



June 2022

Neath Town Councillors

Dear Member

### **Neath Town Council Constitution**

This document forms part of a general review of Standing Orders and Financial Regulations, to update the Council Constitution policy document to serve as a composite reference source for the Council's corporate governance arrangements and objectives, its ethical standards framework and business arrangements generally.

### **Background**

In order to be more accountable and transparent the Council over recent years has developed and enhanced its Standing Orders and Financial Regulations with the incorporation of the following documents:-

- *Members Code of Conduct – an overview;*
- *Composition of Committees;*
- *Terms of reference of committees; and*
- *The scheme of delegation of powers to the Clerk.*

The Council reviews its Constitution during its Annual Meeting of Council, in May of each year, this includes its Standing Orders and Financial Regulations. This will be incorporated with a forward on conducting the business of the Council as well as standards in member/officer conduct to ensure that the Council's reputation and its ability to serve its inhabitants is not prejudiced by internal disputes.

The agreed principles provide the foundation for promoting sound corporate governance arrangements within the Council whilst strengthening its ethical framework standards surrounding conduct and behaviour. However, the principles are specified in general terms, in order to further strengthen the Council's accountability and transparency it is necessary therefore to develop the principles into more detailed working documents which provide information about member/officer roles and responsibilities; practices and procedures; internal working arrangements impacting upon Council business; and processes for dealing with member/officer disputes etc.

### **Council Constitution Policy Document**

Given the way the Council's Standing Orders and Financial Regulations continue to evolve it is proposed to create a Council Constitution policy document. The Constitution will serve as a composite reference source and will set out how the Council operates, how decisions are made, and the procedures which are followed to ensure that its decision making, Orders and Financial Regulations including the documents referred to in paragraph 2.1 above. The Constitution will also cover:

- *The decision making power of the Council and its committees and sub/committees;*
- *The rules and procedures to be followed by the Council and its committees and sub committees when transacting business;*
- *Neath Town Council Employees' and Members Code of Conduct*

The corresponding documents will be drafted and compiled under the proposed Council Constitution policy document and as such form part of the general review of the Standing Orders and Financial Regulations.

This entire policy document will be updated after the 2022 Elections and the first Annual Meeting of Council. The draft will be presented to the Council's Policy & Personnel Committee for due consideration and discussion by Members. The updated Constitution will be presented to the June Full Council for approval and then circulated to all Members via the Neath Town Council Online Members Portal.

**Kathryn Charles**  
**Neath Town Clerk**



# CONSTITUTION

**This Constitution is made up of a collective group of Policies and Documents which include:**

	Page
<b>SECTION 1</b>	
Introduction	3
Background, Profile and Status	3
Decision Making and The Delegation of Powers	4
Conducting Business	4
Meetings and Procedure of the Council	5
<b>SECTION 2</b>	
Standing Orders	7
<b>SECTION 3</b>	
Clerk's Scheme of Delegated Powers	22
<b>SECTION 4</b>	
The Composition and Cycle of Committees	27
The Terms of Reference of Committees	29
<b>SECTION 5</b>	
Neath Town Council Code of Conduct for Employees & Members	36
<b>SECTION 6</b>	
Public Service Ombudsman for Wales Members' Code of Conduct – an overview (Separate Document)	-
<b>SECTION 7</b>	
Financial Regulations (Separate Document)	-

# SECTION 1

## 1 INTRODUCTION

This Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that its decision making is accountable, open and transparent.

At the heart of this document is the Council's Standing Orders and Financial Regulations. The Full Constitution sets out:-

- The decision making powers of the Council and its Committees
- The rules and procedures to be followed by the Council and its committees and sub-committees when transacting business
- Standing Orders (Rules & Regulations on how the Council operates)
- The scheme of delegation to the Clerk
- The roles and duties of the Chairman of the Council
- Composition of Committees
- Terms of Reference of Committees
- Neath Town Council Code of Conduct for Employees and Members
- Members' Code of Conduct – an overview
- Financial Regulations

## 2 BACKGROUND PROFILE AND STATUS

Neath Town Council is a (Town and Community) Town Council. The Council came into being on 1<sup>st</sup> April 1974, following Local Government re-organisation and as a consequence of the Local Government Act 1972. Parliament has given the Council power to raise and spend money – 'precept' - a power shared by other local authorities.

As a Town Council this tier of Government is closest to the people. In Wales subordinate to the National Assembly for Wales, there are only two tiers of local government: the town or community council and the unitary authority (i.e. the County or County Borough Council).

The Council's electorate is approximately 22,000 residents and covers the Town Centre of Neath and surrounding areas. The Council's administrative area is made up of the communities of the Castle (town centre), Llantwit & Merra, Gnoll, Cimla (Crynalft), Cefn Season, Mount Pleasant, Penrhiwtyn and Melyncryddan.

The Council consists of 19 elected members representing eight electoral wards. The members individually contribute to the work of the whole Council by:

- suggesting ideas;
- engaging in constructive debate
- responding to the needs and views of the community;
- representing their constituents;
- behaving in an ethical way and being open about interests;
- commenting on proposals to ensure the best outcome; and
- voting – to enable the Council to make decisions.

Members are elected to office and will serve on the Council for a term of five years.

The Council is a corporate body with perpetual succession and is distinct from its Members (either as individuals or collectively) for the time being. Its lawful acts, assets and liabilities are its own and not those of the members. The Council remains in uninterrupted existence from the moment of its creation, even if all its members vacate office, or if its membership falls so low that it is unable to act for want of a quorum.

Law determines what the Council must do (known as its duties), what it can choose to do (known as its powers) and what it cannot do. Law empowers the Council to act; it underpins its procedures and finances and governs relationships with other local bodies, groups and organisations that the Council chooses to work with in the community.

Unlike Neath Port Talbot County Borough Council (which has a power to promote well-being) the Council doesn't have a General Power of Competence; it doesn't have an unlimited power to do whatever it chooses (however this Power is being considered at Welsh Government and whether this Power should/if be awarded to 'Town or Community Councils who can qualify'). Currently, it can do only what it has been given a specific power to do by statute and as such is controlled by Acts of Parliament. As at May 2022, Neath Town Council will be applying for the General Power of Competence (GPoC) status.

It is illegal for the Council to spend money if it has no statutory power to act. However, it does have a limited power to incur expenditure which in its opinion is in the interest of, and will bring direct benefit to its area or any part of it or all or some of its residents (Local Government Act 1972, Section 137). However, the benefit obtained under S137 must be commensurate with (in proportion to) the expenditure occurred. The Council cannot use S137 if there is a specific power that applies to the function in question or area of spending.

### **3 DECISION MAKING AND THE DELEGATION OF SPENDING.**

Whenever the Council conducts business it must ensure that the decisions it takes are both lawful and reasonable. It cannot use unlawful practices and procedures to make a decision nor should it act beyond its powers.

Under specific powers contained in the Local Government Act 1972, Section 101, the Council may arrange for the discharge of any of its functions by a committee, a sub-committee, an officer of the Council or by any other local authority.

The business of the Council is quite varied however it has chosen not to discharge any of its functions to the various committees to make any decisions on its behalf. The Terms of Reference sets out the schemes of committees (covered in this Constitution). The Council has established a scheme of delegation to the Clerk to enable them to make urgent decisions in between the cycle of committee and sub-committee meetings to enable the smooth running of the Council. Individual members are not able to make a decision on behalf of the Council – including the Chairman or Deputy Chairman, as this is unlawful.

### **4 CONDUCTING BUSINESS**

The Council conducts its business by the Clerk convening formal Council and Committee meetings to which members are summoned to attend. These meetings are supported by formal agendas compiled and signed by the Clerk which specify the business to be transacted. The Council has appointed standing committees (committees which meet on an on-going basis). As there are no delegated powers these committees will make "recommendations" to the Council as opposed to making "resolutions". "Resolutions" are proposals and recommendations put forward by the committees to be agreed by Full Council.

The Council's standing and sub-committees meet at 6.00 p.m. on a monthly cycle as follows;

Full Council	1 <sup>st</sup> Thursday of the month
Estates Committee	2 <sup>nd</sup> Thursday of the month
Finance Committee	3 <sup>rd</sup> Thursday of the month
Policy & Personnel Committee	4 <sup>th</sup> Thursday of the month (timing/day confirmed each month due to availability)
Events Committee	1 <sup>st</sup> Tuesday of the month (timing/day confirmed each month/upcoming events)

## **5 MEETINGS AND PROCEDURES OF THE COUNCIL**

### **5.1. GENERAL**

- i. The Council by law must meet annually. In an election year, the Annual Meeting must take place on, or within fourteen days of the day on which the elected members take office. In any other year it may be held on any day in May.
- ii. In addition to the Annual Meeting, the Council may hold such number of other meetings (known as ordinary Full Council meetings) as deemed necessary for the transaction of its business. Such meetings may be held by virtue of Council Standing Orders, or may be specially convened. Neath Town Council meetings are held at 6.00 p.m. on the first Thursday of every month (except August).
- iii. An ordinary Full Council meeting is called by the Clerk in pursuance of statutory rules or under Standing Orders and includes a meeting convened by them to elect the Chair of Council when a casual vacancy has arisen in the Chair.

### **5.2 NOTICE OF MEETINGS**

- i. At least three clear days (not including the days of issue and meeting or a Sunday) before a Council meeting takes place, notice of the time and place of the meeting will be displayed on the Council's website, digital screen and Community Hall notice boards.
- ii. In addition to the public notices, the Clerk (as proper officer) will sign and serve a summons on every member to attend, specifying the business to be transacted (agenda).
- iii. It has been agreed that Neath Town Council will use the online Members Portal of the website for circulation of papers. Also agreed was for those Members who wish to receive a paper copy, this is collected from the Administration Offices the day after the summons is served. The papers are presented in such a way so the member who received it can identify the matters to be discussed.
- iv. The Council cannot lawfully decide on any matter which is not specified in the summons (agenda).

