

**HORLEY TOWN COUNCIL**  
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**AGENDA**  
**ANNUAL MEETING OF FULL COUNCIL**  
Date / Time: Tuesday, 16 May 2023 at 7.30 pm  
Venue: Horley Town Council offices, Albert Rooms, 92 Albert Road, Horley RH6 7HZ

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**SENT BY EMAIL TO ALL MEMBERS OF THE COUNCIL**

Dear Councillors

You are hereby respectfully summoned to attend the **ANNUAL MEETING of HORLEY TOWN COUNCIL** to be held on Tuesday, 16 May 2023, 7:30 pm, at the Albert Rooms, 92 Albert Road, Horley RH6 7HZ. The Agenda for the meeting is attached to this Summons.

Yours sincerely

Joan Walsh  
Town Clerk

**Members' Apologies:**

If required, a Member must submit their apologies for this meeting by sending an email to: [town.clerk@horleytown.com](mailto:town.clerk@horleytown.com) or by telephoning the office on 01293 784765, by no later than noon on the day of the meeting.

**Public Forum:**

***Members of the Public and Press are welcome to attend this meeting in person or may join it remotely by requesting a Zoom link by email to: [town.clerk@horleytown.com](mailto:town.clerk@horleytown.com) or by telephoning the office on 01293 784765, by no later than noon on the day before the meeting is due to be held.***

Public and Press attendees are invited to put questions or draw relevant matters to the Council's attention and are permitted to speak once only and for five minutes maximum in respect of a business item on the agenda, at the discretion of the Chairman. If it appears that the number of speakers is likely to unreasonably delay the disposal of business items on the agenda, the Chairman may direct that a question or comment is submitted in writing which shall be answered in due course.



## **HORLEY TOWN COUNCIL**

**The Annual Meeting of Horley Town Council will be held at the Albert Rooms,  
Albert Road, Horley on Tuesday, 16 May 2023, at 7.30 pm**

**All correspondence and papers referred to in the public part of the agenda are available to view  
in the Town Council Offices during normal office hours or on the website**

### **AGENDA**

- 1 Election of the Chairman of the Council (Outgoing Chairman, Cllr Samantha Marshall, in the Chair.)**  
**Elected Chairman to take the Chair.**
- 2 Receipt of the Incoming Chairman's Declaration of Acceptance of Office.**
- 3 Election of the Vice-Chairman of the Council.**
- 4 Receipt of Members' Declaration of Acceptance of Office**
- 5 Apologies and Reasons for Absence.**  
To receive apologies and reasons for absence.
- 6 Receipt of any amendments to Members' Notification of Disclosable Pecuniary Interests.**
- 7 Declarations of Interest – to receive Members' Declarations of Disclosable Pecuniary and Non-Pecuniary Interests**
- 8 Disclosable Pecuniary and Non-Pecuniary Interests**  
To receive any declarations of interest in relation to any items included on this agenda.
- 9 Public Forum**
- 10 Confirmation of Inspection of Town Council Deeds and Trust Instruments.**
- 11 To review the list of Council Committees, Sub-Committees, Working Groups and Outside Bodies**  
To approve the Terms of Reference
- 12 Council Appointments**
  - (a)** To approve appointments to:
    - i)** Leisure & Amenities Committee
    - ii)** Planning & Development Committee.
    - iii)** Staff Committee (Council Leaders)
    - iv)** Environment Sub Committee
  - (b)** to approve appointment of a Finance Lead Member
- 13 Appointments to Sub-Committees, Outside Bodies and Working Groups reporting to Council.**  
To agree the appointments. (Appointments to Sub-committees, Working Groups and Outside Bodies reporting to Committees to be made at the first of each Committee meeting).

**...Continued**

**14 Council Meetings**

To approve the amended Meetings Calendar for 2023/24.

**15 General Power of Competence**

To resolve that "Horley Town Council, being eligible to do so, reaffirm adoption of the General Power of Competence."

**16 [Minutes of the Ordinary Meeting of the Council held on 7 March 2023](#)**

To approve the minutes of the meeting.

**17 Model Standing Orders 2018 (Updated April 2022) and Financial Regulations**

- i) To approve and adopt the Town Council's Standing Orders (former version adopted on 14 December 2021) as amended with an update to Model Standing Order 18 (Financial Controls and Procurement).
- ii) To readopt the Town Council's Financial Regulations (former version adopted on 14 December 2021) with no changes.
- iii) To approve the Town Council's Scheme of Delegation (former version adopted on 14 December 2021), as amended.

**18 Letters Received**

**19 Diary Dates**

**20 Items for Future Consideration**

To note urgent business for inclusion on future agenda.

**21 Press Release**

To agree items for inclusion.

**22 Exclusion of Public and Press "In view of the special or confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be excluded and that they be instructed to withdraw."**

**CONFIDENTIAL**

**23 Confidential Minutes**

To approve the confidential minutes of the Ordinary Meeting of the Council held on 7 March 2023



**Signed: Town Clerk, 11 May 2023**

**Date of Next Meeting – To be advised.**



# HORLEY TOWN COUNCIL

## TERMS OF REFERENCE FOR FULL COUNCIL AND COMMITTEES 2023\_24

### 1. Purpose

The Town Council has a main Full Council committee which consists of all 18 Town Councillors. Full Council is constituted as a standing committee of Horley Town Council and, as such, shall comply with the Council's adopted Standing Orders. Full Council may delegate some of its statutory functions and responsibilities (assigned to a Town Council in legislation to one or more committees), those being the:

- [Leisure & Amenities Committee](#)
- [Planning & Development Committee](#)
- Staff Committee

### 2. Frequency of Meetings

Meetings of Full Council shall be held in accordance with Standing Orders and as set out on the Council's Calendar of Meetings as published on the [Town Council website](#) to meet the responsibilities as outlined below.

### 3. Delegated Responsibilities

Full Council shall exercise the powers and duties of the Council relative to:

- a. Council Policy
- b. Receipt of Declarations of Acceptance of Office
- c. Casual Vacancies
- d. Committee appointments
- e. Committee recommendations
- f. Matters relating to Staff (including salaries)
- g. The location of Town Council Offices
- h. The power of raising loans
- i. The purchase, sale, transfer, construction, alteration, acquisition and maintenance of buildings and other structures.
- j. Purchase, disposal, or sale of land
- k. Leasing, licensing, and letting of land and buildings in the Council's ownership and obtaining planning permission where necessary
- l. Partnership Agreements (Devolved Powers)
- m. Review and variation of Standing Orders, Financial Regulations, and associated policies

- n. Health & Safety Policy
- o. Member Code of Conduct
- p. Town Council Precept
- q. Town Awards
- r. Emergency & Resilience Plan
- s. Corporate Plan
- t. Incurring capital expenditure not specifically included in the Council's approved estimates.
- u. Community Fund Grant Applications (including Horley Edmonds)
- v. Taking Legal Action
- w. Any matter normally dealt with by a Town Council Committee, but where prompt action is required.
- x. Risk Assessment and Management
- y. Financial Planning and Allocation of Resources
- z. Ensure adequate insurance
- aa. Consider and approve the Annual Governance and Accountability Return of the Council, including the Annual Governance Statement

As Section 151 Officer, the Responsible Financial Officer (RFO) shall have overall responsibility for the management of the council's affairs in accordance with legislative requirements, regulations and guidelines and will ensure that the Town Clerk is kept informed on day-to-day matters along with full reporting to Council.

#### 4. Leaders' Group

The Leaders' Group (comprising all Chairmen and Vice-Chairmen) shall authorise expenditure and take decisions of an essential / emergency nature, for later ratification by the appropriate meeting.

