



**CODE OF CONDUCT;
The Local Authorities (Model
Conduct) (Wales) (Amendmen
2022**

**REVIEWED AND APPROVED
PRESTATYN TOWN COUNCIL
ON 08 March 2023**

Preface

This document has been drawn from the Welsh Government website ([The Local Authorities \(Model Code of Conduct\) \(Wales\) Order 2008 \(legislation.gov.uk\)](https://legislation.gov.uk)).

The title of this Order is **The Local Authorities (Model Code of Conduct) (Amendment) Order 2022** and complies with the Order that came into force in 2022, incorporating Amendments of the Schedule to the original 2008 Order and 2022.

This Code of Conduct document replaces all previously adopted Code of Conduct documentation by Prestatyn Town Council.

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THE MODEL CODE OF CONDUCT

PART 1 INTERPRETATION

1.

(1) In this code —
“co-opted member” (*aelod cyfetholedig*), in relation to a relevant authority, means a person who is not a member of the authority but who —

- (a) is a member of any committee or sub-committee of the authority;
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

“meeting” (*cyfarfod*) means any meeting —

- (a) of the relevant authority;
- (b) of any executive or board of the relevant authority;
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee or joint sub-committee of any executive or board of the relevant authority;
- (d) where members or officers of the relevant authority are present at a meeting of a political group constituted in accordance with section 81 of the Local Government (Committees and Political Groups) Act 2002, and includes circumstances in which a member of an executive or board of the relevant authority acting alone exercises function of an authority;

“member” (*aelod*) includes, unless the context requires otherwise, a person who is a member of an executive or board of the relevant authority;

“register of members’ interests” (*cofrestr o fuddiannau’r aelodau*) means the register established and maintained under section 81 of the Local Government (Committees and Political Groups) Act 2002;

“relevant authority” (*awdurdod perthnasol*) means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (ca) a corporate joint committee established by regulation under section 22 of the Local Government and Elections (Wales) Act 2002,
- (d) a fire and rescue authority constituted by a scheme under section 1 of the Fire and Rescue Services Act 2004 or a scheme to which that Act applies,
- (e) a park authority established under section 10 of the Parks and Open Spaces Act 2000,

PART 2 GENERAL PROVISIONS

2.

(1) Save where paragraph 3(a) applies, you must observe this code of
(a) whenever you conduct the business, or are present at a meeting of
authority;

(b) whenever you act, claim to act or give the impression you are
a member of the authority to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are
a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in
paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles
section 49(2) of the Local Government Act 2000 in relation to Wales.

3.

Where you are elected, appointed or nominated by your authority to
act on behalf of the authority,

(a) on another relevant authority, or any other body, which is
a Health Board you must, when acting for that other authority
observe the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to
its members, you must, when acting for that other body, observe
the code of conduct, except and insofar as it conflicts with any other
code to which that other body may be subject.

4.

You must —

(a) carry out your duties and responsibilities with due regard to
the fact that there should be equality of opportunity for all people, regardless of
gender, race, disability, sexual orientation, age or religion;
(b) have respect and consideration for others;

6.

(1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7.

You must not —

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —
 - (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

8.

You must —

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the

circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

- (i) the authority's head of paid service;
 - (ii) the authority's chief finance officer;
 - (iii) the authority's monitoring officer;
 - (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9.

You must —

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3 INTERESTS

Personal Interests

10.—

(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, industrial and provident society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area, in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

(b) ~~[deleted 2016]~~

(c) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management, to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—

(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it

becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

- (a) details of the personal interest;
- (b) details of the business to which the personal interest relates; and
- (c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.—

(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

- (i) another relevant authority of which you are also a member;
- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
- (iii) a body to which you have been elected, appointed or nominated by your authority;
- (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
- (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
- (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
- (iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13.

You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.—

(1) Subject to sub-paragraphs (2), (2a), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

- (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
- (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

- (b) not exercise executive or board functions in relation to that business;
- (c) not seek to influence a decision about that business;
- (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
- (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also

allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under a statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted;

and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4 THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests

15.—

(1) Subject to sub-paragraph (4), you must, within 28 days of—

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

Sensitive information

16.—

(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17.

You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

Appendix

This document was first drawn on 08 March 2023. The next review is AGM 2023.

Version Adopted	Date Adopted	Meeting	Minute Number	All Members
1	8 th March 2023	Full Council	274	15 Cllrs



STANDING ORDERS

**REVIEWED AND APPROVED BY
PRESTATYN TOWN COUNCIL
ON XX/XX/XXXX**

BASED ON THE NALC MODEL FORMAT
AS PROVIDED BY ONE VOICE WALES

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

will generally be suitable for councils.

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Standing Orders

1. Rules of debate at meetings

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the Mayor/Chair of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the Mayor/Chair of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion becomes the substantive motion upon which further amendment(s) may be moved
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the Mayor/Chair of the meeting, is expressed in writing to the Mayor/Chair.
- h A councillor may move an amendment to their own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Mayor/Chair.
- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Mayor/Chair of the meeting.
- k One or more amendments may be discussed together if the Mayor/Chair of the meeting considers this expedient, but each amendment shall be voted upon separately.

- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the Mayor/Chair of the meeting, a councillor may speak once in the debate on a motion except:
- i. to speak on an amendment moved by another councillor.
 - ii. to move or speak on another amendment if the motion has been amended since they last spoke.
 - iii. to make a point of order.
 - iv. to give a personal explanation; or
 - v. in exercise of a right of reply.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
- q A point of order shall be decided by the Mayor/Chair of the meeting and their decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion.
 - ii. to proceed to the next business.
 - iii. to adjourn the debate.
 - iv. to put the motion to a vote.
 - v. to ask a person to be no longer heard or to leave the meeting.
 - vi. to refer a motion to a committee or sub-committee for consideration.
 - vii. to exclude the public and press.
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the Mayor/Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their right of reply.
- t Excluding motions moved under standing order 1(r) above, the contributions or

speeches by a councillor shall relate only to the motion under discussion and shall not exceed 5 minutes without the consent of the Mayor/Chair of the meeting.

u Any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance and Management Committee as determined by AGM) and which, if carried, would, in the opinion of the Chair substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee, or which would involve capital expenditure, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

v At the end of any speech a member may, without comment, move "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded, the Chair shall put the motion but, in the case of a motion "that the question be now put". If the motion "that the question be now put" is carried, he/she shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption.

2. Disorderly conducts at meetings

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the Mayor/Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregards the request of the Mayor/Chair of the meeting to moderate or improve their conduct, any councillor or the Mayor/Chair of the meeting may move that the person be no longer heard or excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) above is ignored, the Mayor/Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.
- d If a member reasonably believes another member is in breach of the code of conduct, that member is under a duty to report the breach to the Standards Board (England) or the Local Commissioner (Wales).
- e If a member of the public interrupts the proceedings at any meeting the Chair shall warn them. If he/she continues the interruption the Chair shall order his removal from the Council Chamber. In the case of a general disturbance in any part of the Chamber open to the public the Chair shall order that part be cleared.

3. Meetings generally

- a Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol unless no other premises are available free of charge or at a reasonable cost.
- b The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- c The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice
- d Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all a meeting shall be by a resolution which shall give reasons for the public's exclusion. The resolution shall state;" That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the press and public be temporarily excluded, and they are instructed to withdraw"
- e Members of the public may make representations, answer questions, and give evidence at at a meeting which they are entitled to attend in respect of the business on the agenda. The public enquiry item which will be the second on the agenda after Apologies for Absence of every Ordinary Council meeting, but not the Annual or Special meetings.
- f The period designated for public participation shall last for 5 minutes, with the Mayor/Chair having discretion to extend it to 10 minutes and after the Public Question Time has been dealt with no member of the public may speak again unless invited to do so by the Mayor/Chair for a particular item to enable clarification.
- g Subject to standing order 3(e) above, a member of the public shall not speak for more than 5 minutes.
- h In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The Mayor/Chair of the meeting may direct that a written or oral response be given.
- i A person shall raise their hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The Mayor/Chair of the meeting may at any time permit a person to be seated when speaking.

