



Cullompton Town Council

**Minutes of a meeting of held on
Tuesday 21 April 2020 at 19:00hrs. Meeting held with remote attendance**

Present:

Chairman: Councillor L Knight

Councillors: E Andrews, J Buczkowski, M Dale*, R Dietrich, K Haslett, J Johns, W Jones,
J Lochhead, I Morton, R Murch, M Rowe and M Smith*

**for only part of the meeting*

In attendance

Joy Norris (Town Clerk), Steve Reardon (Assistant Town Clerk), Maria Weston (Deputy Town Clerk),

3 members of the public attended the meeting

1. **Apologies for Absence:**

An apology for absence was received and accepted from Councillor Baldwin.

2. **Declarations of Interests:**

No Declarations of Interests were made regarding items on the Agenda.

3. **Public Participation:** The following questions were asked:

Speaker 1 asked:

- Why are his emails to Councillors and officers being opened and not replied to? The Chair advised that the Clerk would respond to him in due course.
- Has the Town Clerk received the email sent today and will the Town Clerk investigate the alleged data breach reported in the email? The Chair advised that the Clerk would respond to him in due course.
- Why was the Agenda published 3 days before this meeting but that the Appendices were not? Councillor Buczkowski responded the Monitoring Officer at Mid Devon District Council, is that there is no requirement to publish Appendices within the timescales laid down in the Local Government Act and that, in his opinion, this meeting had legally been convened.

Speaker 2

Asked why, despite several Facebook communications with 13 questions, he had not received a response?

In the past 3-4 weeks he had tried unsuccessfully to contact the Town Clerk and therefore asked if there is there a culture of avoiding certain members of the public. The Chair responded No there is not such a culture.

4. **Standing Orders:**

Consideration was given to making amendments to the Town Council's Standing Orders to enable the holding and conduct of virtual meetings.

RESOLVED to approve the amendments to the Town Council's Standing Orders regarding the holding and conduct of virtual meetings as given in Annex 1 to these minutes.

5. **Minutes:**

The minutes of the Full Council meeting held on 12 March 2020 were considered.

RESOLVED that the minutes of the Council meeting held on 12 March 2020 be confirmed as a correct record.

6. **Resolutions:**

Previous resolutions made by Council and information about the action taken to implement those decisions was presented.

RESOLVED to note the report.

7. **Financial Matters**

(i) **Payments:** To examine and agree the accounts due for payment.

RESOLVED that the accounts due for payment are approved.

Financial Reports: To receive the Financial Reports listed below:

- (a) Bank Reconciliation February 2020.
- (b) Balance Sheet February 2020.
- (c) Income & Expenditure report February 2020.
- (d) Credit card payments February and March 2020.

RESOLVED to note the financial statements listed at 7(ii)(a) – (d) above.

(ii) **Review of Bank Signatories:**

The Town Clerk advised the meeting of the current signatories to the main bank account and suggested that bearing in mind the current availability of Councillors it would be helpful to have an additional signatory.

RESOLVED that Councillor James Buczkowski becomes an additional bank signatory on the council's main bank account.

(iii) **Virements:**

Consideration was given to the potential of virements being required to enable the 2019/20 accounts to be accurately completed.

RESOLVED that this item is delegated to the Policy, Finance and Personnel Committee to consideration and decision.

**Note: Councillor Smith joined the meeting at 19:31hrs.*

8. **Motions proposed by Councillors:**

That the Town Council considers making virements to both the 2019/20 and 2020/21 budgets to create an emergency fund to support the Town Council's local response to the Coronavirus and COVID-19 pandemic (Councillor Buczkowski).

**Note: Councillor Dale joined the meeting at 19:33hrs.*

RESOLVED that £2,000 is taken from the 2019/20 Tourism and Youth Services surpluses and transferred to an emergency COVID-19 response fund in addition to £1,500 contained in the Community Wellbeing budget line.

9. **The Town Council's response to the COVID-19 Pandemic:**

- (i) The Community Wellbeing Committee recommended that a Working Group be set up to co-ordinate the voluntary work in the Parish of Cullompton and assist where it can during the COVID-19 pandemic.

RESOLVED that a Working Group is set up to co-ordinate the voluntary work in the Parish of Cullompton and assist where it can during the COVID-19 pandemic; the Terms of Reference for this group will read as follows:

“Scope: To provide and support a co-ordinated approach to helping the parish of Cullompton during the Covid 19 emergency situation and in the immediate months following the lifting of restrictions.

Reports to: Full Town Council

Membership: Mayor, Chair of Policy, Finance and Personnel Committee, Chair of Community Wellbeing Committee (all three being ex officio appointments) (this means that should the Mayor / Chair be unable to attend the Deputy Mayor / Vice-Chair may deputise), A maximum of 5 other Town Councillors.

Chair: Mayor

Standing Invitees: Cullompton Co-vid 19 Volunteer Group
Food Bank
Church
Dr Surgeries
Pharmacies
District Councillors
Police

Outputs:

- A shared understanding of what help and services are available for people living within the parish of Cullompton
- A shared understanding of what additional help/ services may be useful and who / how that can be provided
- Constructive support from the Town Council
- Dissemination of accurate information

Delegated Powers / Decision Making: None.

