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# WEM TOWN COUNCIL

## FINANCIAL REGULATIONS

Adopted 29.9.16, amended 15.12.16, reviewed May 2017,

Reviewed and amended May 2018, Reviewed and amended 25.7.19, Reviewed and  
amended 24.6.21

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These Financial Regulations were adopted by the Council at its Meeting held on 29.9.16 and amended on 15.12.16, 31.5.18, 25.7.19 and 24.6.21

## 1. GENERAL

- 1.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders<sup>1</sup> and any individual financial regulations relating to contracts.
- 1.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.
- 1.3. The council's accounting control systems must include measures:
  - for the timely production of accounts;
  - that provide for the safe and efficient safeguarding of public money;
  - to prevent and detect inaccuracy and fraud; and
  - identifying the duties of officers.
- 1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.
- 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly.
- 1.9. The RFO;

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<sup>1</sup> Model standing orders for councils are available in Local Councils Explained © 2013 National Association of Local Councils

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- acts under the policy direction of the council;
- administers the council's financial affairs in accordance with all Acts, Regulations and proper practices;
- determines on behalf of the council its accounting records and accounting control systems;
- ensures the accounting control systems are observed;
- maintains the accounting records of the council up to date in accordance with proper practices;
- assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
- produces financial management information as required by the council.

1.10. The accounting records determined by the RFO shall be sufficient to show and explain the council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the council from time to time comply with the Accounts and Audit Regulations.

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

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

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

- procedures to ensure that the financial transactions of the council are recorded as soon as reasonably practicable and as accurately and reasonably as possible;
- procedures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstruct any lost records;
- identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers in relation to significant transactions;
- procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and

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- measures to ensure that risk is properly managed.
- 1.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:
- setting the final budget or the precept (council tax requirement);
  - approving accounting statements;
  - approving an annual governance statement;
  - borrowing;
  - writing off bad debts;
  - declaring eligibility for the General Power of Competence; and
  - addressing recommendations in any report from the internal or external auditors, shall be a matter for the full council only.
- 1.14. In addition the council must:
- determine and keep under regular review the bank mandate for all council bank accounts;
  - 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 section 27 of the Audit Commission Act 1998, 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. On a regular basis, at least once in each quarter, and at each financial year end, the mayor or such other person appointed by the council shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of

verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the council's Finance and Corporate Governance committee.

- 2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit Regulations.
- 2.4. The council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the council shall make available such documents and records as appear to the council to be necessary for the purpose of the audit and shall, as directed by the council, supply the RFO, internal auditor, or external auditor with such information and explanation as the council considers necessary for that purpose.
- 2.5. The Council's Finance and Corporate Governance committee shall be responsible for the development of and monitoring of an annual Audit Plan and shall make recommendations to Council.
- 2.6. The Council's Finance and Corporate Governance committee shall be required to prepare and recommend to the council the Statement of Assurance and part of the Annual Return as required by the External Auditor.
- 2.7. 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.
- 2.8. The internal auditor shall:
  - be competent and independent of the financial operations of the council;
  - report to council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
  - to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
  - have no involvement in the financial decision making, management or control of the council.
  - Carry out the work set out in the Council's Audit Plan.
- 2.9. Internal or external auditors may not under any circumstances:
  - perform any operational duties for the council;
  - initiate or approve accounting transactions; or
  - direct the activities of any council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

- 2.10. 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.
- 2.11. The RFO shall make arrangements for the exercise of electors' rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.
- 2.12. The RFO shall, without undue delay, bring to the attention of all councillors any correspondence or report from internal or external auditors.

### **3. ANNUAL ESTIMATES (BUDGET) AND FORWARD PLANNING**

- 3.1. The RFO must each year, by no later than 14th January, prepare detailed estimates of all receipts and payments including the use of reserves and all sources of funding for the following financial year in the form of a budget to be considered by the council no later than 7<sup>th</sup> February.
- 3.2. The council shall fix the precept (council tax requirement), and relevant basic amount of council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.
- 3.3. The approved annual budget shall form the basis of financial control for the ensuing year.

### **4. BUDGETARY CONTROL AND AUTHORITY TO SPEND**

- 4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
  - the council for all items not delegated to a committee or officer;
  - a duly delegated committee provided provision is made in the delegated expenditure budget or
  - the Clerk for all items below £500 in the Administration and staffing budget codes provided that it is within budget and reported to the next full council meeting.

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

- 4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council, or duly delegated committee. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts

may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').

- 4.3. Unspent provisions in the revenue or capital budgets for completed projects shall not be carried forward to a subsequent year.
- 4.4. The salary budgets are to be reviewed at least annually between November and January for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.
- 4.5. In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of **£5000**. The Clerk shall report such action to the Mayor, Deputy Mayor and appropriate Committee Chairman as soon as possible and to the council as soon as practicable thereafter.
- 4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.
- 4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.
- 4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose "material" shall be in excess of £100 or 15% of the budget.
- 4.9. Changes in earmarked reserves shall be approved by council as part of the budgetary control process.

## **5. BANKING ARRANGEMENTS AND AUTHORISATION OF PAYMENTS**

- 5.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and must be approved by the council in advance; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the

schedule to council. The council / committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

- 5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council meeting.
- 5.5. The Clerk and RFO shall have delegated authority to initiate the payment of items only in the following circumstances (subject to authorisation by the approved signatories):
  - a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council;
  - b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council; or
  - c) fund transfers within the councils banking arrangements up to the sum of £50,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.
- 5.6. For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council [,or a duly authorised committee,] may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council .
- 5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- 5.8. In respect of grants the Town Council shall approve expenditure within any limits set by council and in accordance with any policy statement approved by council.

- 5.9. Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 5.10. The council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.
- 5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

## **6. INSTRUCTIONS FOR THE MAKING OF PAYMENTS**

- 6.1. The council will make safe and efficient arrangements for the making of its payments.
- 6.2. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be effected by cheque or via internet banking or other instructions to the council's bankers, or otherwise, in accordance with a resolution of council .
- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to council or committee shall be signed by two members of council in accordance with a resolution instructing that payment. A member who is a bank signatory, having a connection by virtue of family or business relationships with the beneficiary of a payment, should not, under normal circumstances, be a signatory to the payment in question.
- 6.5. To indicate agreement of the details shown on the cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. Cheques or orders for payment shall not normally be presented for signature other than at a council or committee meeting (including immediately before or after such a meeting). Any signatures obtained away from such meetings shall be reported to the council at the next convenient meeting.
- 6.7. If thought appropriate by the council, payments may be made by variable direct debit provided that the instructions are signed by two members and any payments are reported to council as made. The approval of the use of a variable direct debit shall be renewed by resolution of the council at least every two years.
- 6.8. If thought appropriate by the council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the council at least every two years.

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- 6.9.        If thought appropriate by the council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the council at least every two years.
- 6.10.      If thought appropriate by the council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment. **Prior to authorising payment members permitted to authorise payments through the Town Council's internet banking facility will be sent a copy of each invoice for payment. A hard copy of a screenshot of the authorisation sheet will be retained in the Town Council accounts file.**
- 6.11.      Where a computer requires use of a personal identification number (PIN) or other password(s), for access to the council's records on that computer, a note shall be made of the PIN and Passwords and shall be handed to and retained by the Chairman of Council in a sealed dated envelope. This envelope may not be opened other than in the presence of two other councillors. After the envelope has been opened, in any circumstances, the PIN and / or passwords shall be changed as soon as practicable. The fact that the sealed envelope has been opened, in whatever circumstances, shall be reported to all members immediately and formally to the next available meeting of the council. This will not be required for a member's personal computer used only for remote authorisation of bank payments.
- 6.12.      No employee or councillor shall disclose any PIN or password, relevant to the working of the council or its bank accounts, to any person not authorised in writing by the council or a duly delegated committee.
- 6.13.      Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably off site.
- 6.14.      The council, and any members using computers for the council's financial business, shall ensure that anti-virus, anti-spyware and firewall software with automatic updates, together with a high level of security, is used.
- 6.15.      Where internet banking arrangements are made with any bank, the Clerk [RFO] shall be appointed as the Service Administrator. The bank mandate approved by the council shall identify a number of councillors who will be authorised to approve transactions on those accounts. The bank mandate will state clearly the amounts of payments that can be instructed by the use of the Service Administrator alone, or by the Service Administrator with a stated number of approvals.
- 6.16.      Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

- 6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by the Clerk and 2 members. A programme of regular checks of standing data with suppliers will be followed.
- 6.18. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.
- 6.19. The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.
- a) The RFO shall maintain a petty cash float of £75 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
  - b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
  - c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to council under 5.2 above.

## **7. PAYMENT OF SALARIES**

- 7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.
- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available council meeting, as set out in these regulations above.
- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the council.
- 7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:
- a) by any councillor who can demonstrate a need to know;

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- b) by the internal auditor;
- c) by the external auditor; or
- d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.

- 7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.
- 7.6. Payment of all salaries and wages shall be made by the RFO in accordance with regulation 6.8 from the Council's current account via Shropshire council's payroll system under a Service Level Agreement.
- 7.7. All timesheets shall be certified as to accuracy by the RFO or in the case of the Clerk the Mayor or Deputy Mayor
- 7.8. An effective system of personal performance management should be maintained for the senior officers.
- 7.9. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by council.
- 7.10. Before employing interim staff the council must consider a full business case.