- j A person who speaks at a meeting shall direct their comments to the Mayor/Chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the Mayor/Chair of the meeting shall direct the order of speaking by inviting members addressed as "Councillor ()". Whenever the Chair speaks during a debate all other members shall be silent and should Chair rise during debate a Member then standing shall resume his seat and the Council shall be silent.
- l The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be discussed.
- m **Photographing, recording, broadcasting, or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**
- n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
- o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Mayor/Chair of the Council may in their absence be done by, to or before the Vice-Mayor/Chair of the Council (if any).**
- p **The Mayor/Chair, if present, shall preside at a meeting. If the Mayor/Chair is absent from a meeting, the Vice-Mayor/Chair if present, shall preside. If both the Mayor/Chair and the Vice-Mayor/Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q **The person presiding at a meeting may exercise all the powers and duties of the Chair in relation to the conduct of the meeting**
- r **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors or councillors with voting rights present and voting.**
- s **The Mayor/Chair of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise their casting vote whether they gave an original vote.**
See standing orders 5(h) and (i) below for the different rules that apply in the election of the Mayor/Chair of the Council at the annual meeting of the council.
- t **Unless standing orders provide otherwise, voting on a question shall be by a show of hands or, if at least two members so request, by signed ballot. At the request of a councillor, the voting on any question shall be recorded to show whether each councillor present and voting gave their vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.**

- u The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting.
 - ii. the names of councillors present and submitted apologies.
 - iii. interests that have been declared by councillors and non-councillors with voting rights.
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered.
 - vi. if there was a public participation session; and
 - vii. the resolutions made.

- v **A councillor or a non-councillor with voting rights who has a personal or prejudicial interest in a matter being considered at a meeting which limits or restricts their right to participate in a discussion or vote on that matter is subject to obligations in the code of conduct adopted by the council. If a member who has declared a personal interest, then considers the interest to be prejudicial, they must withdraw from the room or chamber during consideration of the item to which the interest relates. If a member has a personal interest as defined by the Code of Conduct adopted by the Council on XX.XX.2023 (DATE TO BE CONFIRMED) then that interest must be declared and a decision made by the member whether to stay or withdraw.**

- w **No business may be transacted at a meeting unless at least one-third of the whole number of members of the council are present and in no case shall the quorum of a meeting be less than six.**
See standing order 4d(viii) below for the quorum of a Standing Committee or sub-committee meeting.

- x **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.

- y A meeting shall not exceed a period of 2 hours 45 minutes.

- z Meetings of the Council shall be held in each year on such dates and times and at such place as the Council may direct and provisional schedule submitted to Council's AGM.

- aa Should it be known by a councillor of their inability to be present at a meeting they are expected to attend, they should forward their apologies to the Proper Officer at least three working days in advance of the scheduled date to ensure that the appropriate minimum quorum will be in attendance

- bb Any other business shall not be included as an agenda item in meetings; a summons must include the agenda for the business to be transacted at the meeting. The agenda

should set out the order in which the items will be transacted. A council cannot lawfully transact any business which is not included on the agenda. As such, the item 'any other business' should not appear at all, or should simply be used as a peg on which to hang the exchange of urgent information. Additionally, the item could be used to allow genuinely urgent issues to be raised but no decisions should be taken in respect of issues so raised (other than to ensure that they are dealt with properly at a forthcoming meeting, with due notice having been given) and no expenditure should be approved as a result of issues raised under 'any other business'. Any urgent matters arising will be included at the top of the agenda.

- cc Dress code at all meetings – smart casual
- dd All mobile phones/laptops/tablets should be switched off unless being used to read documents / information relevant to the matter in hand
- ee Smoking is not permitted at any meeting of the Council.

4. Committees and sub-committees

- a Unless the Full Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the council.**
- c Unless the Full Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Full Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference.
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full council.
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings.
 - iv. shall, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of members of such a committee.
 - v. may, subject to standing orders 4(b) and (c) above, appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer three days before the meeting that they are unable to attend.

- vi. shall, after it has appointed the members of a standing committee, appoint the Chair of the standing committee.
- vii. shall permit a committee other than a standing committee, to appoint its own Chair at the first meeting of the committee.
- viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which shall be no less than three.
- ix. shall determine if the public may participate at a meeting of a committee.
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and the advance public notice requirements, if any, required for the meetings of a sub-committee.
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee.

- e. **Members appointed for the Resource and Appeals sub-committee shall be determined by Full Council on an as-and-when basis to ensure that no conflict of interest arises through the subject matter to be addressed, and this sub-committee will dissolve once all appropriate matters have been resolved and recommendations reported back to Full Council.**
- f. Every committee shall at its first meeting before proceeding to any other business, elect a Chair and may elect a Vice-Chair who shall hold office until the next Annual General Meeting of Council.
- g. The Chair of a committee or the Chair of the Council may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than six members. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.
- h. Every committee may appoint sub-committees for purposes to be specified by the committee.
- i. The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Orders on interests of members in contracts and other matters shall apply to committee and sub-committee meetings.
- j. Members of committees and sub-committees entitled to vote, shall vote by show of hands or, if at least two members so request, by signed ballot.
- k. **Chair of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**
- l. A member who has proposed a resolution which has been referred to any committee or sub-committee of which he/she is not a member, may explain his resolution to the

committee but shall not vote.

- m. Prestatyn Town Council shall appoint a Town Planning Committee which will meet monthly and follow the Full Council meeting under the same agenda.
- n. Prestatyn Town Council shall appoint a Finance and Management standing committee, which will meet quarterly.
- o. Prestatyn Town Council shall appoint a Community Development and Regeneration standing committee, which will meet quarterly.
- p. Prestatyn Town Council shall appoint a Policy Review Committee, which will meet at least once annually and at other times as are deemed necessary to fulfil its functions
- q. Prestatyn Town Council shall appoint a Resources and Appeals Committee, the members of which will be elected by Full Council as the need is identified.
- r. Details and operations of the committees pertaining to Standing Orders 4(n) to 4(r) are more fully explained with direct reference to the current version of Prestatyn Town Council Committees Standard Terms of Reference document, current version of Prestatyn Town Council Committee Table and the current version of Prestatyn Town Council Committees Organisation Chart.

5. Ordinary council meetings

- a **In an election year, the annual meeting of the council shall be held on or within 14 days following the day on which the new councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of a council shall be held on a Wednesday in May.**
- c **The annual meeting of Prestatyn Town Council shall take place at 6.15pm.**
- d **In addition to the annual meeting of the council, other ordinary meetings will be normally held on a Wednesday in the month at 6.15pm apart from August and December when there will be a recess.**
- e **The first business conducted at the annual meeting of the council shall be the election of the Mayor/Chair and Vice-Chair (if any) of the Council.**
- f **The Mayor/Chair of the Council, unless they have resigned or become disqualified, shall continue in office, and preside at the annual meeting until their successor is elected at the next annual meeting of the council.**
- g **The Vice-Chair of the Council, if any, unless they resign or become disqualified,**

shall hold office until immediately after the election of the Mayor/Chair of the Council at the next annual meeting of the council.

- h. In an election year, if the current Mayor/Chair of the Council has not been re-elected as a member of the council, they shall preside at the meeting until a successor Mayor/Chair of the Council has been elected. The current Mayor/Chair of the Council shall not have an original vote in respect of the election of the new Mayor/Chair of the Council but must give a casting vote in the case of an equality of votes.
- i. In an election year, if the current Mayor/Chair of the Council has been re-elected as a member of the council, they shall preside at the meeting until a new Mayor/Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Mayor/Chair of the Council and must give a casting vote in the case of an equality of votes.
- j. Following the election of the Mayor/Chair of the Council and Vice-Chair (if any) of the Council at the annual meeting of the council, the business of the annual meeting shall be as follows:
 - i. **In an election year, delivery by the Mayor/Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done later. In a year which is not an election year, delivery by the Mayor/Chair of the Council of their acceptance of office form unless the Council resolves for this to be done later.**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;
 - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
 - vi. Review of the terms of reference for committees;
 - vii. Appointment of members to existing committees;
 - viii. Appointment of any new committees in accordance with standing order 4;
 - ix. Review and adoption of appropriate standing orders and financial regulations;
 - x. Review of arrangements (including legal agreements), if deemed necessary, with other local authorities, not-for-profit bodies and businesses;
 - xi. Review, if deemed necessary, of representation on or work with external bodies and arrangements for reporting back;
 - xii. Review of inventory of land and other assets including buildings and office equipment;
 - xiii. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - xiv. Review of the Council's and/or staff subscriptions to other bodies;
 - xv. Review, if deemed necessary, of the Council's complaints procedure;
 - xvi. Review, if deemed necessary, of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 13, 22 and 23*);
 - xvii. Review, if deemed necessary, of the Council's policy for dealing with the