Note: The PFP Committee 12.03.2020 resolved that following consultation with the Mayor and Chair of PFP Committee that the Town Clerk is given delegated authority, following consultation with the Mayor and the Chair of the Policy, Finance and Personnel Committee, to take any necessary steps to deal with the emerging coronavirus situation, recognising that the health and safety of staff, councillors and the public is the priority.)

Meeting Frequency: As and when required; usually meetings will be held by video conference.

- (ii) A report about the Town Council’s response to the COVID-19 pandemic had been circulated as part of the supporting papers for the meeting.

10. Delegation of Decision Making During the COVID-19 Pandemic:

- (i) The resolution of the Policy, Finance and Personnel Committee held on 12 March 2020 that the Town Clerk regarding delegated authority for decision making during the emergency situation was considered.

RESOLVED to ratify the resolution of the Police, Finance and Personnel Committee on 12 March 2020 to give delegated authority to the Town Clerk, following consultation with the Mayor and Chair of the Policy Finance and Personnel Committee, to take any necessary steps to deal with the emerging Coronavirus situation, recognising that the health and safety of staff, Councillors and the public is a priority.

- (ii) The decisions made by the Town Clerk in accordance with 10(i) above were considered.

RESOLVED that the decisions taken by the Town Clerk as detailed in the table below are ratified.

Topic	Decision	Councillors Consulted
Purchase of Cards for shopping to assist community support group	To purchase a maximum of 15 X £30.00 gift cards from Tesco to enable the community support group to get shopping where people are unable to get cash or make debit / credit cards available to the volunteer doing the shopping. Notes: (i) The need to have a means to make purchases and seek reimbursement was discussed and agreed by the emergency situation working group (ii) A process is in place to seek reimbursement from the community member requesting the shopping and it is anticipated that in the majority of cases the Town Council will be reimbursed. (iii) The re-imburement process has been developed with the agreement of the Chair of the PFP Committee.	Mayor, Chair of PFP, Deputy Mayor, Vice-Chair Community Wellbeing, Cllrs Murch and Smith (all via the Working Group)
Cemetery	(i) to keep the cemetery open to the public provided that social distancing measures are observed (ii) that the Outdoor Team undertake general maintenance including grass cutting at the cemetery in order to keep it tidy during the lockdown period	Mayor, Chair of PFP, Deputy Mayor
Town Council Meeting	To hold a Town Council meeting with remote participation on 21 April 2020	Mayor, Chair of PFP
Debit Card	To obtain a Pre-Paid debit card with a £500.00 float; usage to be reported to Council in the same way as the Credit Card; To be reviewed in 6 months.	Mayor, Chair of PFP, Deputy Mayor

	The debit card to be used and managed in accordance with the Town Council's Financial Regulations	
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11. Local Government Boundary Commission For England - Mid Devon Review:

To consider a response to the consultation on proposals for Mid Devon.

**Note: Councillor Martin Smith left the meeting 19:55hrs.*

RESOLVED

- (i) that the proposed Ward Boundaries are acceptable.
- (ii) It was widely considered that the proposed Ward names are not suitable and should be amended to Cullompton East (to replace Padbrook), Cullompton Central (to replace St Andrew's) and Cullompton West (to replace Culm Vale).

12. Review of Governance Documents

In accordance with the recommendation of the Policy, Finance and Personnel Committee held on 12 March 2020 to consider the adoption of amended Financial Regulations and Scheme of Delegation / Terms of Reference

- (i) Financial Regulations which incorporates changes suggested by the Policy Review Working Group following their review.

RESOLVED that the recommended changes are agreed and that the Financial Regulations attached as Annex 2 to these Minutes are adopted.

- (ii) Scheme of Delegation / Terms of Reference which incorporates changes suggested by the Policy Review Working Group following their review.

RESOLVED that the recommended changes are agreed and that the Scheme of Delegations / Terms of Reference attached as Annex 3 to these Minutes are adopted.

13. Town Council Annual Meeting

The Annual Town Council Meeting was originally scheduled for 8 May 2020. The Annual Town Council Meeting is where the Town Council elects its Mayor, appoints the Deputy Mayor, agrees committee membership etc. The Government has passed new, temporary legislation due to the COVID-19 pandemic which remove the requirement for an annual meeting this year.

RESOLVED

- (i) That the Annual Meeting of the Council is postponed until at least November 2020
- (ii) That the postponement is reviewed in review in November 2020,
- (iii) That tis resolution is taken as a of Vote of Confidence in the current incumbents of the Mayor, Deputy Mayor and Committee Chair posts.

14. Calendar of Meetings

Consideration was given to dates and reserve dates of future Town Council Meetings.

RESOLVED that meetings of the Full Council will take place on the 4th Thursday of May, June and July 2020 with reserve dates of the 2nd Thursday of May, June and July 2020.

15. Committee Recommendations:

Consideration was given to recommendations from Committees not dealt with elsewhere on the Agenda.