#### 5. Committees reporting to Full Council

##### Staff Committee

The Staff Committee shall comprise the Leaders' Group. Attendance at Staff Committee meetings shall be by appointed members only. The Committee shall make recommendations to Full Council concerning:

- i. Employment of Staff
- ii. Terms and Conditions of Employment
- iii. Review of Staff Salaries
- iv. Disciplinary and Grievance Procedures

##### 5.1 Working Groups reporting to Full Council

Town Plan Action Delivery Working Group

##### 5.2 Outside Bodies reporting to Full Council

- i. Horley Community Partnership
- ii. Borough Standards Committee
- iii. Royal British Legion (Horley)
- iv. HTC and RBBC Liaison Committee

## **6. Sub-Committee reporting to Full Council**

Environment Sub-Committee

### **6.1 Working Groups reporting to Finance and General Purposed Committee**

- i. Communications Working Group
- ii. Resilience Working Group

### **6.2 Outside Bodies reporting to the Full Council**

Surrey Association of Local Councils (Surrey ALC)

## **7. Working Groups reporting to the Leisure & Amenities Committee**

Horley in Bloom

### **7.1 Outside Bodies reporting to the Leisure & Amenities Committee**

- i. Churchyards Committee
- ii. Horley Carnival Committee
- iii. Gatwick Greenspace Partnership (GGP)
- iv. Horley Conservation Group (HCG)

## **8. Working Groups to the Planning & Development Committee**

Planning Applications Working Group

### **8.1 Outside Bodies reporting to the Planning & Development Committee**

- i. Horley Town Management Group (HTMG)
- ii. Gatwick Airport Consultative Committee (GATCOM)

**Adopted: XX.XX.2023**

**Review Date: XX.XX.2024**



# HORLEY TOWN COUNCIL

## Leisure & Amenities Committee

### Terms of Reference

#### 1. Purpose

The Leisure & Amenities (L&A) Committee is constituted as a standing committee of Horley Town Council and, as such, shall comply with the Council's adopted Standing Orders.

#### 2. Frequency of Meetings

Meetings of the L&A Committee shall be held as stated in the Council's Calendar of Meetings to meet the responsibilities as outlined below.

#### 3. Delegated Responsibilities

**3.1** The Leisure Officer, in consultation with the L&A Chairman and Vice-Chairman, shall have delegated responsibility for carrying out required actions of the Committee, as approved by Council Resolution, including all compliance and regulatory matters in relation to the Council's community buildings, parks, and open spaces.

**3.2** The L&A Committee shall **exercise the powers and duties** of the Council relative to:

- The operation of the Grounds Maintenance Contract.
- The maintenance and improvement of Horley Recreation Ground, including the Memorial Gardens.
- The maintenance and improvement of the Town Council's recreational and play areas.
- Floral baskets, planters and flower beds.
- Allotment sites (including maintenance of car park, toilets, shared access areas, and charges for rental of plots)
- Hire of sports pitches and football matters.
- Security at all sites.
- Horley in Bloom (HIB) and Photographic Competitions.
- Provision of Christmas tree.
- Applications for the use of the Council's Leisure and Amenities facilities.
- Making appointments to and receiving reports in respect of its Outside Bodies.
- Considering play and recreational equipment upgrades along with potential future projects at all Council sites.

- Event management, including requests by operators to use Council land and community buildings, subject to full compliance and regulations being met.

**3.3** The Leisure & Amenities Committee shall make recommendations to Full Council relative to:

- i) The appointment of the Grounds Maintenance Contractor.
- ii) Considering New Leisure Facilities in Horley

***Adopted: 5 July 2022***

***Renewal Date: July 2023***





# HORLEY TOWN COUNCIL

## Planning & Development Committee

### Terms of Reference

#### 1. Purpose

The Planning & Development (P&D) Committee is constituted as a standing committee of Horley Town Council and, as such, shall comply with the Council's adopted Standing Orders.

#### 2. Frequency of Meetings

Meetings of the P&D Committee shall be held monthly as stated in the Council's Calendar of Meetings to meet the responsibilities as outlined below:

#### 3. Delegated Responsibilities

The Planning Officer, in consultation with the P&D Committee Chairman & Vice Chairman, shall have delegated responsibility for planning consultation decisions that fall outside the scheduled P&D Committee cycle, for ratification at the next available P&D Committee Meeting.

The Planning & Development Committee shall make **recommendations to** Full Council relative to:

- Major redevelopment/expansion affecting the parish.
- Devolved Powers

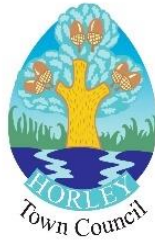
The Planning & Development Committee shall **exercise the powers and duties** of the Council relative to:

- Planning applications and decisions notified by Reigate & Banstead Borough Council.
- Matters relating to Gatwick Airport.
- Matters relating to Local Plans, Transport Plans etc.
- Town Centre Revitalisation.

- Railway Matters.
- Highways Matters.
- Recycling and Environment Issues.
- Making appointments to, and receiving reports in respect of, its Outside Bodies.

***Adopted: 24 May 2022***

***Review Date: May 2023***



# HORLEY TOWN COUNCIL

## Environment Sub-Committee Terms of Reference

### 1. Purpose

The purpose of the Environment Sub-Committee (ESC) is to consider matters in relation to environmental activities undertaken by the Town Council and to make recommendations to the Finance & General Purposes Committee on new potential projects and policy related matters. The ESC further aims to take forward the Council's pledge to make improvements to the environment and to respond to its motion '**Declaring a Climate Emergency that requires Urgent Action ...**'.

### 2. Membership and Appointment

The ESC shall consist of 9 participants, seven Members to be drawn from the membership of the Town Council together with two co-opted non-Councillors. The ESC may further make recommendations to the Finance & General Purposes Committee for the co-option of additional non-Councillors to the Sub-Committee with a particular level of expertise they may have to offer, in accordance with the above principles.

### 3. ESC Chairman and Vice-Chairman

The Chairman and Vice-Chairman shall be appointed at the first meeting of the ESC in the month of May and to serve for a period of one year.

If neither the Chairman nor the Vice-Chairman are able to preside at a meeting of the ESC, then the Members present shall elect a temporary Chairman for the duration of the meeting.

### 4. Quorum

At least three Members of the ESC must be present at any Sub-Committee meeting for the meeting to be quorate. If there is no quorum, all items for which the Sub-Committee would be inquorate shall be deferred until the next meeting of the Sub-Committee.

## **5. Attendance by Councillors Who Are Not Members of the Sub-Committee**

Any Member of the Council who is not a Member of the Sub-Committee may attend the meeting and may speak on any item, with the permission of the Chairman. Such a Member may not, however, make or second any proposals or amendments and may not vote.

## **6. Attendance by Non-Councillors**

The same principles in 5 above shall apply to co-opted non-Councillors in attendance at a meeting of the Sub-Committee who may speak on any item, with the permission of the Chairman but may not, however, make or second any proposals or amendments and may not vote.

## **7. Member Code of Conduct**

The Council's Code of Conduct shall apply to all Councillors present at the meeting, whether members of the Sub-Committee or not.

## **8. Attendance by the General Public**

Meetings will normally be open to the public unless there is a specific resolution of the Sub-Committee to consider an item of business in private.

## **9. Frequency of Meetings**

Meetings shall be held quarterly, immediately prior to meetings of the Finance & General Purposes Committee. The venue is the Horley Town Council offices, Albert Rooms, 92 Albert Road, Horley RH6 7HZ.

