

**HORLEY TOWN COUNCIL**  
Joan Walsh  
Town Clerk  
Council Offices, 92 Albert Road  
Horley, Surrey RH6 7HZ  
Tel: 01293 784765  
info@horleysurrey-tc.gov.uk  
[www.horleysurrey-tc.gov.uk](http://www.horleysurrey-tc.gov.uk)



**AGENDA**  
**ANNUAL MEETING OF FULL COUNCIL**

Date / Time: Tuesday, 7 May 2024 at 7.30 pm  
Venue: Horley Town Council offices, Albert Rooms, 92 Albert Road, Horley RH6 7HZ

**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, 7 May 2024, 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, 7 May 2024, 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**

**The meeting will be preceded by a minute's silence in memory of former Horley GP and Trustee of  
the Henry Smith Horley Charity, Dr Charles James Williamson,  
who sadly passed away recently**

### **AGENDA**

- 1 **Election of the Chairman of the Council** (Outgoing Chairman 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 **Apologies and Reasons for Absence.**  
To receive apologies and reasons for absence.
- 5 **Minutes**  
To approve the Minutes of the Ordinary Council Meeting held on 19 March 2024
- 6 **Receipt of any amendments to Members' Notification of Disclosable Pecuniary Interests.**
- 7 **Public Forum**
- 8 **Confirmation of Inspection of Town Council Deeds and Trust Instruments.**
- 9 **Council Appointments**
  - (i) To approve appointments to:
    - **Leisure & Amenities Committee**
    - **Planning & Development Committee**
    - **Staff Committee (Council Leaders)**
  - (ii) To elect a Finance Lead Member
- 10 **Council Appointments**
  - (i) To agree the appointments to Sub-Committees, Outside Bodies and Working Groups reporting to Council.
  - (ii) To agree the appointment of the Council's Project Management consultant for 2024/25.
- 11 **Council Meetings**  
To approve the Meetings Calendar for 2024/25.
- 12 **Council Governance: Annual review and adoption of the following:**
  - (i) Standing Orders
  - (ii) Financial Regulations
  - (iii) Scheme of Delegation
  - (iv) Member Code of Conduct

**13 Review of Council spending under the General Power of Competence (GPC)**

To note the following payments approved by Council for 2023/24.

**May 23:** 'Welcome to Horley' signage maintenance £250

**May 23:** King Charles Coronation Celebratory Event £250

**October 23:** Royal British Legion (Horley Branch) Poppy Appeal £250

**March 24:** 'Community Blue Heart' scheme towards Cheyne Walk roundabout planting £500.

**14 Members' Allowance Scheme**

(i) To note the scheme adopted by Council for the whole Term 2023/27

(ii) To note arrangements for payment of allowances for 2024/25

(iii) To note procedural arrangements by Members for opting out of the scheme for 2024/25

**15 Horley Edmonds Community Fund (HECF) - Endowment Fund**

(i) To consider the recommendation of the Community Foundation for Surrey Trustees for an annual drawdown percentage rate of 5% to be retained in the HECF grants funding-pot.

(ii) To receive an update on any other matters.

**16 NALC Survey: [Committee on Standards in Public Life \(COSIPL\) Consultation on Accountability in Public Bodies](#) (Closing Date: 17 May 2024)**

To consider this Council's response for approval.

**17 Communications Received**

**18 Diary Dates**

**19 Items for Future Consideration**

To note urgent business for inclusion on future agenda.

**20 Press Release**

To agree items for inclusion.

**21 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**

**22 Confidential Minutes**

To approve the confidential minutes of the Ordinary Meeting of the Council held on 19 March 2024.



Signed: Town Clerk, 1 May 2024

Date of Next Meeting – 18 June 2024 (Provisional )

**HORLEY TOWN COUNCIL 2024/25**  
**CHAIRMAN & TOWN MAYOR: TBE\***  
**VICE-CHAIRMAN OF THE COUNCIL: TBE**  
 Committee Membership – 2024/25

<b>Staff Committee</b>	<b>Leisure &amp; Amenities Committee</b>	<b>Planning &amp; Development Committee</b>
<b>Council Chairman – TBE</b>	<b>Council Chairman –</b>	<b>Council Chairman –</b>
<b>Council Vice-Chairman – TBE</b>	<b>Council Vice-Chairman –</b>	<b>Council Vice-Chairman –</b>
Finance Lead Member – TBE	Hannah Avery	Keith Barlow
Leisure & Amenities Chairman – TBE	Jante Baird	Michael Blacker
Planning & Development Chairman -TBE	James Baker	Victoria Chester
	Jordan Beech	Lynnette Easterbrook
	Lynne Burnham	Mike George
	Emma Fagan	Cec Hughes
	Cec Hughes	Jerry Hudson
	Robert Marr	Martin Saunders
	Samantha Marshall	Tom Turner
	Martin Saunders	Steve Wotton
	Tom Turner	
	Steve Wotton	