**8. LOANS AND INVESTMENTS**

- 8.1. All borrowings shall be effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by full council.
- 8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 8.3. All loans and investments shall be negotiated in the name of the council and shall be for a set period in accordance with council policy.
- 8.4. The council shall establish and maintain an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 8.5. All investments of money under the control of the council shall be in the name of the council.

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

## **9. INCOME**

- 9.1. The collection of all sums due to the council shall be the responsibility of and under the supervision of the RFO.
- 9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the council.
- 9.3. The council will review all fees and charges at least annually, following a report of the Clerk.
- 9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the council and shall be written off in the year.
- 9.5. All sums received on behalf of the council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the council's bankers with such frequency as the RFO considers necessary.
- 9.6. The origin of each receipt shall be entered on the paying-in slip.
- 9.7. Personal cheques shall not be cashed out of money held on behalf of the council.
- 9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 16 below)].

## **10. ORDERS FOR WORK, GOODS AND SERVICES**

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

## **11. CONTRACTS**

- 11.1. Procedures as to contracts are laid down as follows:
  - a. Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:
    - i. for the supply of gas, electricity, water, sewerage and telephone services;
    - ii. for specialist services such as are provided by 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 Clerk and RFO shall act after consultation with the Mayor, Deputy Mayor and Chairman of the Finance and Corporate Governance Committee); and
    - vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

- b. 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 the Regulations<sup>2</sup>.
- c. The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)<sup>3</sup>.
- d. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the council.
- e. Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- f. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- g. Any invitation to tender issued under this regulation shall be subject to Standing Orders<sup>18c</sup>, <sup>4]</sup> and shall refer to the terms of the Bribery Act 2010.
- h. When it is to enter into a contract of less than £60,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.
- i. The council shall not be obliged to accept the lowest or any tender, quote or estimate.
- j. 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

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<sup>2</sup> 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

<sup>3</sup> Thresholds currently applicable are:

- a. For public supply and public service contracts £189,330
- b. For public works contracts £4,733,252
- c. For a social and other specific contract £633,540

<sup>4</sup> Based on NALC’s model standing order 18d in Local Councils Explained © 2013 National Association of Local Councils

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.

## **12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS (PUBLIC WORKS CONTRACTS)**

- 12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the council.
- 12.3. Any variation to a contract or addition to or omission from a contract must be approved by the council and Clerk to the contractor in writing, the council being informed where the final cost is likely to exceed the financial provision.

## **13. STORES AND EQUIPMENT**

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

## **14. ASSETS, PROPERTIES AND ESTATES**

- 14.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.
- 14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £500
- 14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 14.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a full business case.
- 14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

## **15. INSURANCE**

- 15.1. Following the annual risk assessment (per Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers
- 15.2. The Clerk shall take prompt action to ensure
  - All new risks, properties or vehicles which require to be insured are added to the council's existing insurances.
  - notification of any alterations affecting existing insurances.
- 15.3. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.

26.5.22                    Agenda item 10a Financial Regulations Review

- 15.4.    The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to council at the next available meeting.
- 15.5.    All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council, or duly delegated committee.

**16.        CHARITIES**

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

**17.        RISK MANAGEMENT**

- 17.1.    The council is responsible for putting in place arrangements for the management of risk. The Clerk shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the council at least annually.
- 17.2.    When considering any new activity, the Clerk shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the council.

**18.        SUSPENSION AND REVISION OF FINANCIAL REGULATIONS**

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

26.5.22                      Agenda item 10a Financial Regulations Review

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

\* \* \*



# **Wem Town Council STANDING ORDERS**

**2021**

**adopted 24.6.21**

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In these standing orders the expression Mayor means the Chairman of the Council but any power or duty assigned to the Mayor in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

## **1. RULES OF DEBATE AT MEETINGS**

- a Motions on the agenda shall be considered in the order that they appear unless the order is changed at the discretion of the chairman of the meeting.
- b A motion (including an amendment) shall not be progressed unless it has been moved and seconded.
- c A motion on the agenda that is not moved by its proposer may be treated by the chairman of the meeting as withdrawn.
- d If a motion (including an amendment) has been seconded, it may be withdrawn by the proposer only with the consent of the seconder and the meeting.
- e An amendment is a proposal to remove or add words to a motion. It shall not negate the motion.
- f If an amendment to the original motion is carried, the original motion (as amended) becomes the substantive motion upon which further amendment(s) may be moved.
- g An amendment shall not be considered unless early verbal notice of it is given at the meeting and, if requested by the chairman of the meeting, is expressed in writing to the chairman.
- h A councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the chairman of the meeting.
- j Subject to standing order 1(k), only one amendment shall be moved and debated at a time, the order of which shall be directed by the chairman of the meeting.
- k One or more amendments may be discussed together if the chairman of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:

- i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a committee or sub-committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.
- s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under standing order 1(r), the contributions or speeches by a councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the chairman of the meeting.

## **2. DISORDERLY CONDUCT AT MEETINGS**

- a No person shall obstruct the transaction of business at a meeting or behave offensively or improperly. If this standing order is ignored, the chairman of the meeting

shall request such person(s) to moderate or improve their conduct.

- b If person(s) disregard the request of the chairman of the meeting to moderate or improve their conduct, any councillor or the chairman of the meeting may move that the person be no longer heard or be excluded from the meeting. The motion, if seconded, shall be put to the vote without discussion.
- c If a resolution made under standing order 2(b) is ignored, the chairman of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

### 3. MEETINGS GENERALLY

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

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all 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 15 minutes unless directed by the chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than 3 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 chairman of the meeting

may direct that a written or oral response be given.

- i A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chairman of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- 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 Mayor of the Council may in his absence be done by, to or before the Deputy-Mayor of the Council (if there is one).**
- p **The Mayor of the Council, if present, shall preside at a meeting. If the Mayor is absent from a meeting, the Deputy-Mayor of the Council (if there is one) if present, shall preside. If both the Mayor and the Deputy-Mayor are absent from a meeting, a councillor as chosen by the councillors present at the meeting shall preside at the meeting.**
- q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- r **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.**

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

- s **Unless standing orders provide otherwise, voting on a question shall be**

**by a show of hands.** Except in the following circumstances when voting can be by secret ballot

- i. Election of Mayor or Deputy Mayor
- ii. Voting on Honorary Townsman Awards
- iii. Voting on Co-option Applications

In the aforementioned cases the Town Clerk shall act as Returning Officer

**At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.

- t The minutes of a meeting shall include an accurate record of the following:
- i. the time and place of the meeting;
  - ii. the names of councillors who are present and the names of councillors who are absent;
  - iii. interests that have been declared by councillors and non-councillors with voting rights;
  - iv. the grant of dispensations (if any) to councillors and non-councillors with voting rights;
  - v. whether a councillor or non-councillor with voting rights left the meeting when matters that they held interests in were being considered;
  - vi. if there was a public participation session; and
  - vii. the resolutions made.
- u **A councillor or a non-councillor with voting rights who has a 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 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 2 hours.

#### **4. COMMITTEES AND SUB-COMMITTEES**

- a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**
- b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
  - vi. 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;
  - vii. shall determine if the public may participate at a meeting of a committee;
  - viii. 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;
  - ix. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
  - x. 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 Chairman and Deputy-Mayor (if there is one) of the Council.**
  - f **The Mayor of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
  - g **The Deputy-Mayor of the Council, if there is one, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Mayor of the Council at the next annual meeting of the Council.**
  - h **In an election year, if the current Mayor of the Council has not been re-elected as a member of the Council, he shall preside at the annual meeting until a successor Mayor of the Council has been elected. The current Mayor of the Council shall not have an original vote in respect of the election of the new Mayor 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 Mayor of the Council has been re-elected as a member of the Council, he shall preside at the annual meeting until a new Mayor of the Council has been elected. He may exercise an original vote in respect of the election of the new Mayor of the Council and shall give a casting vote in the case of an equality of votes.**
  - j Following the election of the Mayor of the Council and Deputy-Mayor (if there is one) of the Council at the annual meeting, the business shall include:
    - i. **In an election year, delivery by the Mayor 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 Mayor of the Council of his acceptance of office form unless the Council resolves for this to be done at a later date;**
    - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
    - iii. Receipt of the minutes of the last meeting of a committee;
    - iv. Consideration of the recommendations made by a committee;
    - v. Review of delegation arrangements to committees, sub-committees, staff and other local authorities;
    - vi. Review of the terms of reference for committees;

- vii. Appointment of members to existing committees;
- viii. Appointment of any new committees in accordance with standing order 4;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses.
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. 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 Mayor may convene an extraordinary meeting of the Council at any time.**
- b **If the Mayor does not call an extraordinary meeting of the Council within seven days of having been requested in writing to do so by two councillors, any two councillors may convene an extraordinary meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two councillors.**
- c The chairman of a committee [or a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.

- d If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within 5 days of having been requested to do so by 4 members of the committee [or the sub-committee], any 4 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 4 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 chairman of the meeting.

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

- a A motion shall relate to the responsibilities of the meeting for which it is tabled and in any event shall relate to the performance of the Council's statutory functions, powers and obligations or an issue which specifically affects the Council's area or its residents.
- b No motion may be moved at a meeting unless it is on the agenda and the mover has given written notice of its wording to the Proper Officer at least 10 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b), correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it, so that it can be understood, in writing, to the Proper Officer at least 7 clear days before the meeting.
- e If the wording or subject of a proposed motion is considered improper, the Proper

Officer shall consult with the chairman of the forthcoming meeting or, as the case may be, the councillors who have convened the meeting, to consider whether the motion shall be included in the agenda or rejected.

