



Carnforth Town Council
Standing Orders
And
Statutory Requirements

Ratified by Carnforth Town Council

18th May 2016

Carnforth Town Council

Statutory Requirements

Members should note that the first section (Statutory Requirements) takes precedence over all other sections and where it indicates a duty or requirement, these must be met if the Council is to avoid being *ultra vires*.

1 This document consists of the following sections, respectively dealing with :-

- S Statutory requirements
- M Meetings
- C Committees and task groups
- F Financial regulations
- A Appointment of Councillors and Office Holders
- O Council officers

2 Any regulation made by the Secretary of State which requires the addition of a new standing order, or amendment or deletion of an existing standing order, shall be incorporated forthwith.

LGHA;20(1)

3 Standing orders shall be subject to a full review every three years (except see ¶4). Any consequent revisions shall be approved by resolution of the Council at the meeting nearest to the third anniversary of the date of adoption of the standing orders currently in force.

4 The section dealing with financial regulations shall constitute the Council's Statement of Financial Procedures. This section shall be subject to review as an item in the annual review of the Risk Management Statement (see F29).

5 A proposal to add a new, or to amend or delete an existing, standing order may be included in the business of any meeting of the full Council and if so resolved shall be incorporated forthwith.

6 The standing orders currently in force will be ratified each year at the Annual General Meeting.

7 The adoption of this section, §S and §M of these standing orders was agreed by resolution of Carnforth Town Council at the Annual General Meeting held on Wednesday 19th May 2010 (see minute 8/10).

8 The adoption of §C, §F, §A and §O of these standing orders was agreed by resolution of Carnforth Town Council at the meeting held on Wednesday 21st July 2010 (See minute 60/10)

9 The Amendment of several sections of these standing orders was agreed by resolution of the Council on 20th October 2010 (see minute 120/10)

10 The adoption of this version of these standing orders was agreed by resolution of the Council on 18th May 2016 (see minute)

Statutory requirements

Meetings

- S1 The Council will hold at least three ordinary meetings each year. LGA;Sch12¶18
- S2 Subject to the provisions of this Act, the Council may make standing orders for the regulation of their proceedings and business and may vary or revoke such orders LGA;Sch12¶42
- S3 Notice of the time and place of each meeting shall be publicly advertised not less than three clear days before the date of the meeting. A summons to attend each meeting shall be delivered to the usual place of residence of each member of the Council. LGA;Sch12¶10(2)
- S4 At the same time a notice of business (agenda) must be delivered to each councillor specifying what business will be discussed. LGA; 12(10(2b))
- S5 The Town Mayor if present will preside at meetings of the Council and if not present the Deputy Town Mayor will preside. If neither is present a member shall be elected from among those present to preside at the meeting. LGA;Sch12¶11
- S6 No business shall be transacted at a meeting unless one third of the whole number of members of the Council are present at the meeting. In no case shall the quorum be less than three. LGA;Sch12¶12
- S7 Unless provided otherwise in these standing orders the manner of voting shall be by a show of hands. LGA;Sch12¶13
- S8 The person presiding at a meeting may exercise all the powers and duties of the Chairman in relation to the conduct of the Meeting. LGA;15(9)
- S9 Casting vote :-
- (1) Subject to (2) and (3) below the person presiding at a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may give a casting vote even though she/he gave no original vote. LGA;Sch12¶39(2)
 - (2) If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Town Mayor and Deputy Town Mayor until the end of their term of office she/he may not give an original vote in an election for Town Mayor. LGA;15(2)
 - (3) The person presiding must give a casting vote whenever there is an equality of votes in an election for Town Mayor. LGA;15(3)
- S10 If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. LGA;Sch12¶13(2)
- S11 The Council may arrange for the discharge of any of their functions by a committee, a subcommittee, an officer of the Council or by any other local authority. LGA;101(1)
- N.B. Discharge of a function by any individual member of the Council is not included in this statute and has been ruled ultra vires by case law.
- R vs Secretary of State for the Environment ex parte London Borough of Hillingdon (1985)

S12The Clerk shall record in a the inspection of any member. LGA(2000);81(1)

S13Minutes shall be kept of Register to be kept for the purpose, and on the Carnforth Town Council website, particulars of any notice given by any member or any officer of the Council of a disclosable pecuniary interest in a contract, and the Register shall be open during reasonable hours of the day for all meetings and shall be signed at the same or next suitable meeting by the person presiding at that meeting. Minutes recorded on loose leaves must be consecutively numbered and each leaf initialled by the person presiding. The names of members present shall be recorded. LGA;Sch12¶40,41(1),(2)

S14All minutes kept by the Council and by any committee shall be open for the inspection of any elector of the parish. LGA;228(1)

S15The public and press shall be admitted to all meetings of the Council and its committees and sub-committees, which may however temporarily exclude the public by means of a resolution relating to the business for consideration.
Public Bodies(Admissions to Meetings Act)1960 : LGA;100

Committees

S16The Council may appoint committees, and any committee may appoint sub-committees LGA;101(1)

S17Standing orders may be made as respects any committee with respect to the quorum, proceedings and place of meeting. LGA;106

Annual General Meeting

S18The statutory Annual Meeting (the 'Annual General Meeting') shall be held :-

- (a) in an election year on, or within fourteen days after, the day on which councillors take office;
- (b) in any other year on such day in May as the council may determine.

