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**BOGNOR REGIS TOWN COUNCIL**

**STANDING ORDERS,  
TERMS OF REFERENCE  
&  
FINANCIAL REGULATIONS**

**Revised August 2008**

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## **BOGNOR REGIS TOWN COUNCIL**

### **STANDING ORDERS**

#### 1.0 MEETINGS OF THE COUNCIL

1.1 Meetings of the Council shall be held in the Council Chamber of the Town Council at 7.00 p.m. on Monday every six weeks after the Statutory Annual Meeting of the Council or, if this is a Public Holiday, on the Tuesday after (the next day) or the following Monday, as the Town Mayor shall determine in consultation with the Clerk.

1.2 Smoking is not permitted at any meeting of the Council.

**1.3 The Statutory Annual Meeting (a) in an election year shall be held on the Monday next following the fourth day after the ordinary day of elections to the Council (unless that is a Public Holiday in which case it shall be held on either the next day (Tuesday) or on the following Monday) and (b) in a year which is not an election year shall be held on the second Monday in May.**

#### 2.0 MAYOR OR CHAIRMAN OF MEETING

**2.1 The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting.**

#### 3.0 PROPER OFFICER

3.1 Where a statute, regulation or order confers functions or duties on the proper officer of the Council in the following cases, s/he shall be the Clerk: -

- (i) To receive declarations of acceptance of office.
- (ii) To receive and record notices disclosing pecuniary interests.
- (iii) To receive and retain plans and documents.
- (iv) To sign notices or other documents on behalf of the Council.
- (v) To receive copies of byelaws made by a District Council.
- (vi) To certify copies of byelaws made by the Council.
- (vii) To sign summonses to attend meetings of the Council.

3.2 In any other case the proper officer shall be the person nominated by the Council and, in default of nomination, the Clerk.

#### 4.0 QUORUM

4.1 Six members shall constitute a quorum or one-third of the membership of the Council whichever is the greater.

4.2 If a quorum is not present when the Council meets or if during a meeting the number of councillors present and not debarred by reason of a declared prejudicial interest falls below the quorum, the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Town Mayor may fix.

#### 5.0 VOTING AT COUNCIL

5.1 Members shall vote by show of hands, or, if at least two members so request by signed ballot.

**5.2** If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it.

**5.3. (i)** Subject to (ii) and (iii) below the Town Mayor may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though (s)he gave no original vote.

**(ii)** If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Town Mayor and Deputy Town Mayor until the end of their term of office (s)he may not give an original vote in an election for Town Mayor.

**(iii)** The person presiding must give a casting vote whenever there is an equality of votes in an election for Town Mayor.

## **6.0 ORDER OF BUSINESS**

**6.1** In an election year councillors should execute Declarations of Acceptance of Office in each others presence, or in the presence of a proper officer previously authorised by the Council to take such declaration, before the annual meeting commences.

### **6.2 At each Annual Meeting the first business shall be**

- (i) To elect a Town Mayor.**
- (ii) To receive the Town Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
- (iii) In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
- (iv) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
- (v) To elect a Deputy Town Mayor.**
- (vi) To appoint committees.**
- (vii) To consider the payment of any subscriptions falling to be paid annually.**
- (viii) To inspect any deeds and trust instruments in the custody of the council, and shall thereafter follow the order set out in Standing Order 6.5.**

**6.3 At every meeting other than the Annual Meeting the first business shall be to appoint a Chairman if the Town Mayor and Deputy Town Mayor be absent and to receive such declarations of acceptance of office (if any) as are required by law to be made, or if not then received to decide when they shall be received.**

**6.4** In every year not later than the meeting at which the estimates for next year are settled the Council shall review the pay and conditions of service of existing employees.

**6.5** After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows: -

- (i) To read and consider the Minutes: provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.**
- (ii) After consideration to approve the signature of the Minutes by the person presiding as a correct record.**

- (iii) To deal with business expressly required by statute to be done.**
- (iv) To dispose of business, if any, remaining from the last meeting.
- (v) To receive such communications as the person presiding may wish to lay before the Council.
- (vi) To answer questions from Councillors.
- (vii) To receive and consider reports and minutes of committees.
- (viii) To receive and consider reports from officers of the Council.
- (ix) To authorise the sealing of documents.
- (x) To authorise the signing of orders of payment where this is not delegated to the Policy and Resources Committee.
- (xi) To consider resolutions or recommendations in the order in which they have been notified.
- (xii) Any other business specified in the summons.
- (xiii) Any other urgent business that the Town Mayor has agreed, prior to the meeting commencing, can be raised although such item will not be included in the summons to the meeting. No items falling within the purview of Standing Order 25.1 will be permitted.

6.6 A motion to vary the order of business on the ground of urgency may be proposed by the Town Mayor or by any member and, if proposed by the Town Mayor, may be put to the vote without being seconded, and shall be put to the vote without discussion.

## 7.0 RESOLUTIONS MOVED ON NOTICE

7.1 Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least six clear days not later than the Monday in the week before the next meeting of the Council.

7.2 The Clerk shall date every notice of resolution or recommendation when received by her, shall number each notice in the order in which it was received and shall enter it in a book which shall be open to the inspection of every member of the Council.

7.3 The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that (s)he intends to move at some later meeting or that (s)he withdraws it.

7.4 If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.

7.5 If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Town Mayor, if (s)he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.

7.6 Every resolution or recommendation shall be relevant to some subject over which the Council has power or which affects its area.

## 8.0 RESOLUTIONS MOVED WITHOUT NOTICE

8.1 Resolutions dealing with the following matters may be moved without notice:-

- (i) To appoint a Chairman of the meeting.
- (ii) To correct the Minutes.
- (iii) To approve the Minutes.
- (iv) To alter the order of business.
- (v) To proceed to the next business.
- (vi) To close or adjourn the debate.
- (vii) To refer a matter to a committee.
- (viii) To appoint a committee or any members thereof.
- (ix) To adopt a report.
- (x) To authorise the sealing of documents.
- (xi) To amend a motion.
- (xii) To give leave to withdraw a resolution or an amendment.
- (xiii) To extend the time limit for speeches.
- (xiv) To exclude the public.
- (xv) To silence or eject from the meeting a member named for misconduct.
- (xvi) To invite a member having an interest in the subject matter under debate to remain.
- (xvii) To give consent of the Council where such consent is required by these Standing Orders.
- (xviii) To suspend any Standing Order, subject to those exceptions referred to in Standing Order 34.1.
- (xix) To adjourn the meeting.