## **10. Agenda and Proceedings**

The agenda shall be drawn up and circulated by the Town Clerk or delegated officer. The provisions of the Council's Standing Orders for business shall apply to meetings of the Sub-Committee. Democratic Services support will be provided to the ESC by a HTC Officer for meeting preparation, taking minutes and carrying out specific actions through the Council's Scheme of Delegation. Any additional research and preparation required for meetings shall be undertaken by the ESC Members to provide with direction from the Chairman. The Chairman shall provide a verbal summary of the ESC meeting for onward reporting to the Finance & General Purposes Committee, along with any recommendations and/or budgetary requirements to be proposed for consideration.

## **11. Partnership Working**

The ESC will seek to work collaboratively with principal authorities and other organisations on environmental matters and seek to influence change to benefit the environment. It will further aim to pursue grant funding opportunities and, where possible, raise awareness and help make improvements to tackle climate change and create a more sustainable future.

**HORLEY TOWN COUNCIL 2023/24**  
**CHAIRMAN & TOWN MAYOR: TBA**  
**VICE-CHAIRMAN OF THE COUNCIL: TBA**

Committee Membership – 2023/24

<p><b>Staff Committee</b></p> <p><b>Council Chairman - TBA</b>  <b>Council Vice-Chairman - TBA</b>  Finance Lead Member - TBA  Leisure &amp; Amenities Chairman - TBA  Planning &amp; Development Chairman - TBA</p>	<p><b>Leisure &amp; Amenities Committee</b>  <i>(Council C)- TBA</i>  <i>(Council VC) - TBA</i>  Hannah Avery  Jante Baird  James Baker  Jordan Beech  Mike George  Jerry Hudson  Robert Marr  Samantha Marshall  Vacancy 1  Vacancy 2  <b>Chair and Vice Chair of Committee to be elected at the first meeting of the Committee</b></p>	<p><b>Planning &amp; Development Committee</b>  <i>(Council C)- TBA</i>  <i>(Council VC) - TBA</i>  Hannah Avery  James Baker  Mike George  Jerry Hudson  Samantha Marshall  Martin Saunders  Vacancy1  Vacancy 2  Vacancy 3  Vacancy 4  <b>Chair and Vice Chair of Committee to be elected at the first meeting of the Committee</b></p>
<p><b>Environment Sub Committee</b>  <i>Reporting to Full Council</i>  Hannah Avery  Jordan Beech  Jante Baird  Mike George  Martin Saunders  Vacancy 1  Vacancy 2  Non-Councillor Richard Bethell  Non-Councillor Mike Humphrey  <b>Chair and Vice Chair of Committee to be elected at the first meeting of the Committee</b></p>		

Horley Town Council, Sub-Committees, Outside Bodies and Working Groups  
2023 - 2024

Committee	Councillor(s)	Reporting to:
Staff Committee	Chairman & Vice Chairman of Council, Committee Chairmen	FC
Sub-Committee	Councillor(s)	Reporting to:
Environment Sub Committee	Avery, Beech, Baird, George, Saunders, Vacancy 1, Vacancy 2 and non-Councillors Richard Bethell and Mike Humphrey	FC
Outside Body	Councillor(s)	Reporting to:
Horley Community Partnership	Jordan Beech – substitute Vacancy	FC
<del>YMCA (Community Wellbeing Team)</del>	<del>Jante Baird, Martin Saunders</del>	<del>FC</del>
Gatwick Airport Consultative Committee (GATCOM)	Mike George, Jordan Beech (Substitute)	P&D
Horley Town Management Group (HTMG)	Vacancy 1, Vacancy 2	P&D
Borough Standards Committee	Vacancy – substitute Vacancy	FC
Surrey Association of Local Councils (Surrey ALC)	Mike George – substitute Jordan Beech	FC
Churchyards Committee	James Baker, - substitutes Mike George and Vacancy	L&A
Gatwick Greenspace Partnership	Mike George, - substitute Vacancy	L&A
Horley Carnival Committee	Vacancy – substitute Mike George	L&A
Horley Conservation Group	L&A Chairman/Vice-Chairman	L&A
Royal British Legion (Horley)	Samantha Marshall	FC
HTC and RBBC Liaison Committee	Council Leaders, Clerk and RFO	FC
Horley Open Spaces Working Committee	L&A Chairman & Vice-Chairman,	L&A
Horley Access Group	Mike George – substitute Vacancy	P&D
Working Groups	Councillor(s)	Reporting to:
Town Plan Action Delivery Working Group	Robert Marr, Mike George, Vacancy 1, Vacancy 2, Vacancy 3, Vacancy 4	FC
Resilience Working Group	Jante Baird, Mike George, Vacancy 1, Vacancy 2	FC
Communications Working Group	Mike George, Samantha Marshall, Martin Saunders, Vacancy 1, Vacancy 2, Vacancy 3, Vacancy 4	FC
Horley in Bloom Working Group	L&A Chairman & Vice-Chairman, Jante Baird, Mike George (plus representatives of other interested local groups and local residents)	L&A

## Final 23-24 Calendar of Meetings

WK #

Date	Meeting	WK #
2023 16-May	Annual Council	20
2023 19-May	Annual Town Public Forum	20
2023 23-May	Planning Full	21
2023 20-Jun	Environment Sub Committee 6 pm	25
2023 20-Jun	Full Council (AGAR) including Finance	25
2023 27-Jun	Planning (Interim)	26
2023 04-Jul	Leisure	27
<b>2023 18-Jul</b>	<b>Councillor Training - Governance</b>	
2023 25-Jul	Full Council including Finance	30
2023 01-Aug	Planning (Full)	31
2023 29-Aug	Planning (Interim)	35
2023 05-Sep	Environment Sub Committee 6 pm	36
2023 05-Sep	Full Council including Finance	36
<b>2023 12-Sep</b>	<b>Councillor Training - Finance</b>	
2023 26-Sep	Planning (Full)	39
2023 17-Oct	Leisure	42
2023 24-Oct	Planning (Interim)	43
2023 31-Oct	Environment Sub Committee 6 pm	44
2023 31-Oct	Full Council including Finance (first precept consideration)	44
2023 21-Nov	Planning (Full)	47
2023 12-Dec	Full Council (Precept) including Finance	50
2023 19-Dec	Planning (Interim)	51
2024 16-Jan	Planning (Full)	3
2024 23-Jan	Leisure	4
2024 30-Jan	Environment Sub Committee 6 pm	5
2024 30-Jan	Full Council including Finance	5
2024 13-Feb	Planning (Interim)	7
2024 12-Mar	Planning (Full)	11
2024 19-Mar	Full Council including Finance	12
2024 09-Apr	Planning (Interim)	15
2024 23-Apr	Leisure	17
2024 07-May	Annual Council	19
2024 17-May	<b>Annual Town Public Forum</b>	20



## **HORLEY TOWN COUNCIL STANDING ORDERS 2023**

These Standing Orders were adopted by Horley Town Council at its Annual Council Meeting held on 19 May 2023.

