

IN ACCORDANCE WITH THE STATUTORY REQUIREMENTS OF THE LOCAL GOVERNMENT ACT 1972 SCHEDULE 12 PARAGRAPH 26(2) [A] (ADMISSIONS TO MEETINGS) SECTION 1(4)

NOTICE IS GIVEN THAT AN EXTRA-ORDINARY MEETING OF LEWES TOWN COUNCIL  
WILL BE HELD IN THE COUNCIL CHAMBER IN LEWES TOWN HALL  
ON TUESDAY, 18<sup>th</sup> APRIL 2023 AT 7:00PM

MEMBERS OF THE PUBLIC HAVE THE RIGHT TO ATTEND UNLESS A SPECIFIC DECISION HAS  
BEENTAKEN TO EXCLUDE THEM

### **PUBLIC SESSION**

For 15 minutes prior to the commencement of the meeting, members of the public are invited to question the Council on local issues etc. Questions will be answered by The Chair or Town Clerk. These persons will reserve the right to postpone making an answer until the following meeting in order to take advice or undertake research.

During this time, outstanding answers from previous meetings will be delivered.

### **TO THE CHAIR AND COUNCILLORS** **LEWES TOWN COUNCIL**

**YOU ARE HEREBY SUMMONED TO ATTEND AN  
EXTRA-ORDINARY MEETING OF  
LEWES TOWN COUNCIL  
18 APRIL 2023**

## Agenda

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### **1 - APOLOGIES FOR ABSENCE**

To note any apologies for absence.

### **2 - DECLARATIONS OF INTEREST**

To receive any Declarations of Interest, including Disclosable Pecuniary Interests (DPI) on the agenda under Lewes Town Council's Code of Conduct, issued in accordance with the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, SI No. 1464.

### **3 - CONFIRMATION OF MINUTES**

To receive and approve:-

Minutes of the Ordinary Meeting of Lewes Town Council held on 23 March 2023

#### **4 - MINUTES OF STANDING COMMITTEES**

To receive and approve:-

##### Planning Committee

Meeting held on the 5 April 2023

#### **5 - PLANNING APPLICATION - SDNP/23/00526/OUT**

To agree final response to planning matter SDNP/23/00526/OUT

#### **6 - BANK MANDATE**

To approve the inclusion of the Interim Clerk/RFO, Francesca Pridding, on the banking mandate

#### **7 - STANDING ORDERS**

To approve the revised Standing Orders for Lewes Town Council

#### **8 - FINANCIAL REGULATIONS**

To approve the revised Financial Regulations for Lewes Town Council

#### **9 - SCHEME OF DELEGATION**

To make recommendations for the organisation of Lewes Town Council's Standing Committees and delegated functions

#### **10 - EXCLUSION OF PRESS AND PUBLIC**

That pursuant to the provision of the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for the following items of business by reason of the confidential nature of business to be transacted.

#### **11 - HR UPDATE**

To receive a verbal update from the Interim Town Clerk and to approve a course of action.

*Francesca Pridding*

**Francesca Pridding PSLCC  
Interim Town Clerk**

Date **18/04/2023**  
Time **19:00 - 21:00**  
Location **Lewes Town Council**  
Present ***Francesca Pridding***

# Extra-Ordinary Council Meeting

Lewes Town Council

## **Agenda - 18 April 2023**

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- |          |                              |
|----------|------------------------------|
| <b>1</b> | <b>APOLOGIES FOR ABSENCE</b> |
|----------|------------------------------|
- 
- |          |                                 |
|----------|---------------------------------|
| <b>2</b> | <b>DECLARATIONS OF INTEREST</b> |
|----------|---------------------------------|
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- |          |                                |
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| <b>3</b> | <b>CONFIRMATION OF MINUTES</b> |
|----------|--------------------------------|
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- |          |                                       |
|----------|---------------------------------------|
| <b>4</b> | <b>MINUTES OF STANDING COMMITTEES</b> |
|----------|---------------------------------------|
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- |          |   |
|----------|---|
| <b>5</b> | <b>PLANNING APPLICATION - SDNP/23/00526/OUT</b> |
|----------|---|
- 
- |          |                     |
|----------|---------------------|
| <b>6</b> | <b>BANK MANDATE</b> |
|----------|---------------------|
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- |          |                        |
|----------|------------------------|
| <b>7</b> | <b>STANDING ORDERS</b> |
|----------|------------------------|
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| <b>8</b> | <b>FINANCIAL REGULATIONS</b> |
|----------|------------------------------|
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- |          |                             |
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| <b>9</b> | <b>SCHEME OF DELEGATION</b> |
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| <b>10</b> | <b>EXCLUSION OF PRESS AND PUBLIC</b> |
|-----------|--------------------------------------|
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- |           |                  |
|-----------|------------------|
| <b>11</b> | <b>HR UPDATE</b> |
|-----------|------------------|

# Table of contents

18/04/2023 19:00 - 21:00

---

<b>1 - APOLOGIES FOR ABSENCE</b>	<b>5</b>
.....	
<b>2 - DECLARATIONS OF INTEREST</b>	<b>6</b>
.....	
<b>3 - CONFIRMATION OF MINUTES</b>	<b>7</b>
.....	
<b>Attachments</b>	
Minutes of the meeting of Full Council held on Thursday 23 March 2023 at 7.~	8
<b>4 - MINUTES OF STANDING COMMITTEES</b>	<b>11</b>
.....	
<b>Attachments</b>	
Meeting minutes - 2023-04-05	12
<b>5 - PLANNING APPLICATION - SDNP/23/00526/OUT</b>	<b>18</b>
.....	
<b>6 - BANK MANDATE</b>	<b>19</b>
.....	
<b>7 - STANDING ORDERS</b>	<b>20</b>
.....	
<b>Attachments</b>	
Draft Standing Orders - 18.04.2023	21
Report - Standing Orders	38
<b>8 - FINANCIAL REGULATIONS</b>	<b>39</b>
.....	
<b>Attachments</b>	
Report - Financial Regulation	40
Draft Financial Regulations - 18.04.2023	41
<b>9 - SCHEME OF DELEGATION</b>	<b>58</b>
.....	
<b>Attachments</b>	
Report - Scheme of Delegation	59
Draft Scheme of Delegation Lewes Town Council 18.04.2023	61
<b>10 - EXCLUSION OF PRESS AND PUBLIC</b>	<b>69</b>
.....	
<b>11 - HR UPDATE</b>	<b>70</b>
.....	



1

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## 1 - APOLOGIES FOR ABSENCE

To note any apologies for absence.

[#apologies](#)

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## 2 - DECLARATIONS OF INTEREST

To receive any Declarations of Interest, including Disclosable Pecuniary Interests (DPI) on the agenda under Lewes Town Council's Code of Conduct issued in accordance with the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, SI No. 1464.

[#declarations](#)



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## 3 - CONFIRMATION OF MINUTES

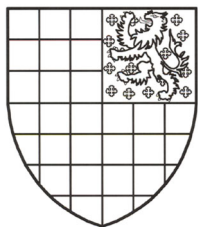
To receive and approve:-

Minutes of the Ordinary Meeting of Lewes Town Council held on 23 March 2023

[#minutesordinary](#)

### **Attachments**

[Minutes of the meeting of Full Council held on Thursday 23 March 2023 at 7.~.pdf](#)



**Minutes** of the meeting of Lewes Town Council held on Thursday 23 March 2023 at 7:30pm in the Council Chamber, Lewes Town Hall.

**Present:**

Councillor Baah  
Councillor Bird (Deputy Mayor)  
Councillor Burrows  
Councillor Catlin  
Councillor Clarke  
Councillor Earl  
Councillor Lamb  
Councillor Makepeace  
Councillor Maples  
Councillor Milner  
Councillor O'Keeffe  
Councillor Sains (Mayor)  
Councillor Vernon  
Councillor Waring  
Councillor Wood

**In attendance**

Town Clerk  
Interim Town Clerk

**115. Filming of council meetings and mobile phones**

115.1. The procedures were noted.

**116. Apologies for absence**

116.1. There were apologies from Councillors Handy, Mayhew and Herbert.

**117. Members' declarations of interests**

117.1. Councillors Lamb, Makepeace, Vernon, Waring and Bird declared their interest in Item 8.1 on the Agenda – Major Funding Request from Low Traffic Lewes

117.2. Councillors Makepeace, Maples and Vernon declared their interest in item 8.5 on the Agenda - Community Infrastructure Levy proposed expenditure

**118. Question time**

118.1. There were none.

**119. Minutes**

119.1. Minutes of the meeting held on 23 February 2023 were received and agreed as a true record and signed by the Mayor.

**120. Mayor's announcements and urgent items**

- 120.1. The Mayor reported her attendance at the International Women's Day Comedy and Music Event at the All Saints Community Venue
- 120.2. It was further reported that the Annual Town Meeting had been held on the 16<sup>th</sup> March and that matters raised included planning, and potholes. The recipients of grants were invited to speak about their projects and Civic Awards were presented.
- 120.3. The Mayor requested that more Councillors confirm their interest in attending the Coronation Tea Event on 26<sup>th</sup> April and that she would appreciate Councillor attendance at the forthcoming Civic Service.

## **121. Committees, working parties and outside bodies**

- 121.1. Planning and Conservation Committee 31 January 2023  
Council received the minutes of this meeting, and **it was resolved that:**  
The minutes of the Planning and Conservation Committee are noted.
- 121.2. Planning and Conservation Committee 21 February 2023  
Council received the minutes of this meeting, and **it was resolved that:**  
The minutes of the Planning and Conservation Committee are noted.
- 121.3. Extraordinary Planning and Conservation Committee 6 March 2023  
Council received the minutes of this meeting, and **it was resolved that:**  
The minutes of the Planning and Conservation Committee are noted.
- 121.4 To receive the notes from the Citizens Advice Bureau Board Meeting 16 February 2023 attended by Councillor Lamb  
Council received the minutes of this meeting, and **it was resolved that:**  
The notes from this Meeting are noted
- 121.5 To receive the notes from the Summer Road Safety briefing 13 March 2023 attended by Councillor Lamb  
Council received the minutes of this meeting, and **it was resolved that:**  
The notes from this Meeting are noted

*Councillor O'Keeffe entered the meeting at 7:45pm*

## **122. Officers' reports**

- 122.1. Major Funding Request from Low Traffic Lewes  
Members considered report FC037/2023.  
It was **resolved** that:  
The Council would offer support to the value of £9000
- 122.2. Request to support Low Traffic Lewes project consultation  
Members considered report FC038/2023  
It was **resolved** that:  
The Council would offer support including room use to the value of £800  
Use of the Town Council Logo  
Attendance at events  
Promotion

Representation on the group

122.3. Verge cutting tender update

Members considered report FC039/2023.