\*TBE – To be elected

<p><b>Environment Working Group</b> <i>Reporting to Full Council</i></p> <p>Hannah Avery Jordan Beech Jante Baird Michael Blacker Victoria Chester Lynnette Easterbrook Mike George Martin Saunders Steve Wotton Non-Councillor Mike Humphrey</p>	<p><b>Communication Working Group</b> <i>Reporting to Full Council</i></p> <p>Jante Baird Jordan Beech Lynne Burnham Lynnette Easterbrook Mike George Samantha Marshall Martin Saunders</p>	<p><b>Town Plan Working Group</b> <i>Reporting to Full Council</i></p> <p>Hannah Avery Jante Baird Victoria Chester Lynnette Easterbrook Mike George Robert Marr</p>
<p><b>Resilience Working Group</b> <i>Reporting to Full Council</i></p> <p>Jante Baird Keith Barlow Mike George Robert Marr Tom Turner</p>	<p><b>To become outside body</b> <b>Horley in Bloom</b></p>	

# HORLEY TOWN COUNCIL

Joan Walsh  
Town Clerk  
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## AGENDA

### LEISURE & AMENITIES COMMITTEE

Date / Time: Tuesday, 7 May 2024 at 7.30 pm

Venue: Horley Town Council offices, Albert Rooms, 92 Albert Road, Horley RH6 7HZ

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

Dear Councillors

You are hereby respectfully summoned to attend the **MEETING of HORLEY TOWN COUNCIL** to be held on Tuesday, 7 May 2024, 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

A handwritten signature in blue ink that reads 'Joan Walsh'.

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.***

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To: Members of the Leisure & Amenities Committee:  
Cllrs Hannah Avery, Jante Baird, James Baker, Jordan Beech, Lynne Burnham, Emma Fagan, Cec Hughes, Robert Marr, Samantha Marshall, Martin Saunders, Tom Turner, Steve Wotton



## **HORLEY TOWN COUNCIL**

### **Leisure & Amenities Committee**

A meeting of the above-named Committee will be held at the Albert Rooms, Albert Road, Horley  
on Tuesday, 7 May 2024, 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**

## **A G E N D A**

- 1 Election of the Chairman of the Leisure and Amenities Committee Chairman (Council Chairman in the Chair.)
- 2 Elected Chairman to take the Chair.
- 3 Election of the Vice-Chairman of the Leisure and Amenities Committee.
- 4 **Appointments to Sub-Committees, Outside Bodies and Working Groups reporting to the Leisure and Amenities Committee.**  
To agree the appointments.

*Date of next meeting: 2 July 2024*

Signed: Town Clerk

Dated: 1 May 2024

# HORLEY TOWN COUNCIL

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Town Clerk  
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## AGENDA

### PLANNING & DEVELOPMENT COMMITTEE

Date / Time: Tuesday, 7 May 2024 at 7.30 pm

Venue: Horley Town Council offices, Albert Rooms, 92 Albert Road, Horley RH6 7HZ

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Dear Councillors

You are hereby respectfully summoned to attend the **MEETING of HORLEY TOWN COUNCIL PLANNING & DEVELOPMENT COMMITTEE** to be held on Tuesday, 7 May 2024, 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:

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#### Public Forum:

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**HORLEY TOWN COUNCIL**  
**Planning and Development Committee**

A meeting of the above-named Committee will be held at the Albert Rooms, Albert Road, Horley  
on Tuesday, 7 May 2024 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**

**A G E N D A**

- 1 Election of the Chairman of the Planning and Development Committee Chairman (Council Chairman in the Chair.)
- 2 Elected Chairman to take the Chair.
- 3 Election of the Vice-Chairman of the Planning and Development Committee.
- 4 Appointments to Sub-Committees, Outside Bodies and Working Groups reporting to the Planning and Development Committee.  
To agree the appointments.