LGA;Sch12¶7(1),(2)

S19At each Annual Meeting the first business shall be

- (a) To elect a Town Mayor from among the councillors; LGA;15(1),(2)
- (b) To receive the Town Mayor's declaration of acceptance of office or, if not then received, to decide when it shall be received; LGA;83(4)
- (c) To decide when any declarations of acceptance of office which have not been received as provided by law shall be received. LGA;83(4)

Extraordinary Meetings

S20An extraordinary meeting may be called at any time by the Town Mayor, or by two members presenting a requisition to the Town Mayor, or by two members if the Town Mayor fails to call
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a meeting within seven days of receiving a requisition. In the latter case the notice of the meeting shall be signed by the two members calling the meeting. LGA; Sch12¶19

Financial control

S21 Orders for the payment of money shall be signed by two members. LGA;150(5)

S22 Accounts for audit shall be made up to 31st March each year. ACA;2(1a)

S23 All matters relating to audit shall be in accord with the Accounts and Audit Regulations currently in force. ACA;27(1)

Open government

S24 Minutes, orders for payment and accounts shall be open at all reasonable hours for any elector in Carnforth to inspect and to make copies LGA;228(1),(2),(3),(5)

S25 The currently adopted publication scheme shall be published and maintained. FoIA;19(1)

S26 Freedom of Information requests shall be dealt with by the Clerk as outlined in the policy. Where the Clerk deems that the request cannot be fulfilled, a copy of the written response to the enquirer will be given to Council. Should the enquirer wish to lodge an appeal, the Mayor will choose a panel of not less than three Councillors to hear the appeal and who will have the final decision on the matter. FoIA

Conduct

S27 Relating to Conduct:

- a. A Council must adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

Localism 2011, s27, (2)

- b. A relevant authority must secure that its code of conduct includes the provision the authority considers appropriate in respect of the registration in its register, and disclosure, of—

- (a) pecuniary interests, and

- (b) interests other than pecuniary interests

Localism 2011, s28, (2)

Leaving the Council

S28 A person elected to any office under this Act may at any time resign his office by written notice delivered to the Town Mayor. Such resignation takes effect on receipt of notice by the Town Mayor. LGA;84(1c)

S29 If a member fails throughout a period of six consecutive months from the time of his last attendance to attend any meeting of the Council or committee of the Council he shall, unless the failure was due to some reason approved by the Council before the expiry of that period, cease to be a member of the Council. LGA;85(1),(2)

Town Meeting

S21 There shall be a Town Meeting for the purpose of discussing Carnforth affairs and exercising such functions as are conferred by any enactment. LGA;9(1)

S22 The Town Meeting shall consist of the local government electors for Carnforth. LGA;13(1)

S23 The Town Meeting shall assemble annually on some day between 1st March and 1st June, both inclusive, in every year. Proceedings shall not commence earlier than 6 o'clock in the evening. LGA;Sch12¶14(1),(2)

S24 A Town Meeting may be convened by the Town Mayor or by any two members of the Town Council. LGA;Sch12¶15(1)

S25 Not less than 7 clear days before a Town Meeting, public notice shall be given specifying time, place and business to be transacted. LGA;Sch12¶15(2)

S26 The Town Mayor shall be entitled to attend the Town Meeting but if he is not a local government elector for Carnforth he shall have only a casting vote. LGA;Sch12¶16

S27 The Town Mayor if present shall preside at a Town Meeting and if he is absent the Deputy Town Mayor, if present, shall preside. LGA;Sch12¶17(1)

Statutes referred to above:

ACA	Audit Commission Act (1998)
FoIA	Freedom of Information Act (2000)
LGA	Local Government Act (1972)
LGHA	Local Government and Housing Act (1989)
LGA(2000)	Local Government Act (2000)
Localism 2011	The Localism Act (2011)

Meetings of the Full Council

- M1 The Council will hold monthly meetings on the third Wednesday of each month with the exception of the month of August, together with such further ordinary meetings as are agreed by resolution. A calendar giving dates, including provisional dates, for all meetings of full Council shall be published annually. Amendments to the calendar may be made by resolution not later than the full Council meeting previous to the meeting to be re-arranged. The timings of meetings shall be 1830-2100 when a 20 minute break is taken. Alternatively, the Mayor (or other Chair) may suspend the business until the next meeting of Council.
- M2 At least three clear days before the meeting, the clerk will deliver a summons and Agenda to each councillor indicating the business to be discussed in sufficient detail for councillors to be prepared for the discussion together with any relevant papers.
- M3 A summary agenda shall be placed at the relevant noticeboards which includes all headings.
- M4 Six members shall constitute a quorum.
- M5 In the event that a meeting is inquorate the meeting will be adjourned.
- M6 If during a meeting, the number of councillors falls below the number required for a quorum, the meeting will be considered adjourned and no further business can be conducted, except for setting a date for the resumption of the meeting, as outlined in M21 below.
- M7 A member who is prevented from attending a meeting shall tender their apology for absence either to the Clerk or else to the Town Mayor. An apology for absence should be tendered in advance of the meeting whenever possible. Where a Council is considering a reason for absence, some reason or explanation must be known to it and this must be approved by affirmative resolution at the earliest possible moment before the end of the six months.
- M8 In the event of an extraordinary meeting being requisitioned by two or more councillors, the obligation on the Town Mayor to call that meeting shall fail if those councillor(s), or all but one, withdraw their signature within seven days of presenting the requisition.

