



BARROW TOWN COUNCIL

Town Hall, Duke Street, Barrow-in-Furness. LA14 2LD

19th May, 2023

Dear Councillor,

You are summoned to attend a meeting of the Council commencing at **5.30 pm** on **Wednesday, 24th May, 2023**, for the purpose of transacting the business specified in the following agenda.

The meeting will be held in the Council Chamber at the Town Hall, Duke Street, Barrow-in-Furness.

Members of the press and public are also welcome to attend.

Yours faithfully

A handwritten signature in black ink, appearing to read 'L. J. Smyth'. The signature is written in a cursive, flowing style.

Lesley Smyth Town Clerk

AGENDA

Roll Call

The Clerk will take a roll call of Council members present.

Public Participation

Any member of the public who wishes to ask a question, make representations or present a deputation or petition at this meeting should apply to do so before the commencement of the meeting. Please contact the Town Clerk on 07811609108 townclerk@barrowtowncouncil.gov.uk

1. ELECTION AND APPOINTMENT OF CHAIR FOR 2023-2024

To elect the Chairman of the Council.

The newly elected Chairman will make a declaration of acceptance of office in the prescribed form and will assume the Chair.

2. ELECTION AND APPOINTMENT OF VICE-CHAIRMAN FOR 2023-2024

To elect the Vice-chairman of the Council.

The newly elected Vice-Chairman will make a declaration of acceptance of office in the prescribed form.

3. APOLOGIES FOR ABSENCE

To receive and approve apologies from Members.

4. ACCEPTANCE OF OFFICE

To note that the Town Clerk will receive completed declaration of acceptance of Office forms from each Member.

5. DECLARATIONS OF INTEREST

To receive declarations by Members of interests in respect of items on this agenda.

In accordance with the revised Code of Conduct Members are required to declare any Disclosable Pecuniary Interests (DPIs) or other Registrable interests (ORIs) which have not already been declared in the Council's Register of Interests. Members are reminded that it is a criminal offence not to declare a DPI, either in the Register or at the Meeting. In the interests of clarity and transparency Members may wish to declare any DPI which they have already declared in the Register, as well as any ORI.

6. CLERK TO THE PARISH COUNCIL

a) To note the interim arrangements for Town Clerk.

Recommendation: That it be recorded in the minutes of the meeting that Members have noted that Lesley Smyth has been appointed Interim Town Clerk and Responsible Financial Officer for Barrow Town Council, and is in the employment of Westmorland and Furness Council to support the establishment of a new Council.

b) To agree to apply for admitted body status in the Local Government Pension Scheme for employees of the Council. The Town Council is at liberty to use whichever pension provider they see fit, however the LGPS is the most common provider in the Local Government Sector.

Recommendation:

That members agree to apply for admitted status in the LGPS for employees of the Council.

7. TITLE OF THE COUNCIL

To consider the title of the Council.

Section 245(6) of the Local Government Act 1972 gives Parish Councils the power by resolution to allow themselves the title of Town Council and the Chair of a Town Council be entitled to the title of 'Town Mayor'.

Recommendation:

That the Council be known as Barrow Town Council and that in so doing, the Chairman will become the Town Mayor of Barrow.

8. MEMBERS CODE OF CONDUCT

a) To consider the adoption of the draft 'Members Code of Conduct' as circulated noting that all local councils are under a duty to pass a resolution adopting a 'Code of Conduct for Members' and noting that Members are required to complete, sign and return their Declaration of Interest to the Town Clerk.

To consider the adoption of the following draft Policies as circulated that are related to the 'Code of Conduct for Members'.

- a) Draft Gifts & Hospitality Procedure
- b) Draft Dispensation Procedure

Recommendation:

- That the Council adopts the 'Code of Conduct' and associated draft Policies as listed.

- That each Member complete and sign a copy of the declaration that they have read and understood the 'Code of Conduct' and return it to the Town Clerk.
- That all Councillors attend training on the "Code of Conduct" for members, to be provided by the Chief Legal and Monitoring Officer of Westmorland and Furness Council, Linda Jones.

9. POWERS, DUTIES AND RESPONSIBILITIES To note that each Member has received the National Association of Local Council's "Good Councillor Guide" and Members note that the principal powers and duties of Parish Councils are set out in the guide.

Recommendation:

That the powers, duties and responsibilities of Parish Councils be noted.

10. ADOPTION OF GOVERNING DOCUMENTS – STANDING ORDERS AND FINANCIAL REGULATIONS

a) STANDING ORDERS

To consider the adoption of the draft Standing Orders as circulated.

Recommendation: That the Council adopts the Standing Orders

b) FINANCIAL REGULATIONS

To consider the adoption of the draft Financial Regulations as circulated.

Recommendation: That the Council adopts the Financial Regulations

11. SCHEME OF DELEGATION

To consider the adoption of the draft scheme of delegation arrangements to committees and sub-committees as circulated.

Recommendation: That the Council adopts the Scheme of Delegation.

12. TERMS OF REFERENCE COMMITTEES

To consider the draft terms of reference for committees as listed as appendices in the Scheme of Delegation. (10)

Recommendation:

To adopt the draft terms of reference for committees as circulated for:

- The Finance Committee
- The Planning Committee
- The Staffing Sub-Committee

12 APPOINTMENT OF CHAIRS AND VICE-CHAIRS OF COMMITTEES

To receive nominations for and resolve the Chairs and Vice Chairs of the following Committees:

- The Finance Committee
- The Planning Committee
- Allotments Committee

13 MEMBERSHIP OF COMMITTEES

To receive nominations for and resolve the membership of the following committees:

- Finance**
Committee of 10 includes the chair and vice chair, plus chairs of the other committees plus six additional members.

b) **Planning**

Committee of 8 includes the chair and vice chair, plus six additional members

c) **Allotments**

Committee of 8 including chair and vice chair, plus six additional members.

14 CONSIDERATION OF PLANNING APPLICATIONS

To consider the Council's participation in planning matters.

The Council has the right to be consulted in respect of all planning applications within its area.

Recommendation:

- That Westmorland and Furness Council be advised that this Council wishes to be consulted on all planning applications affecting its area.
- That Westmorland and Furness Council be asked to arrange relevant training for members.

15 FINANCE

- a) To note that Westmorland and Furness Council approved a first year precept for 2023-24 of £287,700 and that the draft budget for the fiscal year 2023-24 will be considered at the first meeting of the Finance Committee. The precept will be awarded from Westmorland and Furness Council when all the banking arrangements are completed.
- b) To note that until the banking arrangements for the Council are completed Westmorland and Furness Council is providing financial support for Barrow Town Council, and will invoice Barrow Town Council retrospectively.
- c) To note that each member has received a copy of Local Council Governance and Accountability Act 2014.

Agenda Item 14 Continued

- d) To appoint banks for the Council. Report attached.
- Unity Trust - Electronic Banking
 - NatWest - High Street Banking

Recommendation:

To open bank accounts with Unity Trust and NatWest banks and implement the recommendations contained within the body of the report – circulated.

- e) To appoint signatories to sign cheques on behalf of the Council.

Recommendation:

That all members of the Finance Committee are signatories for all accounts

16 INSURANCE

To receive confirmation of arrangements for insurance cover in respect of all insured risks.

17 MEMBERSHIP TO EXTERNAL BODIES

To consider representation on or work with external bodies and arrangements for reporting back to Council.

Recommendation:

That local groups and organisations are contacted for expressions of interest to allow Councillors to

represent the Council on each of the local groups and organisations committees.

18 MEMBERSHIP OF PROFESSIONAL ORGANISATIONS

To consider the Council's membership of the Association of Local Councils and the Society of Local Council Clerks.

Recommendation:

That the Council become members of Cumbria Association of Local Councils and the Society of Local Council Clerks.

19 POLICIES AND PROCEDURES

To note that a directory of draft Policies and procedures as recommended by the Local Council Award Scheme has been developed and each will be considered and adopted over subsequent meetings.

20 COMPLAINTS PROCEDURE

To consider the adoption of the draft Complaints Procedure as circulated.

Recommendation:

That the Council adopts the Complaints Procedure.

21 FREEDOM OF INFORMATION

a) FREEDOM OF INFORMATION

To consider the adoption of the draft Freedom of Information (FOI) Procedure as circulated.

Recommendation:

That the Council adopts the FOI Procedure

b) PUBLICATION SCHEME

To consider the adoption of the draft Publication Scheme for handling requests for information made under the FOI Act 2000 and the Data Protection Act 1998 as circulated.

Recommendation:

That the Council adopts the Publication Scheme

22 COMMUNICATION

To consider the adoption of the following draft Policies as circulated, associated with Council Communications and Community Engagement:

- a) Filming and recording of meetings
- b) Media Policy
- c) Public Participation at Meetings
- d) Communication Policy

Recommendation:

- That the Council adopts the Policies.
- That the Council approves the expenditure for the creation of the 'Barrow Town Council' website. (estimates attached)

23 MEETINGS OF THE COUNCIL

To determine the time and place of ordinary meetings and committee of the Full Council up to and including the next Annual Meeting of Full Council.

Recommendation:

That meetings for the year 2023-24 be held on the dates as circulated, with the caveat that the dates are subject to change and that notice will be given of any alterations to the Council's calendar.

To note that the next meeting of the Full Council will be held on:

Wednesday, 19th July, 2023 at 5.30pm – 7.00pm in the Council Chamber, Town Hall, Barrow-in-Furness

For the attention: All Members of Barrow Town Council

Councillors

Cllr. Elliot	Barrow Walney North Ward
Cllr. Hyland	Barrow Walney North Ward
Cllr. Murphy	Barrow Walney South Ward
Cllr. Thomson	Barrow Walney South Ward
Cllr. Jackson	Barrow Island Ward
Cllr. Morrison	Barrow Hindpool Ward
Cllr. Tyson	Barrow Hindpool Ward
Cllr. Chatfield	Barrow Central Ward
Cllr. Petrova	Barrow Central Ward
Cllr. Atree	Barrow Ormsgill Ward
Cllr. McEwan	Barrow Ormsgill Ward
Cllr. Coles	Barrow Parkside Ward
Cllr. Hall	Barrow Parkside Ward
Cllr. Herbert	Barrow Risedale Ward
Cllr. Palmer	Barrow Risedale Ward
Cllr. Phillips	Barrow Hawcoat Ward
Cllr. Worthington	Barrow Hawcoat Ward
Cllr. Raymond	Barrow Newbarns Ward
Cllr. Younger	Barrow Newbarns Ward
Cllr. Beddoes	Barrow Roosecote Ward
Cllr. Griffiths	Barrow Roosecote Ward

BARROW TOWN COUNCIL

Councillor Code of Conduct 2023

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect your democratic role, encourage good conduct and safeguard the public's trust in local government.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "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 that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

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

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

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

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication

- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power

through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a Councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**

3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"**Disclosable Pecuniary Interest**" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"**Partner**" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. [Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any

steps or further steps in the matter apart from arranging for someone else to deal with it]

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer

Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were
	spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

<p>You must register as an Other Registerable Interest :</p> <p>a) any unpaid directorships</p> <p>b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body</p> <p>(i) exercising functions of a public nature</p> <p>(ii) directed to charitable purposes or</p> <p>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</p>

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

BARROW TOWN COUNCIL

GIFTS AND HOSPITALITY POLICY

Introduction

Councillors and staff are required to register any gifts or hospitality worth £25 or over, that are received in connection with their official duties, and the source of the gift or hospitality. The registration must be completed within 28 days of receiving the gift or hospitality.

As with other registered interests, Councillors have a personal interest in any matter under consideration at a meeting if it is likely to affect a person giving them a gift or hospitality. Councillors must declare the existence and nature of the gift or hospitality as an interest at the meeting. Councillors will also need to consider whether your interest is prejudicial. A form for registering gifts and hospitality is included at the end of this guidance.

The receipt of gifts or hospitality can be misinterpreted. This guidance is intended to help Councillors consider the implications of receiving gifts and hospitality and to make an appropriate judgement.

General caution

Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally which may possibly be perceived to be in connection with your position as a Councillor. Your personal reputation and that of your Council can be seriously jeopardised by the inappropriate acceptance by you of gifts or hospitality.

The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you, in every case, is whether or not it is appropriate to accept any gift or hospitality that might be offered to you having regard to how it might be perceived.

No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. The following general principles will enable you to make your own decision

Criminal law

It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing, or forbearing to do anything, in respect of any transaction involving your Town council. The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Council.

Limits of guidance

The Code of Conduct does not apply to:

- Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a Council Member. You should however question any such gift or hospitality offered from an unusual source;
- The acceptance of facilities or hospitality provided to you by the Council;
- Gifts given to the Council that you accept formally on the Council's behalf and are retained by the Council and not by you personally.

Meaning of gifts and hospitality

The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. Gifts and hospitality include:

- The free gift of any goods or services;
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public;
- The opportunity to obtain goods or services not available to the general public;
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event;
- The use of a free car parking.

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. When making purchases you should be cautious if additional services, privileges or

Advantages are offered which might be related to your position as a Member of the Council.

Appropriate gifts and hospitality

There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a Member:

- Civic hospitality provided by another public authority;
- Normal and modest refreshment in connection with any meeting in the course of your work as a Council Member (e.g. tea, coffee and other normal beverages and biscuits);
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Council or bodies to which you have been appointed by the Council, and the tickets are offered in relation to that sponsorship or promotion;
- Small low value gifts (below £25.00 such as pens, calendars, diaries, flowers and other mementos and tokens);
- Drinks or other modest refreshment received in the normal course of socialising arising consequentially from Council business (e.g. inclusion in a round of drinks after a meeting);
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom your Town council has a business connection;
- Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events)

Principles to apply in relation to gifts and hospitality

In deciding whether it is appropriate to accept any gift or hospitality you must apply the following principles:

- Do not accept a gift or hospitality as an inducement or reward for anything you do as a Council Member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.
- "Reward" includes remuneration, reimbursement and fee.
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:

- From parties involved with the Council in a competitive tendering or other procurement process.
 - From applicants for planning permission and other applications for licences, consents and approvals in which the Council has an involvement.
 - From applicants for grants, including voluntary bodies and other organisations applying for public funding from the Council.
 - From parties in legal proceedings with the Council.
- Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
 - Do not solicit any gift or hospitality and avoid giving any perception of so doing.

Gifts received and donated to a mayors charity

It may be customary for some Members on receiving gifts of value not to retain these personally but to pass them to the Mayor for use in relation to a charity appeal.

Members may continue to do this, but should indicate this intention to the provider and make this clear on the registration form.

Reporting of inappropriate gifts and hospitality offered

It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Council.

You must immediately report to the District Council's Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.

You may thereafter be required to assist the Police in providing evidence.