- press/media;
 - xviii. Review of the Council's employment policies and procedures;
 - xix. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the power of well-being.
 - xx. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.
 - xxi. In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.
- k The Annual General meeting and other meetings of the Council for the transaction of general business shall not commence before six o'clock in the evening unless determined otherwise. All meetings shall conclude by 9.00pm unless determined otherwise
- l At every meeting other than the Annual General Meeting the first business shall be to appoint a Chair if the Chair and Vice-Chair be absent and to receive such declarations of acceptance of office (if any) and undertaking to observe the Council's code of conduct as are required by law to be made or, if not then received, to decide when they shall be received.**
- m After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:
- i. **After consideration to approve the signature of the Minutes by the person presiding as a correct record.**
 - ii. **To deal with business expressly required by statute to be done.**
 - iii. To receive such communications as the person presiding may wish to lay before the Council.
 - iv. To answer questions from Councillors provided notice given in accordance with Standing Order 10.
 - v. To receive and consider reports and minutes of committees.
 - vi. To receive and consider resolutions or recommendations in the order in which they have been notified.
 - vii. To authorise the sealing of documents.
 - viii. If necessary to authorise the signing of orders for payment.
- n A motion to vary the order of business on the ground of urgency:
- a) May be proposed by the Chair or by any member and, if proposed by the Chair, may be put to the vote without being seconded, and
 - b) Shall be put to the vote without discussion.

6. Extraordinary meetings of the council

- a The Mayor/Chair of the Council may convene an extraordinary meeting of the council at any time.
- b If the Mayor/Chair of the Council does not or refuses to call an extraordinary meeting of the council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the council. The public notice giving the time, place, and agenda for

such a meeting must be signed by the two councillors.

- c The chair of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chair of a committee [or a sub-committee] does not call an extraordinary meeting within 6 weekdays of having been requested to do so by 3 members of the committee [or the sub-committee], any 3 members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee].

7. Previous resolutions

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 6 councillors to be given to the Proper Officer in accordance with standing order 10 below, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

8. Voting on appointments

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

9. Appointments

- a. Relatives of Members or Officials. If a candidate for any appointment under the Council is to their knowledge related to any member of or the holder of any office under the Council, he/she and the person to whom he/she is related shall disclose the relationship in writing to the Town Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Town Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed, this Standing Order shall apply. **The Town Clerk shall make known the purpose of this Standing Order to every candidate.**
- b. All vacancies to be filled unless filled by promotion or transfer, shall be publicly advertised except where Council otherwise determine. Provided that where, within six

months of filling the vacancy a similar vacancy arises, the Establishment Committee (as determined by AGM) may appoint one of the former applicants.

- c. 1) Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Town Clerk shall make known the purpose of this sub-paragraph of this Standing Order to every candidate.
2) A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.
- d. Interviews for the appointment of Town Clerk shall be undertaken by the Mayor and at least one other councillor as agreed.
- e. The second interview to be undertaken for the posting of Office Manager is to include at least one councillor in conjunction with the Town Clerk/Responsible Financial Officer.

10. Motions for a meeting that require written notice to be given to the Proper Officer

- a. A motion shall relate to the responsibilities of the meeting which it is tabled for and in any event shall relate to the performance of the council's statutory functions, powers and obligations or an issue which specifically affects the council's area or its residents.
- b. No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 10 clear weekdays before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c. The Proper Officer may, before including a motion on the agenda received in accordance with standing order 10(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d. If the Proper Officer considers the wording of a motion received in accordance with standing order 10(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 10 clear days before the meeting.
- e. If the wording or subject of a proposed motion is considered improper, the Proper Officer shall consult with the Mayor/Chair of the forthcoming meeting or the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

- f The decision of the Chair as to whether to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.
- i If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- j If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chair, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- k Any expenditure requests by individual councillors must also be requested in advance through the relevant meetings for all members to approve and not advocate such requests through the Town Clerk

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

- a The following motions may be moved at a meeting without written notice to the Proper Officer.
 - i. to correct an inaccuracy in the minutes of a meeting.
 - ii. to move to a vote.
 - iii. to defer consideration of a motion.
 - iv. To refer a motion to a particular committee or sub-committee
 - v. to appoint a person to preside at a meeting.
 - vi. to change the order of business on the agenda.
 - vii. to proceed to the next business on the agenda.
 - viii. to require a written report.
 - ix. to appoint a committee or sub-committee and their members.
 - x. to extend the time limits for speaking.
 - xi. to exclude the press and public from a meeting in respect of confidential or sensitive information which is prejudicial to the public interest.
 - xii. to not hear further from a councillor or a member of the public.
 - xiii. to exclude a councillor or member of the public for disorderly conduct.
 - xiv. to temporarily suspend the meeting.
 - xv. to suspend a particular standing order (unless it reflects mandatory statutory requirements).
 - xvi. to adjourn the meeting; or
 - xvii. to close a meeting.

- xviii. to approve the Minutes.
- xix. to close or adjourn the debate.
- xx. to adopt a report.
- xxi. to authorise the sealing of documents.
- xxii. to amend a motion.
- xxiii. to give leave to withdraw a resolution or amendment.
- xxiv. to extend the time limit for presentations
- xxv. to give the consent of the Council where such consent is required by these Standing Orders

12. Questions

- a. A Member may ask the Chair of the Council/Committee or Town Clerk any written question concerning the business of Council provided 10 clear weekdays' notice of the question has been given to the person to whom it is addressed.
- b. A Member of the Council may ask the Chair of a Committee any question upon an item of the report of a Committee when that item is under consideration by the Council. With permission of the Chair, put to the Chair of any Committee any question relating to urgent business, of which no such notice has been given; but a copy of such question shall, if possible be delivered to the Town Clerk not later than twelve o'clock in the morning of the day of the meeting
- c. Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.
- d. An answer may take the form of: -
 - i. direct oral answer
 - ii. where the desired information is contained in a publication of the Council, a reference to that publication
 - iii. where the reply to the question cannot conveniently be given orally, written answer to be circulated to the Member/Members of the Council prior to the next meeting or such other time as agreed.

13. Management of Information

See also standing order 23.

- a. **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b. **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g., the Limitation Act 1980).**

- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors, and agents shall not disclose confidential information or personal data without legal justification.**
- e 1) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee, or the sub-committee as the case may be.
2) Any member in breach of the provisions of paragraph (1) of this Standing Order shall be removed from any committee or sub-committee of the Council by the Council.
- f From XX/XX/2023 (DATE TO BE CONFIRMED) Prestatyn Town Council will provide email addresses to all town Councillors for council business matters only.

14. Draft Minutes

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read. Draft minutes from any committee meeting will be circulated to the Chair of that committee within 5 working days of the meeting. Once approved by the Chair, they will be circulated to the members of such committee and published as "Draft Minutes" on the Prestatyn Town Council website within 5 weekdays, followed by being added to the next relevant committee agenda.
- b There shall be no discussion about the minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be moved in accordance with standing order 11(a)(i) above.
- c The accuracy of minutes, including any amendment(s) made to them, shall be confirmed by resolution, and shall be signed by the Mayor/Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Mayor/Chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, they shall sign the minutes and include a paragraph in the following terms or to the same effect:
"The Mayor/Chair 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 their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."
- e Upon a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes, or recordings of the meeting for which approved minutes exist shall be destroyed.

15. Code of conduct and dispensations

See also standing order 3(f) above.

- a **Councillors and non-councillors with voting rights shall observe the code of conduct adopted by the council. All members must observe the Code of Conduct which was adopted by the Council on XX/XX/2023 (DATE TO BE CONFIRMED)**
- b Newly Elected and Co-opted Councillors should endeavour to undertake training in the code of conduct within six months of the delivery of their acceptance of office form.
 - i. Any Councillors required to fulfil the position of Chair must undertake and complete the appropriate course for this post
 - ii. All councillors must undertake and complete the Code of Conduct course
- c **Dispensation requests shall be in writing and submitted to the standards committee of Denbighshire County Council** as soon as possible before the meeting that the dispensation is required for.