RESOLVED that the recommendation from the Community Wellbeing Committee meeting held on 19 March 2020 that, in order to assist with the cost of recent tree works on the Top Field Allotment site, £1,000 is transferred from the Community Wellbeing budget to the Allotment Maintenance budget is delegated to the Policy, Finance and Personnel Committee for consideration and decision alongside any other virements required to balance the Town Council's budgets.

16. 19 High Street, Cullompton – Oversight and Management Arrangements, Setting up a Community Interest Company and Lease Heads of Terms.

(i) Recommendations from The Policy, Finance and Personnel Committee held on 12 March 2020 were considered regarding the oversight and management of the project to acquire and develop 19 High Street, Cullompton.

RESOLVED that the Economic Development Committee (formerly Economic Development Working Group) is renamed the No19 High Street Development Committee and that the following be included in the Committee's Terms of Reference:

- Making recommendations to the Town Council regarding appropriate and effective management structures e.g. Community Interest Company.
- Making recommendations to the Town Council regarding the terms of any lease between the Town Council and the site tenant for 19 High Street, Cullompton.
- To control and monitor the Town Council's budget regarding the acquisition and use of 19 High Street, Cullompton, including regular reviews of income and expenditure.
- To have general oversight of the Town Council's involvement in the project.

(ii) To consider recommendations from The Policy, Finance and Personnel Committee held on 12 March 2020 regarding setting up a Community Interest Company and bespoke articles of association.

RESOLVED that subject to the advice of the Town Council's Solicitor, Cullompton Town Council sets up a Community Interest Company, and that the company has bespoke articles of association specifying

- Liability is Limited by Guarantee of £1
- Membership is open to any resident or business owner within Cullompton, upon completion of application form and payment of a fee
- One Member, one vote
- The board of directors will be set at 9, 5 Directors to be nominated by Cullompton Town Council (Not necessarily Councillors) and 4 nominated by members
- Profit and or capital will be non-distributable to members or directors

- Any change to the Articles will require consent of the Town Council
- Asset Lock, while the CIC will have an asset lock in place, it is not proposed to specify a nominated organisation

Company Objectives to be agreed, but in essence they will be fairly generic (to avoid restricting future activities) around the improvement of the economic and social prospects of the town for the benefit of all townspeople.

- (iii) Recommendations from The Policy, Finance and Personnel Committee held on 12 March 2020 were considered regarding the heads of terms to be included on any lease from the Town Council.

RESOLVED that subject to the advice of the Town Council's Solicitor, Cullompton Town Council, upon the successful purchase of 19 High Street, offers to lease the premises to "No19 CIC" with the following heads of terms

- 50-year lease
- No rent payable in year 1
- £6,500 Annual rent charge, payable in years 2 -50, subject to bi-annual review
- All legal costs & Registration costs to be met by lessee
- Unrestricted permission to use and develop the site for non-residential
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17. **Exclusion of the Press and Public:**

Consideration was given to excluding the public and press for Agenda Item 18 (19 High Street, Cullompton, Lease Charge) on the grounds that publicity would be prejudicial to the public interest by reason of its confidential nature, i.e. that the Lease Charge is subject to negotiation.

RESOLVED that the public and press are excluded for Agenda Item 18 (19 High Street, Cullompton, Lease Charge) on the grounds that publicity would be prejudicial to the public interest by reason of its confidential nature, i.e. that the Lease Charge is subject to negotiation

18 **19 High Street Cullompton, Lease Charge**

Consideration was given to the lease charge range to be used for the purpose of negotiation with Mid Devon District Council.

RESOLVED to allow the Community Interest Company leeway in the lease figure to enable the Town Council to have maximum negotiating flexibility with Mid Devon District Council.

The meeting closed at 20:58hrs.

New Standing Order 3y

When a Councillor or Officer speaks they shall first state their name and office e.g. XXXX Town Clerk or Cllr XXXX

New Standing Order 3z

At a meeting with remote participation and participants in differing locations and where the equipment facilities permits participants shall have audio muted when they are not speaking – the Chair being the person to disable and enable the mute function

Amended Standing Order 2C

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 or, at a meeting with remote participation and participants in differing locations, using the technology available to exclude the person(s) from the meeting.

Amended Standing Order 3i

- 3i (i) At a meeting with remote participation and participants in differing locations a person using video shall raise his hand when requesting to speak so that it is clearly visible and a person using audio only shall say “Chairman, permission to speak please”.
- 3i (ii) At a meeting where all the participants are physically present in the same place a person shall raise his hand when requesting to speak and use a microphone if there is one available

Standing Order 3s

- 3s(i) “Unless standing orders provide otherwise (see 3s(ii)), voting on a question shall be by a show of hands unless moved and seconded and approved by a majority of those present and voting, then a paper vote can be taken. At the request of a councillor, the voting on any question shall be recorded so as to show whether each councillor present and voting gave his vote for or against that question. Such a request shall be made before moving on to the next item of business on the agenda.”
- 3s (ii) Where a meeting is taking place with remote participation and participants in differing locations; the name of each person entitled to vote will be read out one by one (by the Chair or Town Clerk or person administering the meeting) and each voter must state how they are voting or if they are abstaining; the order in which the names are read out will be at the discretion of the meeting Chair but it will be usual practice for the meeting Chair to be the last person to vote. At the request of a Councillor the record of how each person voted will be included in the minutes of the meeting, such request to be made before the vote commences.