- f The decision of the Proper Officer as to whether or not to include the motion on the agenda shall be final.
- g Motions received shall be recorded and numbered in the order that they are received.
- h Motions rejected shall be recorded with an explanation by the Proper Officer of the reason for rejection.

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

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

**11. MANAGEMENT OF INFORMATION**

*See also standing order 20.*

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g. the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

**12. DRAFT MINUTES**

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

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

are confirmed as an accurate record of the proceedings.”

- e **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 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 has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he 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 has another interest if so required by the Council’s code of conduct. He may return to the meeting after it has considered the matter in which he 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 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 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 Mayor of Council of this fact, and the Mayor 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 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 **7** days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of the Council for the election of a new Mayor of the Council, occasioned by a casual vacancy in his office;**
- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. hold acceptance of office forms from councillors;
- vii. hold a copy of every councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of 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. refer a planning application received by the Council to the Chairman or in his absence the Vice-Chairman of the Planning and Highways and Climate Change 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 Planning, Highways and Climate Change Committee;

- xv. manage access to information about the Council via the publication scheme; and
- xvi. 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 member of the Finance and Corporate Governance Committee 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 7 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 in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity 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. **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £189,330 for a public service or supply contract or in excess of £4,733,252 for a public works contract or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU.**
- g. **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £378,660 for a supply, services or design contract; or in excess of £4,733,252 for a works contract; or £663,540 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**

#### **Standing order 18 Updated by NALC 2022**

- 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 Finance and Corporate Governance 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 Mayor or, if he is not available, the Deputy Mayor of absence occasioned by illness or other reason and that person shall report such absence to the Finance and Corporate Governance Committee at its next meeting.
- c The Mayor and chairman of the Finance and Corporate Governance Committee or in his absence, the Deputy Mayor shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Town Clerk. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Finance and Corporate Governance 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 Mayor or in his absence, the Deputy Mayor in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Finance and Corporate Governance Committee
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by Town Clerk relates to the Mayor or Deputy Mayor, this shall be communicated to another member of the Finance and Corporate Governance Committee, which shall be reported back and progressed by resolution of the Finance and Corporate Governance 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. **The Council, shall publish information in accordance with the requirements of the Smaller Authorities (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 shall appoint a Data Protection Officer.**

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

## **22. RELATIONS WITH THE PRESS/MEDIA**

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

## **23. EXECUTION AND SEALING OF LEGAL DEEDS**

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

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

## **24. COMMUNICATING WITH 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 Unitary Council representing the area of the Council.
- b Unless the Council determines otherwise, a copy of each letter sent to the Unitary Council shall be sent to the ward councillor(s) representing the area of the Council.
- c Shropshire Councillors will be permitted to speak on matters of mutual interest upon invitation of the Mayor

## **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. HONORARY TOWNSMAN**

- a. In accordance with the provisions of Standing Order No.6 (j) (xvii) the Council shall at its Annual General Meeting only receive such nominations to the title of "Honorary Townsperson".
- b. Any such nominations shall stand adjourned for consideration at the next ordinary meeting of the Council.
- c. The Council may decide not to make any such appointment in any year but in any event shall not make more than two appointments per year.

## **27. 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 4 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 councillors as soon as possible.
- d. The decision of the Mayor of a meeting as to the application of standing orders at the meeting shall be final.

## **28. VIRTUAL MEETINGS**

The following meetings are currently permitted to meet remotely

- Liaison Groups
- Task and Finish Groups
- Working Parties

Committees, Sub committees and Full Council are not legally permitted to meet remotely.

Should regulations be amended to give Council's the option to conduct meetings remotely the Council will predominantly use Zoom Platform and Councillors will adhere to the Virtual Meeting protocols as adopted 28.5.20.

## Wem Town Council

### COMPLAINTS PROCEDURE 2021

Wem Town Council define a complaint as an expression of dissatisfaction about the Council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council.

Complaints can provide valuable learning points which help to improve service delivery. The Town Council's Complaints Procedure Aims:

- To ensure that customers are treated fairly and assist them in making a complaint by being easy and straightforward to use;
- To ensure complaints will be investigated as quickly and thoroughly as possible, and in a positive, problem-solving manner;
- To ensure that the outcome and resolution of complaints will be used to monitor the Council's performance and improve service delivery;

On the receipt of a complaint in the first instance the Town Clerk or Mayor will make every attempt to contact the complainant to attempt to resolve the complaint less formally. If this is not possible then the following procedure will be followed for those who wish to make a formal complaint.

#### Complaints against Councillors

All councillors sign to undertake to observe the Code of Conduct adopted by the Town Council. A full copy of the Code of Conduct is available on the Town Council's website at [www.wem.gov.uk](http://www.wem.gov.uk) If after studying the Code of Conduct a complainant feels a Councillor has broken any of the rules in the Code of Conduct, they should refer the complaint directly to

The Monitoring Officer  
Shropshire Council  
The Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

#### Complaints against the Clerk:

Complaints should be in writing to the Mayor : -

The Mayor  
Wem Town Council  
Edinburgh House  
New Street  
Wem  
SY4 5DB

**Any other complaints** should be in writing to the Town Clerk

Penny O'Hagan – Town Clerk  
Wem Town Council  
Edinburgh House

New Street  
Wem  
SY4 5DB

### **Receipt of the Complaint**

All complaints must be submitted in writing - The Council will not consider anonymous complaints therefore a name and contact address must be included with all correspondence. Complaints should enclose as much information as possible.

Receipt of the complaint will be acknowledged by either a member of Council staff or the Mayor in 7 working days and the complainant will be informed who will be investigating the complaint. It is hoped to be able to resolve most non-complex complaints immediately, but for more complex issues an investigation may need to be undertaken.

On receipt of a complaint, the Clerk or the Mayor (if the complaint relates to the Clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying members of the Complaints Committee and any person complained about, giving them an opportunity to comment.

### **Complaint Investigation**

If it has not been possible to resolve the complaint informally, the Council's Complaints Committee will formally meet to investigate the complaint in more detail.

If deemed necessary at this stage the complainant may be invited to a meeting with the Complaints Committee to discuss the issues raised. If the complainant is submitting documentation or evidence for the meeting they should provide copies to the Complaints Committee at least 7 clear working days before the meeting. Similarly the Clerk will supply the complainant with copies of any Town Council documents that are requested, provided these are documents available under the Freedom of Information Act 2000 and Data Protection Act.

The complaints committee will present the findings of investigations into complaints to the next Town Council meeting along with any recommendations for any future service improvements identified as a result of the complaint.

Under Public Bodies (Admission to meetings) Act 1960 the Council or Committee may consider whether the circumstances warrant the matter being discussed in the absence of the press and public. In the interests of openness and accountability there must be clear relevant reasons or a request from the Complainant for the matter to be held without the presence of the press or public. The decision of the Council or Committee, however, will be made public at the end of the meeting.

Investigations will be dealt with as quickly as possible and under normal circumstances the complainant should receive a written response within 20 working days however in the case of complex complaints if it is not possible to meet this timescale the complainant will be informed.

It should be noted that currently the Local Government Ombudsman has no jurisdiction over Parish and Town Councils.

### **CODE OF PRACTICE FOR DEALING WITH UNREASONABLE AND PERSISTENT COMPLAINANTS**

From time to time the Town Council receives complaints from members of the public. Some complaints are received by telephone or in writing and some by a visit to the Town Clerk's office. In order to deal with complaints efficiently and effectively the Town Council has a Complaints Policy.

In the event that a complainant begins to make frequent contact with the Town Clerk and hinders the normal day to day running of the Town Council, the Council will implement a policy for dealing with frequent or vexatious complainants, since such complaints can be time consuming and could lead to unnecessary additional cost to the Council tax payer.

The Town Council's policy for dealing with unreasonable and persistent complainants will become operative if the complainant is deemed to be unreasonably persistent either by written or oral communication or excessive visits to the Town Clerk's office.

#### **PROCEDURE**

A vexatious complainant will be notified that the Council's Policy for dealing with unreasonable and persistent complaints is to be enforced, together with the reason why.

The complainant will then be asked to adopt one or all of the following procedures

- To contact the Town Council in a particular form (for example, letters only);
- That contact with Council Staff may only take place with a Councillor present;
- That telephone calls from the complainant are restricted to specified days and times;.
- That the complainant will be asked to enter into an agreement about future contact with the Town Council

The Council will decide how long it will spend on any one complaint and whether it feels the complaint has been sufficiently dealt with. In all cases where a complainant is deemed to be unreasonable and persistent, the Council will write to the complainant to justify its course of action and explain for how long it will be operative.

The complainant may challenge the Council's decision, although proof that the complaint has not been sufficiently dealt with will be required. However, if deemed to be a fair challenge the Council will conduct a review of the complaint and will reconsider whether the complaint should still be treated as unreasonable and/or vexatious.

This policy was adopted on 31.5.18 and will be reviewed annually. (last reviewed 24.6.21 no changes)



## WEM TOWN COUNCIL PUBLICATION SCHEME

Publication scheme as required under section 19 (2) of the freedom of information act 2000 revised December 2008 and adopted 1 January 2009. Reviewed May 2018, May 2019, June 2021.