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## HORLEY TOWN COUNCIL – STANDING ORDERS

### INTRODUCTION

- 1 These Standing Orders regulate the conduct and business of the Town Council and are binding on Horley Town Councillors.
- 2 The Orders are also binding on all those invited to take part in public or confidential Council business and, where appropriate, on Town Council staff.
- 3 The Orders are reviewed by the Standing Orders Sub-Committee on a regular basis and recommendations made to Full Council. The Orders will additionally be reviewed at the first Finance Committee meeting in each Municipal Year.
- 4 Where matters arise that are not covered by these Orders, reference should be made to the latest version of the publication, Local Council Administration by Charles Arnold-Baker.
- 5 Many of the Orders are statutory requirements. These are printed in **bold type**.
- 6 On signing or re-signing a Declaration of Acceptance of Office, members also undertake to be bound by the Reigate and Banstead Borough Council Member Code of Conduct, adopted by Horley Town Council on 26 June 2012, with effect from 1 July 2012, in accordance with Chapter 7, Regulation 28 of the Localism Act 2011.
- 7 The Financial Regulations govern the financial conduct of the Town Council.
- 8 Further background details can be found in the Supplementary Information section.
- 9 The Complaints Procedures govern the Town Council's procedures for dealing with complaints from a service user or from a member of the public.
- 10 The Press & Media Protocol guides both Councillors and Officers in their relations with the Press and Media.
- 11 The Social Networking Policy manages and regulates the corporate use of social media alongside the Press & Media Protocol.

## 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 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-interject~~ only on a point of order or a personal explanation and the Councillor who was speaking ~~interrupted~~ shall ~~stop speaking~~ **shall cease at that point**. 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 about.
- 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 the following:
  - 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 any Standing Order(s) except those which reflect are 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 five 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 of the Council shall be held in each year on such dates and times and at such place as the Council may direct.~~
- b **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.**
- c **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.**
- d **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.**
- e **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- f Members of the public may make representations during the Public Forum, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on

the agenda. ~~Standing Orders may be suspended at the request of the Chairman and members to bring forward the agenda item to the Public Forum part of the meeting.~~

- g The period of time designated for public participation at a meeting in accordance with Standing Order 3(f) shall not exceed 5 minutes unless directed by the Chairman of the meeting.
- h A member of the public shall stand when requesting to speak and 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.
- i A person who speaks at a meeting shall direct his comments to the Chairman of the meeting.
- l Only one person is permitted to speak at a time. If more than one person wants to speak, the Chairman of the meeting shall direct the order of speaking.
- m ~~At the discretion of a simple majority of the Council or Committee, members of the public, by reason of their expertise, may be invited to participate in public or confidential sessions.~~
- o **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.**
- p ~~The Council may make an audio recording of every meeting for its own use.~~
- q ~~A member shall stand when speaking at Full Council meetings but shall remain seated when speaking at Committee meetings.~~
- r **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- s **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.**
- t **Subject to Standing Orders which indicate otherwise, anything authorised or required to be done by, to or before the Chairman of the Council may in his absence be done by, to or before the Vice-Chairman of the Council.**
- u **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
- v **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.
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*See Standing Orders 5 h and (i) for different rules that apply in the election of the Chairman of the Council at the Annual Meeting of the Council.*

- w **Unless Standing Orders provide otherwise, voting on a question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave their vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- x 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.
- y **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.**
- z **The [Member Code of Conduct](#) (Reigate & Banstead Member Code of Conduct, adopted by Horley Town Council on 1 December 2020) shall apply to Councillors in respect of the entire meeting.**
- aa **An interest arising from the Code of Conduct adopted by the Council, the existence and nature of which is required to be disclosed by a Councillor at a meeting, shall be recorded in the minutes of the meeting.**

- ab **No business may be transacted at a meeting unless at least one third of the whole number of members of the Council or Committee are present and in no case shall the quorum of the meeting be less than three.**

*See Standing Order 4d(viii) for the quorum of a committee or sub-committee meeting.*

- ac **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

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- ad **A Schedule of Council and Committee Meetings for the next Council year (May to April) shall be drawn up by the Clerk and approved by the Council before the end of April in any year. The schedule shall include a date for the Annual Meeting in the next Council year. In an election year the schedule shall be recommended for approval by the incoming Council.**

- ae **The Annual Town Public Forum (ATPF) ~~Town Meeting~~ shall be held between 1 March and 1 June each year. In an election year the Town Meeting shall be held in March (or at a time outside of the Pre-Election period).**

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

- a **Unless the Council determines otherwise, a Committee may appoint a Sub-Committee whose terms of reference and members shall be determined by the Committee.**
- b **The members of a Committee may include Non-Councillors unless it is a Committee which regulates and controls the finances of the Council.**
- c **Unless the Council determines otherwise, all the members of an Advisory Committee and a Sub-Committee of the Advisory Committee may be Non-Councillors.**
- d The Council may appoint standing committees or other committees as may be necessary, and:
  - i. shall determine their terms of reference;
  - ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
  - iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
  - iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
  - v. may, subject to standing orders 4(b) and (c), appoint and determine the terms of office of the substitute members to a committee whose role is to replace the ordinary members at a meeting of a committee if the ordinary members of the committee confirm to the Proper Officer ( seven ) days before the meeting that

they are unable to attend;

- vi. shall, after it has appointed the members of a standing committee, appoint the chairman of the standing committee;
- vii. shall permit a committee other than a standing committee, to appoint its own chairman at the first meeting of the committee;
- viii. shall determine the place, notice requirements and quorum for a meeting of a committee and a sub-committee which, in both cases, shall be no less than three;
- ix. shall determine if the public may participate at a meeting of a committee;
- x. shall determine if the public and press are permitted to attend the meetings of a sub-committee and also the advance public notice requirements, if any, required for the meetings of a sub-committee;
- xi. shall determine if the public may participate at a meeting of a sub-committee that they are permitted to attend; and
- xii. may dissolve a committee or a sub-committee.

**e With the exception of Committee Chairmen, each member shall have the opportunity to serve on a maximum of two Committees.**

**f The Chairman and Vice-Chairman of the Council, ex-officio, shall be voting members of every Committee.**

**h Committee Chairmen shall serve on every 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 7.30 pm.**
- 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 Vice-Chairman of the Council.**
- f The Chairman of the Council, unless he/she has resigned or becomes disqualified, shall continue in office and preside at the Annual meeting until his/her successor is elected at**



**the next Annual Meeting of the Council.**

- g The Vice-Chairman of the Council, if there is one, unless he/she has resigned or becomes disqualified, shall hold office until immediately after the election of the Chairman of the Council at the next Annual Meeting of the Council.**
- h If the Chairman of the Council resigns or becomes disqualified, the Vice-Chairman shall assume the role of Chairman of the Council until such times as a new Chairman is elected.**
- i In an election year, if the current Chairman of the Council has not been re-elected as a member of the Council, he shall preside at the Annual Meeting until a successor Chairman of the Council has been elected. The current Chairman of the Council shall not have an original vote in respect of the election of the new Chairman of the Council but must give a casting vote in the case of an equality of votes.**
- j In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he/she shall preside at the meeting until a new Chairman of the Council has been elected. He may exercise an original vote in respect of the election of the new Chairman of the Council and must give a casting vote in the case of an equality of votes.**
- k Following the election of the Chairman and Vice-Chairman of the Council at the Annual Meeting, the business shall include:**
  - i. In an election year, delivery by the Chairman of the Council and Councillors of their Acceptance of Office forms, unless the Council resolves for this to be done at a later date. In a year which is not an election year, delivery by the Chairman of the Council of his Acceptance of Office form unless the Council resolves for this to be done at a later date;**
  - ii. Confirmation of the accuracy of the minutes of the last meeting of the Council;
  - iii. Receipt of the minutes of the last meeting of a Committee;
  - iv. Consideration of the recommendations made by a Committee;
  - v. Review of delegation arrangements to Committees; Sub-Committees, staff and other local authorities;
  - vi. Review of the Terms of Reference for Committees;
  - vii. Appointment of members to existing Committees;
  - viii. Appointment of any new Committees in accordance with Standing Order 4;
  - ix. Review and adoption of appropriate Standing Orders and Financial Regulations;
  - x. Review of arrangements (including legal agreements) with other local authorities, not-for-profit bodies and businesses;

- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. 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 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 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 Chairman of the Council may convene an Extraordinary Meeting of the Council at any time.**
- b **If the Chairman of the Council does not call an Extraordinary Meeting of the Council within seven days of having been requested in writing to do so by two Councillors, any two Councillors may convene an Extraordinary Meeting of the Council. The public notice giving the time, place and agenda for such a meeting shall be signed by the two Councillors.**
- c **At least three days' notice shall be given for any Extraordinary meeting. The agenda shall set out the business to be considered at the meeting and no other business shall be transacted at that meeting.**
- d The Chairman of a Committee or Sub-Committee may convene an Extraordinary meeting of the Committee or Sub-Committee at any time.