It was **resolved** that:

Contractor A would be instructed and that the cost of the contract be vired from the earmarked reserve for Environmental Enhancement.

122.4. War memorial maintenance

Members considered report FC040/2023

It was **resolved** that:

Contractor C would be instructed and that a request for the treatment of the bronze elements be as per the quote from Contractor D. It was further resolved that the cost for the works be vired from the Commemoration EMR and the Environmental Enhancement.

Council requested annual inspections going forward

122.5. Community Infrastructure Levy proposed expenditure

Members considered report FC041/2023.

It was **resolved** that:

The Council purchase a seesaw using the available CIL funds

122.6 Transfer of responsibilities to interim Town Clerk

To agree transfer of responsibilities of Proper Officer and Responsible Finance Officer (section 151 Officer)

It was **resolved** that:

Francesca Pridding be appointed as Interim Town Clerk/RFO

The meeting was declared closed at 8:51 pm

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## 4 - MINUTES OF STANDING COMMITTEES

To receive and approve:-

Planning Committee

Meeting held on the 5 April 2023

[#minutescommittees](#)

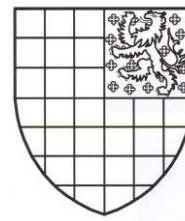
### **Attachments**

[Meeting minutes - 2023-04-05](#)

# Minutes

## Planning Committee

Lewes Town Council



Date 05/04/2023  
Time 19:00  
Location Corn Exchange  
Present Councillors Lamb, Makepeace, Clarke, Milner (Chair) and Sains  
In Francesca Pridding (Interim Town Clerk)  
Attendance

## Minutes

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### 1 - APOLOGIES FOR ABSENCE

To note any apologies for absence.

Apologies were received from Councillors Catlin and Baah

### 2 - DECLARATIONS OF INTEREST

To receive any Declarations of Interest, including Disclosable Pecuniary Interests (DPI) on the agenda under Paulton Parish Council's Code of Conduct (adopted on 30th November 2021) issued in accordance with the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, SI No. 1464.

None

### 3 - CHAIR'S ANNOUNCEMENTS

To receive announcements from the Chair

There were none save a reminder that Councillors should have consideration to current policy

### 4 - CONFIRMATION OF MINUTES

To receive and approve:-

Minutes of the Planning Committee of Lewes Town Council held on 14th March 2023

Approved

### 5 - TASK & FINISH GROUP REPORT

To receive a report from the Planning Committee Task and Finish Group regarding the North Street Quarter/Phoenix Development

Councillor Clarke detailed the work of the Task and Finish group and explained the background and methodology of its reports. The plans were assessed against the Neighbourhood Plan and the Local Plan, but also legislation such as the Equalities Act 2010

Lewes Low Cost Housing targets broadly met but attention needs to be paid to future plans and viability issues.

Access and mobility criteria were broadly met but the Task and Finish group identified a need for additional seating along pedestrian walkways. A Highways report would be useful information to have. Attention needs to be paid to the accessibility of the bus stops and the inclusion of road crossings

Councillor Makepeace detailed the research undertaken in relation to the flood defences proposed. In general the plans are approved of and residents have been consulted. A long term maintenance plan is designed to continue in perpetuity and this will require scrutiny to ensure that this is a robust service and that the maintenance fee is apportioned proportionately at each phase and that there is no disadvantage to the early residents. The group would like these considerations made clear to potential residents and would seek to understand when this information would be made available.

## **6 - PLANNING APPLICATIONS**

To consider the response of Lewes Town Council to the following planning applications:-

The Chair proposed that Agenda Item 6.16 be brought forward to the first item for consideration for the benefit of the public present

### **6.1 - SDNP/23/00526/OUT**

Hybrid planning application for the redevelopment of the North Street Industrial Estate and Springman House, North Street, Lewes for a residential-led, mixed use development. Seeking full planning permission for Phase 1 and parts of Phase 2, being the demolition of existing buildings, construction of flood defences, highways improvement works including three new bus lay-bys off Phoenix Causeway, and a temporary construction access ramp from Phoenix Causeway to serve a temporary construction and manufacturing yard; and the erection of buildings up to 5 storeys comprising 44 dwellings (Class C3) (Referred to as buildings 1A, 1B and 1C forming part of Phase 2), and Seeking outline planning permission for parts of Phase 2 and Phase 3, being the demolition of existing buildings, construction of flood defences; erection of buildings of up to 6 storeys for a further 656 dwellings (Class C3); up to 3,279m<sup>2</sup> of business, employment and flexible workspace (Class E(c), E(g) and sui generis), medical and health services (Class E(e)), hotel (Class C1), creative and community space (sui generis), leisure uses (Class E(d)), restaurant (Class E(b)), tap room/bar (sui generis), retail (Class E(a)), a day nursery (Class E(f)); energy centre (sui generis); ambulance station (sui generis); construction and later removal of temporary parking and construction access ramp, creation of permanent vehicular access from Phoenix Causeway into a co-mobility services hub (sui generis) containing 313 parking spaces; and associated highway improvements; realignment of North Street and Phoenix Place; a recycling and re-use centre (sui generis); construction of a new footbridge over the River Ouse and a riverside pedestrian walkway; creation of areas of public realm. Provision of infrastructure and associated landscaping with details relating to access, layout and scale

for approval and details relating to appearance and landscaping reserved for subsequent approval.

North Street Industrial Estate & 8 North Street (formerly Springman House) Lewes East Sussex

In relation to the Parcel 1/Phase 1 aspect of the plans the Committee **RESOLVED** to **SUPPORT** with the observation that blocks are sensitively designed to reflect the look and fabric of the existing town. The staggered roofline and variety of shapes and finishes creates an organic feel with additional elements of continental Europe, in the square, the shuttered windows (which also protect from extremes of weather and restrict light spillage at night) and the outdoor community focus.

In respect of the proposed Bus Stops the Committee **RESOLVED** that it would **OBJECT/NOT SUPPORT** the inclusion of 3 North Side Bus Stops without the express recognition that these would not constitute a replacement bus interchange.

The Committee **RESOLVED** to **SUPPORT** the Demolition aspect of the application with the observation that consideration be given to ensuring that strenuous efforts are made to reduce heavy traffic on narrow residential roads and the responsible recycling of materials.

The Committee **RESOLVED** to **SUPPORT** the proposal in relation to Flood Defences

The Committee **RESOLVED** to **SUPPORT** the Outline aspect of the proposal with the observation that any deviation requires attention needs to be paid to future plans and viability issues.

The Task and Finish Group who considered the application in great depth made the following points which the Committee has **RESOLVED** to make the Planning Authority aware of, these being:

*'Lewes Low Cost Housing targets broadly met but attention needs to be paid to future plans and viability issues.*

*Access and mobility criteria were broadly met but the Task and Finish group identified a need for additional seating along pedestrian walkways. A Highways report would be useful information to have. Attention needs to be paid to the accessibility of the bus stops and the inclusion of road crossings*

*In general the plans are approved in relation to the flood defences and residents have been consulted. A long term maintenance plan is designed to continue in perpetuity and this will require scrutiny to ensure that this is a robust service and that the maintenance fee is apportioned proportionately at each phase and that there is no disadvantage to the early residents. The group would like these considerations made clear to potential residents and would seek to understand when this information would be made available.'*

The Committee were pleased with the attention paid to the public realm in particular the treatment of the Belvedere that runs along the river the whole length of the development will play a key role in public enjoyment of the river. The river Ouse has been significant in the history of the town, it is currently somewhat overlooked and underplayed, but this development will bring the river's significance back into focus.

Lewes Town Council welcomes this innovative and thoughtful proposal for redeveloping the North Street Industrial Estate. The application meets many of the objectives of the Lewes Neighbourhood Plan including the provision of Lewes Low Cost and affordable



housing, energy saving, sustainable buildings that reduce carbon emissions and a good quality public realm with access to the river Ouse.

The applicants have sought to foster a sense of community with shared facilities, in many cases housed in historic buildings that will be retained on the site. Employment generated by commercial and other activities in The Phoenix will benefit the town, particularly its young people.

The emphasis on active travel - reducing congestion and pollution in Lewes - and access for elderly and disabled people are also positive elements of the application. The proposed flood defences and drainage schemes for the site provide protection for the town, while the recycling of water and other materials will reduce waste.

Lewes Town Council is reassured by Human Nature's intention to own the company that manages the development, demonstrating a long-term commitment to a project that has the potential to embellish Lewes and act as a model of sustainable development.

### **6.2 - SDNP/23/01014/LIS**

Remove failed front elevation brickwork and reinstate to match the original construction plus structural repairs

8 Mount Pleasant Lewes East Sussex BN7 2DH

The Committee **RESOLVED** to **SUPPORT** with the comment that the property owner's attention be drawn to the importance of heritage grade double glazing and internal insulation

### **6.3 - SDNP/23/00925/FUL**

Erection of additional storey to create 4 self contained flats

Rowans Court Prince Edwards Road Lewes East Sussex BN7 1BB

The Committee were unable to make a resolution due to a lack of access to documentation. Request more time due to inaccessibility and potential for contentious application.

### **6.4 - SDNP/23/00910/HOUS**

Erection of first-floor single-storey side extension

1 Chandlers Wharf Lewes East Sussex BN7 2FL

The Committee **RESOLVED** to provide a **NEUTRAL** response to the application

### **6.5 - SDNP/23/01059/HOUS**

Demolition of existing rear extension, erection of single storey rear extension, with alterations to fenestration to front and side elevations

9 Houndean Rise Lewes East Sussex BN7 1EG

The Committee **RESOLVED** to provide a **NEUTRAL** response to the application

**6.6 - SDNP/23/01048/HOUS**

Addition of first-floor window to rear, first-floor window to side, and rooflight to first floor

18 Keere Street Lewes East Sussex BN7 1TY

The Committee **RESOLVED** to provide a **NEUTRAL** response to the application

With the request that blinds be mandated to comply with Dark Sky Policy

**6.7 - SDNP/23/00977/HOUS**

Erection of single-storey side extension and addition of dropped kerb

3 Valley Road Lewes East Sussex BN7 1LE

The Committee **RESOLVED** to provide a **NEUTRAL** response to the application

**6.8 - SDNP/23/00864/HOUS**

Erection of two-storey side extension

33 Cross Way Lewes East Sussex BN7 1NE

The Committee **RESOLVED** to **OBJECT** to the application with the observation that the proposed development was in contravention of the Neighbourhood Plan

**6.9 - SDNP/23/01278/PRE**

Hip-to-gable loft conversion with rear dormer and front porch

1 Hamsey Crescent Lewes East Sussex BN7 1NP

**N/A**

**6.10 - SDNP/23/01244/PRE**

Partial change of use from commercial back to residential (1-2 dwellings), with remaining hall for community use