### Wem Town Council

#### Access to information

Under the Freedom of Information Act the Town Council is obliged to set up a Publication Scheme containing details of the information the Council routinely publishes and which the public is able to access.

A copy of the Publication Scheme is enclosed. The scheme is designed to promote openness and accountability to the people of Wem, whom the Council serves and represents.

Any resident can request access to information by writing to the Town Clerk at Edinburgh House, New Street, Wem SY4 5DB.

Excluded from the scheme is any general correspondence sent or received by the Council and all information relating to private individuals by virtue of it being personal data under the General Data Protection Regulations 2018

The information is held as paper copy only. Charges for the information will be at the discretion of the Town Clerk but will not be more than £1 per sheet. Further details of the scheme can be obtained from the Town Clerk.

The Council hopes this note is helpful but if you require any further details please do not hesitate to contact the Town Clerk on 01939 232733.

#### CLASSES OF INFORMATION

1.Council Information	How the information can be obtained
Membership of the Council and Committees	Website Hard copy
Contact details of Clerk and Councillors	Website Hard copy
Location of main office and accessibility details	Website Hard copy
Staffing Structure	Website Hard copy
2.Financial Information	How the information can be obtained

Annual Return Form and annual statutory report by Auditor	Hard copy
Annual Budget	Website Hard copy
Precept request	Hard copy
Borrowing approval letter(s)	Hard copy
Financial Standing Orders and Regulations	Website Hard copy
Grants given and received	Hard copy
List of current contracts	Hard copy
Members' expenses	Hard copy

<b>3.Priorities</b>	<b>How the information can be obtained</b>
Annual Report	Hard copy Website
Local Charters drawn up in accordance with DCLG guidelines	n/a

<b>4.Decision Making</b>	<b>How the information can be obtained</b>
Timetable of Meetings	Hard copy Website
Agendas	Website Hard copy
Minutes of Council, Committee and Sub Committee meetings –limited to the last two years (excluding any confidential items)	Website Hard copy
Reports presented to meeting (excluding any confidential items)	Hard copy
Responses to planning applications	Hard copy
Responses to consultation documents	Hard copy

<b>5.Policies and Procedures</b>	<b>How the information can be obtained</b>
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Standing Orders (procedures) for the conduct of council business	Hard copy Website
Terms of reference for Committees and sub committees.	Website Hard copy
Code of conduct	Website Hard copy
Members Declaration of acceptance of office	Hard copy
Health and Safety policy	Hard copy
Equality and diversity policy	Hard copy
Policies and procedures for handling of requests for information	Website Hard copy
Complaints procedure	Website Hard copy
Data Protection policies	Website Hard copy

<b>6.Assets</b>	<b>How the information can be obtained</b>
Assets Register	Hard copy Website
<i>Plan of Allotments (and Standard Tenancy Agreement) Exclusions –individual tenancy agreements and rent payment records under both privacy and data protection laws.</i>	Hard copy
<i>Plan of Burial Ground and General Policies Exclusions –all documentation relating to individual applications and registrations under both privacy and data protection laws.</i>	Website Hard copy
Members Register of Interests	Hard copy / Shropshire Council website
Register of gifts and hospitality	Hard copy

<b>7. Services</b>	<b>How the information can be obtained</b>
Allotments	Inspection
Burial Ground	Inspection
Recreation Grounds / play areas	Inspection

Street Lighting	Inspection
Seating and bus shelters	inspection
Public Conveniences	Inspection

#### Charges for the Information

Charges for copies of the information will be at the discretion of the Town Clerk but will not exceed the sum of £1 per sheet. To inspect the information will be free.

The information is held by the Council in paper copy only and any requests to access it should be made in writing to

The Town Clerk  
Wem Town Council  
Edinburgh House  
New Street  
Wem  
SY4 5DB

For further information or clarification of the information available under the Scheme please contact the Town Clerk either by writing to the above address, by telephone 01939 232733 or by email [info@wem.gov.uk](mailto:info@wem.gov.uk).

# **WEM TOWN COUNCIL**

## **Retention of Information Policy 2018**

### **(Reviewed 25.4.19, 30.7.20, 12.10.21)**

#### **Introduction**

Wem Town Council accumulates a vast amount of information and data during the course of its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various different types of document.

Records created and maintained by the Council are an important asset and as such measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of the Council's transactions and are necessary to ensure it can demonstrate accountability.

Documents may be retained in either 'hard' paper form or in electronic forms. For the purpose of this policy, 'document' and 'record' refers to both hard copy and electronic records.

It is imperative that documents are retained for an adequate period of time. If documents are destroyed prematurely the Council and individual officers concerned could face prosecution for not complying with legislation and it could cause operational difficulties, reputational damage and difficulty in defending any claim brought against the Council.

In contrast to the above the Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the General Data Protection Regulations so that personal information is not retained longer than necessary. This will also ensure the most efficient use of limited storage space.

#### **Scope and Objectives of the Policy**

The aim of this document is to provide a working framework to determine which documents are:

- Retained – and for how long; or
- Disposed of – and if so by what method.

There are some records that do not need to be kept at all or that are routinely destroyed in the course of business. This usually applies to information that is duplicated, unimportant or only of a short-term value. Unimportant records of information include:

- 'With compliments' slips.
- Catalogues and trade journals.
- non-acceptance of invitations.
- Trivial electronic mail messages that are not related to Council business.
- Requests for information such as maps, plans or advertising material.
- Out of date distribution lists.

Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.

Records should not be destroyed if the information can be used as evidence to prove that something has happened. If destroyed the disposal needs to be disposed of under the General Data Protection Regulations

### **Roles and Responsibilities for Document Retention and Disposal**

Councils are responsible for determining whether to retain or dispose of documents and should undertake a review of documentation at least on an annual basis to ensure that any unnecessary documentation being held is disposed of under the General Data Protection Regulations.

Councils should ensure that all employees are aware of the retention/disposal schedule.

### **Document Retention Protocol**

Councils should have in place an adequate system for documenting the activities of their service. This system should take into account the legislative and regulatory environments to which they work.

Records of each activity should be complete and accurate enough to allow employees and their successors to undertake appropriate actions in the context of their responsibilities to:

- Facilitate an audit or examination of the business by anyone so authorised.
- Protect the legal and other rights of the Council, its clients and any other persons affected by its actions.
- Verify individual consent to record, manage and record disposal of their personal data.
- Provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.

To facilitate this the following principles should be adopted:

- Records created and maintained should be arranged in a record-keeping system that will enable quick and easy retrieval of information under the General Data Protection Regulations
- Documents that are no longer required for operational purposes but need retaining should be placed at the records office.

The retention schedules in Appendix A: List of Documents for Retention or Disposal provide guidance on the recommended minimum retention periods for specific classes of documents and records. These schedules have been compiled from recommended best practice from the Public Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.

Whenever there is a possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.

### **Document Disposal Protocol**

Documents should only be disposed of if reviewed in accordance with the following:

- Is retention required to fulfil statutory or other regulatory requirements?
- Is retention required to meet the operational needs of the service?
- Is retention required to evidence events in the case of dispute?
- Is retention required because the document or record is of historic interest or intrinsic value?

When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned. A record of the disposal will be kept to comply with the General Data Protection Regulations.

Documents can be disposed of by any of the following methods:

- Non-confidential records: place in waste paper bin for disposal.
- Confidential records or records giving personal information: shred documents.
- Deletion of computer records.
- Transmission of records to an external body such as the County Records Office.

The following principles should be followed when disposing of records:

- All records containing personal or confidential information should be destroyed at the end of the retention period. Failure to do so could lead to the Council being prosecuted under the General Data Protection Regulations.
- the Freedom of Information Act or cause reputational damage.
- Where computer records are deleted steps should be taken to ensure that data is 'virtually impossible to retrieve' as advised by the Information Commissioner.
- Where documents are of historical interest it may be appropriate that they are transmitted to the County Records office.
- Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).

Records should be maintained of appropriate disposals. These records should contain the following information:

- The name of the document destroyed.
- The date the document was destroyed.
- The method of disposal.

### **Data Protection Act 2018 – Obligation to Dispose of Certain Data**

The Data Protection Act 2018 ('Fifth Principle') requires that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained. Section 1 of the Data Protection Act defines personal information as:

Data that relates to a living individual who can be identified:

- a) from the data, or
- b) from those data and other information which is in the possession of, or is likely to come into the possession of the data controller.

It includes any expression of opinion about the individual and any indication of the intentions of the Council or other person in respect of the individual.

The Data Protection Act provides an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely provided that the specific requirements are met.

Councils are responsible for ensuring that they comply with the principles of the under the General Data Protection Regulations namely:

- Personal data is processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.
- Personal data shall only be obtained for specific purposes and processed in a compatible manner.
- Personal data shall be adequate, relevant, but not excessive.

- Personal data shall be accurate and up to date.
- Personal data shall not be kept for longer than is necessary.
- Personal data shall be processed in accordance with the rights of the data subject.
- Personal data shall be kept secure.

External storage providers or archivists that are holding Council documents must also comply with the above principles of the General Data Protection Regulations.

### **Scanning of Documents**

In general once a document has been scanned on to a document image system the original becomes redundant. There is no specific legislation covering the format for which local government records are retained following electronic storage, except for those prescribed by HM Revenue and Customs.