### **5.3 DECISION**

- i. Every item of business included on a meeting agenda requiring a decision must be decided by the majority of those members present and voting thereon. In the case of an equality of votes the Chair had the casting vote, as well as an original vote.

### **5.4 MINUTES**

- i. The Council has a duty by law to keep a record of its meetings otherwise known as minutes of its proceedings. Minutes are formal records of decision taken and are not meant to be a verbatim record of a whole meeting. Some background context of the decision taken may be necessary. Minutes must be signed at the

same or the next following meeting by the presiding Chairman. The Council's minutes are recorded and consecutively numbered.

- ii. The minutes are signed as to their accuracy. It is not permitted to reopen discussion on a decision recorded in the minutes (e.g. under matters arising) unless there is a specific item on the agenda relating to that decision.
- iii. To expedite the work of its committees / sub-committees the Council receives and confirms the accuracy of the minutes generated from those committees on a cyclical basis at its next following Council meeting.
- iv. From May 2021, The Local Government and Elections (Wales) Act 2021 states that the Council must make available these key documents within seven working days of the Full Council meetings. These draft minutes will be shared on the Council's website and once ratified and agreed in the next Full Council, will be available on the website for further reference.

#### **5.4 ADMISSION TO MEETINGS**

The Public Bodies (Admission to Meetings) Act 1960 Section 1, extended by the Local Government Act 1972 Section 100, provides that meetings of the Council (including committee / sub-committees) shall be open to the press and public. Provision is made for excluding the public and press by resolution when confidential business is being considered (or for other special reasons stated in the resolution) and publicity would be prejudicial to the public interest. As a general rule of thumb some items, such as staff details, tendering discussions, contractual negotiations, legal proceedings and sensitive disputes should not be discussed in public.

#### **5.6. PUBLIC PARTICIPATION**

Whilst the Council's meetings are held in public, they are not public meetings and so public participation is not normally permitted. On very few occasions when the Council is discussing a contentious issue, the Chair of the meeting may feel it is beneficial to permit public participation, this does not mean that members of the public can join in the debate; it means the meeting is adjourned (standing orders put into abeyance) at a suitable moment so that the public can make their points. This may be done at a suitable point at the beginning of a meeting. Council officers and **invited** guests may speak during meetings when invited by the Chairman to do so.

#### **5.7 NEW REGULATIONS**

The Local Government and Elections (Wales) Act 2021 'makes it easier for meetings to take place through a variety of arrangements'. This Act makes a permanent provision for remote meetings (multi location) and electronic publication of documents. Currently the Council operate Full Council meetings in Neath Town Hall which allows for current social distancing measures to be in place. All Committee and Sub Committee meetings are held via remote access and Zoom with excellent attendance.

# SECTION 2

## Standing Orders

June 2022

	Page
Introduction	-
Rules of Debate at Meetings	9
Disorderly Conduct at Meetings	10
Meetings Generally	10
Committees & Sub-Committees	12
Ordinary Council Meetings	13
Extraordinary Meetings of the Council, Committees and Sub Committees	14
Previous Resolutions	14
Voting on Appointments	14
Motions for a meeting that require written Notice to be given to the Proper Officer	15
Motions at a meeting that do not require written Notice	15
Management of Information	16
Draft Minutes	16
Code of Conduct & Dispensations	16
Code of Conduct Complaints	16
Leader and Deputy Leader of Council (majority political party)	17
Proper Officer	17
Delegated Powers	17
Responsible Financial Officer	18
Accounts and Accounting Statements	18
Financial Controls and Procurement	18
Handling Staff Matters	19
Responsibilities to provide information	20
Responsibilities under GDPR and Data Protection legislation	20
Relations with Press/Media	20
Execution and sealing of Legal Deeds	21
Restrictions on Councillor Activities	21
Standing Orders Generally	21
Mobile Phones	21
Revision of Standing Orders	21

## **INTRODUCTION**

*These model standing orders update the National Association of Local Councils (NALC) model standing orders contained in “Local Councils Explained” by Meera Tharmarajah (© 2013 NALC). This publication contains new model standing orders which reference new legislation introduced after 2013 when the last model standing orders were published.*

## **HOW TO USE MODEL STANDING ORDERS**

*Standing orders are the written rules of a local council. Standing orders are essential to regulate the proceedings of a meeting. A council may also use standing orders to confirm or refer to various internal organisational and administrative arrangements. The standing orders of a council are not the same as the policies of a council but standing orders may refer to them.*

*Local councils operate within a wide statutory framework. NALC’s model standing orders incorporate and reference many statutory requirements to which councils are subject. It is not possible for the model standing orders to contain or reference all the statutory or legal requirements which apply to local councils. For example, it is not practical for model standing orders to document all obligations under data protection legislation. The statutory requirements to which a council is subject apply whether or not they are incorporated in a council’s standing orders.*

*The model standing orders do not include model financial regulations. Financial regulations are standing orders to regulate and control the financial affairs and accounting procedures of a local council. The financial regulations, as opposed to the standing orders of a council, include most of the requirements relevant to the council’s Responsible Financial Officer. Model financial regulations are available to councils in membership of One Voice Wales (OVW). These are attached and form the full Neath Town Council Constitution.*

## **DRAFTING NOTES**

*Model standing orders that are in ‘**bold type**’ contain legal and statutory requirements. It is recommended that councils adopt them without changing them or their meaning. Model standing orders not in bold are designed to help councils operate effectively but they do not contain statutory requirements so they may be adopted as drafted or amended to suit a council’s needs. It is NALC’s view that all model standing orders will generally be suitable for councils.*

## 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 their 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
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate on the first amendment or at the very end of debate on the final substantive motion immediately before it is put to the vote.
- o Unless permitted by the chairman of the meeting, a councillor may speak once in the debate on a motion except:
  - i. to speak on an amendment moved by another councillor;
  - ii. to move or speak on another amendment if the motion has been amended since he last spoke;
  - iii. to make a point of order;
  - iv. to give a personal explanation; or
  - v. to exercise a right of reply.
- p During the debate on a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A councillor raising a point of order shall identify the standing order which he considers has been breached or specify the other irregularity in the proceedings of the meeting he is concerned by.
- q A point of order shall be decided by the chairman of the meeting and their decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:

- i. to amend the motion;
- ii. to proceed to the next business;
- iii. to adjourn the debate;
- iv. to put the motion to a vote;
- v. to ask a person to be no longer heard or to leave the meeting;
- vi. to refer a motion to a committee or sub-committee for consideration;
- vii. to exclude the public and press;
- viii. to adjourn the meeting; or
- ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory or legal requirements.

s Before an original or substantive motion is put to the vote, the chairman of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived their 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 10 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**

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 (eg Special Full Council).**

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 The preferred method of communicating with the Council is that any member of the public can contact their Councillor directly or write to the Council via the Clerk. Should they wish to attend a meeting with questions, their questions should be submitted to the Clerk, three days in advance in order that Council can prepare a response in a timely manner.

f Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

- g The period of time designated for any public participation session at a meeting in accordance with standing order 3(e) shall not exceed (5) minutes unless directed by the chairman of the meeting.
- h Subject to standing order 3(f), a member of the public shall not speak for more than (1) minute.
- i In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- j A person shall raise their hand, or virtual hand, when requesting to speak (except when a person has a disability or is likely to suffer discomfort).
- k A person who speaks at a meeting shall direct their comments to the chairman of the meeting.
- l Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.
- m **Photographing, recording, broadcasting or transmitting the proceedings of a meeting by any means is not permitted without the Council's prior written consent.**
- n Recordings of any Committee (audio or video) will be conducted by authorised Council Officers for the purposes of recording the minutes only.
- o **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.**
- p **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 (if there is one).**
- q **The Chairman of the Council, if present, shall preside at a meeting. If the Chairman is absent from a meeting, the Vice-Chairman of the Council (if there is one), 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.**
- r **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the councillors and non-councillors with voting rights present and voting.**
- s **The chairman of a meeting may give an original vote on any matter put to the vote, and in the case of an equality of votes may exercise his casting vote whether or not he gave an original vote.** *See standing orders 5(h) and (i) for the different rules that apply in the election of the Chairman of the Council at the Annual Meeting of the Council.*
- t **Unless standing orders provide otherwise, voting on a question shall be by a show of hands, or virtual 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 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.
- u 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.

v **A councillor or a non-councillor with voting rights who has a personal or prejudicial interest in a matter being considered at a meeting which limits or restricts his right to participate in a discussion or vote on that matter, is subject to obligations in the code of conduct adopted by the Council.**

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

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

x **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.

y A meeting shall not exceed a period of 3 hours.

#### 4. COMMITTEES AND SUB-COMMITTEES

a **Unless the Council determines otherwise, a committee may appoint a sub-committee whose terms of reference and members shall be determined by the committee.**

b **The members of a committee may include non-councillors unless it is a committee which regulates and controls the finances of the Council.**

c **Unless the Council determines otherwise, all the members of an advisory committee and a sub-committee of the advisory committee may be non-councillors.**

d the Council may appoint standing committees or other committees as may be necessary, and:

- i. shall determine their terms of reference;
- ii. shall determine the number and time of the ordinary meetings of a standing committee up until the date of the next annual meeting of the Council;
- iii. shall permit a committee, other than in respect of the ordinary meetings of a committee, to determine the number and time of its meetings;
- iv. shall, subject to standing orders 4(b) and (c), appoint and determine the terms of office of members of such a committee;
- v. 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 1 day 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 The Town Mayor, Leader and Deputy Leader of the Council shall members of all Committees with voting rights unless:

- i. they are appointed in their own right as a member of the Committee;
- ii. they signify in writing to the Town Clerk that they do not wish to serve on a Committee;

iii. the Town Council determine that they should not be a member of a Committee.