Approved: May 2023 Reviewed: Annually

GIFTS AND HOSPITALITY REGISTRATION FORM

To The Monitoring Officer:

Notification of Receipt of Gifts or Hospitality

What was the gift or hospitality? (Give full description)	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Signed:	
Name in Capitals:	
Date:	

BARROW TOWN COUNCIL

DISPENSATIONS POLICY

Statutory obligations

- a. The default statutory position is that a Member who has a disclosable pecuniary interest in any matter being considered at a meeting cannot speak or vote on that matter.
- b. Members may apply for a dispensation from these restrictions on specified statutory grounds and all applications will be decided on their individual merits.
- c. The Council will exercise its authority to grant dispensations subject to its general duty to promote high standards of conduct in a way that is consistent with the Seven Principles of Public Life and helps to maintain public confidence in the conduct of the Council's business.
- d. In considering whether and how to exercise its discretion, the Council will need to receive appropriate and relevant reasons why an application should succeed on one or more of the statutory grounds, with particular reference to the additional factors set out in this policy.
- e. **The onus is on the Member making an application to demonstrate that a dispensation is justified in the circumstances.**

Disclosable pecuniary interests under the Localism Act 2011

- f. In order to consider dispensations, it is first necessary to understand the rules around disclosable pecuniary interests – what they are, when they are engaged and their effect on participation. The following is only a summary of the position and Members should also refer to the other guidance available on disclosable pecuniary interests with the new Members' Code of Conduct.
- g. Under the Localism Act 2011 and The Relevant Local Authorities (Disclosable Pecuniary Interests) Regulations 2012 there are a number of disclosable pecuniary interests that prevent a Member from participating in any discussion or vote on a connected item of business under the following headings:
 - i. **Employment**
Any employment, office, trade, profession or vocation carried on for profit or gain.
 - ii. **Sponsorship**
Any payment, etc. towards the election expenses of a Member, or the expenses incurred in carrying out their official duties (other than from the Council). This would include any payment from a trade union.
 - iii. **Contracts**
Any contract with the Council for goods, services or works.
 - iv. **Land**
Any beneficial interest in land which is within Penrith. This includes any freehold or leasehold interest in land, as well as any tenancy.

v. **Licences**

Any licence to occupy land in the Penrith for a month or longer.

vi. **Corporate tenancies**

Any tenancy where the Council is the landlord and the tenant is a company or other body in which the Member or another relevant person has a beneficial interest.

vii. **Securities.**

Any shares, debentures, debenture stock, loan stock, bonds, unit trusts and similar investments in a body that has a place of business or land in Penrith and the total nominal value exceeds £25,000 or 1/100th of the total issued share capital.

The disclosable pecuniary interest that is most commonly engaged in relation to planning, and housing matters is iv) Land.

h. The Localism Act 2011 does not provide any additional guidance on judging whether a disclosable pecuniary interest is engaged or not. It simply states that the prohibition on speaking or voting on a matter is engaged where a Member:

- i. Is present at a meeting.
- ii. Has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and
- iii. Is aware that the condition is met.

i. It is up to individual Members to make a judgement whether they have a disclosable pecuniary interest in relation to any particular item of business. As a starting point, a Member should consider whether the matter before the meeting could reasonably be said to appear to be likely to affect their disclosable pecuniary interest, or whether a member of the public would consider that the Member might be influenced by their disclosable pecuniary interest. If the answer to either of these questions is in the affirmative, then the Member has a disclosable pecuniary interest in the matter being considered. This will be the case, for example, where a decision would materially affect a Member's interest in land, either by affecting the value of that land, the prospects of selling that land, or the use and enjoyment of that land.

Speaking in general terms, a Member is highly likely to have a disclosable pecuniary interest in a planning application for a property adjacent to their home. A Member is less likely to have a disclosable pecuniary interest in a planning application for a property several streets away from their home. However, any decision on whether a Member does have a disclosable pecuniary interest in a particular matter will always depend on the particular circumstances.

A Member who is present at a meeting of the Council, and who has a disclosable pecuniary interest relating to any business being considered, must not participate in any discussion of the business at the meeting, or participate in any vote taken on the matter at the meeting. If a Member becomes aware of their disclosable pecuniary interest during the meeting, they should not participate further from that point. These prohibitions apply to any form of participation, including speaking as a member of the public. In certain circumstances, Members can request a dispensation from these prohibitions.

- j. The Council's Standing Orders do not require a Member with a disclosable pecuniary interest in an item of business to automatically leave the room. The Member should however leave the room if they consider that their continued presence is incompatible with the Members' Code of Conduct or the Seven Principles of Public Life.
- k. A Member commits a criminal offence if, without reasonable excuse, they participate in any discussion or vote on any matter in which they have a disclosable pecuniary interest. For this reason Members are advised to err on the side of caution.
- l. Members are advised to seek advice from the Monitoring Officer or the Town Clerk if they are unsure about whether they have a disclosable pecuniary interest in a particular matter.

Granting dispensations under the Localism Act 2011

- m. The Council may, on a written request made to the Town Clerk by a Member, grant a dispensation relieving the Member from either or both of the restrictions on speaking or voting in cases described in the dispensation. A dispensation must specify the period for which it has effect, which may not exceed four years.
- n. The granting of such dispensations had been a function of the Town Clerk as she was politically neutral. It is proposed that the responsibility is given to Council.
- o. As previously stated, the onus is on individual Members to decide whether they have a disclosable pecuniary interest in any given matter. Therefore the Council will generally assume that any dispensation being sought is required in order to allow the Member concerned to participate in the relevant item of business and will not normally refuse a request simply on the basis that a dispensation is not thought to be necessary. The only exception to this is where the facts as disclosed in the application form could not possibly amount to a disclosable pecuniary interest being engaged. Any dispensation granted is entirely permissive in nature and does not impose any restrictions on speaking or voting where no such restrictions otherwise exist.

- p. The expectation is that the Town Clerk will read out any applicable dispensations at an appropriate point in the meeting, either under the agenda item on Members' declarations or at the start of the consideration of the item of business in question.

Timeliness of applications

- q. The Council requests that Members lodge any applications as soon as possible after becoming aware that a dispensation is required in order to participate in a particular item of business. A Member does not have to wait until they know the precise date of the meeting at which a matter will be considered before applying for a dispensation. If applications are submitted at short notice, it may not be possible to consider them in time for the meeting in question.

The statutory grounds for granting a dispensation

- r. The legislation provides that a relevant authority (which includes the Council) may only grant a dispensation if, after having had regard to all relevant circumstances, the authority:
- i. Considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
 - ii. Considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.*
 - iii. Considers that granting the dispensation is in the interests of persons living in the authority's area.
 - iv. If it is an authority operating executive arrangements, considers that without the dispensation each Member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive.**
 - v. Considers that it is otherwise appropriate to grant a dispensation.

*And **Grounds ii) and iv) are not directly applicable to the Town Council but are included for completeness and context.

- s. The default position is that a Member with a disclosable pecuniary interest in any matter may not speak or vote on that matter. The onus is on the Member making an application to demonstrate that at least one of the statutory grounds for granting a dispensation is satisfied. One obvious example of where it may be appropriate to grant a dispensation under statutory ground is where the decision-making would otherwise be inquorate.
- t. In the Council's view the reference in statutory ground to "persons living in the authority's area" is a reference to residents. A dispensation may also be granted where it is in the interests of other persons accessing Penrith, its facilities and services – such as workers – In both cases, the Council will consider whether not granting a dispensation would be to the disadvantage of that group. The Council will also take into account how many persons would be disadvantaged, and to what extent.

Factors to be taken into consideration

- u. In deciding whether to grant a dispensation under one or more of the specific statutory grounds, the Council will take into account the following (non-exhaustive) list of factors, as well as any other relevant circumstances, as appropriate. However, the Council will look at the merits of each application in the round, and simply addressing one or more of the factors below does not mean that a dispensation will be granted:

i. Maintaining public confidence

Is the nature of the Member's interest such that allowing them to participate would risk damage to public confidence in the conduct of the Town Corporation's business?

ii. Applications to vote

Granting a dispensation to vote has a more direct influence over the decision-making process than a dispensation to speak, goes beyond simply representing the views of constituents and carries more risk of damaging public confidence. Therefore, a dispensation to vote will only be granted in exceptional circumstances.

iii. Equivalent public rights

The default position under the Localism Act 2011 is that a Member with a disclosable pecuniary interest in a matter being considered at a meeting loses any right to speak that they would otherwise have had – even as a member of the public. However, in the Council's view the existence of such public speaking rights are a relevant consideration. Therefore, a dispensation to speak is more likely to be granted for the purpose of making representations, answering questions, or giving evidence relating to the business where the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or some other reasonable expectation. This is most likely to arise in relation to planning matters. The Council recognises the difficulties facing a Member who lives within the ward they represent.

A residential Member in the Town seeking to represent their constituents will more frequently find that they have a disclosable pecuniary interest in planning and licensing applications than an elected Member elsewhere. The Council will look favourably on requests from residential Members to speak on such applications within their wards as a member of the public, where they have submitted written representations in the normal way. Any Member granted a dispensation to speak in such circumstances should then be treated as a member of the public when making oral representations on that matter. The onus though is still on the Member concerned to demonstrate that it is appropriate to grant a dispensation.

iv. Expectation of ward representation

Where there is a reasonable expectation of ward representation, can the Member's ward be adequately represented without the dispensation being granted? For example, is another Member of the ward able to attend the meeting and speak on the matter – either because they do not have a disclosable pecuniary interest, or because they have already been granted a dispensation? Are there other mechanisms through which the views of constituents could be communicated, either through the Member submitting written representations or by briefing another Member of the committee from a different ward to speak on their behalf?

v. Widely held interests

Is the interest common to the Member and a significant proportion of the general public? If so, a Member may be less likely to be influenced by that interest, and granting a dispensation may carry less risk of damaging public confidence. An obvious example would be the setting of the Precept.

vi. Directly engaged interests

How directly engaged is the disclosable pecuniary interest? The Council will only grant a dispensation to a Member to participate in business relating to their particular lease or tenancy in very exceptional circumstances.

vii. Personal knowledge, etc.

Is the participation of the Member in the business that the interest relates to justified by their particular knowledge, role or expertise? The potential contribution would have to be of especial value to the decision making process and provide a perspective that would not otherwise be available. Should the knowledge or expertise in question be provided by a Member or by a disinterested official adviser? Would the Member's participation assist or potentially distort the debate?

viii. Diversity and inclusion

Does the Member have a particular viewpoint that might not otherwise be represented and might assist the debate in relation to that particular matter – whether this relates to age, race, disability, gender, sexual orientation, religion or belief, or any other protected characteristic?

ix. Manifesto promises

Was the Member elected on a public platform that they would specifically address the item or items of business for which the dispensation is sought?

x. **Scope and duration**

Some requests for dispensations that are received are general in nature and for a lengthy time period e.g., a request to speak on planning matters until the ward elections in 2027. Others are much more specific in relation to a particular matter at a particular meeting e.g., a request to speak on planning application XXX at the Planning Committee on XXX.

A focussed application, as in the latter example, is more likely to be successful as this enables the Council to consider a specific set of circumstances. However, to avoid unnecessary bureaucracy arising from delays and adjournments, it is generally acceptable to apply for a dispensation in relation to a specific matter at a specific meeting, and/or such later meetings of that committee during the municipal year at which the matter may be considered.

xi. **Previous dispensation decisions**

The Council cannot fetter its own discretion and must consider each application on its own merits. However, it is beneficial for all concerned for there to be a consistent approach to applications made in similar circumstances, and the Council will therefore have due regard to its own previous decisions, always acknowledging that the consensus can change over time.

Other related matters

Multiple applications from a particular ward

- v. Applications to participate in a particular item of business may be received from more than one Member of the same ward. If one Member of the ward is granted a dispensation, this will have a bearing on whether any other Members of the ward should also be granted a dispensation. For this reason, the Council would prefer to consider the respective merits of all applications from a single ward on a particular item of business at the same time, rather than on a 'first come, first served' basis.

To assist with this process, Members are reminded of the request to lodge any applications as soon as possible after becoming aware that a dispensation is required. The Members of each ward are encouraged to work together in deciding whether an application for a dispensation should be made and, if so, in considering which Member or Members would be in the strongest position to apply. This could potentially be organised through the ward deputy.

Precept

- w. The Department for Communities and Local Government guide for councillors entitled 'Openness and transparency on personal interests' states that, "...being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support." Whilst this guidance will no doubt provide comfort to Members, it is not intended to be a definitive statement of the legal position. Although the prosecution of a Member who participated in such circumstances is highly unlikely, this cannot be absolutely guaranteed.

Members are therefore entitled to apply for a dispensation should they wish to have greater assurance on this point. As the Council considers the granting of a dispensation in these circumstances to be uncontroversial, authority has been delegated to the Town Clerk to determine applications for dispensations relating to Precept.

Sensitive matters

- x. For uncontroversial confidential and sensitive matters related to a Member, which may require a dispensation, authority has been delegated to the Town Clerk to determine applications for dispensations relating to sensitive matters. For example a dispensation is sought for long-term absence due to health grounds which may exceed the six months attendance requirement to qualify as a Member. The health reasons would remain confidential the dispensation would be considered and taken forward as an apology for absence for a specific period of time.
- y. **Any Member applying for a dispensation should thoroughly address the factors set out at in the policy and must satisfy the Council that a dispensation is justified on one or more of the statutory grounds.**

ADOPTED: 2023

REVIEWED : EACH COUNCIL TERM

AMENDED AND APPROVED:

DISPENSATION REQUEST FORM**APPENDIX****A**

Please give full details of the following in support of your application for a dispensation. If you need any help completing this form please contact the Town Clerk

Your name:	
The council business/matter for which you require a dispensation (refer to agenda item number if appropriate):	
Details of your interest in that council business/matter:	
Date of meeting or time period (up to 4 years) for which dispensation is sought:	
Dispensation requested to participate, or participate further, in any discussion of that council business/matter by that body:	
Dispensation requested to participate in any vote, or further vote, taken on that council business/matter by that body:	
REASON(S) FOR DISPENSATION	
33 a) without the dispensation the number of persons unable to participate in the transaction of council business/matter would be so great as to impede the transaction of the council business/matter.	
33b) without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote.	
33c) the dispensation is in the interests of persons living in the authority's area.	
33e) that it is otherwise appropriate to grant a dispensation.	
Reason:	

Signed:**Date:****DECISION: Dispensation Given: YES / NO Length of Dispensation (up****to 4 years):****Date:****Minute Number:**

BARROW TOWN COUNCIL STANDING ORDERS

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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 his/her/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 he/she/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 he/she/they considers has been breached or specify the other irregularity in the proceedings of the meeting he/she/they is concerned by.
- q A point of order shall be decided by the chair of the meeting and his/her/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 his/her/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

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 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 OR [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 **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.**
- e 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.
- f The period of time designated for public participation at a meeting in

- accordance with standing order 3(e) shall not exceed () minutes unless directed by the chair of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than () minutes.
 - h 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 chair of the meeting may direct that a written or oral response be given.
 - i [A person shall stand when requesting to speak and when speaking (except when a person has a disability or is likely to suffer discomfort)] OR [A person shall raise his/her/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.
 - j A person who speaks at a meeting shall direct his/her/their comments to the chair of the meeting.
 - k 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.
 - l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To “report” means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**
 - m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
 - 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 Chair of the Council may in his/her/their absence be done by, to or before the Vice-Chair of the Council (if there is one).**
 - p **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.**
 - 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 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 his/her/their casting vote whether or not he/she/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.