## 9.0 QUESTIONS

9.1 A member may ask the Town Mayor or a nominated Committee Chairman any question concerning the business of the Council, provided notice of the question has been given in writing to the Town Clerk by 9 a.m. on the Monday morning prior to the meeting.

9.2 No question not connected with business under discussion shall be asked except during the part of the meeting set aside for questions.

9.3 Every question shall be put by the Councillor who has submitted the question. This shall be read verbatim without any alteration from the originally submitted question. The question shall be answered by the person to whom it has been put without discussion.

9.4 A person to whom a question has been put may decline to answer or may indicate that they will reply in writing subsequent to the meeting..

## 10.0 RULES OF DEBATE

10.1 No discussion shall take place upon the Minutes of the Council except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Town Mayor.

10.2. A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the Town Mayor, be reduced to writing and handed to him/her before it is further discussed or put to the meeting.

10.3 A member when seconding a resolution or amendment may, if (s)he then declare his intention to do so, reserve her/his speech until a later period of the debate.

10.4 A member shall direct her/his speech to the question under discussion or to a personal explanation or to a point of order.

10.5 No speech by a mover of a resolution shall exceed five minutes, and no other speech shall exceed five minutes except by consent of the Council.

10.6 An amendment shall be either:-

- (i) To leave out words.
- (ii) To leave out words and insert or add others.
- (iii) To insert or add words.

10.7 An amendment shall not have the effect of negating the resolution before the Council.

10.8 If an amendment is carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved. If an amendment is rejected other amendments may be moved on the original resolution.

10.9 A further amendment shall not be moved until the Council has disposed of every amendment previously moved.

10.10 The mover of a resolution or of an amendment shall have a right of reply, not exceeding five minutes.

10.11 A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on an amendment, or on a point of order, or in personal explanation, or to move a closure.

10.12 A member may rise to make a point of order or a personal explanation. A member rising for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech given by her/him that may have been misunderstood.

10.13 A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.

10.14 When a resolution is under debate no other resolution shall be moved except the following:-

- (i) To amend a resolution.
- (ii) To proceed to the next business.
- (iii) To adjourn the debate.
- (iv) That the question be now put.
- (v) That a member named be not further heard.
- (vi) That a member named do leave the meeting.

- (vii) That the resolution be referred to a committee.
- (viii) To exclude the public and press.
- (ix) To adjourn the meeting.

10.15 A member shall stand when speaking unless permitted by the Town Mayor to sit on account of infirmity.

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

10.17 Members shall address the Town Mayor.

10.18 If two or more members rise, the Town Mayor shall call upon one of them to speak and the others shall resume their seats.

10.19 Whenever the Town Mayor rises during a debate all other members shall be seated and silent.

10.20 At the end of any speech a member may, without any additional comment, move "that the question be now put", "that the debate be now adjourned" or "that the Council do now adjourn". If such motion is seconded the Town Mayor shall put the motion but, in the case of a motion "to put the question", only if (s)he is of the opinion that the question before the Council has been sufficiently debated. If the motion "that the question be now put" is carried, the Town Mayor shall call upon the mover to exercise or waive her/his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover's right of reply at the resumption. Where a meeting is adjourned the subsequent proceedings are part of the of the original meeting and no new notices or agendas need to be issued except a notification to members not present of the date of the continuation of the meeting.

## 11.0 DISORDERLY CONDUCT

11.1. No member shall at a meeting persistently disregard the ruling of the Town Mayor, wilfully obstruct business, or behave irregularly, offensively, improperly or in such a manner as to scandalise the Council or bring it into contempt or ridicule.

11.2 If, in the opinion of the Town Mayor, a member has broken the provisions of Standing Order 11.1, the Town Mayor shall express that opinion to the Council and thereafter any member may move that the member named no longer be heard or that the member named do leave the meeting, and the motion, if seconded shall be put forthwith and without discussion.

11.3 If either of the motions in Standing Order 11.2 is disobeyed, the Town Mayor may suspend the meeting or take such further steps as may reasonably be necessary to enforce them.

## 12.0 RIGHT OF REPLY

12.1 The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

### 13.0 ALTERATION OF RESOLUTION

13.1 A member may, with the consent of his seconder, move amendments to her/his own resolution.

### 14.0 RESCISSION OF PREVIOUS RESOLUTION

14.1 A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least FOUR members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.

14.2 When a special resolution or any other resolution moved under the provision of Standing Order 14.1 has been disposed of, no similar resolution may be moved within a further six months.

### 15.0 VOTING ON APPOINTMENTS

15.1 Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

### 16.0 DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

16.1 If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the public shall be excluded.

### 17.0 SEALING OF DOCUMENTS

17.1 A document shall not be sealed on behalf of the Council unless the sealing has been authorised by a resolution. Any two members of the Council named in a resolution moved under the provisions of the above paragraph of this Order may seal, on behalf of the Council, any document required by law to be issued under seal.

### 18.0 COMMITTEES AND SUB-COMMITTEES

18.1 The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:

- (i) shall not appoint any member of a committee so as to hold office later than the next Annual Meeting,
- (ii) may at any time dissolve or alter the membership of a committee; and
- (iii) shall ensure that the political composition of, and the total number of places on, committees fairly and as accurately as possible reflects the political composition of the Full Council.

18.2 The Town Mayor and Deputy Town Mayor ex officio shall be members of the Policy and Resources and Environment and Leisure Committees.

18.3 Committee Chairmen and Vice-Chairmen shall be appointed at the Annual Meeting and they shall hold office until the next Annual Meeting of the Council, and shall settle its programme of meetings for the year.

18.4 Each standing Committee shall operate according to the Terms of Reference set out for that Committee in Appendix A to these Standing Orders and these Terms of Reference shall not be altered except in accordance with procedures as set out in paragraphs 9 and 10 of the Terms of Reference of the Policy and Resources Committee. The Policy and Resources Committee (or any Committee delegated to deal with the financial affairs of the Council) shall always be a standing committee. Otherwise, the Council shall always decide whether a Committee is a standing committee or otherwise at the point of a Committee's inception and may change its designation from time to time by a resolution of the Council. A Committee that is not a standing Committee may have its Terms of Reference agreed or varied by a Resolution of the Council agreed by a simple majority of members present and voting.