16. Code of conduct complaints

- a Upon notification by Denbighshire County Council that it is dealing with a complaint that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 13, report this to the Council.
- b Where the notification in standing order 16(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Mayor/Chair of Council of this fact, and the Mayor/Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined.
- c The Council may:
 - i. provide information or evidence where such disclosure is necessary to investigate the complaint or is a legal requirement.
 - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter.
 - iii. indemnify the councillor or non-councillor with voting rights in respect of their related legal costs and any such indemnity is subject to approval by a meeting of the Council.
- d The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in Circular 2/86 issued by National Association of Local Councils except for those complaints which should be properly directed to the Standards Commission (Wales) for consideration.

17. Proper Officer

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- i. **at least three clear weekdays before a meeting of the council, a committee, or a sub-committee:**
 - serve on councillors by electronic delivery or post at their residences a signed summons confirming the time, place, and the agenda; and
 - provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them) and publish electronically notice of the time and place and, as far as reasonably practicable, any documents relating to the business to be transacted at the meeting unless they relate to business which is likely to be considered in private or if their disclosure would be contrary to any enactment.

See standing order 3(b) for the meaning of clear days for a meeting of a full council and standing order 3(c) for the meaning of clear days for a meeting of a committee.
 - ii. subject to standing order 10 above, include on the agenda all motions in the order received unless a councillor has given written notice at least 10 days before the meeting confirming their withdrawal of it.
 - iii. **convene a meeting of full council for the election of a new Mayor/Chair of the Council, occasioned by a casual vacancy in their office.**
 - iv. **facilitate inspection of the minutes of Meetings by local government electors.**
 - v. **receive and retain copies of byelaws made by other local authorities.**
 - vi. retain acceptance of office forms from councillors.
 - vii. retain a copy of every councillor's register of interests.
 - viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
 - ix. liaise, as appropriate, with the Council's Data Protection Officer
 - x. receive and send general correspondence and notices on behalf of the council except where there is a resolution to the contrary.
 - xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of freedom of information and data protection legislation and other legitimate requirements (e.g. the Limitation Act 1980);
 - xii. arrange for legal deeds to be signed by two Councillors and witnessed.
See also standing order 25 below.
 - xiii. arrange or manage the prompt authorisation, approval, and instruction regarding

- any payments to be made by the council in accordance with the council's financial regulations.
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
 - xv. refer a planning application received by the Council to the [Mayor/Chair or in their absence the Deputy Mayor/Vice-Chair (if there is one) of the Council] OR [Mayor/Chair or in their absence the Deputy Mayor/Vice-Chair (if there is one) of the () Committee] within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of [the Council] OR [() committee];
 - xvi. manage access to information about the council via the publication scheme; and
 - xvii. retain custody of the seal of the council (if any) which shall not be used without a resolution to that effect.
- See also standing order 25 below*
- xviii. receive declarations of acceptance of office.
 - xix. receive and record notices disclosing interests at meetings.
 - xx. receive and retain plans and documents.
 - xxi. sign notices or other documents on behalf of the Council.
 - xxii. receive copies of bylaws made by another local authority.
 - xxiii. certify copies of bylaws made by the Council
 - xxiv. sign and issue the summons to attend meetings of the Council.
 - xxv. keep proper records for all Council meetings.

18. Responsible Financial Officer

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

19. Accounts and accounting statements

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils in Wales – A Practitioners' Guide.
- b All payments by the council shall be authorised, approved, and paid in accordance with the law, proper practices and the council's financial regulations with the details included in the minutes of the meeting including voucher number.
- c The Responsible Financial Officer shall supply to each councillor as soon as practicable after 31 March, 30 June, 30 September, and 31 December in each year a:
 - i. Trial Balance Sheet
 - ii. Balance Sheet
 - iii. Quarterly Income/Expenditure Report
 - iv. A copy of the quarterly budget monitoring report which summarises the receipts

- and payments
 - v. the balances held at the end of the quarter being reported
- d As soon as possible after the financial year end on 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the council's receipts and payments for the last quarter and the year to date for information; and
 - ii. to the full council the accounting statements for the year in the form of Section 1 of the annual return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and applying the form of accounts determined by the council (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 annual governance statement, shall be presented to council for consideration and formal approval before 30 June.

20. Financial controls and procurement

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below £25,000 or due to special circumstances are exempt from a tendering process or procurement exercise .
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds referred to in standing order 20(f) is subject to the "light touch" arrangements under Regulations 109-114 of the Public Contracts Regulations 2015 unless it proposes to use an existing list of approved suppliers (framework agreement).**
- d Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of

works shall include, as a minimum, the following steps:

- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and/or in any other manner that is appropriate such as website and noticeboards;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Town Clerk in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender
- f **Where the value of a contract is likely to exceed the threshold specified by the Office of Government Commerce from time to time, the Council must consider whether the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 apply to the contract and, if either of those Regulations apply, the Council must comply with procurement rules. NALC's procurement guidance contains further details.**
- g In emergency situations the Town Clerk may with approval of Mayor and Chair of Finance and Management Committee take such actions and incur expenditure commensurate to deal with the situation. Any expenditure shall be reported to the next Finance and Management Committee (as determined by AM) and may form the subject of a supplementary estimate.

21. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of council is subject to standing order 13 above.
- b Subject to the council's policy regarding absences from work, the Town Clerk shall notify the Mayor/Chair or, if they are not available, the Vice-Chair of absence occasioned by illness or other reason and that person shall report such absence to Council at its next meeting.
- c Subject to the council's policy regarding the handling of grievance matters, the Town Clerk shall contact the Mayor/Chair or in their absence, the Vice-Chair in respect of an informal or formal grievance matter.

- d. Subject to the council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Town Clerk relates to the Mayor/Chair or Vice-Chair, this shall be communicated to another member of Council.
- e. Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance, or disciplinary matters.
- f. In accordance with standing order 13(a), persons with line management responsibilities shall have access to staff records referred to in standing order 21(e)
- g. In every year, not later than the meeting at which the estimates for next year are settled, the Council shall review the pay and conditions of service of existing employees unless such conditions are subject of National Joint Councils pay and conditions of service. Standing Order 19(h) must be read in conjunction with this requirement.
- h. If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary, or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether the press and public shall be excluded.
- i. The Town Clerk oversees and is responsible for all day-to-day operational staff matters. Prestatyn Town Council have an existing contract until 2024 with a HR company who provides the Town Clerk with support, all guidelines, policies and procedures, which are required to meet the legal requirements, thus ensuring matters are dealt with correctly.
- j. The Town Clerk will recruit all staff with the assistance of the Office Manager. However, the Town Clerk will invite one councillor to sit in on second interviews for the Office Manager's appointment to offer support.
- k. All recruitment and matters relating to the Town Clerk will be dealt with through the Resource and Appeals Committee.

22. Responsibilities to provide Information

See also standing order 23.

- a. In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.

23. Responsibilities under Data Protection Legislation

See also standing order 13.

- a. The Council shall appoint a Data Protection Officer.

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

24. Relations with the press/media

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

25. Execution and sealing of legal deeds

See also standing orders 19(b)(xii) and (xvii) above.

- a A legal deed shall not be executed on behalf of the council unless authorised by a resolution.
- b **Subject to standing order 25(a) above, any two councillors may sign on behalf of the council, any deed required by law and the Proper Officer shall witness their signatures.**

26. Communicating with County Councillors

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

27. Restrictions on councillor activities

- a. Unless authorised by a resolution, no councillor shall:
 - i. inspect any land and/or premises which the council has a right or duty to inspect;

- or
- ii. issue orders, instructions, or directions. unless authorised to do so by the Council or the relevant committee or sub-committee.

28. Standing orders generally

- a All or part of a standing order, except one that incorporates mandatory statutory requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least two thirds' councillors to be given to the Proper Officer in accordance with standing order 10 above.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after they have delivered their acceptance of office form.
- d The decision of the Mayor/Chair of a meeting as to the application of standing orders at the meeting shall be final.