*Date of next meeting: 14 May 2024*

Signed: Town Clerk

Dated: 1 May 2024

Horley Town Council, Sub-Committees, Outside Bodies and Working Groups  
2024 - 2025

<b>Committee</b>	<b>Councillor(s)</b>	<b>Reporting to:</b>
Staff Committee	Chairman & Vice Chairman of Council, Committee Chairmen and Finance Lead	FC
<b>Sub-Committee</b>	<b>Councillor(s)</b>	<b>Reporting to:</b>
<b>Outside Body</b>	<b>Councillor(s)</b>	<b>Reporting to:</b>
Horley Community Partnership	Jordan Beech – Mike George (substitute)	FC
Gatwick Airport Consultative Committee (GATCOM)	Mike George, Jordan Beech (substitute)	P&D
Horley Town Management Group (HTMG)	Samantha Marshall, Tom Turner	P&D
Borough Standards Committee	Cec Hughes	FC
Surrey Association of Local Councils (Surrey ALC)	Mike George – Jordan Beech (substitute)	FC
Churchyards Committee	James Baker - Mike George and Victoria Chester (substitutes)	L&A
Gatwick Greenspace Partnership	Mike George - Michael Blacker (substitute)	L&A
Horley Carnival Committee	Mike George – Hannah Avery (substitute)	L&A
Horley Conservation Group	L&A Chairman/Vice-Chairman	L&A
Royal British Legion (Horley)	Samantha Marshall – James Baker (substitute)	FC
HTC and RBBC Liaison Committee	Council Leaders, Finance Lead, Clerk and RFO	FC
Horley Open Spaces Working Committee	L&A Chairman & Vice-Chairman,	L&A
<b>Horley in Bloom</b>	<b>Mike George – Jante Baird (substitute)</b>	<b>L&amp;A</b>
<b>Working Groups</b>	<b>Councillor(s)</b>	<b>Reporting to:</b>
Town Plan Working Group	Robert Marr, Mike George, Hannah Avery, Jante Baird, Victoria Chester, Lynnette Easterbrook	FC
Resilience Working Group	Jante Baird, Mike George, Robert Marr, Tom Turner, Keith Barlow	FC
Communications Working Group	Mike George, Samantha Marshall, Martin Saunders, Lynne Burnham, Lynnette Easterbrook, Jordan Beech, Jante Baird	FC
Environment Working Group	Avery, Beech, Baird, Blacker, Chester, Easterbrook, George, Saunders, Wotton and non-Councillors Mike Humphrey and tbc	FC

# Horley Town Council

## Calendar of Meetings

2024-2025

Tuesday	14-May	Planning Full
Friday	17-May	Annual Town Public Forum
Tuesday	04-Jun	Environment Working Group 6 pm (Remote)
Tuesday	11-Jun	Planning (Interim)
Tuesday	18-Jun	Full Council
Tuesday	02-Jul	Leisure
Tuesday	09-Jul	Communications Working Group 6.30pm (Remote)
Tuesday	16-Jul	Planning Full
Tuesday	30-Jul	Full Council
Tuesday	27-Aug	Planning (Interim)
Tuesday	03-Sep	Environment Working Group 6 pm (Remote)
Tuesday	10-Sep	Full Council
Tuesday	24-Sep	Planning Full
Tuesday	01-Oct	Communications Working Group 6.30pm (Remote)
Tuesday	15-Oct	Leisure
Tuesday	22-Oct	Planning (Interim)
Tuesday	29-Oct	Full Council
Tuesday	19-Nov	Planning Full
Tuesday	03-Dec	Environment Working Group 6 pm (Remote)
Tuesday	10-Dec	Full Council
Tuesday	17-Dec	Planning (Interim)
Tuesday	07-Jan	Communications Working Group 6.30pm (Remote)
Tuesday	14-Jan	Planning Full
Tuesday	21-Jan	Leisure
Tuesday	28-Jan	Full Council
Tuesday	11-Feb	Planning (Interim)
Tuesday	11-Mar	Planning Full
Tuesday	18-Mar	Full Council
Tuesday	25-Mar	Environment Working Group 6 pm (Remote)
Tuesday	01-Apr	Communications Working Group 6.30pm (Remote)
Tuesday	08-Apr	Planning (Interim)
Tuesday	22-Apr	Leisure
Tuesday	06-May	Annual Council
Friday	16-May	Annual Town Public Forum



## **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 interject only on a point of order or a personal explanation and the Councillor who was 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 shall not take place in premises which at the time of the meeting, are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice.**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations 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.



- f 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.
- g 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.
- h A person who speaks at a meeting shall direct his comments to the Chairman of the meeting.
- i 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.
- j **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.**
- k A member shall stand when speaking at Full Council meetings but shall remain seated when speaking at Committee meetings.
- l **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
- m **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.**
- n **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.**
- o **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.**
- p **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.**
- q **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**

*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.*

a request shall be made before moving on to the next item of business on the agenda.

r 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.

- s **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.**

t 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 **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.*

- ab **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

ac 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.

- ad The Annual Town Public Forum (ATPF) 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.

## **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 The Chairman of a Committee or Sub-Committee may convene an Extraordinary meeting of the Committee or Sub-Committee at any time.
- d 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.

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

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

## **11. MANAGEMENT OF INFORMATION**

*See also Standing Order 20*

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and**



safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's Retention Policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g., the Limitation Act 1980).