CULLOMPTON TOWN COUNCIL



FINANCIAL REGULATIONS

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These Financial Regulations were adopted by the council at its meeting held on 21 April 2020

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 orders¹ and any individual financial regulations relating to contracts.
- 1.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.
 - 1.3. The council's accounting control systems must include measures:
 - for the timely production of accounts;
 - that provide for the safe and efficient safeguarding of public money;
 - to prevent and detect inaccuracy and fraud; and
 - identifying the duties of officers.
- 1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.
- 1.7. Members of council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of councillor into disrepute.
- 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Clerk has been appointed as RFO for this council and these regulations will apply accordingly. The Deputy Town Clerk will deputise in the absence of the Town Clerk (RFO).
 - 1.9. 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;
 - maintains the accounting records of the council up to date in accordance with proper practices;

¹ Model Standing Orders for Councils (2018 Edition) is available from NALC (©NALC 2018)

- assists the council to secure economy, efficiency and effectiveness in the use of its resources; and
- produces financial management information as required by the council

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

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

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

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

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

1.13. The council is not empowered by these Regulations or otherwise to delegate certain specified decisions. In particular any decision regarding:

- setting the final budget or the precept (council tax requirement);
- approving accounting statements;
- approving an annual governance statement;
- borrowing;
- writing off bad debts;
- declaring eligibility for the General Power of Competence; and
- addressing recommendations in any report from the internal or external auditors, shall be a matter for the full council only.

1.14. In addition, the council must:

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

- approve any grant or a single commitment in excess of £5,000; 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.

1.15. In these financial regulations, references to the Accounts and Audit Regulations or ‘the regulations’ shall mean the regulations issued under the provisions of section 27 of the Audit Commission Act 1998, or any superseding legislation, and then in force unless otherwise specified.

In these financial regulations the term ‘proper practice’ or ‘proper practices’ shall refer to guidance issued in *Governance and Accountability for Local Councils - a Practitioners’ Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of NALC and the Society for Local Council Clerks (SLCC).

2. Accounting and audit (internal and external)

2.1. All accounting procedures and financial records of the council shall be determined by the RFO in accordance with the Accounts and Audit Regulations, appropriate guidance and proper practices.

2.2. On a regular basis, at least once in each quarter, and at each financial year end, a member other than the Chairman or a cheque signatory shall be appointed to verify bank reconciliations (for all accounts) produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Policy, Finance & Personnel Committee.

NOTE: Rota will be prepared, by the Finance Officer, which identifies a Councillor to verify the bank reconciliation

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 Audit Commission Act 1998, or any superseding legislation, and the Accounts and Audit Regulations.

2.10. 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 prepare 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 end of November each year including any proposals for revising the forecast.

3.2. The RFO must each year, by no later than December, 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 Policy, Finance and Personnel Committee.

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 of council tax to be levied for the ensuing financial year not later than by the end of January each year. The RFO shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.

3.5. 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 for all items over £5,000;
- a duly delegated committee of the council for items over £500; or
- the Ton Clerk for any items below £500.

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

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

4.2. No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council or the Policy, Finance and Personnel 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 in October for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chairman of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.

4.5. In cases of extreme risk to the delivery of council services, the clerk may authorise revenue expenditure on behalf of the council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £1,000. The Clerk shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.

4.6. No expenditure shall be authorised in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the council is satisfied that the necessary funds are available and the requisite borrowing approval has been obtained.

4.7. All capital works shall be administered in accordance with the council's standing orders and financial regulations relating to contracts.

4.8. The RFO shall regularly provide the council with a statement of receipts and payments to date under each head of the budgets, comparing actual expenditure to the appropriate date against that planned as shown in the budget. These statements are to be prepared at least at the end of each financial quarter and shall show explanations of material variances. For this purpose "material" shall be in excess of £100 or 10% of the budget.

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

5. Banking arrangements and authorisation of payments

- 5.1. The council's banking arrangements, including the bank mandate, shall be made by the RFO and approved by the council; banking arrangements may not be delegated to a committee. They shall be regularly reviewed for safety and efficiency. Bank signatories will be subject to credit checks to ensure they are fit and proper persons as defined by HMRC.
- 5.2. The RFO shall prepare a schedule of payments requiring authorisation, forming part of the Agenda for the Meeting and, together with the relevant invoices, present the schedule to Council. The council shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.
- 5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order.
- 5.5. The Clerk and RFO shall have delegated authority to authorise the payment of items only in the following circumstances:
 - a) If a payment is necessary to avoid a charge to interest under the Late Payment of Commercial Debts (Interest) Act 1998, and the due date for payment is before the next scheduled Meeting of council, where the Clerk and RFO certify that there is no dispute or other reason to delay payment, provided that a list of such payments shall be submitted to the next appropriate meeting of council.
 - b) An expenditure item authorised under 5.6 below (continuing contracts and obligations) provided that a list of such payments shall be submitted to the next appropriate meeting of council or
 - c) fund transfers within the councils banking arrangements up to the sum of £10,000, provided that a list of such payments shall be submitted to the next appropriate meeting of council.
- 5.6. For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively) Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council ,or a duly authorised committee, may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of PFP Committee.

