question does not deal with any aspect of the complaint.
- d) The subject matter of notifications shall be confidential and, insofar as it possible to do so by law, the Council (including the Proper Officer and the Leader of the Council) shall take the steps set out below, together with other steps considered necessary, to maintain confidentiality:
 - i) Draft the summonses and agendas in such a way that the identity and subject matter of the complaint are not disclosed.
 - ii) Ensure that any background papers containing the information set out in Standing Order 30(a) above are not made public.
 - iii) Ensure that the public and press are excluded from meetings as appropriate.
 - iv) Ensure that the minutes of meetings preserve confidentiality.
 - v) Consider any liaison that may be required with the person or body with statutory responsibility for the investigation of the matter.
- e) Standing Order 30(d) above should not be taken to prohibit the Council (whether through the Proper Officer or the Leader of the Council otherwise) from disclosing information to Councillors and officers of the Council or to other persons where such disclosure is necessary to deal with the complaint or is required by law.
- f) The Council may:
 - i) Seek documentary and other evidence from the person or body with statutory responsibility for investigation of the matter.
 - ii) Seek and share information relevant to the complaint.

- ii) Grant the Councillor involved a financial indemnity in respect of legal costs, which shall be in accordance with the law and subject to approval by a meeting of the Full Council.
- g) References in Standing Order 30 to a notification shall be taken to refer to a communication of any kind which relates to a breach or an alleged breach of the Code of Conduct by a Councillor.
- h) **Upon notification by the District Council that a Councillor has breached the Council's Code of Conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

32. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

- a) Any or every part of the Standing Orders, except those which are mandatory by law, may be suspended by resolution in relation to any specific item of business.
- b) A motion to permanently add to or to vary or revoke one or more the Council's Standing Orders not mandatory by law shall not be carried unless two-thirds of the Councillors at a meeting vote in favour of the same.

33. RESTRICTION ON COUNCILLOR ACTIVITIES

Unless authorised by a resolution, no Councillor shall:

- i) inspect any land and/or premises which the Council has a right or duty to inspect,
or
- ii) issue orders, instructions or directions.

34. STANDING ORDERS TO BE GIVEN TO COUNCILLORS

- a) The Proper Officer shall provide a copy of the Council's Standing Orders to a Councillor upon delivery of her/his declaration of acceptance of office form.
- b) The Chairman's decision as to the application of Standing Orders at meetings shall be final.
- c) A Councillor's failure to observe Standing Orders more than 3 times in one meeting may result in her/him being excluded from the meeting in accordance with Standing Orders.



BURNTWOOD TOWN COUNCIL

FINANCIAL REGULATIONS

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1. GENERAL

- 1.1 These Financial Regulations govern the conduct of the financial management of 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 internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
- 1.3 The Council's accounting controls systems must include measures:
- for the timely production of accounts
 - that provide for the safe and efficient safeguarding of public money
 - to prevent and detect inaccuracy and fraud, and
 - identifying the duties of officers
- 1.4 These Financial Regulations demonstrate how the Council meets these responsibilities and requirements.
- 1.5 At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of system of internal control which shall be in accordance with proper practices.
- 1.6 Deliberate or wilful breach of the 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 enjoin employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute.
- 1.8 The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. The Chief Executive Officer (CEO) has been appointed as RFO for this Council and these Regulations will apply accordingly.
- 1.9 The RFO:
- acts under the policy direction of the Council;
 - administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;
 - determines on behalf of the Council its accounting records and accounting control systems;
 - ensures the accounting control systems are observed;
 - maintains the accounting records of the Council up to date in accordance with proper practices;
 - assists the Council to secure economy, efficiency and effectiveness in the use of its resources; and
 - produces financial management information as required by the Council.