- **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/her/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.

t The minutes of a meeting shall include an accurate record of the following:

- the time and place of the meeting;
- the names of councillors who are present and the names of councillors who are absent;
- interests that have been declared by councillors and non-councillors with voting rights;
- the grant of dispensations (if any) to councillors and non-councillors with voting rights;
- whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
- if there was a public participation session; and
- the resolutions made.

- **u A councillor or a non-councillor with voting rights who has a disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his/her/their right to participate and vote on that matter.**

- **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 4d(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 () 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 () 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, at least three other ordinary meetings shall 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 he/she/they has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his/her/their successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chair of the Council, if there is one, unless he/she/they resigns or becomes 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, he/she/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, he/she/they shall preside at the annual meeting until a new Chair of the Council has been elected. He/she/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 his/her/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 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. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
 - xiii. Review of inventory of land and other assets including buildings and office equipment;
 - xiv. Confirmation of arrangements for insurance cover in respect of all insurable risks;
 - xv. Review of the Council's and/or staff subscriptions to other bodies;
 - xvi. Review of the Council's complaints procedure;
 - xvii. 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*);

- xviii. Review of the Council's policy for dealing with the press/media;
- xix. Review of the Council's employment policies and procedures;
- xx. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the general power of competence.
- xxi. 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 () days of having been requested to do so by () members of the committee [or the sub-committee], any () members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or a 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 () 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 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 () 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 resubmits it, so that it can be understood, in writing, to the Proper Officer at least () 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.**
- 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

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

- 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, he/she/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 his/her/their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”
- e **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 12(e) and 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(u).

- a All councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he/she/they has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she/they has a disclosable pecuniary interest. He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest.
- c Unless he/she/they has been granted a dispensation, a councillor or non-councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he/she/they has another interest if so required by the Council's code of conduct. He/she/they may return to the meeting after it has considered the matter in which he/she/they had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made [by the Proper Officer] OR [by a meeting of the Council, or committee or sub-committee for which the dispensation is required] and that decision is final.
- f A dispensation request shall confirm:
 - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
 - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
 - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
 - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f), a dispensation request shall be considered [by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required] OR [at the beginning of the meeting of the Council, or committee or sub-committee for which the dispensation is required].
- h **A dispensation may be granted in accordance with standing order 13(e) if having regard to all relevant circumstances any of the following apply:**
 - i. **without the dispensation the number of persons prohibited from**

participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business;

- ii. **granting the dispensation is in the interests of persons living in the Council's area; or**
- iii. **it is otherwise appropriate to grant a dispensation.**

14. CODE OF CONDUCT COMPLAINTS

- a Upon notification by the District or Unitary 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 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 and the Council has agreed what action, if any, to take in accordance with standing order 14(d).
- 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;
- d **Upon notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

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 or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service 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).**

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 () days before the meeting confirming his/her/their withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in his/her/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;
- 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 data protection and freedom of information 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 [Chair or in his/her/their absence the Vice-Chair (if there is one) of the Council] OR [Chair or in his/her/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 – 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 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 18(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. NALC's procurement guidance contains further details.

19. HANDLING STAFF MATTERS

- a A matter personal to a member of staff that is being considered by a meeting of [Council] OR [the () committee] OR [the () sub-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 () committee] OR [the () sub-committee] or, if he/she/they is not available, the vice-chair (if there is one) of [the () committee] OR [the () sub-committee] of absence occasioned by illness or other reason and that person shall report such absence to [the () committee] OR [the () sub-committee] at its next meeting.
- c The chair of [the () committee] OR [the () sub-committee] or in his/her/their absence, the vice-chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of [the member of staff's job title]. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by [the () committee] OR [the () sub-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 [the () committee] OR [the () sub-committee] or in his/her/their absence, the vice-chair of [the () committee] OR [the () sub-committee] in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of [the () committee] OR [the () sub-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 [the () committee] OR [the () sub-committee], this shall be communicated to another member of [the () committee] OR [the () sub-committee], which shall be reported back and progressed by resolution of [the () committee] OR [the () sub-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.**
- b. *[If gross annual income or expenditure (whichever is higher) does not exceed £25,000]* **The Council shall publish information in accordance with the requirements of the Smaller Authorities (Transparency Requirements) (England) Regulations 2015.**

OR

[If gross annual income or expenditure (whichever is the higher) exceeds £200,000] **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations 2015.**

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/her/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.
- b **[Subject to standing order 23(a), the Council's common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.]**

The above is applicable to a Council with a common seal.

OR

[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.]

The above is applicable to a Council without a common seal.

24. COMMUNICATING WITH DISTRICT AND COUNTY OR UNITARY 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 District and County Council OR Unitary Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the District and County Council OR Unitary 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 () 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.

2023

BARROW TOWN COUNCIL

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 Councillors 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:
 - a. For the timely production of accounts.
 - b. That provide for the safe and efficient safeguarding of public money.
 - c. To prevent and detect inaccuracy and fraud; and
 - d. 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 Councillors are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute

- 1.8 The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. The Council employs external accountants who are responsible for processing payroll and making all payments for the Council, together with hosting the Council's accounting software. These Regulations shall apply equally to the accountants.
- 1.9 The RFO assisted by the external accountants:
 - a. Acts under the policy direction of the Council.
 - b. Administers the Council's financial affairs in accordance with all acts, regulations, and proper practices.
 - c. Determines on behalf of the Council its accounting records and accounting control systems.
 - d. Ensures the accounting control systems are observed.
 - e. Maintains the accounting records of the Council up to date in accordance with proper practices.
 - f. Assists the Council to secure economy, efficiency, and effectiveness in the use of its resources.
 - g. 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 RFO to prepare all required financial information in accordance with the Accounts and Audit Regulations and proper practice.
- 1.11 The accounting records shall, in particular, contain:
 - a. Entries from day to day of all sums of money received and expended by the Council and the details relating to those transactions.
 - b. A record of the assets and liabilities of the Council.
 - c. 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:
 - a. Procedures to ensure that the financial transactions of the Council are recorded as soon as reasonably practicable and as accurately and reasonably as possible.
 - b. Procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records.
 - c. Identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions (separation of duties).

- d. Procedures are in place to ensure that uncollectable amounts, including any bad debts are not submitted to Council for approval to be written off without the opinion and approval of the RFO and that the approvals are shown in the accounting records 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. Any decision regarding:

- a. Setting the final budget or the precept (Council tax requirement).
- b. Approving accounting statements.
- c. Approving an annual governance statement.
- d. Borrowing.
- e. Writing off bad debts exceeding £5,000.
- f. Declaring eligibility for the General Power of Competence.
- g. Addressing recommendations in any report from the internal or external auditors

1.14 In addition, the Council must:

- a. Determine and keep under regular review the bank mandate for all Council bank accounts.
- b. Approve any grant or a single commitment more than £25,000.
- c. 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 Regulations or 'the regulations' shall mean the regulations issued under the provisions of the Local Audit and Accountability Act 2014, or any superseding legislation, and then in force unless otherwise specified. In these Financial Regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in Governance and Accountability for Local Councils– a Practitioners' Guide (England) issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).

2. Accounting and audit (internal and external)

- 2.1 All accounting procedures and financial records of the Council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate Guidance, and proper practices.
- 2.2 Satisfactory monthly bank reconciliations shall be produced promptly by the RFO. At each meeting of the Finance Committee, the most recent monthly bank reconciliation(s), supported by the appropriate bank statement, shall be reviewed by the Committee and both documents signed by the Committee Chair. The approval of the reconciliations shall be recorded in the minutes of the meeting.
- 2.3 The RFO shall complete the annual income and expenditure account, Annual Governance and Accountability Return, and any related documents required with the 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 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 Councillor 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, external accountants, 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:
 - a. Be competent and independent of the financial operations of the Council.
 - b. Report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year.
 - c. Demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family or professional relationships.
 - d. 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:
- a. Perform any operational duties for the Council.
 - b. Initiate or approve accounting transactions.
 - c. Direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the auditor.
- 2.8 Where the internal auditor identifies any issue or irregularity which cannot be explained satisfactorily, he/she shall have direct access to the Chair of the Council to raise and discuss the matter.
- 2.9 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.
- 2.10 The RFO shall arrange for the exercise of electors' rights in relation to the annual accounts, including the opportunity to inspect the accounts, books and vouchers, and display or publish any notices and statements of account required by the Local Audit and Accountability Act 2014, the Accounts and Audit Regulations or any superseding legislation.
- 2.11 The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from the internal or external auditors.

3. Annual budget and forward financial planning

- 3.1 Each Committee shall review its medium-term financial forecast of income and expenditure. 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 shall, each year, by no later than the end of January, prepare detailed estimates of all expenditure and income, 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 Finance Committee and Council.
- 3.3 The salary budgets are to be reviewed during the annual budget process and such review shall be evidenced by a resolution of the Finance Committee. The RFO will inform Committees of any changes impacting on their budget requirement for the coming year in good time.
- 3.4 The Council shall consider annual budget proposals in the context of the Council's medium-term financial forecast, including recommendations for the use of reserves and sources of funding, and update the forecast accordingly.

- 3.5 As part of the budget process, the Council shall approve a Reserves Policy which sets out the purpose and financial limits for each of its financial reserves.
- 3.6 The Council shall set its annual budget and fix the precept (Council tax requirement) and the resulting relevant basic amount of Council tax to be levied for the ensuing financial year not later than by the end of February each year. In setting the budget, the Council shall have regard to the opinion of the RFO concerning the robustness of estimates and the adequacy of reserves. The RFO shall issue the precept to the billing authority and shall supply each Councillor with a copy of the approved annual budget via the relevant agenda. The approved annual budget shall form the basis of financial control for the ensuing year, subject to any amendments authorised by Council.

4. Orders for work, goods, and services

- 4.1 An official written instruction shall be issued for all work, goods and services over a value of £500 unless a formal contract is to be prepared. Copies of such instructions shall be retained with the appropriate invoice.
- 4.2 Order books shall be controlled by the RFO.
- 4.3 All Councillors and officers are responsible for always obtaining value for money. An officer issuing an official instruction shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction over a value of £500 and up to £15,000, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11 below.
- 4.4 A Councillor shall not issue an official order or make any contract on behalf of the Council.

5. Budgetary control and authority to incur expenditure.

- 5.1 Authority to spend is recorded within the Scheme of Delegation of Financial Responsibility to Spending Officers (Appendix A). Such authority is to be evidenced by the schedule of payments for approval at the next available meeting.
- 5.2 Contracts may not be disaggregated to avoid controls imposed by these regulations.
- 5.3 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.

- 5.4 Any report or proposal to a Committee or Council that would result in expenditure exceeding the appropriate budget shall not be considered until it has been reviewed by the RFO and their comments considered in making the decision on the proposal.
- 5.5 During the budget year, the RFO, having considered fully the implications, a supplementary estimate may be allocated from any unspent and available budgets which may be transferred to other budget headings ('virement'); however, no virement shall be permitted from salaries budgets. All proposed budget virements exceeding £25,000 to or from reserves will be reported to Finance Committee for approval and ratified by Full Council.
- 5.6 Unspent budget provisions at the end of a financial year shall be retained in general reserves and shall not be carried forward to a subsequent year. Unspent budgets for uncompleted capital projects may be carried forward following approval of the Town Clerk.
- 5.7 In cases of extreme risk to the delivery of Council services, the Town Clerk may authorise revenue expenditure on behalf of the Council which, in the Clerk's judgement, is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with. For the purposes of this paragraph, the circumstances invoked to justify extreme urgency must not in any event be attributable to the Council. Such expenditure includes repair, replacement, or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £25,000.
- 5.8 The Town Clerk shall record such expenditure within the payments schedule and, where there is no budgetary provision for the expenditure, report the expenditure and its purpose in writing to the Council as soon as practicable thereafter.
- 5.9 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 any necessary borrowing approval has been obtained.
- 5.10 All capital works shall be administered in accordance with the Council's Standing Orders and Financial Regulations relating to contracts.
- 5.11 The RFO shall regularly provide the Council and Committees with a statement of expenditure and income for the financial year to date against each head of the budget, comparing actual expenditure to the appropriate date against the expected proportion of the budget.

- 5.12 Statements are to be prepared at least quarterly and shall show explanations of material variances from budget.
- 5.13 Transfers to and from earmarked reserves shall be approved by Council in accordance with its Reserves Policy.

6. Banking arrangements and authorisation of payments

- 6.1 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. The arrangements shall be regularly reviewed for security and efficiency.
- 6.2 Any transfer of monies between bank accounts shall be made by any combination of two officers of the Council -the RFO, Services and Contracts Manager, the Town Clerk, the Deputy Town Clerk and in the absence of one, by a designated Councillor pre-approved by the Full Council.
- 6.3 Relevant budget holders in accordance with the Scheme of Delegation of Financial Responsibility to Spending Officers, or the RFO, or designated officers as appropriate, shall examine invoices for arithmetical accuracy.
- 6.4 All invoices for payment shall be examined, verified and certified by the relevant budget holder in accordance with the Scheme of Delegation of Financial Responsibility to Spending Officers, or the RFO as appropriate, to confirm that the work, goods or services to which each invoice relates has been received.
- 6.5 The RFO or Services and Contracts Manager shall post invoices to the appropriate expenditure heading in the general ledger following authorisation by the RFO or Town Clerk.
- 6.6 Four officers of the Council and four Members of the Council will be approved account signatories with any combination of 2 people authorised to sign.

7. Making and approval of payments

Payment Method

- 7.1 The Council will make safe and efficient arrangements for the making of its payments. The RFO and Services and Contracts Manager, Town Clerk and Deputy Town Clerk shall have delegated authority to process payments in respect of all authorised items of expenditure as and when, and on a timely basis, to ensure that all invoices are paid in accordance with terms as far as is practicable.
- 7.2 Payments by direct debit will be used where the Council is committed to regular payments, principally for utilities and payments under lease arrangements.

- 7.3 All other payments shall be made through the electronic banking system (EBS), or BACS provided by the Council's current account provider. Only the Council's appointed external accountants shall have the ability to make electronic payments on the Council's behalf. In setting up access to the current account provider's EBS, the Council's bank signatories will direct that the Council's external accountants shall:
- a. Be the System Administrator for the Council's use of the EBS.
 - b. Be the only holder of the current account provider's device, which is required to make an electronic payment.
 - c. Be the only user capable of setting up a new payee.
 - d. Set the Town Clerk, RFO, Services and Contracts Manager as Systems Administrators with access to the EBS except that no ability to make a payment or create a new payee.
- 7.4 The RFO and Services and Contracts Manager and/or Town Clerk shall have delegated authority to process payments via the external accountants in respect of all authorised items of expenditure as and when, and on a timely basis, to ensure that all invoices are paid in accordance with terms as far as is practicable.
- 7.5 In exceptional circumstances where payment is required by cheque, these shall be signed by the RFO, Services and Contracts Manager and/or Town Clerk and in the absence of one, by the Deputy Town Clerk or a pre-approved designated Councillor.
- 7.6 The bank mandate approved by the Full Council shall clearly state the officers authorised to approve transactions and act as signatories.
- 7.7 The bank mandate approved by the Full Council shall clearly state the four Councillors authorised to approve transactions and act as signatories.
- 7.8 Corporate credit and debit cards, and trade card accounts opened by the Council shall be specifically designated to named officers, as approved by the Town Clerk shall be subject to automatic payment in full each month. Refer to Appendix B.