- 5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.
- 5.8. In respect of grants a duly authorised committee shall approve expenditure within any limits set by council and in accordance with any policy statement approved by council. Any Revenue or Capital Grant in excess of £5,000 shall before payment, be subject to ratification by resolution of the council.
- 5.9. Members are subject to the Code of Conduct that has been adopted by the council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.
- 5.10. The council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.
- 5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

6. Instructions for the making of payments

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

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

6.17. Changes to account details for suppliers, which are used for internet banking may only be changed on written hard copy notification by the supplier and supported by hard copy authority for change signed by two members. A programme of regular checks of standing data with suppliers will be followed.

6.18. A Debit Card will not be issued.

6.19. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the PFP Committee. Transactions and purchases made will be reported to the Council and authority for topping-up shall be at the discretion of the PFP Committee.

6.20. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the RFO with a limit of £1,500 and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall only be used with the permission of the RFO.

6.21. The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be forwarded to the RFO with a claim for reimbursement.

a) The RFO shall maintain a petty cash float of £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) An additional cash float of £40 will be kept for recycling bag sales and photocopying income.

c) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.

d) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to council under 5.2 above.

7. Payment of salaries

7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.

7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available council meeting, as set out in these regulations above.

7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the PFP Committee

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 PFP Committee 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/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 8.3. The council will arrange with the council's banks and investment providers for the sending of a copy of each statement of account to the Chairman of the council at the same time as one is issued to the Clerk or RFO.
- 8.4. All loans and investments shall be negotiated in the name of the council and shall be for a set period in accordance with council policy.
- 8.5. 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.
- 8.6. All investments of money under the control of the council shall be in the name of the council.
- 8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.
- 8.8. 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. Personal cheques shall not be cashed out of money held on behalf of the council.
- 9.7. 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.
- 9.8. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.
- 9.9. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 16 below).

10. Orders for work, goods and services

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

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

11. Contracts

11.1. Procedures as to contracts are laid down as follows:

a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that this regulation need not apply to contracts which relate to items (i) to (vi) below:

- i. for the supply of gas, electricity, water, sewerage and telephone services;
- ii. for specialist services such as are provided by legal professionals acting in disputes;
- iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
- iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the council;
- v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of council); and
- vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

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 Regulations².

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)³.

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 or sent electronically

² The Regulations require councils to use the Contracts Finder website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of new contracts

³ Thresholds currently applicable are:

- a) For public supply and public service contracts 209,000 Euros (£181,302)
- b) For public works contracts 5,225,000 Euros (£4,551,413)

to be dedicated email address. Each tendering firm shall be supplied with the email address to which the tender is to be sent> The emailed tender documents will not be opened until the prescribed date for opening tenders for that contract; the mailbox to be protected by 2 factor authentication.

f) All tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.

g) Any invitation to tender issued under this regulation shall be subject to Standing Orders (No 18) and shall refer to the terms of the Bribery Act 2010.

h) When it is to enter into a contract of less than £25,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk or RFO shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £3,000 and above £100 the Clerk or RFO shall strive to obtain 3 estimates. Otherwise, Regulation 10.3 above shall apply.

i) The council shall not be obliged to accept the lowest or any tender, quote or estimate.

j) Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires 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, the council being informed where the final cost is likely to exceed the financial provision.

13. Assets, properties and estates

13.1. The Clerk shall make appropriate arrangements for the custody of all title deeds and Land Registry Certificates of properties held by the council. The RFO shall ensure a record is maintained of all properties held by the council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Accounts and Audit Regulations.

13.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other

consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £200.

- 13.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 13.4. No real property (interests in land) shall be purchased or acquired without the authority of the full council. In each case a report in writing shall be provided to council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).
- 13.5. Subject only to the limit set in 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.
- 13.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

14. Insurance

- 14.1. Following the annual risk assessment (per Regulation 17), the RFO shall effect all insurances and negotiate all claims on the council's insurers.
- 14.2. The RFO shall give prompt notification of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 14.3. The RFO shall keep a record of all insurances effected by the council and the property and risks covered thereby and annually review it.
- 14.4. 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.
- 14.5. All appropriate members and employees of the council shall be included in a suitable form of security or fidelity guarantee insurance which shall cover the maximum risk exposure as determined annually by the council, or duly delegated committee.

15. Charities

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

16. Risk Management

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

17. Suspension and revision of Financial Regulations

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

Note: The Model Financial Regulations templates (upon which Cullompton Town Council's Financial Regulations are based) 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.

CULLOMPTON TOWN COUNCIL



<u>POLICY TITLE</u>	<u>Scheme of Delegation</u>
<u>POLICY NO</u>	<u>9</u>
<u>REVISION DATE</u>	<u>September 2019</u> <u>March 2020</u>
<u>REPLACES POLICY</u>	
<u>POLICY AIM</u>	To set out how the Council operates and transacts its business.

