

LLANGOLLEN TOWN COUNCIL CONSTITUTION



Reviewed and adopted at the Annual Council meeting held in
May 2023

1. Introduction

- 1.1 This constitution sets out how the Town Council operates, how decisions are made and the procedures which are followed to ensure that decision made are lawful, open, and transparent.
- 1.2 The constitution sets out:
 - The decision-making powers of the Town Council and its committees/sub-committees.
 - The rules and procedures to be followed by the Town Council and its committees/sub-committees when transacting business.
- 1.3 The following documents are integral to the constitution and are detailed in an appendix.
 - A. Standing Orders
 - B. Financial Regulations
 - C. Scheme of Delegated
 - D. Members' Code of Conduct
 - E. Code of Conduct for Employees
 - F. Member Officer Protocol

2. Background

- 2.1 Llangollen Town Council is a community Town Council. The Town Council came into being on 1 April 1974, following local government re-organisation and as a consequence of the Local Government Act 1972. Community and Town Councils are the tier of local government closest to the people.
- 2.2 Llangollen is a town and community, situated on the River Dee, in Denbighshire, Wales. Its riverside location forms the edge of the Berwyn range, and the Dee Valley section of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty,. The Town Council's geographic area is approximately 6,016 hectares. The population of the town of Llangollen is 4079 and the town also serves the surrounding areas of Froncysyllte and Garth, Acrefair and Llantysilio, a further population of 4,260.

3. Llangollen Town Council

- 3.1 The Town Council Is a body corporate with perpetual succession and as a body corporate the Town Council its own legal rights and responsibilities and is distinct from its Members (either as individuals or collectively).
- 3.2 Its operation, assets and liabilities are its own and not those of its Members. The Town Council remains in uninterrupted existence from the moment of its creation, even if all its members vacate office, or if its membership falls so low that it is unable to act for want of a quorum. Legislation determines what the Town Council must do (its duties), what it can choose to do (its powers).
- 3.3 Statute underpins the Town Council's procedures and finances and governs relationships with other local bodies, groups, and organisations that the Town Council chooses to work with in the community. The council has been granted powers by Parliament or the Senedd Cymru (Welsh Parliament), including the right to raise money through taxation (the

precept) and a range of powers to spend public money. The Town Council can undertake an activity only when a specific Act allows it. If the Town Council acts without a legal power or if it uses the wrong power to act, then the Town Council could be charged with acting beyond its powers (Ultra Vires).

3.4 The most useful power open to the Town Council is the General Power of Competence. The power allows eligible Community and Town Councils to do anything that an individual may do, and it can be considered a power of first resort. This means the Town Council can use the power for a commercial purpose or to trade in its ordinary functions or to support the local economy; it can give grants to individuals or fund projects outside its area (even outside Wales). To use the power the Town Council must first resolve that it is an eligible community Town Council at one of its full Town Council meetings. The general power of competence is not available to all councils but only to those that qualify by meeting the three eligibility criteria:

- Two thirds of councillors declared elected (i.e not co-opted)
- A qualified clerk (qualifications specified in regulations)
- The two most recent audits were declared unqualified by the auditor.

At present Llangollen Town Council is not an eligible Town Council.

3.5 As the Town Council cannot use the General Power of Competence it must look for specific powers confirming that it can act. If a specific power cannot be found, then it should consider Section 137 (Local Government Act 1972). S137 gives a community council the power to do anything that will benefit the community (or part of it) where there is no other specific power covering the action. If another statute prevents a council from incurring expenditure or limits the amount that may be spent, section 137 cannot be used to overrule that legislation (nor can the general power of competence).

3.6 The law gives community and town councils lots of choice in activities to undertake; but surprisingly there are very few duties, activities that they must carry out in delivering services to local people. Exceptions are that a council must:

- publish an annual report about council priorities, activities and achievements.
- publish a training plan setting out the training needs of councillors and staff.
- if its budget is £200,000 or more,
 - take reasonable steps towards meeting the objectives in the local wellbeing plan that has effect in its area and publish an annual report to show.
 - its progress towards meeting these objectives.
- provide allotments if the council considers that there is demand for them.
- from local residents and it is reasonable to do so.
- comply with its obligations under the Freedom of Information Act 2000 and the Data Protection Act 2018.
- comply with employment law.
- consider the impact of their decisions on reducing crime and disorder in their area.
- seek to maintain and enhance biodiversity in carrying out their functions.

3.7 In line with the Freedom of Information Act 2000 and the principle of open government, each Community, or Town Council must have a publication scheme. This demonstrates what information is available and how it is made accessible to the public.

3.8 The Town Council also has a duty to ensure that all the rules for the administration of the council are followed. The council must:

- appoint a chair of council.
- appoint officers as appropriate for carrying out its functions.
- appoint a responsible financial officer (RFO) to manage the council's financial affairs; the RFO is often the clerk.
- appoint an independent and competent internal auditor (see below);
- ensure that meetings are arranged to enable people to attend who are not in the same place (multi-locations);
- keep records of all decisions related to council business (the minutes);
- hold an Annual Meeting of the Council in May or shortly after the local council elections.

4. Town Council Members.

4.1 Even if you are qualified to stand as a councillor and the elections were properly held, you cannot act as a councillor until you have signed a formal declaration of acceptance of office. This includes an undertaking to observe the code of conduct. A Member has a duty to act properly as a Town Councillor. In particular, you have a responsibility to:

- attend community or town council meetings when summoned to do so; the notice to attend a council meeting is, in law, a summons, because you have a duty to attend.
- prepare for meetings by studying the agenda and any enclosed documents, making sure you are properly informed about issues to be discussed, taking advice where appropriate.
- take part in meetings and form objective judgements based on what is best for the community – and then to abide by majority decisions.
- ensure, with other councillors, that the council is effectively managed.
- act on behalf of the whole electorate equally, and not just those who supported your election campaign; similarly take an interest in all issues equally and not just those local issues for which you campaigned; listen, and then represent the views of the community when discussing council business and working with outside bodies.
- maintain proper standards of behaviour as an elected representative of the people.

4.2 Llangollen Town Council has 11 elected Town Councillors. The members individually contribute to the work of the whole Town Council by:

- attending meetings when summonsed.
- engaging in constructive debate.
- commenting on proposals to ensure the best outcome; and voting to enable the Town Council to make decisions.
- responding to the needs and views of the community.
- representing their constituents.
- suggesting ideas.

4.3 Members are elected to office and normally serve on the Town Council for a term of five years. The most recent election was held on 5 May 2022. A Town Councillor is a holder of a public office, not a volunteer, and can receive a range of mandatory payments. An

individual Member may make a personal decision to elect to forgo part or all of the entitlement to any of these payments.

5. Decision making and the delegation of powers

- 5.1 Whenever the Town Council conducts business, it must ensure that the decisions it takes are both lawful and reasonable. It cannot use unlawful practices and procedures to make decisions, nor should it act beyond its powers.
- 5.2 Under specific powers contained in the Local Government Act 1972, Section 101, the Town Council may arrange for the discharge of any of its functions by a committee, a sub-committee, an officer of the Town Council or by any other local authority.
- 5.3 Given the business of the Town Council is quite varied it has chosen to discharge most (but not all) of its functions by authorising its various committees and where appropriate its sub-committees to make decisions on its behalf. The extent of the delegation of powers to these bodies is set out under their terms of reference and is referred to the Town Council's established scheme of delegation.
- 5.4 The scheme also forms part of the Town Council's standing orders. Individual members are not able to make decisions on behalf of the Town Council; not even the Chairman of Town Council as this is unlawful.

6. Conducting business

- 6.1 The Town Council conducts its business by the Clerk convening formal Town Council and committee meetings to which members are summoned to attend. These meetings are supported by formal agendas compiled, sanctioned, and authenticated by the Clerk which specify the business to be transacted.
- 6.2 The Town Council has appointed standing committees (committees which meet on an on-going basis) which enjoy delegated powers to make decisions on the Town Council's behalf. However, where a committee has no delegated power to make a decision on behalf of the Town Council when exercising specific functional responsibilities, it will instead make 'recommendations' to the Town Council as opposed to passing 'resolutions'.
- 6.3 The Town Council's standing committees are currently the:
 - 1) Asset Management Committee.
 - 2) Ecology, Climate and Cittaslow Committee.
 - 3) Human Resources Committee.

7. Meetings and procedure of the Town Council general

- 7.1 The Town Council by law must meet annually. In an ordinary election year of Community Councillors, the annual meeting must take place on, or within fourteen days after the day on which the Town Councillors were elected. In any other year it may be held on any day in May as the Town Council may determine.
- 7.3 In addition to the annual meeting, the Town Council may hold such number of other meetings (known as ordinary meetings) as deemed necessary for the transaction of its

business. Such meetings may be held by virtue of Town Council standing orders or may be specially convened. Town Council meetings are held at 6.00 pm on the third Tuesday of every month (except August).

- 7.3 An ordinary meeting is called by the Clerk in pursuance of statutory rules or under standing orders and includes a meeting convened by the individual to elect the Chairman of Town Council when a casual vacancy has arisen in the chair.
- 7.4 Under Section 47 of the Local Government and Elections (Wales) Act 2021, the Town Council must make and publish arrangements for its meetings to ensure they can take place in a manner which enables people who are not in the same place to meet. Under these arrangements, meetings must be capable of being held remotely (multilocation) but meetings are not required to be held in a particular way. The Town Council is not permitted to resolve that all of its meetings will be held entirely on a physical face to face basis.
- 7.5 The Town Council is required to ensure that meeting participants (Town Councillors, members of the public and press) can join meetings remotely. The details of the Town Council's meeting arrangements are published on its website and public notice board.

8. Notice of meetings

- 8.1 At least three clear days (not including the days of issue and meeting) before a Town Council meeting takes place, or if the meeting is convened at shorter notice at the time it is convened, a notice of the time and place of the meeting will be displayed on the Town Council's website and public notice board. However, the chair of a committee or sub-committee can call a meeting at 24 hours' notice if a matter to be discussed is considered to be urgent.
- 8.2 In addition to the public notice, the Clerk (as proper officer) will sanction, authenticate and serve a summons on every Member to attend, specifying the business to be transacted (agenda). The summons must be sent to members electronically. However, if a member wishes to receive the summons as a written paper copy rather than electronically, the member must give notice in writing to the Clerk and specify the postal address to which the summons should be left at or sent by post. The business specified in it (the agenda) will be presented in such a way so the Member who receives it can identify the matters to be discussed. The Town Council cannot lawfully decide any matter which is not specified in the summons.

9. Decisions

- 9.1 Every item of business included on a meeting agenda requiring a decision must be decided by a majority of those members present and voting thereon. In the case of an equality of votes the Chairman has a casting vote, as well as an original vote.

10 Minutes and meeting notes

- 10.1 The Town Council has a duty by law to keep a record of its meetings the Minutes. They must be signed/authenticated at the same or the next following meeting by the presiding Chairman. The Town Council's minutes are recorded on loose leaves and are consecutively

numbered. Minutes are not meant to be a verbatim record of a whole meeting, but some background context of the decision taken may be necessary.

- 10.2 The minutes are signed/authenticated as to their accuracy. It is not permitted to reopen discussion on a decision recorded in the minutes unless there is a specific item on the agenda relating to that decision.
- 10.3 To expedite the work of its committees/sub-committees the Town Council receives and confirms the accuracy of the minutes generated from those bodies on a cyclical basis at its next following monthly meeting.
- 10.4 Not later than seven working days of a Town Council meeting, the Town Council must publish electronically a note setting out: the names of the members who attended the meeting, and any apologies for absence; any declarations of interest; and any decisions taken at the meeting, including the outcome of any votes. This requirement does not apply to any Town Council business taken in private or where disclosure would be detrimental to acting on those decisions.

11. Admission to meetings

- 11.1 The Public Bodies (Admission to Meetings) Act 1960 Section 1, extended by the Local Government Act 1972 Section 100, and the Local Government and Elections (Wales) Act 2021 provides that meetings of the Town Council (including committees/sub-committees) shall be open to the press and public. Provision is made for excluding the public and press by resolution when confidential business is being considered (or for other special reasons stated in the resolution) and publicity would be prejudicial to the public interest. As a general rule of thumb some items, such as staff details, tendering discussions, contractual negotiations, legal proceedings and sensitive disputes should not be discussed in public.

12. Public participation

- 12.1 The Town Council is required to facilitate public participation at its full Town Council meetings, but this requirement does not apply to its committee and subcommittee meetings. Public participation does not mean that members of the public can take part in debate, but they must be given a reasonable opportunity at the beginning of the meeting to ask questions or make representations about the business to be discussed or transacted at the meeting and which is open for public discussion. Confidential business is excluded. Town Council officers and invited guests may speak during meetings.

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Standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted or amended to suit a council's needs.

1 RULES OF DEBATE AT MEETINGS.

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers 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 on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chairman of the meeting, a councillor may speak once in

the debate on a motion except:

- i. to speak on an amendment moved by another councillor;
 - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
 - iii. to make a point of order;
 - iv. to give a personal explanation; or
 - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
 - ii. to proceed to the next business;
 - iii. to adjourn the debate;
 - iv. to put the motion to a vote;
 - v. to ask a person to be no longer heard or to leave the meeting;
 - vi. to refer a motion to a committee or sub-committee for consideration;
 - vii. to exclude the public and press;
 - viii. to adjourn the meeting; or
 - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 10 minutes without the consent of the chairman of the meeting.

2 DISORDERLY CONDUCT AT MEETINGS.

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the chairman of the meeting to moderate or

improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.

- c If a resolution made under standing order 2(b) is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

3 MEETINGS GENERALLY.

Full Council meetings	●
Committee meetings	●
Sub-committee meetings	●

- a Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.
- b The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.
- c The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting.
- d Meeting arrangements must be published to ensure that their meetings can take place in a manner which enables people who are not in the same place are able to join meetings remotely. The Council will take reasonable steps to allow meetings to be held from multiple locations. If the arrangements are revised or replaced the new arrangements will be published.
- e Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.
- f Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.
- g The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed 15 minutes unless directed by the chairman of the meeting.

- h Subject to standing order 3(f), a member of the public shall not speak for more than 3 minutes.
- i In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- j A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The chairman of the meeting may at any time permit a person to be seated when speaking.
- k A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- l Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- m **Photographing, recording, broadcasting or transmitting the proceedings of a meeting. or recordings 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 Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council (if there is one).**
- p **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one), if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

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

Council.