Certification of Payments

- 7.9 All invoices for payment shall be examined, verified and certified manually by an appropriate combination of the Town Clerk/Services and Contracts Manager/ Deputy Town Clerk/RFO and officers with authority to spend to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously authorised by the RFO or Town Clerk. This includes any amounts paid by direct debit.

- 7.10 The Services & Contracts Manager/Town Clerk/RFO shall examine invoices for arithmetical accuracy and appropriateness and allocate the expenditure to the appropriate budget heading.
- 7.11 The Services & Contracts Manager/Town Clerk/RFO shall ensure that there is budget provision for payment. Where there is no budget provision, the RFO and Town Clerk shall determine how funds should be made available to pay the amount due and make a virement.
- 7.12 The Services & Contracts Manager/Town Clerk/RFO shall then arrange for payment and report payments made to the next available Finance Committee.

Setting up new Payees

- 7.13 The authorisation of an invoice by the RFO or Town Clerk will provide an instruction to set up a new payee.

Making Payments

Direct Debits

- 7.14 The RFO will instruct the external accountants to set up, or cancel, any required direct debits. The RFO will keep a record of any such instructions and report any newly created direct debits to the next Finance Committee.

Electronic payments

- 7.15 When the Services & Contracts Manager/Town Clerk/Deputy Town Clerk/ has properly certified payment of an invoice, the external accountants will be instructed to make a payment to the payee. This will be by providing the accountants with a weekly payments schedule and copies of the associated invoices.
- 7.16 The external accountants shall have the authority to challenge any proposed payment which they consider could be fraudulent, unlawful, unauthorised, or inappropriate and raise the issue with the appropriate officer, Chair of the Council, or the Police as they think fit.
- 7.17 Ad hoc payments can be requested where the RFO determines that a payment is urgent. The Services & Contracts Manager/RFO will keep a record of all weekly payment schedules and any ad hoc payments.

Cheque payments

- 7.18 Any cheque payments must be requested by the RFO and signed by two signatories, who shall also countersign the cheque stub. The requirement for two signatories must be part of the bank mandate. The RFO will keep a record of all cheque payments.

Reporting and Approving Payments

- 7.19 Following production of a satisfactory bank reconciliation, the RFO shall prepare a report of payments made each month, as part of the agenda for each Finance Committee meeting. The report will be produced from the Council's accounting system. All payments on the report shall be supported by appropriate documentation, i.e. invoices etc., which will be provided separately to all Councillors in advance of the Committee meeting.
- 7.20 Prior to the Finance Committee meeting, the report of payments shall be reviewed by two members of the Committee, selected on a rota basis, who shall confirm the accuracy and appropriateness of those payments and recommend their acceptance and approval by the Committee.
- 7.21 The minutes of the Committee shall note its approval of the payments made and refer to the payment period schedule.
- 7.22 Details of all payments shall be placed on the Council's website, once confirmed by the Finance Committee.

Personal Payments

- 7.23 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.

Corporate Credit/ Debit Cards

- 7.24 Any corporate credit or debit card account opened by the Council will be specifically restricted and shall be subject to automatic payment in full by no later than each month-end. Personal credit or debit cards belonging to members or staff shall not be used under any circumstances. Refer to Appendix B
- 7.25 The RFO shall determine procedures for the recording, reconciliation and reporting to Councillors, of all payments made by means of the corporate debit/credit card.

Cash

- 7.26 The Council shall not maintain any form of cash float. Any payments made in cash by staff (for example for postage or minor stationery items) shall be refunded on a regular basis, at least quarterly.

8. Payment of salaries

- 8.1 As an employer, the Council shall arrange to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. All salaries shall be calculated in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by Council.
- 8.2 The Council's external accountants shall, on instructions from the Town Clerk, calculate, record, and pay all salaries and related costs for Council officers. The accountants shall deal with all relevant correspondence and complete all required forms relating to the Council's payroll and pensions.
- 8.3 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 shall 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.
- 8.4 No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council.
- 8.5 Each payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record. This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
- a. By any Councillor who can demonstrate a need to know.
 - b. By the internal auditor.
 - c. By the external auditor or
 - d. By any person authorised under the Local Audit and Accountability Act 2014 or any superseding legislation.
- 8.6 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 been paid.
- 8.7 An effective system of personal performance management should be maintained for the senior officers.

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

9. Loans and investments

- 9.1 All borrowings shall be affected 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.
- 9.2 Any financial arrangement which does not require formal Borrowing Approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.
- 9.3 All loans and investments shall be negotiated and recorded in the name of the Council and shall be for a set period in accordance with Council policy. Investment decisions made for cash flow purposes shall be determined by the Finance Committee following advice from the RFO, and subsequently reported to Full Council. Authorised signatories for the management of investment accounts shall be determined in the same manner as those for the Council's bank accounts.
- 9.4 During the annual budget process, the Council shall approve an Investment Policy which shall be in accordance with relevant regulations, proper practices, and guidance.
- 9.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 9.6 Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 6 (Authorisation and making of payments).

10. Income

- 10.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 10.2 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, who shall be responsible for the collection of all accounts due to the Council.
- 10.3 The Council will review all fees and charges at least annually. Fees and charges to be made for work done, services rendered, or goods supplied shall be reviewed and agreed annually by Full Council, following a report by the Services and Contracts Manager. Charges shall be notified to the RFO and the RFO shall be responsible for the collection of accounts due to the Council.
- 10.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Council, accompanied by an opinion from the RFO, and shall be written off in the year.
- 10.5 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.
- 10.6 The origin of each receipt shall be entered on the paying-in slip.
- 10.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 10.8 The RFO shall promptly complete any claim for the refund of VAT that is required. Such repayment claims, due in accordance with VAT Act 1994 section 33, shall be made at least quarterly, including the financial year end.
- 10.9 The Council shall not accept the receipt of sums of cash more than £500, nor smaller amounts which have been disaggregated to avoid this limit.
- 10.10 Where any significant sums of cash are regularly received by the Council, the RFO shall determine the steps and reasonable measures to determine the procedures that are adopted when the cash is counted in the first instance, that there is a reconciliation to some form of control, and that appropriate care is taken in the security and safety of individuals banking such cash

11. Contracts

Procedures for contracts are laid down as follows:

- 11.1 Every contract shall comply with these financial regulations and the detailed procedures in the Procurement Policy; no exceptions shall be made otherwise than in an emergency provided that these regulations 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 solicitors, accountants, surveyors and planning consultants.
 - 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 additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the RFO shall act after consultation with the chair and vice chair of Council); and
 - vi. For goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
- 11.2 Where the Council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 ("the Regulations") which is valued at £25,000 or more, the Council shall comply with the relevant requirements of those Regulations. The Regulations require Councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts.
- 11.3 The full requirements of the 2015 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 Government Procurement Agreement (which may change from time to time).
- 11.4 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 resolution of the Council.
- 11.5 Such invitation to tender shall state the nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
- 11.6 The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post.

- 11.7 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.
- 11.8 Where appropriate, tenderers shall be required to obtain a performance bond to protect the Council against a failure to deliver the contract.
- 11.9 All sealed tenders shall be opened at the same time on the prescribed date by the two officers of the Council from the Town Clerk, RFO Services and Contracts Manager and Deputy Town Clerk in the presence of at least one Councillor.
- 11.10 If less than three tenders are received for contracts above £15,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- 11.11 Any invitation to tender issued under this regulation shall be subject to Standing Order 18 and shall refer to the terms of the Bribery Act 2010.
- 11.12 When it is proposed to enter into a contract of £25,000 or less 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 regulation 11.1.
- 11.13 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) officers shall strive to obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £15,000 and above £500. Otherwise, Regulation 4.3 above shall apply.
- 11.14 The Council shall not be obliged to accept the lowest or any tender, quote, or estimate.
- 11.15 All evaluations will be completed fairly, and equitably to all bidders, and it should be subject to any conflict of interest policy the Council to ensure impartiality of decision making.
- 11.16 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.
- 11.17 The Council shall publish details of any awarded contract valued over £5,000 on its website

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 the retention of any percentage withheld 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. Assets, properties, and estates

- 13.1 The Council's internal solicitor shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the Council. The solicitor and 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 Regulations.
- 13.2 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 £25,000.
- 13.3 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).
- 13.4 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).
- 13.5 Subject only to the limit set in Reg. 13.2 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.

- 13.6 The Town Clerk/Services & Contracts Manager/RFO shall ensure that all assets for which they are responsible are protected against loss or damaged, maintained appropriately and subject to periodic safety inspections.
- 13.7 The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. Assets shall be valued in accordance with proper practice and any policy adopted by the Council. 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.

14. Insurance

- 14.1 Following the annual risk assessment required by Financial Regulation 16, the RFO shall be responsible for effecting all appropriate insurances and shall negotiate all claims on the Council's insurers.
- 14.2 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it. He shall also be informed promptly of any new risk, activity or asset for which insurance cover is required.
- 14.3 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.
- 14.4 All appropriate Councillors 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, following advice from the RFO.

15. Stores and Equipment

- 15.1 The officer in charge of each function shall be responsible for the care and custody of any stores and equipment in that function.
- 15.2 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.
- 15.3 Stocks shall be kept at the minimum levels consistent with operational requirements.
- 15.4 The Services and Contracts Manager shall be responsible for periodic checks of stocks and stores at least annually.

16. Risk management

- 16.1 The Council is responsible for putting in place arrangements for the management of risk. The Services & Contracts Manager/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.
- 16.2 When considering any new activity, the Clerk/Services & Contracts Manager/RFO shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

17. Revision & Suspension of Financial Regulations

- 17.1 It shall be the duty of the Council to review the Financial Regulations of the Council from time to time. The RFO shall make arrangements to monitor changes in legislation or proper practices and shall advise the Council of any requirement for a consequential amendment to these Financial Regulations.
- 17.2 The Council may, by formal proposal of a resolution, 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 Councillors.

APPENDICES: 2023-2024 Policies of financial governance

- A: Scheme of Delegation – Authority to spend and signatories
- B. Debit and Credit Card Policy
- C. Reserves Policy
- D. Investments Policy

ADOPTED: 2023

REVIEWED: ANNUALLY

AMENDED:

Appendices

Policies of financial governance

- A: Scheme of Delegation – Authority to spend and signatories
- B. Debit and Credit Card Policy

Scheme of Delegation of Financial Responsibility for Spending & Signatories

Officer	Limit
Town Clerk Account signatory	Any expenditure that is within the budgets approved by Full Council
Responsible Finance Officer Account signatory	Any expenditure that is within the budgets approved by Full Council

1. It is an expressed requirement of this Protocol that all Officers abide by the following:
 - a) Standing Orders
 - b) Financial Regulations.
 - c) Procurement Strategy particularly in respect of the threshold figures for seeking quotations.
 - d) Any expenditure must be authorised from an approved budget.
 - e) Any leasing of equipment can only be entered into with the specific approval of the Responsible Financial Officer or the Town Clerk.
2. Any breach of any aspect of this Protocol will lead to action under the Disciplinary Procedure.

ADOPTED: 2023

REVIEWED: ANNUALLY

AMENDED:

Debit And Credit Card Policy

Wherever possible an order should be made and paid for with an invoice. However, it is recognised that this may not always be the most efficient option in relation to low value spend and so, the use of debit and cards is permitted but must only be used to acquire goods and services for approved Council business.

This policy is intended to provide detailed guidance and assistance in obtaining and using BarrowTown Council debit and credit cards, and describes the responsibilities and restrictions which cardholders must accept before being provided with any such card.

Any attempt by the cardholder to make changes to the Councils terms and conditions of the card or the associated bank account will be treated as a disciplinary offence.

1. Obtaining Cards

- a) All cards are issued for the sole purpose of facilitating the conducting of Council business that cannot be paid for by invoice.
- b) Debit and credit cards must only be used by the authorised signatory named on the card and must not be used by any other person.

2. Use of Cards

- a) Cards can be used for on-line and point of sale transactions in accordance with this policy document, within the pre-defined limits of the accounts.
- b) A receipt must be obtained and provided, together with an expense sheet, to the Town Clerk.
- c) The cardholder must ensure that the correct amount is received at the point of receipt and register any discrepancies with the bank/store immediately, or the following working day if out of normal business hours.
- d) If any purchase contains any charges for VAT, a proper VAT receipt or invoice should be obtained.
- e) Transactions and supporting documents (such as receipts) must be kept for a period of six years plus the current financial year by the relevant department for audit and HMRC purposes.
- f) Payments made via debit card are limited to the cleared funds available in the pre-paid account.

3. Reconciliation and Inspection

- a) All debit card transactions will appear on the bank account's bank statement, the receipts/invoices obtained must be reconciled to the statement, monthly as a minimum.
- b) All credit card transactions will appear on the credit card account statement, the receipts/invoices obtained must be reconciled to the statement, on a monthly basis as a minimum.
- c) All receipts and the reconciliation schedule must be checked and authorised by the RFO, Chair and Town Clerk. A segregation of duties by a minimum of two persons must be maintained at all times.

4. Restrictions

- a) Debit and credit cards must not be used for any non-Council business or personal expenses.
- b) Only secure sites should be used to make purchases via the internet with a web address beginning HTTPS.
- c) The only person authorised to use the card is the cardholder. Card details are NOT to be retained by an online website.
- d) The cardholder shall not make any attempt to change the terms and conditions on which the card is held.
- e) The cardholder must not share any account details or passwords in respect of transactions with anyone else.

5. Security

- a) The card will only ever be used by the person named on the card.
- b) It is the personal responsibility of the card holder to ensure the card is kept secure at all times and cannot be accessed by any other persons. Reasonable steps should be taken to ensure the card details cannot be viewed or overheard by any other persons.
- c) Passwords or other details relating to the debit card or cardholder must not be written down.
- d) Debit cards details must not be stored where others may have access to them.
- e) It is recommended for security reasons that wherever possible transactions are processed by the cardholder being physically present at the point of sale.
- f) The card's Security PIN number must be kept secure and not disclosed to anyone else, under any circumstances.
- g) The bank must be notified immediately if the card is lost or stolen, or fraudulent use is suspected.
- h) The cardholder will surrender their card to the Town Clerk when the cardholder leaves the employment of the Council, or if circumstances change so that a card is no longer required. The card should then be destroyed by the Town Clerk and the provider notified.

- i) Staff will be held personally liable for any transactions processed through the card until the time when the card is physically surrendered.
- j) If the cardholder misuses the card or fraudulently uses the card or knowingly permits any other person to use the card, this will result in disciplinary action being taken against the cardholder.