HOW THE COUNCIL OPERATES

Councillors agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. A copy of this Code is available on the Council's website www.cullomptontowncouncil.gov.uk or on request from the Council office.

All Councillors meet together once a month. The Council conducts its business through Committees. The responsibilities of each committee are set out in Section 4 and are reviewed annually. It is in the Committees that the Councillors decide the Council's overall policies and set the budget for each year. The Council retains certain powers and duties to itself and delegates to committees, sub-committees and on occasion to officers.

Membership of the various committees, sub-committees, working groups and outside bodies representatives are appointed at the Council's Annual Meeting in May of each year. The Committees themselves set the dates for their meetings.

***Decision Making** The Town Council and its Committees, Working Groups and staff will endeavour to work within the policy framework set by the Town Council and Its Committees; if the Town Council or a Committee makes a decision which deviates from an agreed, existing policy the reason for the deviation will be included in the minute recording the decision. If a member or staff makes a decision which deviates from an agreed, existing policy the reason it will be reported to the next relevant Committee meeting.*

All decisions will be made with due regard to the following principles:

- *Legality*
- *Financial prudence and value for money*
- *The management of risk in a proportionate and considered manner*
- *The exercise of power must be proportionate to the desired outcome*
- *Account will be taken of consultation with partners and the public*
- *Proper consideration of advice from Officers and professional advisors*
- *Respect for human rights, diversity and equality*
- *Environmental impact and sustainability*
- *Council, Committee and Sub Committee decisions will be made in public whenever appropriate and possible*

Specifically, decision makers will ensure that in arriving at a decision full and proper consideration is given to

- *The likely effect on crime and disorder and the need for prevention (Crime and Disorder Act 198 S 17)*
- *The Town Council's duty to promote equality and diversity*
- *Human Rights Legislation*
- *Environmental impact and sustainability*
- *Health and safety*
- *Obtaining and delivering value for money"*

1. MATTERS TO BE RESOLVED ONLY BY THE FULL COUNCIL

- Issuing the precept demand.
- Borrowing money.
- Approving the end of year Accounts and Annual Report.
- Incurring capital expenditure over and above the council's approved budget.
- Incurring revenue expenditure which is over and above the council's approved budget
- Incurring revenue expenditure which is in excess of £5,000 per item.
- Amending Standing Orders and Financial Regulations.
- Reviewing the Council's Committee structure and procedures as necessary and **defining** the number of Committees together with the number of members appointed to each Committee.
- Determining the functions and constitution of Committees.
- **Setting** the dates of routine meetings of the Council. Individual Committees shall have delegated authority to agree the dates of their meetings.
- Filling of member vacancies on the council and any of its Committees.
- Appointing or nominating members to fill vacancies on outside bodies on behalf of the council and receiving reports from the meetings of outside bodies.
- To review the administrative functions of the council.

- To exercise the council's power to direct as to the custody of parish property and documents in accordance with the provisions of the Local Government Act 1972 Section 226.
- To consider legislation and the consequences thereof upon the council and disseminate such information to all members of the authority and its staff.
- To decide upon matters referred by Committees.
- To receive reports on issues dealt with at Committee.
- The election of the Town Mayor and Deputy Town Mayor.
- Confirming the appointment or dismissal of the Town Clerk.

2. COMMITTEE RULES AND STRUCTURES

- The composition of Committees shall be no more than 7 (seven) members of the council excluding the Town Mayor and Deputy Town Mayor.
- The Town Mayor and Deputy Town Mayor shall be ex-officio members of all Committees with full voting rights.
- Each Committee shall be responsible for the election of Committee Chairman and, if required, Vice-Chairman annually, however, Full Council may appoint a Chairman if the position becomes vacant.
- All members of the council may attend all meetings of the Committees and speak with the permission of the Committee Chairman but may not vote unless appointed as a member of the Committee.
- Three members of a Committee shall constitute a quorum.
- If a Committee is not quorate then any Council member present at the meeting, but not a member of that committee, can be co-opted onto the Committee and have full voting rights for that meeting only.
- Committees have delegated powers to make binding decisions on behalf of the council as indicated in their delegated responsibilities provided that in all cases the meeting is quorate. If the number of members present, not including those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and the business not transacted at that meeting shall be transacted at the next meeting or on such other day as the Chairman may fix.
- Committees shall form Sub-Committees as required to deal with specific issues as necessary.
- Non-council members may be co-opted onto all Council Committees, Sub-Committees and Working Groups at the discretion of the members of that Committee, Sub-Committee or Working Group with the exception of the Policy, Finance and Personnel Committee, the Appeals Committee and the Audit Sub-Committee. Non council members of Council Committees will have no voting rights.
- Individual Committee Terms of Reference shall be reviewed by the Committee and ratified by the council annually.

3. RESPONSIBILITY DELEGATED TO CULLOMPTON TOWN COUNCIL OFFICERS

The Proper Officer. The Town Clerk is designated and authorised as Proper Officer for the purpose of all relevant sections of the Local Government Act 1972, the Localism Act **2011** and any other statute requiring the designation of a Proper Officer.