END OF DOCUMENT

Annual Document Review Table

Review Date	Committee Name	Approved/Amended	Minute Number



FINANCIAL REGULATIONS

**REVIEWED AND APPROVED BY
PRESTATYN TOWN COUNCIL
ON XX/XX/XXXX**

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1. GENERAL

1.1. These financial regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial regulations are one of the Council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the Council's standing orders¹ and any individual financial regulations relating to contracts.

1.2. The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.

1.3. The Council's accounting control systems must include measures:

- for the timely production of accounts;
- that provide for the safe and efficient safeguarding of public money;
- to prevent and detect inaccuracy and fraud; and
- identifying the duties of officers.

1.4. These financial regulations demonstrate how the Council meets these responsibilities and requirements.

1.5. At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.

1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.

1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute and may represent a breach in the Councillor's Code of Conduct

1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. The Town Clerk 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.

1.10. The accounting records determined by the RFO shall be sufficient to show and explain the Council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments comply with the

¹ Model standing orders for Councils 2019 Edition are available from NALC (© NALC 2019)

Accounts and Audit (Wales) Regulations and to prepare additional or management information, as the case may be, to be prepared for the Council from time to time.

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

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

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

- procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- procedures to ensure that uncollectable amounts, including any bad debts are submitted to the Council for approval to be written off following the approval of the RFO and that the approvals are shown in the accounting records; and
- measures to ensure that risk is properly managed.

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

- setting the final budget or the precept (Council Tax Requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- addressing recommendations in any report from the internal or external auditors, shall be a matter for the full Council only.

1.14. In addition, the Council must:

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

1.15. In these financial regulations, references to the Accounts and Audit (Wales) Regulations or 'the regulations' shall mean the regulations issued under the provisions of section 39 of the Public Audit (Wales) Act 2004, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in Governance and Accountability for Local Councils in Wales - A Practitioners' Guide issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of One Voice Wales (OVW) and SLCC as appropriate.

2. ACCOUNTING AND AUDIT (INTERNAL AND EXTERNAL)

2.1. All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit (Wales) Regulations, appropriate guidance and proper practices.

2.2. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chair/Vice Chair of the Finance and Management Committee shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Council.

2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the Council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit (Wales) Regulations.

2.4. The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the Council shall make available such documents and records as appear to the Council to be necessary for the purpose of the audit and shall, as directed by the Council, supply the RFO, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.

2.5. The internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices.

2.6. The internal auditor shall:

- be competent and independent of the financial operations of the Council;
- report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
- to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- have no involvement in the financial decision making, management or control of the Council.

2.7. Internal or external auditors may not under any circumstances:

- perform any operational duties for the Council;
- initiate or approve accounting transactions; or
- direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

2.8. For the avoidance of doubt, in relation to internal audit the terms 'independent' and 'independence' shall have the same meaning as is described in proper practices.

2.9. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Public Audit (Wales) Act 2004, or any superseding legislation, and the Accounts and Audit (Wales) Regulations.

2.10. The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from internal or external auditors.

3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING

3.1. If deemed necessary, the Council shall review its three year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the Council not later than the end of January each year including any proposals for revising the forecast.

3.2. The RFO must each year, by no later than January prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the Council.

3.3. The Council shall consider annual budget proposals in relation to the Council's forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.

3.4. The Council shall fix the precept (Council tax requirement), and relevant basic amount of Council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.

3.5. The approved annual budget shall form the basis of financial control for the ensuing year.

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND

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

- the Council for all items over £5,000.
- a duly delegated committee of the Council for items over £1,000; or
- the Town Clerk/RFO, in conjunction with Mayor/Chair of Council or Mayor/Chair of the Finance and Management Committee, for any items below £1,000.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Town Clerk/RFO, and where necessary also by the appropriate Mayor/Chair.

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

4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council, or duly delegated committee. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement'). Earmarked reserves may be carried forward to a subsequent year, subject to clause 4.3.

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

4.4. The salary budgets are to be reviewed at least annually in line with the NJC Green Book

4.5. In cases of extreme risk to the delivery of Council services, the Town Clerk/RFO may authorise revenue expenditure on behalf of the Council which in the Town Clerk/RFO's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,500.00. The Town Clerk/RFO shall report such action to the Mayor/Chair as soon as possible and to the Council as soon as practicable thereafter. Where expenditure is incurred in accordance with this regulation and the sum required cannot be met from savings made elsewhere within that committee's approved budget, it shall be subject to the provisions of a

supplementary estimate approved by the Finance and Management Committee (as determined by AGM) or the Council.

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

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

4.8. The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose, "material" shall be in excess of £500 or 10% of the budget.

4.9. Changes in earmarked reserves shall be approved by Council as part of the budgetary control process.

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS

5.1. The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency. The Council may seek credit references in respect of employees and councillors who have access to Council finances.

5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with invoices as requested, present the schedule to the Chair of Finance and Management Committee. The Council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Council. The approved schedule shall be ruled off and initialled by the Mayor/Chair of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

Cheques and auto pay sheets drawn on bank accounts in accordance with the schedule referred to in the previous paragraph shall be signed by two of the following officers - the Town Clerk/RFO, Mayor/Chair and Deputy Mayor/Chair of Finance and Management Committee (as determined by AGM), Mayor, Deputy Mayor or other duly authorised officers/Councillors

5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.

5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available Council meeting. The RFO shall take all possible steps to settle all invoices submitted, and which are in order, within 30 days of their receipt unless conditions of sale require a lesser period.

5.5. The Town Clerk/RFO shall have delegated authority to authorise the payment of items only in the following circumstances:

- a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Town Clerk/RFO certify that there is no dispute or

other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of Council

b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of Council or Finance and Management committee.

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

5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.

5.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by Council and in accordance with any policy statement approved by Council. Any Revenue or Capital Grant shall before payment, be subject to ratification by resolution of the Council.

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

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

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

5.12. Electronic On-line Banking; The benefits of online banking are well documented and include immediate access to bank statements, monitoring of transactions, faster payments, reduction in missing payments and lost cheques, and easier bank reconciliation process.

Councils' current financial regulations require cheques to be signed by two named councillors plus the Town Clerk/RFO. This system will remain in place for all cheque payments. The procedure adopted for online banking services needs to reflect this process. Following discussion with banking authority, and Chair of Finance Management Committee it is recommended that the following procedure be incorporated into Council Financial Regulations: -

Online Banking

Officer access to on-line banking should be password and key code protected with each approved person navigating their own access codes.

- Step 1. Payments will be input online by the Finance Officer or other designated employee upon receipt of approved invoices. This person will not have authority to authorise any payment.
- Step 2. A schedule of payments from invoices is prepared. The schedule of payments with supporting invoices is to be presented and duly signed by two Town Councillors.
- Step 3. The signature of Town Clerk/RFO is also required on the schedule of payments. The Town Clerk/RFO will then complete the online banking process.

The retrospective schedule of payments will be presented at the next Finance and Management Committee.

Barclays.Net Banking

The Barclays.Net service is to be utilised to effect transactions and permit Electronic Online Banking as described above;

- The Town Clerk/RFO is to be given an Unrestricted Permissions role profile to the system allowing flexibility in all areas of transaction processing, and allow authorisation of processing undertaken by all other named employees who have access to the online system.
- All other named employees are to be given View and Input role profiles allowing them to input payments as per Step 1 above, and also allow access to statements to assist in the Bank Reconciliation process, together with investigative work should the need arise.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS

6.1. The Council will make safe and efficient arrangements for the making of its payments.

6.2. Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Town Clerk/RFO shall give instruction that a payment shall be made.

6.3. All payments shall be effected by cheque or other instructions to the Council's bankers, or otherwise, in accordance with a resolution of Council

6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to Council or committee shall be signed by two member[s] of Council, and Town Clerk/RFO, in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.

6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.

6.6. Cheques or orders for payment shall not normally be presented for signature other than at a Council (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the Council at the next convenient meeting.

6.7. If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to Council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the Council at least every two years.

6.8. If thought appropriate by the Council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to Council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the Council at least every two years.

6.9. If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise

evidenced, by two authorised bank signatories are retained and any payments are reported to Council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the Council at least every two years.