Order of business and matters for consideration

- M9 At every meeting other than the Annual General Meeting the first items of business shall be :-
- to appoint a chairman if the Town Mayor and Deputy Town Mayor are both absent, and
 - to receive such declarations of acceptance of office (if any) as are required by law to be made or, if not then received, to decide when they shall be received.
- M10 After the first business has been completed, the order of business for those items as are included in the agenda shall be as follows :
- Part 1 :-
- (a) To receive declarations of interest relevant to any matters included in the agenda;
 - (b) To hear and consider representations from members of the general public. Members of the public who wish to make representation are required, prior to the publication of the

agenda for the meeting, to give notice of their intention to the Clerk. Such notice is to indicate the issues which will be raised in the representation. If such representations lead to proposal(s) incurring expenditure by the Council these proposals will be included in the agenda for the next monthly meeting and a full reply will be made following that meeting. Prior to commencement of this item :

- the person presiding at the meeting may rule that it be subject to a time limit,
 - members may invite the person presiding to make such a ruling;
- (c) To receive apologies for absence;
- (d) To receive and consider the report from the Police and to raise matters for discussion with the Police;
- (e) To receive and consider presentations made by person(s) attending in response to prior invitation(s) from the Council;
- (f) To receive and consider reports from County and City councillors and to raise matters for discussion with those councillors;
- (g) The person presiding to lay before the Council any intention
- to include urgent items of business, or
 - to vary the following order of business, including moving an item between Part 1 and Part 2
- (h) To consider the minutes and, after consideration and agreeing on any amendments, to resolve that they be signed as a correct record.
- (i) To dispose of business, if any, remaining from the last or previous meetings (in 'matters arising') and which is not otherwise included in the following order of business;
- (j) To consider the Treasurer's Order listing all items incurring expenditure by the Council and, after consideration and agreeing on any recently recorded additions and any amendments, to resolve that those items be approved for payment;
- (k) To receive and consider applications for planning permission;
- (l) To receive and consider the subsequent decisions of the Planning Authority;
- (m) Any other business specified in the public notice of the meeting;
- (n) To receive and consider correspondence;
- (o) To receive and consider reports and minutes of committees;
- (p) To receive and consider reports from Council officers and Council representatives on outside bodies. It is expected that, wherever possible, reports will be provided in writing and in time to be circulated with the agenda;
- (q) Individual members to give notice of matters to be raised at the next meeting and to report (without discussion) items for information;
- (r) To exclude members of the public from subsequent 'exempt' business on grounds that open discussion could prejudice the public interest, or on grounds of confidentiality, or on grounds of concerning a named person. Matters concerning the appointment or conditions of service of Council employees must not be considered in Part 1.

Part 2 :-

- (s) To consider the minutes of exempt business and, after consideration and agreeing on any amendments, to resolve that they be signed as a correct record;
- (t) To dispose of exempt business, if any, remaining from the last or previous meetings and which is not otherwise included in the following order of business;
- (u) Any other business specified in the notice of the meeting provided to members of the Council.

M11 Except as provided for under ¶M10(g) and ¶M10 (q) the only matters to be raised for consideration shall be those listed in the agenda provided for that meeting by the Clerk.

M12 Any member of the Council who requests an item to be included in the agenda shall provide the Clerk with a written summary of the issues for consideration and this summary shall be circulated to members together with the agenda. This summary should wherever appropriate include a draft resolution which, if approved, would commit the Council to take action furthering the interests being raised.

M13 Motions in respect of the following matters may be moved without written notice.

- i. To appoint a person to **preside** at a meeting.
- ii. To approve the **absences** of councillors.
- iii. To approve the **accuracy** of the minutes of the previous meeting.
- iv. To **correct** an inaccuracy in the minutes of the previous meeting.
- v. To **dispose** of business, if any, remaining from the last meeting.
- vi. To proceed to the next business on the agenda.
- vii. To close or adjourn debate.
- viii. To refer by formal delegation a matter to a committee or to a sub-committee or an officer.
- ix. To receive nominations to a committee or sub-committee.
- x. To dissolve a committee or sub-committee.
- xi. To exclude the press and public for all or part of a meeting.
- xii. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xiii. To suspend any standing order except those which are mandatory.**
- xiv. To adjourn the meeting.
- xv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xvi. To answer questions from councillors.

M14 Between the time of a meeting agenda being issued and the meeting to which it refers, an issue may arise which a Member may consider sufficiently urgent that it should be dealt with at the next Council meeting.

In such circumstances, the Member may request the Member Presiding to accept it as a matter of urgent business. Any request is to be made in writing (including brief details) as soon as possible prior to the meeting but in any case not later than the start of the relevant meeting. Each individual request will be judged on its merits and if accepted, will be taken in the appropriate part of the meeting.

M15 It is binding on all members individually to act in furtherance of all actions which have been recorded in the signed minutes as resolved on or agreed by the Council.

M16 All matters considered in Part 2 of a meeting shall be confidential. A member who discloses any such matter, whether deliberately or by lack of care, will be considered to be in breach of the Council's Code of Conduct.

M17 All matters to be considered must be relevant to the statutory powers of the Council.

Conduct of meetings

In this section where the context permits the description 'any member' includes 'the person presiding' at the meeting.

M18 All contributions to discussion must address the person presiding at the meeting.

M19 Members wishing to contribute to the discussion shall first obtain consent from the person presiding who shall have sole power to decide on the order in which members' contributions are to be heard. The person presiding may contribute to the discussion at any time between the contributions from other members.