- s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- t The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors who are present and the names of councillors who are absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.
- u **A councillor or a non-councillor with voting rights who has a personal or prejudicial interest in a matter being considered at a meeting which limits or restricts his right to participate in a discussion or vote on that matter is subject to obligations in the code of conduct adopted by the Council.**
- v **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**
See standing order 4(d)(viii) for the quorum of a committee or sub-committee meeting.
- w **If a meeting is or becomes inquorate no business shall be transacted** and the meeting shall be closed. The business on the agenda for the meeting shall be adjourned to another meeting.
- x A meeting shall not exceed a period of two hours.

4 COMMITTEES AND SUB-COMMITTEES.

- a **Unless the Council determines otherwise, a committee may appoint a sub-**

committee whose terms of reference and members shall be determined by the committee.

- b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 10 days before the meeting that they are unable to attend;
 - vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
 - vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
 - viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
 - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and

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

5 ORDINARY COUNCIL MEETINGS.

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

- ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
- iii. Receipt of the minutes of the last meeting of a committee;
- iv. Consideration of the recommendations made by a committee;
- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses;
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. 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 of the Council's complaints procedure;
- xvi. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xvii. Review 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.

6 EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES.

- a **The Chairman of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chairman of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by 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 3 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8 VOTING ON APPOINTMENTS.

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 chairman of the meeting.

9 MOTIONS FOR A MEETING THAT REQUIRE WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER.

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 10 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.

- c The Proper Officer may, before including a motion on the agenda, received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion re-submits it, so that it can be understood, in writing, to the Proper Officer 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 chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

10 MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE.

- a The following motions may be moved at a meeting without written notice to the Proper Officer:
 - i. to correct an inaccuracy in the draft minutes of a meeting;
 - ii. to move to a vote;
 - iii. to defer consideration of a motion;
 - iv. to refer a motion to a particular committee or sub-committee;
 - v. to appoint a person to preside at a meeting;
 - vi. to change the order of business on the agenda;
 - vii. to proceed to the next business on the agenda;
 - viii. to require a written report;
 - ix. to appoint a committee or sub-committee and their members;
 - x. to extend the time limits for speaking;
 - xi. to exclude the press and public from a meeting in respect of confidential or other information which is prejudicial to the public interest;

- xii. to not hear further from a councillor or a member of the public;
- xiii. to exclude a councillor or member of the public for disorderly conduct;
- xiv. to temporarily suspend the meeting;
- xv. to suspend a particular standing order (unless it reflects mandatory statutory or legal requirements);
- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

11 MANAGEMENT OF INFORMATION.

See also standing order 20.

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if 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.**

12 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.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.

- d If the chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

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

- e Subject to standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

13 CODE OF CONDUCT AND DISPENSATIONS.

See also standing order 3(s).

- a **Councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.**
- b All councillors and non-councillors with voting rights shall undertake training in the code of conduct within six months of the delivery of their acceptance of office form.
- c **Dispensation requests shall be in writing and submitted to the standards committee of the County Council as soon as possible before the meeting that the dispensation is required for.**

14 CODE OF CONDUCT COMPLAINTS.

- a Upon notification by the 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 11, report this to the Council.
- b Where the notification in standing order 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined.
- 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

his related legal costs and any such indemnity is subject to approval by a meeting of the Council.

15 PROPER OFFICER.

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
 - i. **at least three clear days before a meeting of the council, a committee or a sub-committee:**
 - **serve on councillors by delivery or post at their residences a signed summons confirming the time, place and the agenda** [unless they have previously given consent, by resolution of the council, to receive notification by email], **and**
 - **provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them) 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 9, 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 his withdrawal of it;
 - iii. **convene a meeting of Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
 - iv. **facilitate inspection of the minute book by local government electors;**
 - v. **receive and retain copies of byelaws made by other local authorities;**
 - vi. hold acceptance of office forms from councillors;
 - vii. hold a copy of every councillor's register of interests;
 - viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;

- ix. liaise, as appropriate, with the Council's Data Protection Officer;
- 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 executed;
See also standing order 23;
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the [Chairman or in his absence the Vice-Chairman (if there is one) of the Council] 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;
- xvi. manage access to information about the Council via the publication scheme; and
- xvii. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect.
See also standing order 23.

16 RESPONSIBLE FINANCIAL OFFICER.

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

17 ACCOUNTS AND ACCOUNTING STATEMENTS.

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils 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.
- c The Responsible Financial Officer shall supply to each councillor as soon as

practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

- i. the Council's receipts and payments (or income and expenditure) for each quarter;
 - ii. the Council's aggregate receipts and payments (or income and expenditure) for the year to date;
 - iii. the balances held at the end of the quarter being reported and which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.
- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
 - i. each councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
 - ii. to the Council the accounting statements for the year in the form of Section 1 of the annual governance and accountability return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments or income and expenditure) for the year to 31 March. A completed draft annual governance and accountability return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to the Council for consideration and formal approval before 30 June.

18 FINANCIAL CONTROLS AND PROCUREMENT.

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
 - iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and

- v. subject to standing orders 18(e)) 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 Subject to additional requirements in the financial regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
 - i. a specification for the goods, materials, services or the execution of works shall be drawn up;
 - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;
 - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- d Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e Procurement must comply with the UK's obligations under the World Trade Organisation's Agreement on Government Procurement (GPA) threshold Levels.

19 HANDLING STAFF MATTERS.

- a A matter personal to a member of staff that is being considered by a meeting of Llangollen Town Council or the Human Resources Committee is subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chairman of the Human Resources Committee or, if he is not available, the vice-chairman (if there is one) of the Human Resources Committee of absence occasioned by illness or other reason

and that person shall report such absence to the Human Resources Committee at its next meeting.

- c The chairman of the Human Resources Committee or in his absence, the vice-chairman shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Town Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Human Resources Committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chairman of the Human Resources Committee or in his absence, the vice-chairman of the Human Resources Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Human Resources Committee.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Town Clerk relates to the chairman or vice-chairman of the Human Resources Committee, this shall be communicated to another member of the Human Resources Committee, which shall be reported back and progressed by resolution of the Human Resources Committee.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20 RESPONSIBILITIES TO PROVIDE INFORMATION.

See also standing order 21.

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

21 RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION.

(Below is not an exclusive list).

See also standing order 11.

- a **The Council may appoint a Data Protection Officer.**
- b **The Council shall have policies and procedures in place to respond to an individual exercising statutory rights concerning his personal data.**
- c **The Council shall have a written policy in place for responding to and managing a personal data breach.**

- d **The Council shall keep a record of all personal data breaches comprising the facts relating to the personal data breach, its effects and the remedial action taken.**
- e **The Council shall ensure that information communicated in its privacy notice(s) is in an easily accessible and available form and kept up to date.**
- f **The Council shall maintain a written record of its processing activities.**

22 RELATIONS WITH THE PRESS/MEDIA.

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

23 EXECUTION AND SEALING OF LEGAL DEEDS.

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

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 23(a), any two councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

24 COMMUNICATING WITH COUNTY BOROUGH OR COUNTY COUNCIL 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.

25 RESTRICTIONS ON COUNCILLOR ACTIVITIES.

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

26 STANDING ORDERS GENERALLY.

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.

- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 3 councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chairman of a meeting as to the application of standing orders at the meeting shall be final.

APPENDIX B.

FINANCIAL REGULATIONS

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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 orders and any individual financial regulations relating to contracts.
- 1.2. The Council is responsible in law for ensuring that its financial management is adequate and effective, and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
- 1.3. The Council's accounting 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 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 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 not submitted to the Council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
 - measures to ensure that risk is properly managed.
- 1.13. The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:
- setting the final budget or the precept (Council Tax Requirement);
 - approving accounting statements;
 - approving an annual governance statement;
 - borrowing;
 - writing off bad debts;
 - 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.

1.16. In these financial regulations the term ‘proper practice’ or ‘proper practices’ shall refer to guidance issued in *Governance and Accountability for Local Councils 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 Chairman [or a cheque signatory] shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Council.

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. Each committee (if any) shall review its three-year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the Council not later than the end of [November] each year including any proposals for revising the forecast.

3.2. The RFO must each year, by no later than December 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 three-year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.

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

supply each member with a copy of the approved annual budget.

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

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND.

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

- the Council for all items over £5,000;
- a duly delegated committee of the Council for items over £500; or
- the Clerk for any items below £500.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chairman. Contracts may not be disaggregated to avoid controls imposed by these regulations.

- 4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council, or duly delegated committee. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. The salary budgets are to be reviewed at least annually in November for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.5. In cases of extreme risk to the delivery of Council services, the clerk may authorise revenue expenditure on behalf of the Council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000. The Clerk shall report such action to the chairman as soon as possible and to the Council as soon as practicable thereafter.
- 4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, and the requisite borrowing approval has been obtained.
- 4.7. All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- 4.8. The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to

be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose, “material” shall be in excess of 15% of the budget.

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

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS.

- 5.1. The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency. The Council's bankers shall seek credit references in respect of members or employees who act as signatories.
- 5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to Council. 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 Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available Council meeting.
- 5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
- a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of Council;
 - 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
 - c) fund transfers within the Council's banking arrangements up to the sum of [£10,000], provided that a list of such payments shall be submitted to the next appropriate meeting of Council.
- 5.6. For each financial year the Clerk and RFO shall draw up a list of due payments which

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

- 5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- 5.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by Council and in accordance with any policy statement approved by Council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the Council.
- 5.9. Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable or other interest, unless a dispensation has been granted.
- 5.10. The Council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.
- 5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS.

- 6.1. The Council will make safe and efficient arrangements for the making of its payments.
- 6.2. Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be 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 shall be signed by two members of Council, and countersigned by the Clerk, in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.
- 6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. Cheques or orders for payment shall not normally be presented for signature other than at a Council (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the Council [or Finance

Committee] at the next convenient meeting.

- 6.7. If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to Council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the Council at least every two years.
- 6.8. If thought appropriate by the Council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to Council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the Council at least every two years.
- 6.9. If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories are retained and any payments are reported to Council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the Council at least every two years.
- 6.10. If thought appropriate by the Council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the Council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other Councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the Council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.
- 6.12. No employee or Councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or a duly delegated committee.
- 6.13. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.14. The Council, and any members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.
- 6.15. Where internet banking arrangements are made with any bank, the Clerk [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 Clerk. A programme of regular checks of standing data with suppliers will be followed.
- 6.18. Any Debit Card issued for use will be specifically restricted to the Clerk and 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 Council. Transactions and purchases made will be reported to the Council and authority for topping-up shall be at the discretion of the Council.
- 6.20. Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Clerk and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.
- 6.21. The Council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

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 Human Resources Committee.
- 7.4. 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.
- 7.5. An effective system of personal performance management should be maintained for the senior officers.

- 7.6. Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 7.7. Before employing interim staff, the Council must consider a full business case.

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. 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.
- 8.4. 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.
- 8.5. All investments of money under the control of the Council shall be in the name of the Council.
- 8.6. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.7. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. INCOME.

- 9.1. The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 9.2. Particulars of all charges to be made for work done, services rendered, or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 9.3. The Council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- 9.5. All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such

frequency as the RFO considers necessary.

- 9.6. The origin of each receipt shall be entered on the paying-in slip.
- 9.7. Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9. Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the Council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any Council meeting (see also Regulation 16 below).

10. ORDERS FOR WORK, GOODS AND SERVICES.

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

11. CONTRACTS.

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

- i. for the supply of gas, electricity, water, sewerage and telephone services;
 - ii. for specialist services such as are provided by legal professionals acting in disputes;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - v. for 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).
- 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.
- d. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- e. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of Council.
- f. Any invitation to tender issued under this regulation shall be subject to Standing Orders 18(c) and shall refer to the terms of the Bribery Act 2010.
- g. When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £500 the Clerk or RFO shall strive to obtain 3 estimates. 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.
- 11.2. The Proper Officer 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 a report shall be submitted to the Council.
- 12.3. Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

13. STORES AND EQUIPMENT.

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

14. ASSETS, PROPERTIES AND ESTATES.

- 14.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The RFO shall ensure a record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit (Wales) Regulations.
- 14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible

movable property does not exceed £250.

- 14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.5. Subject only to the limit set in 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.
- 15.2. The Clerk shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 15.3. The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim and shall report these to Council at the next available meeting.
- 15.5. All appropriate members and employees of the Council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined [annually] by the Council, or duly delegated committee.

16. CHARITIES.

- 16.1. Where the Council is sole managing trustee of a charitable body the Clerk and 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 Clerk and 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 Clerk [with the 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 Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

18. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS.

- 18.1. It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these financial regulations.
- 18.2. The Council may, by resolution of the Council duly notified prior to the relevant meeting of Council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of Council.

APPENDIX C.

SCHEME OF DELEGATION

1. SUMMARY

- 1.1 Town and Community Councils are corporate bodies defined by statute as such they are not exempt from or above the law. If a Town or Community Council makes an illegal decision which is implemented it is the Council and Councillors who are liable not the Clerk who is responsible for implementation. Decisions made by the Town Council, all have a legal implication, and Councillors have a duty to make themselves familiar with the requirements contained in the statutes and financial regulations as they are jointly and severally legally liable .
- 1.2 With a few statutory exceptions, only the Full Council is able to make decisions on behalf of the corporate body, *unless* it makes explicit provision to delegate powers to either a committee or officer (or in some cases, another authority). These delegated powers are often enshrined in the Council's key governance documents, its Standing Orders, Financial Regulations, and committee terms of reference, as well as other policies. responsible.
- 1.3 The purpose of the Scheme of Delegation is to consolidate these delegated powers into one document:
- providing a single point of reference to inform decision-making;
 - ensuring that there is no conflict between different governance documents;
 - clarifying lines of accountability;
 - and confirming where statutory responsibilities sit.
- 1.4 The scheme covers all aspects of the Council decision-making process, and it is therefore intended as a key reference document for all staff and councillors, particularly: the Town Mayor, Committee Chairs and the Town Clerk. It will be publicly available and published on the Town Councils website to provide those members of the community attending Council meetings with a guide to how the Council makes decisions.

2. THE POWER TO DELEGATE

- 2.1 The Council's statutory power to delegate its functions is laid down in Local Government Act 1972 s101. This states that power can be delegated to a committee, sub-committee, or officer of the authority, or to another authority.
- 2.2 By virtue of the absence of any provision in s101, city, town and community council functions cannot be delegated to an individual councillor. However, when acting as the Chair of a meeting, a Councillor has ex officio powers to regulate conduct in the meeting, as defined later in this scheme.