6.10. If thought appropriate by the Council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.

6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the Council's records on that computer, the recording of such PIN or Password shall not be recorded or documented, and must remain private and confidential to the employee of Councillor to whom the access relates. Procedures for regular PIN and password changes to retain integrity are to be in place, utilising the IT Security Policy and contracts.

6.12. No employee or Councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or a duly delegated committee.

6.13. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.

6.14. The Council, and any members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.

6.15. Where internet banking arrangements are made with any bank, the Town Clerk/RFO shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify a number of Councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.

6.16. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for Council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Town Clerk/RFO. A programme of regular checks of standing data with suppliers will be followed.

6.18. Any Debit Card issued for use will be specifically restricted to the Town Clerk/RFO and will also be restricted to a single transaction maximum value of £500 unless authorised by Council or finance committee in writing before any order is placed.

6.19. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Finance and Management committee. Transactions and purchases made will be reported to the Finance and Management committee and authority for topping-up shall be at the discretion of the Finance and Management committee.

6.20. Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Town Clerk/RFO and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.

6.21. The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.

a) The RFO shall maintain a petty cash float of £250 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.

b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.

c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to Council under 5.2 above.

7. PAYMENT OF SALARIES

7.1. As an employer, the Council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council, or duly delegated committee.

7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available Council meeting, as set out in these regulations above.

7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council.

7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than: a) by any Councillor who can demonstrate a need to know; b) by the internal auditor; c) by the external auditor; or d) by any person authorised under Public Audit (Wales) Act 2004, or any superseding legislation.

7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.

7.6. An effective system of personal performance management should be maintained for the senior officers.

7.7. Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.

7.8. Before employing interim staff, the Finance and Management Committee must consider a written report.

8. LOANS AND INVESTMENTS

8.1. All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full Council.

8.2. Any financial arrangement which does not require formal borrowing approval from the Welsh Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.

8.3. The Council will arrange with the Council's banks and investment providers for the sending of a copy of each statement of account to the Mayor/Chair of the Council at the same time as one is issued to the Town Clerk/RFO.

8.4. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.

8.5. The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.

8.6. All investments of money under the control of the Council shall be in the name of the Council.

8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

8.8. Payments in respect of short term or long term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. INCOME

9.1. The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.

9.2. Particulars of all charges to be made for work done, services rendered, or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council. Charging tariffs as agreed shall be published in the Publication Scheme, Service Charges policy, and Room Hire policy documentation.

9.3. The Council will review all fees and charges at least annually, following a written report from the Town Clerk/RFO.

9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.

9.5. All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.

9.6. The origin of each receipt shall be entered on the paying-in slip.

9.7. Personal cheques shall not be cashed out of money held on behalf of the Council.

9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

9.9. Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the Council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any Council meeting (see also Regulation 16 below)]

10. ORDERS FOR WORK, GOODS AND SERVICES

10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.

10.2. Order books shall be controlled by the RFO.

10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below.

10.4. A member may not issue an official order or make any contract on behalf of the Council.

10.5. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the minutes can record the power being used.

11. CONTRACTS

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

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

- i. for the supply of gas, electricity, water, sewerage and telephone services;
- ii. for specialist services such as are provided by legal professionals acting in disputes;
- iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
- iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
- v. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

b. The full requirements of The Public Contracts Regulations 2015 ("the Regulations"), as applicable, shall be followed in respect of the tendering and award of a public supply contract,

public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)².

c. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition, the reason shall be embodied in a recommendation to the Council.

The Council may conduct procurement through negotiated tendering in the following circumstances where, in response to an invitation to tender;

- i. no submissions were received which conform to the minimum requirements as stated in the tender documentation;
- ii. where, for reasons of extreme urgency brought about by events unforeseen by the Council the services could not be obtained in time under open tendering procedures;
- iii. due to an absence of competitive submissions;
- iv. for new services consisting of the repetition of similar services for which the initial contract was awarded and where the contractor provided a satisfactory service.

d. Such invitation to tender shall state the general nature of the intended contract and the Town Clerk/RFO 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/RFO in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

e. All sealed tenders shall be opened at the same time on the prescribed date by the Town Clerk in the presence of at least two members of the Council. If fewer than three tenders are received for contracts valued above £5,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.

f. Any invitation to tender issued under this regulation shall be subject to Standing Orders and shall refer to the terms of the Bribery Act 2010.

g. When it is to enter into a contract of less than £25,000³ in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Town Clerk/RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £5,000 and above £2,500 the Town Clerk/RFO shall strive to obtain 3 quotes. For expenditure of £2,500 or less in value the Chair of Finance and Management Committee (as determined by AGM) or their appointed Deputy Chair together with the Town Clerk/RFO shall have delegated authority. *Otherwise, Regulation 10.3 above shall apply.*

h. The Council shall not be obliged to accept the lowest or any tender, quote or estimate.

i. 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, and the process shall default to regulation 11.1.c above.

² Thresholds currently available are;

- a. For public supply and public service contracts 209,000 Euros (£181,302)
- b. For public works contracts 5,225,000 Euros (£4,551,413)

³ This suggested figure is based on the sum above which special rules are applicable (under the Regulations) to Councils in England and is therefore considered an appropriate threshold.

11.2. The Town Clerk/RFO shall maintain a register of personal interests, in respect of both members and senior staff.

a. Members and senior staff should not, so far as is practicable, be involved in the award of orders and/or contracts with organisations or individuals in respect of which a personal interest exists, whether declared or not.

b. Members and senior staff should not, so far as is practicable, be involved in the making or authorising payments in respect of orders and/or contracts with organisations or individuals in respect of which a personal interest exists, whether declared or not.

12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS

12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).

12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more (where the sum exceeds £5,000) a report shall be submitted to the Council providing this sum is within the contract contingency.

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

13. STORES AND EQUIPMENT

13.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.

13.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.

13.3. Stocks shall be kept at the minimum levels consistent with operational requirements.

13.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

14. ASSETS, PROPERTIES AND ESTATES

14.1. The Town Clerk/RFO shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The RFO shall ensure a record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit (Wales) Regulations.

14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, lent out for community benefit, 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 £1,000.

14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of

the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.5. Subject only to the limit set in Reg. 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council with a full business case.

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

15. INSURANCE

15.1. Following the annual risk assessment (per Financial Regulation 17), the RFO shall effect all insurances and negotiate all claims on the Council's insurers [in consultation with the Town Clerk/RFO].

15.2. The Town Clerk/RFO shall give prompt notification to the Chair/Vice Chair the Finance and Management Committee (as determined by AGM) of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.

15.3. The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.

15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim and shall report these to Council at the next available meeting.

15.5. All appropriate members and employees of the Council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the Council, or duly delegated committee.

16. CHARITIES

16.1. Where the Council is sole managing trustee of a charitable body the Town Clerk/RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law, or as determined by the Charity Commission. The Town Clerk/RFO shall arrange for any audit or independent examination as may be required by Charity Law or any Governing Document.]

17. RISK MANAGEMENT

17.1. The Council is responsible for putting in place arrangements for the management of risk. The Town Clerk/RFO shall prepare, for approval by the Council, risk management policy statements in respect of all activities of the Council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council at least annually.

17.2. When considering any new activity, the Town Clerk/RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

17.3. Offers of all gifts, benefits and hospitality of an individual value in excess of £25, whether accepted or not by members or employees, must be declared and reported to the Council within one month of notification.

18. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS

18.1. It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Town Clerk/RFO shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these financial regulations.

18.2. The Council may, by resolution of the Council duly notified prior to the relevant meeting of Council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of Council.

18.3. In all Joint County / Town schemes the Principal Authority is expected to execute all works in accordance with its own standing orders and financial regulations. In such circumstances Town Council requirements will be waived in favour of the Principal Authority.

END OF DOCUMENT

ANNUAL DOCUMENT REVIEW TABLE

Review Date	Committee Name	Approved/Amended	Minute Number



Prestatyn Town Council Risk Management Policy

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1 Introduction

1.1 This document forms the Council's Risk Management Policy. It sets out:

- What is risk management;
- Why does the Council need a risk management strategy;
- What is the Council's philosophy on risk management;
- What is the risk management process
- Roles and responsibilities;
- Future monitoring

1.2 The objectives of this policy are to:

- Further develop risk management and raise its profile across the Council;
- Integrate risk management into the culture of the organization;
- Embed risk management through the ownership and management of risk as part of all decision making processes;
- Manage risk in accordance with best practice.