- c The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.
- d Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.

## 12. DRAFT MINUTES

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

- a If the draft minutes of a preceding meeting have been served on Councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with Standing Order 10 (a) (i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chairman of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chairman of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he shall sign the minutes and include a paragraph in the following terms or to the same effect:

"The Chairman of this meeting does not believe that the minutes of the meeting of the [ ] held on [date] in respect of [ ] were a correct record but his view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."

- e **If the Council's gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- 
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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 The Council shall consider and approve Financial Regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
  - i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
  
- b Financial Regulations shall be reviewed regularly and at least annually for fitness of purpose.
  
- c **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**

- 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 re-adopted by Horley Town Council at its Full Council Meeting held on 16 May 2023.**

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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 £2,000; 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 Full Council

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 Full Council 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, for any items up to £2,000.

Such authority is to be evidenced by a minute or by written authority of 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 £2,000. 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 Full Council. The Full Council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the Full Council. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3. All invoices for payment shall be examined, verified and certified by the 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 Full Council meeting; or
  - b) Fund transfers within the Council's banking arrangements, provided that a list of such payments shall be submitted to the next Full Council 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 Full Council 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 £2,000 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 Full Council 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 Full Council.
- 6.4. Cheques or orders for payment drawn on the bank account in accordance with the schedule as presented to the Full Council 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 Full Council. 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. 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.
- 10.2. A member may not issue an official order or make any contract on behalf of the Council.
- 10.3. 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 £2,000 (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 £500.
- 14.3 No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law. In each case a report in writing shall be provided to 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 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council with a full business case.
- 14.6 The 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 17), 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.

***Adopted: 16 May 2023  
For review: May 2024***



# 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. Urgent Planning Matters**

- 6.1 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.
- 6.2 The time allowed in determining the application and making a final decision is governed by the Borough Council.
- 6.3 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.
- 6.4 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
- 6.5 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.

## **7. Emergency Planning**

The Town Clerk is authorised to:

- 7.1 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.
- 7.2 The Council Chairman & Town Mayor the Committee Chairmen are to be consulted where possible before such action is taken.

## **8. 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:

- 8.1 Appointments to posts including apprentices.
- 8.2 Employment of temporary employees.
- 8.3 Preparation of the job description and person specification, placing of the advertisement and short-listing of applicants.
- 8.4 Management of staff performance.
- 8.5 Control of discipline and performance, including the power of suspension and dismissal.
- 8.6 Exercise of disciplinary and grievance procedures in accordance with the Council's procedures.
- 8.7 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.
- 8.8 Approve or refuse applications for re-grading, remove any bars in salary scales and to authorise salary increments and accelerated increments.
- 8.9 Approve payment of overtime.
- 8.10 Agree minor variations to the condition of employment.
- 8.11 Approve changes to the establishment structure.
- 8.12 Implement and monitor the arrangements for annual leave, flexi time, sickness absence, maternity and paternity leave in accordance with the Council's policies.
- 8.13 Authorise training in line with the Council's policies.
- 8.14 Authorise the provision of uniforms or protective clothing.
- 8.15 Approve payment of claims from employees for compensation for loss of or damage to personal property.
- 8.16 Negotiate and agree settlements on behalf of the Council in relation to any proceedings in the Employment Tribunal.
- 8.17 Agree to premature retirement on the grounds of duly certified ill health.
- 8.18 Terminate employment during probation and to review salary on completion of probationary periods.
- 8.19 Commission legal and professional advice on staffing matters.

## **9. Property Matters**

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

- 9.1 Agreeing the terms of any lease, licence, conveyance or transfer.

- 9.2 The granting or refusal of the Council's consent under the terms of any lease.
- 9.3 Variations of restrictive covenants of a routine nature.
- 9.4 The granting of easements, wayleaves and licences over Council land.
- 9.5 Initiating legal action or proceedings against unauthorised encampments or encroachments on Council land.
- 9.6 Directing the custody of Town Council property and documents in accordance with the provisions of s226 of the Local Government Act 1972.
- 9.7 Exercising responsibility for the safe custody and maintenance of the civic regalia.

## **10. Procedural**

The Town Clerk is authorised to:

- 10.1 Authorise Officers to exercise statutory powers of entry and inspection for the purposes of any function under their control.
- 10.2 Serve requests for information as to ownership occupation and other interests in land for the purposes of any function under their control.
- 10.3 Appoint consultants and other professionals to carry out any function and provide any service under their control.