26A Station Street Lewes East Sussex BN7 2DB

**N/A**

**6.11 - SDNP/23/01161/LDP**

Single storey rear extension and fenestration changes including rooflights

22 Mill Road Lewes East Sussex BN7 2RU

The Committee **RESOLVED** to provide a **NEUTRAL** response to the application

With the request that blinds be mandated to comply with Dark Sky Policy

**6.12 - SDNP/23/01111/HOUS**

Erection of single-storey rear extension and associated demolition of existing rear extension

26 Priory Street Lewes East Sussex BN7 1HH

The Committee **RESOLVED** to provide a **NEUTRAL** response to the application

**6.13 - SDNP/23/00976/PA14J**

Install solar panels on a single-storey existing pitched roof

1 Brooklands Yard Southover High Street Lewes East Sussex BN7 1HU

The Committee **RESOLVED** to **SUPPORT** the application

**6.14 - SDNP/23/00846/HOUS**

Erection of raised decking to rear

24 Fitzjohns Road Lewes East Sussex BN7 1PS

The Committee **RESOLVED** to provide a **NEUTRAL** response to the application

**6.15 - SDNP/23/00453/HOUS**

Erection of single-storey side/front extension

46 Highdown Road Lewes East Sussex BN7 1QE

The Committee **RESOLVED** to provide a **NEUTRAL** response to the application

With the additional comment that the use of timber frames is preferred to UPVC

**6.16 - SDNP/23/00171/HOUS**

Replacement of windows to front elevation with double-glazed timber sash windows

7 Prince Edwards Road Lewes East Sussex BN7 1BJ

The Committee **RESOLVED** to **SUPPORT** the application

Meeting Closed at 21:34

## 5 - PLANNING APPLICATION - SDNP/23/00526/OUT

To agree final response to planning matter SDNP/23/00526/OUT

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## 6 - BANK MANDATE

To approve the inclusion of the Interim Clerk/RFO, Francesca Pridding, on the banking mandate

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## 7 - STANDING ORDERS

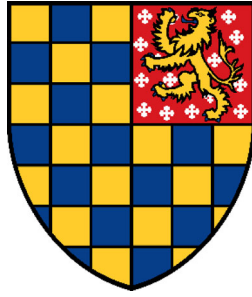
To approve the revised Standing Orders for Lewes Town Council

[#standingorders](#)

### **Attachments**

[Draft Standing Orders - 18.04.2023.pdf](#)

[Report - Standing Orders.pdf](#)



LEWES TOWN COUNCIL  
STANDING ORDERS

**Contents**

1. Rules of debate at meetings .....	2
2. Disorderly conduct at meetings .....	3
3. Meetings generally.....	3
4. Committees and sub-Committees.....	6
5. Ordinary Council meetings.....	7
6. Extraordinary meetings of the Council and Committees and sub-Committees.....	8
7. Previous resolutions.....	8
8. Voting on appointments .....	8
9. Motions for a meeting that require written notice to be given to the Proper Officer .....	9
10. Motions at a meeting that do not require written notice .....	9
11. Management of Information .....	10
12. Minutes.....	10
13. Code of conduct and dispensations .....	11
14. Code of conduct complaints .....	12
15. Proper Officer .....	12
16. Responsible Financial Officer .....	13
17. Accounts and accounting statements .....	13
18. Financial controls and procurement .....	14
19. Handling staff matters .....	15
20. Responsibilities to provide information .....	16
21. Responsibilities under Data Protection Legislation .....	16
22. Relations with the press/media .....	16
23. Execution and sealing of legal deeds.....	16
24. Communicating with District and County Councillors .....	17
25. Restrictions on Councillor activities .....	17
26. Standing orders generally .....	17

## 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 Chair 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 Chair 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 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 Chair of the meeting, is expressed in writing to the Chair.
- h A Councillor may move an amendment to his own motion if agreed by the meeting. If a motion has already been seconded, the amendment shall be with the consent of the seconder and the meeting.
- i If there is more than one amendment to an original or substantive motion, the amendments shall be moved in the order directed by the Chair.
- j Subject to standing order 1(k) below, only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chair of the meeting.
- k One or more amendments may be discussed together if the Chair of the meeting considers this expedient but each amendment shall be voted upon separately.
- l A Councillor may not move more than one amendment to an original or substantive motion.
- m The mover of an amendment has no right of reply at the end of debate on it.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply either at the end of debate of 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 Chair 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. in exercise of a right of reply.



- p During the debate of 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 Chair of the meeting and his decision shall be final.
- r When a motion is under debate, no other motion shall be moved except:
- i. to amend the motion;
  - ii. to proceed to the next business;
  - iii. to adjourn the debate;
  - iv. to put the motion to a vote;
  - v. to ask a person to be no longer heard or to leave the meeting;
  - vi. to refer a motion to a Committee or sub-Committee for consideration;
  - vii. to exclude the public and press;
  - viii. to adjourn the meeting; or
  - ix. to suspend particular standing order(s) excepting those which reflect mandatory statutory requirements.
- s Before an original or substantive motion is put to the vote, the Chair of the meeting shall be satisfied that the motion has been sufficiently debated and that the mover of the motion under debate has exercised or waived his right of reply.
- t Excluding motions moved under Standing Order 1(r) above, the contributions or speeches by a Councillor shall relate only to the motion under discussion and shall not exceed 3 minutes without the consent of the Chair 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 Chair of the meeting shall request such person(s) to moderate or improve their conduct.
- b If person(s) disregard the request of the Chair of the meeting to moderate or improve their conduct, any Councillor or the Chair of the meeting may move that the person be no longer heard or 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) above is ignored, the Chair of the meeting may take further reasonable steps to restore order or to progress the meeting. This may include temporarily suspending or closing the meeting.

















## **3. Meetings generally**

- Full Council meetings
- Committee meetings
- Sub-Committee meetings

- a **Meetings shall not take place in premises which at the time of the meeting are**

used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.

-  b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
-  c **The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting.**
-  d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda, providing that notice has been given to the Town Clerk at least 3 clear days prior to the meeting.
- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) above shall not exceed 15 minutes unless directed by the Chair of the meeting.
- g Subject to standing order 3(f) above, a member of the public shall not speak for more than 3 minutes.
- h In accordance with standing order 3(e) above, a question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort). The Chair of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the Chair of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the Chair of the meeting shall direct the order of speaking.
-  l **Subject to standing order 3(m), a person who attends a meeting is permitted to report on the meeting whilst the meeting is open to the public. To "report" means to film, photograph, make an audio recording of meeting proceedings, use any other means for enabling persons not present to see or hear the meeting as it takes place or later or to report or to provide oral or written commentary about the meeting so that the report or commentary is available as the meeting takes place or later to persons not present.**

-   m **A person present at a meeting may not provide an oral report or oral commentary about a meeting as it takes place without permission.**
-   n **The press shall be provided with reasonable facilities for the taking of their report of all or part of a meeting at which they are entitled to be present.**
-  o **Subject to standing orders which indicate otherwise, anything authorised or required to be done by, to or before the Chair of the Council may in his absence be done by, to or before the Vice-Chair of the Council.**
-  p **The Chair, if present, shall preside at a meeting. If the Chair is absent from a meeting, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent from a meeting, a Councillor as chosen by the Councillors present at the meeting shall preside at the meeting.**
-    q **Subject to a meeting being quorate, all questions at a meeting shall be decided by a majority of the Councillors or Councillors with voting rights present and voting.**
-    r **The Chair 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(i) and (j) below for the different rules that apply in the election of the Chair of the Council at the annual meeting of the Council.*
- s **Unless standing orders provide otherwise, voting on a question shall be by a show of hands. At the request of a Councillor, the voting on any question shall be recorded so as to show whether each Councillor present and voting gave his vote for or against that question.** Such a request shall be made before moving on to the next item of business on the agenda.
- t A member can request, after a vote is taken that his vote is recorded in the minutes to show whether he voted for or against the motion or abstained from voting.
- 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 present and 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 disclosable pecuniary interest or another interest as set out in the Council's code of conduct in a matter being considered at a meeting is subject to statutory limitations or restrictions under the code on his right to participate and vote on that matter.**
-  w **No business may be transacted at a meeting unless at least one-third of the**

**whole number of members of the Council are present and in no case shall the quorum of a meeting be less than three.**

*See standing order 4d(viii) below 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 Meetings shall commence at 7.00pm and not continue beyond 9.00pm
- z Every member of the Council attending a meeting of the Council or any of its Committees will sign the Attendance Register
- aa If prior to a meeting, a Councillor has submitted reasons for his absence at the meeting which is then approved by a resolution, such resolution shall be recorded in the minutes of the meeting at which the approval was given.

#### **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 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) above, appoint and determine the terms of office of members of such a Committee;
  - v. may, subject to standing orders 4(b) and (c) above, 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 3 days before the meeting that they are unable to attend;
  - vi. shall, after it has appointed the members of a standing Committee, appoint the Chair of the standing Committee;
  - vii. shall permit a Committee other than a standing Committee, to appoint its own Chair 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 shall be half its membership/no less than three whichever is the greater;
  - 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.

## 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 new Councillors elected take office.**
- b **In a year which is not an election year, the annual meeting of a Council shall be held on such day in May as the Council may decide.**
- c **If no other time is fixed, the annual meeting of the Council shall take place at 6pm.**
- d **In addition to the annual meeting of the Council, at least three other ordinary meetings shall be held in each year on such dates and times as the Council decide.**
- e **The first business conducted at the annual meeting of the Council shall be the election of the Chair (Mayor) and Vice-Chair (Deputy Mayor) of the Council.**
- f **The Chair 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-Chair of the Council, if any, unless he resigns or becomes disqualified, shall hold office until immediately after the election of the Chair of the Council at the next annual meeting of the Council.**
- h **In an election year, if the current Chair of the Council has not been re-elected as a member of the Council, he shall preside at the meeting until a successor Chair of the Council has been elected. The current Chair of the Council shall not have an original vote in respect of the election of the new Chair of the Council but must give a casting vote in the case of an equality of votes.**
- i **In an election year, if the current Chair of the Council has been re-elected as a member of the Council, he shall preside at the meeting until a new Chair of the Council has been elected. He may exercise an original vote in respect of the election of the new Chair of the Council and must give a casting vote in the case of an equality of votes.**
- j Following the election of the Chair (Mayor) of the Council and Vice-Chair (Deputy Mayor) of the Council at the annual meeting of the Council, the business of the annual meeting shall include:
  - i. **In an election year, delivery by the Chair 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 Chair 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 above;
- ix. Review and adoption of appropriate standing orders and financial regulations;
- x. Review of arrangements, (including legal agreements), with other local authorities, not-for-profit bodies and businesses;
- xi. Review of representation on or work with external bodies and arrangements for reporting back;
- xii. In an election year, to make arrangements with a view to the Council becoming eligible to exercise the general power of competence in the future;
- xiii. Review of inventory of land and assets including buildings and office equipment;
- xiv. Confirmation of arrangements for insurance cover in respect of all insured risks;
- xv. Review of the Council's and/or staff subscriptions to other bodies;
- xvi. Review of the Council's complaints procedure;
- xvii. Review of the Council's policies, procedures and practices in respect of its obligations under freedom of information and data protection legislation (*see also standing orders 11, 20 and 21*);
- xviii. Review of the Council's policy for dealing with the press/media; and
- xix. Determining the time and place of ordinary meetings of the full Council up to and including the next annual meeting of full Council.
- xx. Review the Council's banking and signatory arrangements.