## **5. ORDINARY COUNCIL MEETINGS**

- a **In an election year, the Annual Meeting of the Council shall be held on or within 14 days following the day on which the councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of the Council shall be held on such day in May as the Council decides.**
- c **If no other time is fixed, the Annual Meeting of the Council shall take place at 6pm.**
- d **In addition to the Annual Meeting of the Council, any number of other ordinary meetings may 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 (if there is one) of the Council.**
- f **The Chairman of the Council, unless he has resigned or becomes disqualified, shall continue in office and preside at the annual meeting until his successor is elected at the next annual meeting of the Council.**
- g **The Vice-Chairman of the Council if there is one, unless he resigns 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 **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 shall give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chairman of the Council has been re-elected as a member of the Council, he shall preside at the annual 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 shall give a casting vote in the case of an equality of votes.**
- j Following the election of the Chairman of the Council and Vice-Chairman (if there is one) 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. Review of inventory of land and other assets including buildings and office equipment;

- xiii. Confirmation of arrangements for insurance cover in respect of all insurable risks;
- xiv. Review of the Council's and/or staff subscriptions to other bodies;
- xv. Review of the Council's complaints procedure;
- xvi. 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*);
- xvii. Review of the Council's policy for dealing with the press/media;
- xviii. Review of the Council's employment policies and procedures;
- xix. Review of the Council's expenditure incurred under s.137 of the Local Government Act 1972 or the power of well-being.
- xx. 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 a sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee] at any time.
- d If the chairman of a committee [or a sub-committee] does not call an extraordinary meeting within 7 days of having been requested to do so by 6 members of the committee [or the sub-committee], any 6 members of the committee [or the sub-committee] may convene an extraordinary meeting of the committee [or the sub-committee].

**7. ATTENDANCE OF MEMBERS AT COMMITTEE PROCEEDINGS**

- a A Member of the Town Council shall be entitled to attend all Committee meetings of the Council, but shall not be permitted to take part in the proceedings of a Committee unless appointed to the membership of that Committee.
- b A Member may take part in the proceedings of a Committee to which the Member has not been appointed with the consent of that Committee. However, the Member shall not be entitled to vote on the proceedings of that Committee.
- c The right of attendance at meetings permitted under this Standing Order shall not apply to Sub-Committees, Working Groups or Panels. However, where there is a need to know information being considered by a Sub-Committee or other body to enable a Member to properly fulfil their role or duties as a Town Councillor, that Member may be permitted to attend a meeting with the agreement of the Chair of the Sub-Committee or other body.

**8. 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 6 councillors to be given to the Proper Officer in accordance with standing order 10, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

When a motion moved pursuant to standing order 8(a) has been disposed of, no similar motion may be moved for a further six months.

**9. VOTING ON APPOINTMENTS**

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.

**10. 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 **3** 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 10(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 10(b) is not clear in meaning, the motion shall be rejected until the mover of the motion re-submits it, so that it can be understood, in writing, to the Proper Officer at least **3** 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.
- i A Council Member, who has proposed a motion and which has been referred to a Committee, shall be entitled to attend the meeting of the Committee to which the motion has been referred and to speak to the motion.

**11. 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.

## 12. MANAGEMENT OF INFORMATION

See also standing order 20 (Financial Controls & Procurement).

- 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). This also links with GDPR processes.**
- 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.**

## 13. DRAFT MINUTES

- 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 11(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 their view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings."*
- e Subject to standing order 11(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 immediately destroyed.

## 14. CODE OF CONDUCT AND DISPENSATIONS

See also standing order 3(s).

- a **Councillors and non-councillors with voting rights shall observe the code of conduct adopted by the Council.**
- b All councillors and non-councillors with voting rights must undertake training in the code of conduct twice within their 5 year term and within 6 months of their acceptance of office (for new Members).
- c **Dispensation requests shall be in writing and submitted to the Clerk for Full Council as soon as possible before the meeting that the dispensation is required for.**

## 15. CODE OF CONDUCT COMPLAINTS

- a Upon notification by the Proper Officer 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 10, report this to the Chair of Council, Leader and Deputy Leader of Council (majority party) and the Chair of the political party which relates to the Member, where appropriate.

- 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, Leader and Deputy Leader of Council (majority party) 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.
- 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;
  - iii. indemnify the councillor or non-councillor with voting rights in respect of their related legal costs and any such indemnity is subject to approval by a meeting of the Council.

## 16 LEADER AND DEPUTIES OF POLITICAL GROUPS

Where a grouping of Members (political or otherwise) exists amongst the Council membership and that group has appointed a Leader and Deputy Leader, the names of the persons appointed shall be notified to the Town Clerk who, in turn, shall report the relevant details to the Council either at the Annual Meeting, or at an ordinary meeting in the event of any change in appointment during the year.

The Leader and Deputy Leader of the majority group (political or otherwise) shall be designated as Leader and Deputy Leader of the Council.

The Leader of the Council shall be the first line of reference for the Town Clerk in all matters of agreed Council policy and direction. In the absence of the Leader, the Deputy Leader of the Council shall become the first line of reference.

## 17. PROPER OFFICER (ALSO SEE DELEGATED POWERS)

- a The Proper Officer is the Town Clerk and the Deputy Clerk/Responsible Financial Officer who have been nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- b The Proper Officer shall:
- **at least three clear days before a meeting of the council, a committee or a sub-committee:**
  - **serve on councillors via Neath Town Council's online members portal, a signed summons confirming the time, place and the agenda; and**
  - **provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them) and publish electronically notice of the time and place and, as far as reasonably practicable, any documents relating to the business to be transacted at the meeting unless they relate to business which is likely to be considered in private or if their disclosure would be contrary to any enactment.**

*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;*

- i. subject to standing order 10, include on the agenda all motions in the order received unless a councillor has given written notice at least **3** days before the meeting confirming their withdrawal of it;
- ii. **convene a meeting of Council for the election of a new Chairman of the Council, occasioned by a casual vacancy in his office;**
- iii. **facilitate inspection of the minutes by local government electors;**
- iv. **receive and retain copies of byelaws made by other local authorities;**
- v. hold acceptance of office forms from councillors;
- vi. hold a copy of every councillor's register of interests;
- vii. 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;
- viii. liaise, as appropriate, with the Council's Data Protection Officer;

- ix. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- x. 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 freedom of information and data protection legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xi. arrange for legal deeds to be executed;  
*See also standing order 23;*
- xii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with its financial regulations;
- xiii. record every planning application notified to the Council and the Council's response to the local planning authority in a book for such purpose;
- xiv. refer a planning application received by the Council to the [Chairman or in their absence the Vice-Chairman (if there is one) of the Council] OR [Chairman or in their absence Vice-Chairman (if there is one) of the Committee] within two working days of receipt to facilitate an extraordinary meeting if the nature of a planning application requires consideration before the next ordinary meeting of [the Council] OR committee];
- xv. manage access to information about the Council via the publication scheme; and
- xvi. retain custody of the seal of the Council (if there is one) which shall not be used without a resolution to that effect. *Also see also standing order 23.*

## **18. RESPONSIBLE FINANCIAL OFFICER**

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

## **19. ACCOUNTS AND ACCOUNTING STATEMENTS**

- a "Proper practices" in standing orders refer to the most recent version of "Governance and Accountability for Local Councils in Wales – 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 on a monthly basis via Full Council and the Finance Committee, a statement to summarise:
  - i. the monthly Council's receipts and payments (or income and expenditure);
  - ii. the Council's aggregate receipts and payments (or income and expenditure) accumulative and for the year to date;
  - iii. quarterly reporting 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 1 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 Return shall be presented to all councillors at least 14 days prior to anticipated approval by the Council. The Annual 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.

## **20. 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. subject to standing orders 20(e) and (f) whether contracts with an estimated value below £15,000 or due to special circumstances are exempt from a tendering process or procurement exercise.
- b Financial Regulations, included in this Constitution, shall be reviewed regularly and at least annually for fitness of purpose, post May Annual Meeting of Council.
- c 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 locally as seen appropriate by the external expert who is project leave for the particular project, and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer, or delivered to an external expert in that particular field of work;
  - v. tenders shall be opened by the Proper Officer in the presence of Mayor, Deputy Mayor, Leader and Deputy Leader plus any available Councillors after the deadline for submission of tenders has passed, unless the process is being dealt with by an external expert in that particular field of work;
  - vi. tenders are to be reported to and considered by the Full Council meeting of the Council or a committee or sub-committee with delegated responsibility.
- d Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- e **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £181,302 for a public service or supply contract or in excess of £4,551,413 for a public works contract (or other thresholds determined by the European Commission every two years and published in the Official Journal of the European Union (OJEU)) shall comply with the relevant procurement procedures and other requirements in the Public Contracts Regulations 2015 which include advertising the contract opportunity on the Contracts Finder website and in OJEU (via the Council's professional advisors).**
- f **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £363,424 for a supply, services or design contract; or in excess of £4,551,413 for a works contract; or £820,370 for a social and other specific services contract (or other thresholds determined by the European Commission every two years and published in OJEU) shall comply with the relevant procurement procedures and other requirements in the Utilities Contracts Regulations 2016.**
- 21. HANDLING STAFF MATTERS (See Staff Handbook)**
- a A matter personal to a member of staff that is being considered by a meeting of Policy & Personnel Committee is subject to standing order 12.
  - b Subject to the Council's policy regarding absences from work, the Clerk shall notify the Policy & Personnel Committee of any relevant absence occasioned by illness or other reason and that person shall report such absence to the Clerk, this will be reported to and covered by the Policy & Personnel

Committee.

- c The Clerk shall upon a resolution conduct a review of the performance and annual appraisal of the work of members of staff. The reviews and appraisal shall be reported in writing and are subject to approval by resolution by the Policy & Personnel Committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior member of staff (or other members of staff) shall contact the Chairman of the Council or in their absence, the Vice-Chairman of Council, Leader and Deputy Leader of the Council (majority party) in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of Policy & Personnel Committee or via the Council's Welfare Officers.
- e 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.
- f In accordance with standing order 12(a), persons with line management responsibilities shall have access to staff records.
- g The Town Council will determine from time to time whether vacant posts should be filled following interview by the Town Clerk and members of the Policy & Personnel Committee.
- h These posts will be advertised internally and if not filled, publicly advertised.