As a general rule hard copies of scanned documents should be retained for three months after scanning.

Original documents required for VAT and tax purposes should be retained for six years unless a shorter period has been agreed with HM Revenue and Customs.

### **Review of Document Retention**

It is planned to review, update and where appropriate amend this document on a regular basis (at least every three years in accordance with the *Code of Practice on the Management of Records* issued by the Lord Chancellor).

This document has been compiled from various sources of recommended best practice and with reference to the following documents and publications:

- *Local Council Administration*, Charles Arnold-Baker, 9th edition, Chapter 11
- Local Government Act 1972, sections 225 – 229, section 234
- SLCC Advice Note 316 Retaining Important Documents
- SLCC Clerks' Manual: Storing Books and Documents
- *Lord Chancellor's Code of Practice on the Management of Records* issued under Section 46 of the *Freedom of Information Act 2000*

### **List of Documents**

The full list of the Council's documents and the procedures for retention or disposal can be found in the attached List of Documents for Retention and Disposal. This is updated regularly in accordance with any changes to legal requirements.

**This policy was adopted on 26.4.18 and reviewed on 25.4.19, 30.7.20, 12.10.21**

# Wem Town Council

## Information & Data Protection Policy

### Introduction

In order to conduct its business, services and duties, Wem Town Council processes a wide range of data, relating to its own operations and some which it handles on behalf of partners. In broad terms, this data can be classified as:

- Data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.
- Confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
- Confidential information about other organisations because of commercial sensitivity.
- Personal data concerning its current, past and potential employees, Councillors, and volunteers.
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

Wem Town Council will adopt procedures and manage responsibly, all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

The Town Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

The Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, in the case of all information which is not personal or confidential, it will be prepared to make it available to partners and members of the Town's communities. Details of information which is routinely available is contained in the Council's Publication Scheme which is based on the statutory model publication scheme for local councils.

### Protecting Confidential or Sensitive Information

Wem Town Council recognises it must at times, keep and process sensitive and personal information about both employees and the public, it has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

The General Data Protection Regulation (GDPR) which became law on 25<sup>th</sup> May 2018 and will like the the Data Protection Act 1998 before them, seek to strike a balance between the rights of individuals and the sometimes, competing interests of those such as the Town Council with legitimate reasons for using personal information.

### The policy is based on the premise that Personal Data must be:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date.

- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

### Data Protection Terminology

**Data subject** - means the person whose personal data is being processed.

That may be an employee, prospective employee, associate or prospective associate of BTC or someone transacting with it in some way, or an employee, Member or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.

**Personal data** - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person.

It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

**Sensitive personal data** - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

**Data controller** - means a person who (either alone or jointly or in common with other persons) (e.g. Town Council, employer, council) determines the purposes for which and the manner in which any personal data is to be processed.

**Data processor** - in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

**Processing information or data** - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it
- retrieving, consulting or using the information or data
- disclosing the information or data by transmission, dissemination or otherwise making it available
- aligning, combining, blocking, erasing or destroying the information or data. regardless of the Technology used.

Wem Town Council processes **personal data** in order to:

- fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law.
- pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law.
- monitor its activities including the equality and diversity of its activities
- fulfil its duties in operating the business premises including security
- assist regulatory and law enforcement agencies
- process information including the recording and updating details about its Councillors, employees, partners and volunteers.

- process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint.
- undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council.
- undertake research, audit and quality improvement work to fulfil its objects and purposes.
- carry out Council administration.

Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time.

**The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:**

- The individual has consented to the processing
- Processing is necessary for the performance of a contract or agreement with the individual
- Processing is required under a legal obligation
- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out public functions
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any **sensitive personal information** and the Town Council will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
- Required by law to process the data for employment purposes
- A requirement in order to protect the vital interests of the individual or another person

**Who is responsible for protecting a person's personal data?**

The Town Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Council has delegated this responsibility day to day to the Town Clerk.

- Email: [info@wem.gov.uk](mailto:info@wem.gov.uk)
- Phone: [01939 232733](tel:01939232733)
- Correspondence: The Town Clerk, [Wem Town Council, Edinburgh House, New Street, Wem SY4 5DB](#)
- The Town Council has yet to appoint an external Data Protection Officer during this interim period the Town Clerk will be responsible for ensuring compliance with Data Protection legislation and may be contacted at: [Wem Town Council, Edinburgh House, New Street, Wem SY4 5DB](#)

**Diversity Monitoring**

Wem Town Council monitors the diversity of its employees, and Councillors, in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It undertakes similar data handling in respect of prospective employees. This data will always be treated as confidential. It will only be accessed by authorised individuals within the Council and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.

The Council will always give guidance on personnel data to employees, councillors, partners and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Appropriate technical and organisational measures will be taken against Unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data. Personal data shall not be transferred to a country or territory outside the European Economic Areas unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

### **Information provided to us**

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with Wem Town Council, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however where ever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Town Council is able to keep their personal data accurate and up-to-date. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided.

### **The Councils Right to Process Information**

General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e)

Processing is with consent of the data subject, or

Processing is necessary for compliance with a legal obligation.

Processing is necessary for the legitimate interests of the Council.

### **Information Security**

The Town Council cares to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies.

We will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

### **Children**

We will not process any data relating to a child (under 13) without the express parental/ guardian consent of the child concerned.

### **Rights of a Data Subject**

**Access to Information:** an individual has the right to request access to the information we have on them. They can do this by contacting our Town Clerk or Data Protection Officer:

**Information Correction:** If they believe that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact: Town Clerk.

**Information Deletion:** If the individual wishes the Town Council to delete the information about them, they can do so by contacting the Town Clerk.

**Right to Object:** If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Town Clerk or Data Protection Officer.

The Town Council does not use automated decision making or profiling of individual personal data.

**Complaints:** If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Town Clerk or the Information Commissioners Office [casework@ico.org.uk](mailto:casework@ico.org.uk) Tel: 0303 123 1113.

The Council will always give guidance on personnel data to employees through the Employee handbook.

The Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

### **Making Information Available**

The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish. It is supplemented with an Information Guide which will give greater detail of what the Council will make available and hopefully make it easier for people to access it.

All formal meetings of Council and its committees are subject to statutory notice being given on notice boards, the Website and sent to the local media. The Council publishes an annual programme in May each year. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session on each Council and committee meeting. Details can be seen in the Council's Standing Orders, which are available on its Website or at its Offices.

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to the workforce or paying an invoice approved by Council, but would include urgent action taken after consultation with the Chairman, such as responding to a planning application in advance of Council. In other words, decisions which would have been made by Council or committee had the delegation not been in place.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of council and committee meetings normally open to the public. The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

The Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

**Disclosure Information**

The Council will as necessary undertake checks on both staff and Members with the the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information. It will include an appropriate operating procedure in its integrated quality management system.

**Data Transparency**

The Council has resolved to act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet obligations of the legislative framework concerning information.

“Public data” means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery.

The Code will therefore underpin the Council’s decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops.

The principles of the Code are:

**Demand led:** new technologies and publication of data should support transparency and accountability

**Open:** the provision of public data will be integral to the Council’s engagement with residents so that it drives accountability to them.

**Timely:** data will be published as soon as possible following production.

Government has also issued a further Code of Recommended Practice on Transparency, compliance of which is compulsory for town and parish councils with a turnover (gross income or gross expenditure) not exceeding £25,000 per annum. These councils will be exempt from the requirement to have an external audit from April 2017. Wem Town Council exceeds this turnover but will never the less ensure the following information is published on its Website for ease of access:

- All transactions above £250.
- End of year accounts
- Annual Governance Statements
- Internal Audit Reports
- List of Councillor or Member responsibilities
- Details of public land and building assets
- Draft minutes of Council and committees within one month
- Agendas and associated papers no later than three clear days before the meeting.

Adopted by Council: Wem Town Council 26.4.18

Reviewed 25.4.19, 30.7.20, **12.10.21**

## **Protocol – Councillor/Staff Relations**

### **Aim**

A Council's reputation and integrity is often and significantly influenced by the way in which Councillors, the Clerk (and other staff) work together to support each other's roles. The overall aim is effective and professional working relationships based upon mutual trust, respect and courtesy where close personal familiarity is avoided.

This Protocol is intended to assist both Councillors and the Clerk in their working relationships, particularly in approaching matters that may arise which may be of a sensitive nature.

### **Roles and Responsibilities**

In summary:

Councillors and employees both serve the public and are indispensable to one another. Their responsibilities are different. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Councillors should promote the highest standards of conduct and ethics. They act collectively as employer. Officers are responsible to the Council. Their role is to give advice to Councillors and to the Council and to carry out the work and decisions of the Council under the direction and control of the Council (and its Committees).

### **Councillors**

Councillors' four main areas of responsibility are:

- To determine Council policy and provide community leadership
- To monitor and review Council performance in delivering services
- To represent the Council externally
- To act as advocates for their residents

Councillors have the same rights and obligations in their relationship with the Clerk (and any other employees), regardless of their status and should be treated equally.

Councillors should not involve themselves in the day to day running of the Council, as this is the Clerk's responsibility. The Clerk acts on instructions from the Council (or its Committees) within an agreed Job Description. The Council may delegate some of its statutory functions and powers to the Clerk where no statutory prohibition applies (for example approving the Council's annual accounts). These are set out in Standing Orders/Financial Regulations (or a separate Scheme of Delegation).