ADOPTED:2023

REVIEWED: ANNUALLY

APPENDIX C

Reserves Policy

Purpose

The Town Council maintains two types of reserves, for differing reasons:

- a General Reserve (the General Fund working balance), which provides working capital and a buffer against financial risks; and
- earmarked reserves to meet known, planned, or predicted spending requirements which have been identified specifically.

1. General Reserve

This reserve represents the balance on the Council's revenue account, i.e. the account which records all its financial transactions. Unless allocated for a specific purpose, revenue budget underspending and windfalls are added to the working balance, while overspendings are taken from the balance.

The balance provides working capital to assist the Council's cash flow, acts as a buffer against unexpected events or expenditure and provides funds for opportunities to be pursued. The optimum level for the working balance is determined by an assessment of the Council's potential exposure to financial risks, together with a judgement of the extent to which earmarked reserves can support its cash flow on a temporary basis.

2. Earmarked Reserves

Other than any funds governed by legal conditions, the earmarking of reserves is at the discretion of the Council and monies can be moved from one to another if required. Reserves do not generally accrue interest on the investment of their funds.

In order to avoid future over-commitment, the day to day operational costs of running the Council are to be met from the revenue budget and reserves shall not be used to fund recurring expenditure.

- **Elections Reserve (proposed)**: This reserve supports the costs in the future of Town Council Elections and any one off by election costs and recharges.

ADOPTED: 2023

REVIEWED: ANNUALLY

AMENDED:

CURRENT RESERVES

Reserve	Purpose	Target level
General Reserves		
General Reserve (General Fund Working Balance)	<ul style="list-style-type: none"> • Provision of working capital. • Buffer against uneven cash flows, inflationary pressures, sharp budgetary changes, unexpected events, or emergencies. • Ability to pursue opportunities when identified. 	<ul style="list-style-type: none"> • Assessed primarily on the basis of financial risks to the Council.
Earmarked Reserves		
Elections Reserve (proposed)	<ul style="list-style-type: none"> • To meet the costs of Parish Council Elections in 2027 and any one off by elections and general election recharges. 	<ul style="list-style-type: none"> • Range: £30,000 to £60,000

DATE OF APPROVAL: 2023

REVIEWED –To reflect changes to Financial Regulations.

BARROW TOWN COUNCIL

SCHEME OF DELEGATION

Contents:

- 1. Purpose**
- 2. Overview**
- 3. Safeguards**
- 4. Delegation to officers**
- 5. Urgent Items**
- 6. Emergency Matters**
- 7. Matters to be resolved only by the Council**
- 8. Delegation to Committees**
- 9. Sub-Committees**
- 10. Task and Finish Groups**
- 11. Review**
- 12. Appendices**

Purpose

This Scheme of Delegation authorises the Proper Officer and Council Officers, committees, subcommittees and task and finish groups of the Council to act with delegated authority in the specific circumstances detailed within this scheme.

Where consultation with others is a requirement of the ability to act, it is clearly set out with whom that consultation should take place.

Any deviation from this scheme should be reported to Council at the earliest opportunity with an explanation of the circumstances in which the breach occurred.

Section 101 of the Local Government Act 1972 provides:

- a That a council may delegate its powers (except those incapable of delegation) to a committee, or an officer.
- b A committee may delegate its powers to an officer.
- c The delegating body may exercise powers that have been delegated.

Overview

- a) Members deal with all matters through their collective Council membership and there are no circumstances where an individual Member can issue an instruction to the Clerk or a Contractor. A Member must never act "on behalf of the Council" in the organisation of any function or service, without written delegated authority to do so.
- b) Mutual respect between the officers and Members is essential for the Council to function effectively. Personal/professional/verbal/written attacks on the officers must be avoided (and would be contrary to the Code of Conduct), as, under the convention of Local Government, Officers are unable to defend themselves from such comments in public. Both Members and the officers must work within the law.
- c) The day-to-day management of Council services, assets and Council services is the responsibility of the Town Clerk.
- d) Council officers are responsible for advising Members on the making of Council policy and for ensuring that such policy is carried out. Many matters are delegated to the officers, who can make decisions on them working within established Council policies.

- e) The Council's terms of reference for Committees determines which Committee deals with matters, and at which level decisions are taken.
- f) To validate membership of a committee each member should participate in appropriate training within twelve weeks of their appointment to that committee.
- g) The Town Clerk may nominate another named Officer or professional to carry out any powers and duties, which have been delegated to that Officer. Where officers are contemplating any action under delegated powers, which is likely to have a significant impact in a particular area, they should also consult the Town Clerk, and must ensure that they obtain appropriate advice from the Council's legal, financial, and other specialist personnel before action is taken.
- h) A record of the decision taken pursuant to delegated powers must be published in accordance with the Openness of Local Government Bodies Regulations 2014, Appendix a, if the scope of the decision extends beyond an agreed budget or if there is no budget and the matter is urgent in nature.
- i) Budgetary delegations are as approved and recorded in Appendix b.

Safeguards

The Council may, at any time without prejudice to action taken already, revoke any power delegated to a committee or Officer.

Delegation to Officers

- a) The Town Clerk is designated and authorised to act as Proper Officer for the purposes of all relevant sections of the Local Government Act 1972 and any other statute requiring the designation of a Proper Officer.
- b) Any delegation to the Proper Officer and Officers of the Council shall be exercised in compliance with the Council's Standing Orders, policies or any conditions imposed by the Council and within law.
- c) Subject to those matters that are reserved for Committee all members of staff shall be responsible and shall have delegated authority for the day-to-day operation and management of his/her/their department and of the services and land for which he/she/they are responsible.

- d) Any matter not reserved for Committee shall be regarded as falling within the day-to-day operation and management of the relevant department and shall be delegated to the appropriate member of staff and shall be exercised in accordance with the principles of delegation.
- e) The Town Clerk shall have authority to issue instructions to individual officers in the performance of their statutory or other duties.
- f) The Town Clerk shall have delegated management authority for the following Services: services, assets, resources, personnel, property, and finance.
- g) The Town Clerk shall be responsible for signing all the Council's Official Notices and for sealing Council documents and is authorised to sign on behalf of the Council any document necessary to give effect to any decision of the Council.
- h) The Town Clerk shall be the Proper Officer for any function of the Council in the absence of any other appointment as specified within this Delegation Scheme.
- i) The Responsible Finance Officer has authorisation to take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
- j) The Town Clerk is given delegated powers to recruit, appoint and manage the Council staff in accordance with the Council's policies, procedures, and budget.

The Town Clerk has authority to:

- k) Manage staff performance and discipline and performance, including the power of suspension and dismissal, in accordance with the policies set and as approved by Council.
- l) Pay staff expenses and allowances.
- m) Provide guidance to the Finance Committee on recommendations for employees' salary reviews, in accordance with the Council's staff appraisal system.

The Town Clerk has authority to manage the land and property of the Council including:

- n) Agreeing the terms of any lease, licence, conveyance, or transfer approved by the Council's solicitors and Finance Committee.

- o) Granting or refusal of the Council's consent under the terms of any lease.
- p) Varying restrictive covenants of a routine nature.
- q) Recommending to Council on the granting of easements, wayleaves, and licenses over Council land.
- r) Initiating legal action or proceedings against unauthorised encampments on Council land.

Officers have authority to:

- s) Incur expenditure up to an approved maximum on any item for which provision is made in an appropriate budget provided that any action taken complies with any legislative provisions.
- t) Use the repairs budget for the maintenance, replacement or repair of existing property or equipment.
- u) Recommend to the relevant Council/committee quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations and Procurement Policy), subject to:
 - i. The cost not exceeding the amount of the approved budget.
 - ii. The quote/tender being the lowest or the one showing best added value to the Council according to the criteria set out in the tender documentation.
 - iii. All the requirements of the Council's Financial Regulations and Procurement Policy being complied with.
- v) Compile, approve, vary, and employ approved contractors subject to the requirements of the Council's Financial Regulations and Procurement Policy.
- w) Recommend to the relevant Council/committee on investing monies held by the Council with a view to obtaining the optimum financial return.

Urgent Items

- a) Matters of urgency, as determined by the Town Clerk (or in his/her/their absence the Services and Contracts Manager) shall be delegated to the relevant officer in consultation with the Chair and Vice-Chair of the appropriate Committee subject to a

- report being made to the next meeting of the appropriate Committee. (Appendix a)
- b) Consultation may be by virtual meeting, email or by telephone.

Emergency Matters

- a) In an emergency, the Town Clerk is empowered to carry out any function of the Council.
- b) Matters of emergency, as determined by the Town Clerk or Council Chair, shall be delegated to the Town Clerk (or in his/her/their absence the Services and Contracts Manager). The Town Clerk who will consult (consultation may be by virtual meeting, email or by telephone), with the Council Chair and Chair of each Committees (a minimum of three Members) who may convene without public notice as an Emergency Management Committee. The Chair is required to report to Council at the earliest opportunity.
- c) In an emergency the Town Clerk is empowered to carry out any function of the Council other matters limited to Council and has delegated authority to spend up to £10,000 per transaction where the Council has an approved budget.
- d) An emergency is defined as:
- i. A matter with significant financial implications greater than £10,000
 - ii. A matter with significant legal implications
 - iii. A matter related to the conduct of a Councillor or an employee that would potentially amounts to gross misconduct or bringing the Council into disrepute.
- e) An emergency as defined in the Council's Emergency Plan:
- i. Flooding
 - ii. Loss of electricity
 - iii. Pandemic
 - iv. Emerging infectious disease
 - v. Multiple emergencies – e.g., Flooding resulting in a loss of power

Matters to be Resolved only by Council

- a) Approve and adopt the budget.
- b) Appoint the Council Chair and Mayor/ess.
- c) Appoint the Council Vice Chair and Deputy Mayor/ess.
- d) Appoint Committee Chair.
- e) Agree and/or amend the terms of reference for committees, deciding on their composition and making appointments to them.
- f) Adopt the schedule of meetings for the ensuing year.
- g) Consider the recommendations of the Finance Committee and adopt the level of expenses that can be claimed by Members of the Council in respect of authorised or approved duties.
- h) Make any decisions which would be contrary to the policy framework.
- i) Determine matters involving expenditure for which budget provision is not made or is exceeded.
- j) Determine matters which do not fall within the remit of any Committee.
- k) Determine matters affecting or likely to affect, another Committee or where consultation with or approval of that other Committee is required.
- l) Set the Precept.
- m) Borrow money.
- n) Receive statutory reports from the Town Clerk.
- o) Consider any matter required by law to be considered by Council.

Delegation to Committees

- a) In liaison with the Town Clerk, the Committee Chairs have the authority to cancel or postpone a meeting owing to lack of business or in an emergency.
- b) Committee Chairs have no other authority other than to chair a meeting of their committee.
- c) Each Committee has delegated authority to decide matters within their terms of reference.
- d) Subject to urgent items, the following matters shall be referred to the relevant Committee or Full Council, where appropriate.
Any matter which:
 - Requires a new policy.

- Requires an alteration to an existing policy (other than a minor amendment).
- Would be contrary to the policy framework.
- Involves expenditure, or a reduction in income, for which there is no sufficient budgetary provision.
- In the opinion of the Town Clerk, cannot in law or in accordance with the Standing Orders be decided by an Officer.
- Upon which a Committee has requested a report.
- A Member has requested an item to be put on an agenda.
- In the opinion of the officer concerned, should be determined by a committee.

Sub-Committees

- a) Unless the Council determines otherwise, a committee may appoint a subcommittee whose terms of reference and members shall be determined by the parent 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) Members of committees and sub-committees who are not members of Council shall not have a vote.
- d) The Council may appoint standing sub-committees or other committees as may be necessary, and:
 - Shall determine their terms of reference.
 - Shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of full Council.
 - Shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings.
 - Shall, subject to standing orders, appoint and determine the terms of office of members of such a committee.
 - Shall determine the place, notice requirements and quorum for a meeting of the sub-committee which shall be no less than three.
 - 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.

- Shall determine if the public may participate at a meeting of a subcommittee that they are permitted to attend.
- Shall permit delegated areas of responsibility to sub committees including delegated financial powers within the approved budget.
- May dissolve a committee.

Task & Finish Groups

- a) A Task and Finish Group must follow the direction set for it by the Committee or Sub-Committee of the Council or Full Council and for which it was convened. There is to be no transfer of delegated powers from the Committee which has authorized its establishment, otherwise the Council will be acting unlawfully. (LGA 1972s.101)
- b) If urgent expenditure is necessary to enable a Task and Finish Group to achieve its objectives, then this can only be sanctioned through the emergency powers of the Town Clerk.
- c) The Task and Finish Group shall not issue instructions to any officer if, in the opinion of the officer, it is likely to incur expenses or use excessive time without prior authority of the Committee.
- d) Membership of the Task and Finish Group is to be decided at the creation of the group, when the need is identified by a committee or by the Full Council for such an action.
- e) Membership of a Task and Finish Group need not be confined to Members of the Council and can be drawn from the wider community, where specialist skills or knowledge would be helpful to the Task and Finish Group in its work.
- f) The quorum for a meeting of a Task and Finish Group is to be not less than two Councillors.
- g) A Task and Finish Group will be convened solely to meet objectives defined by the appropriate Committee, or Full Council, for the specific task of undertaking a project or detailed study.

- h) The Task and Finish Group shall advise and make recommendations to full Council or to the Committee from which it was formed.
- i) The Chair of a Task and Finish Group will be appointed by the Committee from which it was formed.
- j) The Task and Finish Group shall be convened by its Chair.
- k) Meeting Notes and Reports from Task and Finish Groups shall be sent to the Town Clerk and Chair within two weeks of a meeting taking place.
- l) The Task and Finish Group shall report to the Council or Committee on a regular basis, depending on the length of time set for the Group to conclude its work.
- m) A Task and Finish Group may meet without the need to give public notice and so be able to exclude the public and press without the formality of giving adequate reasons.
- n) A Task & Finish Group may not necessarily have officer support but may seek advice from officers as and when required.

Review

This scheme of delegation forms part of the Council's constitution and will be reviewed at least annually or earlier if required.

Those with delegated responsibility are referred to by job title or name, therefore any changes in job titles will trigger a review of this scheme

Appendices

- A. Record of Decision
- B. Financial Delegation to officers
- C. Summary of responsibilities
- D. Terms of Reference for the Finance Committee
- E. Terms of Reference for the Staff Sub-Committee
- F. Terms of Reference for the Planning Committee
- G. Terms of Reference Emergency Management Committee

H. Informal Members Briefing Forum

APPENDIX A

BARROW TOWN COUNCIL		
Record of Decision		
Taken pursuant to delegated powers and published in accordance with the Openness of Local Government Bodies Regulations 2014		
1.	Date of decision	
2.	Name of officer making decision	
3.	Details of decision	
4.	Scheme of Delegation reference ¹	
5.	Legal powers ²	
6.	Consultation undertaken (state dates) ³	
7.	Matters considered ⁴	
8.	Alternative options considered and rejected	
9.	Reason for decision ⁵	
10.	Financial/budgetary implications	

I confirm that the power to make this decision has been delegated to me pursuant to the Council's Scheme of Delegation made under it, and that I have taken all relevant matters into account in making this decision.