3. TOWN COUNCIL.

- 3.1 The following matters are reserved to the Town Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations for the Council's consideration:

- Approval of the budget.
- Setting the precept.
- Approval of the Annual Return and Audit of Accounts.
- Agreement to write off bad debts.
- Approval by resolution, before payment, of any grant or single commitment in excess of £5,000.
- Authorisation as to terms and purpose for any application for Borrowing Approval and subsequent arrangements for the loan.
- Approval of any financial arrangement which does not require formal borrowing approval from Welsh Government (e.g., hire purchase or leasing of tangible assets)
- Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property over £250.
- Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land).
- Approval of the virement of unspent and available amounts to other budget headings or reserves.
- Approval of changes in earmarked reserves as part of the budgetary process.
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
- Making, amending or revoking by-laws.
- Making of Orders under any statutory powers.
- Matters of principle or policy.
- Appointment of Standing Committees.
- Appointing Council representatives to outside bodies.
- All other matter which much, by law, be reserved to the full Council.

3. From May 2022 the following additional matters are reserved to the Town Council for decision:

- Declaring eligibility for the General Power of Competence.
- Preparing and publishing a report about the Council's priorities, activities and achievements.
- Consider training for councillors and community council staff, and publish training plans.

4. DELEGATION TO OFFICERS

4.1 The following matters are delegated to the Council's Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

4.2 The Council may at any time, following resolution, revoke any delegated authority. Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to a Committee or the Council. Similarly, where Officers have no delegated power to make a decision they report the matter to Committee or the Council for a decision.

4.3 Responsible Financial Officer

The Town Clerk as the Responsible Financial Officer of Llangollen Town Council shall be responsible for:

- the Town Council's accounting procedures the accounting system and the form of their accounting statements and supporting accounting records in accordance with the Accounts and Audit Regulations (Wales) in force at any given time.
- Ensuring that the accounting systems are observed and that the accounts and supporting records of the body are maintained in accordance with proper practices and kept up to date.
- Ensuring the Council has an adequate and effective system of internal control.
- Producing all financial management information, including, completing the annual financial statements of the Council.
- Maintaining a record of the assets and liabilities of the Council.
- Following the annual risk assessment shall effect all insurances and negotiate all claims on the Council.

4.4 Proper Officer

The Town Clerk is the Proper Officer of Llangollen Town Council and as such is specifically authorised to:

- To receive Declarations of Acceptance of Office.
- To retain a copy of every councillor's register of interests.
- To receive and record notices disclosing personal and prejudicial interests.
- To receive and retain plans and documents.
- To sign notices or other documents on behalf of the Council.
- Signing summonses to attend meetings of the Council.
- Keeping a proper record for all meeting
- To receive copies of by-laws made by the local authority.
- To certify copies of by-laws made by the Council.
- To arrange insurance

4.5 In addition, the Proper Officer has the delegated authority to undertake the following matters on behalf of the Council:

- The day to day administration of services, together with routine inspection and control of assets and procedures.
- Postponing a meeting, or calling an additional meeting of the Council or any committee, as necessary, in consultation with the Town Mayor or appropriate committee.
- Responding to any correspondence requiring or requesting information, or relating to previous decision of the Council.
- Managing the provision of Council services, buildings, land, and resources (indirectly where service managers have delegated responsibility), including the temporary closure of any such facilities, as may be required.
- Prosecuting a debtor, where such prosecution is through the small claims process, or approving the write off of any debt up to the value laid down in Financial Regulations.

- Applying for any grants and other funding on the Council's behalf.
- Disposing of or selling any equipment or consumables, save where the estimated value of any one item of tangible movable property exceeds any amount laid down in Financial Regulations.
- Renewing any existing leasing or licencing agreements, save where the estimated value exceeds any amount laid down in the Financial Regulations, or where the lease term exceeds one year.
- Entering into negotiations on any matter on behalf of the Council, it being understood that the Town Clerk shall not be authorised to confirm any agreement without the consent of the Council or relevant committee.
- Authorising the issue of all official Town Council press releases, and editorial control of the Council's website and social media content.
- Dealing with such matters as specifically delegated by the Council or committee.
- Day to day supervision and control of all staff employed by the Council.
- The day to day administration and oversight for organised events and activities.
- Authorisation of routine expenditure with the agreed budget.
- Emergency expenditure up to £1,000.
- Matters specifically delegated by resolution by Council or Committee.

5. Town Mayor.

5.1 No matter may be delegated to the Town Mayor except for the following:

- Convening an extraordinary meeting of the Full Council.
- Receiving the resignation of any member.
- When attending a Full Council meeting, the powers granted to a chair of a meeting.
- Attending a civic function (it being understood that the contents of any speeches must not purport to being the view of the Council unless previously agreed).

6. Chair of a meeting.

6.1 When a Councillor acts in the role of the Chair of a meeting, they shall have the power to:

- Convening an extraordinary meeting of the relevant Council or committee.
- Direct the order of speaking.
- Direct any response to a question posed during public participation.
- Permitting an individual to be seated whilst speaking.
- Suspend or close a meeting .
- In the case of an equality of votes on any matter, exercising a casting vote.
- Determining the rules of debate, in accordance with the Council's Standing Orders.
- Determining a point of order.
- Putting a motion to the vote.
- Signing the minutes of a previous meeting, once confirmed by a resolution as an accurate record.
- Moving that a person be silenced or excluded from the meeting for disorderly conduct.

7. Councillors.

7.1 No matter may be delegated to an individual Councillor, except that:

- Two Councillors may convene an extraordinary meeting of the Council, should the Town Mayor refuse to do so.
- Three Councillors when members of a Committee may convene an extraordinary meeting of the Committee, if the chairman of a Committee does not call such a meeting within 7 days of having been requested to do so by 3 Councillors.
- In the event of disorderly conduct at meetings any Councillor may move that a person be silenced or excluded from the meeting for disorderly conduct.
- Matters may be delegated to an officer to determine in consultation with one or more Councillors, it being understood that the officer shall not overrule any reasonable request of that member(s), but that the officer's decision shall be final.
- A Councillor may arrange or attend a meeting regarding Council business, it being understood that any representations made by the Councillor are in their personal capacity and may not represent the views of the Council.
- A Councillor may contact an outside body regarding Council business, it being understood that any representations made by the Councillor are in their personal capacity and may not represent the views of the Council.
- A Councillor may assist in discharging any council policy or procedure, if it is expressly permitted in the policy, or if prior approval has been obtained.
- No Councillor may issue an instruction to an officer, but may highlight any issue that they believe requires the attention of the Council.
- Any issue regarding staff performance may only be raised with the Town Clerk or through the appropriate committee.

8. COMMITTEES.

8.1 Best practice on the constitution of committee's states that:

"there should be no more standing committee than are necessary, the membership of the committees should be small, their terms of reference should be clearly specified, and their relationship to the rest of the decision-making structure clearly defined. Each committee should be concerned with matters that can only be dealt with at member level, i.e., there should ordinarily be no involvement in matters of day-to-day administration and operation business that is properly the responsibility of officers."¹

8.2 Matters are delegated to the Council's Committees to make decisions on behalf of the Council must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

8.3 The Council may at any time, following resolution, revoke any delegated authority. Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly, where a Committee has no delegated power to make a decision it makes a recommendation to Council.

¹ Knowles on Local Authority Meetings, 8th edition by Philip McCourt, 2016,

- 8.4 Membership of Committees shall be ratified at the Annual Council Meeting in May of each year. Committee composition shall be a no more than five Councillors with not less than three members of Committee constituting a quorum.
- 8.5 All correspondence shall be conducted through the Clerk of the Town Council wherever possible. Minutes of all meetings shall be kept by the Clerk and forwarded to Members of the Town Council.
- 8.6 All Committees are constituted as a Standing Committee of Llangollen Town Council within specific terms of reference and have delegated powers to:
- Elect a Chair and Vice Chair from within the Membership of that Committee.
 - Approve the minutes of the last meeting of the Committee.
 - Spend money from budget headings under that Committee's remit up to the limit of the budget and/or named reserve.
 - Make recommendations on the budget requirement for the Committee for the coming Financial Year.
 - Delegate any of their functions to a Sub-Committee or Officer of the Council
 - Operate in compliance with Llangollen Town Councils Standing Order and Financial Regulations.

COMMITTEES SPECIFIC TERMS OF REFERENCE

Asset Management.

1. The Asset Management Committee shall be administered and managed in accordance with scheme of delegation and these Terms of Reference.
2. The Asset Management Committee shall meet four times a year and the dates shall be included in the Schedule of Meetings.
3. The objective of the Asset Management Committee shall be to ensure that all facilities and land under the Council's ownership and control are managed effectively to provide a pleasant and safe environment for residents and visitors to the town in an efficient and cost-effective manner.
4. The Asset Management Committee may co-opt non-voting members and appoint appropriate Subcommittees or Working Groups to facilitate the work of the Committee.
5. The Asset Management Committee shall have delegated powers to: -
 - a) To spend to the amount specified in the allocated cost centres.
 - b) administer and maintain and insure the Council's facilities, assets, services and activities including, but not limited to, the following: -
 - i) The Town Hall.
 - ii) War Memorial and associated land and structures.
 - iii) Pen y Bryn Cemetery.
 - iv) CCTV.
 - v) Street furniture/ bus shelters.
 - vi) Chain Bridge
 - c) Carry out works under contract under agreement or under licence from third parties including, but not limited to, the following: -
 - i) Llangollen Recreation Ground.
 - d) act upon or commission any services as deemed appropriate and in accordance with the annual budget and terms of reference of the Committee, including applying for any external grant funding.
 - e) advise the Council on the acquisition of land for the purposes of leisure, amenity and recreational activities.
 - f) advise the Council on the provision of new and the modification of existing buildings and equipment related to the leisure, recreation, or amenity aspects of the Council's business.
 - g) prepare and submit for the Council's consideration fees for all chargeable areas under the Committee's remit.
 - h) assemble and submit to the Town Council estimates of income and expenditure for each financial year.
 - i) purchase items of plant, equipment within approved budgets.

- j) acquire office equipment and assets as required enabling the staff to carry out their duties.
- k) exercise the management of health and safety issues in respect of all Town Council assets.
- l) co-ordinate events organised by the Town Council.
- m) liaise and co-operate with the Tidy Towns Team
- n) manage and develop the Town Council's IT infrastructure, data storage.

Climate, Ecology and Cittaslow Committee.

1. The Cittaslow and Climate Change Committee shall be administered and managed in accordance with scheme of delegation and these Terms of Reference.
2. The Cittaslow and Climate Change Committee shall meet at least four times a year and the dates shall be included in the Schedule of Meetings.
3. The objective of the Cittaslow and Climate Change Committee shall be to improve the quality of life in Llangollen by addressing climate change issues affecting the Town Council and progressing the Cittaslow aims in an efficient and cost-effective manner.
4. The Cittaslow and Climate Change Committee may co-opt non-voting members and appoint appropriate Subcommittees or Working Groups to facilitate the work of the Committee..
5. The Committee shall have delegated powers:-
 - a) to improve the quality of life in Llangollen by progressing the Cittaslow aims.
 - b) to assist the Town Council in becoming a carbon-neutral organisation by 2025.
 - c) to spend to the amount specified in the allocated Cittaslow cost code in an efficient and cost-effective manner.
6. The Committee's remit shall extend to:-

Cittaslow.

 - a) Supporting and promoting local businesses culture, traditions, produce .
 - b) Promoting healthy eating and healthy living.
 - c) Encouraging and celebrating diversity.
 - d) Protecting, conserve and enhance the natural environment and biodiversity
 - e) Administrating the Community Support Grants scheme

Climate change.

- a) Ensure the Town Council's compliance with the Environment (Wales) Act 2016
- b) Reviewing the Town Council's Biodiversity action plan.
- c) Reviewing the Town Council's Climate and Ecological Emergency Action Plan.
- d) Encouraging sustainable transport initiatives.
- e) Encouraging sustainable energy use and reducing energy consumption.
- f) Encouraging a reduction in use of plastics, maximise recycling and use materials efficiently overall.
- g) Representing the views and needs of relevant community organisations or community members regarding the climate emergency.
- h) Ensuring on-going community involvement in the work of the Committee.

Human Resources Committee.

1. The Human Resources Committee shall be administered and managed in accordance with scheme of delegation and these Terms of Reference.
2. The Town Mayor and Deputy Town Mayor are standing members of the committee.
3. The Human Resources Committee shall meet at least four times a year and the dates shall be included in the Schedule of Meetings.
4. The objective of the Human Resources Committee shall be to ensure that are managed effectively and in an efficient and cost-effective manner.
5. The Human Resources Committee shall have delegated powers to: -
 - a) To spend to the amount specified in the allocated budget staff costs cost centre.
 - b) To authorise the Chair of the Committee or in his absence, the Vice Chair to conduct a review of the performance and annual appraisal of the work of the Town Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Human Resources Committee.
 - c) Subject to the Council's policy regarding absences from work receive from the Council's most senior member of staff to notify the chairman of the Human Resources Committee or, if he is not available, the vice-chairman of the Human Resources Committee of absence occasioned by illness or other reason and that person shall report such absence to the Human Resources Committee at its next meeting.
 - d) Determining the staffing levels necessary to efficiently discharge the work required by the Council and to approve job descriptions and review workloads periodically.
 - e) Establishing the grading, remuneration and terms and conditions of employment for Council employees including contracts of employment.
 - f) Establishing and review the Council's employment policies and procedures.
 - g) Approving all staff recruitment, appointments, training and dismissals but excluding decisions relating to the Town Clerk which will be considered by the Town Council.
 - h) Reviewing and engaging with schemes for the employment of people under training programmes.
 - i) Ensuring that all disciplinary and grievance policies are dealt with in line with the Council's procedures.
 - j) Determining the training and development policy of the Council.
 - k) Determining the provision of office accommodation.
 - l) Establishing the health, safety and welfare policies of the Council and overseeing implementation and compliance.

TASK AND FINISH GROUPS

Task and Finish Groups may be formed by resolution of the Council or a Committee at any time. The work of such a group will be decided upon at the time it is formed by means of a minute detailing the terms of reference. Each group will report back with recommendations to the Council or the Committee that formed it.