### **Mayor/Chairman (Chairmen and Vice Chairmen of Committees)**

The Mayor/Chairman (and Committee Chairs and Vice Chairs) has (have) additional responsibilities meaning that their relationships with the Clerk/Officers may be different and more complex than those of other Councillors. However, they must still respect the impartiality of the Clerk/Officers and must not ask them to undertake anything, which would prejudice their impartiality.

**Clerk (other Officers)**

The role of the Clerk/Officers is to provide advice and information to Councillors and to implement the policies and decisions determined by the Council.

In giving advice and in preparing and presenting reports, it is the responsibility of the Clerk/Officers to express their professional views and recommendations. If a Councillor wishes to express a contrary view, the Councillor should not pressurise the Clerk to make a recommendation contrary to the Clerk's professional view. Councillors should not victimise the Clerk/Officers for discharging their responsibilities.

**Expectations**

All Councillors can expect from the Clerk (and other Officers):

- A commitment to the Council as a whole, and not to any individual Councillor, group of Councillors or a political group
- A professional working relationship
- An understanding and support of respective roles, pressures and workloads
- A timely response to enquiries
- Professional advice not influenced by personal preferences, political views or personality
- Up to date, timely information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions held
- Awareness and sensitivity to the public and political environment locally
- Respect, courtesy, integrity and appropriate confidentiality
- Information on training and development opportunities to help them carry out their role effectively
- Not to have personal issues raised outside the Council's agreed procedures
- Not to use their contact with Councillors to advance their personal interests or to influence decision improperly

The Clerk (and other Officers) can expect from Councillors:

- A working partnership
- An understanding and support of respective roles, pressures and workloads
- Leadership and direction
- Respect, courtesy, integrity and appropriate confidentiality
- Not to be bullied or put under pressure
- Not to have issues raised about them in public
- Not to use their position or relationship with the Clerk/Officers to advance their personal interests or those of others or to influence decisions improperly
- To comply at all times with the Council's adopted Code of Conduct

General Principles:

- Equality and Diversity should be positively promoted

- Close personal familiarity should be avoided
- Close personal relationships between Councillors and Officers can confuse their separate roles and get in the way of the proper conduct of Council business, not least by creating a perception in others that a particular Councillor or Officer is getting preferential treatment
- Special relationships with particular individuals or party political groups should be avoided as it can create suspicion that an employee favours that Councillor or political group above others.

**Note on Political Groups**

*Town councillors serve their local community as members of the community. It is the National Association of Local Councils' policy that party politics should have no place in Town Councils. NALC provides advice or guidance on matters relating to party groups and operating within a political environment.*

**When things go wrong**

## Procedure for Officers

The relationship between Councillors and the Clerk/other Officers does not always run smoothly. Should such relationship break down or become strained efforts should be made to resolve matters informally if this can be achieved. If not, then the formal grievance procedure should be followed which allows the Clerk/individual employees to raise concerns, problems or complaints about their employment in an open and fair way. Within this procedure, a small group of Councillors has delegated authority to hear the grievance. The Mayor/Chairman should not attempt to deal with grievances on their own.

## For Councillors

If a Councillor is dissatisfied with the conduct, behaviour or performance of the Clerk, the matter should be raised with the Clerk in the first instance. If the matter cannot be resolved informally, it may be necessary to invoke the Council's disciplinary procedure.

## **Wem Town Council Press Policy**

### **Adopted 30.7.20, reviewed 12.10.21**

#### **1 INTRODUCTION**

1.1 The purpose of this policy is to define the roles and responsibilities within the Council for working with the media and deals with the day-to-day relationship between the Council and the media.

1.2 It is not the intention of this policy to curb freedom of speech or to enforce strict rules and regulations. Rather, it provides guidance on how to deal with issues that may arise when dealing with the media.

#### **2 KEYS AIMS**

2.1 The Council is accountable to the local community for its actions and this can only be achieved through effective two-way communications. The media – press, radio, TV, internet – are crucially important in conveying information to the community so the Council must maintain positive, constructive media relations and work with them to increase public awareness of the services and facilities provided by the Council and to explain the reasons for particular policies and priorities.

2.2 It is important that the press have access to the Clerk/ Members and to background information to assist them in giving accurate information to the public. To balance this, the Council will defend itself from any unfounded criticism and will ensure that the public are properly informed of all the relevant facts using other channels of communication if necessary.

#### **3 THE LEGAL FRAMEWORK**

3.1 The law governing communications in local authorities can be found in the Local Government Acts 1986 and 1988. The Council must also have regard to the governments Code of Recommended Practice on Local Authority Publicity.

3.2 The Town Council's adopted Standing Orders should be adhered to.

#### **4. CONTACT WITH THE MEDIA**

4.1 The Clerk and Members should always have due regard for the long-term reputation of the Council in all their dealings with the media.

4.2 Confidential documents, exempt Minutes, reports, papers and private correspondence should not be leaked to the media. If such leaks do occur, an investigation will take place to establish who responsible and appropriate action was taken.

4.3 When the media wish to discuss an issue that is, or is likely to be, subject to legal proceedings then advice should be taken from the Council's solicitor before any response is made. Whenever possible any information given to the press shall be given in writing so as not to leave interpretation open to misunderstanding and misreporting.

4.4 There are several personal privacy issues for the Clerk and Members that must be handled carefully and sensitively. These include the release of personal information, such as home address and telephone number (although Member contact details are in the public domain); disciplinary procedures and long-term sickness absences that are affecting service provision. In all these and similar situations, advice must be taken from the Clerk before any response is made to the media.

4.5 When responding to approaches from the media, the Clerk or the Mayor are authorised to contact the media.

4.6 Statements made by the Mayor and the Clerk should reflect the Council's opinion.

4.7 Other Councillors can talk to the media but must ensure that it is clear that the opinions given were their own and not necessarily those of the Council.

4.8 There are occasions when it is appropriate for the Council to submit a letter, for example to explain important policies or to correct factual errors in letters submitted by other correspondents. Such letters should be kept brief and balanced in tone and correspondence should not be drawn out over several weeks. All correspondence must come from the Clerk.

## **5 ATTENDANCES OF MEDIA AT COUNCIL MEETINGS**

5.1 The Local Government Act 1972 requires that agendas, reports and minutes are sent to the media on request.

5.2 The media are encouraged to attend Council meetings and seating and workspace will be made available.

5.3 Any filming or taping of Council proceedings by the media must be with prior notice to the Clerk and Chairman of the meeting (see Standing Orders).

## **6 PRESS RELEASES**

6.1 The purpose of a press release is to make the media aware of a potential story, to provide important public information or to explain the Council's position on a particular issue. It is the responsibility of the Clerk and Members to look for opportunities where the issuing of a press release may be beneficial.

6.2. The Clerk or any Member may draft a press release, however they must all be issued by the Clerk in order to ensure that the principles outlined in section three (Legal Framework) are adhered to, that there is consistency of style across the Council and that the use of the press release can be monitored.



# **Wem Town Council**

# **Mayoral Handbook**

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- 20.0 Security

## 1.0 Introduction and Background

The Local Government Act 1972 gives Parish Councils the power to give themselves the title Town Council and the Chairman of such a Town Council is entitled to be called Town Mayor. The Mayor is the official representative of the Crown in the town, and consequentially takes precedence over everyone except the Queen (or the Lord Lieutenant) and the Chairman of the Unitary Council.

The Mayor, as the First Citizen of the town is the first person (after the Lord Lieutenant, if present) to speak to Royalty when they visit the town. They are then entitled to request leave to present other civic notabilities to the member of the Royal family.

In general, the Mayor should be prepared to take the lead in all matters of concern in the life of the town – e.g. an appeal, a welcome to a returning regiment etc. as well as leading civic events.

The Mayor should consider with care the acceptance of office for any local organisation during the year of office, although the acceptance of traditional posts (e.g. President, Vice-Chairmanship of long-standing organisations) is generally acceptable. The Mayor should seek the Town Clerk's advice if invited to take up such a role during their term of office.

## 2.0 Role of the Mayor

The Mayor is elected by the full Council at the Annual General Meeting in May and would ordinarily be the Member who has carried out the duties of Deputy Mayor for the previous year; a new Deputy Mayor is also elected at this meeting. The new Mayor makes the following declaration when accepting the term of office at the Annual General Meeting.

I.....having been elected to the office of Mayor of the Council of Wem (Town) in the county of Shropshire DECLARE that I will undertake office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

I undertake to observe the Code as to the Conduct which is expected of Members of the Council.

The Mayor's term in office is for one year and during this time the Mayor continues to be a member of the Town Council and presides over the meetings of the Town Council.

During the Civic year the Mayor supports a wide variety of events throughout the area. The Mayor receives invitations to all kinds of events and every invitation is considered equally. If the Mayor cannot attend a function the Deputy Mayor may attend on his/her behalf.