## **22. RESPONSIBILITIES TO PROVIDE INFORMATION**

*See also standing order 23.*

- 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.**

## **23. RESPONSIBILITIES UNDER DATA PROTECTION & GDPR LEGISLATION**

(Below is not an exclusive list).

*See also standing order 12 (Management of Information).*

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

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

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

The public and press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public by means of the following resolution:-

"That in view of the (special) (confidential) nature of the business about to be transacted, the following matter(s) be considered in private and the power of exclusion of the public under Section 1 (2) of the Public Bodies (admission to Meetings Act 1960) be exercised"

- b. The Council shall state the special reason for exclusion.

- c. At all meetings of the Council the Chairman may at their discretion at the beginning of a meeting, or at a convenient time in the transaction of business, suspend the standing orders so as to allow a member of the public to address the meeting in relation to the business to be transacted at that meeting.
- d. The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present. There shall be no audio or video recording or photographs of the meeting without the express approval of the Council.
- e. If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

**25. EXECUTION AND SEALING OF LEGAL DEEDS** *(only applicable to a Council with a common seal)*  
*See also standing orders 17(b)(xii) and (xvii).*

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **The Council’s common seal shall alone be used for sealing a deed required by law. It shall be applied by the Proper Officer in the presence of two councillors who shall sign the deed as witnesses.**

**26. RESTRICTIONS ON COUNCILLOR ACTIVITIES**

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

**27. STANDING ORDERS GENERALLY**

- a All or part of a standing order, except one that incorporates mandatory statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the Council’s standing orders, except one that incorporates mandatory statutory or legal requirements, shall be proposed by a special motion, the written notice by at least 6 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.

**28. MOBILE PHONES / SCREENS FOR HYBRID MEETINGS**

Mobile phones must be switched off or on “silent” mode at all times during meetings of Council, Committees, Sub-Committees and Working Parties. The only exception to this is where due to wholly exceptional circumstances the Chair has agreed prior to the meeting that the mobile phone might be left on.

Screens should be left on for the entire hybrid meetings. However, Screens ***must*** be left on for hybrid meetings during ‘confidential’ business to ensure appropriate location of those attending in a hybrid capacity.

**29. REVISION**

It will be the duty of the Council to review these Standing Orders via the Policy & Personnel Committee from time to time to ensure they remain fit for purpose, usually best practice will be after each Annual Meeting of Council but no less than every 5 years.

# SECTION 3

## Clerk's Scheme of Delegated Powers

### 1. INTRODUCTION

This Scheme of Delegation is derived from the provisions contained in Sections 101 and 151 or the Local Government Act 1972.

The Clerk is authorised to make arrangements for the proper administration of the functions falling within their responsibility.

- 1.1 The Clerk may authorise officers to exercise on their behalf, functions delegated to them. Any decisions taken under this authority shall remain the responsibility of the Clerk and must be taken in the name of the Clerk who shall remain accountable and responsible for such decisions.
- 1.2 The Scheme delegates powers and duties within various functional descriptions and includes powers and duties under all legislation present and future within those descriptions. Any reference to a specific statute includes any statutory extension or modification or re-enactment of such statute and any regulations, orders or bylaws made there under.
- 1.3 In exercising delegated powers the Clerk shall comply with:-
  - i. Any statutory provisions;
  - ii. The Council's Standing Orders (The Responsible Financial Officer will manage the Council's Financial Regulations);
  - iii. The Council's Policy Framework and Budget;
  - iv. The Officer's Code of Conduct;
  - v. Agreed arrangements for recording decisions;
  - vi. Taking legal or other appropriate professional advice when required;
  - vii. The principles of Best Value by using the most efficient and effective means available;
  - viii. The need to consult persons or representatives of persons who may be affected by the decision, including where appropriate the local ward member.
- 1.4 The scheme does NOT delegate any matter which:-
  - i. Is reserved by law or by these Standing Orders and (\*Financial Regulations);
  - ii. Which may not by law be delegated to an officer.
- 1.5 The Scheme places an obligation on the Clerk to keep the appropriate member(s) properly informed of decisions made under these delegations.

Where the Clerk makes a significant decision which is based upon a power delegated from the Council, that decision must be retrospectively reported and recorded in the Council Minutes and made available on request to individual councillors and to the public, subject to any limitations on exempt or confidential information.

- 1.6 It is always open to the Council or any Committee of the Council as appropriate to take decisions on any matter falling within the delegated power of the Clerk, provided that as far as committees are concerned the matter falls within their terms of reference.

- 1.7 Where expenditure is involved, such action shall be conditional upon financial provision being included within the approved budget of the Council and Financial Procedure Rules being complied with in conjunction with the Responsible Financial Officer. However, if the financial matter is urgent, usually referring to the Council's Investment Properties, the Clerk is given authority to speak to the Mayor, Deputy Mayor and Leader, Deputy Leader plus the Chair and Deputy Chair of Finance of the majority political party, to obtain guidance and authority to proceed.
- 1.8 The Council will review from time to time as may be necessary the general operation of this Scheme of Delegation with any variation or amendment requiring the approval of the Council.
- 1.9 In exercising these delegated powers the Clerk shall have broad discretion subject to complying with all relevant legislation, the Council's Procedure Rules and Financial Procedure Rules and overall Council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.
- 1.10 The Clerk shall act so as to achieve the policies and objectives of the service area, always having regard to the overall corporate interests of the Council.
- 1.11 In exercising delegated powers, the Clerk shall consult other officers as appropriate and shall have regard to any advice given.
- 1.12 It shall always be required that the Clerk consult the Chairman of Council, Leader, and Deputy Leader, before exercising delegated powers.

## **2. GENERAL POWERS**

- 2.1 Determination of all matters which are not required to be considered by the Council or which have not been referred to a committee or a sub-committee for determination.
- 2.2 Determination of any urgent matter in the purview of the Council or any committee where it is impractical to convene a meeting of that body to consider the matter.
- 2.3 To incur expenditure or take any other step in the day to day operation of Council services in accordance with approved budgets of any service area.
- 2.4 To take action on behalf of the Council in consultation with the Chairman of Council, Vice Chairman and/or Committee Chairman plus Leader and Deputy Leader in any urgent matter which does not allow for prior authorisation to be obtained where:-
  - i. There is a serious risk of significant cost to the Council of loss of income resulting from lack of immediate action;
  - ii. The Council's property or staff or persons in its care or for whom it has a responsibility would otherwise be placed at serious risk of suffering harm/damage.
  - iii. An emergency or disaster involving destruction or danger to life or property occurs or is imminent or there is reasonable grounds for apprehending such an emergency or disaster and such action is calculated to avert, alleviate or eradicate the effects or potential effects of the event.
- 2.5 In the event of any matter arising which requires urgent attention or decision, the Town Clerk shall consult with the Mayor, Leader and Deputy Leader as appropriate and shall be deemed to have delegated power, as the case may be.

- 2.6 When exercising the delegated powers permitted above, the Members consulted shall consider whether the matter is of sufficient importance to justify the summoning of the appropriate Committee and where such a meeting is convened the Committee concerned shall have delegated power to act on behalf of the Council in respect of the particular matter then under consideration.
- 2.7 When exercising the delegated powers granted above the Committee concerned shall consider whether the matter is of sufficient importance to justify a recommendation to convene a Special Full Council meeting to discuss the issue.
- 2.8 In exceptional circumstances of urgency or emergency which will not admit to delay and the Town Clerk is unable to consult with relevant Members in accordance with this Standing Order, the Town Clerk shall be authorised to act for the Town Council.

### **3. ADMINISTRATION**

- 3.1 To make a major contribution to formulation, development, revision, monitoring and review of the Council's objectives and its strategies for achieving them.
- 3.2 To support initiatives of the Council through research, analysis and to advise the Council accordingly.
- 3.3 To make proposals for revision and amendments to Council policies and procedures where he feels these may be beneficial to the area, to the administration of the Council and/or to the correct conduct of Council business.
- 3.4 To be responsible for the safe, secure, convenient and accessible custody of all deeds, plans, records, correspondence and other documents concerning the Council.
- 3.5 To receive and process correspondence and documents on behalf of the Council and to deal expeditiously therewith bringing such items to the attention of the Council or appropriate committee or Chairman as appropriate. To respond on behalf of the Council and as directed to all correspondence. Correspondence which is received outside the meeting cycle will either be presented to the relevant next Committee or will be presented to the next Full Council meeting.
- 3.6 To supervise members of staff and to undertake all necessary activities in connection with the management of salaries, conditions of employment and work of other staff. To develop the skills of all employees and to identify training needs and attendance at appropriate training courses. To develop appropriate personnel policies and procedures.
- 3.7 Advise the Council on the development of the offices of Chairman and Vice Chairman of Council and to advise and assist the incumbents in the performance of their duties.
- 3.8 To develop the local profile of the Council and to establish and maintain constructive relationships with other local authorities, local groups, the press and relevant organisations who share the interests of the Council. Furthermore, to represent the Council as required at public meetings and other events and to issue statements and press releases concerning the activities or decisions of the Council.
- 3.9 To undertake statutory and non statutory publicity and consultations. All PR will be agreed with nominated Councillors.

#### **4. HEALTH AND SAFETY AT WORK**

4.1 To be responsible, in conjunction with the Key Safety Solutions the Council's Health and Safety Consultants for all matters in relation to Health and Safety at work as defined in the Council's Health and Safety Policy and Arrangements for Implementation.

#### **5. PROPER OFFICER FUNCTIONS**

5.1 The Clerk to the Council is the Proper Officer of the Council and, therefore, is under a statutory duty to carry out all the functions and, in particular, to serve or issue all the notifications required by law of a local authority's Proper Officer.