## **6. Extraordinary meetings of the Council and Committees and sub-Committees**

- a **The Chair of the Council may convene an extraordinary meeting of the Council at any time.**
- b **If the Chair of the Council does not or refuses to 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 must be signed by the two Councillors.**
- c The Chair 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 Chair of a Committee [or a sub-Committee] does not or refuses to call an extraordinary meeting within 7 days of having been requested by to do so by 2 members of the Committee [or the sub-Committee], any 2 members of the Committee [and the sub-Committee] may convene an extraordinary meeting of a Committee [and a sub-Committee].

## **7. Previous resolutions**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 9 Councillors to be given to the Proper Officer in accordance with standing order 9 below, or by a motion moved in pursuance of the recommendation of a Committee or a sub-Committee.
- b When a motion moved pursuant to standing order 7(a) above has been disposed of, no similar motion may be moved within a further six months.

## **8. Voting on appointments**

- a Where more than two persons have been nominated for a position to be filled by the Council and none

of those persons has received an absolute majority of votes in their favour, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken. This process shall continue until a majority of votes is given in favour of one person. A tie in votes may be settled by the casting vote exercisable by the Chair of the meeting.

#### **9. Motions for a meeting that require written notice to be given to the Proper Officer**

- a A motion shall relate to the responsibilities of the meeting which it is tabled for 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 7 clear days before the meeting. Clear days do not include the day of the notice or the day of the meeting.
- c The Proper Officer may, before including a motion on the agenda received in accordance with standing order 9(b) above, correct obvious grammatical or typographical errors in the wording of the motion.
- d If the Proper Officer considers the wording of a motion received in accordance with standing order 9(b) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer so that it can be understood at least 5 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 Chair 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 Subject to standing order 9(e) above, 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 in a book for that purpose and numbered in the order that they are received.
- h Motions rejected shall be recorded in a book for that purpose with an explanation by the Proper Officer for their rejection.

#### **10. Motions at a meeting that do not require written notice**

- a The following motions may be moved at a meeting without written notice to the Proper Officer;
  - i. to correct an inaccuracy in the draft minutes of a meeting;
  - ii. to move to a vote;
  - iii. to defer consideration of a motion;
  - iv. to refer a motion to a particular Committee or sub-Committee;
  - v. to appoint a person to preside at a meeting;
  - vi. to change the order of business on the agenda;
  - vii. to proceed to the next business on the agenda;
  - viii. to require a written report;
  - ix. to appoint a Committee or sub-Committee and their members;
  - x. to extend the time limits for speaking;
  - xi. to exclude the press and public from a meeting in respect of confidential or sensitive 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 requirements);
- xvi. to adjourn the meeting; or
- xvii. to close a meeting.

## **11. Management of Information**

*See also standing order 20 below.*

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

## **12. 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 10(a)(i) above.
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the Chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the Chair 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 Chair of this meeting does not believe that the minutes of the meeting of the ( ) held on [date] in respect of ( ) were a correct record but his view was not upheld by the meeting



and the minutes are confirmed as an accurate record of the proceedings.”

- e **If the Council’s gross annual income or expenditure (whichever is higher) does not exceed £25,000, it shall publish draft minutes on a website which is publicly accessible and free of charge not later than one month after the meeting has taken place.**
- f Subject to the publication of draft minutes in accordance with standing order 12(e) and standing order 20(a) and following a resolution which confirms the accuracy of the minutes of a meeting, the draft minutes or recordings of the meeting for which approved minutes exist shall be destroyed.

### **13. Code of conduct and dispensations**

*See also standing order 3(u) above.*

- a All Councillors and non-Councillors with voting rights shall observe the code of conduct adopted by the Council.
- b Unless he has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has a disclosable pecuniary interest. He may return to the meeting after it has considered the matter in which he had the interest.
- c Unless he has been granted a dispensation, a Councillor or non-Councillor with voting rights shall withdraw from a meeting when it is considering a matter in which he has another interest if so required by the Council’s code of conduct. He may return to the meeting after it has considered the matter in which he had the interest.
- d **Dispensation requests shall be in writing and submitted to the Proper Officer** as soon as possible before the meeting, or failing that, at the start of the meeting for which the dispensation is required.
- e A decision as to whether to grant a dispensation shall be made by the Town Clerk, being the Proper Officer of the Town Council.
- f A dispensation request shall confirm:
  - i. the description and the nature of the disclosable pecuniary interest or other interest to which the request for the dispensation relates;
  - ii. whether the dispensation is required to participate at a meeting in a discussion only or a discussion and a vote;
  - iii. the date of the meeting or the period (not exceeding four years) for which the dispensation is sought; and
  - iv. an explanation as to why the dispensation is sought.
- g Subject to standing orders 13(d) and (f) above, dispensations requests shall be considered by the Proper Officer before the meeting or, if this is not possible, at the start of the meeting for which the dispensation is required.
- h **A dispensation may be granted in accordance with standing order 13(e) above if having regard to all relevant circumstances the following applies:**
  - i. **without the dispensation the number of persons prohibited from participating in the particular business would be so great a proportion of the meeting transacting the business as to impede the transaction of the business or**

- ii. **granting the dispensation is in the interests of persons living in the Council's area or**
- iii. **it is otherwise appropriate to grant a dispensation.**

#### **14. Code of conduct complaints**

- a Upon notification by the Monitoring Officer that they are dealing with a complaint that a Councillor or non-Councillor with voting rights has breached the Council's code of conduct, the Proper Officer shall, subject to standing order 11 above, report this to the Council.
- b Where the notification in standing order 14(a) above relates to a complaint made by the Proper Officer, the Proper Officer shall notify the Chair of Council of this fact, and the Chair shall nominate another staff member to assume the duties of the Proper Officer in relation to the complaint until it has been determined and the Council has agreed what action, if any, to take in accordance with standing order 14(d) below.
- c The Council may:
  - i. provide information or evidence where such disclosure is necessary to progress an investigation of the complaint or is required by law;
  - ii. seek information relevant to the complaint from the person or body with statutory responsibility for investigation of the matter;
- d **Upon notification by the Monitoring Officer that a Councillor or non-Councillor with voting rights has breached the Council's code of conduct, the Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.**

#### **15. Proper Officer**

- The Proper Officer shall be either (i) the Town Clerk or (ii) other staff member(s) nominated by the Council to undertake the work of the Proper Officer when the Proper Officer is absent.
- The Proper Officer shall:
  - i. at least three clear days before a meeting of the Council, a Committee and a sub-Committee
    - **serve on councillors by delivery or post at their residences or by email authenticated in such manner as the Proper Officer thinks fit, a signed summons confirming the time, place and the agenda (provided the councillor has consented to service by email), and**
    - **Provide, in a conspicuous place, public notice of the time, place and agenda (provided that the public notice with agenda of an extraordinary meeting of the Council convened by councillors is signed by them).**

*See Standing order 3(b) for the meaning of clear days for a meeting of a full council and Standing order 3(c) for the meaning of clear days for a meeting of a committee;*

- ii. subject to standing order 9 above, include on the agenda all motions in the order received unless a Councillor has given written notice at least 7 days before the meeting confirming his withdrawal of it;
- iii. **convene a meeting of full Council for the election of a new Chair of the Council, occasioned by**

**a casual vacancy in his office;**

- iv. **facilitate inspection of the minute book by local government electors;**
- v. **receive and retain copies of byelaws made by other local authorities;**
- vi. retain acceptance of office forms from Councillors;
- vii. retain a copy of every Councillor's register of interests;
- viii. assist with responding to requests made under freedom of information legislation and rights exercisable under data protection legislation, in accordance with the Council's relevant policies and procedures;
- ix. liaise, as appropriate, with the Council's Data Protection Officer;
- x. receive and send general correspondence and notices on behalf of the Council except where there is a resolution to the contrary;
- xi. assist in the organisation of, storage of, access to, security of and destruction of information held by the Council in paper and electronic form subject to the requirements of data protection and freedom of information legislation and other legitimate requirements (e.g. the Limitation Act 1980);
- xii. arrange for legal deeds to be executed;  
*See also standing order 23 below.*
- xiii. arrange or manage the prompt authorisation, approval, and instruction regarding any payments to be made by the Council in accordance with the Council's financial regulations;
- xiv. record every planning application notified to the Council and the Council's response to the local planning authority in a book/electronic file for such purpose;
- xv. manage access to information about the Council via the publication scheme; and
- xvi. retain custody of the seal of the Council (if any) which shall not be used without a resolution to that effect.  
*See also standing order 23 below.*

## **16. Responsible Financial Officer**

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

## **17. Accounts and accounting statements**

- a "Proper practices" in standing orders refer to the most recent version of Governance and Accountability for Local Councils – a Practitioners' Guide.
- b All payments by the Council shall be authorised, approved and paid in accordance with the law, proper practices and the Council's financial regulations.
- c The Responsible Financial Officer shall supply to each Councillor as soon as practicable after 30 June, 30 September and 31 December in each year a statement to summarise:
  - i. the Council's aggregate receipts and payments for the year to date;
  - ii. the balances held at the end of the quarter being reported

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

- d As soon as possible after the financial year end at 31 March, the Responsible Financial Officer shall provide:

- i. each Councillor with a statement summarising the Council's receipts and payments for the year to date for information; and
  - ii. to the full Council the accounting statements for the year in the form of Section 1 of the annual 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 applying the form of accounts determined by the Council (receipts and payments, or income and expenditure) for a year to 31 March. A completed draft annual governance and accountability return shall be presented to Finance & General Purposes Committee in June, prior to approval by Council. The annual governance and accountability return of the Council, which is subject to external audit, including the annual governance statement, shall be presented to Council for consideration and formal approval before 30 June.