Signed:

¹ Paragraph of the Council's Scheme of Delegation delegating decision to Clerk or other officer ² Specify what statutory power enables the Council to make this decision.

³ Specify what consultation has been undertaken, for example, with service users, the public, representative groups and with councillors.

⁴ Where relevant you should include reference to matters the law requires the decision maker to have regard to.

⁵ Delegated decisions may be challenged by judicial review, and reasons should therefore be given as to why the decision was taken.

NOTE: copy to meeting, finance and publish

APPENDIX B

Financial Delegation to Officers

This Council delegates spending responsibilities to officers within certain limits. The following officers have delegated spending responsibility for the budgets approved by Full Council and delegated to them as part of their post responsibilities.

Officer	Limit
Town Clerk	Any expenditure that is within the budgets approved by Full Council and up to £10,000 to expedite an emergency or untoward incident.
Responsible Finance Officer	Any expenditure that is with the budgets approved by Full Council.
Deputy Town Clerk	Any expenditure that is with the budgets approved by Full Council.
Operations	
External Accountancy Services	Any expenditure that is within the budgets approved by Full Council for payroll, pensions and HMRC

It is an expressed requirement of this Protocol that all Officers abide by the following:

1. Any expenditure must be authorised from an approved budget.
2. Any leasing of equipment can only be entered into with the specific approval of the Responsible Financial Officer and Town Clerk.

3. Where an authorisation would result in an individual budget being overspent then the necessary virement should be approved by Council wherever possible before the payment is authorised.
4. Where there is going to be a predicted overspend or spending where there is no budget due to an emergency or untoward incident, the officer authorising the payment must complete a Record of Decision Taken Pursuant to Delegated Powers. This decision record should be approved by Council and published in the public domain.
5. Debit card authorisation is limited to £300.
6. All expenditure be reported to the Council's Finance Committee.

7. Abide by:
 - Standing Orders
 - Financial Regulations
 - Procurement Policy particularly in respect of the threshold figures for seeking quotations.
8. Any breach of any aspect of this Protocol will lead to action under the Disciplinary Procedure.

APPENDIX C

Summary of Responsibilities for Council & Committees

Not exhaustive

**PLANNING
COMMITTEE**

- Housing and Planning
- Conservation and heritage
- Street naming
- Footpaths and rights of way
- Highway and traffic regulations
- Traffic calming
- Tree preservation
- Planning policy
- Town Centre
- Parking & Movement
- Regeneration & development projects
- Highways
- Transport
- Connectivity
- Climate Change
- Recycling
- PECCAN
- Community Partnerships
- Green spaces
- Parking & Movement
- Regeneration & development projects
- LCWIP
- Borderlands

<p>FINANCE COMMITTEE</p>	<ul style="list-style-type: none"> • Risk management • Payroll • Internal and external audit • Procurement • Property, estates, and management of assets • Allotments • IT and Data security • Policy • HR and recruitment, retention, training, and performance monitoring • Staff sub-committee • Health and Safety • Budget and payments management • Investments • Precept recommendation • Contract management • Public domain maintenance, street cleaning and litter • Lease, license, and fees management • Debt monitoring • Policy development and monitoring •
<p>STAFF SUB COMMITTEE</p>	<ul style="list-style-type: none"> • Disciplinary and Grievance arrangements

APPENDIX D

Finance Committee Terms of Reference

MEMBERSHIP: No less than **SIX** Members of Barrow Town Council.

QUORUM: **THREE** Members of the Committee.

Terms:

a The Council’s Standing Orders apply to all meetings of the Committee. b The Committee shall be appointed on a Council term basis.

c The Committee Chair will be appointed on an annual basis at the Annual Meeting of the Town Council. d The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Vice-Chair.

- e Unless the Council directs otherwise, the Committee may arrange to devolve any of its functions to a Sub-Committee or to Officers of the Council.
- f The Committee will meet bi-monthly.
- g Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items.
- h Members of the Committee will receive an agenda and supporting papers in accordance with the Councils Standing Orders.
- i All Members of the Council will receive an agenda only, sent via email.
- j Notice of meetings will be published in accordance with the Councils Standing Orders.

Limitations

- a) Only Members of the Committee may vote on agenda items.
- b) Non-Members of the Committee may attend in their capacity as a Councillor and will be allowed to speak on an agenda item with the agreement of the Chair.
- c) Non-Members of the Committee are subject to the same rules as Committee Members regarding confidentiality and the requirements of the Code of Conduct.
- d) Non-Members of the Committee have no more rights at Committee meetings than members of the public.

Responsibilities

- a) Act as signatories to the Council's accounts and investments.
- b) Ensure the preservation of probity and good financial practices within the Council and annually review the financial practises of the Council.
- c) Provide guidance to Committees and Council on overall levels of income and expenditure.
- d) Consider the annual draft budget and recommend the draft precept to Full Council.
- e) Authorise all income and expenditure.
- f) Receive financial reports and monitor and report to Full Council.
- g) Review the Council's Investment Strategy and monitor compliance.
- h) Manage the Councils reserves and the arrangements for investments making recommendations to Council where appropriate.
- i) Consider and award contracts for work.

- j) Ensure that lawful procurement procedures followed including the publication and results of tenders.
- k) Implement the procurement/tender procedures for contracts in excess of £25,000.
- l) Review all policies and procedures ensuring that all policies and procedures are compliant with statutory requirements.
- m) Review the Council's Asset Register.
- n) Monitor financial risk and ensure that adequate financial risk management is in place.
- o) Review the Council's insurance on an annual basis and ensure that the Council's property is adequately insured.
- p) Consider use, upkeep, leases, licences rents and fees for any facilities / buildings.
- q) Responsible for the efficient and effective management of the Council's assets.
- r) Debt monitoring and recovery to be the responsibility of the Committee (above a de minimis level of £7,000).
- s) Consider the Internal Audit and External Audit reports, and report findings and recommendations to Full Council and implement any required audit actions.
- t) Ensure that PAYE, NI, and pension payments are appropriately deducted from employees' salaries and paid as required by law.
- u) Make recommendations to Full Council on matters related to pay and pensions for the Town Clerk.
- v) Resolve pay, pensions & conditions for all other Council staff as required.
- w) Recruitment of all staff except the appointment of the Town Clerk, which, by recommendation of this Committee, must be approved by Full Council.
- x) Delegate areas of responsibility to either a sub-committee, or an officer.
- y) Consider the recommendations of the Staffing Sub-Committee a standing subcommittee of the Finance and Resources Committee.

Delegated Powers

The committee has delegated authority:

- a) Review and monitor the income and expenditure of the Council as a whole.
- b) Delegated financial powers within the approved budget.
- c) Authority to oversee insurance of the Council's property.

- d) Recover debts on behalf of the Council.
- e) Award contracts.
- f) Recruit staff.

APPENDIX E

Staff Sub-Committee Terms of Reference

MEMBERSHIP: **SIX** Members of Barrow Town Council.

QUORUM: **THREE** Members of the Committee.

Terms:

- a) The Council's Standing Orders apply to all meetings of the Committee.
- b) The Committee shall be appointed on an annual basis at the Annual Meeting of the Town Council when the Committee Chair will be appointed.
- c) The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Vice-Chair.
- d) Unless the Council directs otherwise, the Committee may arrange to devolve any of its functions to a Sub-Committee or to Officers of the Council.
- e) The Committee will meet bi-monthly.
- f) Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items.
- g) Members of the Committee will receive an agenda and supporting papers in accordance with the Councils Standing Orders.
- h) All Members of the Council will receive an agenda only, sent via email.
- i) Notice of meetings will be published in accordance with the Councils Standing Orders.

Limitations

- a) Only Members of the Committee may vote on agenda items.
- b) Non-Members of the Committee may attend in their capacity as a Councillor and will be allowed to speak on an agenda item with the agreement of the Chair.

- c) Non-Members of the Committee are subject to the same rules as Committee Members regarding confidentiality and the requirements of the Code of Conduct.
- d) Non-Members of the Committee have no more rights at Committee meetings than members of the public.

The committee may not consider:

- a) Complaints by one Council employee against another Council employee or between a Council employee and the Council as employer. These matters are dealt with under the Councils disciplinary and grievance procedures.
- b) Complaints against Councillors. Complaints against Councillors are covered by the Code of Conduct for members adopted by the Council. Complaints will be referred to the District Councils Standards Committee.
- c) Termination of employment of staff which is to be reserved for a Council decision.

Responsibilities

- a) Investigate complaints about Council administration and procedures.
- b) Investigate complaints about Council employees.
- c) Delegate responsibilities and receive recommendations.
- d) Convene a panel for Grievance and Disciplinary arrangements and appeal.

Delegated Powers

The committee has delegated authority:

- a) Resolve the outcome of a formal complaint.
- b) Refer a complaint to Full Council if necessary.
- c) Resolve the outcome of a complaint via Grievance and Disciplinary Panel.
- d) Approve and make recommendations to the Full Council via the Finance Committee.

Grievance and Disciplinary Panel Arrangements

- a) The Panel shall entirely consist of Councillors.
- b) Members are appointed to the Grievance and Disciplinary Panel from the Staffing Sub-Committee when required with a pool of deputies also appointed in event of conflict of interests from members of the Finance Committee and remaining members of the Staff Sub-Committee.
- c) Meetings will be called on an ad-hoc basis as required, called by the Town Clerk and with notice given to the relevant employee.
- d) A minute taker will be present throughout the proceedings.
- e) The Panel will follow the procedure set out in the ACAS Grievance and Disciplinary Procedures.
- f) The Panel has no delegated financial powers.

Appeals Panel Arrangements

- a) Any Member who has been involved in the original Grievance or Disciplinary Panel shall not form part of the Appeals Panel.
- b) The Appeals Panel will be appointed when any appeals against dismissal, grading, disciplinary proceedings, and grievances by employees of the Council are made.
- c) The Town Clerk will call the meeting and notice will be given to the employee.
- d) A minute taker will be present throughout the proceedings.
- e) The Panel will follow the procedures set out in the Disciplinary Procedure.
- f) The Panel has no delegated financial powers.

APPENDIX F

Planning Committee Terms of Reference

MEMBERSHIP: Up to **SIX** Members of Barrow Town Council.

QUORUM: **THREE** Members of the Committee.

Terms:

- a) The Council's Standing Orders apply to all meetings of the Committee.

- b) The Committee shall be appointed on an annual basis at the Annual Meeting of the Town Council when the Committee Chair will be appointed.
- c) The first order of business of the first meeting of the Committee after its annual appointment will be to elect a Vice-Chair.
- d) Unless the Council directs otherwise, the Committee may arrange to devolve any of its functions to a Sub-Committee or to Officers of the Council.
- e) The Committee will meet monthly.
- f) Meetings shall be open to the public unless the Committee feels it appropriate to exclude the press and public for specific items.
- g) Members of the Committee will receive an agenda and supporting papers in accordance with the Councils Standing Orders.
- h) All Members of the Council will receive an agenda only, sent via email.
- i) Notice of meetings will be published in accordance with the Councils Standing Orders.

Limitations

- a) Only Members of the Committee may vote on agenda items.
- b) Non-Members of the Committee may attend in their capacity as a Councillor and will be allowed to speak on an agenda item with the agreement of the Chair.
- c) Non-Members of the Committee are subject to the same rules as Committee Members regarding confidentiality and the requirements of the Code of Conduct.
- d) Non-Members of the Committee have no more rights at Committee meetings than members of the public.

Responsibilities

- a) Consider and provide responses to planning applications made to Westmorland and Furness Council for planning permission.
- b) Consider and provide responses to any proposals by the Local Planning Authority to make Tree Preservation Orders.
- c) Consider consultation responses to the Government's Planning Inspectorate and other appropriate bodies.
- d) Consider and provide responses with respect to the stopping up, diversion, maintenance, or creation of public rights of way.

- e) Consider and provide responses with respect to footpath/bridleway creation orders, highway adoption orders and other highway notices.
- f) Consider and recommend responses to any proposals with respect to street naming.
- g) Consider and provide responses to proposals with respect to highway and traffic regulation issues and orders.
- h) Develop and implement a Neighbourhood Plan for Barrow.
- i) Delegate areas of responsibility to either a sub-committee or to an office.
- j) Formulate budget recommendation
- k) Develop policy.

Delegated Powers

The committee has delegated authority:

- a) Respond to all planning matters referring contentious and significant applications to full Council for consideration.
- b) Design, develop and approve policy relevant to the Neighbourhood Plan and Climate Change Strategy.
- c) Financial powers within the approved budget for expenditure related to the Neighbourhood Plan budget.

APPENDIX G

Emergency Management Committee Terms of Reference

- a) The Committee will be summonsed to consider matters of emergency, as determined by the Town Clerk (or in his/her absence another Officer).
- b) The Membership shall be the Council Chair and Vice Chair and Chair of all Committees.
- c) Quorum is THREE.
- d) The Committee may have to convene without public notice as an Emergency Management Committee, depending on the timing and nature of the emergency.
- e) The meeting will be minuted.
- f) The Council Chair is required to report to Council at the earliest opportunity.
- g) An emergency is defined as:
 - i. A matter with significant financial implications greater than £10,000.
 - ii. A matter with significant legal implications.
 - iii. A matter related to the conduct of a Councillor or an employee that would potentially amounts to gross misconduct or bringing the Council into disrepute.

APPENDIX H

Informal Members Briefing Forum

- a) The Council's Members will meet informally.
- b) There will be no public notice of the meeting and no agenda.
- c) These meetings are not open to the public.
- d) The Forum has no powers to make conclusions or decisions on the events/items themselves nor can any preconceived policy line be determined.

Purpose:

- a) To brief Members on forthcoming events.
- b) To improve communication.
- c) To provide an opportunity to voice ideas, concerns, suggestions.
- d) To provide an opportunity to develop skills & knowledge.
- e) To enhance a greater understanding of how Town Council operates.

Records of Group Meetings

The briefing is an informal meeting which does not require a public notice nor agenda and the proceedings are not minuted formally in the s

UNITY TRUST BANK

Unity Trust Bank is an award-winning, independent commercial bank that businesses can be proud to bank with. For nearly 40 years we have been helping organisations to prosper and contribute to positive economic, social and environmental change. Put simply, our purpose is to create a better society.

We provide exceptional banking services for organisations that share our principles of acting with integrity and only lend to creditworthy organisations that share our values and deliver quantifiable impact in their local communities.

Our loyal customer base continues to grow and our ambition is to become the bank of choice for all socially-minded organisations in the UK.

Despite the challenges from economic disruption, Unity remains financially strong and operationally resilient, and the compound annual growth rate of our lending portfolio was 23.8% in 2022. We will continue to pursue safe, sustainable growth into the future.

As the first tier of local government, parish councils share our vision of wanting to create a better society by providing a range of services to meet the needs of local communities and improve people's wellbeing.

We have a wealth of experience supporting parish council customers. Through our deep understanding of their structure and the challenges they face, we're able to provide a range of banking solutions tailored to meet their needs.

ASSOCIATION OF LOCAL COUNCILS

Established in 1947, the National Association of Local Councils (NALC) is a membership organisation and the only national body representing the interests of local (parish and town) councils. NALC works in partnership with county associations to support, promote and improve local councils.