5.2 Proper Officer functions under the Local Government Act 1972 are delegated as follows:-

- i. To sign summonses to attend Council, Committee and Sub-Committee meetings;
- ii. To exclude reports or parts of reports from the right of public inspection;
- iii. To receive and retain deposited documents;
- iv. To certify documents;
- v. To sign any documents on behalf of the Council relating to land;
- vi. To attest the Common Seal of the Council as the officer authorised under the Council's Standing Orders;
- vii. To sign any contractual documents on behalf of the Council relating to any matter subject (as appropriate) to advice about the proposed signing of such document in advance of such signing;
- viii. To receive Declarations of Acceptance of Office by Neath Town Councillors and Co-opted members.

5.3 The Council has made arrangements for the proper administration of its financial affairs and has appointed a Responsible Financial Officer (RFO). The RFO has responsibility for the administration of those affairs in accordance with Section 151 of the Local Government Act 1972 and more specifically as prescribed in the Council's Financial Regulations.

#### **6 LEGAL AGREEMENTS AND CONTRACTS**

To sign or attest the seal of the Council in respect of any contract or legal agreement in conjunction with the Chairman of the Council

#### **7. EXTERNAL LEGAL ADVICE**

To procure external legal advice and support in relation to any proceedings or matter involving the Council or partnership in which the Council has an interest where that is considered to be appropriate.

#### **8. PLANNING MATTERS**

8.1 To determine planning applications in the following instances:

- 8.1.1 Where a limited number of planning applications are received prior to the cut off point for despatch of each Committee.
- 8.1.2 Delegated power is granted on the understanding that at all times, the Chairman of Committee and the local ward members (to which the planning applications relate) are consulted prior to determination of the application.
- 8.1.3 As a general rule of thumb, controversial or high profile planning applications promoting large scale or major development proposals are excluded from the scheme of delegation. For the avoidance of doubt large scale or major

developments exclude standard planning applications covering proposals such as house extensions, porches, conservatories, garages and erection of signs.

- 8.1.4 The Clerk is authorised to exercise discretion in determining when to use delegated powers based on the number and type of planning applications received at any given time, in order to further determine whether a committee meeting ought to be convened, provided always that there are no other items of correspondence or matters requiring urgent committee approval or attention and which form part of the committee agenda.
  - 8.1.5 In instances where planning applications have been determined by the Clerk an information report is to be prepared and presented to the next ordinary committee meeting, providing details of the applications in order for there to be a formal record in the Council minutes.
- 8.2 To also determine planning applications in the following instances:
- 8.2.1 All telecommunication planning applications given the strict 21 day consultation deadline imposed by the Planning Authority, when responding to such applications.
  - 8.2.2 The determination of planning correspondence associated with the submission of planning application amendments, where such applications fall outside the normal cycle of committee meetings.
  - 8.2.3 Furthermore, to retrospectively report such applications or matters referred to in 8.2.1 and 8.2.2, to committee as part of the information reporting procedure set out in 8.1.5.

# SECTION 4

## STANDING ORDER 3,4,5 and 6 COMPOSITION OF COMMITTEES

1.1 Each Member will be allocated one committee, at present, these are:-

Ward 2022/23	Estates - 12 (Quorate 4)	Finance - 11 (Quorate 4)	Policy & Personnel - 5 (Quorate 3)	Appeals - 3 (Quorate 3)	Full - 19 (Quorate 1/3 - 6)
<b>Penrhiwtyn</b>	Sheila Penry - Dan Thomas	Sheila Penry Paul Sambrook -	Sheila Penry* - -	- - -	Sheila Penry Paul Sambrook Dan Thomas
<b>Mount Pleasant</b>	John Miller - - Alex Sims	Sara Price Bob Price	- - Bob Price^ ^^	- Sara Price^ - -	John Miller Sara Price Bob Price Alex Sims
<b>Melyncryddan</b>	Tom Cooze - Leanne Jones	- Keith Finn -	- - -	- - -	Tom Cooze Keith Finn Leanne Jones
<b>Gnoll</b>	-	Megan Lloyd	-	-	Megan Lloyd
<b>Castle</b>	Mark Protheroe#	Mark Protheroe#	Mark Protheroe+		Mark Protheroe
<b>Llantwit/Merra</b>	Jan Lockyer# Paul James Gareth Morgan	Jan Lockyer# - -	Jan Lockyer+ - -	- - Gareth Morgan^	Jan Lockyer Paul James Gareth Morgan
<b>Cefn Saeson</b>	- Lauren Heard -	Ali Musaied - Terry Pearson	- - -	- - -	Ali Musaied Lauren Heard Terry Pearson
<b>Crynallt</b>	John Warman	John Warman	-	John Warman*	John Warman
	Specific Membership#	Specific Membership#	*Mayor, Chair of Estates & Finance^, Leader/Dep.Leader+, Past Mayor^^	*Deputy Mayor,^Vice Chair of Estates & Finance	

The Chairman of the Council and Deputy Chairman (Mayor and Deputy Mayor), Leader and Deputy Leader shall sit on all the above committees#; by virtue of post, except for Deputy Chairman who will not sit on Policy & Personnel due to Appeals Committee membership.

The Personnel & Policy Committee will comprise of the Chair of Council, plus Chairs of the two Standing Committees together with Leader, Deputy Leader and Past Mayor.

The Appeal Sub-Committee will comprise of the Deputy Mayor and Deputy Chairs of Standing Committees plus one other nominated member.

Should a Member resign/leave mid term of office, Full Council will review and agree which Committees the replacement Member will join. This will give the opportunity to current Members to change Committees, should they wish. This will also include the position of School Governors and Members on any External Boards which represent the Town Council.

For the Leader and Deputy Leader, they will have individual Membership on specific Committees (highlighted with #)

## 2. **CYCLE OF MEETINGS**

Committee meetings will be held cyclically as follows:-

### **Full Council – Hybrid**

First Thursday of the month (except August recess)

### **Events Sub-Committee – Hybrid (except August recess)**

Second Tuesday of the month or as an when required  
(before each Event or specific Event requirement, except August recess)

### **Estates Committee – Hybrid**

Second Thursday of the month (except August recess)

### **Finance Committee – Hybrid**

Third Thursday of the month (except August recess)

### **Policy & Personnel Committee – Hybrid (Confidential)**

Fourth Thursday of the month or as an when required  
(except August recess – dates/times will be adjusted to cover additional staffing issues/monitoring as and when)

### **Appeals Sub-Committee – Hybrid**

As and when required

All meetings, except for the Events Committee will be held via Zoom only, will be held in a hybrid capacity which is where meetings are attended either in Chambers and via Zoom (remote access)

**TERMS OF REFERENCE**  
**FULL COUNCIL**

The acts and proceedings of a Committee shall in all respects be subject to the provisions of Neath Town Council's Standing Orders and Financial Regulations, except as otherwise determined by Town Council.

**Chair**                      **Neath Town Mayor**  
**Deputy Chair**           **Neath Town Deputy Mayor**

**Constitution**

The Constitution of this Committee shall be nineteen (19) Members of the Council. All members of the Town Council must attend all meetings of the Council and speak thereat with the permission of the Committee Chair.

**Attendance at Meetings**

All members of the Town Council may attend all meetings of the Council and speak thereat with the permission of the Committee Chair but may not vote unless a member of the said Committee.

**Quorum of Committee**

The Quorum of the Committee will be one third or six (6) Members.

**Matters to be resolved by Full Council**

- To appoint a Town Mayor and Chair of Neath Town Council
- To confirm the appointment (or dismissal) of the Clerk/Proper Officer and Responsible Financial Officer.
- To issue a precept.
- To discuss and approve the borrowing of money.
- To approve the End of Year Accounts and Annual Return.
- To appoint an Internal Auditor.
- To appoint signatories for bank and building society.
- To review and amend Standing Orders and Financial Regulations
- To approve submitted sealed tenders in conjunction with Financial Regulations. (Tenders must be opened as soon as practically possible after the Tender closing date and in the presence of the Mayor, Deputy Mayor, Leader/Deputy Leader. All Members are encouraged to attend, when available (also see Financial Regulations)),
- To fix the number of Committees, and the names and number of Members appointed to each Committee
- To determine the functions and constitution of Committees and Sub-committees.
- To set the dates of routine meetings of the Council and its Committees.
- To fix the member vacancies occurring on any Committee or Council (if required to do so by law)
- To appoint or nominate persons to fill vacancies on outside bodies.
- To consider legislation and the consequences thereof upon the Town Council and to determine policy.
- To resolve any agreements and recommendations submitted to the Full Council by appointed committees.
- To resolve at the Full Council Meeting the minutes from the previous Full Council and Committee Meetings.
- To follow the Town Councils Statement Mission with regard to Health and Safety\*
- To consider and make recommendations on all aspects of Health and Safety for those buildings and land which this Council exercises control over for approval by Full Council.
- To consider and make recommendations on all aspects of Health and Safety for all staff employed by the Council for approval by Full Council.
- Health & Safety will be covered in every Council meeting\*

**Review**

These Terms of Reference are to be reviewed annually at the Annual Meeting of Council. Town Councillors may review these Terms of Reference at an earlier date if so required.

*\*supported by Key Safety Group*

## Terms of Reference Estates Committee

### Chair Deputy Chair

The powers, duties and functions of this Committee are as follows:-

### Constitution

The Constitution of this Committee shall be twelve (12) Members of the Council. The Town Mayor, Deputy Town Mayor, Leader and Deputy Leader are Committee Members. The Committee shall be responsible for the election of the Committee Chair and the Vice-Chair annually.

### Attendance at Meetings

All members of the Town Council may attend all meetings of the Council and speak thereat with the permission of the Committee Chair but may not vote unless a member of the said Committee.

### Quorum of Committee

The Quorum of the Committee shall be four (4) members.