APPENDIX D. CODE OF CONDUCT

Local Authorities (Model Code of Conduct) (Wales) Order 2008/788

Schedule 1

This version in force from: **April 1, 2016 to present**

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, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question 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, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” (*“aelod ”*) includes, unless the context requires otherwise, a co-opted member;

[*“register of members’ interests”* (*“cofrestr o fuddiannau’r aelodau ”*) means the register established and maintained under section 81 of the Local Government Act 2000;]

[*“registered society”* means a society, other than a society registered as a credit union, which is—

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

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

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

“you” (*“chi ”*) means you as a member or co-opted member of a relevant authority; and

“your authority” (*“eich awdurdod ”*) means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) *“proper officer”* (*“swyddog priodol ”*) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) *“standards committee”* (*“pwyllgor safonau ”*) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

PART 2 GENERAL PROVISIONS

1. —

Save where paragraph 3(a) applies, you must observe this code of conduct—

- (a) whenever you conduct the business, or are present at a meeting, of your authority;
- (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as 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 prescribed under 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 serve—

- (a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
- (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. —

You must—

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and

- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. —

You must not—

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

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
 - (v) 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 subparagraph (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 subparagraph (iv) above;

- (viii) anybody 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, [registered 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;
- (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 Financial and Other Interests and Memberships and Management Positions

15. —

Registration of Personal Interests

- (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 office of the existence and nature of that gift, hospitality, material benefit or advantage.

Notes

1. S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.
2. Definition inserted in para.1(1) by Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84 art.2(2)(a) (April 1, 2016)
Definition of 'registered society' inserted in para.1 of Sch.1 by Co-operative and
3. Community Benefit Societies and Credit Unions Act 2010 (Consequential Amendments) Regulations 2014/1815 Sch.1 para.21(a) (August 1, 2014 immediately after 2014 c.14)
4. Para.1(2) substituted by Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84 art.2(2)(b) (April 1, 2016)
Words revoked in para.3(a) by Local Authorities (Model Code of Conduct) (Wales)
5. (Amendment) Order 2016/84 art.2(3)(a) (April 1, 2016)
Words revoked in para.6(1)(c) by Local Authorities (Model Code of Conduct) (Wales)
6. (Amendment) Order 2016/84 art.2(3)(b) (April 1, 2016)
Words substituted in Sch.1 para.10(2)(a)(ix)(bb) by Co-operative and Community Benefit
7. Societies and Credit Unions Act 2010
(Consequential Amendments) Regulations 2014/1815 Sch.1 para.21(b) (August 1, 2014 immediately after 2014 c.14)
Para.10(2)(b) revoked by Local Authorities (Model Code of Conduct) (Wales)
8. (Amendment) Order 2016/84 art.2(4)(a) (April 1, 2016)
Words inserted in para.11(4) by Local Authorities (Model Code of Conduct) (Wales)
9. (Amendment) Order 2016/84 art.2(4)(b) (April 1, 2016)
Para.12(2)(b)(iv) substituted by Local Authorities (Model Code of Conduct) (Wales)
10. (Amendment) Order 2016/84 art.2(4)(c) (April 1, 2016)
Word inserted in para.14(1) by Local Authorities (Model Code of Conduct) (Wales)
11. (Amendment) Order 2016/84 art.2(4)(d)(i) (April 1, 2016)
Para.14(2A) and (2B) inserted by Local Authorities (Model Code of Conduct) (Wales)
12. (Amendment) Order 2016/84 art.2(4)(d)(ii) (April 1, 2016)
Para.15 substituted by Local Authorities (Model Code of Conduct) (Wales) (Amendment)
13. Order 2016/84 art.2(5)(a) (April 1, 2016)
Words inserted in para.16(2) by Local Authorities (Model Code of Conduct) (Wales)
14. (Amendment) Order 2016/84 art.2(5)(b) (April 1, 2016)
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15. (Amendment) Order 2016/84 art.2(5)(c) (April 1, 2016) Crown Copyright material is reproduced with the permission of the Controller of HMSO and the Queen's Printer for Scotland

APPENDIX E.

CODE OF CONDUCT FOR EMPLOYEES

1. **General Principles**

The public is entitled to expect the highest standards of conduct from all qualifying employees of relevant authorities. The role of such employees is to serve their employing authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

2. **Accountability**

Qualifying employees of relevant authorities work for their employing authority and serve the whole of that authority. They are accountable to and owe a duty to that authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

3. **Political Neutrality**

Qualifying employees of relevant authorities, whether or not politically restricted, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

4. **Relations with members, the public and other employees**

Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis. Qualifying employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently, and without bias.

6. **Equality**

Qualifying employees of relevant authorities must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.

7. **Stewardship**

Qualifying employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

8. **Personal Interests**

Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to

further their private interests, or the interests of others. In particular, they must comply with:

- (1) any rules of their relevant authority on the registration and declaration by employees of financial and non - financial interests,
- (2) Any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant authority.

9. Whistleblowing

In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the relevant authority's confidential reporting procedure, or any other procedure designed for this purpose.

10. Treatment of Information

Openness in the dissemination of information and decision making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

11. Appointment of Staff

Qualifying employees of relevant authorities involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.

12. Investigations by Monitoring Officers

Where a monitoring officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000([9](#)) a qualifying employee must comply with any requirement made by that monitoring officer in connection with such an investigation.

APPENDIX F.

STAFF / MEMBER PROTOCOL

1. Introduction.

- 1.1 This document has been put together to give all staff and Members guidance on accepted good practice in respect of Council protocol. It is in addition to information and guidance provided by other publications such as “The Good Members Guide” and One Voice Wales guidelines on Chairmanship.
- 1.2 Copies of this Protocol will be issued to all staff on appointment and Members on election. It will complement any statutory procedures or legislation enacted from time to time.
- 1.3 The purpose of this protocol is to guide staff and Members in their relations with one another and their dealings with other Members and staff from any tier of Government in such a way as to ensure the smooth running of the Council. Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.4 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the protocol is followed it should ensure that Members receive objective and impartial advice and that staff are protected from accusations of bias and any undue influence from Members.
- 1.5 It also seeks to reflect the principles underlying the Code of Conduct for staff detailed in the staff handbook, and the legislative code that applies to Members. The object of this code is to enhance and maintain the integrity (real and perceived) of local government to ensure high standards of personal conduct. The Council has adopted the Codes of Conduct for staff and Members and this protocol should be read in conjunction with the appropriate Code and the relevant provisions of the Council’s other adopted policies.

2. Definitions.

- 2.1 **Agendas.**

The proper officer (hereinafter identified as the Town Clerk in line with Standing Orders) is responsible under statute for the summons to attend a meeting of the Town Council, Committees and Sub Committees, specifying the business proposed to be transacted at the meeting, duly signed, and circulated to Members in advance of the meetings in compliance with the statutory requirements. The Town Clerk may consult with the appropriate Chairs during the preparation of Agendas. The Chairs works in partnership with the Town Clerk to make sure that the Council is properly informed for making lawful decisions during meetings.
- 2.2 **Staff at Meetings.**

The Town Clerk or other appointed officer as delegated by the Town Clerk will be present at **all meetings** involving Members of the Town Council and will advise on any questions relating to Standing Orders, Financial Regulations, legal requirements or committee procedures and will supervise the production of formal Minutes of the

meeting. Where for whatever reason a staff member is not able to attend a meeting the meeting is not invalidated. The Chair presides and a Member may take the minutes.

2.3 Minutes.

The Town Clerk or other appointed officer is responsible for the content of all Minutes and for circulation prior to adoption by the Town Council.

2.4 Authority to Act.

No individual Member (including Committee Chair's and the Town Mayor) or informal groups of Members can make a decision on behalf of the Council. There is no such thing as 'Chair's Action.'

3. Council Decision Making.

3.1 Decision making by Llangollen Town Council or Council Committees will follow the Council's procedural rules set out in Standing Orders and Financial Regulations when considering any matter.

3.2 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- Proportionality i.e. the action should be proportionate to the desired outcome
- Following due consultation and the taking advice from staff
- Respect for human rights
- Presumption in favour of openness
- Clarity of aims and desired outcomes

4. Chairing the Council (role of the Town Mayor).

4.1 The Town Mayor, who is also the Chair of the Council, will be elected by the Council annually and will receive regular briefings by the Town Clerk on current issues. While the title confers no additional powers on the Town Mayor, as Chair they will have the following responsibilities:

- to uphold and promote the purposes of the Standing Orders and Financial Regulations, and to interpret the Standing Orders and Financial Regulations when necessary;
- to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Members and the interests of the community;
- to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who do not hold committee chairs are able to hold the Town Mayor and committee chair's to account;
- to promote public involvement in the Council's activities;
- to be the conscience of the Council; and
- to attend such civic and ceremonial functions as the Council and he/she determines appropriate.
- Reflecting the balance of evidence, legal or financial advice

5. Principles Underlying Staff/Member Relations.

- 5.1 The Nolan Report on Standards of Conduct in Local Government suggests that 'No local authority can function properly without a good relationship between its Members and its staff. Where the relationship breaks down, an atmosphere of suspicion or dislike can make it very difficult to devise and implement policies in any consistent way.' The general principles which govern the conduct of Members (selflessness, honesty and integrity, objectivity, accountability, openness, personal judgement, respect for others, duty to uphold the law, stewardship and leadership) require Members to respect the impartiality and integrity of an authority's statutory staff and other staff. Those principles are equally appropriate for staff in their dealings with Members.
- 5.7 Roles of Members.
Members are responsible to the electorate and serve only so long as their term of office lasts. Members are democratically elected and are accountable to the electorate for their actions. An important feature of each Member's role is to represent the interests of his/her constituents, irrespective of how they may have voted in an election. The expectation is that Members will be more aware of the views of their constituents on major policy developments before decisions are taken collectively at Council meetings.
- 5.8 Roles of Staff.
The Town Clerk is responsible for day-to-day managerial and operational decisions within the Council and the provision of support to all Members. The Town Clerk has a duty to implement decisions of the Council which are lawful, and which have been properly approved in accordance with the requirements of the law recorded in the Minutes of the Council.
- 5.9 Employer/Staff Issues.
At the heart of this Protocol, is the importance of mutual respect. Staff/Member relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between staff and Members should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 5.10 Members should recognise in their dealings with staff that inappropriate conduct or behaviour on their part could lead to a case being brought to an employment tribunal by an aggrieved staff member. It is proper for a Member to make written or oral representations about a matter affecting a constituent who also happens to be a staff member but he/she should avoid taking a proactive part or represent or act as an advocate on behalf of the staff in any disciplinary or grievance procedures brought against the Council by the staff member.
- 5.11 Members should not place inappropriate pressure on staff and must ensure that all communication between them (including written communication) does not bring the Council into disrepute, cause any embarrassment to them, or lead to a breakdown of mutual trust respect and courtesy in Staff/Member relations.
- 5.12 In particular, Members and staff should promote equality by not discriminating unlawfully or otherwise against any person. They should treat people with respect, regardless of their race, age, religion, gender, sexual orientation or disability.

- 5.13 A Member should not raise matters relating to the conduct or capability of a staff member in a manner that is incompatible with the objectives of this Protocol. This is a long-standing tradition in public service. A staff member has no means of responding to such criticisms in public. If a Member feels he/she has not been treated with proper respect, courtesy or has any concern about the conduct or capability of a staff member, and fails to resolve it through direct discussion with the staff member, he/she should raise the matter with the Town Clerk. The Town Clerk will then look into the facts and report back to the Member.
- 5.14 Any action taken against a staff member in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.
- 5.15 A staff member should not raise with a Member matters relating to the conduct or capability of another staff member at or in a manner that is incompatible with the overall objectives of this Protocol. This does not, however, prevent a staff member raising a concern with a Member under the Council's whistleblowing procedure
- 5.16 Where a staff member feels that he/she has not been properly treated with respect and courtesy by a Member, he/she should raise the matter with the Town Clerk, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Town Clerk will take appropriate action either by approaching the individual Member or by referring the matter to the Monitoring Officer at the Unitary Authority in the context of the Standards Committee considering the complaint.
- 5.17 Guidance on personal relationships is contained in the Code of Conduct within the Staff Handbook. Provided these are observed, more informal exchanges may be appropriate between Members and staff outside business meetings and formal events.
- 5.18 It is important that there should be a close working relationship between Members, Chair's and leaders of political parties with staff. However, such relationships should never be allowed to become so close, or appear to be so close as to bring into question the issue of impartiality into doubt.

6. Staff support to Members.

- 6.1 The Town Clerk is responsible for day-to-day managerial and operational decisions within the authority and for the provision of support to all Members.
- 6.2 Certain statutory staff members - the Proper Officer and Responsible Financial Officer have specific roles. These are addressed in Standing Orders and Financial Regulations. Their roles need to be understood and respected by all Members.
- 6.3 Independence of the Town Clerk
The Town Clerk is not answerable to any individual Member, not even to the Chair (Town Mayor). The Town Clerk is an independent and objective servant of the Council as a single corporate body, recognising that the Council is responsible for all decisions and taking instructions from the Council in its capacity as a single corporate body. The Town Clerk is not a secretary and is not at the beck and call of the Chairman or other Members. The clerk is the proper officer of the council in law. Legally councils can delegate decisions to clerks because they are trusted professional officers whose

objectivity allows them to act for the Council. The Clerk cannot be line-managed by any one councillor.

- 6.4 The Town Clerk has a right and a duty to report to the Council, or any committee or subcommittee on any issue which he/she deems appropriate. He/she has a right and obligation to obtain sound advice as he/she deems appropriate in order to assist in his/her role in reporting to the Council.
- 6.5 As an independent and objective professional, the Town Clerk (or such delegated staff member) advises the Council on whether decisions are lawful and ways in which decisions can be implemented.
- 6.6 The Town Clerk, or another staff member or adviser as he/she determines, shall research topics of concern to the Council and provide unbiased information to enable the Council to make an informed decision.
- 6.8 Members must not issue orders, instructions or directions to staff. Authorisation to carry out work on behalf of the Council can only be issued by the Town Clerk and/or the Responsible Finance Officer. The office of Town Mayor or as a Committee Chair does not confer this status.
- 6.9 Staff will do their best to give timely responses to Members' enquiries. However, staff should not have unreasonable requests placed on them. Their work priorities are set and managed by their Line Managers. Members should avoid disrupting staff members work by imposing their own priorities.
- 6.10 Much of the work of the Council is time sensitive and staff are usually working to tight deadlines. In order to help minimise disruption and to enable staff to plan and prioritise their work programme, Members should always seek to make an appointment to see a staff member and give an outline of what issues are to be discussed. This will help staff to provide the most relevant advice as preparation and research where necessary can be carried out before the meeting.
- 6.11 Members should try to give timely responses to enquiries from staff, particularly where the Council must itself comply with legal time limits for making decisions (for example in relation to planning applications).
- 6.12 Staff should not discuss with a Councillor personal matters concerning him/herself or another individual staff member. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with a Councillor.
- 6.13 Members and staff should respect each other's free time. Council business should only be discussed when both Councillor and staff member are acting in their official capacity.
- 6.14 Staff member Advice to Party Groups and Individual Members.
It must be recognised by all staff and Members that in discharging their duties and responsibilities, staff serve the Council as a whole and not any political group, combination of groups or any individual Councillor of the Council. In the law relating to town councils, there is no provision for dealing with party political groups.