M20 All resolutions, including those made under orders, ¶M10(j) and ¶M25, shall be both proposed and seconded. The person presiding may propose or second a resolution. The person proposing a resolution shall, prior to any further discussion, read aloud from a written statement of the resolution which is then to be handed to the Clerk forthwith.

M21 Any member may propose that the resolution under discussion be amended by adding, changing or deleting words (but not by contradicting the resolution). The person presiding shall thereupon call for the amendment to be accepted by the proposer of the original resolution or else for it to be seconded. If so accepted or seconded it shall then become the resolution under discussion.

M22 A resolution having been made, the issue(s) concerned shall not be subject to further consideration for a period of six months unless :

- the resolution in question provided for a review before the expiry of six months or;
- the subject is proven to have been ultra vires or;
- new information is discovered which is agreed to be relevant and significant and which may have altered the original decision.

M23 The person presiding at the meeting has the sole power to rule on and enforce the opening and closing of each item of business, including :

- requiring that the matter be discussed by an appropriate committee or task group;

- postponing discussion to the next monthly meeting or to an extraordinary meeting;
- requiring that a vote be taken on a resolution.

Members may at any time invite the person presiding to make such rulings.

M24 The person presiding at the meeting has the sole power to rule on :

- the relevance or acceptability of all proposals and contributions to discussion;
- the acceptability of the conduct of any member of the Council;
- the acceptability of the conduct of any member of the general public;

and to enforce such ruling. Members may at any time invite the person presiding to make a ruling on these issues.

M25 Following a ruling on a person's conduct made under ¶M24 any member may propose a resolution that the person who is the subject of such ruling is to be required to leave the meeting.

M26 The person presiding at the meeting has the sole power to rule that standing orders be suspended for a part of the meeting and subsequently that they are to be re-instated. Members may at any time invite the person presiding to make such rulings. The entitlement to invite the re-instatement of standing orders cannot be suspended.

M27 The person presiding at the meeting has the sole power to rule that a meeting be adjourned. Members may at any time invite the person presiding to make such a ruling. Having obtained agreement on (date and) time for the meeting to be reconvened, the person presiding shall then adjourn the meeting forthwith. For purposes of giving notice and recording minutes the re-convened meeting is a continuation of the adjourned meeting and therefore no new notification is required except to advise any absent members.

M28 If any situation arise for which the above orders are found insufficient to provide guidance on the conduct of the meeting then the person presiding shall have sole power to rule on and enforce the manner of continuing the meeting.

Annual Meeting

M29 Following the first business (see ¶S20 above), which shall include the appointment of the Deputy Town Mayor and all ceremonial procedures, the for those items included in the agenda shall be as follows :

- To receive apologies for absence.
- Appointments of responsible financial officer, internal auditor(s) and signatories to order of business the accounts
- Appointments to Council committees and task groups
- Appointments of councillor officers and representatives to outside bodies
- Ratification of Council procedures
- To receive notice of any changes to registered financial and other interests

Minutes of Meetings

The following 7 Standing orders are governed by Statutory Standing Orders S13 & S14

- M30 The Clerk will take such notes during the meeting as can be used to form the basis of the minutes of the meeting and shall circulate them to members in draft form.
- M31 If the Clerk is unable to attend the meeting, Council shall make such arrangements as necessary to ensure an accurate minute is recorded.
- M32 If a copy of the draft minutes of a preceding meeting has been circulated (by post or email) to councillors no later than the last possible day of service of the summons to attend the scheduled meeting they shall be taken as read.
- M33 No discussion of the draft minutes of a preceding meeting shall take place except in relation to their accuracy. A motion to correct an inaccuracy in the minutes shall be raised in accordance with standing order M13 above.
- M34 Minutes, including any amendment to correct their accuracy, shall be confirmed by resolution and shall be signed by the person presiding at the meeting and stand as an accurate record of the meeting to which the minutes relate.
- M35 If the person presiding at the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:
“The Chairman of this meeting does not believe that the minutes of the meeting of the Council / Committee held on [date] in respect of () were a correct record but his view was not upheld by the majority of the () and the minutes are confirmed as an accurate record of the proceedings.”
- M36 Upon a resolution which confirms the accuracy of the minutes of a meeting, any previous draft minutes or recordings of the meeting shall be deemed destroyed.

Committees and task groups

Committees

- C1 A committee may be established by a resolution of the full Council. When such a resolution is successful, the same meeting will also approve a resolution naming the members to be appointed to the committee.
- C2 The written summary of the issues to be considered (see M12) will include :-
- a resolution proposing to establish the committee;
 - proposals for appropriate terms of reference;
 - the number of members to be appointed.
- C3 The terms of reference shall define the delegated powers of the committee, including the powers of expenditure (where appropriate), and may include appropriate statutory powers of the full Council.
- C4 Either the Town Mayor or the Deputy Town Mayor shall be a full member of each committee, the choice being determined by mutual agreement between the two councillors concerned. Each councillor shall be the 'named substitute' for the other at any meeting that either is unable to attend.
- C5 Committees shall consist solely of 5 members of the Council. The quorum shall be three members or one half of the committee membership, whichever is greater.
- C6 Committee meetings shall be convened at such times as stated by resolutions of the full Council currently in force. Such resolutions should seek to allow the inclusion of committee meetings in the annual calendar, but may include delegating the convening of meetings to the committee chair.
- C7 Where the context permits, the standing orders (including statutory orders) relating to :-
- calling an extraordinary meeting;
 - giving notice;
 - the order of business;
 - the conduct;
- of full Council meetings shall apply equally to committee meetings.
- C8 The chair of a Committee shall be elected by Full Council at the Annual General Meeting. The first business of the Committee shall be to appoint a vice-chair, if so desired.
- C9 The Chair shall not be a member of another Committee.
- C10 Subject to ¶C11, committees may arrange for the discharge of any of their functions by an officer of the Council or by any other local authority.
- C11 The person presiding shall have sole power to rule that any action resolved on by a committee must be considered by the full Council. The grounds for such ruling will generally (but not necessarily) be that the action is likely to incur greater impact on the Council's finances than is indicated in the current budget. Members of the committee may at any time invite the person presiding to make such ruling.