18.5 The Chairman of a committee may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

18.6 Every committee may appoint sub-committees for purposes to be specified by the committee and which shall be recorded in the minutes of the Committee as the sub-committee's terms of reference. Every Committee may also appoint working parties whose terms of reference shall be recorded in the minutes of the Committee.

18.7 The Chairman and Vice-Chairman of the committee shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.

18.8 Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be not less than three members.

18.9 The Standing Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Standing Order on interests of members in contracts and other matters shall apply to committee and sub-committee meetings. With the agreement of the Committee, the Chairman of each Committee shall have discretion as to whether members may speak on a subject more than once and as to how many times.

## 19.0 ADVISORY COMMITTEES

19.1 The Council may appoint from time to time advisory committees, whose name, and number of members, and the bodies to be invited to nominate members shall be as resolved by the Council.

19.2 The Clerk shall inform the members of each advisory committee of the terms of reference of the advisory committee as resolved by the Council.

19.3 An advisory committee may make recommendations to the Council or to one of its Committees and give notice thereof to the Council or Committees.

19.4 An advisory committee may consist wholly of persons who are not members of the Council.

## 20.0 VOTING IN COMMITTEES

20.1 Members of committees and sub-committees entitled to vote shall vote by show of hands, or, if at least two members so request, by signed ballot.

**20.2 Chairman of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

## 21.0 PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

21.1 A member who has proposed a resolution that has been referred to any committee, of which (s)he is not a member, may explain her/his resolution to the committee but shall not vote.

## 22.0 FINANCIAL PROCEDURES AND REGULATIONS

22.1 The Council's financial procedures shall be as set out in Appendix B of these Standing Orders, and the Policy and Resources Committee shall from time to time as appropriate and after consultation with other Committees review these.

**22.2 Orders for the payment of money shall be authorised by resolution of the Council and signed by two members.**

## 23.0 INTERESTS

23.1 If any member has any personal or prejudicial interests, direct or indirect, within the meaning of sections 50(1) and (4), 81(2) and (3), and 105(2), (3) and (4) of the Local Government Act 2000, in any contract, proposed contract or other matter, (s)he shall, while it is under consideration by the Council, withdraw from the meeting unless the interest is trivial in the manner described in the Act; or the disability imposed on her/him by those sections has been removed by the District Council; or the Council invite her/him to remain; or the contract, proposed contract or other matter is under consideration as part of the report of a committee and is not itself the subject of debate.

**23.2 The Clerk shall record in a book to be kept for the purpose, particulars of any notice given by any member or any officer of the Council of a prejudicial or personal interest in a contract, and book shall be open during reasonable hours of the day for the inspection of any member of the Council.**

23.3 If any member has a personal or prejudicial interest within the ambit of the National Code of Local Government Conduct for Parish Councils (s)he shall declare it and thereupon be invited to withdraw from the meeting.

## 24.0 CANDIDATES

24.1 If a candidate for any appointment under the Council is to her/his knowledge related to any member of or the holder of any office under the Council, (s)he and person to whom (s)he is related shall disclose the relationship in writing to the Clerk. A candidate who fails to do so shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where relationship to a member is disclosed Standing Order 23(3) shall apply.

24.2 The Clerk shall make known the purport of Standing Order 23(1) to every candidate.

## 25.0 RESOLUTIONS ON EXPENDITURE AND DELEGATION

25.1 Any resolution which is moved otherwise than in pursuance of a recommendation of the Policy and Resources Committee or of another committee after recommendation by the Policy and Resources Committee and which, if carried, would, in the opinion of the Chairman of the Policy and Resources Committee, substantially increase the expenditure upon any service which is under the management of or reduce the revenue at the disposal of any committee, or which would involve capital expenditure shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon and the Policy and Resources Committee shall report and make any appropriate recommendation on the financial aspect of the matter.

## 26.0 CANVASSING OF AND RECOMMENDATION BY MEMBERS

26.1 Canvassing of members of the Council or of any committee, directly or indirectly, for any remunerated appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this Standing Order to every candidate.

26.2 A member of the Council or of any committee shall not solicit for any person any remunerated appointment under the Council or recommend any person for such appointment or promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

26.3 Standing Orders Nos. 24.1 and 26.1 shall apply to tenders as if the person making the tender were a candidate for an appointment.

## 27.0 INSPECTION OF DOCUMENTS

27.1 A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

**27.2 All Minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

## 28.0 UNAUTHORISED ACTIVITIES

28.1 No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council inspect any lands or premises that the council

has a right or duty to inspect; or issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee or sub-committee. *Neither shall any member (unless specifically authorised by Council) respond to official correspondence on behalf of the Council. All such correspondence must, at all times, be sent out by the executive officers of the Council.*

28.2 No individual Member of the Council shall require the compilation of any information by Officers of the Council, or give instructions to any officer or workman, except in so far as the Town Mayor or Committee Chairman is entitled to instruct the Town Clerk to include any item on a Council or Committee agenda pertinent to the work of the Council or Committee as appropriate and subject to such request conforming in all other respects with these Standing Orders.

## 29.0 ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

**29.1 The public shall be admitted to all meetings of the Council and its committees and sub-committees, that may, however, temporarily exclude the public** by means of the following resolution: "That in view of the [special] [confidential] nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw."

29.2 In all cases where this resolution is used the special reasons should be stated. If a person's advice or assistance is needed they may be invited (by name) to remain after the exclusion resolution is passed.

**29.3 The Town Clerk shall afford to the press reasonable facilities for taking their report of any proceedings at which they are entitled to be present.**

29.4 If a member of the public interrupts the proceedings at any meeting, the Town Mayor may, after warning, order that that person be removed from the Council Chamber.

29.5 A period not exceeding fifteen minutes shall be allowed for all meetings of the Council at which members of the public can ask questions, provided that if there are insufficient questions to fill the fifteen minutes, the Council will commence business forthwith. The meeting will be formally adjourned during such period. *Similar arrangements will apply at Committees.*

## 30.0 CONFIDENTIAL BUSINESS

30.1 No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.

30.2 Any member in breach of Standing Order 30.1 may be removed from any committee or sub-committee of the Council by the Council for a period of time to be determined by the Council.

## 31.0 LIAISON WITH COUNTY AND DISTRICT COUNCILLORS

31.1 A notice of meetings shall be sent together with an invitation to attend the Council to the County Councillor for the county divisions and to the District Councillor or Councillors for the district wards covered by the Town area.