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

The Town Clerk is authorised to:

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

## **12. Legal Proceedings**

The Town Clerk is authorised to:

- 12.1 Take and discontinue legal proceedings in any Court or at any Tribunal.
- 12.2 Take Counsel's advice or instruct Counsel to represent the Council.
- 12.3 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.
- 12.4 Represent the Council at Court or any Tribunal or to make arrangements for appropriate representation.
- 12.5 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.



- 12.6 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.
- 12.7 Serve Requisitions for Information.

### **13. General Matters**

The Town Clerk is authorised to:

- 13.1 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.
- 13.2 Take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation due to the Council.
- 13.3 Institute and appear in any legal proceedings authorised by the Council.
- 13.4 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).
- 13.5 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.
- 13.6 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.
- 13.7 Deal with day to day matters relating to the use of office accommodation space.
- 13.8 Negotiate and enter into contractual arrangements with organisers in relation to events held at sites owned or managed by the Town Council.
- 13.9 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.
- 13.10 Act as the Council's designated Officer for the purposes of the Freedom of Information Act 2000.
- 13.11 Apply for planning consent for the carrying out of development by the Council.
- 13.12 Respond to consultations on planning applications and licensing applications subject to the comments of the Planning Committee.
- 13.13 Under the Regulation of Investigatory Powers Act 2000, to authorise directed surveillance or the use of a human intelligence sources.
- 13.14 Respond to complaints made under the Council's complaints procedure.
- 13.15 Manage, monitor and review the Council's internal control procedures.
- 13.16 Manage, monitor and review the Council's Corporate Risk Management Strategy.

***Approved 16 May 2023***  
***Next review date: May 2024***



## HORLEY TOWN COUNCIL Member Code of Conduct

### Part 1 – Provisions of the Code

#### 1.1 Interpretation

- 1) This Code applies to you as a member of the authority, when acting in that capacity.
- 2) This Code is based upon seven principles fundamental to public service, which you must have regard to, in order to comply with the Code. The seven principles are:

**Selflessness:** Members should act solely in terms of the public interest.

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

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

**Objectivity:** Members are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**Openness:** Members should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**Honesty:** Members should be truthful.

**Leadership:** Members should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

- 3) It is your responsibility to comply with the provisions of this Code. If you need guidance on any matter about this Code you should seek it from the Monitoring Officer, or your own legal advisor.
- 4) It is a criminal offence to fail to notify the Monitoring Officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have a disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly provide false or misleading information to the Monitoring Officer.

- 5) Any written allegation received by the authority that you have failed to comply with this Code will be dealt with by the authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the authority has the right to have regard to this failure in deciding –
  - a) whether to take action in relation to you, and
  - b) what action to take.
- 6) Members must comply with any reasonable request by the Monitoring Officer regarding the provision of information in relation to a complaint that alleged a breach of the Code of Conduct, and must comply with any formal standards investigation.
- 7) Members must not misuse this Code by, for example, making trivial or malicious allegations against another Member.

## 1.2 Scope

- 1) You must comply with this Code whenever you:
  - a) conduct the business of the authority, which includes the business of the office to which you are elected or appointed; or
  - b) act, claim to act or give the impression you are acting as a representative of your authority.
- 2) Where you act as a representative of your authority:
  - a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## 1.3 Obligations

### 1) You must not:

- a) conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute
- b) do anything which may cause your authority to breach any of its equality duties (in particular set out in the Equality Act 2010)
- c) demonstrate objectively unacceptable behaviour, including, but not limited to:
  - i) bullying or harassment, including, without limitation: spreading malicious rumours, or insulting someone by word or behaviour, being offensive, intimidating, or misusing power to undermine, humiliate, denigrate or injure the recipient.
  - ii) copying written material, including emails, that are personally critical about someone, or continuing an email chain designed to seek to criticise someone
  - iii) ridiculing or demeaning someone - picking on them or setting them up to fail, such as testing someone's knowledge, or 'putting them on the spot' in order to prove that they are inexperienced or incompetent