- e If the Chairman of a Committee or Sub-Committee does not call an Extraordinary Meeting within seven days of having been requested to do so by two members of the Committee, those two members of the 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 six 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 seven 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 seven 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.

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## 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 **or silence 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.**
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- 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 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 Borough Council that it is dealing with a complaint that a Councillor or Non-Councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to Standing Order 11, report this to the Council.
- b Where the notification in Standing Order 14 (a) relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chairman of Council of this fact, and the Chairman shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined 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 Borough 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 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 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 at least three clear days before a meeting of the Council or its Committees (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 three days before the meeting confirming his withdrawal of it;
  - iii. **convene a meeting of the Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
  - iv. **facilitate inspection of the minute book by local government electors;**
  - v. **receive and retain copies of byelaws made by other local authorities;**
  - vi. hold Acceptance of Office forms from Councillors;
  - vii. hold a copy of every Councillor's register of interests;
  - viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
  - ix. liaise, as appropriate, on the Council's Data Protection Lead;
  - 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 the Council's Financial Regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xv. refer a planning application received by the Council to the Chairman or in his absence Vice-Chairman (if there is one) of the Planning and Development 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 Planning and Development committee;
- xvi. manage access to the information about the Council via the Publication Scheme;  
and
- xvii. receive and send correspondence on behalf of the Council and action or undertake any activity instructed by resolution;  
  
*(see also standing order 23).*

## **16. RESPONSIBLE FINANCIAL OFFICER**

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

## **17. ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in Standing Orders refer to the most recent version of "Governance and Accountability for Local Councils – a Practitioners' Guide"
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's Financial Regulations.
- c The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:

- i. the Council's receipts and payments for each quarter;
- ii. the Council's aggregate receipts and payments for the year to date;
- iii. the balances held at the end of the quarter being reported; and

which includes a comparison with the budget for the financial year and highlights any actual or potential overspends.

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:
  - i. each Councillor with a statement summarising the Council's receipts and payments (or income and expenditure) for the last quarter and the year to date for information; and
  - ii. to the Council the accounting statements for the year in the form of Section 2 of the Annual Governance and Accountability Return, as required by proper practices, for consideration and approval.
- e The year-end accounting statements shall be prepared in accordance with proper practices and apply the form of accounts determined by the Council (receipts and payments, or income and expenditure) for the year to 31 March. A completed draft Annual Governance and Accountability Return shall be presented to all Councillors **at least 14 days prior** to anticipated approval by the Council. The Annual Governance and Accountability Return of the Council, which is subject to external audit, including the Annual Governance Statement, shall be presented to the Council for consideration and formal approval before 30 June.

## **18. FINANCIAL CONTROLS AND PROCUREMENT**

**a** Any expenditure incurred by the Council shall be in accordance with the Council's Financial Regulations.

- 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.
- d **The Council's Financial Regulations may make provision for the authorisation of the payment of money in exercise of any of the Council's functions to be delegated to a Committee, Sub-Committee or to an employee.**
- 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.**
- 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 any 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 the Council or the Staff Committee is subject to Standing Order 11.
- b Subject to the Council's policy regarding absence occasioned by illness or other reason, employees shall follow the procedures on reporting lines by notifying the Clerk (as reflected in the Council's adopted Staff Handbook). In the case of absence of the Clerk due to illness, reporting lines shall be to the most senior member of staff in the first instance for onward escalation to the Council Chairman, as appropriate.
- c The Clerk shall upon a resolution conduct an annual review of work performance and appraisal for all members of staff (as reflected in the Council's adopted Staff Handbook). The Clerk's annual review of work performance and appraisal shall be conducted by the Council Chairman (as reflected in the Council's adopted Staff Handbook). The outcomes of such reviews shall be reported to the Staff Committee along with the annual review of staff salaries in line with National Salary Awards agreed by the National Joint Council for Local Government Services (NJC) with recommendations made to Full Council for approval (as reflected in the Council's adopted Staff Handbook).
- d As stipulated in the Council's adopted Staff Handbook on the handling of grievance matters, the Clerk shall contact the Council Chairman in the first instance or, in his/her absence, the Vice-Chairman in respect of an informal or formal grievance matter, and the matter shall be reported back to the Staff Committee and progressed by resolution of Full Council.
- e As stipulated in the Council's adopted Staff Handbook on the handling of grievance matters, if an informal or formal grievance matter raised by a member of staff relates to the Chairman or Vice-Chairman, the matter shall be communicated by the Clerk to another member of the Staff Committee and progressed by resolution of Full Council.
- 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 Local Government (Transparency Requirements) (England) Regulations 2015.

## **21. RESPONSIBILITIES UNDER DATA PROTECTION LEGISLATION**

(Below is not an exclusive list)

*See also standing order 11.*

- a The Council may appoint a Data Protection Lead.
- 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 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 Order 15 b (xii) and (xvii)*

- a A Legal Deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to Standing Order 23 a, any two Councillors may sign, on behalf of the Council, any deed required by law and the Proper Officer shall witness their signatures.**

#### **24. COMMUNICATING WITH COUNTY AND BOROUGH COUNCILLORS**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to the ward councillor(s) of the County or Borough Councils representing the area of the Council, as appropriate..
- b Unless the Council determines otherwise, a copy of each letter sent to the Borough and County Council shall be sent to the ward councillor(s) representing the area of the Council.

#### **25. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

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

#### **26. STANDING ORDERS GENERALLY**

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

**These Standing Orders were adopted by Horley Town Council at its **Annual Council Meeting** held on **19 May 2023**.**



## **HORLEY TOWN COUNCIL FINANCIAL REGULATIONS 2021**

These Financial Regulations were adopted by Horley Town Council at its Full Council Meeting held on 14 December 2021.

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## 1. GENERAL

- 1.1. These Financial Regulations govern the conduct of financial management by the Council and may only be amended or varied by resolution of the Council. Financial Regulations are one of the Council's three governing policy documents providing procedural guidance for members and officers. Financial Regulations must be observed in conjunction with the Council's Standing Orders<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 Responsible Financial Officer (RFO) is a statutory office and shall be appointed by the Council.
- 1.4. The RFO shall produce financial management information as required by the Council.
- 1.5. 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.
- 1.6. These Financial Regulations demonstrate how the Council meets these responsibilities and requirements.
- 1.7. 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.
- 1.8. Deliberate or wilful breach of these Regulations may give rise to disciplinary proceedings.
- 1.9. Members of the 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.
- 1.10. The RFO:
  - acts under the policy direction of the Council;
  - administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;
  - determines on behalf of the Council its accounting records and accounting control systems;
  - ensures the accounting control systems are observed;

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<sup>1</sup> Model Standing Orders for Councils (2018 Edition) is available from NALC (©NALC 2018)

- 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.