## 32.0 CONTRACTS TO COMPLY WITH STANDING ORDERS

32.1 Every contract, whether made by the Council or by a Committee or Sub-Committee to which the power of making contracts shall have been delegated, shall comply with these Standing Orders and no exception from any of the following provisions of these Orders shall be made otherwise than by direction of the Council or, in an emergency, by such a Committee or Sub-Committee as aforesaid with the approval of the Chairman of the Policy and Resources Committee.

32.2 Every exception made by a Committee or Sub-Committee to which the power of making contracts has been delegated shall be reported to the Council and the report shall specify the emergency by which the exception shall have been justified.

32.3 Express note of any exception from any of the provisions of these Standing Orders and of the emergency, if any, by which the exception shall have been justified shall, unless recorded in the report of a Committee or Sub-Committee that is laid before the Council, be made in the Minutes of the Council.

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

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

32.6 All financial figures contained within these Standing Orders are agreed as at May 2002. They are henceforward to be increased on 1st April 2003 and on each successive anniversary by the annual increase in the Retail Price Index for the twelve-month period immediately preceding.

## 33.0 TENDERING PROCEDURES

33.1 Where the estimated cost of works, goods and materials and related services is as set out below and the requisite provision thereof has been made in the approved budget, the arrangements for the invitation of tenders or quotations and the subsequent acceptance thereof shall be as shown.

<u>Estimated Value</u>	<u>Method of Invitation</u>	<u>Acceptance by</u>
£5,000 to £20,000	Minimum of three invitations for quotations	Town Clerk
£20,000 to £40,000	Minimum of four invitations for quotations	Town Clerk
Above £40,000	Minimum of five invitations for tenders	Chairman of Committee or his/her nominee and the Town Clerk.

33.2 In all cases up to £20,000 where the lowest tender received is in excess of 5% above the original estimate, or in cases over £20,000 where it is in excess of the original estimate, it shall be reported to the appropriate Committee for acceptance or otherwise.

33.3 Contracts which exceed £40,000 in value or amount for the supply of goods or materials or the execution of any work for which provision has been made in the annual budget shall not be made unless at least ten days public notice has been given in one or more of the local newspapers circulating in the district. Provided that it shall not be obligatory for the Council or any Committee or Sub-Committee exercising powers delegated by the Council to invite tenders for a contract or materials where effective competition is prevented by Government control or where the Town Clerk reports in writing to the Council or to the Committee or Sub-Committee exercising such powers that effective competition is prevented by the special nature of the goods or materials required. Nor shall it be necessary to give public notice of the intention to enter into such a contract.

33.4 Where the Council has determined that lists shall be kept of persons to be invited to tender for contracts for the supply of goods and materials of specified categories, values or amounts or for the execution of specified categories of work, notices inviting applications for inclusion in the lists shall be published in one or more newspapers or journals circulating amongst such persons as undertake contracts of specified values or amounts or categories.

33.5 The list shall contain the names of all persons who wish to be included in it and are approved by the appropriate Committee and indicate whether a person whose name is included on it is approved for contracts for all, or only some of the specified values or amounts or categories.

33.6 The said list shall be amended as required from time to time and shall be reviewed at intervals not exceeding five years. Where no such list is kept the Council shall use the equivalent list maintained by the District Council.

33.7 Where, by virtue of a decision of the Council or of the Committees or the Town Clerk duly authorised on that behalf, invitation to tender for a contract is limited to persons whose names appear on the list maintained under this Order, or from the list maintained by the District Council, an invitation to tender for a particular contract shall be sent. Should the said list not include the required number of tenderers then a minimum of three will be invited to tender.

33.8 The Order shall not apply to:-

- (i) the supply of goods and materials or the execution of works of less than £5,000 in value;
- (ii) purchase by auction;
- (iii) purchase or repair of patented or proprietary goods or materials sold at fixed price;
- (iv) purchase of materials normally supplied by specialist contractors;

(v) the execution of work, the purchase of goods or materials or the provision of services involving special, scientific or artistic knowledge;

(vi) the execution of work or the purchase of goods or materials, which are a matter of urgency after prior reference to the appropriate Committee Chairman;

(vii) the purchase of goods or materials which the Town Clerk may from time to time deem it expedient to make in the open market provided that before making any such purchase the approval of the Chairman of the appropriate Committee concerned is obtained and finance is available in the appropriate budget;

(viii) contracts with professional persons for the execution of works in which the personal skills of the person is of primary importance, and

(ix) those contracts where a Committee may expressly determine that it is in the Council's interests that a tender be negotiated directly with a contractor or supplier of goods or services.

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

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

"We declare that we are not parties to any scheme or arrangement under which we communicate the amount of our tender to any other person or body before the contract is let; any other tenderer for the works, which are the subject of our tender, is reimbursed any part of his tendering costs, and our tender prices are adjusted by reference directly or indirectly to the prices of any other tenderer for the works. No provision is made in our tender price for any reimbursement of any adjustment of any contribution thereto."

33.11 Tenders shall be opened by the Town Clerk or an official of the Council designated by him at one time and only in the presence of such Member or Members of the Council as may have been designated for the purpose by the Council or by the Committee or Sub-Committee to which the power of making the contract to which the tenders relate has been delegated. Where tenders have been opened in pursuance of this paragraph they shall be recorded and reported to the next meeting of the appropriate Committee or Sub-Committee.

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

33.13 No contract of any nature including those relating to engagement of staff shall be let by the Council or any Committee, or be terminated by them, without the benefit of written legal, independent or other professional advice and to the presence of the

Town Clerk or a duly deputed Committee Clerk at all times that such matters are being debated and determined.

#### 34.0 CONTRACTS FOR SUPPLIES, SERVICES AND WORKS

34.1 Every contract, which exceeds £5,000 in value or amount, shall be in writing.

34.2 Every contract in writing shall be signed by the Town Clerk on behalf of the Council.

34.3 Every contract for which provision has been made in the approved annual estimates and/or approved by the appropriate Committee or Sub-Committee of the Council pursuant to Standing Orders and being in value of amount less than £5,000 shall be entered into on behalf of the Council by the Town Clerk by issuing an official order only.

#### 35.0 CONTENTS OF WRITTEN CONTRACTS AND PENALTIES

35.1 Every written contract shall specify the work, materials, matters or things to be furnished, had or done; the price to be paid with a statement of discounts or other deductions, and the time or times within which the contract is to be performed.