### **3.0 Mayor - Job Description** - The Mayor is responsible for:

- Ensuring that the business of the Full Council is planned and managed effectively and transparently in the interests of the wider Council and the public.
- Ensuring that the plans and strategies that form the Council's Policy Framework are considered by the Council in a planned and co-ordinated manner.
- Ensuring that the Council meeting is a forum for the debate of matters of concern to the local community encouraging citizenship and participation in the life of the town.
- Has a vote as a 'normal' Councillor and a casting vote to ensure the resolution, in accordance with the Council's standing orders, of any disagreement within the Council particularly in respect of the budget and the policy framework.
- Presiding, as ceremonial head of the whole Council over its functions attending such civic, social and ceremonial functions as the Council requires.
- Receiving important visitors to Wem and welcome members of the Royal Family, dignitaries and visitors, observing civic protocol.
- Upholding and promoting the purposes of the Council's constitution, the interests of the wider Council and the public.
- Chairing meetings of the Town Council and enable its business to be carried out in an orderly and proper manner, having regard to statutory obligations and the Constitution of the Council for the conduct of meetings.
- Acting as signatory on official documents on behalf of the Council.
- To celebrate success, internal as well as external to the Town Council.
- The Mayor should give a report on their activities during the month at the Town Council meeting. The Town Clerk should be informed in order that it may be placed on the agenda.
- The Mayor will report to the Council at the Annual Meeting the results of the charity appeal during the year and if possible make a presentation to the charity just prior to the end of the term of office.

### **4.0 Mayoress/Consort/Escort**

- These roles are not recognised by law. The role of Mayoress was originally bestowed on the Mayor's wife. If the Mayor chooses to appoint a Consort, the role may be undertaken by a spouse, partner, friend or relative of either sex and is accorded precedence alongside the Mayor. It is generally understood that they will provide assistance as follows: -
- Personal support to the Mayor
- Accompany the Mayor on engagements
- Observance of civic protocol

- Support with Mayor's charities
- In carrying out their roles, the Mayor, Deputy Mayor, Mayoress, Consort, or Escorts, should consider the public nature of their office. Behaviour and manner will need to be appropriate at all times and not bring the Council into disrepute. They should follow the advice and guidance issued by the Town Council.

## **5.0. Town Council's Expectation of the Mayor**

Local government must capture and retain the interest of local communities. To achieve this it is vital that the Mayor:

- Articulates aspirations, needs and priorities
- Assists in co-ordinating the Council's work with other organisations
- Helps to focus and shape the future work of such organisations
- Contributes to the achievement of sustainable development in the area
- To act as a representative of the Community at joyous and tragic occasions.

The central role of the Mayor is as a representative for the Town Council, the community and local democracy. The Office of Mayor can be used to take into account the following factors:

- That the Town Council is here to provide services to the people of Wem
- That the Mayor takes a leading role to promote the Town Council's aims and objectives
- That the Mayor is the figurehead and public face of the Town Council in Wem
- That the Mayor welcomes visitors
- That the majority of the Mayor's activities should be in Wem
- That the Town Council resources used to raise funds for Charity should not be disproportionately high.

## **6.0 PA to the Mayor and Town Clerk**

The PA to the Mayor and Town Clerk is an employee of the Town Council who as well as carrying out other duties for the Council, assists the Mayor with organising their term in office.

Currently part of this officer's time is used in connection with the Mayor. This position involves, arranging a meeting with the new Mayor once elected at the Annual Meeting to arrange the Civic Year i.e. dates and venues of functions.

The Town Council receives invitations into the office for the Mayor and the PA to the Mayor and Town Clerk liaises with the Mayor before accepting / declining invitations. A record is kept in the office of all events the Mayor is attending and the Mayor will always receive the original invitation for information and a copy will be held by the office.

If the Mayor is unsure of anything or requires some guidance, then this should first be raised with the PA to the Mayor and Town Clerk or the Town Clerk who will provide the necessary information.

## **6.1 Details of the support provided by the PA to the Mayor and Town Clerk:-**

- Provide day to day administrative support
- Deal with correspondence and draft letters for the Mayor's signature
- Manage the Mayor's civic diary
- Receive and follow up invitations
- Provide limited administrative support for the Mayor's charity events (if required)
- Advise on civic dress and protocols
- While messages for the Mayor can be taken by the Town Council Office, the Office cannot undertake constituency work on behalf of the Mayor
- Provisionally advise on acceptance of engagements
- Provide and receive background information on events
- Update the website in respect of Mayoral matters
- Liaise with local press
- Take into account the Mayor's well-being, safety and security
- Organise civic functions in liaison with the Mayor
- Issue invitations
- Provide such other support that is necessary and appropriate

## **6.2 Engagements**

- All invitations should be sent to the PA to the Mayor and Town Clerk via the Town Council Office.
- The Mayor should attend punctually (but not too early), and be ready to take their places at the appointed time, complete with chains if necessary.
- The Mayor should not attend commercial functions where his/her name might be used for advertising purposes, except in cases where they are clearly for the benefit of the Town.
- The wearing of chains or badges of office at functions organised by a Parish or Town Council and hosted by the respective Chairman or Town Mayor will, be a matter for the Chairman or Town Mayor to determine. Permission should be sought from the appropriate Parish or Town Council if the Mayor wishes to wear their chains at a non civic event outside of the Town.

## **7.0 Chosen Charities**

Should they wish the Mayor may choose to raise funds for local charities; it is up to the newly elected Mayor to decide on either one main charity to support or two or three local charities or good causes. The chosen charity will then be notified and all funds raised at the events held by the Mayor will be donated to the chosen charity at a presentation to be held at the end of the Mayor's year in office.

Funds raised for the Mayors Charities cannot be used for any other purpose other than as a donation to the Charity identified except to cover all reasonable costs to raise the funds.

## **8.0 Allowances**

Within the Precept the Mayor is set an allowance, the allowance is retained by the Town Council and the Mayor reimbursed for reasonable receipted expenditure incurred specifically as a result of the office of Town Mayor e.g.

- Cost of tickets to civic events within Shropshire and close neighbouring local authorities.
- Reasonable travel expenses to civic events within Shropshire and close neighbouring local authorities.
- Postage and stationary.
- Expenditure on civic events.
- Where the Deputy Town Mayor represents the Town Council, in the absence of the Town Mayor, they may draw down funding from the receipted element of the Town Mayor's allowance.

Payment of claims should generally be transacted at the Monthly meetings of the Town Council, all claims must be submitted at least quarterly. A receipt should accompany all expenditure claims however in recognition of the fact that it is sometimes difficult to obtain a receipt for smaller items of expenditure the Town Council will accept non-receipted expenditure up to the value of £20 per event provided that this is accompanied with a written explanation of why a receipt was not available.

Any unspent balances of the Mayor's allowance at the end of February (unless otherwise agreed) each year are paid to the Mayor via the Town Council's payroll and subject to Tax and NI.

A separate budget is set each year for hospitality costs at Civic Events.

It is the sole responsibility of the Mayor to plan out the year in office within these budgets. No increase will be given by the Council once the budget level has been reached and no payments or further orders can be placed by the Council.

## **9.0 Support of the Deputy Mayor**

The Member elected as Deputy Mayor will support the Mayor throughout the year by representing the Town Council when the Mayor is unable to act or the office of Mayor is vacant.

- In the absence of the Mayor the Deputy is entitled to the Mayor's right of precedence but he/she does not wear the Mayor's chain or adopt the title of 'Mayor'.
- Official invitations to represent the Council are to be sent to the PA to the Mayor and Town Clerk, Town Council offices. They will invariably be for the Mayor to attend but the Mayor may ask the Deputy to attend if he/she is unavailable. No invitation may be entertained if it is a direct invitation to the Deputy Mayor in that capacity. Mayor and Deputy can never both attend in an official capacity. Should a Deputy Mayor be present in another capacity at an event at which the Mayor is present, care should be taken to ensure that the Mayor as "First Citizen" is afforded clear and full precedence.
- The Deputy Mayor chairs meetings of the Council in the Mayor's absence.
- The Deputy Mayor has full legal status as a Vice-Chairman and should be given precedence immediately after the Mayor.

## **10.0 Precedence**

Inevitably, senior and prominent Members of County, Parish and Town Councils find themselves on a regular basis involved in civic, social, and ceremonial events and clear,

agreed and settled rules of protocol will do much to minimise unnecessary misunderstanding which may arise from time to time.

- In the town the Mayor takes precedence over everyone except the Queen (or the Lord Lieutenant) and the Chairman of Shropshire Council including precedence over such dignitaries as Bishops or Archbishops of the Established Church.
- The Town Clerk may advise the Mayor on matters of precedence and the order of procession for those attending a particular function or civic event.
- The Local Government Act 1972 gives precedence to the Chairman of the Shropshire Council throughout the County. Local practice is that the Mayor of Wem is given precedence over the Chairman of Shropshire Council at town events and functions organised by the Town Council.
- When the Lord Lieutenant is visiting in his official capacity representing the Queen he/she has precedence over the Mayor. In procession, if the Lord Lieutenant is present he/she must be accompanied by the Mayor and at a civic service he/she would normally sit with the Mayoral Party. If the particular church service is not solely civic, he/she may prefer to be given a special seat and arrive last in the Church after the civic procession, and leave at the end of the service before the Mayor. If a Deputy Lieutenant is requested by the Lord Lieutenant to attend the function in his place, he/she should be accorded the precedence due to the Lord Lieutenant himself. On other occasions, the Deputy Lieutenants have no status as such, but they may be included in the Mayoral Party, placing them next after the Member of Parliament.
- The Town Clerk should accompany the Mayor at his right hand (or immediately behind if the Mayor is accompanied by the Lord Lieutenant or other guest accorded special precedence) on all ceremonial occasions.