- iv) exclusion or victimisation, including excluding someone from a meeting that they would otherwise be entitled to attend, or ostracising someone for having not agreed with you
- v) unfair treatment, or treatment that could be perceived to be unfair
- vi) overbearing supervision or other misuse of power or position, such as not respecting the delineation of roles and responsibilities as set out in the Member / Officer protocol, for example repeat emails to a junior officer requesting updates
- vii) making threats or comments about job security, such as asking someone when they were considering retirement
- viii) deliberately undermining a competent employee by overloading or constant criticism, either in meetings or in written format, or indirectly in the media, or with residents
- ix) preventing individuals progressing by intentionally blocking promotion or training opportunities, as a consequence of your perception of something that they had done
- x) invading someone's personal space, by standing or sitting too close to them
- xi) speaking, or writing to someone in an overbearing manner, seeking to highlight or correct minor inconsequential matters
- xii) using aggressive body language, such as pointing, or preventing access to a room or preventing access to documentation
- xiii) undermining or belittling someone, by seeking an alternative view from someone at another authority or elsewhere for the specific purpose of undermining someone at the Council
- xiv) unwelcome advances - touching, standing too close, asking for favours, making a decision on the basis of advances being accepted or rejected
- xv) making abusive, derogatory, patronising, suggestive or sexualised comments or sounds, particularly in meetings which are webcast, or on voicemails
- xvi) making jokes or insulting gestures or facial expressions, what you may identify as a joke may not be perceived as a joke by others
- xvii) ridicule, for example mocking the way something has been written or said and repeatedly mentioning it thereafter
- xviii) offensive e-mails, tweets or comments on social networking sites, where you are acting in your role as a Member
- xix) trolling via social networking sites, where you are acting in your role as a Member
- xx) threats of aggression or intimidation, such as seeking to persuade someone to change their opinion or, in the case of a Member, the way they were considering voting
- xxi) making false and malicious assertions, such as commenting on perceived pecuniary interests of Members, or emphasising some information that you do not know to be true
- xxii) intrusive questioning about private matters, such as someone's relationship status, pastimes or private interests

- xxiii) display of offensive material, or material that may be perceived as offensive by a designated group of people, such as the wearing of offensive badges, ties or clothing, or by the posting of written material on social media or in hard copy format
  - xxiv) comments on dress or appearance, even when you think that would be complementary
  - xxv) any of the behaviours listed above, occurring separately or cumulatively.
- d) Intimidate or improperly influence or attempt to intimidate or improperly influence any person who is or is likely to be:
    - i) a complainant
    - ii) a witness; or
    - iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with the Code; or
  - e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority
  - f) use your position as a Member improperly to confer on or secure for yourself or any other person an advantage or disadvantage
  - g) prevent another person from gaining access to information to which that person is entitled by law
  - h) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where
    - i) you have the consent of the person authorised to give it
    - ii) you are required by law to do so
    - iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
    - iv) the disclosure is
      - reasonable and in the public interest; and
      - made in good faith and in compliance with the reasonable requirements of the authority.

## 2) You must

- a) treat others with respect, and robustly challenge poor behaviour of other Members, including, but not limited to the behaviours set out at 1) 3) c), above.
- b) when using or authorising the use by others of the resources of the authority
  - i) act in accordance with the authority's reasonable requirements
  - ii) act in compliance with the requirements of the Bribery Act 2010
  - iii) ensure that such resources are not used improperly for political purposes; and
  - iv) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986
- c) when reaching decisions on any matter, have regard to any advice provided to you by:
  - i) the Chief Finance Officer
  - ii) the Monitoring Officer
 where that officer is acting pursuant to their statutory duties
- d) give reasons for all decisions in accordance with statutory requirements and any reasonable additional requirements required by the authority.

## Part 2 – Interests

### 2.1 Personal Interests

- 1) The interests described in paragraphs 3 and 4 are your **personal interests**, and the interests described in paragraph 5 are your **pecuniary interests** which are **disclosable pecuniary interests** as defined by section 30 of the Localism Act 2011.
- 2) If you fail to observe Parts 2 and 3 of the Code in relation to your interests –
  - a) The authority may deal with the matter in accordance with paragraph 1, 5) of this Code
  - b) If the failure relates to a disclosable pecuniary interest, you may also become subject to criminal proceedings as described in paragraph 1, 4)
- 3) You have a personal interest in any business of your authority where either –
  - a) it relates to or is likely to affect –
    - i) any body of which you are a Member or in a position of general control or management and to which you are appointed or nominated by your authority
    - ii) any body –
      - exercising functions of a public nature
      - directed to charitable purposes; or
      - one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
      - of which you are a member or are in a position of general control or management
    - iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25; or
  - b) a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a **relevant person** to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the Ward, affected by the decision.
- 4) A **relevant person** is –
  - a) a member of your family or a close associate; or
  - b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - d) any body of a type described in paragraph 3 a i) or ii)

### Disclosable pecuniary interests

- 5) You have a **disclosable pecuniary interest** as defined by section 30 of the Localism Act 2011 in any business of your authority where i) you or ii) your partner (which means your spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) has an interest as described below:

<b>Interest</b>	<b>Description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses, incurred by a Member in carrying out duties as a Member, or toward the election expenses of a Member. This includes and payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority a) under which goods or services are to be provided or works are to be executive; and b) which has not been fully discharged.
Land	Any beneficial interest in land which is with the area of the relevant authority.
Licenses	Any license (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy, where to the Member's knowledge a) the landlord is the relevant authority; and b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body or place where a) that body, to the Member's knowledge) has a place of business or land in the area of the relevant authority; and b) either i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issues share capital of that body; or ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds exceeds one hundredth of the total issued share capital of that class.