### Purpose

- To consider all matters of concern regarding the Town Hall and Community Centres and to make recommendations to Full Council in order to alleviate any problems within.
- To be consider the provision and management of the Civic and office accommodation at Orchard Street and to make recommendations to Full Council.
- To consider all matters relating to the Town Council Allotments
- To consider all matters relating to the Town Council owned bus-shelters.
- To consider all matters relating to the Town Council owned roadside seats.
- To organise and make arrangements for the Town Council Annual Gardening and Allotment Competition to be reinstated post COVID
- To organise and make arrangements for the Town Council Annual School's Christmas Card Competition.
- To organise and make arrangements for the Town Council Annual Christmas Shop Window Competition.
- To discuss and recommend to Full Council a worthy recipient of a "Citizenship/Community Award". To be awarded in recognition of a special contribution to the community of Neath or an attainment of excellence within their chosen field.
- To review annually the budget pertaining to the estate and amenities of Town Council for expenditure in the next financial year, and to make recommendations to the Finance Committee for approval by Full Council the proceedings of the Committee to be submitted to Full Council for acceptance and adoption except where powers are delegated.
- To ensure Health & Safety requirements are met\*

### Review

To be reviewed as stated in Terms of Reference for Full Council.

*\*supported by Key Safety Group*

**Terms of Reference**  
**Finance Committee**

**Chair**  
**Deputy Chair**

**Cllr. B. Price**  
**Cllr. Mrs. S. Price**

The powers, duties and functions of this Committee are as follows:-

**Constitution**

The Constitution of this Committee shall be eleven (11) Members of the Council. The Town Mayor, Deputy Town Mayor, Leader and Deputy Leader are Committee Members. The Committee shall be responsible for the election of the Committee Chair and the Vice-Chair annually.

**Attendance at Meetings**

All members of the Town Council may attend all meetings of the Council and speak thereat with the permission of the Committee Chair but may not vote unless a member of the said Committee.

**Quorum of Committee**

The Quorum of the Committee shall be four (4) members.

**Purpose**

- To make arrangements for the proper administration of the financial affairs of Council in conjunction with Neath Town Council's Financial Regulations.
- To consider and recommend for approval the end of year accounts and annual return to the Auditors.
- To review the Internal Auditor's report for action.
- To submit, for the approval of the Full Council, recommendations concerning the allocation of financial resources to Committees and the precept required, having taken into account the recommendation from Committees.
- To make recommendations to Full Council any applications to Government departments or elsewhere for sanction to the borrowing of money.
- To consider and make recommendations to Full Council on applications for financial assistance under S137.
- To review and recommend for payment all bills awaiting payment.
- To consider estimates / quotations for approval of Full Council
- To authorise legal proceedings for the recovery of monies owing to the Town Council.
- To review quarterly or as and when instructed by the Clerk, in conjunction with the Neath Town Council's Property Management Company, all leases owned by Town Council.
- To advise on any salary increase, terms and conditions of employment and pension provisions of the Town Council's staff, following guidelines from the National Agreement on Scheme of Conditions of Service of the National Joint Councils, One Voice Wales, National Association of Local Councils and the Society of Local Council Clerks, in conjunction with the Personnel Sub-Committee.
- To review annually the cost of hiring the community centres and town hall.
- To ensure Health & Safety requirements are met\*

**Review**

To be reviewed as stated in Terms of Reference for Full Council.

*\*supported by Key Safety Group*

**Terms of Reference**  
**Policy & Personnel Committee**

<b>Chair</b>	<b>Leader</b>	<b>Cllr. Mrs Jan. L. Lockyer</b>
<b>Deputy Chair</b>	<b>Deputy Leader</b>	<b>Cllr. M. Protheroe</b>

The powers, duties and functions of this Committee are as follows:-

**Constitution**

The Constitution of this Committee shall be five (5) Members of the Council. The Town Mayor is an ex-officio member of this Committee.

**Attendance**

The Committee is then made up of the following specific Members, in addition to the Mayor, as follows:-

- Leader
- Deputy Leader
- Mayor
- Past Mayor
- Chair of Finance
- Chair of Estates
- (2022 – Chair of Finance and Past Mayor are the same Member)*

**Quorum of Committee**

The Quorum of the Committee shall be three (3) members.

**Purpose**

- To interview prospective candidates for any staff vacancies for Town Council positions.
- To review any job changes / capability issues in line with Neath Town Council policy.
- To review the terms and conditions of service and salaries of the Town Council's staff, following guidelines from the National Agreement on Scheme of Conditions of Service of the National Joint Councils, One Voice Wales, National Association of Local Councils and the Society of Local Council Clerks and to advise the Finance and Personnel Management Committee.
- Following a grievance submission or disciplinary requirement, the Chair and Vice Chair of the Committee along with the Mayor and one other member of the Committee shall follow Neath Town Council policies to determine action.
- To review all Policies which require updating.
- To inform and seek advice on any grievance or disciplinary actions.
- To ascertain any staff vacancies and establish staffing requirements.
- To seek advice on any employment law issues pertaining to Neath Town Council staff.
- To ensure Health & Safety requirements are met\*

**Review**

To be reviewed as stated in Terms of Reference for Full Council.

*\*supported by Key Safety Group*

**Terms of Reference**  
**Appeals Sub-Committee**

<b>Chair</b>	<b>Deputy Town Mayor</b>	<b>Cllr. J. Warman</b>
<b>Deputy Chair</b>	<b>tbc</b>	<b>(nominated)</b>

The powers, duties and functions of this Committee are as follows:-

**Constitution**

The Constitution of this Committee shall be Members of the Council. The Deputy Town Mayor is ex-officio member of this Committee. The Vice Chairs of Committees are members. The Committee shall be responsible for the election of the Committee Chair and the Vice-Chair annually.

However, to the Membership of other Committees, as and when an Appeals Committee is required, Full Council will determine membership of this group.

**TO BE CONFIRMED**

Nominated Members will be:

Cllr. J Warman - Deputy Mayor

Vice Chair of Estates

Cllr. Mrs. S Price - Vice Chair of Finance

[Nominated Member]

**Quorum of Committee**

The Quorum of the Committee shall be all members listed above plus additional Members as and when directed by Full Council.

**Purpose**

To determine appeals against decisions by the Town Council on grievance or disciplinary proceedings instituted against employees in line with Town Council policy.

**Review**

To be reviewed as stated in Terms of Reference for Full Council.

**Terms of Reference**  
**Castle Sub-Committee**

**Chair**                      **Neath Town Mayor**  
**Deputy Chair**         **Deputy Neath Town Mayor**

The powers, duties and functions of this Committee are as follows:-

**Constitution**

The Constitution of this Committee shall be all Members of the Council. The Town Mayor (or Deputy Mayor) will chair this Committee.

This Committee shall include the external members of the Public nominated by Neath Antiquarians.

**Attendance at Meetings**

All members of the Town Council may attend all meetings of the Council and speak thereat with the permission of the Committee Chair but may not vote unless a member of the said Committee.

**Quorum of Committee**

The Quorum of the Committee shall be one third (6) members.

**Purpose**

- To consider all matters of concern regarding the Castle and to make
- Review resolutions in order to alleviate any problems within.
- To set the budget for any maintenance required for the Castle.
- To ensure Health & Safety requirements are met\*

**Review**

To be reviewed as stated in Terms of Reference for Full Council.

*\*supported by Key Safety Group*

**Terms of Reference**  
**Events Working Group**

**Chair**                      **Neath Town Mayor**  
**Deputy Chair**           **Deputy Neath Town Mayor**

The powers, duties and functions of this Committee are as follows:-

**Constitution**

The Constitution of this Committee shall be all Members of the Council. The Town Mayor (or Deputy Town Mayor) will Chair this Committee.

**Attendance at Meetings**

Members on this Sub Committee shall speak thereat with the permission of the Committee Chair but may not vote unless a member of the said Committee.

**Quorum of Committee**

There will be no quorum limitations to this meeting as Members wish it to be unrestricted.

**Purpose**

- To consider all Events which the Town Council wish to promote during the year
- Specific arrangements in relation to the Christmas Festival.
- To confirm arrangements for each Event and provide recommendations to Full Council for approval, time permitting.
- Urgent issues which can not be agreed in a future Sub Committee due to time constraints to be agreed by the Clerk after consultation with the Mayor, Leader and Deputy Leader, in the absence of Members.
- Committee members to be involved in Events run by the Council to support staff and ensure the Event is a success
- Evaluation of events to be completed immediately after each engagement
- Budget for each event to be submitted via Finance Committee for recommendation and to Full Council for approval.
- Issues in relation to Town Council properties will be submitted via Estates Committee for recommendation and to Full Council for approval
- To ensure Health & Safety requirements are met\*

**Review**

To be reviewed as stated in Terms of Reference for Full Council.

*\*supported by Key Safety Group*

# SECTION 5

## Neath Town Council Code of Conduct for Employees & Members

### INTRODUCTION

The public is entitled to expect the highest standards of conduct from all employees and Members who work for or represent the Council. This code sets out the standards expected from employees and Members. It should be read, where appropriate, in conjunction with the Council's employment policies, other relevant policies and procedures, conditions of service, standing orders, financial regulations and statutory requirements. This also supports the Public Service Ombudsman for Wales ["PSOW"] Code of Conduct for Members.

Some of the issues covered will affect the Clerk and RFO more so than other employees but many aspects of the Code are applicable to all the Council's employees and members.

The golden rule to remember is that you should never do anything as an employee or member of the Council which you could not justify publicly. Your conduct will affect the reputation of the Council. It is not enough to avoid actual impropriety. You should at all times avoid any occasion for suspicion and any appearance of improper conduct.

Please read the Code carefully. It is your responsibility to make sure that what you do complies with the standards set down. If in doubt seek advice from the Clerk.

### 1 GENERAL PRINCIPLES

The public is entitled to expect the highest standards of conduct from all Council employees and members. Your role is to serve the Council by providing advice, implementing policies and delivering services to the local community. In performing your duties you must act with integrity, honesty, impartiality and objectivity.

### 2 ACCOUNTABILITY

All employees work and members serve the whole of the Authority. You are accountable to, and owe a duty to the Council. You must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees and members to discharge public functions reasonably and according to the law.

### 3 POLITICAL NEUTRALITY (Employees)

Because employees serve the Authority as a whole, you must serve all Councillors equally and not just those of the controlling group. You must ensure that the individual rights of all Councillors are respected and that you do not compromise your political neutrality.