## **11.0 Chains of Office**

- If the Mayor's Chain, Deputy Mayor's Chain or Badge of Office are to be worn outside the town, the Town Clerk must be advised and permission of the relevant Council obtained.

## **12.0 The general rules for wearing, chains and badges are:**

- Generally, if the Mayor is present at any event and wearing his chain of office the Deputy Mayor does not wear the Deputy Mayors chain of office. If the Mayor is not present at any function then the Deputy Mayor can wear his chain of office as long as he is attending in his capacity as Deputy Mayor.
- On the following occasions  
 Mayor's Civic Service  
 Remembrance Sunday  
 Armed Forces Day  
 Full Council Meetings  
 The Mayor wears Mayor's Chain and the Deputy Mayor may wear the Deputy Mayor's chain.
- In the interest of security chains and badges of office should not be visible in public areas except when worn on pre-arranged civic duties. A suitable over garment should be worn or the chain or badge carried in some secure manner.

- The Mayoress' chain can be worn by the Mayoress/Consort or other person officially accompanying the Mayor at civic events and functions.
- If another Councillor is asked to attend an event outside of the town that cannot be attended by either the Mayor or Deputy Mayor, they may wear the Badge of Office.

## 12.1 Chain and Badge – Safe Custody Guidelines

The Council has agreed the following guidelines for the safekeeping of the Civic Regalia. You should read these carefully and adhere to them. If you have any doubts, please contact the Town Clerk.

## 12.2 Responsibilities:

### The Council will:

- Maintain insurance cover for all civic regalia under the Corporate 'All Risks' Insurance Policy;
- Be responsible for the maintenance of the regalia including any damage or wear and tear, etc. as set out in the exclusions section 2 to the Corporate all risks policy.

### The Mayor and Deputy Mayor will:

- Ensure the specific conditions of the Council Insurance are followed as outlined in the guidance below; and
- As far as is practical follow the other guidelines as to the safe custody of the regalia.

### Specific Conditions of the Insurance:

- The regalia **must not** be left in an unattended vehicle **unless** all the doors, windows and other means of access have been secured and locked and all keys of the vehicle removed to a place of safety **and** the regalia is placed in the boot of the vehicle or is otherwise out of sight.

### Other practical measures:

- The regalia, unless being worn, should be kept in the case provided by the Council.
- During any holiday periods or when it is likely that the member will be away from home, the regalia should be kept safely.
- The Mayor/ Deputy Mayor should normally only wear the regalia on arrival at a function.
- The regalia should not be left unattended in its case or roll.
- Members should not attempt to clean the regalia other than with a soft cloth. Any damage or wear and tear should be reported to the Town Clerk as soon as possible.
- Regalia should not be loaned or placed in the custody of any other person other than the Town Clerk

- The Mayor and Deputy Mayor should inform the Town Clerk immediately if their Chains of Office are lost, mislaid, stolen or otherwise missing in order that the Council's insurers can be informed.
- Whilst wearing the Chain of Office on walk-about engagements the Mayor must be accompanied.

### **13.0 Forms of Address**

- The formal forms of address are:
- for a man: "The Mayor of Wem, Councillor X"
- for a woman: "The Mayor of Wem, Councillor Miss/Mrs/Ms Y"
- in conversation or writing: "Mr Mayor" or "Madam Mayor"

### **14.0 Standard Functions For The Mayoral Year**

Within the precept there are budgets for the Mayor's functions listed below which are organised working within these budgets. All monies raised throughout the year at these events are for the nominated charity and can only be used for this purpose.

**14.1 Civic Service** – The Mayor's Civic Service is usually held in September and takes place at the Mayors designated church. The PA to the Mayor and Town Clerk. will send out invitations to all those on the standard invitations list and will receive the replies. The collection from the service is donated/distributed to local charities in accordance with the wishes of the Mayor. A reception is held after the service usually in the Town Hall (which is provided free of charge). The cost of the refreshments for this event are reimbursed from the Town Council's hospitality budget up to a maximum of £750.

**14.2 Mayor's Civic Ball / Dinner / Fundraising Evening** - The Mayor will decide the arrangements for the fundraising evening at a meeting with the PA to the Mayor and Town Clerk. Where the venue, times, entertainment and ticket prices will be organised (The Town Hall will provide one evening a year free of charge for a Mayor's fundraising event). The Mayor will endeavour to avoid date clashes with other Mayors. The Mayor is responsible for booking the venue and organising the event.

**14.3 Honorary Townsman's Evening** – This award evening is usually held in November, the Mayor is expected to give a short welcoming address and provide the drinks for the evening which are funded from any remaining funds left in the hospitality budget after the Civic Service.

**14.4 Armed Forces Day** - This annual event is always the last Saturday in June. The Mayor is expected to give a short reading by the War Memorial and to provide light refreshments (tea, coffee, biscuits) after the event which are funded from the Mayor's Hospitality Fund.

### **14.5 Invitation List**

Listed below is the standard invitation list for functions organised by the Mayor:

All Town Councillors + partners  
 Unitary Councillors + partners  
 Former Mayors of Wem + partners  
 All Mayors of other Councils in Shropshire + partners  
 Honorary Townsmen of Wem  
 Headteachers of local schools  
 Representatives from RAF Shawbury  
 Representatives from Local Organisations  
 Members of the Clergy  
 Local Police Sergeant  
 Chairman and Leader of Shropshire Council  
 Member of Parliament for Wem  
 High Sheriff of Shropshire  
 Lord Lieutenant of Shropshire

The Mayor may wish to add family and friends to the above list and it is helpful but not vital to have this list at the commencement of the Mayors year in office.

## 14.6 Donations

To enable the Mayor to raise funds for local charities, the Mayor may contact local businesses to donate prizes to be used on raffles etc.

## 15.0 Receiving Gifts

The Mayor/ Deputy Mayor should treat with extreme caution any offer of gift, favour or hospitality that is made to them. The person or organisation making the offer may be doing, or seeking to do, business with the Council or may be applying to the Council for planning permission or some other kind of decision.

There are no hard or fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business, provided that they are approved by the Town Council and that no extravagance is involved. Likewise, it may be reasonable for a member to represent the Council at a social function or event organised by outside persons and bodies.

The Mayor/ Deputy Mayor is personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in local government. A good guide is that gifts of more than a nominal value should be accepted on behalf of the Council and not retained personally. Whilst, under the local scheme relating to the Code of Conduct and Declaration of Hospitality which was adopted by the Council, the Mayor is not obliged to declare gifts and hospitality, for reasons of transparency. The Mayor/ Deputy Mayor should be recommended to declare gifts and hospitality over an estimated value of £25.00. Such gifts or hospitality may also still need to be declared as "Code of Conduct" interests at meetings.

Generally minor tokens of goodwill or flowers can be accepted as personal gifts.

The code of conduct also states:

"A member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the Authority's Monitoring Officer of the existence and nature of that gift or hospitality."

Advice on gifts and hospitality can be obtained from ... (Monitoring Officer) or ... (Deputy Monitoring Officer)".

The PA to the Mayor and Town Clerk can arrange for letters of thanks to be issued.

## **16.0 Flag Flying**

The flying of flags may be governed by the Flag Flying Policy but guidelines are adhered to for the following:

### **Occasions on which flags may be flown at half- mast**

- From the announcement of the death until after the funeral of the Sovereign, except on Proclamation Day when they are hoisted right up.
- The funerals of members of the Royal Family, subject to special commands from Her Majesty in each case.
- The funerals of Prime Ministers and Ex-Prime Ministers of Great Britain.
- Other occasions' by special command of Her Majesty.
- On the death of the Mayor or Mayoress' from the announcement of the death until after the funeral.
- On the death of :-
  - An Honorary Townsman
  - A Councillor or an ex Councillor
  - A Former Mayor

## **17.0 Neutrality**

The convention has been that during the Mayoral Year, the Mayor reduces his or her political profile. Mayors generally go out of their way to display their even-handedness in political matters during the year. It would be inappropriate for an individual to be associated with a contentious issue or election process, which confuses roles. The Mayor should also maintain this apolitical role when chairing Council meetings.

## **18.0 Election Purdah**

Special conditions apply to the issue of publicity in the period leading up to elections. During the period of six weeks or so leading up to an election, the Council must take special care not to issue any publicity that might conceivably be perceived as having the potential to influence the outcome of the poll. Details can be found in the Representation of the People Act 1983, the Local Government Act 1986 and the Local Authority Publicity Code of Recommended Practice published in 2001. To ensure compliance with the various Acts and Publicity Code, the Council therefore enters a period of Purdah in the six weeks leading up to an election where it will avoid issuing any publicity in the name of or associated directly with any Councillor.

The Mayor is strongly advised to ensure the dates of major Civic events are arranged to ensure there is no conflict with the Purdah period.

## **19.0 Training**

A number of training courses will be available which may be helpful to the Mayor and the Town Clerk can arrange attendance. Suggestions are:

- Chairing Skills
- Public Speaking and Speech Writing
- Dealing with the Media"

## **20.0 Security**

The Mayor may be away from home for much of the Mayoral Year and is advised to consider home security arrangements, particularly in light of the Mayor's diary of engagements being in the public domain.

Further information is available in Millward's Civic Ceremonial which can be loaned from the Town Council office.

This policy was approved on Thursday 27<sup>th</sup> July 2018 and will be reviewed when considered necessary.