C12 The proper business of a committee shall include proposing item(s) for inclusion in the budget of the Committee. (see ¶F3).

C13 All committee meetings shall be subject to the provisions of the Local Government Act regarding advertising of Agendas etc. Councillors who are not members of a committee have the same rights of attendance at meetings as members of the general public. In addition :

- a notice of each meeting will be delivered to their usual place of residence;
- they may contribute to discussions, but not vote, on any issue for which a committee has previously invited their participation;
- they may propose to the chair of a committee that a matter be included in the agenda and, if so agreed by the chairman, they shall in this case be invited to contribute to the discussion of, but not to vote on, that issue.

Task Groups

C13 A task group may be established by a resolution of the full Council or any committee.

C14 The written summary of the issues to be considered (see ¶M8) will include :-

- a resolution proposing to establish the committee;
- proposals for appropriate terms of reference and membership.

C15 A task group may include persons who are not members of the Council.

C16 The proposal for establishing a task group must include arrangements, which may include a requirement that meetings be minuted and/or that member(s) of the task group attend meetings, for their conclusions to be communicated to the full Council or to whichever committee resolves to proceed with this proposal.

C17 Task groups shall not have power to discharge any function of the Council. Their purpose is solely to consider issues on behalf of the Council and to make appropriate recommendations.

C18 The proper business of a task group shall include proposing item(s) for inclusion in the budget for the following financial year (see ¶F3).

C19 Task group meetings shall take place as and when agreed by its members or as agreed by resolution of the Council. There shall be no requirement to give public notice of these meetings.

Financial Regulations

Councillors are reminded of their fiduciary duty with regard to Public monies and their duty to ensure best value.

In this section where the context permits any reference to a committee shall be understood to refer also to a task group.

Budget

- F1 A budget is to be prepared for each financial year (April – March) which shall identify :–
- expected income and revenue expenditures within appropriate headings;
 - expenditures on capital or other specified projects (e.g. a major repair).
 - allocation to Committees of any money for specific causes in respect of Committee business.
- F2 The purpose of the budget is :–
- to ensure that anticipated and proposed expenditure is within the Council’s resources;
 - to provide a basis for financial control during the year;
 - to provide members, in deciding on any resolution incurring expenditure, with an indication of the amount which may be considered appropriate for the item(s) concerned.
- It is not required that an item of expenditure under consideration shall necessarily be constrained by the finance allocated within the relevant budget heading and in the event of such expenditure being approved, it will serve as a useful guide to trends when the Half Yearly Income and Expenditure Report is produced and which is the basis for the following year's budget.
- F3 The Responsible Financial Officer, in conjunction with the Chair of Finance and Governance, will provide a draft Budget for consideration at the October Finance Committee held prior to the October Full Council Meeting. Members of the Council, either directly or via a committee chairman are expected to give notice to the Responsible Finance Officer and Chair of Finance and Governance by no later than end of September of each year, of items they wish to be considered for inclusion in the next Budget; such notice shall clearly identify the item(s) together with an indication of anticipated costs.
- F4 The draft budget, and the consequent precept demand for the following financial year, shall be submitted to and approved at the January meeting of the full Council.

Audit and financial control

- F5 Four councillors shall be appointed, one of whom shall be a member of the Finance and Governance Committee (but excluding the Chair and vice chair), at each Annual General Meeting whose responsibility shall be, on a regular basis but no less than four times a year to inspect all account books and related documents in order to check :–
- Treasurer’s Order tallies with invoices received
 - Cheques tally with Treasurer’s Order as approved by the Council at monthly meetings;
 - Cheque-stubs are initialled by two of the account signatories

- Treasurer's Order tallies with entries in Income & Expenditure file
- Paying-in book entries tally with Civic Hall Statement of Accounts
- Income & Expenditure statement reconciles with most recent bank statement

F6 The Responsible Financial Officer shall prepare and circulate a monthly statement of Income and Expenditure to all Councillors prior to each meeting of the Finance and Governance Committee.

The Chair of Finance and Governance, on receipt of this, shall analyse it and give a verbal (or if necessary a written report) to the Finance Committee for which it has been prepared.

This report shall draw attention to any expenditure which exceeds a budget allocation or trends which may ultimately affect budget allocations, together with reasons for same. Members of the Finance and Governance Committee shall ask any questions arising or comment as appropriate. Similar provisions will apply at the subsequent Full Council Meeting.

F7 Internal Audit - In accordance with current audit regulations, all books and related documents shall be submitted for inspection by the Council's appointed Internal Auditor. In addition to those listed under ¶F5 these include :-

- minute records
- standing orders
- asset register
- risk management statement
- pay-roll
- budget procedure

The inspection checks that the financial procedures are appropriate to the activities of the Council.