Employees must follow every lawful expressed policy of the Council and must not allow personal or political opinions to interfere with work.

### 4 RELATIONSHIPS

Employees are responsible to the Council through the Clerk. Mutual respect between employees and councillors is essential to good local government; and working relationships should be kept on a professional basis. Close personal familiarity between employees and individual councillors, especially if an employee's role is to give advice to Councillors, can

damage the relationship and prove embarrassing to other employees and councillors. It should therefore be avoided.

Employees and members should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community. It is important that you deal with the public, members and other employees sympathetically, efficiently and without bias.

Orders and contracts must be awarded on merit and in accordance with the Council's procedures and no special favour should be shown to businesses run by, for example, friends, partners or relatives.

Any employee who places orders, award contracts or supervises contractors and has previously had or currently has a relationship in a private or domestic capacity with a contractor that you deal with in the course of duty, should declare that relationship to their manager.

## **5 EQUALITY**

All members of the local community, customers and other employees have a right to be treated with fairness and equity irrespective of race, colour, nationality, ethnic or national origin, disability, religion, political persuasion, marital status, sex, sexual orientation or age. All employees should ensure that the Council's equal opportunity policies are complied with in addition to the requirements of the law.

## **6 STEWARDSHIP**

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and in accordance with financial regulations. You must not utilise property, vehicles or other facilities of the Council for personal use unless authorised to do so.

## **7 INTELLECTUAL PROPERTY**

All intellectual property rights (that is, copyright, design rights and the right to patent inventions) relating to anything created or invented by an employee in the course of your duties normally belongs automatically to the Council. Employees are not entitled to use, sell or otherwise exploit the rights to any such thing without written permission from the Council.

## **8 CORRUPTION**

It is a serious criminal offence for employees corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.

## **9 PERSONAL INTERESTS**

Whilst your private life is your own concern, you must not allow your private interests to conflict with your public duty. You must not misuse your official position or information acquired in the course of your employment to further your private interests, or the interest of others. In particular, you must comply with:

- the Council's rules and declare to you're the Clerk any financial and non-financial interests; and
- the Council's rules and procedures for declaring hospitality or gifts offered to or received by you, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Council. You must not accept benefits from a third party unless authorised to do so.

The issue of hospitality and gifts is dealt with in more detail below.

## **10 HOSPITALITY AND GIFTS**

Employees and members should treat with caution any offer of hospitality. Employees and members must consider whether the offer of hospitality could put at risk public confidence in the Council. In considering whether an offer of hospitality should be accepted, you should bear in mind:

- i. the possible motive behind the hospitality;
- ii. the scale of the hospitality;
- iii. the likely perception of others if the hospitality is accepted.

All offers of hospitality should be disclosed to the Clerk. When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

Employees and members should not accept significant personal gifts from contractors and outside suppliers. Insignificant items of token value such as pens, diaries, etc. may be accepted but, if there is any doubt as to whether an item is classed as insignificant, or if acceptance of the gift could be perceived to jeopardise the integrity of any subsequent decision by the Council, then the gift should be recorded in the register provided.

When receiving authorised hospitality, employees and members should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

## **11 SPONSORSHIP – GIVING AND RECEIVING**

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the same conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with current or potential contractors or developers.

Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative or members must benefit from such sponsorship in a direct way without there being full disclosure to the Clerk of any such interest. Similarly where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

## **12 SEPARATION OF ROLES DURING TENDERING**

Employees involved in the tendering process must act with the utmost of integrity. Employees who are privy to confidential information on tenders or costs for contracts should not disclose that information to any unauthorised party or organisation.

Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

## **13 WHISTLE BLOWING**

In the event that an employee or member becomes aware of activities which that employee or member believes to be illegal, improper, unethical or otherwise inconsistent with the Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998 and in accordance with the Council's confidential reporting procedure.

## **14 TREATMENT OF INFORMATION**

Openness in the dissemination of information and decision making should be the norm for the Authority. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Councillor, relevant member of staff or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Employees shall not disclose confidential information, nor should they use any information obtained in the course of their employment for personal gain or benefit or pass it on to others who you believe might use it in such a way.

Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

## **15 APPOINTMENTS AND OTHER EMPLOYMENT MATTERS**

Employees involved in the recruitment and appointment of staff must ensure that these are made on the basis of merit. It is unlawful for an employee to make an appointment which is based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in any appointment, where they are related to an applicant, or with whom they have a close personal relationship outside work.

Similarly, employees should not be involved in decisions relating to discipline, promotion or pay and conditions for any other employee who is a relative, partner, etc. or with whom they have a close personal relationship outside work.

Employees of all grades must not undertake outside work, whether paid or unpaid, if it causes a conflict of interest with their official duties, particularly if it makes use of confidential material to which they have access by virtue of their position, or if it in any way weakens public confidence in the conduct of the Council's business.

No paid or unpaid outside work of any sort should be undertaken by employees during working hours. Council premises, facilities and resources must not be used for paid or unpaid outside work.

## **16 INVESTIGATIONS BY THE MONITORING OFFICER**

Where a monitoring officer is undertaking an investigation in accordance with regulations made under Section 73(1) of the Local Government Act 2000, you must comply with any requirement made by the monitoring officer in connection with such an investigation.

## **17 WELFARE OF COUNCIL EMPLOYEES AND MEMBERS**

The Council recognises that complaints of personal harassment, particularly of sexual harassment, and bullying can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through the normal grievance procedure. In these circumstances you are encouraged to raise such issues with a colleague or other member of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the Town Clerk, who will be responsible for investigating the matter if it becomes a formal complaint.

If you are the victim of minor harassment and bullying you should make it clear to the harasser/bully on an informal basis that their behaviour is unwelcome and ask the

harasser/bully to stop. If you feel unable to do this verbally then you should hand a written request to the harasser/bully, and your confidential helper can assist you in this.

Neath Town Council has dedicated 'Welfare Officers' who can be approached in confidence by staff and Members. A list of the representatives with their contact details can be found on the Neath Town Council Staff Notice Board located in the Upstairs Staff Kitchen at 10 – 12 Orchard Street, Neath. All communication with the Welfare Officers will be treated as confidential. This approach is aimed to deal with any issues which may bring the Town Council into disrepute and try and develop a way forward to resolve the situation.

## **18 BREACHES OF THE CODE OF CONDUCT**

Any employee or Member who breaches the Code, may face disciplinary action under the Council's own disciplinary procedures for matters concerning improper conduct because such conduct may bring the Council into disrepute.

# **SECTION 6**

**Members Code of Conduct  
Public Services Ombudsman for Wales  
(Attachment not numbered)**

# SECTION 7

**Financial Regulations  
(Attachment not numbered)**

# NEATH TOWN COUNCIL



## Financial Regulations June 2022

<b>1</b>	General
<b>2</b>	Accounting & Audit (Internal & External)
<b>3</b>	Annual Estimates (Budget) & Forward Planning
<b>4</b>	Budgetary Control & Authority to Spend
<b>5</b>	Banking Arrangements & Authorisation of Payments
<b>6</b>	Instructions for the Making of Payments
<b>7</b>	Payment of Salaries/Employee Matters
<b>8</b>	Loans & Investments
<b>9</b>	Income
<b>10</b>	Orders for Work, Goods & Services
<b>11</b>	Contracts
<b>12</b>	Payments under Contracts for building or other constructions works
<b>13</b>	Stores & Equipment
<b>14</b>	Assets, Properties & Estates
<b>15</b>	Insurance
<b>16</b>	Charities
<b>17</b>	Risk Management
<b>18</b>	Suspension and Revision of Financial Regulations

These Financial Regulations were reviewed during a Finance meeting on 23<sup>rd</sup> June 2022 as part of its Internal Control Annual Review. The updated version of these documents were formally adopted via a Full Council meeting on the 7<sup>th</sup> July 2022.

## **1. GENERAL**

- 1.1. These financial regulations govern the conduct of financial management by the council and may only be amended or varied by resolution of the council. Financial regulations are one of the council's three governing policy documents providing procedural guidance for members and officers. Financial regulations must be observed in conjunction with the council's standing orders<sup>1</sup> and any individual financial regulations relating to contracts.
- 1.2. The council is responsible in law for ensuring that its financial management is adequate and effective and that the council has a sound system of internal control which facilitates the effective exercise of the council's functions, including arrangements for the management of risk.
- 1.3. The council's accounting control systems must include measures:
  - for the timely production of accounts;
  - that provide for the safe and efficient safeguarding of public money;
  - to prevent and detect inaccuracy and fraud; and
  - identifying the duties of officers.
- 1.4. These financial regulations demonstrate how the council meets these responsibilities and requirements.
- 1.5. At least once a year, prior to approving the Annual Governance Statement, the council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.
- 1.6. Any wilful breach of these Regulations by an employee will be considered to be a disciplinary action.
- 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 may bring the office of Councillor into disrepute and may constitute a breach of the Code of Conduct.
- 1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the council. The Finance Officer has been appointed as RFO for this council and these regulations will apply accordingly.
- 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;
  - 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 comply with the Accounts and Audit (Wales) Regulations and to prepare additional or management information, as the case may be, to be prepared for the council from time to time
- 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 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;
  - addressing recommendations in any report from the internal or external auditors,
- shall be a matter for 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 the Public Audit (Wales) Act 2004, 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 in Wales - A Practitioners’ Guide*, issued by the Joint Practitioners Advisory Group (JPAG), available from the websites of One Voice Wales (OVW) and SLCC as appropriate.

## **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 (Wales) Regulations, appropriate Guidance and proper practices.

2.2. During each Finance Committee via the Chairman and via a Councillor who acts as a ‘Spot Checker, bank reconciliations shall be verified (for all accounts) and produced by the RFO. The member shall sign the reconciliations and the original bank statements (or similar document) as evidence of verification. This activity shall on conclusion be reported, including any exceptions, to and noted by the Finance Committee.