#### 36.0 CORRUPT PRACTICES

36.1 There shall be inserted in every written contract a clause empowering the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any action in relation to the obtaining or execution of the contract or any other contract with the Council, or for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Council, or if the like acts shall have been done by any person employed by him/her or acting on his/her behalf (whether with or without the knowledge of the contractor) or if in relation to any contract with the Council the contractor or any person employed by him/her or acting on his/her behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or shall have given any fee or reward the receipt of which is an offence under section 117(2) of the Local Government Act 1972.

36.2 A notice issued under this standing order shall contain a statement of the effect of Standing Orders Nos. 24.1,24.2 and 26.1.

#### 37.0 CODE OF CONDUCT ON COMPLAINTS

37.1 The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in the manner recommended in Circular 2/86 issued by the National Association of Local Councils or in any subsequent document that supersedes this.

#### 38.0 VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

38.1 Any or every part of the Standing Order except those printed in bold type may be suspended by resolution in relation to any specific item of business.

38.2 A resolution permanently to add, vary, or revoke a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council. No standing Order may be changed unless so resolved by at least two thirds of the members of the Council.

#### 39.0 STANDING ORDERS TO BE GIVEN TO MEMBERS

39.1 A copy of these Standing Orders shall be given to each member by the Clerk upon delivery to her of the member's declaration of acceptance of office.

#### 40.0 MOBILE PHONES

*40.1 Mobile phones must be switched off at all times during meetings of Council, Committees, Sub-Committees and Working Parties. The only exception to this is where due to wholly exceptional circumstances the Chairman has agreed prior to the meeting that the mobile phone might be left on.*

**These Standing Orders were initially approved at Council on 24th June 2002 and subsequently agreed as amended at Council on 25<sup>th</sup> June 2007.**

**BOGNOR REGIS TOWN COUNCIL**

**TERMS OF REFERENCE**

**TR1 MATTERS TO BE DEALT WITH SOLELY BY THE COUNCIL**

- (a) The Power of raising loans and making the Rate;
- (b) the power of incurring capital expenditure not specifically included in the Council's approved estimate of expenditure for the time being;
- (c) the appointment to or co-option on a Committee or Sub-Committee of a person who is not a Member of the Council or the Committee;
- (d) Standing Orders and the functions and constitution of Committees and Sub-Committees;
- (e) dates of meetings of the Council;
- (f) appointment or nomination by the Council of persons to fill vacancies on outside bodies arising during the Council year;
- (g) filling of vacancies occurring on any Committee of the Council during the Council year;
- (h) the appointment or dismissal of the Town Clerk.

**TR2 POWERS AND DUTIES OF STANDING COMMITTEES**

Subject to the foregoing, and to observance of decisions of the Council on matters of principle or policy, all the Council's powers and duties shall be delegated to the Standing Committees in accordance with the following terms of reference unless otherwise specified.

The acts and proceedings of a Committee shall:

- (a) where they are delegated to the Committee, so far as is legally permissible be deemed the acts and proceedings of the Council;
- (b) as regards other matters, be subject to confirmation by the Council, and when confirmed shall be deemed the acts and proceedings of the Council;
- (c) in all respects be subject to the provisions of the Council's Standing Orders and Financial Regulations except as otherwise determined by the Council.

The Council may at any time without prejudice to executive action already taken revoke any executive power delegated to a Committee.

### **TR3 POLICY AND RESOURCES COMMITTEE**

The Policy and Resources Committee (P&RC) is the senior Committee of the Council. The Policy and Resource committee shall consider all matters that affect the finances of the Council and a report made to the Council. The Committee shall have the following functions:

1. It will formulate the annual budget for the Council and shall submit its recommendations on this no later than December in the year preceding the relevant Council year. Its Chairman shall present the draft budget to the Committee after consultation with:

- a. The Town Clerk
- b. The Council's Accountant
- c. The Leaders of the political groups, if any,

and after receipt of draft budget submissions from other Council Committees. In the absence of such draft budgets, the Chairman of P&RC may submit draft proposals for such Committees.

2. It will monitor the progress of the budget during the Council year and consider any requests from other Committees of the Council for supplementary expenditure above that agreed for the year, and will make any recommendations arising to the Council.

3. It will deal under delegated powers with staff terms and conditions of service and may delegate consideration of these issues to a staffing and personnel sub-committee and receive any recommendations from such a sub-committee.

4. It will formulate new policy and review existing policy concerning the Council's work for consideration by the Council.

5. It will deal under delegated powers with the following specific decision-making issues within the budget and policies approved by the full Council:

- a. Town Development and Tourism, covering marketing, tourism, economic development and regeneration;
- b. Grants to local community and youth organisations;
- c. Crime and disorder issues;
- d. Allocation of requests for support and sponsorship to appropriate committees;
- e. Correspondence appropriate to the Committee's remit;
- f. Matters which, in the opinion of the Town Clerk, must have consideration and action on the Council's behalf where to do otherwise would place the Council at risk of a breach of legal obligations or statutes and where an emergency meeting of the full Council cannot be arranged.
- g. Management of any Council facilities or programmes falling within the Committee's remit.

6. Where there is a dispute between itself and another Committee, the decisions of the P&RC shall have precedence.
7. Where there is a dispute between two other Committees, the P&RC shall arbitrate and its decision shall be final.
8. The Committee shall review from time to time the Council's Standing Orders and make recommendations for change to the Council.
9. The Committee shall review the Terms of Reference of Committees from time to time, taking into account any proposals or recommendations from other Committees and make recommendations to the Council.
10. The Committee shall consider the Terms of Reference of any sub-committee established by itself or other Committees and shall have the delegated power to approve these.
11. Where acting under delegated authority the Committee may decide, by a simple majority of Councillors present and voting (abstentions counting as a vote), to refer the matter for decision to full Council and shall make recommendations as appropriate.
12. The committee will take representations from the public on an agenda item if it is notified to them prior to the meeting and with the majority agreement of the meeting.