- 6.15 Staff must at all times maintain political neutrality. They are not servants of any particular party, group, or individual although where a party or group has a majority of seats on the Council, staff can take appropriate recognition of that fact in the day to day working of the Council as long as no decision or regulation of the Council is not complied with or breached. All staff must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.
- 6.16 Certain points must, therefore, be clearly understood by all those representing party groups. In particular:
- staff assistance must not extend beyond providing information and advice in relation to matters of Council business. Staff must not be involved in advising on matters of party business.
 - where staff provide information and advice to a party group in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Council decision making body when the matter in question is considered.
 - Whilst support for Members' ward work is legitimate, care should be taken if staff are asked to accompany Members to ward surgeries. In such circumstances:
 - the surgeries must be open to the general public, and
 - staff should not be requested to accompany Members to surgeries held in the offices or premises of political parties.
 - Staff must never be asked to attend ward or constituency political party meetings.
- 6.17 It is acknowledged that some Council staff may receive and handle messages for Members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
- 6.18 In seeking to deal with constituents' queries or concerns, Members should respect the Council's procedures. Staff have many pressures on their time. They may not be able to carry out the work required by Members in the requested timescale and may need to seek instructions from their Line Managers.

7. Use of Council Resources.

- 7.1 A Member must, when using or authorising the use of the resources of the Council, act in accordance with the authority's requirements and ensure that such resources are not used for political purposes and that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the Member has been elected or appointed.
- 7.2 The Council provides support services such as stationery, typing, printing, photocopying to Members to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business and should never be used in connection with party political or campaigning activity or for private purposes.

8. Members' Access to Information and to Council Documents.

- 8.1 There is a general presumption of open government within the Council. Members are free to approach the Town Clerk to obtain such information, explanation and as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information to a request for specific information on behalf of a constituent.
- 8.2 Where information is requested on behalf of a third party, this will be treated as a request made under the Freedom of Information Act 2000, and the Council's normal procedures under that Act will be followed.
- 8.3 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law. Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted by the Council. This right applies irrespective of whether the Member is a Member of the Committee or Sub Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear as a confidential item on the agenda for a meeting. The items in question are those which contain exempt information relating to staff, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from Counsel and criminal investigations.
- 8.4 A Member has a prima facie right to inspect Council documents so far as his/her access to the document is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the 'need to know' principle.
- 8.5 The exercise of this common law right depends therefore, upon an individual Member being able to demonstrate that she/he has the necessary 'need to know'. In this respect a Member has no right to 'a roving commission' to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know'. This question must be determined by the Town Clerk.
- 8.6 In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the business of that Committee) a Member's 'need to know' will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) the Member will normally be expected to justify the request in specific terms. In some circumstances duties of confidentiality to external bodies, or imposed by statute may override the common law right.
- 8.7 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.
- 8.9 A Member must **not**:
- I. disclose information given to him/her in confidence by anyone or information acquired which he/she believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; and

- II. prevent another person from gaining access to information to which that person is entitled by law'

8.10 Any such breach of confidence may result in censure by the Council or in a complaint to the Monitoring Officer or, if sufficiently serious, in civil action against the Member and/or the Council for damages.

9. Correspondence (including email).

9.1 Letters and emails must be sent on Llangollen Town Council headed paper or from a Council account. It will, however, be appropriate in certain circumstances (e.g. representations) for a letter or email to appear in the name of the Town Mayor as Chair of the Council. Letters and emails which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

10. Publicity and Press Releases.

10.1 Press releases will be issued in accordance with the Press and Media Policy as adopted by the Council.

11. Arbitration.

11.1 Mutual understanding, openness on these sorts of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and staff. Where necessary, the Town Clerk will arbitrate on the implementation of this protocol in line with other Town Council policies, Standing Orders and Financial Regulations.

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INTRODUCTION

This is a new version of the model standing orders designed to comply with all relevant legislation including the Local Government and Elections (Wales) Act 2021. (May 2023)

How to use model standing orders

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

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

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

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 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 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 (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chair of the meeting, is expressed in writing to the 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 chair of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chair of the meeting.
- k One or more amendments may be discussed together if the 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 on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the 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. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which they consider has been breached or specify the other irregularity in the proceedings of the meeting they are concerned by.
- q A point of order shall be decided by the 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 or legal requirements.
- s Before an original or substantive motion is put to the vote, the 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), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed () minutes without the consent of the chair of the meeting.

2. DISORDERLY CONDUCT AT MEETINGS

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

3. MEETINGS GENERALLY

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Committee meetings	●
Sub-committee meetings	●

- a Notices of meetings
 - i. The notice (including how the meeting may be accessed virtually, if applicable) must be published electronically and in a conspicuous place in the community at least three clear days before the meeting, or if the meeting is convened at shorter notice, at the time it is convened.

- ii. If a member wants to receive the summons in writing rather than electronically to the address allocated to them or notified as their address to the clerk, they must give notice in writing to the clerk and specify the postal address to which the summons should be sent.
- iii. The notice must provide details about how to access the meeting remotely, and the time and place of the meeting. The place may be omitted if the meeting is held by remote means only.
- iv. In exceptional circumstances, a meeting of a committee or sub-committee of the council may be called at shorter notice. In which case, notices should be published with at least 24 hours' notice.

These notice requirements also apply where a formal meeting is taking place which is not open to the public.

b Multi-location meetings

- i. All community councils must make and publish arrangements for its meetings to enable people who are not in the same place to meet. Under the arrangements, councils will need to take reasonable steps to allow meetings to be held from multiple locations. If the arrangements are revised or replaced the new arrangements must also be published.
- ii. The minimum requirement is that members are able to hear and be heard by others.

Meetings Generally – Other.

- a **The minimum three clear days for notice of a meeting does not include the day on which the 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.**
- b **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**
- c **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 and the press's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public and the press to be excluded.**
- d The person presiding over the meeting must give members of the public in attendance a reasonable opportunity to make representations about any business to be discussed at the meeting, unless doing so is likely to prejudice the effective conduct of the meeting. This does not mean that members of the public can take part in debate, but they must be given a reasonable opportunity to make representations about business to be

discussed.

- e The period of time designated for public participation at a meeting in accordance with standing order 3(d) shall not exceed 15 minutes unless directed otherwise by the chair of the meeting.
- f Subject to standing order 3(e), a member of the public shall not speak for more than 3 minutes.
- g In accordance with standing order 3(d), a question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given.
- h [A person shall stand when requesting to speak other than in the case of a person attending from another location and when speaking (except when a person has a disability or is likely to suffer discomfort)] OR [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 chair of the meeting may at any time permit a person to be seated when speaking.
- i A person who speaks at a meeting shall direct their comments to the chair of the meeting.
- j Only one person is permitted to speak at a time. If more than one person wants to speak, the chair of the meeting shall direct the order of speaking.
- k **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's consent.**
- l **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.**
- m **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
- n **The Chair of the Council, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair of the Council (if there is one), if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- o **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- p **The 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 or not they gave an original vote.**

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

- q **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- r The minutes of a meeting shall include an accurate record of the following:
 - i. the time and place of the meeting;
 - ii. the names of councillors who are present and the names of councillors who are absent;
 - iii. interests that have been declared by councillors and non-councillors with voting rights;
 - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
 - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
 - vi. if there was a public participation session; and
 - vii. the resolutions made.
- s **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.**
- t **No business may be transacted at a meeting unless at least one-third of the whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**
See standing order 4(d)(viii) for the quorum of a committee or sub-committee meeting.
- u **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.
- v A meeting shall not exceed a period of 2 hours.

4. COMMITTEES AND SUB-COMMITTEES

- a Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
 - i. shall determine their terms of reference;
 - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
 - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
 - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
 - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer 10 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, in both cases, shall be no less than three;
 - ix. shall determine if the public may participate at a meeting of a committee;
 - x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
 - xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
 - xii. may dissolve a committee or a sub-committee.

5. ORDINARY COUNCIL MEETINGS

- a **In an election year, the annual meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, any number of other ordinary meetings may be held in each year on such dates and times as the Council decides.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chair and Vice-Chair (if there is one) of the Council.**
- f **The 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 there is one, unless they resign or become disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, they shall preside at the annual meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, they shall preside at the annual meeting until a new Chair of the Council has been elected. They may exercise an original vote in respect of the election of the new Chair of the Council and shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair of the Council and Vice-Chair (if there is one) of the Council at the annual meeting, the business shall include:
 - i. **In an election year, delivery by the Chair of the Council and councillors of their acceptance of office forms unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chair of the Council of their acceptance of office form unless the Council resolves for this to be done at a later date;**
 - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
 - iii. Receipt of the minutes of the last meeting of a committee;
 - iv. Consideration of the recommendations made by a committee;

- v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
- vi. Review of the terms of reference for committees;
- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of the eligibility criteria for the use of the general power of competence
- xi. Review and adoption of the council's annual report
- xii. Review and adoption of the council's training plan
- xiii. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses;
- xiv. Review of representation on or work with external bodies and arrangements for reporting back;
- xv. Review of inventory of land and other assets including buildings and office equipment;
- xvi. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xvii. Review of the Council's and/or staff subscriptions to other bodies;
- xviii. Review of the Council's complaints procedure;
- xix. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xx. Review of the Council's policy for dealing with the press/media;
- xxi. Review of the Council's employment policies and procedures;
- xxii. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972
- xxiii. Determining the time and place of ordinary meetings of the Council up to and including the next annual meeting of the Council.

6. EXTRAORDINARY MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**

- b **If the Chair of the Council does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The 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 7 days 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 3 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.
- b When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months.

8. VOTING ON APPOINTMENTS

- a Where more than two persons have been nominated for a position to be filled by the Council and none of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. 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 chair of the meeting.

9. MOTIONS FOR A MEETING THAT REQUIRES WRITTEN NOTICE TO BE GIVEN TO THE PROPER OFFICER

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 10 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda, received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with

standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion re-submits it, so that it can be understood, in writing, to the Proper Officer 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 chair of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.
- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

10. MOTIONS AT A MEETING THAT DO NOT REQUIRE WRITTEN NOTICE

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

- xvi. to adjourn the meeting; or
- xvii. to close the meeting.

11. MANAGEMENT OF INFORMATION

See also standing order 20.

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data. Such date will include recordings of meetings held by the Council.**
- 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, recorded 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.**

12. 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.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the 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 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 Subject to standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.
- f) **no later than seven working days of a council meeting, the council must publish electronically a note setting out:**
 - **The names of the members who attended the meeting, and any apologies for absence;**
 - **Any declarations of interest; and**
 - **Any decisions taken at the meeting, including the outcomes of any votes.**
 - **The requirements regarding the note to be published after a council meeting do not apply for private business or where disclosure would be detrimental to acting on those decisions.**

13. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(s).

- a **Councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.**
- b All councillors and non-councillors with voting rights shall undertake training in the code of conduct within six months of the delivery of their acceptance of office form.
- c **Dispensation requests shall be in writing and submitted to the standards committee of the [County Borough] OR [County Council] as soon as possible before the meeting that the dispensation is required for.**

14. CODE OF CONDUCT COMPLAINTS

- a Upon notification by the Public Services Ombudsman for Wales 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 14(a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the 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.

15. PROPER OFFICER

- a The Proper Officer shall be either (i) the clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
 - i. The Proper Officer shall **at least three clear days before a meeting of the council, a committee** or a sub-committee:
 - a) Arrange for the serving of the notice (including how the meeting may be accessed virtually, (if applicable) which must be published electronically and in a conspicuous place in the community at least three clear days before the meeting, or if the meeting is convened at shorter notice, at the time it is convened.
 - b) If a member wants to receive the summons in writing rather than electronically, they must give notice in writing to the clerk and specify the postal address to which the summons should be sent.
 - c) The notice must provide details about how to access the meeting remotely , and the time and place of the meeting. The place may be omitted if the meeting is held by remote means only.
 - d) The notice must be available in a conspicuous place giving 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 published electronically with 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)(a) for the meaning of clear days for a meeting of a full council and for a meeting of a committee;
- ii. subject to standing order 9, include on the agenda all motions in the order received unless a councillor has given written notice at least 10 days before the meeting confirming their withdrawal of it;
- iii. **convene a meeting of Council for the election of a new Chair of the Council, occasioned by a casual vacancy in their office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;

- vii. hold a copy of every councillor's register of interests where the Council has resolved to require councillors to declare interests upfront;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer (if there is one);
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of freedom of information and data protection legislation and other legitimate requirements (e.g., the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;

See also standing order 23;

- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book or file for such purpose;
- xv. refer a planning application received by the Council to the [Chair or in their absence the Vice-Chair (if there is one) of the Council] OR [Chair or in their absence 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 there is one) which shall not be used without a resolution to that effect.

See also standing order 23.

16. RESPONSIBLE FINANCIAL OFFICER

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

17. ACCOUNTS AND ACCOUNTING STATEMENTS

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

18. FINANCIAL CONTROLS AND PROCUREMENT

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
 - i. the keeping of accounting records and systems of internal controls;
 - ii. the assessment and management of financial risks faced by the Council;
 - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;

- iv. the inspection and copying by councillors and local electors of the Council's accounts and/or orders of payments; and
 - v. whether contracts with an estimated value below £25,000 due to special circumstances are exempt from a tendering process or procurement exercise.
- b Financial regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds referred to in standing order 17(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 in any other manner that is appropriate;
 - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
 - v. tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
 - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- e Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f **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.**

19. HANDLING STAFF MATTERS

- a A matter personal to a member of staff that is being considered by a meeting of Llangollen Town Council or the Human Resources Committee is subject to standing order 11.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the chair of the Human Resources Committee or, if they are not available, the vice-chair (if there is one) of Human Resources Committee of absence occasioned by illness or other reason and that person shall report such absence to Human Resources Committee at its next meeting.
- c The chair of Human Resources Committee or in their absence, the vice-chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of Town Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by Human Resources Committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the chair of Human Resources Committee or in their absence, the vice-chair Human Resources Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of Human Resources Committee.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by [the member of staff's job title] relates to the chair or vice-chair of Human Resources Committee, this shall be communicated to another member of Human Resources Committee, which shall be reported back and progressed by resolution of Human Resources Committee.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in standing order 19(f).