- 6) In paragraph 5, any interest which your partner may have is only treated as your interest if you are aware that your partner has the interest.

### **Gifts and Hospitality**

- 7) A Member must, within 28 days of receiving any gift, benefit, or hospitality over the value of £25, provide written notification to the authority's Monitoring Officer of the existence and nature of that gift or hospitality.



## 2.2 Disclosure of Personal Interests

- 1) Subject to paragraphs 2-5 below, where you have a personal interest in any business of your authority and you attend a meeting of your authority at which any matter relating to the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent. This applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 2) Where you have a personal interest but, by virtue of paragraph 3.2, sensitive information relating to it is not registered in your authority's register of Members' interests, you must indicate to the meeting that you have a personal interest and, if so applicable, that it is a disclosable pecuniary interest, but need not disclose the sensitive information to the meeting.
- 3) Subject to paragraph (5 (1) b) , where you have a personal interest in any business of your authority and you have made an executive decision (in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000) on any matter in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

## 3. Prejudicial Interest

- 1) Subject to paragraph 2, where you have a personal interest in any business of your authority, you also have a prejudicial interest in that business where either:
  - a) the interest is a disclosable pecuniary interest as described at 5 above; or
  - b) the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest.
- 2) For the purposes of paragraph (3(1)) above, you do not have a prejudicial interest in any business of the authority where that business:
  - a) does not affect your financial position or the financial position of a person or body described in paragraph (2.1(5));
  - b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph (2.1(5)); or
  - c) relates to the functions of your authority in respect of:
    - i) housing, where you are a tenant of your authority provided that those functions
    - ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
    - iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay;

- iv) an allowance, payment or indemnity given to Members;
- v) any ceremonial honour given to Members; and
- vi) setting Council Tax or a precept under the Local Government Finance Act 1992.

#### **4. Interests arising in relation to the Overview and Scrutiny function**

You also have a personal interest in any business before an overview and scrutiny committee of your authority (or a sub-committee) where:

- a) that business relates to a decision made (whether implemented or not) or action taken by the Executive, or another committee of the authority; and
- b) at the time the decision was made or action was taken, you were a Member of the Executive, or committee, and you were present when that decision was made or action was taken.

#### **5. Effect of Prejudicial Interests on Participation**

- 1) Subject to paragraphs 2 and 3 below, where you have a prejudicial interest in any matter in relation to the business of the authority:
  - a) you must not participate, or participate further, in any discussion of the matter at any meeting, or participate in any vote, taken on the matter at the meeting and must withdraw from the room or chamber where the meeting considering the matter is being held
    - i) in a case where paragraph 2 below applies, immediately after making representations, answering questions or giving evidence;
    - ii) in any other case, whenever it becomes apparent that the matter is being considered at that meeting;unless you have obtained a written dispensation from the Monitoring Officer or Standards Committee
  - b) you must not exercise Executive functions in relation to that matter; and
  - c) you must not seek improperly to influence a decision about that matter.
- 2) Where you have a prejudicial interest in any business of your authority which is not a disclosable pecuniary interest as described in paragraph (2.1(5)), you may attend a meeting (including a meeting of the Overview and Scrutiny committee) but only for the purposes of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- 3) Where you can have a prejudicial interest which is not a disclosable pecuniary interest as described in paragraph (2.1(5)), arising solely from membership of any body described in (2.1 (3)(a)(i)) or (2.1(3)(a)(ii)(a)) then you do not have to withdraw from the room or chamber and may make representations to the committee but may not participate in the vote.

## Part 3 - Registration of Interests

### 3.1 Registration of Members' Interests

- 1) Subject to section 2 below, you must, within 28 days of
  - a) this Code being adopted by the authority; or
  - b) your election or appointment to office (where that is later), register in the register of Members' interests details of –
    - i) your personal interests where they fall within a category mentioned in paragraph (2.1)(3)(a) and
    - ii) your personal interests which are also disclosable pecuniary interests where they fall within a category mentioned in paragraph (2.1)(5) by providing written notification to the Monitoring Officer.
- 2) You must, subject to section 2 below, within 28 days of becoming aware of any new personal interest falling within paragraph (3.1(1)(b)(i)) or (3.1(1)(b)(ii)) or any change to a personal interest registered under paragraph (3.1(1)(b)(i)) or (3.1(1)(b)(ii)), register details of that new personal interest or change by providing written notification to the Monitoring Officer.