1.11. 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.

1.12. 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.

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

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

1.14. 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.

1.15. In addition the Council must:

- determine and keep under regular review the bank mandate for all Council bank accounts;

- approve any grant or a single commitment in excess of £1,000; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant Committee in accordance with its Terms of Reference.

1.16. 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.

1.17. In these Financial Regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in the 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, a member other than the Chairman [or a cheque signatory] shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Finance 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 internal auditor shall be appointed by and shall carry out the work in relation to internal controls required by the Council in accordance with proper practices.

2.6. The internal auditor shall:

- be competent and independent of the financial operations of the Council;
- report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;

- to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- has no involvement in the financial decision making, management or control of the Council.

2.7. Internal or external auditors may not under any circumstances:

- perform any operational duties for the Council;
- initiate or approve accounting transactions; or
- direct the activities of any Council employee, except to the extent that such employees have been appropriately assigned to assist the internal auditor.

2.8. For the avoidance of doubt, in relation to internal audit the terms ‘independent’ and ‘independence’ shall have the same meaning as is described in proper practices.

2.9. The RFO shall make arrangements for the exercise of electors’ rights in relation to the accounts including the opportunity to inspect the accounts, books, and vouchers and display or publish any notices and statements of account required by the Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.

The RFO shall, without undue delay, bring to the attention of all Councillors any correspondence or report from internal or external auditors.

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

3.1. Each Committee shall review its three year forecast of revenue and capital receipts and payments. Having regard to the forecast, it shall thereafter formulate and submit proposals for the following financial year to the Council not later than the middle of December each year including any proposals for revising the forecast.

3.2. The RFO must each year, 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 Finance & General Purposes Committee with recommendations to Full Council for approval.

3.3. The Council shall consider annual budget proposals in relation to the Council’s three year forecast of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.

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

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

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

- 4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:
- the Council or a duly delegated Committee for all items over £2,000; or
  - the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items up to £2,000.

Such authority is to be evidenced by a minute or by an authorisation slip duly signed by the Clerk, and where necessary also by the appropriate Chairman.

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

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

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

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

- 5.1. The Council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the Council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency.
- 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 and present the schedule to the Finance & General Purposes Committee. The Finance & General Purposes Committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Finance & General Purposes Committee. 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 Clerk/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 Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
- a) Any expenditure item authorised under 6.4 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next Finance & General Purposes Committee meeting; or
  - b) Fund transfers within the Council's banking arrangements, provided that a list of such payments shall be submitted to the next Finance & General Purposes Committee meeting.
- 5.5. 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 the Council 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 at the next Finance and General Purposes Committee meeting.
- 5.6. A record of regular payments made under 6.4 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.
- 5.7. In respect of grants a duly authorised Committee shall approve expenditure within any limits set by the Council and in accordance with any policy statement approved by the

Council. Any Revenue or Capital Grant in excess of £1,000 shall before payment, be subject to ratification by resolution of the Council.

- 5.8. Members are subject to the Reigate & Banstead Member 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.
- 5.9. 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.

## **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 6 above, the Finance & General Purposes 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 cash, cheque, electronic payment, Direct Debit or any other order drawn on the Council's bankers, in accordance with a resolution of the Finance & General Purposes Committee.
- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to the Finance & General Purposes Committee shall be signed by two Members of the 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. 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 next meeting of the Finance & General Purposes Committee. 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 or other record of payment.
- 6.6. The RFO shall examine invoices in relation to arithmetic accuracy and shall analyse them to the appropriate expenditure heading. The Clerk shall take all steps to settle all invoices submitted in accordance with the terms of business.
- 6.7. If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, where the RFO certifies that there is no dispute or other reason to delay payment, the Clerk may take all steps necessary to settle such invoices.
- 6.8. 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 up to a maximum of £50 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 Clause 6.2 above.
- 6.9. If thought appropriate by the Council, payment for certain items (principally salaries) may be made by banker's standing order provided that the instructions are signed, or otherwise evidenced by two members are retained and any payments are reported to Council as made. The approval of the use of a banker's standing order shall be renewed by resolution of the Council at least every two years.
- 6.10. 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 the 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.
- 6.11. Where expenditure has been authorised by a committee, the minute reference shall be marked on the invoice prior to payment.
- 6.12. If thought appropriate by the Council payment for certain items may be made by internet banking transfer provided evidence is retained showing which members approved the payment.
- 6.13. 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 the Clerk and retained in a sealed dated envelope inside the office safe. 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.
- 6.16. 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.
- 6.17. 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.



- 6.18. 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.
- 6.19. 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.
- 6.20. 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.
- 6.21. 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 two of the Clerk/RFO and a member. A programme of regular checks of standing data with suppliers will be followed.
- 6.22. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the Finance Committee. Transactions and purchases made will be reported to the Finance Committee. Authority for topping-up shall be at the discretion of the Finance Committee.

## **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 recommended by the Staff Committee and approved by Full Council.
- 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 Full 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;
  - 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. An effective system of personal performance management should be maintained for the senior Officers.
- 7.7. Any termination payments shall be supported by a clear business case and reported to the council. Termination payments shall only be authorised by Council.
- 7.8. Before employing interim staff, the Council must consider a full business case.

## **8. LOANS AND INVESTMENTS**

- 8.1. All borrowings shall be affected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by Full Council.
- 8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 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 the Council's policy.
- 8.4. The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the council at least annually.
- 8.5. All investments of money under the control of the Council shall be in the name of the Council.
- 8.6. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.7. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

## **9. INCOME**

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

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

- 10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.
- 10.2. Order books shall be controlled by the RFO.
- 10.3. All members and Officers are responsible for obtaining value for money at all times. An Officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below.
- 10.4. A member may not issue an official order or make any contract on behalf of the Council.

- 10.5. The RFO shall verify the lawful nature of any proposed purchase before the issue of any order, and in the case of new or infrequent purchases or payments, the RFO shall ensure that the statutory authority shall be reported to the meeting at which the order is approved so that the Minutes can record the power being used.

## **11. CONTRACTS**

11.1 Procedures as to contracts are laid down as follows:

- a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this Regulation may not apply to contracts which relate to items (i) to (vi) below:
- i) for the supply of gas, electricity, water, sewerage and telephone services;
  - ii) for specialist services such as are provided by legal professionals acting in disputes;
  - ii) 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 £1,000 (in excess of this sum the Clerk/RFO shall act after consultation with the Chairman and Vice Chairman of the Council);
  - 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.
- 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).
- 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 the Council.
- g) Any invitation to tender issued under this regulation shall be subject to Standing Orders and shall refer to the terms of the Bribery Act 2010.
- h) If less than three tenders are received for contracts above £25,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- i) When it is intended to enter into a contract less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph a. the Clerk/RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100, the Clerk/RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.
- j) The Council shall not be obliged to accept the lowest of any tender, quote or estimate.
- k) Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

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

- 12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.
- 12.3 Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk to the Contractor in writing before any work has begun, 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 the 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 £250.
- 14.3 No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law. In each case a report in writing shall be provided to the 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 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 15.2 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 Clerk/RFO shall ensure that an appropriate and accurate Fixed Assets Register 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 18), the RFO shall effect all insurances and negotiate all claims on the Council's insurers in consultation with the Clerk.
- 15.2 The Clerk shall give prompt notification to the RFO of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 15.3 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 15.4 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim, and shall report these to Council at the next available meeting.
- 15.5 All appropriate members and employees of the Council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by Full Council.