## 18. Financial controls and procurement

- a The Council shall consider and approve financial regulations drawn up by the Responsible Financial Officer, which shall include detailed arrangements in respect of the following:
- i. the keeping of accounting records and systems of internal controls;
  - ii. the assessment and management of financial risks faced by the Council;
  - iii. the work of the independent internal auditor in accordance with proper practices and the receipt of regular reports from the internal auditor, which shall be required at least annually;
  - iv. the inspection and copying by Councillors and local electors of the Council's accounts and/or orders of payments; and
  - v. whether contracts with an estimated value below **£25,000** due to special circumstances are exempt from a tendering process or procurement exercise.
- b Financial Regulations shall be reviewed regularly and at least annually for fitness of purpose.
- c **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £25,000 but less than the relevant thresholds in standing order 18(f) is subject to Regulations 109-114 of the Public Contracts Regulations 2015 which include a requirement on the Council to advertise the contract opportunity on the Contracts Finder website regardless of what other means it uses to advertise the opportunity.**
- d Subject to additional requirements in the Financial Regulations of the Council, the tender process for contracts for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:
- i. a specification for the goods, materials, services or the execution of works shall be drawn up;
  - ii. an invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii) the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
  - iii. the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
  - iv. tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
  - v. tenders shall be opened by the Responsible Financial Officer in the presence of at least one of the Town Clerk or Operations Manager after the deadline for submission of tenders has passed;
  - vi. tenders are to be reported to and considered by the appropriate meeting of the Council or a Committee or sub-Committee with delegated responsibility.

- e Neither the Council, nor a Committee or a sub-Committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.
- f **A public contract regulated by the Public Contracts Regulations 2015 with an estimated value in excess of £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.**
- g **A public contract in connection with the supply of gas, heat, electricity, drinking water, transport services, or postal services to the public; or the provision of a port or airport; or the exploration for or extraction of gas, oil or solid fuel with an estimated value in excess of £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.**

## 19. Handling staff matters

- a A matter personal to a member of staff that is being considered by a meeting of the Personnel Committee is subject to standing order 11 above.
- b Subject to the Council's policy regarding absences from work, the Council's most senior member of staff shall notify the Chair of the Personnel Committee or, if they are not available, the Vice-Chair of the Personnel Committee of absence occasioned by illness or other reason.
- c The Chair of the Personnel Committee or in their absence, the Vice-Chair shall upon a resolution conduct a review of the performance and annual appraisal of the work of the Town Clerk. The reviews and appraisal shall be reported in writing and is subject to approval by resolution by the Personnel Committee.
- d Subject to the Council's policy regarding the handling of grievance matters, the Council's most senior employee (or other employees) shall contact the Chair of the Personnel Committee or in their absence, the Vice-Chair of the Grievance Committee in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Personnel Committee.
- e Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by the Town Clerk relates to the Chair or Vice-Chair of the Personnel Committee, this shall be communicated to another member of the Personnel Committee which shall be reported back and progressed by resolution of the Personnel Committee.
- f Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.
- g In accordance with Standing order 11(a), persons with line management responsibilities shall have access to staff records referred to in Standing order 19(f).

## **20. Responsibilities to provide information**

*See also standing order 21.*

- a **In accordance with freedom of information legislation, the Council shall publish information in accordance with its publication scheme and respond to requests for information held by the Council.**
- b **The Council, shall publish information in accordance with the requirements of the Local Government (Transparency Requirements) (England) Regulations.**

## **21. Responsibilities under Data Protection Legislation**

(Below is not an exclusive list).

*See also standing order 11.*

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

## **22. Relations with the press/media**

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

## **23. Execution and sealing of legal deeds**

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

- a A legal deed shall not be executed on behalf of the Council unless authorised by a resolution.
- b **Subject to standing order 23(a) above, 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.**

**24. Communicating with District and County Councillors**

- a An invitation to attend a meeting of the Council shall be sent, together with the agenda, to all Councillors whose Divisions represent the area of the Council.
- b Unless the Council determines otherwise, a copy of each communication sent to District or County Council the shall be sent to the ward Councillor(s) representing the area of the Council.

**25. Restrictions on Councillor activities**

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

**26. Standing orders generally**

- a All or part of a Standing Order, except one that incorporates mandatory statutory 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 requirements, shall be proposed by a special motion, the written notice by at least 5 Councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c The Proper Officer shall provide a copy of the Council’s Standing Orders to a Councillor as soon as possible after he has delivered his acceptance of office form.
- d The decision of the Chair of a meeting as to the application of standing orders at the meeting shall be final.

Version	Date Approved	Next Review Date



## **OFFICER REPORT**

COMMITTEE:	Full Council
DATE OF MEETING:	18.04.2023
AGENDA ITEM:	To approve updated Standing Orders
LEGAL AUTHORITY:	Local Government Act 1972, Schedule 12, para 42
FINANCIAL IMPLICATION:	Indirect impact on staffing resources associated with good meeting management.
IMPACT ASSESSMENT:	Councillor and Officer empowerment through clear process and correct procedure. Greater transparency and accountability.
BACKGROUND:	Current Standing Orders are outdated and illegal in places.
SUMMARY:	These regulations better relate to current practice and ensure greater efficiency of process.
RECOMMENDATION:	That the Council adopts the Draft Standing Orders as proposed.



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## 8 - FINANCIAL REGULATIONS

To approve the revised Financial Regulations for Lewes Town Council

### **Attachments**

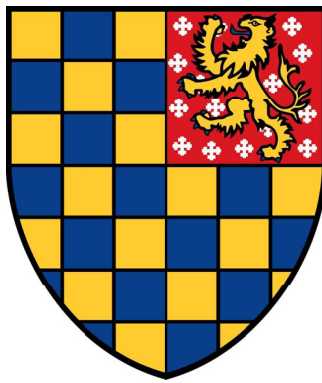
[Report - Financial Regulation.pdf](#)

[Draft Financial Regulations - 18.04.2023.pdf](#)



## **OFFICER REPORT**

COMMITTEE:	Full Council
DATE OF MEETING:	18.04.2023
AGENDA ITEM:	To approve updated Financial Regulations
LEGAL AUTHORITY:	Accounts and Audit Regulations 2015, SI2015/234, reg 3
FINANCIAL IMPLICATION:	Tighter control on expenditure and greater potential for best value sourcing.
IMPACT ASSESSMENT:	Greater efficiencies of process and certainty for officers.
BACKGROUND:	Current Financial Regulations are outdated compared to modern working practices and the National Association of Local Councils' model regulations.
SUMMARY:	These regulations better relate to current practice and impose greater control over the expenditure levels of Officers and Committees.
RECOMMENDATION:	That the Council adopts the Draft Financial Regulations as proposed.



## LEWES TOWN COUNCIL FINANCIAL REGULATIONS

General	2
Accounting and audit (internal and external)	4
Annual estimates (budget) and forward planning	6
Budgetary control and authority to spend	6
Banking arrangements and authorisation of payments	7
Instructions for the making of payments	9
Payment of salaries	11
Loans and investments	11
Income	12
Orders for work, goods and services	13
Contracts	13
Payments under contracts for building or other construction works	15
Stores and equipment	15
Assets, properties and estates	16
Insurance	16
Risk management	17
Suspension and revision of Financial Regulations	17

These Financial Regulations were adopted by the Council at its meeting held on XXXXX

## **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 and any individual financial regulations relating to contracts.

1.2. The Council is responsible in law for ensuring that its financial management is adequate and effective and that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions, including arrangements for the management of risk.

1.3. The Council's accounting control systems must include measures:

- for the timely production of accounts;
- that provide for the safe and efficient safeguarding of public money;
- to prevent and detect inaccuracy and fraud; and
- identifying the duties of officers.

1.4. These financial regulations demonstrate how the Council meets these responsibilities and requirements.

1.5. At least once a year, prior to approving the Annual Governance Statement, the Council must review the effectiveness of its system of internal control which shall be in accordance with proper practices.

1.6. Deliberate or wilful breach of these Regulations by an employee may give rise to disciplinary proceedings.

1.7. Members of Council are expected to follow the instructions within these Regulations and not to entice employees to breach them. Failure to follow instructions within these Regulations brings the office of Councillor into disrepute.

1.8. The Responsible Financial Officer (RFO) holds a statutory office to be appointed by the Council. The Clerk has been appointed as RFO for this Council and these regulations will apply accordingly.

1.9. The RFO;

- acts under the policy direction of the Council;
- administers the Council's financial affairs in accordance with all Acts, Regulations and proper practices;
- determines on behalf of the Council its accounting records and accounting control systems;
- ensures the accounting control systems are observed;
- maintains the accounting records of the Council up to date in accordance with proper practices;

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

1.10. The accounting records determined by the RFO shall be sufficient to show and explain the Council's transactions and to enable the RFO to ensure that any income and expenditure account and statement of balances, or record of receipts and payments and additional information, as the case may be, or management information prepared for the Council from time to time comply with the Accounts and Audit Regulations<sup>1</sup>.

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. The principle of separation of duties will be observed wherever possible in respect of financial transactions;
- procedures to ensure that uncollectable amounts, including any bad debts are not submitted to the Council for approval to be written off except with the approval of the RFO and that the approvals are shown in the accounting records; and
- measures to ensure that risk is properly managed.

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

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

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<sup>1</sup> Accounts and Audit (England) Regulations 2011/817

shall be a matter for the full Council only.

1.14. In addition, the Council must:

- determine and keep under regular review the bank mandate for all Council bank accounts;
- approve any grant or a single commitment in excess of £2000; and
- in respect of the annual salary for any employee have regard to recommendations about annual salaries of employees made by the relevant committee in accordance with its terms of reference.

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

In these financial regulations the term 'proper practice' or 'proper practices' shall refer to guidance issued in *Governance and Accountability for Local Councils - a Practitioners' Guide (England)* issued by the Joint Practitioners Advisory Group (JPAG).

## **2. Accounting and audit (internal and external)**

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

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

2.3. The RFO shall complete the annual statement of accounts, annual report, and any related documents of the Council contained in the Annual Return (as specified in proper practices) as soon as practicable after the end of the financial year and having certified the accounts shall submit them and report thereon to the Council within the timescales set by the Accounts and Audit Regulations.

2.4. The Council shall ensure that there is an adequate and effective system of internal audit of its accounting records, and of its system of internal control in accordance with proper practices. Any officer or member of the Council shall make available such documents and records as appear to the Council to be necessary for the purpose of the audit and shall, as directed by the Council, supply the RFO, internal auditor, or external auditor with such information and explanation as the Council considers necessary for that purpose.

2.5. The Council's system of internal controls shall cover the following:

- Appointment of the Proper Officer & Responsible Financial Officer;

- Proper book-keeping and financial reporting arrangements;
- Financial Regulations & Standing Orders;
- Payment Controls (including use of Internet Banking);
- Risk Management Arrangements;
- Budgetary Controls;
- Income Controls;
- Petty Cash Controls;
- Payroll Controls;
- Capital Controls (covering asset management, investment & borrowings);
- Bank Reconciliation;
- Other areas identified from time to time in risk assessments

2.6. 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.