- a. **General Matters:**
 - i. To sign on behalf of the council any document necessary to give effect to any decision of the council.
 - ii. In consultation with the Council, to take any proceedings or other steps as may be necessary to enforce and recover any debt owing or other obligation to the council.
 - iii. To institute, defend and appear in any legal proceedings authorised by the council.
 - iv. To make representations to any tribunal or public inquiry into any matter in which the council has an interest either in its own right or on behalf of the citizens of Cullompton.
 - v. To decide arrangements for the closure of the council's premises.
 - vi. To manage the council's facilities and assets including allotments, open space, amenity areas, cemeteries, the Town Hall and other building and assets.
 - vii. To grant grave spaces.

- b. **Financial Matters:** The Town Clerk is authorised to incur emergency expenditure up to a maximum of £1,000 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 Financial Regulations.

- c. **Staffing Matters.** The Town Clerk is given delegated powers to manage council staff in accordance with the council's policies, procedures and budget including:
 - i. Control of staff performance and discipline.
 - ii. Payment of expenses and allowances in accordance with the council's scheme.
 - iii. To present to the Policy, Finance and Personnel Committee recommendations for employees' increments in accordance with the council's staff appraisal scheme.

- d. **Urgency.** The Town Clerk is authorised to 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 Sub-Committee. Where

possible, the Town Mayor and the Chairman of any relevant Committees are to be consulted before such action is taken.

4. COMMITTEE STRUCTURE

COMMITTEES

- **Appeals:** To hear appeals against decisions taken
- **Cemetery and Town Hall:** The care, management and improvement of Cullompton's Cemetery and Town Hall
- **Community Well-Being:** Health, community safety, community events, play areas, Top Field and Haymans Close Allotments, community transport, Public Rights of Way, and the general well-being of the people that live in Cullompton parish.
- **Gift of A Burrow for Allotments:** The Burrows Allotment Field, a registered charity with its own bank account, for which the Council is the sole trustee.
- **Planning & Licencing:** Planning and Licencing applications
- **Policy, Finance and Personnel:** Finance, personnel and policy matters
- **Town Centre & Economic Development:** Management and promotion of the outdoor market, St Andrews car park, public toilets, town centre revitalisation, Codners Corner, CCTV, street furniture and floral enhancement of the town and the War Memorial.

SUB-COMMITTEES

- **Audit Sub-Committee:** To undertake and make the appropriate recommendations on financial risk management matters to the Policy, Finance and Personnel Committee.
-

STEERING AND WORKING GROUPS

- **Christmas Lights Event Working Group:** Organisation of Cullompton's Annual Christmas Festival. Reports to Community Wellbeing Committee.
- **Neighbourhood Plan Steering Group:** Preparation of a Neighbourhood Plan for the Parish of Cullompton. Reports to Planning & Licencing Committee.
- **Policy Review Working Group:** Review Council's policy and procedural documents, including an annual review of the Council's emergency plan. Reports to Policy, Finance and Personnel Committee (PFP)
- **Youth Services Working Group:** Make recommendations to Full Council relating to the provision of youth services in Cullompton and prepare a youth strategy for Cullompton. Reports to Community Wellbeing.
- **Climate Change Working Group:** Reports to the Policy, Finance and Personnel Committee

- **Economic Development Working Group:** To explore the feasibility of acquiring 19 High Street (Cullompton) in order to improve the economic prospects for the benefit of the whole town.
- **ICT Working Group:** Information, Communication and Technology matters. Reports to PFP Committee

PROPERTY FOR WHICH THE COUNCIL IS THE SOLE TRUSTEE

Upcott Recreation Field and Gift of A Burrow for Allotments

4.1. APPEALS COMMITTEE

- Considering and deciding whether individual appeals have established grounds for appeal according to the disciplinary or grievance procedures.
- To gather further evidence at appeal committee hearings and to decide, on the basis of that information, whether an appeal should be upheld or rejected.

4.2 CEMETERY AND TOWN HALL COMMITTEE

Terms of reference

- i. The care, maintenance and regulation of the Cemetery, Town Hall and CCTV system.
- ii. Review annually the Council's fees and charges for the cemetery and Town Hall.
- iii. To control the finances of the Cemetery, Town Hall subject to the limits of the budget agreed by the Council.
- iv. To undertake quarterly reviews of expenditure against the approved budget and to report to the council highlighting any concerns.
- vi. To develop, fund and bring to fruition, projects for the improvement of the Cemetery and Town Hall.
 - vii. Health and safety matters impacting on the Cemetery and Town Hall.

4.3 COMMUNITY WELLBEING

Terms of Reference

- i. Any matters which impacts on the general health and wellbeing of those living in Cullompton parish.
- ii. To make appropriate representations to any relevant agency in relation to any incident event or action which, in the opinion of the Council, is detrimental to the health of the community in its area.