## **16. CHARITIES**

- 16.1 Where the Council is sole 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, with the RFO, shall prepare, for approval by the council, risk management policy statements in respect of all activities of the council. Risk policy statements and consequential risk management arrangements shall be reviewed by the Council at least annually.
- 17.2 When considering any new activity, the Clerk [with the RFO] shall prepare a draft risk assessment including risk management proposals for consideration and adoption by the Council.

## **18. REVISION OF FINANCIAL REGULATIONS**

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

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

The Model Financial Regulations templates were produced by the National Association of Local Councils (NALC) in July 2019 for the purpose of its member Councils and County Associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

**These Financial Regulations were adopted by Horley Town Council at its Full Council Meeting held on 14 December 2021.**





# HORLEY TOWN COUNCIL

## Scheme of Delegation

### **1. Introduction**

- 1.1 Horley Town Council has delegated powers and responsibilities under the [Local Government Act 1972 \(s 101\)](#). This Scheme of Delegation sets out how the Town Council regulates its affairs through its governance procedures and policies, in addition to its Standing Orders, Financial Regulations and Management of Internal Control.
- 1.2 The intention of this Scheme of Delegation is to allow the Town Council to act accordingly with efficiency and professionalism. Decisions should be taken at the most suitable level. Therefore, the Clerk is given powers over the day-to-day administration of the Council or committees to decide matters within the Terms of Reference and matters of major policy should be recommended to the full council. Whilst delegation is necessary, it is the Council's policy that members and the press and public should have the fullest information. Therefore, the Clerk reports all major decisions taken under delegated powers at the next Council or Committee meeting.
- 1.3 The powers and duties set out in this scheme are delegated to the Town Clerk. The Town Clerk is the Proper Officer and is responsible for the management of the organisation.
- 1.4 The Town Clerk may delegate these duties and powers to other Officers within the Council.
- 1.5 The Responsible Financial Officer (RFO) is responsible for the Council's accounting procedures together with the proper and transparent administration of its finances, in line with current Account and Audit Regulations.
- 1.6 The legislation further allows the Council to delegate functions to Committees, Sub-Committees, Officers or other authorities.

### **2. Extent of Delegation**

- 2.1 All delegated functions shall be deemed to be exercised on behalf of and in the name of the Council.
- 2.2 The Town Clerk will exercise these powers in accordance with:
  - approved budgets
  - the Council's Standing Orders
  - the Council's Financial Regulations
  - the Council's Contract Procedure Rules

- the Council's Procurement Strategy
  - the Council's Policy Framework and other adopted policies of the Council
  - all statutory common law and contractual requirements
- 2.3 The Town Clerk may do anything pursuant to the delegated power or duty, which it would be lawful for the Council to do, including anything reasonably implied or incidental to that power or duty.
- 2.4 Provided that such authorisation is not prohibited by statute the Town Clerk to whom a power, duty or function is delegated may authorise another Officer to exercise that power, duty or function, subject to:
- such authorisations being in writing
  - only be given to an Officer below the delegating Officer in the organisational structure
  - only be given where there is significant administrative convenience in doing so
  - the Officer authorised by the Town Clerk acting in the name of the Town Clerk
  - such authorisation not being prohibited by statute
- 2.5 A delegation to a subordinate Officer shall not prevent the Town Clerk from exercising the same power or duty at the same time.

### **3. Financial Matters**

The Town Clerk will oversee the financial management of the Council and may delegate powers and duties to the RFO. The RFO is authorised to:

- 3.1 Act as the Responsible Financial Officer for the purposes of [s.151 of the Local Government Act 1972](#).
- 3.2 Operate the Council's banking arrangements including arranging overdrafts.
- 3.3 Incur expenditure up to a maximum of £2,000 on any item for which provision is made in the appropriate revenue budget provided that any action taken complies with any legislative provisions and the requirements of the Council's Constitution and Financial Regulations.
- 3.4 Pay all accounts properly incurred.
- 3.5 Pay all subscriptions to organisations to which the Council belongs.
- 3.6 Make all necessary arrangements for the provision of an internal and external audit service for the Council.
- 3.7 Negotiate settlements in connection with claims made by and against the Council in consultation with the Council's insurers where appropriate.
- 3.8 Incur expenditure on revenue items within the approved estimates and budgets under their control.
- 3.9 Incur expenditure on capital schemes within the Council's approved capital Programme.
- 3.10 Use the Repairs and Maintenance Budgets for the maintenance, replacement or repair of existing plant, vehicles or equipment.
- 3.11 Enter into leasing and contract hire agreements for the acquisition of vehicles machinery and equipment on such terms as are considered appropriate.

- 3.12 Accept quotations or tenders for work supplies or services (where tenders are required by the Council's Financial Regulations), subject to:
  - a. the cost not exceeding the amount approved estimate
  - b. the tender being the lowest price or the most economically advantageous to the Council according to the criteria set out in the tender documentation
  - c. all the requirements of the Council's Financial Regulations being complied with.
- 3.13 Compile, approve or vary lists of approved contractors subject to the requirements of the Council's Financial Regulations.
- 3.14 Carry out virement of sums between cost centres in accordance with the Council's Financial Regulations.
- 3.15 Manage investments and raise and repay loans as appropriate and obtain such other sources of credit as are required in accordance with the Financial Regulations.
- 3.16 Authorise action for the recovery of debts.
- 3.17 Write-off debts up to the level set by the Council.
- 3.18 Maintain a Register of Assets and Inventory of Equipment.
- 3.19 Determine the Town Council's insurance requirements on the Council's behalf.
- 3.20 Make all necessary arrangements for the Council's insurances.
- 3.21 Determine Community Grant applications up to a value of £1,000, subject to approval by Full Council.
- 3.22 Determine Small Grants up to a value of £250.
- 3.23 Prepare a draft budget in conjunction with the Town Clerk, the Finance Committee Chairman and Vice-Chairman and to make recommendations for consideration and approval by Full Council.
- 3.24 Prepare the final accounts for each financial year.

#### **4. Delegations to a Committee or a Working Party**

- 4.1 Certain matters may be delegated to Working Groups or Panels. These must be exercised in accordance with the law, the Council's Standing Orders, Financial Regulations and its approved policy framework.
- 4.2 Such delegations may only be exercised where sufficient budgetary provision exists or can be vired from within the approved budget of the working party concerned.
- 4.3 Where a Sub-Committee/Working Group/Panel, in lieu of exercising its delegation, refers a matter to its parent Committee, the delegation is exercisable by that Committee. Nevertheless, the Committee may decide not to exercise this delegated power and may instead make a recommendation to Full Council for approval.

## 5. Emergency Delegations

The Town Clerk is authorised to:

- 5.1 Act on behalf of the Council in cases of urgency or emergency. Any such action is to be reported to the next meeting of the Council or relevant Committee or Working Group.
- 5.2 The Council Chairman, Vice-Chairman and Committee Chairmen are to be consulted where possible before such action is taken.
- 5.3 The emergency delegations are subject to them being implemented in accordance with the law, the Council's Standing Orders and Financial Regulations, within the accepted policy framework and where budgetary provision exists or is otherwise authorised in accordance with its adopted Financial Regulations.