20. RESPONSIBILITIES TO PROVIDE INFORMATION

See also standing order 21.

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

21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION

(Below is not an exclusive list).

See also standing order 11.

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

22. RELATIONS WITH THE PRESS/MEDIA

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

23. EXECUTION AND SEALING OF LEGAL DEEDS

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

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

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

24. COMMUNICATING WITH COUNTY BOROUGH OR COUNTY COUNCILLORS

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillors 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 councillors representing the area of the Council.

25. RESTRICTIONS ON COUNCILLOR ACTIVITIES

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

26. STANDING ORDERS GENERALLY

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council's standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 3 councillors to be given to the Proper Officer in accordance with standing order 9.
- c The Proper Officer shall provide a copy of the Council's standing orders to a councillor as soon as possible.
- d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

APPENDIX B.

FINANCIAL REGULATIONS

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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 orders and any individual financial regulations relating to contracts.
- 1.2. The Council is responsible in law for ensuring that its financial management is adequate and effective, and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.
- 1.3. The Council's accounting 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 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 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 not submitted to the Council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
 - measures to ensure that risk is properly managed.
- 1.13. The Council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:
- setting the final budget or the precept (Council Tax Requirement);
 - approving accounting statements;
 - approving an annual governance statement;
 - borrowing;
 - writing off bad debts;
 - 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.

1.16. In these financial regulations the term ‘proper practice’ or ‘proper practices’ shall refer to guidance issued in *Governance and Accountability for Local Councils 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 Chairman [or a cheque signatory] shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Council.

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. Each committee (if any) shall review its three-year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the Council not later than the end of [November] each year including any proposals for revising the forecast.

3.2. The RFO must each year, by no later than December 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 three-year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.

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

supply each member with a copy of the approved annual budget.

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

4. BUDGETARY CONTROL AND AUTHORITY TO SPEND.

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

- the Council for all items over £5,000;
- a duly delegated committee of the Council for items over £500; or
- the Clerk for any items below £500.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chairman. Contracts may not be disaggregated to avoid controls imposed by these regulations.

- 4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the Council, or duly delegated committee. During the budget year and with the approval of Council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').
- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. The salary budgets are to be reviewed at least annually in November for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.5. In cases of extreme risk to the delivery of Council services, the clerk may authorise revenue expenditure on behalf of the Council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000. The Clerk shall report such action to the chairman as soon as possible and to the Council as soon as practicable thereafter.
- 4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, and the requisite borrowing approval has been obtained.
- 4.7. All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- 4.8. The RFO shall regularly provide the Council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to

be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose, “material” shall be in excess of 15% of the budget.

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

5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS.

- 5.1. The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency. The Council's bankers shall seek credit references in respect of members or employees who act as signatories.
- 5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to Council. 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 Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available Council meeting.
- 5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
 - a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of Council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of Council;
 - 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
 - c) fund transfers within the Council's banking arrangements up to the sum of [£10,000], provided that a list of such payments shall be submitted to the next appropriate meeting of Council.
- 5.6. For each financial year the Clerk and RFO shall draw up a list of due payments which

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

- 5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- 5.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by Council and in accordance with any policy statement approved by Council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the Council.
- 5.9. Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable or other interest, unless a dispensation has been granted.
- 5.10. The Council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.
- 5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS.

- 6.1. The Council will make safe and efficient arrangements for the making of its payments.
- 6.2. Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be 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 shall be signed by two members of Council, and countersigned by the Clerk, in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.
- 6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. Cheques or orders for payment shall not normally be presented for signature other than at a Council (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the Council [or Finance

Committee] at the next convenient meeting.

- 6.7. If thought appropriate by the Council, payment for utility supplies (energy, telephone and water) and any National Non-Domestic Rates may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to Council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the Council at least every two years.
- 6.8. If thought appropriate by the Council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to Council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the Council at least every two years.
- 6.9. If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories are retained and any payments are reported to Council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the Council at least every two years.
- 6.10. If thought appropriate by the Council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 6.11. Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the Council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other Councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the Council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.
- 6.12. No employee or Councillor shall disclose any PIN or password, relevant to the working of the Council or its bank accounts, to any person not authorised in writing by the Council or a duly delegated committee.
- 6.13. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.14. The Council, and any members using computers for the Council's financial business, shall ensure that anti-virus, anti-spyware and firewall, software with automatic updates, together with a high level of security, is used.
- 6.15. Where internet banking arrangements are made with any bank, the Clerk [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 Clerk. A programme of regular checks of standing data with suppliers will be followed.
- 6.18. Any Debit Card issued for use will be specifically restricted to the Clerk and 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 Council. Transactions and purchases made will be reported to the Council and authority for topping-up shall be at the discretion of the Council.
- 6.20. Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Clerk and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.
- 6.21. The Council will not maintain any form of cash float. All cash received must be banked intact. Any payments made in cash by the Clerk (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

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 Human Resources Committee.
- 7.4. 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.
- 7.5. An effective system of personal performance management should be maintained for the senior officers.

- 7.6. Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.
- 7.7. Before employing interim staff, the Council must consider a full business case.

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. 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.
- 8.4. 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.
- 8.5. All investments of money under the control of the Council shall be in the name of the Council.
- 8.6. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.7. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

9. INCOME.

- 9.1. The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 9.2. Particulars of all charges to be made for work done, services rendered, or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.
- 9.3. The Council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.
- 9.5. All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such

frequency as the RFO considers necessary.

- 9.6. The origin of each receipt shall be entered on the paying-in slip.
- 9.7. Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9. Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the Council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any Council meeting (see also Regulation 16 below).

10. ORDERS FOR WORK, GOODS AND SERVICES.

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

11. CONTRACTS.

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

- i. for the supply of gas, electricity, water, sewerage and telephone services;
 - ii. for specialist services such as are provided by legal professionals acting in disputes;
 - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
 - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
 - v. for 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).
- 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.
- d. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- e. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of Council.
- f. Any invitation to tender issued under this regulation shall be subject to Standing Orders 18(c) and shall refer to the terms of the Bribery Act 2010.
- g. When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £500 the Clerk or RFO shall strive to obtain 3 estimates. 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.
- 11.2. The Proper Officer 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 a report shall be submitted to the Council.
- 12.3. Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

13. STORES AND EQUIPMENT.

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

14. ASSETS, PROPERTIES AND ESTATES.

- 14.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The RFO shall ensure a record is maintained of all properties held by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit (Wales) Regulations.
- 14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible

movable property does not exceed £250.

- 14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.5. Subject only to the limit set in 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.
- 15.2. The Clerk shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 15.3. The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 15.4. The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim and shall report these to Council at the next available meeting.
- 15.5. All appropriate members and employees of the Council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined [annually] by the Council, or duly delegated committee.

16. CHARITIES.

- 16.1. Where the Council is sole managing trustee of a charitable body the Clerk and 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 Clerk and 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 Clerk [with the 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 Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

18. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS.

- 18.1. It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these financial regulations.
- 18.2. The Council may, by resolution of the Council duly notified prior to the relevant meeting of Council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of Council.

APPENDIX C.

SCHEME OF DELEGATION

1. SUMMARY

- 1.1 Town and Community Councils are corporate bodies defined by statute as such they are not exempt from or above the law. If a Town or Community Council makes an illegal decision which is implemented it is the Council and Councillors who are liable not the Clerk who is responsible for implementation. Decisions made by the Town Council, all have a legal implication, and Councillors have a duty to make themselves familiar with the requirements contained in the statutes and financial regulations as they are jointly and severally legally liable .
- 1.2 With a few statutory exceptions, only the Full Council is able to make decisions on behalf of the corporate body, *unless* it makes explicit provision to delegate powers to either a committee or officer (or in some cases, another authority). These delegated powers are often enshrined in the Council's key governance documents, its Standing Orders, Financial Regulations, and committee terms of reference, as well as other policies. responsible.
- 1.3 The purpose of the Scheme of Delegation is to consolidate these delegated powers into one document:
- providing a single point of reference to inform decision-making;
 - ensuring that there is no conflict between different governance documents;
 - clarifying lines of accountability;
 - and confirming where statutory responsibilities sit.
- 1.4 The scheme covers all aspects of the Council decision-making process, and it is therefore intended as a key reference document for all staff and councillors, particularly: the Town Mayor, Committee Chairs and the Town Clerk. It will be publicly available and published on the Town Councils website to provide those members of the community attending Council meetings with a guide to how the Council makes decisions.

2. THE POWER TO DELEGATE

- 2.1 The Council's statutory power to delegate its functions is laid down in Local Government Act 1972 s101. This states that power can be delegated to a committee, sub-committee, or officer of the authority, or to another authority.
- 2.2 By virtue of the absence of any provision in s101, city, town and community council functions cannot be delegated to an individual councillor. However, when acting as the Chair of a meeting, a Councillor has ex officio powers to regulate conduct in the meeting, as defined later in this scheme.

3. TOWN COUNCIL.

- 3.1 The following matters are reserved to the Town Council for decision, notwithstanding that the appropriate Committee(s) may make recommendations for the Council's consideration:

- Approval of the budget.
- Setting the precept.
- Approval of the Annual Return and Audit of Accounts.
- Agreement to write off bad debts.
- Approval by resolution, before payment, of any grant or single commitment in excess of £5,000.
- Authorisation as to terms and purpose for any application for Borrowing Approval and subsequent arrangements for the loan.
- Approval of any financial arrangement which does not require formal borrowing approval from Welsh Government (e.g., hire purchase or leasing of tangible assets)
- Approval of purchase, acquisition by other means, sale, lease or disposal of tangible moveable property over £250.
- Approval of purchase, acquisition by other means, lease, sale or disposal of real property (interests in land).
- Approval of the virement of unspent and available amounts to other budget headings or reserves.
- Approval of changes in earmarked reserves as part of the budgetary process.
- Making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation.
- Making, amending or revoking by-laws.
- Making of Orders under any statutory powers.
- Matters of principle or policy.
- Appointment of Standing Committees.
- Appointing Council representatives to outside bodies.
- All other matter which much, by law, be reserved to the full Council.

3. From May 2022 the following additional matters are reserved to the Town Council for decision:

- Declaring eligibility for the General Power of Competence.
- Preparing and publishing a report about the Council's priorities, activities and achievements.
- Consider training for councillors and community council staff, and publish training plans.

4. DELEGATION TO OFFICERS

4.1 The following matters are delegated to the Council's Officers to make decisions on behalf of the Council. These decisions must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

4.2 The Council may at any time, following resolution, revoke any delegated authority. Officers may decide not to exercise delegated responsibilities and may instead make a recommendation to a Committee or the Council. Similarly, where Officers have no delegated power to make a decision they report the matter to Committee or the Council for a decision.

4.3 Responsible Financial Officer

The Town Clerk as the Responsible Financial Officer of Llangollen Town Council shall be responsible for:

- the Town Council's accounting procedures the accounting system and the form of their accounting statements and supporting accounting records in accordance with the Accounts and Audit Regulations (Wales) in force at any given time.
- Ensuring that the accounting systems are observed and that the accounts and supporting records of the body are maintained in accordance with proper practices and kept up to date.
- Ensuring the Council has an adequate and effective system of internal control.
- Producing all financial management information, including, completing the annual financial statements of the Council.
- Maintaining a record of the assets and liabilities of the Council.
- Following the annual risk assessment shall effect all insurances and negotiate all claims on the Council.

4.4 Proper Officer

The Town Clerk is the Proper Officer of Llangollen Town Council and as such is specifically authorised to:

- To receive Declarations of Acceptance of Office.
- To retain a copy of every councillor's register of interests.
- To receive and record notices disclosing personal and prejudicial interests.
- To receive and retain plans and documents.
- To sign notices or other documents on behalf of the Council.
- Signing summonses to attend meetings of the Council.
- Keeping a proper record for all meeting
- To receive copies of by-laws made by the local authority.
- To certify copies of by-laws made by the Council.
- To arrange insurance

4.5 In addition, the Proper Officer has the delegated authority to undertake the following matters on behalf of the Council:

- The day to day administration of services, together with routine inspection and control of assets and procedures.
- Postponing a meeting, or calling an additional meeting of the Council or any committee, as necessary, in consultation with the Town Mayor or appropriate committee.
- Responding to any correspondence requiring or requesting information, or relating to previous decision of the Council.
- Managing the provision of Council services, buildings, land, and resources (indirectly where service managers have delegated responsibility), including the temporary closure of any such facilities, as may be required.
- Prosecuting a debtor, where such prosecution is through the small claims process, or approving the write off of any debt up to the value laid down in Financial Regulations.

- Applying for any grants and other funding on the Council's behalf.
- Disposing of or selling any equipment or consumables, save where the estimated value of any one item of tangible movable property exceeds any amount laid down in Financial Regulations.
- Renewing any existing leasing or licencing agreements, save where the estimated value exceeds any amount laid down in the Financial Regulations, or where the lease term exceeds one year.
- Entering into negotiations on any matter on behalf of the Council, it being understood that the Town Clerk shall not be authorised to confirm any agreement without the consent of the Council or relevant committee.
- Authorising the issue of all official Town Council press releases, and editorial control of the Council's website and social media content.
- Dealing with such matters as specifically delegated by the Council or committee.
- Day to day supervision and control of all staff employed by the Council.
- The day to day administration and oversight for organised events and activities.
- Authorisation of routine expenditure with the agreed budget.
- Emergency expenditure up to £1,000.
- Matters specifically delegated by resolution by Council or Committee.

5. Town Mayor.

5.1 No matter may be delegated to the Town Mayor except for the following:

- Convening an extraordinary meeting of the Full Council.
- Receiving the resignation of any member.
- When attending a Full Council meeting, the powers granted to a chair of a meeting.
- Attending a civic function (it being understood that the contents of any speeches must not purport to being the view of the Council unless previously agreed).