F8 An internal Audit of the Council's Income and Expenditure, supported by relevant documentation and Minutes will be undertaken by the Clerk to the Council of a neighbouring Parish twice annually. On completion of the Audit, a report will be provided to the Council who will take such immediate and appropriate action as may be required with regard to any shortcomings or recommendations which have been identified.

F9 The Responsible Financial Officer shall provide the statements required for the external Statutory annual audit to the Finance Committee in time for their recommendations to be considered by the Council prior to the date set for external audit.

F10 The Responsible Financial Officer shall report the opinions of the External Statutory Auditor and of the Internal Auditor to the meetings next following receipt of their opinions. Any necessary action(s) shall be agreed by the Council at the same meetings.

Expenditure

F11A Treasurer's Order shall be presented to each monthly meeting. All items for payment by the Council shall be listed in the Order for the meeting immediately following receipt of the

invoices or other forms of request for payment (such as receipts for expenditure which is to be reimbursed and which has been approved by Full Council in advance of being incurred).

F12 Items approved subsequently to publication of the Treasurer's Order to the meeting, including items approved in the course of the meeting (see ¶M10(j)), shall be added to the Treasurer's Order for the next following monthly meeting under the designation 'payments requiring ratification'

F13 The Responsible Financial Officer may request any two of the current signatories to the accounts to authorise payments which are required in advance of the next monthly meeting. If they so judge, either signatory may require that approval for authorisation also be obtained from up to four other members of the Council, one being the current third signatory and one being the current chairman of the Finance and Governance Committee. Such payments shall be included in the list of items 'requiring ratification' presented to the following monthly meeting.

F14 A proposal that expenditure be incurred may be approved by a resolution at any meeting of the full Council or, on matters within its terms of reference, at any meeting of a committee. An allocated sum (no greater than £5,000) shall be determined during the preparation of the Annual Budget, to be delegated to each Committee (each year) or Task Group (when determined). The Chair of a Committee, in conjunction with a member of the Committee will request that the Council's Responsible Finance Officer using delegated powers, will purchase any service or goods approved by the Committee in accordance with its Terms of Reference and will be reported to the next meeting of Full Council. Council will be responsible to ensure appropriate spending of the Committee allocation. The maximum spend on any 1 (one) item will be £700. Capital expenditure will be included in the full Annual Budget.

F15 Approval of expenditure should be given only when members are satisfied

- That it is consistent with the allocation of resources as set out in the current budget;
- that it is a prudent (as detailed in ¶**Error! Reference source not found.**) use of finances compared to alternative sources for the goods or service in question.

F16 Other than in exceptional circumstances, prior approved payments made by members or officers of the Council shall be reimbursed in arrears on production of receipts (rather than by providing cash in advance of purchase). All such payments shall be included in the Treasurer's Order.

F17 Members shall not receive any payments from the Council other than re-imbursements in accordance with F16, and officers shall not receive payments other than re-imbursements in accordance with F16 and salaries.

F18 The Council may, by resolution, operate a Petty Cash float for use by Officers to allow them to purchase goods or services appropriate for their responsibilities and which do not have to be specifically approved in advance by Council. Such a resolution must specify the amount of the float and the officer responsible. The float is to be used for cash purchases only where they can be secured more cheaply or more conveniently than by buying through credit account. All purchases must be supported by receipt. All purchases must be presented to Council for ratification at the next meeting. The RFO

shall top up the float to the agreed level every month and keep an account of the float. The Councillor responsible for Internal Audit shall check this as appropriate.

Income

F19The Responsible Financial Officer shall generate all invoices for payments due to the Council. Invoices shall show details of the calculation of the total amount due and shall clearly indicate the VAT included in this total.

F20The Responsible Financial Officer shall be responsible for the collection of all income (other than direct credits) and for ensuring it is credited into the Council's bank account.

F21The Responsible Financial Officer shall provide each monthly meeting of the full Council with a report of the income due and of progress towards the receipt of that income.

Orders for goods and services

F22Orders for goods and services shall be made by the full Council, by a Committee or officer acting according to instructions from the Council or a committee which has been given specific delegated powers by Full Council to incur such expenditure. All orders shall be made (or confirmed) in writing, which may include Minutes of a meeting.

F23An order which is required urgently (such as to repair serious damage) shall be reported immediately to the Clerk of the Council/Responsible Financial Officer who will obtain approval for emergency expenditure from the Chair of the Assets Management Committee and Town Mayor. Such Authorisation shall not exceed £750. When initiating emergency work, the Clerk of the Council/Responsible Financial Officer or Chair of the Assets Management Committee shall endeavour to obtain a verbal estimate (to be confirmed in writing) and which shall be recorded. In the case of immediate threat to safety of persons or security of property, Councillors or Officers may order emergency works at any time and notify the Clerk to the Council, the Town Mayor and Chairs of the Assets Management and Finance and Governance Committees as soon as reasonably possible afterwards.

F24An order shall be made only after determining that it is a prudent use of finances. 'Prudent' is to be understood as achieving a *proper* balance of economy, speed of implementation and quality of the goods or service to be obtained.

F25The Finance Committee shall recommend for approval by the Council the level of expenditure above which Best Value is required. This figure shall be subject to review as an item in the annual review of the Risk Management Statement (see ¶**Error! Reference source not found.**).