## 6. Virtual Council Meetings

The Coronavirus Act 2020, s78, gives local authorities the power to hold Council Meetings remotely and to make decisions without the need for a physical meeting, during the Coronavirus Pandemic. The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) 2020 Regulations provides for Virtual Council Meetings to be held up until May 2021. At least three clear days before a Virtual Council Meeting takes place, the Clerk as the Proper Officer is authorised to:

- 6.1 — Serve on Councillors by email, a signed summons to the Virtual Council Meeting, confirming the date, time and the agenda.
- 6.2 — Carry out all the associated administration in preparation for the Virtual Council Meeting as reflected in the Council's adopted Standing Orders.
- 6.3 — Ensure Members receive an invitation to the Virtual Council Meeting with an email link and password.
- 6.4 — Ensure that public participation is provided during the Virtual Council Meeting with full details made available to the public in advance on the Council's website.
- 6.5 — Ensure voting by members during a Virtual Council Meeting is by a show of hands.
- 6.6 — Implement the resolutions made at a Virtual Council Meeting and carry out the actions required.

## 7. Urgent Planning Matters

- 7.1 Horley Town Council is consulted on Planning Applications within Horley after they have been registered with the planning authority, Reigate & Banstead Borough Council, at the pre-determination stage.
- 7.2 The time allowed in determining the application and making a final decision is governed by the Borough Council.

- 7.3 When time-related planning matters arise, including planning applications and other consultations, the Town Council is not making a decision but conveying its views and making recommendations to the Borough Council, County Council or neighbouring principal authorities.
- 7.4 In times of emergency, the Council has appointed a Planning Applications Sub-Committee (PASC) to, in conjunction with the Town Clerk or delegated Officer, make its views known after consulting all 18 Town Councillors. This includes:
- Planning Applications
  - Highways Matters & Issues
  - Public Transport
  - Any other relevant consultations to Horley for which the Town Council is a stakeholder
- 7.5 The PASC is authorised to comment on all time-related applications with the decisions conveyed to the relevant local authority or organisation within the consultation deadline and such comments will be ratified at the next Planning Committee meeting.

## **8. Emergency Planning**

The Town Clerk is authorised to:

- 8.1 Implement the Council's Emergency Plan and to incur any necessary expenditure. Any such action is to be reported to the next meeting of the Council or relevant Committee or Working Group.
- 8.2 The Council Chairman & Town Mayor the Committee Chairmen are to be consulted where possible before such action is taken.

## **9. Staffing Matters**

The Town Clerk is given delegated powers to manage the Council staff in accordance with the Council's policies, procedures and budget, including:

- 9.1 Appointments to posts including apprentices.
- 9.2 Employment of temporary employees.
- 9.3 Preparation of the job description and person specification, placing of the advertisement and short-listing of applicants.
- 9.4 Management of staff performance.
- 9.5 Control of discipline and performance, including the power of suspension and dismissal.
- 9.6 Exercise of disciplinary and grievance procedures in accordance with the Council's procedures.
- 9.7 Determine approved duties for the payment of travel and subsistence expenses to Members and Officers where they represent the Council outside of the Town Council area.
- 9.8 Approve or refuse applications for re-grading, remove any bars in salary scales and to authorise salary increments and accelerated increments.
- 9.9 Approve payment of overtime.

- 9.10 Agree minor variations to the condition of employment.
- 9.11 Approve changes to the establishment structure.
- 9.12 Implement and monitor the arrangements for annual leave, flexi time, sickness absence, maternity and paternity leave in accordance with the Council's policies.
- 9.13 Authorise training in line with the Council's policies.
- 9.14 Authorise the provision of uniforms or protective clothing.
- 9.15 Approve payment of claims from employees for compensation for loss of or damage to personal property.
- 9.16 Negotiate and agree settlements on behalf of the Council in relation to any proceedings in the Employment Tribunal.
- 9.17 Agree to premature retirement on the grounds of duly certified ill health.
- 9.18 Terminate employment during probation and to review salary on completion of probationary periods.
- 9.19 Commission legal and professional advice on staffing matters.

## **10. Property Matters**

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

- 10.1 Agreeing the terms of any lease, licence, conveyance or transfer.
- 10.2 The granting or refusal of the Council's consent under the terms of any lease.
- 10.3 Variations of restrictive covenants of a routine nature.
- 10.4 The granting of easements, wayleaves and licences over Council land.
- 10.5 Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land.
- 10.6 Directing the custody of Town Council property and documents in accordance with the provisions of s226 of the Local Government Act 1972.
- 10.7 Exercising responsibility for the safe custody and maintenance of the civic regalia.

## **11. Procedural**

The Town Clerk is authorised to:

- 11.1 Authorise Officers to exercise statutory powers of entry and inspection for the purposes of any function under their control.

- 11.2 Serve requests for information as to ownership occupation and other interests in land for the purposes of any function under their control.
- 11.3 Appoint consultants and other professionals to carry out any function and provide any service under their control.

## **12. Health and Safety at Work Act 1974**

The Town Clerk is authorised to:

- 12.1 Oversee the discharge of the Council's responsibilities under the said Act.

## **13. Legal Proceedings**

The Town Clerk is authorised to:

- 13.1 Take and discontinue legal proceedings in any Court or at any Tribunal.
- 13.2 Take Counsel's advice or instruct Counsel to represent the Council.
- 13.3 Seek injunctions and commence proceedings for the purposes of:
  - enforcement in accordance with the Council's policies
  - recovering money due to the Council
  - recovering or otherwise preserving possession of the Council's land or property
  - defending the interests of the Council
  - appealing against a decision affecting the interests of the Council and responding to appeals against action taken by the Council.
- 13.4 Represent the Council at Court or any Tribunal or to make arrangements for appropriate representation.
- 13.5 Negotiate and settle the terms of documents to give effect to a decision of the Council or any of the Committees or of any Officer acting under delegated powers.
- 13.6 Be the responsible Officer for the co-ordination and operation of the legal requirements under the Data Protection Act and the Freedom of Information Act.
- 13.7 Serve Requisitions for Information.

## **14. General Matters**

The Town Clerk is authorised to:

- 14.1 Sign, or where appropriate, have sealed on behalf of the Town Council, any Orders, Deeds or Documents necessary to give effect to any of the matters contained in reports or in any resolution passed by the Town Council.
- 14.2 Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
- 14.3 Institute and appear in any legal proceedings authorised by the Council.

- 14.4 Appear or make representation to any tribunal or public inquiry into any matter in which the Council has an interest (in its own right or on behalf of the citizens of Horley).
- 14.5 Alter the date or time of a Council Committee, Working Group, Panel or Task Group meeting but, before doing so, shall consult the Council Chairman, or Committee Chairmen or Task Group concerned about the need for the change and about convenient alternative dates and times.
- 14.6 Decide arrangements for the closure of the Council offices in the Christmas/New Year period, subject to prior consultation with the Council Chairman and approval by Full Council.
- 14.7 Deal with day to day matters relating to the use of office accommodation space.
- 14.8 Negotiate and enter into contractual arrangements with organisers in relation to events held at sites owned or managed by the Town Council.
- 14.9 Manage all the Council's current services including services agreed under contract for other authorities and bodies and existing services under contract with its contractors and other providers.
- 14.10 Act as the Council's designated Officer for the purposes of the Freedom of Information Act 2000.
- 14.11 Apply for planning consent for the carrying out of development by the Council.
- 14.12 Respond to consultations on planning applications and licensing applications subject to the comments of the Planning Committee.
- 14.13 Under the Regulation of Investigatory Powers Act 2000, to authorise directed surveillance or the use of a human intelligence sources.
- 14.14 Respond to complaints made under the Council's complaints procedure.
- 14.15 Manage, monitor and review the Council's internal control procedures.
- 14.16 Manage, monitor and review the Council's Corporate Risk Management Strategy.

***Approved by Full Council at Annual its Meeting held on 19 May 2023***

***Next review date: 2024***