2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the council within the timescales set by the Accounts and Audit (Wales) 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
- have 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 Public Audit (Wales) Act 2004, or any superseding legislation, and the Accounts and Audit (Wales) 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. 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 relevant committee and the council.

3.2. The council shall consider annual budget proposals of revenue and capital receipts and payments including recommendations for the use of reserves and sources of funding and update the forecast accordingly.

3.3. 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 to NPTCBC. The Clerk shall issue the precept to the billing authority and shall supply each member with a copy of the approved annual budget.

3.4. 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 £1,000;
- a duly delegated committee of the council for items over £1,000; or
- the Clerk, in conjunction with Chairman of Council or Chairman of the appropriate committee, for any items below £1,000.

Such authority is to be evidenced by a Minute or by an authorisation email exchange with the Chairman, Deputy Chairman, Leader and Deputy Leader of Council.

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 in in line with NALC pay scales (post Job Evaluation Process 2022). Each review of salaries will be minuted. 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 £100 of [15%]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.
- 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 or finance committee. The council / committee shall review the schedule for compliance and, having satisfied itself shall authorise payment by a resolution of the council or finance committee. The approved schedule shall be ruled off and initialled by the Chairman of the Meeting. A detailed list of all payments shall be disclosed within or as an attachment to the minutes of the meeting at which payment was authorised. Personal payments (including

salaries, wages, expenses and any payment made in relation to the termination of a contract of employment) may be summarised to remove public access to any personal information.

- 5.3. All invoices for payment shall be examined, verified and certified by the Clerk to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the council.
- 5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted, and which are in order, at the next available council or Finance Committee Meeting.
- 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 or finance committee;
  - 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 finance committee; 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 or finance committee.
- 5.6. For each financial year the Clerk and RFO shall draw up a list of due payments which arise on a regular basis as the result of a continuing contract, statutory duty, or obligation (such as but not exclusively, Salaries, PAYE and NI, Superannuation Fund and regular maintenance contracts and the like for which council ,or a duly authorised committee, may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of council or Finance 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 or other interest, unless a dispensation has been granted.
- 5.10. The council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.

- 5.11. Any changes in the recorded details of suppliers, such as bank account records, shall be approved in writing by a Member.

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

- 6.1. The council will make safe and efficient arrangements for the making of its payments.
- 6.2. Following authorisation under Financial Regulation 5 above, the council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be effected by BACS payment or cheque or other instructions to the council's bankers, or otherwise, in accordance with a resolution of Council or duly delegated Committee.
- 6.4. BACS payments, 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(s) eg Clerk/Chairman. A member who is also 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 BACS schedule, cheque or order for payment with the counterfoil and the invoice or similar documentation, the signatories shall each also initial the BACS schedule/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 or Finance Committee 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 methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories. A record of these instructions must be retained and any payments reported to council as made. The approval of the use of BACS 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 in the Council's safe.
- 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 SAGE back-up copies of the records on any computer shall be made and shall be stored in the Council's safe, away from the computer in question, and preferably off site. This will be undertaken weekly on a Friday and the back up will be stored with the RFO.
- 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 and appropriate action will be taken including the use of the Council's disciplinary procedure in the case of employees.
- 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 of, the Clerk and a member. A programme of regular checks of standing data with suppliers will be followed.
- 6.18. Any Debit Card issued for use will be specifically restricted to the Clerk and will also be restricted to a single transaction maximum value of £500 unless authorised by council or finance committee in writing before any order is placed.
- 6.19. A pre-paid debit card may be issued to employees with varying limits. These limits will be set by the council or finance committee. Transactions and purchases made will be reported to the council and relevant committee and authority for topping-up shall be at the discretion of the council and relevant committee.
- 6.20. Any corporate credit card or trade card account opened by the council will be specifically restricted to use by the Clerk and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.
- 6.21. The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Receipts for payments made shall be forwarded to the RFO with a claim for reimbursement.

- a) The RFO shall maintain a petty cash float of £300 for the purpose of defraying operational and other expenses. Receipts for payments made from petty cash shall be kept to substantiate the payment.
- b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
- c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to council under 5.2 above.

## **7. PAYMENT OF SALARIES/EMPLOYEE MATTERS**

- 7.1. As an employer, the council shall make arrangements to meet fully the statutory requirements placed on all employers by PAYE and National Insurance legislation. The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salary rates shall be as agreed by council, or duly delegated committee.
- 7.2. Payment of salaries and payment of deductions from salary such as may be required to be made for tax, national insurance and pension contributions, or similar statutory or discretionary deductions must be made in accordance with the payroll records and on the appropriate dates stipulated in employment contracts, provided that each payment is reported to the next available council meeting as set out in these regulations above.
- 7.3. No changes shall be made to any employee's pay, emoluments, or terms and conditions of employment without the prior consent of the Council.
- 7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded on SAGE Payroll. 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.
  - d) by any person authorised under Public Audit (Wales) Act 2004, or any superseding legislation.
- 7.5. The total of such payments in each calendar month shall be reported with all other payments as made to the Council or designated Committee 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 effected in the name of the council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as

to terms and purpose. The application for Borrowing Approval, and subsequent arrangements for the Loan shall only be approved by full council.

- 8.2. Any financial arrangement which does not require formal Borrowing Approval from the Welsh Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the full council. In each case a report in writing shall be provided to council in respect of value for money for the proposed transaction.
- 8.3. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with council policy.
- 8.4. The council shall 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 Policy & Personnel Committee as and when required.
- 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 Full Council and shall/may be written off in the year (reviewed bi annually).
- 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 daily cash sheets which will reconcile to the paying in slip..
- 9.7. Personal cheques shall not be cashed out of money held on behalf of the council.
- 9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.
- 9.9. Where any significant sums of cash are regularly received by the council, the RFO shall take such steps as are agreed by the council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control

such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

- 9.10. Any income arising which is the property of a charitable trust shall be paid into a charitable bank account. Instructions for the payment of funds due from the charitable trust to the council (to meet expenditure already incurred by the authority) will be given by the Managing Trustees of the charity meeting separately from any council meeting (see also Regulation 16 below).

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

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

## **11. COMMERCIAL CONTRACTS & QUOTATIONS**

- 11.1. Procedures as to contracts and quotations are laid down as follows:
- a. Every contract and quotation shall comply with these financial regulations, and no exceptions shall be made other than permitted in items (i) to (vi) below:
    - i. for the supply of gas, electricity, water, sewerage and telephone services;
    - ii. for specialist services such as are provided by solicitors, accountants, surveyors and planning consultants\*;
    - iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
    - iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
    - v. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.
  - b. The full requirements of The Public Contracts Regulations 2015 (“the Regulations”), as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The

Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)<sup>2</sup>.

Where it is intended to enter into a contract exceeding £15,000 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 Council's professional advisors to the Council (listed), shall invite tenders or quotations from at least three firms to be taken from an approved list, if available. A preferred supplier list can be created however quotes from all preferred suppliers will be obtained to ensure best value for money. Neath Town Council supports the engagement and use of local providers, where possible.

- c. When applications are made to waive financial regulations relating to contracts or quotations to enable a price to be negotiated without competition the reason shall be minuted and embodied in a recommendation to the council.
- d. 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.
- e. All sealed tenders shall be opened at the same time on the prescribed date by the Mayor in the presence of the Deputy Mayor, Clerk, Leader and Deputy Leader of Council. A quorum to open Tenders will be three (3) made up from the Mayor, Deputy Mayor, Clerk, Leader and Deputy Leader. Any additional Councillors can attend.
- f. Tenders will be analysed and a Full Council meeting will be convened thereafter to discuss the information received and to confirm the successful Tender. If the business is urgent, a Special Full Council meeting can be convened as soon as possible to agree the successful Tender once the analysis has been provided by the professional advisors.
- g. Any invitation to tender issued under this regulation shall be subject to Standing Order Section 41 and shall refer to the terms of the Bribery Act 2010.
- h. When it is to enter into a contract of less than £15,000 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,

<sup>2</sup> Thresholds currently applicable are:

- a. For public supply and public service contracts 209,000 Euros (£164,176)
- b. For public works contracts 5,225,000 Euros (£4,104,394)

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.

*\*This contract tendering process does not cover the ongoing services of Neath Town Council's existing professional advisors - Hurley & Davies, Rowland Jones & Partners and T. Llewelyn Jones, Solicitors.[Also see section 11.iii].*

- 11.2. The Proper Officer shall maintain a register of personal interests, in respect of both members and senior staff.
  - a. Members and senior staff should not, so far as is practicable, be involved in the award of orders and/or contracts with organisations or individuals in respect of which a personal interest exists, whether declared or not.
  - b. Members and senior staff should not, so far as is practicable, be involved in the making or authorising payments in respect of orders and/or contracts with organisations or individuals in respect of which a personal interest exists, whether declared or not.

## **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. 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. An independent stock taker shall be responsible for periodic checks of stocks and stores quarterly.

## **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 they are held in accordance with Accounts and Audit (Wales) Regulations. This is captured in the Council's Asset Register and accompanies the Council's insurance and property investment documentation.

- 14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £250.
- 14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the council, together with any other consents required by law, In each case a Report in writing shall be provided to 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. 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.
- 14.4. Subject only to the limit set in Reg. 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.
- 14.5. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

## **15. INSURANCE**

- 15.1. Following the annual risk assessment (per Financial 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 the council, or duly delegated committee.

## **16. CHARITIES**

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

for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

## **17. RISK MANAGEMENT**

- 17.1. The council is responsible for putting in place arrangements for the management of risk. The Clerk 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. SUSPENSION AND REVISION OF FINANCIAL REGULATIONS**

- 18.1 It shall be the duty of the council to review the Financial Regulations of the council from time to time. The Clerk shall make arrangements to monitor changes in legislation or proper practices and shall advise the council of any requirement for a consequential amendment to these financial regulations.
- 18.2 The council may, by resolution of the council duly notified prior to the relevant meeting of council, suspend any part of these Financial Regulations provided that reasons for the suspension are recorded and that an assessment of the risks arising has been drawn up and presented in advance to all members of council.