A local council is a universal term for community, neighbourhood, parish and town councils. They are the first tier of local government and are statutory bodies. They serve electorates and are independently elected and raise their own precept (a form of council tax). There are 10,000 local councils in England with over 30% of the country parished and 100,000 councillors who serve in these local councils.

NALC provide a national voice for local (parish and town) councils across England. We campaign on their behalf, raise awareness of their work and provide them with a range of services to support their needs.

We provide a number of services:

- Campaigning – lobby for the issues that are important to local councils and communicate those views to government and a range of influential organisations, in the private, charity and public sector.
- Legal, accounts and audit advice – Written, telephone and digital advice from NALC's well-experienced solicitors.
- Publications – A quarterly magazine, *LCR*, fortnightly *DIS*, guides on being a good councillor, employer, finance and transparency, neighbourhood planning and a range of toolkits.
- Conferences, events and training – NALC's national events and training sessions are opportunities to bring our diverse membership together to learn about new or topical initiatives and share ideas.
- Publicity – Raise the profile of local councils and the sector beyond a regional level
- Media – Guidance on how to deal with a media crises, how to deal with reporters and media outlets and writing a media policy.
- Standards, awards and recognition – Opportunities all year round for local councils to take up the chance to celebrate and be recognised for achievements through the Local Council Award Scheme, Council Spotlight and Star Council Awards.

SOCIETY OF LOCAL COUNCIL CLERKS

Founded in 1972, SLCC has gone from strength to strength, starting with just 50 members and now representing clerks to over 5,000 local councils in England and Wales.

As the professional body for local council clerks and senior council employees, we ensure that our members are equipped with the necessary knowledge, training and skills to thrive within their role and best support their council and community.

Many councils understand the benefit of having a clerk who is trained, fully briefed on current issues within the sector and able to access accurate advice quickly. As such, 90% of our members' councils pay for their clerks' annual subscription, as encouraged by the Local Government Act 1972 s 143 (1) (b), 'a local Authority may pay reasonable subscriptions, whether annually or otherwise, to the funds of any association of officers or members of local authorities which was so formed.'

POLICIES

Acquisition
Appointments to External Bodies
Asset Valuation
Appraisal
Banner & Advertisement
Code of Conduct
Communications
Community Engagement
Complaints
Consultation
Co-option
Code of Corporate Governance and Scrutiny
Crime & Disorder
Developer Engagement
Disciplinary Arrangements
Disposal
Emergency Plan
Equality & Diversity
Fees & Charges Schedule
Filming of Meetings
Financial Regulations
Freedom of Information
Gifts & Hospitality
Grievance Arrangements
Health & Safety
Internal Control Framework
Investments
Media
Planning Protocol
Petitions
Procurement
Public Participation at Meetings
Publication Scheme
Reserves
Risk Management
Scheme of Delegation
Standing Orders
Training
Value for Money

BARROW TOWN COUNCIL COMPLAINTS PROCEDURE

The Town Council's Complaints Procedure was adopted at a Council meeting held on 24th May, 2023:

Introduction:

Barrow Town Council is committed to providing a quality service to residents of the Town and to anyone who deals with the Town Council. It is committed to conducting its business in a fair and equitable manner and the aim of this policy is to ensure that all complaints are investigated promptly, in an impartial manner and to find a solution which is satisfactory to both the complainant and the Council.

Definition of a Complaint:

A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service provided by the Council itself or a person or body acting on behalf of the Council.

It will not be possible for the Council to deal with all complaints from members of the public under this procedure. Where such complaints are outside the remit of this procedure the following procedures/bodies should be engaged with to report/resolve the complaint:

Type of Conduct	Refer to
Financial irregularity	Complaints about financial irregularity should be referred to the Monitoring Officer, the name and address of whom may be obtained from the Town Clerk (<i>Local electors' right to object Local Audit and Accountability Act 2014 Sections 26 & 27 The Accounts and Audit Regulations 2015 (SI 2015/234)</i>)
Criminal activity	The Police
Councillor/Member conduct Barrow Town Council have adopted the NALC Mode Code of Conduct which can be viewed on the Town Councils website.	Members of a Town Council sign a declaration to abide by a Code of Conduct and if they breach that code, there are consequences. A complaint alleging a breach of the Code of Conduct should be made in writing and addressed to: The Monitoring Officer, Westmorland and Furness Council,
Employee Conduct	The Council has an Internal disciplinary procedure to deal with complaints against an employee. Complaints concerning a member of staff should be made in writing to the Town Clerk. If the complaint concerns the Clerk, the complaint should be made in writing to the Chair of Barrow Town Council.

Complaints about a policy decision made by the Council will be referred back to the Council or relevant committee as appropriate, for consideration.

The Council receives queries, problems, and comments as part of its day to day running and it is not appropriate for every comment to be treated as a formal complaint. Every effort will be made to deal with these problems immediately, either by providing information, instigating the appropriate action, or explaining a decision.

All complaints will be deemed to be informal complaints unless a written complaint states that it is a formal complaint.

Anonymous Complaints:

Anonymous complaints will be disregarded.

Informal Complaints:

An informal complaint may be made by telephone, email, in person or in writing to the Clerk. If the complainant prefers not to put the complaint to the Clerk (because the matter relates to the Clerk, for example) he or she should be advised to write to the Chair of the Town Council.

If a complaint is made to a Councillor, it is their duty to notify the Clerk or the Chair of the Town Council immediately to avoid any delay in dealing with the complaint.

The Clerk or the Chair will communicate directly to the complainant and will attempt to resolve the matter and to ensure that the complainant feels satisfied that their complaint has been fully considered, taken seriously and acted upon accordingly.

If the Clerk or the Chair cannot satisfy a complaint in an informal way, the complainant will be invited to escalate the matter to a formal complaint.

Formal Complaints:

The complainant will be asked to put their complaint about the Council's procedures or administration in writing to the Clerk. If the complainant does not wish to put the complaint to the Clerk, they should be advised to address it to the Chair of the Town Council.

The letter should contain:

- Name, address and telephone number of the complainant
- Details of the complaint about the Council's procedures or administration How the issue has affected the complainant
- Copies of any relevant documents or other evidence
- Details of third parties and their involvement
- What action the complainant believes will resolve their complaint

The Clerk/Chair will acknowledge receipt of the complaint within five working days and will advise the complainant when the matter will be considered by the appropriate Committee or Council.

The complainant shall be invited to attend the meeting and to bring with them a representative if they wish.

Any documents not already supplied must be sent to the Clerk seven clear working days before the meeting. The Council shall provide the complainant with copies of any documentation upon which they wish to refer to at the meeting within the same timescale.

At the meeting:

The appropriate Committee / Council shall consider whether the circumstances of the complaint warrants the exclusion of the public and press.

The Chair will introduce everyone and explain the procedure.

The complainant (or their representative) will outline the grounds for complaint.

Councillors will ask questions of the complainant or their representative.

If relevant, the Clerk will explain the Council's position.

Councillors will be able to ask questions of the Clerk.

The Chair will summarise the Council's position and then offer the opportunity to the Complainant or their representative to summarise their position.

The complainant will be asked to leave the room (unless the meeting is open to the public) while Councillors decide whether the grounds for the complaint have been met. It may be appropriate in some circumstances for the Clerk to withdraw from the meeting whilst Councillors reach a decision.

If any points of clarification are required, all parties will be invited to re-join the meeting whilst clarification is sought and then asked to withdraw again.

All parties will re-join the meeting to be advised of the decision of the Council, together with reasons for the decision, or, if necessary, to be advised when a decision will be made. Dependant on the detail of the reasons for the decision, it might only be possible to give the decision at the meeting and then the detailed reasons for the decision will follow in the decision letter.

After the Meeting:

The decision will be confirmed in writing within seven working days, together with details of any action to be taken.

Complaints relating to the Clerk:

These will be dealt with by the Council as an employment matter. Such complaints could result in disciplinary action or, in cases of gross misconduct, dismissal from the Council's employment. The matter will be dealt with internally to protect the employment rights to which employees of the Council are entitled.

The complainant will be informed of action taken.

Unreasonable and Vexatious Complaints:

There will be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should, or has been taken. These matters will be referred to the Town Council by the Clerk with a summary of the issues and of the attempts made to resolve the complaint. The Town Council may, in such circumstances, decide that no

further action can usefully be taken and will inform the complainant making it clear that only new and substantive issues will merit a response.

What to do if you are still not satisfied?

The decision of the Town Council is final with no appeal process as the Local Government Ombudsman does not consider complaints in respect of Town Councils.

BARROW TOWN COUNCIL

FREEDOM OF INFORMATION POLICY

It is expected that the Town Council make the information in this document available unless:

- it does not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations exceptions, or its release is prohibited by another statute;
- the information is readily and publicly available from an external website; such information may have been provided by the public authority or on its behalf. The authority must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or,
- it would be impractical or resource-intensive to prepare the material for routine release.

Publishing datasets for re-use

Public authorities must publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so. So far as reasonably practicable, they must publish it in an electronic form that is capable of re-use.

If the dataset or any part of it is a relevant copyright work and the public authority is the only owner, the public authority must make it available for re-use under the terms of a specified licence. Datasets in which the Crown owns the copyright or the database rights are not relevant copyright works.

The Datasets Code of Practice recommends that public authorities make datasets available for re-use under the [Open Government Licence](#).

The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of FOIA. The ICO has published [guidance](#) on the dataset provisions in FOIA. This explains what is meant by "not appropriate" and "capable of re-use".

Information to be published	How the information can be obtained	Cost
<p>Class1 - Who we are and what we do (Organisational information, structures, locations and contacts)</p> <p>This will be current information only.</p> <p>N.B. Councils should already be publishing as much information as possible about how they can be contacted.</p>	(hard copy or website)	
Who's who on the Council and its Committees		
Contact details for Town Clerk and Council members (named contacts where possible with telephone number and email address (if used))		
Location of main Council office and accessibility details		
Staffing structure		
<p>Class 2 – What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)</p> <p>Current and previous financial year as a minimum</p>	(hard copy or website)	
Annual return form and report by auditor		
Finalised budget		

Precept		
Borrowing Approval letter		
Financial Standing Orders and Regulations		
Grants given and received		
List of current contracts awarded and value of contract		
Members' allowances and expenses		
<p>Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews)</p> <p>Current and previous year as a minimum</p>	(hard copy or website)	
Town Plan (current and previous year as a minimum)		
Annual Report to Town or Community Meeting (current and previous year as a minimum)		
Quality status		
Local charters drawn up in accordance with DCLG guidelines		
<p>Class 4 – How we make decisions (Decision making processes and records of decisions)</p> <p>Current and previous council year as a minimum</p>	(hard copy or website)	
Timetable of meetings (Council and any committee/sub-committee meetings and parish meetings)		
Agendas of meetings (as above)		

Minutes of meetings (as above) – n.b. this will exclude information that is properly regarded as private to the meeting.		
Reports presented to council meetings – n.b. this will exclude information that is properly regarded as private to the meeting.		
Responses to consultation papers		
Responses to planning applications		
Bye-laws		
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only	(hard copy or website)	
Policies and procedures for the conduct of council business: Procedural standing orders Committee and sub-committee terms of reference Delegated authority in respect of officers Code of Conduct Policy statements		
Policies and procedures for the provision of services and about the employment of staff: Internal instructions to staff and policies relating to the delivery of services Equality and diversity policy Health and safety policy Recruitment policies (including current vacancies)		

Policies and procedures for handling requests for information Complaints procedures (including those covering requests for information and operating the publication scheme)		
Information security policy		
Records management policies (records retention, destruction and archive)		
Data protection policies		
Schedule of charges (for the publication of information)		
Class 6 – Lists and Registers	(hard copy or website; some information may only be available by inspection)	
Currently maintained lists and registers only		
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice)		
Assets register		
Register of members' interests		
Register of gifts and hospitality		
Class 7 – The services we offer	(hard copy or website; some information may only be available by inspection)	
(Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)		
Current information only		
Allotments		
Burial grounds and closed churchyards		
Community centres and village halls		

Parks, playing fields and recreational facilities		
Seating, litter bins, clocks, memorials and lighting		
Bus shelters		
Markets		
Public conveniences		
Agency agreements		
Services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)		
Additional Information		
This will provide Councils with the opportunity to publish information that is not itemised in the lists above		

Contact details:

Town Clerk
Town Hall
Duke Street
Barrow-in-Furness
Cumbria
LA14 2LD

Tel: 07811609108

e-mail: townclerk@barrowtowncouncil.gov.uk

SCHEDULE OF CHARGES

This describes how the charges have been arrived at and should be published as part of the guide.

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying @ ..p per sheet (black & white)	Actual cost *
	Photocopying @ ..p per sheet (colour)	Actual cost *
	Postage	Actual cost of Royal Mail standard 2 nd class
Statutory Fee		In accordance with the relevant legislation (quote the actual statute)
Other		

* the actual cost incurred by the public authority

BARROW TOWN COUNCIL

FILMING, RECORDING OF MEETINGS

GUIDANCE FOR THE RECORDING OF PUBLIC COUNCIL MEETINGS

Barrow Town Council welcomes you to this meeting and is grateful for your interest in its proceedings. This guide aims to assist you further in your engagement with the meeting.

1. Introduction

Barrow Town Council is committed to being open and transparent in the way it conducts its decision making. The Openness of Local Bodies Regulations 2014 allows any person attending a public local government meeting to report proceedings by: • Taking photography • Filming • Audio-recording • Using social media such as blogging, tweeting etc. The aim of this guidance is to help any members of the press and public who wish to film, audio record, take photographs, and use social media such as tweeting and blogging, to report the proceedings of all Council meetings that are open to the public.

2. What are the responsibilities of the Council?

The Council will provide reasonable facilities for those wishing to report on proceeding: • Free public WiFi in the Council Chamber and meeting rooms; • Free access to public agendas, meetings and Councillor information, minutes, decision details, elections information and more via the Council's web pages; • Reasonable assistance in providing adequate space for recording to take place; and • The Council Chamber and meetings rooms are equipped with a hearing loop system. At the beginning of each meeting, the Chair will make an announcement that the meeting may be filmed or recorded.

3. Do people need to ask permission to record Council meetings?

Any person wishing to carry out recording should let staff know in advance so that all necessary arrangements can be made for the public meeting.

4. Can anyone ask to not be recorded?

We ask that anyone recording the meeting does not record other people in the Public Gallery. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place - if anyone speaking at the meeting does not wish to be recorded they should let a member of staff know in advance. Any children present at the meeting are not to be filmed unless their parents/guardians have given their consent.

5. Can people tweet or blog a Council meeting?

Yes, people may report meetings via social media of any kind. Therefore, bloggers, tweeters, Facebook and YouTube users, and individuals with their own website, are able to report meetings.

6. Commentary during the meeting Any person can provide written commentary during a meeting, as well as oral commentary outside or after the meeting.

It is not permitted for oral commentary to be provided during a meeting as this would be disruptive to the good order of the meeting.