6. Chair of a meeting.

6.1 When a Councillor acts in the role of the Chair of a meeting, they shall have the power to:

- Convening an extraordinary meeting of the relevant Council or committee.
- Direct the order of speaking.
- Direct any response to a question posed during public participation.
- Permitting an individual to be seated whilst speaking.
- Suspend or close a meeting .
- In the case of an equality of votes on any matter, exercising a casting vote.
- Determining the rules of debate, in accordance with the Council's Standing Orders.
- Determining a point of order.
- Putting a motion to the vote.
- Signing the minutes of a previous meeting, once confirmed by a resolution as an accurate record.
- Moving that a person be silenced or excluded from the meeting for disorderly conduct.

7. Councillors.

7.1 No matter may be delegated to an individual Councillor, except that:

- Two Councillors may convene an extraordinary meeting of the Council, should the Town Mayor refuse to do so.
- Three Councillors when members of a Committee may convene an extraordinary meeting of the Committee, if the chairman of a Committee does not call such a meeting within 7 days of having been requested to do so by 3 Councillors.
- In the event of disorderly conduct at meetings any Councillor may move that a person be silenced or excluded from the meeting for disorderly conduct.
- Matters may be delegated to an officer to determine in consultation with one or more Councillors, it being understood that the officer shall not overrule any reasonable request of that member(s), but that the officer's decision shall be final.
- A Councillor may arrange or attend a meeting regarding Council business, it being understood that any representations made by the Councillor are in their personal capacity and may not represent the views of the Council.
- A Councillor may contact an outside body regarding Council business, it being understood that any representations made by the Councillor are in their personal capacity and may not represent the views of the Council.
- A Councillor may assist in discharging any council policy or procedure, if it is expressly permitted in the policy, or if prior approval has been obtained.
- No Councillor may issue an instruction to an officer, but may highlight any issue that they believe requires the attention of the Council.
- Any issue regarding staff performance may only be raised with the Town Clerk or through the appropriate committee.

8. COMMITTEES.

8.1 Best practice on the constitution of committee's states that:

"there should be no more standing committee than are necessary, the membership of the committees should be small, their terms of reference should be clearly specified, and their relationship to the rest of the decision-making structure clearly defined. Each committee should be concerned with matters that can only be dealt with at member level, i.e., there should ordinarily be no involvement in matters of day-to-day administration and operation business that is properly the responsibility of officers."¹

8.2 Matters are delegated to the Council's Committees to make decisions on behalf of the Council must be exercised in accordance with the law, the Council's Standing Orders and Financial Regulations and any approved policy framework and budget.

8.3 The Council may at any time, following resolution, revoke any delegated authority. Committees may decide not to exercise delegated responsibilities and may instead make a recommendation to the Council. Similarly, where a Committee has no delegated power to make a decision it makes a recommendation to Council.

¹ Knowles on Local Authority Meetings, 8th edition by Philip McCourt, 2016,

- 8.4 Membership of Committees shall be ratified at the Annual Council Meeting in May of each year. Committee composition shall be a no more than five Councillors with not less than three members of Committee constituting a quorum.
- 8.5 All correspondence shall be conducted through the Clerk of the Town Council wherever possible. Minutes of all meetings shall be kept by the Clerk and forwarded to Members of the Town Council.
- 8.6 All Committees are constituted as a Standing Committee of Llangollen Town Council within specific terms of reference and have delegated powers to:
- Elect a Chair and Vice Chair from within the Membership of that Committee.
 - Approve the minutes of the last meeting of the Committee.
 - Spend money from budget headings under that Committee's remit up to the limit of the budget and/or named reserve.
 - Make recommendations on the budget requirement for the Committee for the coming Financial Year.
 - Delegate any of their functions to a Sub-Committee or Officer of the Council
 - Operate in compliance with Llangollen Town Councils Standing Order and Financial Regulations.

COMMITTEES SPECIFIC TERMS OF REFERENCE

Asset Management.

- 1 The Asset Management Committee shall be administered and managed in accordance with scheme of delegation and these Terms of Reference.
2. The Asset Management Committee shall meet four times a year and the dates shall be included in the Schedule of Meetings.
3. The objective of the Asset Management Committee shall be to ensure that all facilities and land under the Council's ownership and control are managed effectively to provide a pleasant and safe environment for residents and visitors to the town in an efficient and cost-effective manner.
4. The Asset Management Committee may co-opt non-voting members and appoint appropriate Subcommittees or Working Groups to facilitate the work of the Committee.
5. The Asset Management Committee shall have delegated powers to: -
 - a) To spend to the amount specified in the allocated cost centres.
 - b) administer and maintain and insure the Council's facilities, assets, services and activities including, but not limited to, the following: -
 - i) The Town Hall.
 - ii) War Memorial and associated land and structures.
 - iii) Pen y Bryn Cemetery.
 - iv) CCTV.
 - v) Street furniture/ bus shelters.
 - vi) Chain Bridge
 - c) Carry out works under contract under agreement or under licence from third parties including, but not limited to, the following: -
 - i) Llangollen Recreation Ground.
 - d) act upon or commission any services as deemed appropriate and in accordance with the annual budget and terms of reference of the Committee, including applying for any external grant funding.
 - e) advise the Council on the acquisition of land for the purposes of leisure, amenity and recreational activities.
 - f) advise the Council on the provision of new and the modification of existing buildings and equipment related to the leisure, recreation, or amenity aspects of the Council's business.
 - g) prepare and submit for the Council's consideration fees for all chargeable areas under the Committee's remit.
 - h) assemble and submit to the Town Council estimates of income and expenditure for each financial year.
 - i) purchase items of plant, equipment within approved budgets.

- j) acquire office equipment and assets as required enabling the staff to carry out their duties.
- k) exercise the management of health and safety issues in respect of all Town Council assets.
- l) co-ordinate events organised by the Town Council.
- m) liaise and co-operate with the Tidy Towns Team
- n) manage and develop the Town Council's IT infrastructure, data storage.

Climate, Ecology and Cittaslow Committee.

1. The Cittaslow and Climate Change Committee shall be administered and managed in accordance with scheme of delegation and these Terms of Reference.
2. The Cittaslow and Climate Change Committee shall meet at least four times a year and the dates shall be included in the Schedule of Meetings.
3. The objective of the Cittaslow and Climate Change Committee shall be to improve the quality of life in Llangollen by addressing climate change issues affecting the Town Council and progressing the Cittaslow aims in an efficient and cost-effective manner.
4. The Cittaslow and Climate Change Committee may co-opt non-voting members and appoint appropriate Subcommittees or Working Groups to facilitate the work of the Committee..
5. The Committee shall have delegated powers:-
 - a) to improve the quality of life in Llangollen by progressing the Cittaslow aims.
 - b) to assist the Town Council in becoming a carbon-neutral organisation by 2025.
 - c) to spend to the amount specified in the allocated Cittaslow cost code in an efficient and cost-effective manner.
6. The Committee's remit shall extend to:-

Cittaslow.

 - a) Supporting and promoting local businesses culture, traditions, produce .
 - b) Promoting healthy eating and healthy living.
 - c) Encouraging and celebrating diversity.
 - d) Protecting, conserve and enhance the natural environment and biodiversity
 - e) Administrating the Community Support Grants scheme

Climate change.

- a) Ensure the Town Council's compliance with the Environment (Wales) Act 2016
- b) Reviewing the Town Council's Biodiversity action plan.
- c) Reviewing the Town Council's Climate and Ecological Emergency Action Plan.
- d) Encouraging sustainable transport initiatives.
- e) Encouraging sustainable energy use and reducing energy consumption.
- f) Encouraging a reduction in use of plastics, maximise recycling and use materials efficiently overall.
- g) Representing the views and needs of relevant community organisations or community members regarding the climate emergency.
- h) Ensuring on-going community involvement in the work of the Committee.

Human Resources Committee.

1. The Human Resources Committee shall be administered and managed in accordance with scheme of delegation and these Terms of Reference.
2. The Town Mayor and Deputy Town Mayor are standing members of the committee.
3. The Human Resources Committee shall meet at least four times a year and the dates shall be included in the Schedule of Meetings.
4. The objective of the Human Resources Committee shall be to ensure that are managed effectively and in an efficient and cost-effective manner.
5. The Human Resources Committee shall have delegated powers to: -
 - a) To spend to the amount specified in the allocated budget staff costs cost centre.
 - b) To authorise the Chair of the Committee or in his absence, the Vice Chair to conduct a review of the performance and annual appraisal of the work of the Town Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Human Resources Committee.
 - c) Subject to the Council's policy regarding absences from work receive from the Council's most senior member of staff to notify the chairman of the Human Resources Committee or, if he is not available, the vice-chairman of the Human Resources Committee of absence occasioned by illness or other reason and that person shall report such absence to the Human Resources Committee at its next meeting.
 - d) Determining the staffing levels necessary to efficiently discharge the work required by the Council and to approve job descriptions and review workloads periodically.
 - e) Establishing the grading, remuneration and terms and conditions of employment for Council employees including contracts of employment.
 - f) Establishing and review the Council's employment policies and procedures.
 - g) Approving all staff recruitment, appointments, training and dismissals but excluding decisions relating to the Town Clerk which will be considered by the Town Council.
 - h) Reviewing and engaging with schemes for the employment of people under training programmes.
 - i) Ensuring that all disciplinary and grievance policies are dealt with in line with the Council's procedures.
 - j) Determining the training and development policy of the Council.
 - k) Determining the provision of office accommodation.
 - l) Establishing the health, safety and welfare policies of the Council and overseeing implementation and compliance.

TASK AND FINISH GROUPS

Task and Finish Groups may be formed by resolution of the Council or a Committee at any time. The work of such a group will be decided upon at the time it is formed by means of a minute detailing the terms of reference. Each group will report back with recommendations to the Council or the Committee that formed it.

APPENDIX D. CODE OF CONDUCT

Local Authorities (Model Code of Conduct) (Wales) Order 2008/788

Schedule 1

This version in force from: **April 1, 2016 to present**

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, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question 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, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” (*“aelod ”*) includes, unless the context requires otherwise, a co-opted member;

[*“register of members’ interests”* (*“cofrestr o fuddiannau’r aelodau ”*) means the register established and maintained under section 81 of the Local Government Act 2000;]

[*“registered society”* means a society, other than a society registered as a credit union, which is—

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

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

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

“you” (*“chi ”*) means you as a member or co-opted member of a relevant authority; and

“your authority” (*“eich awdurdod ”*) means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) *“proper officer”* (*“swyddog priodol ”*) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) *“standards committee”* (*“pwyllgor safonau ”*) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

PART 2 GENERAL PROVISIONS

1. —

Save where paragraph 3(a) applies, you must observe this code of conduct—

- (a) whenever you conduct the business, or are present at a meeting, of your authority;
- (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as 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 prescribed under 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 serve—

- (a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
- (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. —

You must—

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and

- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. —

You must not—

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

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
 - (v) 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 subparagraph (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 subparagraph (iv) above;

(viii) anybody 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, [registered 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;

(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 Financial and Other Interests and Memberships and Management Positions

15. —

Registration of Personal Interests

- (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 office of the existence and nature of that gift, hospitality, material benefit or advantage.

Notes

1. S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.
2. Definition inserted in para.1(1) by Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84 art.2(2)(a) (April 1, 2016)
Definition of 'registered society' inserted in para.1 of Sch.1 by Co-operative and
3. Community Benefit Societies and Credit Unions Act 2010 (Consequential Amendments) Regulations 2014/1815 Sch.1 para.21(a) (August 1, 2014 immediately after 2014 c.14)
4. Para.1(2) substituted by Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016/84 art.2(2)(b) (April 1, 2016)
Words revoked in para.3(a) by Local Authorities (Model Code of Conduct) (Wales)
5. (Amendment) Order 2016/84 art.2(3)(a) (April 1, 2016)
Words revoked in para.6(1)(c) by Local Authorities (Model Code of Conduct) (Wales)
6. (Amendment) Order 2016/84 art.2(3)(b) (April 1, 2016)
Words substituted in Sch.1 para.10(2)(a)(ix)(bb) by Co-operative and Community Benefit
7. Societies and Credit Unions Act 2010
(Consequential Amendments) Regulations 2014/1815 Sch.1 para.21(b) (August 1, 2014 immediately after 2014 c.14)
Para.10(2)(b) revoked by Local Authorities (Model Code of Conduct) (Wales)
8. (Amendment) Order 2016/84 art.2(4)(a) (April 1, 2016)
Words inserted in para.11(4) by Local Authorities (Model Code of Conduct) (Wales)
9. (Amendment) Order 2016/84 art.2(4)(b) (April 1, 2016)
Para.12(2)(b)(iv) substituted by Local Authorities (Model Code of Conduct) (Wales)
10. (Amendment) Order 2016/84 art.2(4)(c) (April 1, 2016)
Word inserted in para.14(1) by Local Authorities (Model Code of Conduct) (Wales)
11. (Amendment) Order 2016/84 art.2(4)(d)(i) (April 1, 2016)
Para.14(2A) and (2B) inserted by Local Authorities (Model Code of Conduct) (Wales)
12. (Amendment) Order 2016/84 art.2(4)(d)(ii) (April 1, 2016)
Para.15 substituted by Local Authorities (Model Code of Conduct) (Wales) (Amendment)
13. Order 2016/84 art.2(5)(a) (April 1, 2016)
Words inserted in para.16(2) by Local Authorities (Model Code of Conduct) (Wales)
14. (Amendment) Order 2016/84 art.2(5)(b) (April 1, 2016)
Words inserted in para.17 by Local Authorities (Model Code of Conduct) (Wales)
15. (Amendment) Order 2016/84 art.2(5)(c) (April 1, 2016) Crown Copyright material is reproduced with the permission of the Controller of HMSO and the Queen's Printer for Scotland

APPENDIX E.

CODE OF CONDUCT FOR EMPLOYEES

1. General Principles

The public is entitled to expect the highest standards of conduct from all qualifying employees of relevant authorities. The role of such employees is to serve their employing authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

2. Accountability

Qualifying employees of relevant authorities work for their employing authority and serve the whole of that authority. They are accountable to and owe a duty to that authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

3. Political Neutrality

Qualifying employees of relevant authorities, whether or not politically restricted, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

4. Relations with members, the public and other employees

Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis. Qualifying employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently, and without bias.

6. Equality

Qualifying employees of relevant authorities must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.

7. Stewardship

Qualifying employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

8. Personal Interests

Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to

further their private interests, or the interests of others. In particular, they must comply with:

- (1) any rules of their relevant authority on the registration and declaration by employees of financial and non - financial interests,
- (2) Any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant authority.