#### **TR4 ENVIRONMENT AND LEISURE COMMITTEE**

1. *The Environment and Leisure Committee (ELC) is responsible for consideration of all environmental and leisure matters relating to the Council's business.*
2. The Committee will deal under delegated powers with the following specific decision-making issues within the budget and policies approved by the full Council:
  - a. Running of any Council event or activity coming under environmental or leisure headings
  - b. Maintenance of the Town Meteorological Office
  - c. Formulation publication and distribution of the Town Guide
  - d. Liaison, joint programmes, partnerships etc relating to matters of an environmental or leisure nature with other local authorities and bodies
  - e. Grants and sponsorship for environmental or leisure purposes such as decorative lighting, cultural activities, toilets, museums, floral arrangements and displays in the Town based on requests from outside bodies referred from the Policy and Resources Committee. *(Note: Town Council retains overall responsibility for the Christmas lights, floral displays, including sponsored roundabouts, through the Bognor Regis In Bloom Working Party, as part of the specific decision-making process).*
  - f. Correspondence relevant to the Committee's Terms of Reference.

g. Maintenance of the Town Allotments

3. The Committee shall submit an annual proposed budget to the Policy and Resources Committee not later than 15th October. The Committee Chairman shall draft the Budget for presentation to the Committee and may liaise with the Town Clerk, Accountant and the Chairman of the Policy and Resources Committee in its preparation.
4. In the event of a dispute with another Committee that cannot be resolved by the two Committees, the matter shall be referred to the Policy and Resources Committee for arbitration and the P&RC's decision on the matter shall be final.
5. Where the Committee proposes actions or policies outside of agreed Council policy, it shall make recommendations to the Council.
6. The Committee shall refer any proposals which would incur non-budgeted expenditure or would reduce by more than £500 budgeted income to the Policy and Resources Committee which shall make recommendations to the Council on the matter.
7. The Committee may vire monies within its approved budget between heads provided that any virement which would exceed more than 5% of the Committee's budget would be referred to the Policy and Resources Committee for consideration of any purely financial implications of such a change.
8. Where acting under delegated authority the Committee may decide, by a simple majority of Councillors present and voting (abstentions counting as a vote), to refer the matter for decision to full Council and shall make recommendations as appropriate.
9. The committee will take representations from the public on an agenda item if it is notified to them prior to the meeting and with the majority agreement of the meeting.

**TR5 PLANNING AND LICENSING COMMITTEE**

*1. The Planning and Licensing Committee shall exercise the function of consideration of all planning and licensing applications submitted to the Council by the local planning and licensing authority and shall authorise the Clerk to submit to such authorities the observations, recommendations or objections of the Committee on all such applications. Where a meeting of the Committee is not quorate, Councillors who are members of the Committee may consider such applications and a note of their views shall be made available to the Clerk who shall inform the planning and licensing authorities accordingly.*

*2. The Committee will deal under delegated powers with the following specific decision-making issues within the budget and policies approved by the full Council*

*All matters affecting planning e.g. statutory and local plans*

*Public Footpaths*

*Enforcement matters*

*Highways and Transport matters*

*Emergencies - environmental, public or disaster*

Street Lighting projects financed by the Council

3. The committee will take representations from the public on an agenda item if it is notified to them prior to the meeting and with the majority agreement of the meeting.

#### **TR6 CHRISTMAS ILLUMINATIONS SUB-COMMITTEE**

1. *The Sub-Committee to deal under delegated powers within the Budget set by the Environment and Leisure Committee with all issues relating to the provision and maintenance of Christmas lights.*
2. *To investigate ways of promoting the Christmas lights in the town through sponsorship schemes*
3. *Deal with issues relating to the maintenance of the High Street Pea Lights*

#### **TR7 ALLOTMENTS SUB-COMMITTEE**

1. *To improve liaison between the Council and Allotment Tenants*
2. *To promote the sensible use and advancement of the Allotments in Bognor Regis*
3. *To promote the use of Allotments by young people*

#### **TR8 BOGNOR REGIS IN BLOOM WORKING PARTY**

1 *The In Bloom Working Party is responsible for the promotion and planning of Bognor Regis in Bloom competition and the application including the portfolio, planning and promotion for Bognor Regis' entry to South and South East in Bloom.*

2 *The Working Party will deal under delegated powers with the following specific decision- making issues within the budget and policies approved by the Environment and Leisure Committee.*

##### **Bognor Regis In Bloom Competition**

- (i) *Promote the competition through the media and other methods.*
- (ii) *Collate, plan and judge all entries received at the office*
- (iii) *Organise presentation evening, awards and certificates*

##### **South & South East in Bloom Competition**

- (i) *Collate material over the year for inclusion in the portfolio*

- (ii) *Complete application to competition and representatives of the Working Party to attend seminars and presentations*
- (iii) *Promote South & South East in bloom through media, schools and other organisations.*
- (iv) *Organise planting competitions*
- (v) *Liaise with BRTC and ADC on planting programs / projects planned for year*
- (vi) *Plan route and itinerary for judging day*
- (vii) *Organise planting displays at national events to promote the town of Bognor Regis*

## **TR9 EVENTS COMMITTEE**

1. To determine Town Council's Events Strategy for coming year, or other time frame as agreed by Council
2. To agree an Events Programme that caters for a wide range of tastes and differing age ranges and to appeal to both residents and visitors
3. To consider the impact the agreed Events Programme would have on the Town Council from a financial, organisational and administrative point of view
4. Recognise the value of volunteers and external organisations and establish the level of support to be given to them by the Town Council. This will include Events Sponsorship and support for events from Council officers or Town Force.
5. To agree budget expenditure for each event under delegated powers within the overall budget allocation approved by The Events Committee and ensure adherence at all times to the Town Council's Standing Orders relating to contracts.
6. To ensure that all necessary licences are obtained and all appropriate application forms for events run by the Council are completed in time and forwarded to appropriate agency.
7. To ensure all events are run with due consideration to Health & Safety issues and that Management Plans and Risk Assessments are completed for each event and activity as appropriate. Health & Safety will be the over-riding consideration when determining whether an events proceeds
8. Develop and deliver a marketing strategy for all Town Council events, ensuring that an appropriate marketing budget is allocated
9. Oversee Events Sponsorship budget to ensure delivery of sponsored events. Should these events not take place, the Committee will undertake negotiations with the relevant organisation for return of the Sponsorship money provided by the Town Council.
10. In the event of a dispute with another Committee that cannot be resolved by the two Committees, the matter shall be referred to the Policy and Resources

Committee for arbitration and the P&RC's decision on the matter shall be final.