2.7. The internal auditor shall:

- be competent and independent of the financial operations of the Council;
- report to Council in writing, or in person, on a regular basis with a minimum of one annual written report during each financial year;
- to demonstrate competence, objectivity and independence, be free from any actual or perceived conflicts of interest, including those arising from family relationships; and
- has no involvement in the financial decision making, management or control of the Council

2.8. 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.

2.9. 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.

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

2.11. 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 November, 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.

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

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

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

### **4. Budgetary control and authority to spend**

4.1. Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the Council for all items over £30,000;
- the Town Clerk, in conjunction with the Chair of the appropriate committee for items £15,000 - £30,000
- the Town Clerk for items up to £15,000

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

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 October for the following financial year and such review shall be evidenced by a hard copy schedule signed by the Clerk and the Chair of Council or relevant committee. The RFO will inform committees of any changes impacting on their budget requirement for the coming year in good time.



4.5. In cases of extreme risk to the delivery of Council services, the clerk may authorise revenue expenditure on behalf of the Council which in the clerk's judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £10000. The Clerk shall report such action to the Chair 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 monthly presented at the end of each financial quarter to Council and shall show explanations of material variances. For this purpose "material" shall be in excess of or 15% of the budget.

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

## **5. Banking arrangements and authorisation of payments**

5.1. The Council's banking arrangements, including the bank mandate, shall be made by the RFO and 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 by two of the Council's Authorised Signatories. The Authorised Signatories shall review the schedule for compliance and, having satisfied itself shall authorise payment by signing the schedule. This shall be deemed as authorisation by the RFO or Town Clerk to activate the electronic payments using the Council's Electronic Banking System. At every Council meeting the RFO shall present a full list of payments which have been authorised by the Authorised Signatories for formal ratification.

5.3. All invoices for payment shall be examined, verified and certified by the RFO to confirm that the work, goods or services to which each invoice relates has been received, carried out, examined and represents expenditure previously approved by the Council.

5.4. The RFO shall examine invoices for arithmetical accuracy and analyse them to the appropriate expenditure heading. The RFO shall take all steps to pay all invoices submitted.

5.5. The Town Clerk (with the exception of 4.5 above) 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.

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 may authorise payment for the year provided that the requirements of regulation 4.1 (Budgetary Controls) are adhered to, provided also that a list of such payments shall be submitted to the next appropriate meeting of Council.

5.7. A record of regular payments made under 5.6 above shall be drawn up and be signed by two members on each and every occasion when payment is authorised - thus controlling the risk of duplicated payments being authorised and / or made.

5.8. In respect of grants 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 £2,000 shall before payment, be subject to ratification by resolution of the Council.

5.9. Members are subject to the Code of Conduct that has been adopted by the Council and shall comply with the Code and Standing Orders when a decision to authorise or instruct payment is made in respect of a matter in which they have a disclosable pecuniary or other interest, unless a dispensation has been granted.

5.10. The Council will aim to rotate the duties of members in these Regulations so that onerous duties are shared out as evenly as possible over time.

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

5.12. The Council shall retain a file with the details of all suppliers whose invoices are paid by regular Direct Debit. The nominated Councillor in 2.2 above shall take a random sample of invoices to ensure that the details match those held in the Council's accounting software

5.13. Bank Statements shall be received on a regular basis and reconciled with the Council's Cashbook. A copy of the Bank Reconciliation for each month shall be presented to the Council as part of a monthly Financial Report.

## **6. Instructions for the making of payments**

- 6.1. The Council will make safe and efficient arrangements for the making of its payments.
- 6.2. Following authorisation under Financial Regulation 5 above, the Council, a duly delegated committee or, if so delegated, the Clerk or RFO shall give instruction that a payment shall be made.
- 6.3. All payments shall be affected by cheque or other instructions to the Council's bankers, or otherwise, in accordance with a resolution of Council [or duly delegated committee].
- 6.4. Due to the volume of payments from the Council's bank, the primary method of payment shall be via electronic banking as set out in 5.2 above. The schedule of payments shall be signed by two Authorised Signatories and those schedules shall then be presented to the next Council meeting for ratification
- 6.5. In the event that a payment is required by cheque, they shall be signed by two Authorised Signatories. To indicate agreement between the details shown on the cheque and the invoice or other supporting documentation, the signatories shall each also initial the cheque counterfoil.
- 6.6. 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 Authorised Signatories 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.
- 6.7. If thought appropriate by the Council, payment for certain items may be made by banker's Standing Order provided that the instructions are signed, or otherwise evidenced by two Authorised Signatories 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.
- 6.8. If thought appropriate by the Council, payment for certain items may be made by BACS or CHAPS methods provided that the instructions for each payment are signed, or otherwise evidenced, by two authorised bank signatories, are retained and any payments are reported to Council as made. The approval of the use of BACS or CHAPS shall be renewed by resolution of the Council at least every two years.
- 6.9. 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.
- 6.10. 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.
- 6.11. Regular back-up copies of the records on any computer shall be made and shall be stored securely away from the computer in question, and preferably remotely.

6.12. 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.

6.13. Where internet banking arrangements are made with any bank, the RFO shall be appointed as the Service Administrator. The bank mandate approved by the Council shall identify a number of Councillors who will be authorised to approve transactions on those accounts.

6.14. Access to any internet banking accounts will be directly to the access page (which may be saved under "favourites"), and not through a search engine or e-mail link. Remembered or saved passwords facilities must not be used on any computer used for Council banking work. Breach of this Regulation will be treated as a very serious matter under these regulations.

6.15. 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 authority for change signed by two Authorised Signatories. A programme of regular checks of standing data with suppliers will be followed.

6.16. 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 £5000 unless authorised by Council.

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

6.18. Any corporate credit card or trade card account opened by the Council will be specifically restricted to use by the Clerk and shall be subject to automatic payment in full at each month-end. Personal credit or debit cards of members or staff shall not be used under any circumstances.

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

a) The RFO shall maintain a petty cash float of £300 for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.

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

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

## **7. Payment of salaries**

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

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

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

7.4. Each and every payment to employees of net salary and to the appropriate creditor of the statutory and discretionary deductions shall be recorded in a separate confidential record (confidential cash book). This confidential record is not open to inspection or review (under the Freedom of Information Act 2000 or otherwise) other than:

- a) by any Councillor who can demonstrate a need to know;
- b) by the internal auditor;
- c) by the external auditor; or
- d) by any person authorised under Audit Commission Act 1998, or any superseding legislation.

7.5. The total of such payments in each calendar month shall be reported with all other payments as made as may be required under these Financial Regulations, to ensure that only payments due for the period have actually been paid.

7.6. An effective system of personal performance management should be maintained for the senior officers.

7.7. Any termination payments shall be supported by a clear business case and reported to the Council. Termination payments shall only be authorised by Council.

## **8. Loans and investments**

8.1. All borrowings shall be affected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose. The application for borrowing approval, and subsequent arrangements for the loan shall only be approved by Full Council.

8.2. Any financial arrangement which does not require formal borrowing approval from the Secretary of State/Welsh Assembly Government (such as Hire Purchase or Leasing of tangible assets) shall be subject to approval by the Full Council. In each case a report in writing shall be provided to Council in respect of value for money for the proposed transaction.

8.3. The Council will arrange with the Council's banks and investment providers for the sending of a copy of each statement of account to the RFO.

8.4. All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.

8.5. The Council shall consider the need for an Investment Strategy and Policy which, if drawn up, shall be in accordance with relevant regulations, proper practices and guidance. Any Strategy and Policy shall be reviewed by the Council at least annually.

8.6. All investments of money under the control of the Council shall be in the name of the Council.

8.7. All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

8.8. Payments in respect of short term or long-term investments, including transfers between bank accounts held in the same bank, or branch, shall be made in accordance with Regulation 5 (Authorisation of payments) and Regulation 6 (Instructions for payments).

## **9. Income**

9.1. The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.

9.2. Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the Council, notified to the RFO and the RFO shall be responsible for the collection of all accounts due to the Council.

9.3. The Council will review all fees and charges at least annually, following a report of the Town Clerk.

9.4. Any sums found to be irrecoverable and any bad debts shall be reported to the Council and shall be written off in the year.

9.5. All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.

9.6. The origin of each receipt shall be entered on the paying-in slip.

9.7. Personal cheques shall not be cashed out of money held on behalf of the Council.

9.8. The RFO shall promptly complete any VAT Return that is required. Any repayment claim due in accordance with VAT Act 1994 section 33 shall be made at least annually coinciding with the financial year end.

9.9. Where any significant sums of cash are regularly received by the Council, the RFO shall take such steps as are agreed by the Council to ensure that more than one person is present when the cash is counted in the first instance, that there is a reconciliation to some form of control such as ticket issues, and that appropriate care is taken in the security and safety of individuals banking such cash.

## **10. Orders for work, goods and services**

10.1. An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained.

10.2. Order books shall be controlled by the RFO.

10.3. All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any de minimis provisions in Regulation 11.1 below.

10.4. A member may not issue an official order or make any contract on behalf of the Council.

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

## **11. Contracts**

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

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

- i. for the supply of gas, electricity, water, sewerage and telephone services;
- ii. for specialist services such as are provided by legal professionals acting in disputes;
- iii. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
- iv. for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;

v. for additional audit work of the external auditor up to an estimated value of £500 (in excess of this sum the Clerk and RFO shall act after consultation with the Chairman and Vice Chairman of Council); and

vi. for goods or materials proposed to be purchased which are proprietary articles and / or are only sold at a fixed price.

b) Where the Council intends to procure or award a public supply contract, public service contract or public works contract as defined by The Public Contracts Regulations 2015 (“the Regulations”) which is valued at £25,000 or more, the Council shall comply with the relevant requirements of the Regulations<sup>2</sup>.

c) The full requirements of The Regulations, as applicable, shall be followed in respect of the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set by the Public Contracts Directive 2014/24/EU (which may change from time to time)<sup>3</sup>.

d) When applications are made to waive Financial Regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.

e) Such invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.

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

g) Any invitation to tender issued under this regulation shall be subject to Standing Orders of the Council and shall refer to the terms of the Bribery Act 2010.

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

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

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

a) For public supply and public service contracts 209,000 Euros (£181,302)

b) For public works contracts 5,225,000 Euros (£4,551,413)



j) Should it occur that the Council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

## **12. Payments under contracts for building or other construction works**

12.1. Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).

12.2. Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.

12.3. Any variation to a contract or addition to or omission from a contract must be approved by the Council and Clerk to the contractor in writing, the Council being informed where the final cost is likely to exceed the financial provision.

## **13. Stores and equipment**

13.1. The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.

13.2. Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.

13.3. Stocks shall be kept at the minimum levels consistent with operational requirements.

13.4. The RFO shall be responsible for periodic checks of stocks and stores at least annually.

## **14. Assets, properties and estates**

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

14.2. No tangible moveable property shall be purchased or otherwise acquired, sold, leased or otherwise disposed of, without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £15,000.