- iii. To work with other authorities to maintain, develop and promote the public footpaths within the Parish through schemes such as the Parish Paths Partnership.
- iv. To organise the Christmas lighting display and other community events.
- v. Public safety and crime and disorder.
- vi. To prepare, monitor and review the Council's Sport and Leisure Strategy.
- vii. To oversee the Council's archive project.
- viii. To establish and foster civic relationships with such bodies or organisations as the Council may authorise.
- ix. The care maintenance and regulation of play areas and play equipment under the control of the Council and make recommendations in relation to play areas and public open space not in the control of the Town Council.
- x. The care, maintenance and control of the 'Top Field' and Haymans Close allotment sites, including regular review of fees.
- xi. To investigate opportunities to improve transport links, to include community bus service.
- xii. Public relations and promotion: including newsletter and appropriate communication documents.
- xiii. To have overall responsibility for the Emergency Plan

4.4. PLANNING & LICENSING COMMITTEE

Terms of reference

- i. The Committee shall meet twice a month with the Chairman having discretion to call extraordinary meetings as required.
- ii. To respond to all planning and licensing applications where the Council is consulted having due regard for:
 - The National Planning Policy Framework.
 - The Planning Authority's Local Plan.
 - The Conservation Area Management Plan.
 - The Greater Exeter Strategic Plan
 - The Neighbourhood Plan
 - The view of parishioners as appropriate.
 - All other information and advice that may be available.
- iii. To represent the council at meetings of Mid Devon District Council's Planning & Licencing Committees and to make written or verbal representation on behalf of the council in the event of a planning or licencing application being appealed.
- iv. The Chairman shall refer any major or contentious planning application to the council for consideration.
- v. To advise the Council as required on all matters associated with the Local Development Plan and any other planning consultation documents.
- vi. To oversee the production and implementation of a Neighbourhood Plan.

4.5 POLICY, FINANCE AND PERSONNEL COMMITTEE

Terms of Reference**a. Administration:**

- i. To maintain a continuous general oversight on the Council's administration.
- ii. To oversee the strategic and policy issues affecting the Council's acquisition and development of information technology.
- iii. To recommend on the acquisition and renewal of vehicles and ensure the maintenance and serviceability of vehicles in a roadworthy state.

b. Finance

- i. Control of the finances of the council including recommending and monitoring the annual budget.
- ii. Proposing the precept demand for the billing authority to be put before the council.
- iii. To undertake quarterly review of expenditure against the approved budget and to report to the council highlighting any variations.
- iv. To ensure the proper arrangements for the conduct of the statutory annual audit including the appointment of an internal auditor.
- v. To approve the Annual Statement of Accounts for submission to the council for adoption.
- vi. To consider virements as necessary.
- vii. To undertake regular review of the council's banking arrangements and investments.
- viii. To regularly review the council's insurance requirements.
- ix. To consider grant applications and make recommendations to the full council.
- x. To consider matters referred by the council.

c. Personnel:

- i. To recruit, retain and develop staff and councillors to undertake the work of the council.
- ii. The Chairman of the Policy, Finance & Personnel Committee or the Town Mayor or Deputy Town Mayor is to conduct the annual appraisal of the Town Clerk. agree objectives and bring a report back to the Committee
- iii. To agree and monitor training requirements for staff and councillors within an agreed budget.
- iv. To consider requests referred by the Town Clerk from Members and staff to attend conferences, courses and meetings relevant to the work of the council.
- v. To consider matters emanating from employment procedures contained in the Contract of Employment applicable to all members of staff employed by the council and to determine such matters in accordance with the Town Council's relevant policy and procedures.
- vi. To receive and note annual and other appraisals and be the point of contact for any appeal.

- vii. To deal with any staff complaint concerning the Town Clerk.
- viii. To deal with any staff matters referred by the Town Clerk.
- ix. To deal with any other personnel matters.
 - x. To decide, with the Town Clerk and any other staff concerned, any issues relating to staffing levels and re-grading, pay levels and staffing structures.
 - xi. To ensure that the council complies with health and safety legislation.
- d. Policy:**
 - i. To regularly review and update the policies of the Council.
 - ii. To ensure that the Council's strategies, policies and procedures are undertaken in accordance with statutory and legislative requirements.
 - iii. To make recommendations to the Council on matters which, notwithstanding that they fall within the powers and duties of one or more other committees, are concerned with new or unformulated policy or the utilisation of resources related to policy.
 - iv. To consider and make recommendations to the Council on any policy or consultation documents received from other organisations and affecting the area and, in the event of time constraints which prevent consideration by the Council, making a direct response to those documents.

4.6 TOWN CENTRE AND ECONOMIC DEVELOPMENT

- i. To manage, monitor and regulate the Council's market activities.
- ii. To manage, control and regulate the town's CCTV system.
- iii. The care, maintenance and regulation of St Andrews car park and Codners Corner.
- iv. To control the finances of the market. St Andrews car park, CCTC system and public toilet subject to the limits of the budget agreed by the Council and undertake quarterly review of income and expenditure.
- v. The care, maintenance and regulation of public toilet facilities in the town centre.
- vi. The care, maintenance and regulation of the War Memorial
- vii. The care and maintenance of the town's street furniture
- viii. The care and maintenance of the floral enhancement of the town
- ix. To control the Town Maintenance budget and undertake quarterly review of income and expenditure.
- x. Project and economic development to improve the viability of the town centre