F26Expenditure on a single item or contract shall not exceed the level above which Best Value is required until the Finance Committee has considered and resolved on who shall be the supplier or contractor. It is noted that, for a large expenditure to be prudent, the timescale of Best Value requires that it be considered well in advance of obtaining the goods or service.

F27 Where Best Value is required, the Assets Management Committee shall seek quotations from not less than three suppliers or contractors through advertising on Council facilities and shall, whenever practicable, seek to obtain these three quotations for consideration in deciding who to recommend to the Council.

F28 In so far as is consistent with the preceding regulations, preference shall be given to obtaining goods and services from local businesses.

F29 The Council may compose and hold a list of local businesses to whom notice can be given that a quotation is being sought for work to be carried out, but this will not be the sole source of seeking quotations.

Risk

F30 The Council shall have a Risk Management Statement which is to be reviewed annually by the Finance and Governance Committee and approved by the Council.

F31 The Council shall maintain an Asset Register which is to be included with the Annual Statutory Return and which must be approved by the Full Council, signed and dated by the Town Mayor (as Chairman) and the responsible Financial Officer prior to being submitted with the Annual Return.

F32 The Council's insurance cover shall be reviewed annually by the Finance and Governance Committee in the light of any changes in the Risk Management Statement and the Asset Register. The Committee's proposal(s) shall be approved by the Council prior to the annual renewal of insurance cover.

Appointment of Councillors and Office Holders

Resignations & Vacancies

- A1. A member who decides to resign from the Council shall do so by giving notice in writing to the Town Mayor. Such resignation takes effect on receipt of notice by the Town Mayor.
- A2. A member who wishes to resign from a committee shall do so by either :—
- (a) by informing the chair of that committee or if the chair is resigning, by informing the Town Mayor. Such resignation takes effect on receipt of notice by the chair / Town Mayor.
 - (b) by declaring their non-availability when appointments to committees are considered at an Annual General Meeting.
- A3. A member who fails to attend any meetings (of full Council or of such committee(s) on which the member serves) for a continuous period of six months shall forthwith cease to be a member of the Council unless a prior resolution of the full Council has made provision otherwise.
- A4. As soon as a vacancy arises, Council shall declare this vacancy and notify the proper authority who will arrange a Notice of Poll. If the Poll is claimed, the proper authority will conduct the election. If there is less than six months between the deadline for Claiming the Poll and a regular election, the proper authority will not issue a Notice. In this case, Council must decide whether to continue to co-opt or to leave the seat vacant.
- A5. If there is no Claim, and there is more than six months left of office, Council will resolve to fill the vacancy by co-option according to the following procedure, as soon as practicable:
- (a) Vacancies to be filled by co-option shall be advertised on the Council's noticeboards.
 - (b) This shall include a deadline for responses shortly before an ordinary meeting.
 - (c) At this meeting, Council will decide either to interview all candidates or to shortlist by secret ballot. A date will then be set for interview at an ordinary meeting of the full council.
 - (d) At this meeting, an agreed set of questions will be asked of all candidates interviewed.
 - (e) After interviews and discussion a secret ballot will be held. If one candidate does not receive a majority *of members present* on the first ballot, the lowest scoring candidate will be eliminated and further ballots held.
 - (f) If there is only one candidate, failure to secure a majority of members present will count as a rejection of the candidate.

- (g) Where there are two or more vacancies, and more than two candidates, councillors will cast two votes and proceed as above.

Appointment of Mayor & Deputy Mayor

- A6. Appointments to the position of Town Mayor and Deputy Town Mayor will be made each year on the basis of seniority as determined by dates of election or of co-option.
- A7. Following an election, new Councillors shall be eligible for appointment based on the number of votes cast for that individual at the election. Where 2 or more Councillors are co-opted at the same time, the order for appointment shall be determined by drawing lots.
- A8. The Town Mayor will have served as the Deputy Town Mayor the previous year.
- A9. Tenure of office will be for one year, commencing with the Annual General Meeting.
- A10. At the ordinary meeting of the Town Council held in October the Clerk will advise the Council of the next eligible councillor to be Deputy Town Mayor.
- A11. This councillor will indicate their acceptance or non-acceptance of the position. Where unable to accept, the councillor will indicate when s/he will be able to accept the position. This will be recorded in the minutes and the councillor will in due course be appointed as Deputy Town Mayor for the year indicated. Where an eligible councillor does not wish to accept either position at any time this will be recorded in the minutes.
- A12. In the event that the member is subsequently unable to accept the appointment in the year indicated s/he will be placed at the bottom of the seniority list.
- A13. In the event that the Deputy Town Mayor finds during his/her year in office that she/he will be unable to accept the position of Town Mayor for the following year they will be required to step down forthwith and will be placed at the top of the seniority list for Deputy Town Mayor.
- A14. The next most senior councillor will take up the position of Deputy Town Mayor providing they are able to accept the position of Town Mayor for the following year. The Deputy Town Mayor standing down will be required to serve as Deputy Town Mayor prior to being appointed Town Mayor.
- A15. In the case of death or resignation of the Town Mayor, the Deputy Town Mayor will complete the remaining tenure before holding the position of Town Mayor in their own right the following year. The next most senior councillor will complete that year as Deputy Town Mayor before holding the position of Deputy Town Mayor in their own right the following year.
- A16. In the case of death or resignation of the Deputy Town Mayor the next most senior councillor able to accept the position of Deputy Town Mayor will complete the remaining tenure before holding the position of Deputy Town Mayor in their own right the following year.