14.3. No real property (interests in land) shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.4. No real property (interests in land) shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council in respect of valuation and surveyed condition of the property (including matters such as planning permissions and covenants) together with a proper business case (including an adequate level of consultation with the electorate).

14.5. Subject only to the limit set in Regulation 14.2 above, no tangible moveable property shall be purchased or acquired without the authority of the full Council. In each case a report in writing shall be provided to Council with a full business case.

14.6. The RFO shall ensure that an appropriate and accurate Register of Assets and Investments is kept up to date. The continued existence of tangible assets shown in the Register shall be verified at least annually, possibly in conjunction with a health and safety inspection of assets.

## **15. Insurance**

15.1. Following the annual risk assessment (per Regulation 17), the RFO shall effect all insurances and negotiate all claims on the Council's insurers.

15.2. The Clerk shall 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. Risk management**

16.1. 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.

16.2. 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.

## **17. Suspension and revision of Financial Regulations**

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

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

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## 9 - SCHEME OF DELEGATION

To make recommendations for the organisation of Lewes Town Council's Standing Committees and delegated functions

### **Attachments**

[Report - Scheme of Delegation.pdf](#)

[Draft Scheme of Delegation Lewes Town Council 18.04.2023.pdf](#)



## OFFICER REPORT

COMMITTEE:	Full Council
DATE OF MEETING:	18.04.2023
AGENDA ITEM:	To make recommendations for the organisation of Lewes Town Council's Standing Committees and delegated functions
LEGAL AUTHORITY:	Local Government Act 1972 s.101(1)(a) Local Government Act 1972 s.102(1)(a) and (c)
FINANCIAL IMPLICATION:	Potential for reduction in staff hours committed to redundant democratic services
IMPACT ASSESSMENT:	<p>Considerable gains to be made in terms of staff productivity, reduced meeting timetable, greater cohesion within the Council and all Councillors aware of Council business.</p> <p>Efficiency gains will be made through appropriate decision making in the correct forum</p> <p>Greater checks and balances on the work of the Council, increased meaningful participation with Officers.</p>
BACKGROUND:	<p>Lewes Town Council currently has a variety of Working Groups, Panels and Committees. Officers are sometimes engaged in democratic services that may or may not result in a decision making process.</p> <p>Councillors and Officers have sometimes been unclear as to their roles, causing Officers to bring routine operational matters before Council or to Working Groups, thus stalling progress and creating congestion on the Full Council Agenda.</p> <p>In response to this, some Councillors feel required to step away from the strategic aspects of the Council's work and focus instead on minutiae and operational matters.</p> <p>The legal requirements associated with the delivery of democratic services without decision making capabilities, mean that staff can be excessively engaged in producing Agenda, Reports and Minutes and are unable to complete essential tasks. This is untenable both in terms of our current commitments and going forward.</p>



	<p>The result of this top-heavy organisational system will be dissatisfied Members, over-burdened staff, inappropriate Member involvement in operational matters and reduced productivity.</p>
<p>SUMMARY:</p>	<p>In order to create a more productive and efficient working environment, it is advisable to adopt a Scheme of Delegation and create 4 Standing Committees to undertake to work of the Council alongside the Full Council and Officers</p>
<p>RECOMMENDATION:</p>	<p>That the Council adopts the Scheme of Delegation and associated Committee structure.</p>

# Lewes Town Council

## Draft Scheme of Delegation

**Adopted at Full Council on [insert date], minute reference [insert reference]**

This Scheme will be reviewed annually by Full Council, or when there are changes to legislation, whichever is the sooner.

This Scheme of Delegation authorises the Proper Officer and Responsible Financial Officer (which may be one and the same person), Standing Committees (and Sub-committees if relevant) of Lewes Town Council (the Council) to act with delegated authority in the specific circumstances. Items in **bold** are a statutory requirement

### 1. Proper Officer and Responsible Financial Officer - Duties and Powers

#### 1.1. Proper Officer

The Town Clerk shall be the Proper Officer of the Council and as such is specifically authorised to:

- receive declarations of acceptance of office;
- receive and record notices from Councillors disclosing interests;
- receive and retain plans and documents;
- sign Notices or other documents on behalf of the Council;
- receive copies of By-laws and other statutory provisions made by East Sussex Council;
- certify copies of By-laws made by the Council;
- sign and issue summonses to attend meetings of the Council;
- sign binding contracts on behalf of the Council in accordance with the Standing Orders;
- **give public notice of the time, place and agenda at least three clear days before a meeting of the Council (provided that the public notice with agenda of an extraordinary meeting of the Council convened by Councillors is signed by them);**
- **convene a meeting of the Council for the election of a new Chair of the Council, occasioned by a casual vacancy in that office;**

In addition, the Town Clerk has the delegated authority to undertake the following matters on behalf of the Council:

- the day-to-day administration of Council services, together with routine inspection and control;
- day to day supervision and control of all staff employed by the Council;
- authorisation of routine expenditure within the agreed budget;
- emergency expenditure up to £3,000 outside of the agreed budget as per Council's Financial Regulations in consultation with the Chair and Vice Chair of Council or the Chair/Vice Chair of the appropriate Committee if the Council Chair/Vice Chair is unavailable;
- authorise the making of payments on behalf of Council in line with the Council's Financial Regulations;

- authorise the procurement of services and enter into contracts for the execution of works or supply of equipment as authorised by Council or its Committees and in line with Council's Financial Regulations;
- undertake the Annual Accounting Governance and Statement process with the internal and external auditor and Council;
- as Council's Health and Safety named representative take such action as is necessary to ensure the safety and security of Council's properties and those who use them, and
- to take such action as is necessary to fulfil their duties, as governed by Council's Standing Orders.

Delegated actions of the Town Clerk shall be in accordance with Standing Orders, Financial Regulations and this Scheme of Delegation and with directions given by the Council from time to time.

In the absence of the Town Clerk/RFO, these duties shall be delegated to the Deputy Clerk.

## 1.2 Responsible Financial Officer

The Town Clerk shall be the Responsible Financial Officer to the Council and shall be responsible for the Town Councils accounting procedures in accordance with the Accounts and Audit Regulations in force at any given time (including Financial Regulations).

## 2. Town Council

2.1 The following matters are reserved to **Full Council** for decision, notwithstanding that the appropriate Committee(s) may make recommendations thereon for the Council's consideration:

- setting the precept;
- borrowing money;
- power of incurring capital expenditure not specifically included in the Council's approved estimate of expenditure for the current budget;
- making, amending or revoking Standing Orders, Financial Regulations or this Scheme of Delegation including to delegate to the committee powers and duties in accordance with their approved Terms of Reference or to Officers.;
- making, amending or revoking by-laws;
- making of Orders under any statutory powers;
- decide matters of principle or policy;
- nomination and appointment of representatives of the Council to any other authority, organisation or body (excepting approved conferences or meetings);
- any proposed new undertakings;
- the appointment of the Town Mayor;
- prosecution or defence in a court of law;
- nomination or appointment of representatives of the Council at any inquiry on matters affecting the Lewes parish, excluding those matters specific to a committee;
- approving the annual return;
- review and confirm Council's eligibility to exercise the General Power of Competence;
- to set dates of meetings of the Council and its Committees;
- to oversee the conduct of the Council and the Committees endeavouring to act in the best interests of all residents;
- consider civic activities/local democracy matters;
- make resolutions regarding town twinning;



- receipt of reports to the Council from various Committees, Sub-Committees and Working Parties;
- to authorise the sealing of various documents with the Common Seal;
- consideration of new and reviews of consultation and policy documents of other bodies and any other consultation documents not appropriate for delegating to Committees;
- the appointment and dismissal of the Town Clerk/RFO role, and
- any other matters not delegated to a Committee, Sub-Committee or Project Steering Group or Working Party or referred to the Council by a Committee, Sub-Committee, or Project Steering Group or Working Party.

### 3. Standing Committees

Lewes Town Council shall appoint a number of Committees to undertake work for and on behalf of Council. The specific responsibilities of each Committee are confirmed by Terms of Reference detailed below and confirms membership and number of seats, frequency of meetings, remit of each Committee and reporting structure, and delegated authority.

The Town Mayor and Deputy Town Mayor are ex-officio members of all Committees as per Council's Standing Orders and as such have voting rights.

All Committees are subject to the following principles:

- delegated powers are exercised in accordance with any policy or direction given by Council;
- delegated powers are subject to the Council's Standing Orders and Financial Regulations;
- any unresolved differences between Committees shall be referred to Full Council for determination;
- Committees will refer to Council any matters being pursued by other local authority/statutory/voluntary or other bodies which have a beneficial or detrimental effect on the town and parish of Lewes;
- All Minutes of Standing Committees shall be approved at Full Council Meetings to ensure that all Members are aware of the work being undertaken by the Committees and that recommendations to Full Council are appropriately ratified.

#### 3.1 The Personnel Committee

Shall meet six times a year (bi-monthly), shall consist of 7 Members, all members shall receive training in the Council's role as the employer of officers, have a quorum of four, and be delegated to make decisions on behalf of the Council in the following matters:

- to examine, review, implement and develop, on behalf of Council, various policies, procedures, new projects and strategies relating to Council including HR policies in consultation with staff;
- community engagement on issues linked to the purpose of this committee including partnership working;
- make recommendations to Council on the annual staffing budget;
- determine staff conditions of service including salary scales, working conditions, employee assessments and evaluations and make budget recommendations to Council in October;
- consider and implement any changes which are required to comply with legislation and Terms and Conditions of Service as laid down by the National Joint Council (Green Book) and recommended by the National Association of Local Councils and Society of Local Council Clerks;

- maintain the staffing levels necessary to efficiently discharge the work required by Council, review staffing requirements when required and make recommendations to the Council;
- review job descriptions, person specifications, staff establishment (including promotion, re-grading, redundancies and fixed term contracts) and to approve contracts of employment;
- maintain confidentiality over all staffing matters as required under the 2018 General Data Protection Regulations and the 2018 Data Protection Act as well as the Code of Conduct;
- oversee staff and Member development including identify training opportunities and ensure that all training needs are met;
- ensure adequate oversight of recruitment of other members of staff, in a manner to be determined by the Committee and Town Clerk;
- ensure hearings for Grievance, Disciplinary and Capability matters are dealt with in accordance with the Councils Grievance and Disciplinary Procedure (only reporting to Council when the time for any Appeal has passed);
- where appropriate, appoint a panel (see below – *Grievance Sub Committee*) to hear complaints made under the Council’s Grievance and Disciplinary Procedure and full delegated responsibility to take whatever action necessary and if appropriate seek outside professional assistance in order to conclude a disciplinary or grievance matter;
- manage the selection process for the recruitment of the Town Clerk/RFO, and make recommendation for appointment to The Council as required including budget requirements;
- review the town Mayor’s appraisal of the Town Clerk’s performance;
- receive the Town Clerk’s annual appraisal of staff members performance and consider the award of bonuses when appropriate and in good time for the following years budget;
- oversee the development of policies and processes with respect to Health and Safety at work and other relevant regulations that fall within the remit of the Committee;
- recommend to Council any new posts, or changes to posts including terms and conditions, which would have implications for the budget, and
- overall performance and welfare of the staff (delegating the day-to-day line management to the Town Clerk) and receive reports from the Town Clerk (e.g., sickness, leave, flexible leave requirements, OH issues, TOIL and overtime).