7. Can people be asked to leave a meeting and stop recording?

The majority of the Council's meetings are open to members of the public. However, meetings cannot be recorded when it is agreed to formally exclude the press and public from the meeting due to the confidential nature of the business to be discussed. People will also be asked to leave a meeting if they act in a disruptive manner. Examples can include: • Moving to areas outside the areas designated for the public without the consent of the Chair; • Excessive noise in recording or setting up or re-siting equipment during the debate/discussion; • Where it is considered that continued recording, photogr Councillors and staff members) or intimidate them; • Intrusive lighting and use of flash photography; and • Asking for people to repeat statements for the purposes of recording.

8. Are there any limits about recording a meeting or what people can say in a tweet or recording?

Without undermining the broader transparency of the meeting, the Council requests that the recording must be overt (i.e. clearly visible to anyone at the meeting), nondisruptive, that the public gallery is not filmed and that people respect the wishes of members of the public who have come to speak at a meeting but do not wish to be filmed. More generally the law of the land applies – including the law of libel and defamation, the Human Rights Act, the General Data Protection Regulation (GDPR) and the law on public order offences (see the Crown Prosecution Service guidance on social aphy, filming and/ or webcasting might infringe the rights or privacy of any individual (includingh media). For example please be aware that photographing a Ward of Court is usually regarded as an actionable Contempt of Court. Freedom of speech within the law should also be exercised with personal and social responsibility – showing respect and tolerance towards the views of others. Permission to record the proceedings of the meeting means the activity of the meeting specifically those who are speaking. Focusing on activity away from the proceedings of the meeting is where difficulties may arise with GDPR and data protection rights and may lead to a request for recording to stop. The Council asks those recording proceedings not to edit the recording in a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded. Filming elsewhere in the building outside of the meeting room is not permitted without express permission which should be sought in advance.

9. Can people leave recording equipment in a public meeting room and record without being present?

No. All recording equipment must remain under your supervision.

10. Further questions If you have any questions on the issue of filming/recording of meetings please contact The Town Clerk townclerk@barrowtowncouncil.gov.uk

BARROW TOWN COUNCIL

MEDIA POLICY

Barrow Town Council (“the Council”) is committed to the provision of accurate information about its governance, decisions and activities. Where this information is not available via the Council’s Publication Scheme, please contact the Town Clerk.

The Council shall, where possible, co-operate with those whose work involves gathering material for publication in any form including use of the internet (“the media”).

This policy explains how the Council may work with the media to meet the above objectives in accordance with the legal requirements and restrictions that apply.

Legal requirements and restrictions

1. This policy is subject to the Council’s obligations which are set out in the Public Bodies (Admission to Meetings) Act 1960, the Local Government Act 1972, the Local Government Act 1986, the Freedom of Information Act 2000, the Data Protection Act 1998, other legislation which may apply and the Council’s Standing Orders and Financial Regulations.
2. The Council’s Financial Regulations and relevant Standing Orders referenced in this policy are available via the Council’s Publication Scheme.
3. The Council cannot disclose confidential information or information the disclosure of which is prohibited by law.
4. The Council cannot disclose information if this is prohibited under the terms of a court order, by legislation, the Council’s Standing Orders, under contract or by common law.
5. Councillors are subject to additional restrictions about the disclosure of confidential information which arise from the Code of Conduct.

Meetings

1. A meeting of the Council and its committees are open to the public unless the meeting resolves to exclude them because their presence at the meeting is prejudicial to the public interest due to the confidential nature of the business or other special reason(s) stated in the resolution.

2. In accordance with the Council's Standing Orders, persons may be required to leave a meeting of the council and its committees, if their disorderly behaviour obstructs the business of the meeting.
3. Where a meeting of the Council and its committees include an opportunity for public participation, the media may speak and ask questions.
4. Public participation is regulated by the Council's Standing Orders.
5. The photographing, recording, filming or other reporting of a meeting of the Council and its committees (which includes e.g. using a mobile phone or table, recording for a TV radio broadcast, providing commentary on blogs, web forums, or social networking sites such as Twitter, Facebook and YouTube) which enable a person not at the meeting to see hear or be given commentary about the meeting is permitted, unless:
 - (i) the meeting has resolved to hold all or part of the meeting without the public present or
 - (ii) such activities disrupt the proceedings or
 - (iii) paragraphs 6 and 7 below apply.
6. The photographing, recording, filming or other reporting of a child or vulnerable adult at a Council or committee meeting is not permitted unless an adult responsible for them has given permission.
7. Oral reporting or commentary about a Council or committee meeting by a person who is present at the meeting is not permitted.
8. The Council shall, as far as it is practicable, provide reasonable facilities for anyone taking a report of a Council or committee meeting and for telephoning their report at their own expense.
9. The Council's Standing Orders will confirm if attendance by the public, their participation, photographing, recording, filming or other reporting is permitted at a meeting of a committee or subcommittee.

Other communications with the media

1. This policy does not seek to regulate councillors in their private capacity.
2. The Council's communications with the media seek to represent the corporate position and views of the Council. If the views of councillors are different to the Council's corporate position and views, they will make this clear.

3. The Town Clerk may contact the media if the Council wants to provide information, a statement or other material about the Council.

Approved: May 2023

Review: Annually

BARROW TOWN COUNCIL

PUBLIC PARTICIPATION AT MEETINGS

Every formal meeting of the Council is open to the press and public. We encourage members of the public to become more involved in democracy by attending and participating in Council and Committee Meetings and submitting questions/statements under defined rules as detailed in the Council's Standing Orders. We ensure that our meeting venue is accessible. The Council Website contains information regarding meetings and public participation.

You are welcome to attend the meeting for all matters in part one, which is open to the public and press. If the Council needs to consider private and confidential matters and go into private session, which we call part two, you will be asked to leave the meeting. Prior to the meeting please write to the Town Clerk informing the Council that you wish to speak on a matter that is to be discussed at that particular meeting:

- You will be allowed to speak at the discretion of the Chair
- Your name will not be recorded in the minutes of the meeting
- The Chair will invite you to stand/sit in location where you can be heard clearly.
- You can speak for a maximum of 3 minutes per meeting, per matter.
- Supplementary questions are permitted for a maximum of 2 minutes.
- You must not interrupt speakers or speak during the member's debate.
- You must not hold conversations with other members of the public during meetings
- You must avoid repetition if several people are making a representation on a single item of business.
- Members of the Public who become disruptive during the meeting will be asked by the Chair to leave.

The Council may respond to you at the meeting or may write to you.

APPROVED MAY, 2023

REVIEW: ANNUALLY

BARROW TOWN COUNCIL

COMMUNICATIONS POLICY

2023

Introduction

This policy aims to establish a protocol for effective communication of the Town Council's activities and pertinent information to the media and members of the public. This policy is supported by:

- The Communication Protocol
- Community Engagement Strategy
- Consultation Policy
- Petitions Policy • Publication Scheme.

The Town Council is accountable to members of the public and has a duty to convey its decisions and actions through various media. All communication will be conveyed in an open and straightforward manner.

The Town Clerk is the Proper Officer of the Town Council and is responsible for all formal communication between the Council, the press and members of the public.

Community Engagement

The Council will facilitate community engagement with the electorate by:

- Publishing its meeting dates, times and venues
- Providing an allocated period of time for Public Participation in meetings
- Holding regular councillor surgeries
- Consulting with the electorate to gauge public opinion
- Maintaining an up to date website
- Providing articles in the local press

Methods of Communication

The Council will use the following media to communicate its activities:

ACTIVITY	METHOD OF COMMUNICATION
Newsletter	Website
Approved minutes	Website/library
Agenda	Website/library/Noticeboard/Council Office
Council policies/procedures	Website
Annual Report	Website
Press release	Press/radio/website
Annual external audit	Website
Adopted Annual Accounts	Website
Councillor vacancies	Website/press
Financial information	Website

Other information will be provided in accordance with the Council's adopted Publication Scheme.

Policy

- a. Using themes approved by the Town Council, the Chair will be responsible for presenting the Town Council's Annual Report at the Annual Town Meeting.
- b. Once a formal written draft has been approved by full Council, the Annual Report will be published.
- c. The Town Clerk and officers are responsible for the preparation of notices of Council meetings, agenda and minutes.
- d. The Town Clerk is responsible for the development and maintenance of the Council's website so that it remains current.
- e. All correspondence addressed to the Town Council will be actioned by the Town Clerk or relevant officer.
- f. Information that needs to be considered by the Town Council or one of its committees will be placed on the first agenda after its receipt.
- g. Agenda for Council meetings will be accompanied with sufficient written reports and information to enable Members to make an informed decision.
- h. Agenda will be issued as hard copies and will be delivered electronically so that they are received by Members at least 3 clear days before all meetings of the Council.
- i. Agenda and minutes for all meetings of the Council will be published on the Council's website.
- j. Agenda and minutes for full Council will be made available at Penrith library.
- k. Other relevant information will be emailed to Members in between meetings.
- l. Council information will be made available to members of the public in accordance with the Council's 'Publication Scheme'.

Requests for Information

- a. In accordance with Standing Order nos.: 20(a) and 20(b) requests for information held by the Council shall be handled in accordance with the Council's policy in respect of handling requests under the Freedom of Information Act 2000 and the General Data Protection Regulations (GDPR) 2018
- b. Correspondence from, and notices served by, the Information Commissioner shall be referred by the Proper Officer to the Council.
- c. The Council shall have the power to do anything to facilitate compliance with the Freedom of Information Act 2000.
- d. In accordance with Standing Order no: 11 neither the Town Clerk, nor Members, will disclose confidential information that is exempt under the Freedom of Information Act.
- e. The agenda and its supporting papers, and the minutes from a meeting where confidential or sensitive information is discussed, shall not disclose or otherwise undermine such information which, for special reasons, is not in the public interest.

Approved: May 2023 Reviewed annually

CreativeHutch
BRAND & MARKETING

Website Design & Development
Prepared for BARROW TOWN COUNCIL

WEBSITE DESIGN & DEVELOPMENT

The priority for your website is to build a site that not only looks great and provides a great customer experience, but one that has the right SEO in place to help with online visibility and complies with EU GDPR regarding data processing, and WCAG 2.1 AA accessibility rules - which is a relatively new legislation that came into force in september 2018.

This legislation states that "public sector bodies must comply with the accessibility requirement to make a website or mobile application accessible by making it perceivable, operable, understandable and robust" therefore it would be a focus for us through development and testing phases.

Key considerations:

- Accessibility: WCAG 2.1 compliant accessible website design to comply with the current UK regulations. UK Accessibility Legislation
- High Performance: Fast loading website set-up to perform well for SEO
- User focused: A clear customer journey, with Intuitive navigation and prominent calls-to-action. The user should be able to find the information they are looking for as quickly as possible.
- On brand: clean modern design, led by brand guidelines
- Functionality: Ease of editing with the ability to quickly edit and post new content on the website
- Cross platform: Ensuring the system works well on mobile and all leading web browsers
- Security: Secure website set-up and hosting

WORDPRESS WEBSITE

We recommend using Wordpress on this project. We have been designing and developing Wordpress websites for over 14 years - so we know it pretty well.

The reason Wordpress is the most popular CMS is that it's easy to use, open source, search engine friendly and flexible enough to allow the website to grow with the Council's needs.

HOSTING

For Wordpress websites we recommend using Krystal Hosting. The hosting is a fully optimised platform for maximum speed and reliability.

Their entire network is secured by over 2,000Gbps of DDoS protection, targeted to eliminate malicious traffic. In speed tests, they are twice as fast as some of their



leading competitors, and they boast a 99.999% uptime guarantee. This will give the website a solid base to perform at its best.

We use Krystal for hosting NHS websites, they are also trusted by Nike, Cadbury, Iceland and many others.

Example Sites:

- <https://movebettergwent.nhs.wales>
- <https://abergavennytowncouncil.gov.uk/>
- <https://notemachine.com/>

TRAINING

We will provide website training and a fully documented training manual for all the key elements of updating and adding new content to the website.

Security is always a priority and something we care about deeply. We will create a platform that is safe, secure and resistant to cyber-attack.

COPYWRITING

If you require help with copywriting and adding content to the website, we can help you with this. We have a great team of copywriters within our team, specialising in SEO to optimise your website content for keywords and search terms to increase your visibility in search engines.

Alternatively, you can provide all written copy and content to us and we can upload to the website ahead of launch.

INVESTMENT

The following pricing is based on using a Wordpress powered solution for the new website.

Website Design, SEO and Development	£4,895 + VAT
Copywriting & Adding content	£360 p/day +VAT
Annual Wordpress Hosting	£300 p/a +VAT

CreativeHutch
BRAND & MARKETING

Thank you.

ROCKET SITES - WEBSITE QUOTATION

£4,000 PLUS Vat.

Hosting £120 plus Vat per annum, including SSL Certificate.

- Design and development of fluid responsive website based on WordPress CMS
- Design based around hierarchical content, with clear demarcation between each section (e.g. Council, Finance, Climate Change etc)
- All pages allowing publishing a range of content, from simple text to rich media including images, video embeds and file downloads
- Site would be integrated with Google Search Console to automatically notify Google of any new or updated content
- Core CMS and any plugins in use would automatically update for security assurances
- Entire site would operate on https
- Accessibility controls to allow changes to text size, contrast etc

BARROW TOWN COUNCIL

Council Meetings

Every formal meeting of the Council is open to the press and public.

Council Meetings

The Council provides opportunity for members of the public to make statements or ask questions.

You are welcome to attend the meeting for all matters in **part 1** which is the open to the press and public.

If the Council needs to consider private and confidential matters you will have to leave the meeting as the meetings goes into private session which we call **part 2**.

Public Participation appears at the beginning of the meeting:

- Prior to the meeting please write to the Town Clerk informing the Council that you wish You will be allowed to speak at the discretion of the Chair.
- Your name will not be recorded in the minutes of the meeting.
- The Chair will invite you to stand/sit in location where you can be clearly heard.
- You can speak for a maximum of 3 minutes per meeting.
- Supplementary questions will be allowed for a maximum of 2 minutes.
- The Council may respond to you at the meeting or may write to you.
- You must not interrupt speakers or speak during the member's debate.
- You must not hold conversations with other members of the public during meetings.
- Members of the public who become disruptive during the meeting will be asked by the Chair to leave.

Filming and Recording Meetings

Anyone who objects to being filmed or recorded should notify the Town Clerk prior to the commencement of the meeting.

- Any person present at a Council meeting may not orally report or comment about a Council meeting as it takes place but otherwise may: film, photograph, or make an audio recording of a meeting; use any other means for enabling

persons not present to see or hear proceedings at a meeting as it takes place or later; report or comment on the proceedings in writing during or after a meeting, or orally report or comment after the meeting. Anyone making a recording for non-domestic purposes is advised to seek advice on their obligations to ensure any processing of personal information complies with the Data Protection Act 1998 and GDPR 2018.

Municipal Year 2023-24

MEETING DATES

24th May, 2023

19th July, 2023

27th September, 2023

22nd November 2023

24th January, 2024 – Precept

20th March 2024

17th April 2024 – Annual Town Meeting

22 May 2024 – Annual Meeting of the Town Council