- A17. Each appointment of Town Mayor and of Deputy Town Mayor shall be made by a resolution of the Council.
- A18. Alternative procedures will be required if the Town Mayor and / or the Deputy Town Mayor fail to be re-elected in the Local Government elections. These being:
- (a) **Town Mayor Elect not re-elected** – Deputy Town Mayor elect (if re-elected) to be appointed Town Mayor. Deputy Town Mayor to be appointed in accordance with ¶A6ff above.
 - (b) **Town Mayor Elect returned, but not Deputy Town Mayor** - Deputy Town Mayor to be appointed in accordance with ¶A6ff above.
 - (c) **Failure of both Town Mayor Elect and Deputy Town Mayor Elect to be returned** – The outgoing Town Mayor will be invited to serve a second term.
- A19. In the event that the Town Mayor elect is unable to accept the Office prior to the Annual General Meeting for medical reasons, he is to notify the incumbent Town Mayor and Town Clerk as soon as reasonably possible and indicate the anticipated duration of absence. The Deputy Mayor elect will be appointed at the Annual Meeting and will preside (or in their absence a chairman will be appointed for that meeting).
- A20. Where the Deputy Town Mayor is unable to accept the Office prior to the Annual Meeting for medical reasons, the same notification is required.
- A21. Dependant on the individual circumstance_(and more importantly, the prognosis), he is required to consider the effect this will have on both their health and the functioning of the Council and whether it may be better to defer acceptance of office.
- A22. Where the Deputy Mayor Elect still wishes to accept the Office and this is agreed by Council, Members shall have the sole discretion to impose a date when such agreement is reviewed in light of circumstances prevailing at the time.
- A23. The Council may, by resolution, choose to appoint the longest serving member of the Council to the post of Father of the Council (or Mother of the Council) with agreement from that Councillor. This appointment will persist until the Councillor leaves office. The post allows the Councillor to refer to themselves by this title in all official Council documents, including correspondence, and other ceremonial duties as shall be determined from time to time by the Council.

Allowances and expenses

A24.

The Town Mayor will be provided with a_fund_ the amount to be agreed when setting the budget for the Mayor's year in office, to cover the expenses of the mayoral functions (usually these are the Mayor-making social and the Christmas social) and of participating in events which s/he attends in response to invitations to the Mayor.

A25. The Council's allowances and expenses scheme is in accordance with the recommendations of the Independent Remuneration Panel of Lancaster City Council. The Council's scheme is set out in Appendix A.

A26. For councillors attending an event outside the U.K. in their capacity as members or officials of Carnforth Town Council :-

- expenses for travel will be agreed for each event on an ad hoc basis
- expenses will be payable against receipts submitted with a completed expenses form;
- travel expenses will be paid on the basis of the cheapest form of transport available to the event;
- meals and accommodation expenses will be paid in line with the rates for travel within the U.K. and will exclude refreshments other than main meals;
- gifts to be given at the event will be purchased directly by Carnforth Town Council following approval at a meeting of the full Council.

A27. During their term of office, the Town Mayor may designate up to six bookings at the Civic Hall as "Mayor's Bookings" and for no charge to be levied for those bookings. These should be to benefit the community in line with Council policy.

Council officers

- O1. Arrangements for appointments to the posts of Clerk to the Council, Site Manager, and any other officer which the Council resolves to appoint, shall be proposed by the Appointments Committee for each appointment to be made and approved by resolution of the Council.
- O2. The Clerk is the Proper Officer for any purpose in respect of which a proper officer is mentioned in any statute.
- O3. Pay and conditions of service for each employee shall be subject to review by the Finance and Governance Committee annually. Any consequent revision shall be approved by resolution of the Council.

Appendix A

Expenses and allowances

At its meeting on 16th April 2008, Carnforth Town Council resolved to adopt the following Scheme of maximum payments of expenses and allowances. The Scheme adopted is in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, having had regard to the recommendations of the Parish Remuneration Panel established by Lancaster City Council.

The rates included in the Scheme will be automatically adjusted in line with the Retail Price Index adjustments to the City Council Scheme and with any other amendments made to the City Council Scheme as a result of the 4-yearly reviews.

Basic allowance

Carnforth Town Council has resolved that all councillors will be eligible for a basic allowance of £132 per year (may be reviewed at AGM). Any claim must be made in writing to the Town Clerk by the end of the financial quartile in which the claim is due. If not made in writing by the end of the following quartile the allowance shall be forfeited. Any questions regarding the claim will be referred to the next meeting of the Finance Committee to make a recommendation to Full Council.

Travel and Subsistence

Carnforth Town Council has resolved that members may be reimbursed costs of travel and subsistence according to the following scheme, in respect of attendance at meetings or other functions in pursuit of their duties as a councillor and for which payment is approved by prior resolution of the Council.

Travel Allowances

For travel by public transport the ordinary standard class fare, or any available saver fare, may be reimbursed on production of receipts.

- For travel by taxi the actual fare may be reimbursed on production of receipts provided no reasonable alternative form of transport was available.
- For use of a car payment may be made at the rates of 45 pence per mile
- Car park fees may be reimbursed on production of receipts.

Subsistence Allowances

The allowances may be paid on production of receipts

- for meals, during absences of more than 4 hours (other than overnight) and according to the times of absence

Breakfast	£7.50
Lunch	£11.50
Tea	£5.00

Evening meal	£15.00
• for overnight absences	£90.60
• for overnight absences in Central London	£110.00