### 3.2 Sensitive Information

- 1) Where you consider that the information relating to any of your personal interests is sensitive information, and the Monitoring Officer agrees, the Monitoring Officer shall not include the details of the interest on any copies of the register of Members' interests which are made available for inspection or any published version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.
- 2) You must, within 28 days of becoming aware of any change of circumstances which means that information.
- 3) In this Code, 'sensitive information' means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

## Part 4 – Dispensations

- 1) The Standards Committee, or the Monitoring Officer may, on written request made to the Monitoring Officer by a Member, grant a dispensation relieving the Member from either, or both, of the restrictions in paragraph (5 (1)(a)) (restrictions on participating in discussions and in voting), in cases described in the dispensation.
- 2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the Standards Committee or the Monitoring Officer
  - a) considers that without the dispensation, the number of persons prohibited by paragraph 12 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;

- b) considers that without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
  - c) considers that granting the dispensation is in the interests of persons living in the area of the authority;
  - d) considers that without the dispensation each Member of the Executive (where the matter is an Executive function) would be prohibited by part 2 (3) from participating in any particular business to be transacted by the Executive; or
  - e) considers that it is otherwise appropriate to grant a dispensation.
- 3) A dispensation must specify the period for which it has effect, and the period specified may not exceed 4 years.
- 4) Part 2 (3) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph.

## **Part 5 – Council Tax Arrears**

- 1) Section 106 of the Local Government Finance Act 1992 restricts the rights of Members who are two months or more in arrears with their Council Tax payments. Any such Member must disclose the fact and must not vote at any meeting on decisions being taken which might affect the level of Council Tax or the arrangements for administering it. Failure to comply is a criminal offence.

## **Annex to this code – definitions**

‘Authority’ means Horley Town Council (in association with Reigate & Banstead Borough Council acting as ‘the Principal Authority’)

‘Code’ means this Code of Conduct

‘Committee’ includes any sub-committee, or other body, howsoever named, discharging the function of a Committee for the time being

‘co-opted member’ means a person who is not a member of the authority but who:

- a) is a member of any committee or sub-committee of the authority
- b) is a member, and represents the authority on, any joint committee of the authority and who is entitled to vote on any question that falls to be decided at any meetings of that Committee

‘meeting’ means any meeting of:

- a) the authority;
- b) the executive of the authority;
- c) any meeting of the authority’s or its executive’s committees, sub-committees, joint committees, joint-sub committees, or area committees

‘Member’ includes a co-opted Member

‘register of Members’ interests’ means the authority’s register of Members’ pecuniary and other interests established and maintained by the Monitoring Officer under section 29 of the Localism Act 2011.

***This Member Code of Conduct was adopted by Horley Town Council  
at its Full Council Meeting held on 15 December 2020.***



## HORLEY TOWN COUNCIL

### **Members' Remuneration Scheme 2023-2027**

The Members Allowances Scheme provides for the following:

#### **1. Basic Allowance**

1. Payment of a Basic Allowance of £100 to every Councillor for the year.

A Member may forgo all or part of any allowances to which they are entitled. To do this they must give notice in writing to the proper officer of the authority.

#### **2. Approved Duties for Travelling Allowances**

- i) Council meetings.
- ii) Committee, sub-committee and working group meetings (members of these only)
- iii) Site meetings approved in advance by the Council.
- iv) Staff arbitration and disciplinary proceedings referred to an appropriate authority.
- v) Internal and external training seminars and workshops, as approved in advance by the Council.
- vi) Conferences and seminars organised by other bodies, as approved in advance by the Council
- vii) Meetings of other councils and their committees, as approved in advance by the Council.
- viii) Attendance at courts of law, inquiries, commissions, consultations and at the proceedings of other bodies to represent the interests of the Parish or Parish Council, as approved in advance by the Council.
- ix) Meetings of those Outside Bodies to which the Council appoints representatives.

#### **3. Scale of Allowances for these Duties**

##### **a) Travel**

Where the requirements of paragraph 2 are met a travelling allowance for use of a private vehicle will be paid at the rates stated by HMRC in respect of Business Travel, which at the time of writing are:

- Car - 45 pence per mile
- Motorcycle - 24 pence per mile
- Bicycle - 20 pence per mile

The above rates are subject to the equivalent standard rail fare for the journey being payable where this is lower. An enhanced travel allowance for shared vehicle use of 10 pence per mile for the first passenger and 6 pence per mile for the second and subsequent passengers is also payable. Car mileage in excess of 10,000 miles attracts a reduced rate of 25 pence per mile, as per the Inland Revenue Approved Mileage Allowance Payments rates.

##### **b) Subsistence**

Claims for subsistence will be paid for reasonable expenses only, based on those payable to Members of Reigate & Banstead Borough Council, scales are available on request.

Adopted by Full Council June 2023