11. Where the Committee proposes actions or policies outside of agreed Council policy, it shall make recommendations to the Council.
12. The Committee shall refer any proposals which would incur non-budgeted expenditure or would reduce by more than £500 budgeted income to the Policy and Resources Committee which shall make recommendations to the Council on the matter.
13. The Committee may vire monies within its approved budget between heads provided that any virement which would exceed more than 5% of the Committee's budget would be referred to the Policy and Resources Committee for consideration of any purely financial implications of such a change.
14. Where acting under delegated authority the Committee may decide, by a simple majority of Councillors present and voting (abstentions counting as a vote), to refer the matter for decision to full Council and shall make recommendations as appropriate.
15. The committee will take representations from the public on an agenda item if it is notified to them prior to the meeting and with the majority agreement of the meeting.

#### **TR10 TERMS OF REFERENCE PUBLIC CONVENIENCES WORKING PARTY**

1. *To discuss with the District Council, a long term strategy over the next 5 years, identifying the longer term objectives for toilet provision within the town.*
2. *To investigate alternative arrangements such as the use of toilets within shops and public buildings in return for a financial consideration.*
3. *To consider environmental and sustainability issues including the use of solar panels, recycling water and minimising energy use.*

#### **TR11 PROMOTION & PUBLICITY COMMITTEE**

1. To consider and make recommendations on the publicity and promotion of the town including:
  - Reviewing literature available for visitors including Visitor Guide
  - Marketing logos and/ or strap-line
  - Town Boundary Signs
  - Town map boards
2. To consider and make recommendations on the publicity and promotion of the Town Council including: Town Council website Newsletters
3. The Committee will deal under delegated powers with the above decision-making issues within the budget and policies approved by the full Council.

4. In the event of a dispute with another Committee that cannot be resolved by the two Committees, the matter shall be referred to the Policy and Resources Committee for arbitration and the P&RC's decision on the matter shall be final.
5. Where the Committee proposes actions or policies outside of agreed Council policy, it shall make recommendations to the Council.
6. The Committee shall refer any proposals which would incur non-budgeted expenditure or would reduce by more than £500 budgeted income to the Policy and Resources Committee which shall make recommendations to the Council on the matter.
7. The Committee may vire monies within its approved budget between heads provided that any virement which would exceed more than 5% of the Committee's budget would be referred to the Policy and Resources Committee for consideration of any purely financial implications of such a change.
8. Where acting under delegated authority the Committee may decide, by a simple majority of Councillors present and voting (abstentions counting as a vote), to refer the matter for decision to full Council and shall make recommendations as appropriate.
9. The committee will take representations from the public on an agenda item if it is notified to them prior to the meeting and with the majority agreement of the meeting.

**TR12 TERMS OF REFERENCE JOINT CONSULTATIVE SUB-COMMITTEE (STAFFING)**

1. *Member representation on the Sub-Committee shall comprise: Town Mayor and Deputy Town Mayor, Leader and Chairman of Policy & Resources Committee and Leaders of the other political groups.*
2. *Staff representation on the Sub-committee shall comprise: The Town Clerk, Deputy Town Clerk and the Projects & IT Officer.*
3. *To discuss and recommend to Policy and Resources Committee the following issues:*
  - a. *All matters relating to Terms and Conditions of Employment.*
  - b. *Issues of Health and Safety and Accommodation.*
  - c. *Training.*
  - d. *Pensions.*
  - e. *Duty of Care.*

### **TR13 TERMS OF REFERENCE STRATEGIC PLANNING SUB-COMMITTEE**

Mission Statement:

1. *“To consider, plan and consult with relevant partners on future economic, social, environmental and cultural strategies to improve the daily life, well-being and infrastructure of Bognor Regis residents and visitors alike”*

### **TR14 TERMS OF REFERENCE TOWN PLAN STEERING GROUP**

*The purpose of the group shall be to act on behalf of the Town Council to carry out the following tasks:*

1. *Investigate and identify support for the Town Plan.*
2. *Identify sources of funding to carry out the work.*
3. *Take the responsibility for planning, budgeting and monitoring expenditure on the plan and report back to the Town Council on these matters.*
4. *Liaise with relevant authorities and organisations to make the plan as effective as possible.*
5. *Identify ways of involving the whole community and gather the views and opinions of as many groups and organisations in the community as possible.*
6. *Determine the types of survey and information gathering to be used.*
7. *Be responsible for the analysis of the survey, the production and distribution of the final report.*
8. *Identify priorities and timescale for local action in the action plan including lead organisations and potential sources of project funding.*
9. *To report back to the Town Council on progress, issues arising and outcomes from the exercise.*

### **TR15 DELEGATION TO CHAIRMEN GENERALLY**

1. To cancel or postpone a meeting owing to lack of business or in an emergency.

### **TR16 LEADER OF THE COUNCIL**

*The Leader of the majority group on the Town Council at any time will assume the position of Leader of the Council and (s)he will have the following approved powers:-*

- (i) overseeing the preparation of business for Council consideration;*
- (ii) to act as the liaison between the majority group of the Council and the Town Clerk in indicating the priorities and programmes of the Group for inclusion in Council business and their likely reaction to new policies for projects;*
- (iii) to be the first port of call for the Town Clerk when an issue arises that requires a political or policy response from the Council and the issue does not naturally fall within the terms of reference of any of the four Programme Committees, and*
- (iv) in discussion with Members of the opposition group(s) to propose Council appointments to outside bodies.*

**These Terms of Reference were initially approved at Council on 24th June 2002 and subsequently agreed as amended at Council on 4<sup>th</sup> August 2008.**

**BOGNOR REGIS TOWN COUNCIL**

**FINANCIAL REGULATIONS**

**1 FINANCIAL ADMINISTRATION**

- 1.1 The Town Clerk, under the direction of the Policy and Resources Committee, shall regulate and control the finances and accounts of the Town Council, supervise and co-ordinate financial and accounting methods and the production of financial management information..
- 1.2 *The Town Clerk and Responsible Finance Officer will ensure full compliance with approved accounting standards for Band C Councils in line with recommendations of the Audit Commission and the approved CIPFA Code of Practice.*

**2 FINANCIAL PLANNING AND ANNUAL ESTIMATES**

- 2.1 The Policy and Resources Committee shall each year recommend to the Town Council a programme for consideration of estimates and the programme is to include adequate time for such discussions between the Policy and Resources Committee, other programme committees and Council.
- 2.2 Detailed estimates of income and expenditure on revenue accounts, and receipts and payments on capital account, shall be prepared each year by the Town Clerk, in consultation with the Chairmen of Committees and appropriate staff and submit them to the committees responsible for the services by the prescribed date.
- 2.3 The Policy and Resources Committee shall review the estimates together with the recommendations of all other programme committees and submit them to the Council not later than December in each year, together with such summaries, statements and reports as are considered desirable in order to enable Council to determine the precept to be levied for the ensuing year.
- 2.4 Concurrently with the report to the Council and the proposed precept to be levied for the ensuing year, the Town Clerk shall report as to the funding of the capital programme in order to enable a definite programme for the following year to be determined, and a design list of capital projects for detailed design in the next ensuing year.