2 What is Risk Management?

2.1 Risk is the threat that an event or action will adversely affect an organisation's ability to achieve its objectives and to successfully execute its strategies. Risk management is the process by which risks are identified, evaluated and controlled. It is a key element of the framework of governance together with community focus, structures and processes, standards of conduct and service delivery arrangements.' Audit Commission, Worth the Risk: Improving Risk Management in Local Government, (2001: 5)

2.2 Risk management is an essential feature of good governance. An organization that manages risk well is more likely to achieve its objectives. It is vital to recognize that risk management is not simply about health and safety, but applies to all aspects of the Council's work.

2.3 Risks can be classified into various types but it is important to recognize that for all categories the direct financial losses may have less impact than the indirect costs such as disruption of normal working. The examples below are not exhaustive:

Strategic Risk - long-term adverse impacts from poor decision making or poor implementation. Risks damage to the reputation of the Council, loss of public confidence, in a worse-case scenario Government intervention.

Compliance Risk - failure to comply with legislation, laid down procedures or the lack

of documentation to prove compliance. Risks exposure to prosecution, judicial review, employment tribunals and the inability to enforce contracts.

Financial Risk - fraud and corruption, waste, excess demand for services, bad debts. Risk of additional audit investigation, objection to accounts, reduced service delivery, dramatically increased Council Tax levels/impact on Council

Operating Risk - failure to deliver services effectively, malfunctioning equipment, hazards to service users, the general public or staff, damage to property. Risk of insurance claims, higher insurance premiums, lengthy recovery processes.

2.4 Not all these risks are insurable and for some the premiums may not be cost effective. Even where insurance is available, a monetary consideration might not be an adequate recompense. The emphasis should always be on eliminating or reducing risk before costly steps to transfer to another party are considered.

2.5 Risk is not restricted to potential threats but can be connected with missed opportunities. Good risk management can facilitate proactive, rather than merely defensive responses. Measures to manage adverse risks are likely to help with managing positive ones.

3 Why does the Council need a Risk Management Policy?

3.1 Risk management will strengthen the ability of the Council to achieve its objectives and enhance the value of services provided.

3.2 The Risk Management Strategy will help to ensure that all Committees/service areas have an understanding of risk and that the Council adopts a uniform approach to identifying and prioritizing risks. This should in turn lead to conscious choices as to the most appropriate method of dealing with each risk, be it elimination, reduction, transfer or acceptance.

3.3 Strategic risk management is also an important element in demonstrating continuous service improvement.

3.4 There is a requirement under the Accounts and Audit Regulations 2011 to establish and maintain a systematic strategy, framework and process for managing risk.

4 Risk Management Policy Statement

Prestatyn Town Council recognises that it has a responsibility to manage risks effectively in order to protect its employees, assets, liabilities and community against potential losses, to minimize uncertainty in achieving its goals and objectives and to maximize the opportunities to achieve its vision.

The Council is aware that some risks can never be eliminated fully and it has in place a strategy that provides a structured, systematic and focused approach to managing risk. Risk management is an integral part of the Council's management processes.

5 Implementing the Strategy

5.1 Risk Control

Risk control is the process of taking action to minimize the likelihood of the risk event occurring and/or reducing the severity of the consequences should it occur. Typically, risk control requires the identification and implementation of revised operating procedures, but in exceptional cases more drastic action will be required to reduce the risk to an acceptable level.

Options include:

- Elimination - the circumstances from which the risk arises are removed so that the risk no longer exists;
- Reduction - loss control measures are implemented to reduce the impact/likelihood of the risk occurring;
- Transfer - the financial impact is passed to others e.g. by revising contractual terms;
- Sharing - the risk is shared with another party;
- Insuring - insure against some or all of the risk to mitigate financial impact; and
- Acceptance - documenting a conscious decision after assessment of areas where the Council accepts or tolerates risk.

5.2 Risk Monitoring

The risk management process does not finish with putting any risk control procedures in place. Their effectiveness in controlling risk must be monitored and reviewed. It is also important to assess whether the nature of any risk has changed over time.

The information generated from applying the risk management process will help to ensure that risks can be avoided to minimised in the future. It will also inform judgements on the nature and extent of insurance cover and the balance to be reached between self-insurance and external protection.

5.3 Risk Management System

Risk identification - Identifying and understanding the hazards and risk facing the Council is crucial if informed decisions are to be made about policies or service delivery methods.

The risks associated with these decisions can then be effectively managed.

Risk Analysis - Once risks have been identified they need to be systematically and accurately assessed using proven techniques. Analysis should make full use of any available data on the potential frequency of events and their consequences. If a risk is seen to be unacceptable, then steps need to be taken to control or respond to the risk.

Risk Prioritisation - An assessment should be undertaken of the impact and likelihood of risks occurring, with impact and likelihood being scored using a matrix. This will require a numeric value to be given to both the likelihood of the risk happening and the severity of the impact if it did, based upon the following scoring:

- Low 1 to 5
- Medium 6 to 11
- High 12 to 25

Where a residual risk is low further action will only be taken where it is viable to do so. Medium risks will be addressed within the next 3 to 6 months. High risks will require action as soon as possible.

6 Roles and Responsibilities

6.1 It is important that risk management becomes embedded into the everyday culture and performance management process of the Council. The roles and responsibilities set out below are designed to ensure that risk is managed effectively right across the Council and its operations, and responsibility for risk is located in the right place. The process must be driven from the top but must also involve staff throughout the organisation.

6.2 Elected Members - risk management is seen as a key part of the Elected Member's stewardship role and there is an expectation that Elected Members will lead and monitor the approach adopted, including;

- Approval of the Risk Management Strategy;
- Analysis of key risk in reports on major projects, ensuring that all future projects and services undertaken are adequately risk managed;
- Consideration, and if appropriate, endorsement of the Annual Governance Statement; and
- Assessment of risks whilst setting the budget, including any bids for resources to tackle specific issues.

6.3 Employees - will undertake their job within risk management guidelines ensuring that their skills and knowledge are used effectively. All employees will maintain an awareness of the impact and costs of risks and how to feed data into the formal process. They will

work to control risks or threats within their jobs, monitor progress and report on job related risks to the Town Clerk.

6.4 Town Clerk - will act as the Lead Officer on Risk Management and be responsible for overseeing the implementation of the Risk Management Strategy. The Town Clerk will:

- provide advice as to the legality of policy and service delivery choices;
- provide advice on the implications for service areas of the Council's
- corporate aims and objectives;
- update the Council on the implications of new or revised legislation;
- assist in handling any litigation claims;
- provide advice on any human resource issues relating to strategic policy options or the risks associated with operational decisions and assist in handling cases of work related illness or injury;
- advise on any health and safety implications of the chosen or proposed arrangements for service delivery;
- assess and implement the Council's insurance requirements;
- assess the financial implications of strategic policy options;
- provide assistance and advice on budgetary planning and control;
- ensure that the Financial Information System allows effective budgetary control;
- maintain the Council's Risk Register;
- effectively manage the Council's investment and loan portfolio.

6.5 Role of Internal Audit - Internal Audit provides an important scrutiny role by carrying out audits to provide independent assurance to the Council that the necessary risk management systems are in place and all significant business risks are being managed effectively.

Internal audit assists the Council in identifying both its financial and operational risks and seeks to assist the Council in developing and implementing proper arrangement to manage them, including adequate and effective systems of internal control to reduce or eliminate the likelihood of errors or fraud.

Internal Audit reports, and any recommendations contained within, will help to shape the Annual Governance Statement.

6.6 Risk Management Policy – Annual Review and future development of the Risk Management Policy will be overseen by the Full Council.

6.7 Training - Risk Management training will be provided to Elected Members and staff through a variety of mediums. The aim will be to ensure that both Elected Members and staff have the skills necessary to identify, evaluate and control the risks associated with the services they provide.

6.8 In addition to the roles and responsibilities set out above, the Council is keen to promote

an environment within which individuals/groups are encouraged to report adverse incidents promptly and openly.