Lewes Town Council recognises the Transfer of Undertakings Protection of Employment regulations 2006 known as TUPE and is committed to working with accredited trade unions to promote a good working relationship with its staff.

A Grievance Sub-committee shall be convened to keep confidential its deliberations and decisions in cases of Grievance, Disciplinary and Capability hearings, because if an Appeal against a decision is received it must, legally and in the interests of fairness, be heard again by elected members with no prior knowledge of the case. In order to ensure as far as possible that such matters as Appraisal, Grievance, Disciplinary and Capability issues are dealt with professionally and in accordance with Employment legislation, all members of the Grievance Sub-committee must agree to undertake training in these matters. This Committee may decide that it wishes to refer such matters to the Council for final decision, subject to the matters reserved for final decision for legal reasons.

### 3.2 The Finance Committee

Shall meet six times a year (bi-monthly), shall consist of seven Members, all members shall receive training in the Council’s financial function, have a quorum of four, and be delegated to make decisions on behalf of Council in the following matters:

- review finance policies and procedures, and make recommendations for any changes if needed;
- to consider and review the financial administration of Council business including internal controls and make recommendations to the Council (with the exception of those at paragraph 3.1 above);
- oversee the preparation of the annual budget for consideration by Council and update a 5-year forecast of income and expenditure of the Council on continuing services;
- make a recommendation to Council regarding the setting of the precept in time for its annual budget setting meeting each year;
- monitor the annual budget of the Council and report to the next Council meeting any concerns that the Council may exceed its full year total expenditure budget including a review of debtors and agree necessary action agree variances to the annual estimates where necessary;
- ensure that the annual audit occurs and the financial reports are prepared in accordance with any accounting, audit and statutory requirements;
- to consider and make recommendation to Council on the approval of the annual accounts for audit;
- to consider, review and make recommendations on the appointment of the internal auditor regularly (every three to five years) and review performance;
- to receive and approve a schedule of payments and review bank reconciliation and bank statements at a minimum quarterly;
- receive and approve changes to charges;
- review Council's Financial Risk Strategy and Assessment annually including insurance requirements;
- agree virements between approved budget headings;
- review and make recommendations to the Council on the use of General and Ear Marked Reserves;
- consider drafting, negotiating and renewing leasing/licensing agreements/terms and conditions for all Council property and land and make recommendations to the appropriate Committee and/or Council;
- maintain the exterior and structural fabric of all Council buildings/structures;
- obtain three quotes/tenders for any expenditure item over £2,500;
- consider the securing and security of property and land relevant to the Committee;
- consider the renewal of leasing/licensing agreements and make proper resolution to Council if it is not felt appropriate to continue such an agreement;
- to maintain the register of all Town Council property and ensure and maintain its registered title at the Land Registry;
- review all pricing charges associated with Council services and facilities annually as recommended by Committees;
- consider and make recommendations to Council in respect of Grant Aid requests in line with Council's Grant Aid Policy;
- make recommendations to Council regarding the Crime and Disorder Act 1998, following consultation with the appropriate bodies;
- make recommendations to Council regarding the prosecution or defence of any legal proceedings;
- make recommendations to Council for the use of powers to acquire by agreement, to appropriate, to dispose of land;
- make recommendations to Council for the use of its powers to promote a lottery;
- make recommendations to the Council for the use of its powers to accept gifts, including land;

- make recommendations to the Council regarding the future provision of civic regalia;
- agree the use by any other organisation of the Town Crest, and
- consider any other matter referred to the Committee by Council.

### 3.3 The Buildings and Amenities Committee

Shall meet six times a year (bi-monthly), shall consist of seven Members, have a quorum of four, and shall be delegated to make decisions on behalf of the Council in the following matters:

- provision, maintenance, management, marketing and service function of Council property/buildings, land, recreation areas, and street furniture and to work within the individual delegated authority budget;
- consultation with other relevant bodies with similar interests, including other Town Council committees and sub-committees, and consideration of their recommendations to encourage the use of sport and leisure activities for the benefit of the residents and visitors of Lewes parish;
- maximisation of the use of the present Council recreational facilities;
- maintenance and upkeep of all vehicles and equipment used for grounds maintenance purposes;
- monitor and commission regular inspections of Council's land and buildings, recreation areas and street furniture, report back to Committee, and carry out improvements within budgetary provision and recommend to Council any matters outside this budgetary provision;
- consider the securing and security of all Council property and land, recreation areas and street furniture and make recommendations to the appropriate committee or Council;
- ensure Council complies with the requirement of covenants etc. on each area;
- develop management plans for the future needs of each area and submit to the Finance Committee an annual budget estimate of income and expenditure;
- review tree surveys for all areas and approve a schedule of recommended management work
- acceptance of tenders and supervision of contracted projects – provided expenditure is within the budgetary provision and is for areas within the scope of the committee;
- liaise with allotment holders and inspect plots regularly;
- community safety and CCTV liaison with partners;
- aspects of Health and Safety that fall within the remit of the Committee and report any issues back to the Finance Committee;
- review the level of fees and charges of the Committee's functions and make recommendations to the Finance Committee;
- active encouragement and promotion of the arts in Lewes parish, and
- liaison with Wildflower Lewes and Friends of Lewes and other similar organisations.

### 3.4 The Planning Committee

Shall meet on a monthly cycle (in line with the planning authority's diary), shall consist of seven Members, all members shall receive training in the Council's role as the statutory planning consultee, plus have a quorum of five, and shall be delegated to make decisions on behalf of the Council in the following matters:

- to comment on behalf of the Council on all planning and licensing applications and consultations relevant and in the Lewes parish area, received from the local planning

- authority, and submit responses promptly (see appendix 1) (South Downs National Park), including those adjacent to Lewes Town Council area and any development outside the town boundaries which or would have an impact on the town; (including listed building, conservation area consents, consents for advertisement displays etc) and appeals;
- to comment on behalf of the Council on Local Plans, Structure Plans, Mineral Plans, Waste Plans, Regional Plans and any other Plan or Studies or consultations as considered appropriate, including routine transport issues and provide input to s.106 agreements or the equivalent;
  - to comment on and make recommendations regarding all highways and parking issues within the town including waiting restrictions on consultation with the Advisory Group (see below);
  - consider and hold meetings with residents, developers or planning officers to assist with the formulation of observations and comments for any requests for pre-application discussions with any developer at Committee meetings and make a response on behalf of Council;
  - review planning policy and procedures and make recommendations to Council to ensure that the council is able to meet any additional requirements of the planning process;
  - to receive, and where appropriate, respond to notifications on planning appeals including responses to the Planning Inspectorate;
  - monitor and take appropriate action on planning issues in the neighbouring areas that could impact on the Town including infrastructure implications and new road schemes concerning the Town;
  - to take the necessary action to refer enforcement or breach of planning permissions matters to the planning authority when such matters are brought to the attention of the Council and to pursue such matters until a conclusion has been reached;
  - respond to street naming requests;
  - any other matter which may be delegated to it by Council relevant to the Committee's Terms of Reference from time to time;
  - comment on, monitor and request Tree Preservation Orders in liaison with the Tree Warden;
  - liaise with partner agencies regarding highways, footpaths and waterways;
  - be responsible to Council for any action in respect of conservation.

Due to timescales, planning applications may be referred to Full Town Council meetings for comments and at the relevant agenda item(s) will be chaired by the Chair of the Planning and Environment Committee.

#### *Appendix 1 - What are material planning considerations?*

*Local Planning Authorities can only take into account 'material planning considerations' when looking at comments and objections to a development proposal. The most common of these (although not an exhaustive list) are shown below:*

- |  |   |
|--|---|
| • <i>Loss of light or overshadowing</i>                | • <i>Design, appearance and materials</i>   |
| • <i>Overlooking/loss of privacy</i>                   | • <i>Landscaping</i>  |
| • <i>Visual amenity (but not loss of private view)</i> | • <i>Road access</i>  |
| • <i>Adequacy of parking/loading/turning</i>           | • <i>Local, strategic, regional and national planning policies, including emerging policies</i> |
| • <i>Highway safety</i>                                | • <i>Government circulars, orders and statutory</i>   |
| • <i>Traffic generation</i>                            |   |

- *Noise and disturbance resulting from use*
- *Hazardous materials, contaminated land*
- *Smells and fumes*
- *Loss of trees*
- *Effect on listed building, conservation area or archaeological interest*
- *Layout and density of building*

*instruments*

- *Previous planning decisions (including appeal decisions)*
- *Nature conservation & biodiversity issues*
- *Deficiencies in community/social facilities i.e. spaces in schools*
- *Capacity of local infrastructure i.e. public drainage or water systems*

*Local Planning Authorities cannot take into account matters which are sometimes raised but are not normally planning considerations such as:*

- *The perceived loss of property value*
- *Private disputes between neighbours*
- *The loss of a view*
- *The impact of construction work or competition between firms*

- *Restrictive covenants*
- *Ownerships disputes*
- *Personal morals or views about the applicant*
- *Boundary disputes*

## 5. Standing Sub-committees

5.1 May be formed by resolution of the Council at any time and delegated powers to be decided upon at the time the Sub-committee is formed by means of a Minute from the relevant Committee or Full Council detailing the Terms of Reference:

## 6. Working Groups/Parties

6.1 Working Groups/Parties may be formed by resolution of the Council or a Committee at any time. The work of such a Working Group/Party will be decided upon at the time it is formed by means of a Minute detailing the Terms of Reference. Each Working Group/Party will report back with recommendations to the Council or the Committee that formed it. Working Groups are not required to produce Minutes or publish Agenda and will not be supported by Officer input.

## 7. Delegation - Limitations

7.1 Committees and Sub Committees shall, at all times, act in accordance with the Councils Standing Orders, Financial Regulations and this Scheme of Delegation and, where applicable, any other rules, regulations, schemes, statutes, By-laws or orders made and with any directions given by the Council from time to time.

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## 10 - EXCLUSION OF PRESS AND PUBLIC

That pursuant to the provision of the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from the meeting for the following items of business by reason of the confidential nature of business to be transacted.

[#excursion](#)

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## 11 - HR UPDATE

To receive a verbal update from the Interim Town Clerk and to approve a course of action.