9. Whistleblowing

In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the relevant authority's confidential reporting procedure, or any other procedure designed for this purpose.

10. Treatment of Information

Openness in the dissemination of information and decision making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

11. Appointment of Staff

Qualifying employees of relevant authorities involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.

12. Investigations by Monitoring Officers

Where a monitoring officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000([9](#)) a qualifying employee must comply with any requirement made by that monitoring officer in connection with such an investigation.

APPENDIX F.

STAFF / MEMBER PROTOCOL

1. Introduction.

- 1.1 This document has been put together to give all staff and Members guidance on accepted good practice in respect of Council protocol. It is in addition to information and guidance provided by other publications such as “The Good Members Guide” and One Voice Wales guidelines on Chairmanship.
- 1.2 Copies of this Protocol will be issued to all staff on appointment and Members on election. It will complement any statutory procedures or legislation enacted from time to time.
- 1.3 The purpose of this protocol is to guide staff and Members in their relations with one another and their dealings with other Members and staff from any tier of Government in such a way as to ensure the smooth running of the Council. Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.4 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the protocol is followed it should ensure that Members receive objective and impartial advice and that staff are protected from accusations of bias and any undue influence from Members.
- 1.5 It also seeks to reflect the principles underlying the Code of Conduct for staff detailed in the staff handbook, and the legislative code that applies to Members. The object of this code is to enhance and maintain the integrity (real and perceived) of local government to ensure high standards of personal conduct. The Council has adopted the Codes of Conduct for staff and Members and this protocol should be read in conjunction with the appropriate Code and the relevant provisions of the Council’s other adopted policies.

2. Definitions.

- 2.1 **Agendas.**

The proper officer (hereinafter identified as the Town Clerk in line with Standing Orders) is responsible under statute for the summons to attend a meeting of the Town Council, Committees and Sub Committees, specifying the business proposed to be transacted at the meeting, duly signed, and circulated to Members in advance of the meetings in compliance with the statutory requirements. The Town Clerk may consult with the appropriate Chairs during the preparation of Agendas. The Chairs works in partnership with the Town Clerk to make sure that the Council is properly informed for making lawful decisions during meetings.
- 2.2 **Staff at Meetings.**

The Town Clerk or other appointed officer as delegated by the Town Clerk will be present at **all meetings** involving Members of the Town Council and will advise on any questions relating to Standing Orders, Financial Regulations, legal requirements or committee procedures and will supervise the production of formal Minutes of the

meeting. Where for whatever reason a staff member is not able to attend a meeting the meeting is not invalidated. The Chair presides and a Member may take the minutes.

2.3 Minutes.

The Town Clerk or other appointed officer is responsible for the content of all Minutes and for circulation prior to adoption by the Town Council.

2.4 Authority to Act.

No individual Member (including Committee Chair's and the Town Mayor) or informal groups of Members can make a decision on behalf of the Council. There is no such thing as 'Chair's Action.'

3. Council Decision Making.

3.1 Decision making by Llangollen Town Council or Council Committees will follow the Council's procedural rules set out in Standing Orders and Financial Regulations when considering any matter.

3.2 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- Proportionality i.e. the action should be proportionate to the desired outcome
- Following due consultation and the taking advice from staff
- Respect for human rights
- Presumption in favour of openness
- Clarity of aims and desired outcomes

4. Chairing the Council (role of the Town Mayor).

4.1 The Town Mayor, who is also the Chair of the Council, will be elected by the Council annually and will receive regular briefings by the Town Clerk on current issues. While the title confers no additional powers on the Town Mayor, as Chair they will have the following responsibilities:

- to uphold and promote the purposes of the Standing Orders and Financial Regulations, and to interpret the Standing Orders and Financial Regulations when necessary;
- to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Members and the interests of the community;
- to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who do not hold committee chairs are able to hold the Town Mayor and committee chair's to account;
- to promote public involvement in the Council's activities;
- to be the conscience of the Council; and
- to attend such civic and ceremonial functions as the Council and he/she determines appropriate.
- Reflecting the balance of evidence, legal or financial advice

5. Principles Underlying Staff/Member Relations.

- 5.1 The Nolan Report on Standards of Conduct in Local Government suggests that 'No local authority can function properly without a good relationship between its Members and its staff. Where the relationship breaks down, an atmosphere of suspicion or dislike can make it very difficult to devise and implement policies in any consistent way.' The general principles which govern the conduct of Members (selflessness, honesty and integrity, objectivity, accountability, openness, personal judgement, respect for others, duty to uphold the law, stewardship and leadership) require Members to respect the impartiality and integrity of an authority's statutory staff and other staff. Those principles are equally appropriate for staff in their dealings with Members.
- 5.7 Roles of Members.
Members are responsible to the electorate and serve only so long as their term of office lasts. Members are democratically elected and are accountable to the electorate for their actions. An important feature of each Member's role is to represent the interests of his/her constituents, irrespective of how they may have voted in an election. The expectation is that Members will be more aware of the views of their constituents on major policy developments before decisions are taken collectively at Council meetings.
- 5.8 Roles of Staff.
The Town Clerk is responsible for day-to-day managerial and operational decisions within the Council and the provision of support to all Members. The Town Clerk has a duty to implement decisions of the Council which are lawful, and which have been properly approved in accordance with the requirements of the law recorded in the Minutes of the Council.
- 5.9 Employer/Staff Issues.
At the heart of this Protocol, is the importance of mutual respect. Staff/Member relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between staff and Members should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- 5.10 Members should recognise in their dealings with staff that inappropriate conduct or behaviour on their part could lead to a case being brought to an employment tribunal by an aggrieved staff member. It is proper for a Member to make written or oral representations about a matter affecting a constituent who also happens to be a staff member but he/she should avoid taking a proactive part or represent or act as an advocate on behalf of the staff in any disciplinary or grievance procedures brought against the Council by the staff member.
- 5.11 Members should not place inappropriate pressure on staff and must ensure that all communication between them (including written communication) does not bring the Council into disrepute, cause any embarrassment to them, or lead to a breakdown of mutual trust respect and courtesy in Staff/Member relations.
- 5.12 In particular, Members and staff should promote equality by not discriminating unlawfully or otherwise against any person. They should treat people with respect, regardless of their race, age, religion, gender, sexual orientation or disability.

- 5.13 A Member should not raise matters relating to the conduct or capability of a staff member in a manner that is incompatible with the objectives of this Protocol. This is a long-standing tradition in public service. A staff member has no means of responding to such criticisms in public. If a Member feels he/she has not been treated with proper respect, courtesy or has any concern about the conduct or capability of a staff member, and fails to resolve it through direct discussion with the staff member, he/she should raise the matter with the Town Clerk. The Town Clerk will then look into the facts and report back to the Member.
- 5.14 Any action taken against a staff member in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.
- 5.15 A staff member should not raise with a Member matters relating to the conduct or capability of another staff member at or in a manner that is incompatible with the overall objectives of this Protocol. This does not, however, prevent a staff member raising a concern with a Member under the Council's whistleblowing procedure
- 5.16 Where a staff member feels that he/she has not been properly treated with respect and courtesy by a Member, he/she should raise the matter with the Town Clerk, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Town Clerk will take appropriate action either by approaching the individual Member or by referring the matter to the Monitoring Officer at the Unitary Authority in the context of the Standards Committee considering the complaint.
- 5.17 Guidance on personal relationships is contained in the Code of Conduct within the Staff Handbook. Provided these are observed, more informal exchanges may be appropriate between Members and staff outside business meetings and formal events.
- 5.18 It is important that there should be a close working relationship between Members, Chair's and leaders of political parties with staff. However, such relationships should never be allowed to become so close, or appear to be so close as to bring into question the issue of impartiality into doubt.

6. Staff support to Members.

- 6.1 The Town Clerk is responsible for day-to-day managerial and operational decisions within the authority and for the provision of support to all Members.
- 6.2 Certain statutory staff members - the Proper Officer and Responsible Financial Officer have specific roles. These are addressed in Standing Orders and Financial Regulations. Their roles need to be understood and respected by all Members.
- 6.3 **Independence of the Town Clerk**
The Town Clerk is not answerable to any individual Member, not even to the Chair (Town Mayor). The Town Clerk is an independent and objective servant of the Council as a single corporate body, recognising that the Council is responsible for all decisions and taking instructions from the Council in its capacity as a single corporate body. The Town Clerk is not a secretary and is not at the beck and call of the Chairman or other Members. The clerk is the proper officer of the council in law. Legally councils can delegate decisions to clerks because they are trusted professional officers whose

objectivity allows them to act for the Council. The Clerk cannot be line-managed by any one councillor.

- 6.4 The Town Clerk has a right and a duty to report to the Council, or any committee or subcommittee on any issue which he/she deems appropriate. He/she has a right and obligation to obtain sound advice as he/she deems appropriate in order to assist in his/her role in reporting to the Council.
- 6.5 As an independent and objective professional, the Town Clerk (or such delegated staff member) advises the Council on whether decisions are lawful and ways in which decisions can be implemented.
- 6.6 The Town Clerk, or another staff member or adviser as he/she determines, shall research topics of concern to the Council and provide unbiased information to enable the Council to make an informed decision.
- 6.8 Members must not issue orders, instructions or directions to staff. Authorisation to carry out work on behalf of the Council can only be issued by the Town Clerk and/or the Responsible Finance Officer. The office of Town Mayor or as a Committee Chair does not confer this status.
- 6.9 Staff will do their best to give timely responses to Members' enquiries. However, staff should not have unreasonable requests placed on them. Their work priorities are set and managed by their Line Managers. Members should avoid disrupting staff members work by imposing their own priorities.
- 6.10 Much of the work of the Council is time sensitive and staff are usually working to tight deadlines. In order to help minimise disruption and to enable staff to plan and prioritise their work programme, Members should always seek to make an appointment to see a staff member and give an outline of what issues are to be discussed. This will help staff to provide the most relevant advice as preparation and research where necessary can be carried out before the meeting.
- 6.11 Members should try to give timely responses to enquiries from staff, particularly where the Council must itself comply with legal time limits for making decisions (for example in relation to planning applications).
- 6.12 Staff should not discuss with a Councillor personal matters concerning him/herself or another individual staff member. This does not prevent an officer raising on a personal basis, and in his/her own time, a matter with a Councillor.
- 6.13 Members and staff should respect each other's free time. Council business should only be discussed when both Councillor and staff member are acting in their official capacity.
- 6.14 Staff member Advice to Party Groups and Individual Members.
It must be recognised by all staff and Members that in discharging their duties and responsibilities, staff serve the Council as a whole and not any political group, combination of groups or any individual Councillor of the Council. In the law relating to town councils, there is no provision for dealing with party political groups.

- 6.15 Staff must at all times maintain political neutrality. They are not servants of any particular party, group, or individual although where a party or group has a majority of seats on the Council, staff can take appropriate recognition of that fact in the day to day working of the Council as long as no decision or regulation of the Council is not complied with or breached. All staff must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.
- 6.16 Certain points must, therefore, be clearly understood by all those representing party groups. In particular:
- staff assistance must not extend beyond providing information and advice in relation to matters of Council business. Staff must not be involved in advising on matters of party business.
 - where staff provide information and advice to a party group in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Council decision making body when the matter in question is considered.
 - Whilst support for Members' ward work is legitimate, care should be taken if staff are asked to accompany Members to ward surgeries. In such circumstances:
 - the surgeries must be open to the general public, and
 - staff should not be requested to accompany Members to surgeries held in the offices or premises of political parties.
 - Staff must never be asked to attend ward or constituency political party meetings.
- 6.17 It is acknowledged that some Council staff may receive and handle messages for Members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
- 6.18 In seeking to deal with constituents' queries or concerns, Members should respect the Council's procedures. Staff have many pressures on their time. They may not be able to carry out the work required by Members in the requested timescale and may need to seek instructions from their Line Managers.

7. Use of Council Resources.

- 7.1 A Member must, when using or authorising the use of the resources of the Council, act in accordance with the authority's requirements and ensure that such resources are not used for political purposes and that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the Member has been elected or appointed.
- 7.2 The Council provides support services such as stationery, typing, printing, photocopying to Members to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business and should never be used in connection with party political or campaigning activity or for private purposes.

8. Members' Access to Information and to Council Documents.

- 8.1 There is a general presumption of open government within the Council. Members are free to approach the Town Clerk to obtain such information, explanation and as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information to a request for specific information on behalf of a constituent.
- 8.2 Where information is requested on behalf of a third party, this will be treated as a request made under the Freedom of Information Act 2000, and the Council's normal procedures under that Act will be followed.
- 8.3 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law. Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted by the Council. This right applies irrespective of whether the Member is a Member of the Committee or Sub Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear as a confidential item on the agenda for a meeting. The items in question are those which contain exempt information relating to staff, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from Counsel and criminal investigations.
- 8.4 A Member has a prima facie right to inspect Council documents so far as his/her access to the document is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the 'need to know' principle.
- 8.5 The exercise of this common law right depends therefore, upon an individual Member being able to demonstrate that she/he has the necessary 'need to know'. In this respect a Member has no right to 'a roving commission' to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know'. This question must be determined by the Town Clerk.
- 8.6 In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the business of that Committee) a Member's 'need to know' will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) the Member will normally be expected to justify the request in specific terms. In some circumstances duties of confidentiality to external bodies, or imposed by statute may override the common law right.
- 8.7 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.
- 8.9 A Member must **not**:
- I. disclose information given to him/her in confidence by anyone or information acquired which he/she believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; and

- II. prevent another person from gaining access to information to which that person is entitled by law'

8.10 Any such breach of confidence may result in censure by the Council or in a complaint to the Monitoring Officer or, if sufficiently serious, in civil action against the Member and/or the Council for damages.

9. Correspondence (including email).

9.1 Letters and emails must be sent on Llangollen Town Council headed paper or from a Council account. It will, however, be appropriate in certain circumstances (e.g. representations) for a letter or email to appear in the name of the Town Mayor as Chair of the Council. Letters and emails which, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

10. Publicity and Press Releases.

10.1 Press releases will be issued in accordance with the Press and Media Policy as adopted by the Council.

11. Arbitration.

11.1 Mutual understanding, openness on these sorts of sensitive issues and basic respect are the greatest safeguard of the integrity of the Council, its Members and staff. Where necessary, the Town Clerk will arbitrate on the implementation of this protocol in line with other Town Council policies, Standing Orders and Financial Regulations.