**3 BUDGETARY CONTROL**

- 3.1 Expenditure on the revenue account may be incurred by the Town Clerk up to the amounts included in the approved budget, subject to the requirements of Standing Orders.
- 3.2 The Town Clerk has powers to vire amounts provided within the approved revenue budget, except in the case of sums provided for pay and allowances or when any continuing expenditure is to be generated. All such virements must be reported in writing to the next meeting of the appropriate programme Committee.

- 3.3 Expenditure may not be incurred which cannot be met from the amount provided within the net revenue budget or when there is likely to result an overspending in the year unless a request for a supplementary estimate has been submitted to the Policy and Resources Committee. This regulation shall apply where such event would result in an increase in net cost within the financial year.
- 3.4 Except as provided in Standing Orders, all proposals involving expenditure on capital account shall be the subject of an annual report to the appropriate committee and the report shall include the full financial implications of the proposals.
- 3.5 The Policy and Resources Committee shall carry out a review of the current years expenditure and income of the Council at the same time as it undertakes its evaluation of the following year's budgetary requirements.

#### **4 INCOME**

- 4.1 The collection of all sums due to the Council shall be under the supervision of the Town Clerk, who shall make and maintain adequate arrangements for prompt and proper accounting for all cash, including its collection, custody, control and deposit.
- 4.2 The Town Council will agree the scale of fees and charges for each service on, at least, an annual basis following a report of the Town Clerk.
- 4.3 Personal cheques of members of the public, councillors and staff shall in no circumstances be cashed out of money held on behalf of the Council.

#### **5 BANKING ARRANGEMENTS**

- 5.1 All arrangements with the Council's Bankers shall be made by or under arrangements approved by the Town Clerk who shall be authorised to operate such banking accounts as she may consider necessary in accordance with the overall policies of the Council as approved by the Policy and Resources Committee.
- 5.2 All schedules approving payment of cheques shall be presented to the following meeting of the Policy and Resources Committee and all cheques, except for those drawn on the Imprest Account, shall be signed by two specified Members of the Council.
- 5.3 The Town Clerk, or in her absence, the Deputy Town Clerk or a specified Member of the Council, is authorised to sign cheques on the Imprest Account to a value not exceeding an amount approved on an annual basis at the Annual Council Meeting in May.

#### **6 ORDERING PROCEDURES**

- 6.1 Official Orders shall be issued for all work, goods or services to be supplied to the Council and such orders should be signed by the Town Clerk or any other member of staff duly approved under Council resolution.
- 6.2 The Order Book shall be under the control of the Town Clerk.

- 6.3 Each Order raised shall conform to the directions of the Council with respect to Standing Orders.

## **7 PAYMENT PROCEDURES**

- 7.1 Apart from petty cash, the normal method of payment of money due from the Council shall be by cheque or other order drawn on the Council's Bankers.
- 7.2 Before payment of accounts is made the Town Clerk or her duly nominated representative must be satisfied that the goods have been received, are in accordance with the specification, that the account is correctly made out and that the relevant expenditure has been properly incurred.
- 7.3 The payment of all salaries, wages and other emoluments shall be made by the Council in accordance with the instructions of the Town Clerk concerning national pay awards and other information likely to have a bearing on individual members of staff conditions of service.
- 7.4 The Town Clerk is overall responsible for keeping all payments of salary and wages information fully up-to-date, including information on superannuation, income tax, national insurance and the like.

## **8 PETTY CASH ACCOUNT**

- 8.1 The Town Clerk shall maintain petty cash of such amount as may, from time to time, be necessary for the payment of small miscellaneous items and such urgent payments as may be determined.
- 8.2 Vouchers for payments made from these accounts shall be kept in accordance with instructions laid down from time to time by the Town Clerk.
- 8.3 Income received must not be paid into any petty cash account but must be separately banked in accordance with regulations.

## **9 LEGAL DOCUMENTS**

- 9.1 The Town Clerk shall have the custody of all Title Deeds of properties owned by the Council and shall ensure a record is maintained of all such properties and that all such documents are securely kept and maintained in accordance with arrangements approved by the Policy and Resources Committee.

## **10 INSURANCES**

- 10.1 The Town Clerk shall effect all insurance cover and negotiate all claims and report on such arrangements annually to the Policy and Resources Committee..
- 10.2 All members of staff with line responsibility are responsible for notifying the Town Clerk of all new risks which require to be insured and of any alterations affecting existing risks or insurances.
- 10.3 A comprehensive record of all insurances effected by the Council and the property and risks covered thereby shall be maintained by the Town Clerk and this reviewed annually.

10.4 All members of staff are responsible for immediately notifying the Town Clerk, in writing, of any loss, liability or damage, or of any event likely to lead to a claim.

## **11 INVESTMENTS, BORROWINGS AND TRUST FUNDS**

11.1 All investments of money under the control of the Council shall be in the name of the Council and made under arrangements approved by the Town Clerk.

11.2 All borrowings shall be effected in the name of the Council.

## **12 INTERNAL AUDIT**

12.1 In accordance with approved Best Practice and the requirements of the Accounts and Audit Regulations 1996, the Policy and Resources Committee will approve a policy of programmed Internal Audit. Core responsibility for this rests with the Chairman of the Committee supported, as appropriate, by other nominated Members and the Town Clerk/*RFO*.

## **13 REVISION OF FINANCIAL REGULATIONS**

13.1.1 It shall be the duty of the Policy and Resources Committee to review the Financial Regulations of the Council from time to time and, after consultation with any other committees concerned, to make such recommendations to the Town Council.

## **14 RESPONSIBLE FINANCIAL OFFICER**

14.1 These Financial Regulations presume that the Town Clerk fulfils the complete range of functions ordinarily expected of the Responsible Financial Officer. Should Council through the Policy and Resources Committee determine that such post holder should not fulfil those responsibilities and that responsibility be formally vested in an alternative officer then these Financial Regulations will be revised to take account of such change.

**These Financial Regulations were initially approved at Council on 24th June 2002 and subsequently agreed as amended at Council on 12<sup>th</sup> September 2005.**