7 Future Monitoring

7.1 Review of Risk Management Strategy - This Strategy will be reviewed annually.

8 Conclusion

The adoption of a sound risk management approach should achieve many benefits for the Council. It will assist in demonstrating that the Council is committed to continuous service improvement and effective corporate governance.

Reviewed at Full Council on 13 July 2022

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Signed Town Mayor



9 PRESTATYN TOWN COUNCIL- RISK ASSESSMENT 2022

Probability	Severity Impact				
	1 - Insignificant	2 - Minor	3 - Moderate	4 - Major	5 - Catastrophic
1 - Unlikely	1	2	3	4	5
2 - Rare	2	4	6	8	10
3 - Possible	3	6	9	12	15
4 - Likely	4	8	12	16	20
5 - Very Likely	5	10	15	20	25

<u>Management Risk</u>	<u>Risk Identified</u>	<u>Control Measures</u>	<u>Probability</u>	<u>Severity</u>	<u>Risk Rating</u>	<u>Action Required</u>
Risk of Security, Fire and Damage to buildings; • Nant Hall Road • Jubilee Centre • Ty Caradoc • Ty Pendre • Lock-up premises • Container	• CCTV • Fire Alarm • Burglar Alarm • Locks • Fire Doors • Regular use of premises to avoid dormancy • Health and Safety to staff/users • Appropriate premises insurance annual cover	• Council Offices (Nant Hall Road) provided with locks, security and fire alarm systems, internal CCTV, security doors, flood gates, PAT testing; annual contracts in place to maintain integrity • Ty Pendre fitted with roller shutter and security doors. • Community Centres leased to third parties who are responsible for day-to-day operations and security.			M	Property surveys were completed in 2021
Vulnerable buildings/ equipment	Bus shelters, seats, notice boards and open spaces receive regular maintenance inspection.	Contract in place for regular maintenance, cleaning and inspection.			L	
Provision services under agency/partnership	May alter each year	Each grant aid programme is monitored, and financial transactions subject to individual records. Service			L	

Financial Regulations	Requires periodical review to ensure overall arrangements reflect current requirements. To cover; • Income • Expenditure • Petty Cash • Returns Budget Monitoring • Budget Monitoring	agreements and joint partnership agreements adopted where required. • Software installed for accounting processes • Online Banking systems utilised with associated security settings • Financial regulations periodically reviewed and updated • Regular returns to inland revenue • grant aid returns • vat • renumeration panel returns • annual audit return • Monthly Paid Accounts • Quarterly budget and end of year statements reported to Full Council				L	Currently under review to meet financial regulations Compliance to new HMRC rules of VAT returns to be implemented	
Standing Orders	• Changes to legislation will dictate the reviewing requirements	• Existing documentation adopted in 2006, and changes to both governmental and financial legislation during the interim period requires adjustment to bring documentation back in-line					M	Presently undertaking update review of Standing Orders.

Reporting on Contracts	- New contracts when agreed can involve different legislative compliance requirements using a variety of; - Suppliers - Providers - Contractors - Procurement procedures	- Reported to F&M Committee annually but contracts can be awarded up to three years subject to satisfactory performance. - Local goods and services obtained when competitive and available, including Tender processes, and submitted to F&M committee for approval; - Quotes under £5K - Tenders over £5K				H	
Standing Committee's Statement of responsibility for each service	Terms of Committee reference reviews scope of work.					L	Under review
Monetary transactions	Cash holdings	Controls in place; Separate cash holding away from main reception.				M	Presently being updated

		• Panic Button provided. • Controls on small level of cash held in office.			
Performance of delivery of services		• Regular reports to relevant committees. • Monthly financial updates submitted			L
Investments		Treasury deposit and/or bank savings account utilised and reports go to F&M committee.			L
Fraud and Corruption		Council has defined internal financial regulations and systems including designation of Responsible Financial Officer. Independent Internal Auditor appointed by Council and External Auditor appointed by Welsh Assembly Government. Controlled by F&M Committee.			L
Minutes and Records	• Minute-keeping	Standing Orders; To record Council's decisions, record legal basis and ensure legislative powers correctly applied.			L

	Financial records	- Record details of decisions and legal powers; - numbered pages; - master copy kept in safekeeping - regular reporting of financial transactions to F&M Committee			
Internal Controls	- Standing orders and financial regulations - Postbook and reception	- regular financial reports to committee. - Independent internal auditor appointed who regularly attends. - Annual year end reporting and timely/topical reports to Members as and when required. - All incoming mail recorded. - Outgoing correspondence letters etc recorded in filing systems. - Visitors book on reception		L	Under review
Management Capacity and Effectiveness	- Loss of key-workers - Staff recruitment/attrition - Succession planning - Staff disciplinary processes - Office equipment and maintenance	Organisation structure approved by council. Day-to-day management undertaken by Town Clerk.		H	Presently recruiting staff

	Fluctuation in service operations					
Data Protection Act	Adherence to present legislation requirements, including GDPR.	- All information subject to data protection and freedom of information requirements. - Access to office records restricted to staff and other material requests/enquiries referred to Town Clerk/Financial Officer.			M	Review of present arrangements and policies to be undertaken

Further Risk Identification

Financial Grant Awards for local events	Procedures for grants awarded	Full council committee approval required				Process to be reviewed
External Grants		- Procedure for dealing with external grants includes separate recording in financial statements and maintenance of records - Careful monitoring required for different recording requirements of external bodies and timing of cashflows			L	
Consultation requests	Procedure must be in place to deal with consultation requests	Dependent upon timescales provided and Committee timetable.			L	

		General public consultations recorded in publicity schedule.			
Members Interest/Hospitality Register	Requirement to maintain records	- Declarations of Interest recorded at meeting and separate declaration kept in file. - A new Register of Member Financial and Other Interests was adopted for use post elections 2017.			L
Adoption of Code of Conduct	There is a requirement for Councillors to recognise corporate actions and responsibility within a democratic framework.	- Codes of Conduct adopted and acknowledged upon Councillor's election. All Councillors receive opportunity for training on Code of Conduct but it is not compulsory. - Further training for Mayor, Deputy, Chairman and Vice Chairman offered via One Voice Wales/Denbighshire County Council. - Staff are subject to National Joint Councils Term and Conditions of Service and Society of Local Council Clerks terms for Town Clerk/Financial Officer.			L

Public Events including Mayoral activities	- The Council's role in holding events and activities requires individual assessment of organisers, type, style, size etc. - Risk assessments required for each event.	Denbighshire County Council has introduced a comprehensive events licencing application form for all types of event. The licencing process has resulted in an increased workload and loss of flexibility in arrangements for smaller local events.	M	
Major Projects	- All significant new projects/activity require assessment for financial, human resource and legal implications. - Timing of grant receipts and payments must be assessed against cashflow.	- Robust scrutiny of new projects and attention to HR support necessary for such activities is undertaken as part of preliminary considerations. - Joint Partnership Agreement available for significant projects.	L	
Freedom of Information Act	FOI requests etc from individual person and personal actions against individual volunteer Councillors and paid Staff	Robust management controls are in place to minimise impact.	L	

	can disrupt Council operations.				
<u>Protection</u>					
Protection of physical assets	Record of assets/investments	Maintain annual register of assets and investments		L	
Maintenance of buildings	Cost of property upkeep	- Council owned property subject to ongoing property surveys and valuations. - Costed property action plans are being prepared and funds sought for repair works		M	Landlord/tenant responsibilities to be reviewed and clarified
Insurance cover	Maintain insurance cover	Review cover annually		L	
Consequential loss	Business interruption requirements	Insurers provide business interruption and consequential loss cover		L	
Robustness of insurance provider	Integrity of Insurance cover	Present insurer is recognised national company and provider of insurance for local Councils (Zurich)		L	

Appendix

Links to associated documentation referred to in this paper.

Version Updates

Version	Date	Section	Details of change
1	01/07/22	Whole of Document	Whole of Document first draft for approval
2	28/09/22	Index	Reformatting of document and addition of Index to start of document
		Risk Assessment	Addition of full risk assessment following Section 8 – Conclusion
		Appendix	Addition of Appendix page at end of document

Approvals and Distribution

Version Adopted	Date Adopted	Meeting	Minute Number	All Members
1	13 th July 2022	F&M	69	15 Cllrs